



Appeal Decision

Site visit made on 19 November 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/H1840/W/24/3344746

Land at Manor Farm Cottage, Edgioake Lane, Astwood Bank

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs C Lee against the decision of Wychavon District Council.
 - The application Ref is W/24/00263/FUL.
 - The development proposed is conversion and extension of barn to a live/work unit.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of barn to a live/work unit at Land at Manor Farm Cottage, Edgioake Lane, Astwood Bank in accordance with the terms of the application, Ref W/24/00263/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.
3. The Council has made reference to an emerging local plan in its statement of case. It has not yet reached adoption stage and hence the policies within it, as material planning consideration attract limited weight in decision making terms.

Main Issues

4. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - whether or not the proposal would meet the relevant development plan policy to comprise live/work accommodation; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Whether the proposal is inappropriate development in the Green Belt

5. The appeal site is in the open countryside for the purposes of planning policy and in land defined as the Green Belt. It is outside any development boundaries defined in the South Worcestershire Development Plan 2016 (SWDP). The site is accessed from Edgioake Lane via an existing single-track road. The Nissan hut is adjacent to existing buildings that have been used as kennels.
6. Paragraph 155 of the Framework provides further instances of not inappropriate development besides those referenced in paragraph 154. It states that a) the development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, b) there is a demonstrable unmet need for the type of development proposed, c) the development would be in a suitable location, with particular reference to paragraphs 110 and 115 of the Framework and d) where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.
7. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case, does not contribute to any of the purposes (a), (b) or (d) in paragraph 143.
8. Given that the appeal site is isolated in its location it would not contribute to the unrestricted sprawl of a large built-up area. It therefore follows that it would not result in the merging of neighbouring towns or fail to preserve the setting and special character of any historic towns. Consequently, it meets the criterion to be classed as Grey Belt and part a) of paragraph 155 is met.
9. The Council is unable to demonstrate a five-year housing land supply and it follows therefore that there is a demonstrable unmet need for residential development. Consequently, considering the proposal would provide a form of living accommodation, part b) of paragraph 155 would be met.
10. Paragraph 155 part c) of the Framework requires development to be sustainably located with respect to its approach to transport accessibility.
11. Policy SWDP4 seeks, amongst other things, to minimise travel demand around South Worcestershire. I have identified above that the appeal site is isolated in nature. Consequently, there would be a reliance upon a private vehicle to access larger settlements for services and facilities. However, the reasoned justification for the Policy states that rural residents are more reliant on the use of cars than those in the urban areas. The provision of a live/work unit could result in there being a decrease of daily commute trips, because it would offer the opportunity for person(s) to live and work in the same building, as opposed to commuting to an office. Consequently, whilst the appeal site does not benefit from sustainable travel choices, the nature of a live/work unit would contribute to the overall aim of SWDP4 regarding minimising demand for travel. It would also reflect paragraph 110 of the Framework which states that sustainable transport solutions will vary between urban and rural areas.

Accordingly, the appeal scheme would comply with part c) of paragraph 155 of the Framework.

12. Finally, the Council refer to part d) of paragraph 155 and state that the appeal scheme does not comply with the Golden Rules. However, these rules only pertain to major housing development (any housing scheme of 10+ units or site area of 0.5ha or more). Consequently, part d) of paragraph 155 of the Framework does not apply to the appeal scheme.
13. In conclusion, given the appeal site is in the Grey Belt and complies with paragraph 155 of the Framework, the proposed development would be not inappropriate in the Green Belt. Accordingly, it would comply with Policy SWDP2 insofar as it seeks to restrict development in the Green Belt in accordance with national policy and the Framework. Furthermore, it also would comply with Policy SWDP4 which seeks, amongst other things, to minimise demand for travel.

Live/Work Accommodation

14. The SWDP strictly controls development in the open countryside and Policy SWDP2(c) outlines the types of development that would be supported. In particular the policy provides support for development if it is permitted by other policies within the SWDP as outlined in footnote 3 of SWDP2. One of the aforementioned policies is Policy SWDP8(g) which establishes specific support for live/work units subject to certain criterion.
15. The Council is satisfied that the appeal scheme would comply with all relevant criterion with the exception of SWDP8(g)(vii) which restricts the sale of goods to visiting members of the public or fall within the A3 (café or restaurant), A4 (pub or drinking establishment), A5 (take away), B2 (Industrial), C1 (hotels, boarding and guest houses) or C2 (residential institutions) use classes. Since the SWDP was adopted in 2016, there was a revision to the Use Classes Order in 2020 and a new commercial class 'E' was introduced. Consequently, A3 is now part of class E whilst A4 and A5 are categorised as *sui generis*. Whilst SWDP8(g)(viii) seeks to prevent the direct sale of goods to visiting members of the public, it also aims to prevent frequent members of the public visiting the proposed development.
16. Whilst the appellant has provided details regarding the possible work element of the appeal scheme (an equestrian business and dog kennels) the support established by SWDP8(g) for live/work units does not require details of the work element. I do not have the full details of the appeal decision scheme cited by the Council before me¹ and consequently, cannot be certain that the conditions imposed by that Inspector are wholly comparable. Nevertheless, the appeal scheme businesses are not likely to involve the sale of goods to visiting members of the public and do not fall under one of the aforementioned restricted use classes.
17. Additionally, the evidence before me, including the site history, demonstrate that these businesses are already established adjacent to the appeal site and are not likely to lead to an unreasonable frequency of members of the public visiting the appeal scheme. Moreover, SWDP8(g) does not require the proposed work element of a live/work unit to be a start up business. Therefore, a

¹ Planning Appeal Ref: APP/H1840/W/22/3301590

condition restricting the uses as set out in SWDP8(g)(viii) would be sufficient to ensure any work element would remain compliant with the policy.

18. Moreover, in the reasoned justification of SWDP8 it is highlighted that live/work arrangements are dispersed throughout the rural areas of South Worcestershire and that they can provide sustainability benefits, particularly in the more rural parts of the area. For example, the diversification of the local economy to create wider employment and therefore be less vulnerable to international and national economic changes. Consequently, the proposal would contribute to the overall aim of the policy regarding the diversification of the local economy.
19. In conclusion, the appeal scheme would meet all the relevant criteria of SWDP8 and would provide a genuine live/work unit in compliance with the overall aim of Policy SWDP8. It would also comply with SWDP2 and the overall development strategy.

Character and Appearance

20. The appeal site is set back considerably from the B4092 and cannot be seen from the public highway. It is bordered by fields and the appeal scheme would incorporate the existing Nissen hut which is large in scale and is constructed out of green steel cladding and vented timber cladding. The appeal site also includes a horse walker. Immediately adjacent to the site is the existing Manor Farm Cottage. However, the materials used for the Nissen Hut as well as the existence of the horse walker and horse arena results in an agricultural character to the building and the appeal site. Accordingly, the overall character of the site is rural and agricultural. The appeal scheme would replace the horse walker and consist of a single storey extension and two-storey height dormer extensions to the Nissen hut.
21. The appeal scheme would be sympathetic to the existing Nissen hut given the arched design would be maintained as well as used for an architectural feature for a first-floor balcony. The proposed development would not project further than the existing height of the Nissen hut. Consequently, the appeal scheme would not result in a development which would harm the wider landscape views, especially when viewed from the public highway given the significant setback of the appeal site. Whilst the floorspace proposed would be considerably larger than the existing Nissen hut, the aforementioned sympathetic design ensures a predominantly agricultural character that would not be an incongruous feature within the landscape.
22. The Council has referred to an emerging local plan which would aim to limit the size of the residential element of live/work units to approximately 100m². The Council has not referred to the emerging plans in its reason for refusal and I have already identified that the emerging local plan has not been formally adopted. Consequently, it attracts limited weight.
23. Moreover, the use of timber cladding would contribute to the rural character of the development. Additionally, the green coloured steel cladding would also result in a development which would assimilate with its open countryside location and prevent an incongruous development.
24. Given the existing built form near the appeal site such as Manor Farm Cottage, the kennels and equestrian paraphernalia, the proposed parking area and

domestic additions would not result in significant harm to the character of the surrounding area.

25. In conclusion, the appeal scheme would not harm the character and appearance of the surrounding area and would comply with Policies SWDP21 and SWDP25 of the SWDP insofar as they seek to ensure high design quality and respect for landscape character.

Conditions

26. The Council has provided a list of suggested conditions which I have considered against the tests set out in paragraph 57 of the Framework and advice contained in Planning Practice Guidance. I have ensured both parties have had the chance to comment on the proposed conditions and I have had regard to any comments made. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
27. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
28. Conditions regarding the external materials of the development (3) and the maintenance of the approved boundary treatments (9) are necessary in the interests of the character and appearance of the area. I have not imposed a condition requiring the submission of details regarding boundary treatment because it would not be reasonable or necessary given the submitted landscape and boundary treatment plan provides sufficient detail.
29. I have imposed condition 3 to comply with Policy 21 of the SWDP. Consequently, it is not necessary or proportionate to remove permitted development rights with regard to boundary treatment, especially given the appeal site is not located in a national landscape.
30. I have imposed a condition regarding the provision of the work floorspace and timetable of occupation (4), the removal of use class order rights (10), the restriction of who can reside in the live/work unit (11) to ensure clarity and that the development provides an appropriate live/work unit.
31. It is necessary to impose a condition requiring the submission of superfast broadband details or alternative solutions to ensure the development would provide satisfactory telecommunication facilities, and in accordance with Policy SWDP8 (8).
32. There is limited detail in the submitted energy statement. I have therefore imposed a condition requiring the submission of renewable and low carbon energy details to the Council to ensure the development contributes to the reduction of carbon emissions (7).
33. In the interests of highway safety, I have imposed a condition requiring the approved details regarding access, parking and turning are provided prior to the first occupation of the unit (5).
34. Finally, I have imposed a condition requiring the implementation of the approved Water Management Statement to ensure adequate mitigation against flooding (6).

Conclusion

35. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos p2023_025/01 (Location Plan), p2023_025/05 REV A (Proposed Floor Plans and Elevations), p2023_025/06 (Proposed Site Plan), p2023_025/08 (Landscaping and Boundary Treatment) and p2023_025/09 (Proposed Block Plan).

Above Ground Level

- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Pre-Occupation

- 4) Prior to the first occupation of the residential element of the development hereby permitted the work element of the live/work unit as shown on drawing no p2023_025/05 REV A shall be finished ready for occupation and the residential use shall not precede the commencement of the business use.
- 5) Prior to the first occupation of the development hereby permitted the access, parking and turning facilities shall be provided in accordance with drawing no p2023_025/06 and retained as such thereafter.
- 6) Prior to the first occupation of the development hereby permitted the sustainable drainage system for the site shall be completed in accordance with the details set out in the submitted Water Management Statement (p2023_025/07). The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved details and retained thereafter.
- 7) Prior to the first occupation of the development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:
 - the overall predicted energy requirements of the approved development;
 - the predicted energy generation from the proposed renewable/low carbon energy measures;
 - an implementation timetable for the proposed measures.

The development shall be carried out in accordance with the approved details.

- 8) Prior to the first occupation of the development hereby permitted details of superfast broadband facilities or alternative solutions to serve the development shall be first submitted to and approved in writing by the

Local Planning Authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details and programme.

Post-Occupation

- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) The business or 'work' floorspace of the development hereby permitted shall not be used for any purpose which if assessed in its own right would fall outside of Use Classes E(c)(ii), E(c)(iii) and E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 11) The residential floorspace of the development hereby permitted shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of the associated unit, a partner of such a person, a widow or widower of such a person, or any resident dependents (dependents are defined as parents, grandparents, children, or grandchildren).

=====END OF SCHEDULE=====