



Appeal Decision

Site visit made on 1 April 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/H1840/W/24/3354136

Orchard Farm, 96 The Ridgeway, New End, Astwood Bank, Worcestershire B96 6LX

- 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 Mr and Mrs D Coffin against the decision of Wychavon District Council.
 - The application reference is W/23/01232/FUL.
 - The development proposed is demolition of existing buildings and erection of commercial unit and 2 x live-work units together with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and erection of commercial unit and 2 x live-work units together with associated works at Orchard Farm, 96 The Ridgeway, New End, Astwood Bank, Worcestershire B96 6LX in accordance with the terms of the application, Ref W/23/01232/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs D Coffin against Wychavon District Council. The application for costs is the subject of a separate decision.

Preliminary Matters

3. Whilst there are agricultural activities undertaken on land within the appellant's control, the application is advanced on the basis that the appeal site comprises an existing commercial grab hire business involving the storage, maintenance and repair of vehicles. I have not been directed to any evidence that leads me to conclude otherwise and I have therefore considered the appeal on this basis.
4. The National Planning Policy Framework (the Framework) was revised in December 2024. The parties have been provided with the opportunity to comment on the revised Framework and I have taken the comments received into account.
5. The South Worcestershire Development Plan Review (SWDPR) is undergoing examination and is therefore at an advanced stage. However, the SWDPR has not been adopted by the Council and is subject to change through the examination process. I have not been referred to any emerging policies that are of particular relevance to the appeal or which indicate a fundamental change in the policy approach to the proposed development. Therefore, I have necessarily considered the appeal against the policies in the statutory development plan.

Main Issue

6. The main issue is whether the site is a suitable location for the proposed development, having regard to the development strategy and policies for live/work units set out in the development plan.

Reasons

7. The appeal site comprises land and buildings to the rear of Orchard Cottage. It lies outside of a development boundary and is therefore on land defined as open countryside in the South Worcestershire Development Plan (Adopted February 2016) (SWDP). Policy SWDP2 of the SWDP restricts development in the open countryside to specific purposes, including development specifically permitted by other SWDP policies. This includes Policy SWDP8, which supports proposals for live/work accommodation in certain circumstances.
8. There is no definition of a live/work unit in the SWDP. However, the explanatory text to Policy SWDP8 explains that the diversity of the local economy is characterised in part by employment areas and small businesses, including live-work arrangements, dispersed throughout the rural areas. The proposed development would comprise two dwellings attached to a commercial building which, in turn, would be used for the storage, maintenance, and repair of vehicles. The 'work' use of the proposed live/work unit is not precluded by Part G vii. of Policy SWDP8, and the residential elements would provide accommodation for workers and their families, thus supporting the growth of the existing business. In the absence of any substantive evidence to the contrary, the proposal would comprise a live/work unit that would support the objectives of Policy SWDP8 of the SWDP.
9. The evidence does not lead me to conclude that the proposal would fail to comply with the specific criteria for live/work accommodation listed in Part G of Policy SWDP8. Furthermore, there is no requirement within Policy SWDP8 for a business case or functional need assessment to be submitted to justify the live/work units, nor for evidence to demonstrate there is no other suitable accommodation on or near the site. Nonetheless, there is no substantive evidence to indicate that Orchard Cottage could accommodate the workers, or that the existing caravan would provide an adequate standard of accommodation to meet the needs of the business or its' workers in the longer term.
10. The Council did not identify any conflict with Policy SWDP4 of the SWDP in respect of sustainable travel options in its Officer's Report, and this matter is not cited on the decision notice as a reason for refusing the proposal. Policy SWDP8 supports proposals for live/work units in rural areas where opportunities to maximise sustainable transport solutions may be more limited than in urban areas. Nonetheless, in this case, the services and facilities in Astwood Bank are proximate to the site and would be accessible on foot and by bicycle. There are also nearby bus services to other settlements. Therefore, the site is a suitable location for the proposed development notwithstanding its location outside of a development boundary.
11. Overall, I conclude that the proposal would comply with Policy SWDP8 of the SWDP in respect of live/work units, and it would therefore also accord with the development strategy set out in Policy SWDP2 of the SWDP.

Other Matters

12. In its Officer Report, the Council concluded that the proposal was not inappropriate development in the Green Belt due to it comprising the redevelopment of PDL that would have no greater impact on openness than the existing development. The evidence does not lead me to a different conclusion. Whilst the revised Framework made some changes to Green Belt policy, the partial or complete redevelopment of PDL remains a form of development that is not inappropriate in the Green Belt, provided it does not cause substantial harm to openness. On this basis, the alterations to the Framework in respect of Green Belt policy are not pertinent to the outcome of this appeal.
13. I have found the proposal to accord with the development plan. In this circumstance, paragraph 11 c) of the Framework states that development proposals should be approved without delay. It follows that paragraph 11 d) of the Framework is not engaged.

Conditions

14. The Council provided a list of conditions, which I have considered against the tests set out in the Framework and the advice contained in the Planning Practice Guidance. Where necessary, I have adjusted the wording of the conditions in the interests of precision and enforceability, and to prevent the unnecessary use of pre-commencement conditions. The parties have been provided with an opportunity to comment on the conditions, and I have taken account of the comments received.
15. In addition to the standard time limit condition (1), I have attached a condition listing the approved plans to provide certainty (2).
16. I have included a condition requiring details of foul and surface water management to ensure the site does not cause flooding (3). This is a pre-commencement condition, given that the erection of buildings may impede the installation of drainage measures. A further pre-commencement condition is included to secure an ecological mitigation and enhancement scheme (4). This is necessary to ensure that biodiversity is protected during the construction process and enhanced thereafter.
17. Conditions regarding external materials (5) and landscaping (10) are necessary to protect the character and appearance of the area.
18. I have included conditions securing the access, parking and turning arrangements (6) to ensure highway safety. Cycle parking details are also secured to ensure that sustainable travel modes are prioritised (7). However, it is not necessary to secure electric vehicle charging facilities as this is now covered by separate legislation.
19. A condition relating to renewable/low energy generating facilities is necessary to minimise carbon emissions and secure sustainable energy solutions (8).
20. It is necessary to control external lighting through condition (9) to protect local character and to ensure no adverse effects on ecology.
21. Conditions are proposed to secure the sequence of occupation of the 'live' and 'work' elements of the proposal (11), and the use (12), occupation (13), and re-sale and letting conditions (14) of the development, to ensure the development is

occupied as a live/work unit in accordance with Policy SWDP8 of the SWDP. However, I have altered the list of permitted uses to include the proposed use. It is not necessary to secure details of the business operating at the site to make the development acceptable in planning terms. Therefore, I have not included this suggested condition.

22. I have imposed a condition withdrawing some permitted development rights at the site (15). This condition is necessary to preserve the openness of the Green Belt.

Conclusion

23. The proposal is in accordance with the development plan, and the material considerations do not indicate a decision should be made other than in accordance with it. Therefore, for the reasons given above, the appeal is allowed.

E Catcheside

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 the following drawing numbers: 01, 02, 03 Rev B, 04 Rev B, 05 Rev B, & 06 Rev C.
- 3) No development shall take place until a full drainage strategy, including detailed design drawings and calculations for surface water and foul water drainage based on infiltration testing and the use of package sewage treatment plants has been submitted to and approved in writing by the local planning authority. The approved drainage strategy shall thereafter be implemented in accordance with the approved details prior to the occupation of the development.
- 4) No development, including any demolition, shall take place until a detailed ecological mitigation and enhancement scheme, which shall be based on the recommendations set out in the Preliminary Ecological Appraisal (Project Number 2022/114 A), has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details, and the ecological enhancement measures shall be implemented within 3 months of the completion of the development or its first occupation, whichever is soonest.
- 5) No development above slab level shall take place until details of the form, colour, and finish 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 thereafter be carried out in accordance with the approved details.

- 6) No part of the development hereby permitted shall be brought into use until the access, parking, and turning facilities shown on approved drawing 03 Rev B have been provided. The access, parking and turning facilities shall be retained thereafter.
- 7) No part of the development hereby permitted shall be brought into use until sheltered and secure bicycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 8) No part of the development hereby permitted shall be brought into use until renewable or low carbon energy generating facilities have been incorporated into the development in accordance with details that have first been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities.
- 9) No external lighting shall be erected or installed at the site, other than in complete accordance with details that have first been submitted to and approved in writing by the local planning authority. Any details submitted pursuant to this condition shall include lighting plans and contour diagrams to demonstrate minimal levels of lighting on bats and receptor habitats, including trees and hedges.
- 10) The development hereby approved shall not be occupied until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include the following:
 - A plan(s) showing details of all existing trees and hedges on the site.
 - A plan(s) showing details of all proposed trees, hedges, planting and areas of grass.
 - A schedule of proposed planting, indicating species and sizes and the time of planting.
 - Numbers and densities of plants to be provided.
 - Details of how the proposed planting will contribute towards biodiversity enhancements.
 - A written specification outlining cultivation and other operations associated with plant and grass establishment.
 - A schedule of maintenance, including watering and the control of competitive weed growth for a minimum of five years from first planting.

All planting and seeding/turfing must thereafter be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion of the development or its first occupation, whichever is soonest. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the date of planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- 11) The work/business floorspace of the live/work unit hereby permitted shall be finished and ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the work/business use.
- 12) The work/business floorspace of the live/work unit hereby permitted shall not be used for the sale of goods to visiting members of the public, and it shall not be used for any purpose other than for the storage, maintenance, and servicing of vehicles or for any use falling within Use Classes E(g)(i), E(g)(ii) or E(g)(iii) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or for any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
- 13) The residential floorspace of the live/work unit hereby permitted shall not be occupied other than by a person solely or mainly employed, or last employed, in the business occupying the work/business floorspace of the associated unit, a widow or widower of such a person, or any resident partner or dependants of such a person (where a dependant is defined as parents, grandparents, children, or grandchildren).
- 14) The residential and business/work floorspace areas of the live/work unit hereby approved shall not be sold, let, or sublet separately to each other.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouses or the erection of an incidental building within the curtilage of the dwellinghouses or means of enclosure, as permitted by classes A, AA, B, C, D and E of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

END OF SCHEDULE