



Appeal Decision

Site visit made on 1 April 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/H1840/W/24/3353366

The Gables, Flash Lane, Saleway, Droitwich Spa WR9 7JY

- 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 and Mrs S Milner against the decision of Wychavon District Council.
 - The application Ref is W24/00680/FUL.
 - The development proposed is the construction of live/work unit.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of live/work unit at The Gables, Flash Lane, Droitwich Spa WR9 7JY in accordance with the terms of the application, Ref W24/00680/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. An amended plan was submitted during appeal process. However, it is not appropriate to evolve the proposal at appeal stage. Moreover, considering the amended plan would have prejudiced those who should have been given the opportunity to comment on them. I have therefore considered the appeal against Plan MAB1, dated "Mar 24" rather than Plan MAB 3(A), dated "Aug 24".

Main Issues

3. The main issues are:
 - Whether the location of the appeal site is suitable for new residential development, with particular reference to the availability of sustainable transport options; and,
 - The effect of the proposal on highway safety.

Reasons

Suitability of Location

4. The appeal site comprises part of the garden serving The Gables and is located close to a junction and on the opposite side of the road from Orchard View. The appeal site is within a rural area and, although there is a cluster of development nearby, both parties accept it is outside of any development boundaries. In line with the local policies, the appeal site is therefore within the open countryside.
5. Under Policy SWDP2 of the South Worcestershire Development Plan (the DP) development within the open countryside is restricted other than where it meets one of a number of exceptions. These include development specifically permitted

by other DP policies, including SWDP8. This policy supports the creation of live/work units and both parties accept that the proposal meets the requirements of SWDP8. Although the appellant has not set out the business or means of employment that will ultimately make use of the work element of the proposal, I note that this is not required by DP Policy SWDP8. The occupation and use of both elements of the live/work unit can be controlled by way of suitably worded conditions to ensure that it complies with the above exception.

6. The proposal would result in an increase in traffic stemming from the typical journeys associated with a single dwelling in the countryside. Given that residential dwellings can be supported within the countryside, I find that some demand for travel is to be expected. However, as the proposal is for a live/work unit, it would provide employment space for future occupiers, thereby reducing their need to travel away from the site. In this way, the proposal minimises the demand for travel generated by this site.
7. The appellant has also provided bicycle storage which would give future occupiers access to, and the option to use, a genuinely sustainable travel option. As the appeal site is within a rural location, and a distance from services and facilities, it is likely that future occupiers would be primarily reliant upon private motor vehicles to reach these. Nevertheless, as noted by the National Planning Policy Framework (the Framework), the availability of access to sustainable transport options will vary between urban and rural areas. Therefore, while the range of options is limited, it still complies with the requirement of DP Policy SWDP4(a) to offer travel choices that are genuinely sustainable.
8. Cyclists are not an uncommon sight along rural roads and the submissions before me are not sufficient to demonstrate that the highway network around the appeal site is so unsafe as to preclude the use of bicycles. I note that the Highways Authority consider cycling to be a viable option. Although there may be no bus routes near the appeal site, this also does not negate from the option to cycle as a genuinely sustainable option.
9. In light of the above, the appeal site would be suitable for the proposed live/work unit having regard to its rural location and accessibility to sustainable transport options. The proposal complies with DP Policies SWDP2, SWDP4 and SWDP8 which collectively, and amongst other matters, restricts residential development within the countryside unless they meet exceptions such as live/work accommodation. Policy SWDP4 also seeks to minimise demand for travel and offer genuinely sustainable travel choices. The proposal would also comply with the Framework, including Paragraph 110, relating to the availability of sustainable travel options within rural areas.

Highway Safety

10. As existing there are two vehicular accesses serving dwellings close to the appeal site and highway junction. These are the access for The Gable, adjacent to the site, and for Orchard View, which is closely sited on the opposite side of the road. The proposal would introduce an additional vehicular access between the two noted above, it would therefore be closer to the junction than The Gable's access but further than that serving Orchard View.
11. The highways immediately surrounding the appeal site are narrow, providing only a single carriageway and have a 60mph speed limit. The appeal site is located

between the above-mentioned junction and a bend in the road and so, in all I find it very unlikely that vehicles would be traveling at, or close to, the speed limit. Moreover, given the presence of the two existing accesses road users would already need to be mindful of vehicles entering and leaving the road.

12. The proposal would result in an increase in movements but, as employment would be provided on site, this increase would be modest. Nevertheless, it would still have the potential to unacceptably affect highway safety. This is especially so should the access not provide suitable intervisibility or be appropriately laid out to allow the ready movement of vehicles.
13. However, securing additional information and details as to the layout of the driveway would be possible through an appropriately worded condition and I note the Council have suggested such a condition. Through this it would be possible to ensure that the geometry of the access, its distance from the junction and the available visibility splays would meet the relevant requirements.
14. In light of the above, the proposal would not, as a result of the proposed new access, unacceptably affect highway safety. It therefore complies with DP Policy SWPD4 which, amongst other things, seeks to address road safety. It also complies with Paragraphs 115 and 116 of the Framework which seek to achieve safe and suitable access for all users and only prevent development on highway grounds where the safety issues are unacceptable.

Other Matters

15. The appeal site's layout and the proposed dwelling's relationship to neighbouring properties would not result in overlooking to the detriment of neighbouring occupiers' privacy. Whilst there are first floor windows facing towards Orchard View, these would be of a sufficient distance to prevent any unacceptable overlooking. Given the scale of the proposed work space, and its distance from neighbouring properties, it is unlikely that the proposed work space would result in any unacceptable disturbance stemming from noise or other pollutions.
16. No substantive evidence has been provided to demonstrate that the appeal site or surrounding area suffers from flooding, or that the proposal would substantially affect surface water drainage and runoff. Given the nature of the surrounding area, which is primarily undeveloped fields, it is unlikely that the proposal would significantly or unacceptably affect flood risk in the area.
17. The proposal is for one dwelling that would relate closely to small cluster of dwellings. It would be viewed against this cluster and would be limited in scale. It would not, therefore harm the character and appearance of the surrounding area and landscape, and would not be an urbanising feature.
18. All decisions turn on their own particular circumstances, these are based on the facts and evidence before those decision-makers at the time. Therefore, the decision here would not set a precedent that binds the Council to find similarly in future applications or precludes them from making a full assessment of proposals.

Conditions

19. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance.

In the interests of clarity and enforceability, I have made some changes to the wording.

20. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
21. Conditions are needed securing additional details of external materials and boundary treatments in order to interest of the character and appearance of the surrounding area. Additional details are also required for the proposed access and driveway for the purposes of highway safety. A second condition requiring a bound surface is unnecessary as this can be secured through the additional details. In order to ensure access to a genuinely sustainable transport option, a bicycle storage area is required.
22. In the interests of supporting the delivery of low carbon and renewable energy, a condition is necessary securing additional details and the provision of appropriate facilities.
23. Details and controls are required for both the live and work elements of the proposed unit to ensure that it permanently complies with the exception for its rural location. The submission of details for the provision of superfast broadband are also necessary to ensure that the unit, and especially the work element, would meet the day-to-day requirements of future occupiers.

Conclusion

24. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents: Local Plan, Plan MAB1, Plan MAB2, Access and Design Statement.
- 3) Prior to above ground works, details of the form, colour and finish of the materials to be used externally on the walls and roofs of the dwellings hereby approved shall be subject to the approval, in writing, of the Local Planning Authority. The development shall be carried out in accordance with the materials so approved and retained in that form.
- 4) 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 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.

- 5) The development hereby permitted shall not be occupied until details of the access, turning area and parking facilities have first 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 retained and kept available for their respective approved uses at all times.
- 6) The development hereby permitted shall not be brought into use until sheltered and secure cycle parking to comply with the Council's adopted cycle parking standards has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
- 7) The development hereby permitted shall not be occupied until details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented in accordance with approved details and retained in perpetuity.
- 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.
- 9) At the point of first occupation and use of the live/work unit hereby permitted (and each subsequent occupation thereafter), the Local Planning Authority shall be notified in writing within 28 days of such occupation of the unit with the following details –
 - Name of the business/company utilising the live/work unit
 - Nature of the business/company
 - Name of the principle owner/occupier
- 10) The work element of the live/work unit hereby permitted shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.
- 11) The residential floorspace of the live/work unit 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 widow or widower of such a person, or any resident dependants (dependants are defined as parents, grandparents, children, or grandchildren).
- 12) The residential and work floorspace areas of the live/work unit shall not be sold, let, or sublet separately from each other.
- 13) The business or 'work' floorspace of the live/work unit of the development hereby permitted shall be used for any of Use Class E(g)(i) offices, E(g)(ii) research and development or E(g)(iii) industrial processes only and for no other purpose, including any other purpose in Class C or Class E of the Schedule to 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.