



Appeal Decision

Site visit made on 9 September 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/H1840/W/25/3362367

The Firs, Throckmorton Road, Lower Moor, Worcestershire WR10 2JZ

- 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 S Guy against the decision of Wychavon District Council.
 - The application Ref is W/24/02566/FUL.
 - The development proposed is Construction of 2no. live/work units.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of 2no. live/work units at The Firs, Throckmorton Road, Lower Moor, Worcestershire WR10 2JZ in accordance with the terms of the application, Ref W/24/02566/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr Guy against Wychavon District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. Reference is made to the glossary of the South Worcestershire Development Plan 2016 (the SWDP). 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

4. The main issues are:
 - whether the proposed live/work units are permitted under the terms of Part G of SWDP policy SWDP 8;
 - whether the site is an appropriate location for live/work units having regard to the provisions of the development plan read as a whole and access to services; and
 - the effect of the proposed development on highway safety with particular regard to safe access and egress.

Reasons

Part G of SWDP policy SWDP8

5. SWDP policy SWDP8 establishes the Council's strategy for the delivery of employment development. Part G of the policy establishes specific support for live/work units subject to 7 criteria which seek to ensure that proposals are genuinely intended for employment purposes.
6. The Council contends that the proposal does not meet criteria i) and iii) of Part G. Criterion i) requires at least 60% of the total floorspace of each unit to provide workspace whilst criterion iii) requires the 'live' and 'work' elements within the units to be entirely separate. The Council asserts that the 'live' element within the units would not be ancillary to the 'work' element. This is due to the domestic appearance of the unit, as access would be provided to the rear garden from both the 'live' and 'work' elements of the units and based on the contention the work elements would not offer practicable workspace.
7. However, the appeal drawings indicate that for both units the work area would be at least 60% of the total floorspace. This is also accepted in the Council officer's report on the planning application leading to this appeal. As such, the proposal would comply with criterion i). With regards to criterion iii), I am satisfied that the internal subdivisions means that the work element would be appropriately separated from the living accommodation. The work and residential elements within each of the units would have entirely separate entrances and toilet facilities. I note the work and residential components would have access to the same garden space, but such an arrangement is not precluded under the terms of Part G. Therefore, the proposal would accord with criterion iii) of Part G.
8. The units in overall terms would have a residential appearance due to the inclusion of gardens and architectural features such as French doors and residential style windows. However, such an approach is not precluded under Part G of SWDP Policy SWDP8. Furthermore, there is no stipulation that requires live/work units to appear as though the employment and residential elements are separate.
9. I have taken into consideration the appeal and Council decisions that have been referred to by both main parties, particularly the decisions at Priory Farm Lane, Inkberrow (reference W/24/00983/FUL) and Huntingdrop Cottage, Droitwich Spa (reference 19/02191/FUL). The developments allowed under these decisions were similar in design and layout to that proposed and so provide support for the scheme.
10. Taking all of the above into account, I conclude the proposed development would include live/work units that would accord with Part G of SWDP policy SWDP8.

Suitability of location

11. SWDP policy SWDP1 sets out the overarching sustainable development principles and policy SWDP2 establishes the Council's approach to the sustainable distribution of development across the area. The site is outside any defined development boundary, and it is within the open countryside for plan purposes.
12. Part C of policy SWDP2 looks to strictly control development to certain types within the countryside. Of particular relevance is that the policy allows development if it is permitted by other policies within the SWDP including policy SWDP8. As I have

found the proposal meets the requirements of Part G of policy SWDP8, there is no conflict with the Council's spatial strategy as set out under policy SWDP2.

13. At the same time, SWDP policy SWDP4 seeks to ensure, amongst other things, that developments minimise demand for travel as well as provide genuine sustainable travel choices. Live/work units could reduce the need to travel to work when compared to a proposal solely for residential use. However, I acknowledge that not all occupiers may work at the site and there would be a need to travel to access other services and facilities.
14. Lower Moor village (a Category 3 village with at least 1 key service) is located within 800m of the site, with Pershore being within 2 miles. The nearest primary and secondary schools are some 3km and 4.9km from the site. A bus stop is located within 800m of the site on the A44. However, whilst there is a footpath and street lighting on the A44, there is no pavement nor lighting on Throckmorton Road. Therefore, the walk between the development and the nearest bus stops and Lower Moor would be unappealing. 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.
15. The appeal site is located adjacent to an existing business and a dwelling located within the same enclave of built development (the wider site). The site is also opposite other countryside uses and dwellings. As such, the units would not be isolated. However, given the separation distances and lack of realistic alternatives, occupants of the development would be reliant on private vehicle travel to access services and facilities at larger settlements such as Pershore, Evesham and Worcester. Car journeys between the development and Pershore would be short however, the proposal would not offer meaningful sustainable travel choices due to its location.
16. There is a tension between the sustainable travel objectives of policy SWDP4 and Part C of policy SWDP2, which through reference to Part G of policy SWDP8 supports live/work units in the open countryside. In such situations, it is necessary to undertake a planning balance. In this case, I consider the benefits of the proposal in terms of providing development that is supported in the countryside under policies SWDP2 and SWDP8 outweigh the disadvantages due to the residents' and visitors' reliance on private car travel. In arriving at this view, I have had regard to the fairly short car journeys that residents would have from the proposed units to the broad range of facilities and public transport links at Pershore.
17. As such, I conclude the development would be in a suitable location in light of SWDP policies SWDP1, SWDP2 and SWDP8. The development would not fully accord with policy SWDP4 as it would not offer sustainable travel choices but there is sufficient justification in this case to depart from this policy.

Highway safety

18. Throckmorton Road is subject to the national speed limit. The access to the wider site has been used since the early 1970's on an unrestricted basis. The wider site has the character and appearance of a small industrial estate with a residential property located to the front. My visit can only provide a snapshot in time, but I saw a fairly light level of traffic on the road. Given its established use, I would envisage that the wider site already attracts a minor level of vehicular traffic. There is no

evidence before me to indicate that vehicles entering or leaving the wider site have been the cause of road accidents or any incidents to suggest the access is unsafe.

19. Whilst the Highway Authority has provided no definitive objection or support for the proposal, further information was requested relating to visibility splays and a speed survey that was not provided. Following my site visit, I observed a satisfactory visibility splay to the north (right) of the access but that visibility to the south (left) is curtailed by a tall hedge. However, the access is an existing arrangement. I consider the proposal would not significantly increase vehicular activity compared to the existing situation, despite the identified reliance on private car travel.
20. Consequently, I conclude the development would have an acceptable effect on highway safety and in these regards it would accord with Policies SWDP4 and SWDP21 of the SWDP and paragraph 116 of the Framework. These require, amongst other matters, for vehicular traffic to access the highway safely and for development to only be refused on highway grounds where there would be an unacceptable impact on highway safety.

Other Matters

21. Whilst the application was submitted after 2 April 2024, the proposed development would not be subject to the requirement to achieve 10% Biodiversity Net Gain for the proposed live/work units. The appeal site is a commercial yard comprising hard surfacing with low ecological value. As such, the de minimis exception applies as no habitat would be affected by the proposed development and the standard Biodiversity Gain Plan condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 does not apply.
22. The main parties have drawn my attention to other planning permissions and appeal decisions for live-work units in the district. Those drawn to my attention by the Council at Ombersley, Mable and Castlemorton demonstrate that deliberation of the suitability of live/work units is affected by geographic considerations and matters that are individual to each case. The proposed developments at Mable and Castlemorton were also dismissed for other reasons including character and appearance, heritage matters and ecology. As such, these other decisions do not affect my overall conclusion.

Conditions

23. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects.
24. The Council has provided a list of conditions that it considers would be appropriate and the appellant has commented on this. I have considered these in light of the Framework and the Planning Practice Guidance, and I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
25. To ensure certainty and clarity, I have imposed the standard conditions relating to the commencement of development and approved plans. I have also included the water management strategy statement plan, and planting plan in this condition as these documents provide some of the detail of the development.

26. As there has been historical landfilling in the wider area and given the appeal site's previous uses, I consider it necessary to include a contaminated land condition to ensure that risks from contamination to the future occupiers are minimised.
27. To ensure that the development is provided with the proposed energy and carbon reduction and the water management measures, I have included conditions to ensure that it is carried out in accordance with details to be submitted or those already submitted. These conditions are required to ensure the development helps reduce greenhouse gas emissions and manages water appropriately.
28. I have included a condition to require connection to superfast broadband, or a similar equivalent, as this is a specific criteria requirement of Policy SWDP 8 of the LP to support the business element of the scheme.
29. To further encourage sustainability and cycling as an alternative means of travel, I have included a condition requiring the cycle storage as shown on the proposed layout to be provided and maintained thereafter. In the interests of highway safety, I have also included a condition to require the access and parking area to be provided prior to occupation of the development.
30. Details of the proposed landscaping is also shown on the proposed site plan. As this is included within the list of approved plans, I do not consider it necessary to impose a condition requiring the submission of further landscaping details. I have, however, included a condition that requires the proposed planting to be carried out within the first planting season following occupation and for any landscaping to be replaced within the first five years. This would provide time for the landscaping to establish and ensure that the development is appropriate in the rural area.
31. To ensure that the proposed development would function as live/work units in accordance with the development plan policy, I have included conditions that limit the residential occupation, that require the work elements to be completed prior to the live elements being occupied and that prevents the live/work elements from being sold off, let or sublet separately from each other. I have also limited the uses of the work elements of the proposed development and restricted retailing to protect the living conditions of future occupiers.
32. I have not however imposed a condition requested by the Council regarding details of occupation of the work elements to be sent to the Council as there is limited justification for the condition. Consequently, it would be unnecessary and unreasonable, and this would not therefore meet the tests in paragraph 57 of the Framework.

Conclusion

33. For the reasons given above the appeal should be allowed, subject to the conditions set out in the attached schedule.

P Brennan

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 information (including details on the proposed materials) provided on the application form and the following drawing numbers p2024-033/01, 033/02, 033/03, 033/04, 033/05, 033/06, 033/07 and the Inside Out Planting Schedule dated 9/12/24.
- 3) No development, other than that required to be carried out as part of an approved scheme of remediation, shall take place until sections a to f outlined below have been complied with:
 - a) A preliminary risk assessment shall be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources, and receptors to determine whether a site investigation is required and this should be detailed in a report submitted to the local planning authority. The risk assessment must be approved in writing by the local planning authority before any development takes place.
 - b) Where an unacceptable risk is identified, a scheme for detailed site investigation shall be submitted to and approved in writing by the local planning authority prior to development being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
 - c) Detailed site investigation and risk assessment shall be undertaken and a written report of the findings produced. This report shall be submitted to and approved in writing by the local planning authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
 - d) Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors, shall be prepared and shall be submitted to and approved in writing by the local planning authority in advance of undertaking the remediation scheme. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- e) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation.
 - f) Following the completion of the measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced and shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the buildings hereby permitted.
 - g) If contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken and, where necessary, a remediation scheme shall be prepared and shall be submitted to and approved in writing by the local planning authority. Following the completion of any measures identified in the approved remediation scheme, a validation report shall be prepared and shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the buildings hereby permitted.
- 4) The development hereby permitted shall be carried out in accordance with the details provided in the Water Management Statement, as shown on drawing p2024-33/05, and the features as shown on the drawing shall thereafter be maintained for the lifetime of the development.
- 5) Prior to the first occupation of the development hereby approved, details of renewable and/or low carbon energy generation measures outlined in the Addison Rees Planning Consultancy Ltd Energy Statement 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; and
 - an implementation timetable for the proposed measures.
- The development shall be carried out in accordance with the approved details and the approved measures shall thereafter be retained.
- 6) The development shall not be occupied until details of a connection to superfast broadband, or a similar equivalent, to be provided to serve the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include an implementation programme. The approved scheme shall be installed in accordance with the approved details and implementation programme and shall thereafter be maintained for the lifetime of the development.
- 7) The development shall not be occupied until the bicycle/mower sheds have been provided in accordance with the approved details as shown on drawing numbers p2024-033/02 and p2024-033/07 and the sheds shall thereafter be kept available for the storage of bicycles for the lifetime of the development.

- 8) The development hereby permitted shall not be occupied until the access and vehicle parking spaces have been provided in accordance with drawing no. p2024-033/02. Thereafter those spaces shall be retained for the parking of vehicles only for the lifetime of the development.
- 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 employment floorspace areas of the live-work units, as shown on drawing numbers p2024-033/03 and p2024-033/04, shall be completed ready for occupation before the residential floorspace areas are first occupied and commencement of the residential use shall not precede commencement of the business use.
- 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).
- 12) The residential and work floorspace areas of the live/work units shall not be sold, let, or sublet separately from each other.
- 13) The business floorspace areas of the live-work units shall not be used for the sale of goods to visiting members of the public and shall not be used for any purpose other than purposes within Class E (g)(i) offices, Class E (g)(ii) research and development or Class E (g) (iii) industrial processes 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).

End of conditions