
Appeal Decision

Site visit made on 5 August 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/H1840/W/25/3367082

Greenacres, Hanbury Road, Droitwich Spa, Worcestershire WR9 7DX

- 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 Goddard against the decision of Wychavon District Council.
 - The application Ref is W/24/02139/FUL.
 - The development proposed is the construction of a live/work unit and erection of garage, to include associated parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a live/work unit and erection of garage, to include associated parking at Greenacres Hanbury Road, Droitwich Spa, Worcestershire WR9 7DX in accordance with the terms of the application, Ref W/24/02139/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs Goddard against the decision of Wychavon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description above is taken from the decision notice which is the same as the appeal form. This more accurately describes the proposal than the description in the planning application form.
4. Reference is made to the glossary of the South Worcestershire Development Plan. This was not submitted as part of the evidence for this appeal. I have therefore viewed the publicly available version on the Council's website.

Main Issues

5. The main issues are:
 - whether or not the proposal constitutes live/work for the purposes of planning policy;
 - whether the site is in a suitable location, having regard to the Council's spatial strategy and the site's access to services and facilities; and
 - the effect of the proposal on the character and appearance of the area

Reasons

Live/work

6. Policy SWDP8 of the South Worcestershire Development Plan 2016 (the DP) sets out the Council's strategy to deliver employment development. Part G of the policy permits proposals for live/work accommodation where they meet a number of criteria which seek to ensure that proposals are genuinely intended for employment purposes.
7. The Council contends that the proposal does not meet the requirements of the Policy SWDP8 for a number of reasons. These include that the design has an overtly domestic appearance, and concerns are raised about the layout of the proposed unit. However, Policy SWDP8 does not place restrictions on the appearance of a live/work unit, nor does it specify a particular layout. Furthermore, whilst the Reasoned Justification states that live/work units can help support small and start-up businesses, the Policy does not require any specific business type, nor does it require an end user to be identified.
8. The Council asserts that there is not clear evidence that the 'live' element is ancillary to the 'work' element. However, the proposal complies with criterion i. of SWDP8 which requires a floor space split of at least 60% employment and no more than 40% residential. It includes 2 bedrooms and the live and work spaces have entirely separate entrances and toilet facilities, therefore complying with criteria ii. and iii. The policy does not require any further demonstration that the residential element is ancillary.
9. The DP glossary defines a live/work unit as "a purpose designed unit or group of units enabling occupiers to live and work within the same premises". Based on the information before me, I have no reason to believe the proposal would not be a genuine live/work unit that meets this definition.
10. Taking all of the above into account, I find that the proposal does constitute live/work and therefore it does not conflict with Policy SWDP8, as set out above.

Sustainable location

11. At a strategic level, DP Policy SWDP1 sets out the overarching sustainable development principles and Policy SWDP2 identifies the spatial strategy for the District. It is common ground that the site is not located within any of the DP's defined development boundaries and, as such, the site is in open countryside for planning policy purposes.
12. Development in the open countryside is limited to the exceptions listed in Part C of SWDP2. This includes development specifically allowed by other DP policies, including SWDP8. As I have found the proposal meets the requirements of SWDP8 there is no conflict with the Council's spatial strategy.
13. With respect to access to services and facilities, DP Policy SWDP4 seeks development which minimises the need to travel and offers genuine sustainable travel choices. The nature of the live/work proposal means that the need to travel to work may be reduced when compared to a proposal solely for residential use. Although I appreciate not all occupiers may work at the site and there would be a need to travel to access other service and facilities.

14. There is a public house close to the site, but beyond that, the closest services and facilities are located in Droitwich. There is a dedicated footpath on the opposite side of Hanbury Road to the site, which provides pedestrian access to Droitwich. However, there are no streetlights for much of the route and, combined with the distance, I find walking is unlikely to be an attractive option for day to day needs such as shopping. There are no dedicated cycle routes from the site and the lack of streetlighting means cycling is also unlikely to be a realistic alternative to a private car for most. I have not been provided with details of any bus services which operate in the vicinity of the site. Consequently, I find that the site does not offer genuine sustainable travel choices.
15. There is, therefore, a tension which needs to be balanced between SWDP2 Part C which allows certain development in open countryside and the sustainable travel objectives of SWDP4. This tension is recognised in the Reasoned Justification for SWDP4 which identifies rural residents' greater reliance on cars than those in urban areas. Giving greater weight to the requirements of SWDP4 would undermine the exceptions allowed by SWDP2 Part C, counteracting the aims of SWDP8, which highlights the value of rural live/work arrangements to the local economy.
16. Furthermore, I am mindful that the Council has granted planning permission for 4 live/work units on land adjacent to the appeal site (Ref 20/01058/FUL). Both main parties also refer to another property close by, known as Copper Beech, which was permitted as a live/work unit. Objecting to the principle of live/work use in this location in this case, would therefore appear to be inconsistent with previous decisions taken by the Council.
17. My attention has been drawn to an appeal decision on the adjacent site (APP/H1840/W/23/3319861, 6 November 2023). However, that decision concerns a proposal for 4 dwellings, which did not meet the exceptions of SWDP2. Consequently, I find that proposal is not directly comparable to the one before me now. As such, I have found that it does not alter my consideration of this appeal proposal, which I have determined on its own merits.
18. I have also had regard to 3 other Inspector's decisions submitted by the Council for live/work proposals which were found to conflict with Policies SWDP2 and SWDP4 (APP/H1840/W/17/3183773, 19 February 2018; APP/J1860/W/19/3232499, 04 December 2019; APP/J1860/W/23/3321898, 31 January 2024). However, all of these cases have different site and locational contexts and are not directly comparable to this appeal proposal. I therefore find that they do not lead me to an alternative conclusion on this matter.
19. I appreciate that the National Planning Policy Framework no longer makes specific reference to live/work uses. However, it does promote economic growth in rural areas, which this proposal would contribute to.
20. Whilst I have found that the proposal would conflict with Policy SWDP4 with respect to access to services and facilities, this is outweighed by my finding that the site is in a suitable location having regard to the Council's spatial strategy. As such, it does not conflict with Policies SWDP1, SWDP4 or SWDP8, as set out above.

Character and Appearance

21. The site is located to the west of Greenacres, a single storey dwelling. The site is predominantly undeveloped grassland, apart from timber stables sited in the north western corner.

22. Existing built development to south of Hanbury Road, in the vicinity of the appeal site, takes a variety of forms. To the west of the site are Huntingdrop Cottage and Copper Beech which are large, detached two storey properties, both set back in their plots from Hanbury Road. Further to the west, the public house is sited close to the road, and a park home site is situated behind that. To the east of Greenacres is a farm complex with buildings sited some distance back from the road.
23. Greenacres is set further back from Hanbury Road than Huntingdrop Cottage and Copper Beech. The proposed live/work unit would be sited to the west of Greenacres and generally follow the same front and rear building lines. The siting of the unit would therefore not disrupt the existing pattern of development in this part of Hanbury Road.
24. The width of the proposed live/work unit is narrower than the adjacent properties. However, as it would share a plot with Greenacres, the overall plot width would not be reduced. A reasonable gap would also be retained between the proposed development and Huntingdrop Cottage. It would not therefore, appear cramped in relation to the existing development.
25. Furthermore, given the distance between the proposed building and Huntingdrop Cottage and the scale of the proposal, I do not consider it would cause harm in relation to noise or access to light for those neighbouring occupiers.
26. Whilst detached structures within the frontages of properties are not a common feature of this part of Hanbury Road, the proposed garage would replace the existing timber stable structure on the site. As such, it would not introduce a new pattern of development. I appreciate the garage would have a different appearance to the stables; however, its visibility would be minimised by the retention of a mature tree along with the proposed front boundary planting.
27. The Council's Design Guide Supplementary Planning Document 2018 advises that buildings within residential curtilages should be subordinate in scale and similar in style to the property. In this case, the proposed garage has been designed to reflect the live/work unit, it would be smaller in scale, and it would not unduly dominate the site. As such, it would not appear cramped, nor would it be an incongruous or visually intrusive feature.
28. Taking all of the above into account, I find that the proposal would not harm the character and appearance of the area. As such, I find no conflict with DP Policies SWDP21 and SWDP25. Together these policies require development to be appropriate to their context and to integrate effectively with their setting.

Other Matters

29. I accept that there is likely to be some additional vehicular traffic as a result of the proposal. However, the additional traffic generated from one live/work unit is unlikely to have a significant impact on the highway. I note the County Highway Authority did not object to the proposal and based on the information before me, I do not consider the proposal would have an unacceptable impact on highway safety.
30. My attention has been drawn to an emerging policy which amends the approach to proposals for live/work units. Based on the information before me, this policy cannot be afforded weight at this time and as such, it does not influence my consideration of this appeal.

Conditions

31. The Council has suggested a list of conditions, which I conclude on below. The appellant has had the opportunity to comment on the suggested conditions, and I have taken those comments into account. I have had regard to the advice provided in the Planning Practice Guidance and I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
32. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out following the approved plans, for the avoidance of doubt and in the interests of certainty.
33. A condition requiring an assessment of ground gasses and vapours is necessary to ensure that any risk from potential landfill is adequately addressed.
34. To enhance biodiversity and deliver the identified benefits, it is necessary to impose a condition requiring preparation of and accordance with a Habitat Management Monitoring Plan. This condition must be pre-commencement so that biodiversity can be appropriately managed during the whole of the development process.
35. A condition requiring details of surface water drainage systems is necessary to ensure development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner.
36. To ensure the development supports the delivery of low carbon/renewable energy in accordance with DP Policy SWDP27 I have imposed a condition requiring details of such energy generation measures.
37. Conditions controlling the occupancy of the residential floorspace, limiting the uses for the work floorspace, the timetable for occupancy and restricting the residential and work elements from being sold or let separately from each other, are necessary to ensure the development operates as a live/work unit. I have amended the wording of the condition restricting who can occupy the residential floorspace to allow occupancy by a partner as well as dependents. I have also omitted wording suggested by the council which would restrict those working in the unit only to persons living there too. This is not justified by Policy SWDP8 and, as such, the wording is not necessary or reasonable.
38. Finally, I have not imposed a condition requested by the Council requiring details of the occupation of the work unit. There is limited justification for this condition, and it would not be necessary or reasonable. Consequently, it would not meet the tests in the Framework.

Conclusion

39. For the reasons given above the appeal should be allowed.

A O'Neill

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall begin not later than 3 years from the date of this decision.
- 2) Unless where required or allowed by other conditions attached to this permission the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and drawing numbers 727-26A, 727-31A, 727- 33C, 727-34 and 727-35.
- 3) (a) No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with current UK guidance and best practice.

(b) Where the approved risk assessment (required by (a) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed gas protection measures design and verification plan has been submitted to and approved in writing by the Local Planning Authority. Following approval, such gas protection measures design and verification plan shall be implemented on site in complete accordance with approved details.

(c) Following implementation and completion of the approved gas protection measures design and verification plan (required by (b) above) and prior to the first occupation of the development, a verification report shall be completed in accordance with current UK guidance and best practice and submitted to and approved in writing by the Local Planning Authority to confirm completion of the gas protection measures in accordance with approved details.

(d) No development shall commence until a long-term monitoring and maintenance scheme (to include monitoring the long-term effectiveness of the gas protection measures and reporting on the same), where required, has been submitted to and approved by the Local Planning Authority. The approved scheme must be carried out in accordance with its terms, recommendations and time schedules. All further reports produced shall be submitted to and approved in writing by the Local Planning Authority, and then carried out in accordance with its terms, recommendations and time schedules.
- 4) Prior to the first occupation of the development hereby approved, 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:
 - (a) the overall predicted energy requirements of the approved development;
 - (b) the predicted energy generation from the proposed renewable/low carbon energy measures; and,
 - (c) an implementation timetable for the proposed measures.

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

- 5) The development hereby approved shall not be occupied/first used until full details of all surface water drainage systems to serve the development have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented in accordance with the approved details before the first occupation/use of the development hereby approved and shall be retained thereafter.
- 6) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. It shall include:
 - (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and,
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the HMMP have been completed. The created and enhanced habitat specified in the approved HMMP shall thereafter be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the HMMP are not being met, how contingencies and/or remedial action are identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- 7) The residential floorspace of the development hereby approved 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 person, a widow or widower of such a person, or any resident dependent (dependents are defined as parents, grandparents, children, or grandchildren).
- 8) The work floorspace hereby approved 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.
- 9) The work floorspace hereby approved shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.

- 10) The residential and work floorspace areas hereby approved shall not be sold, let, or sublet separately from each other.
- 11) The work floorspace hereby approved shall not be used for the sale of goods to visiting members of the public.

End of Conditions