
Appeal Decision

Site visit made on 15 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/H1840/W/25/3368498

Cross Cottage, Holt Fleet Lane, Holt Heath, Holt Fleet, Worcestershire WR6 6NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr D Warren against Wychavon District Council.
- The application Ref is W/25/00268/FUL.
- The development proposed is described as proposed construction of detached dwelling (redesign and change of use of approved live-work unit).

Decision

1. The appeal is dismissed and planning permission for the proposed construction of detached dwelling (redesign and change of use of approved live-work unit) is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have therefore had regard to the submissions of the Council and interested parties in establishing the main issues which I set out below.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for the proposed development; and
 - the effect of the proposed development on the provision of rural employment land and buildings.

Reasons

Suitable Location

4. The appeal site is a rectangular piece of land that fronts Holt Fleet Lane and is accessed off the A4133 which is a relatively busy highway. Neighbouring the site are existing live/work units.

5. Policy SWDP2 of the South Worcestershire Development Plan 2016 (the SWDP) outlines a development strategy and settlement hierarchy. It does not identify Holt Fleet as a settlement and therefore it is deemed as a lower category village. Given that the appeal site is not located within a recognised development boundary, it is considered to be in the open countryside for planning purposes. Policy SWDP2(c) provides support for development in the open countryside subject to certain criterion.
6. Given that the appeal scheme is not for a rural worker's dwelling, rural employment development, a rural exception site, building for agriculture and forestry, a replacement dwelling, house extension, replacement building or renewable energy project it does not meet any of the criterion. Furthermore, it has not been argued that the appeal scheme would be permitted by other policies within the SWDP. Accordingly, it is contrary to Policy SWDP2(c) of the SWDP.
7. Moreover, the appeal site is located approximately 1km from the Category 3 settlement of Holt Heath and 1.6km from Ombersley which is a Category 1 settlement. Both settlements would offer adequate services and facilities for future occupants. These can be accessed by the A4133 which whilst it does have a footpath there is limited lighting along the route. Consequently, given the relatively high traffic on the road, it is unlikely that future occupants would use the footpath to access these settlements.
8. There is limited substantive evidence before me to adequately demonstrate that the appeal site has access to adequate public transport although I do note reference to a limited bus service. Given the limited services and facilities within Holt Fleet, it is likely that future occupants would be reliant upon private car to access day-to-day facilities including employment.
9. The appellant refers to a fall-back position which is the extant permission for live/work units which has been implemented. However, live/work units are an exception to Policy SWDP2(c) given that they are supported by Policy SWDP8(g) of the SWDP which outlines that the provision of live/work units can provide sustainability benefits particularly in more rural parts of south Worcestershire. Consequently, given that the appeal scheme before me proposes a detached dwelling with the omission of a work element, it would result in a development in an unsuitable location and would not benefit from the mitigation associated with live/work units regarding the reduction of travel for future occupants due to the work element.
10. An appeal decision at Land off Holt Fleet Lane has been brought to my attention. It related to permission in principle (PIP) for up to four self-build dwellings. Additionally, I note reference to an approved PIP for up to two detached dwellings at The Firs as well as an approved PIP for one dwellinghouse at Leeks Yard which is adjacent to the appeal site. I do not have the full details of these before me and thus cannot be certain that they are wholly comparable to the appeal scheme before me. Furthermore, each application is determined on its own merits.
11. However, the examples at Land off Holt Fleet Lane and The Firs relate to a greater number of dwellings than that in the appeal scheme before me. Notably,

in the appeal decision the Inspector found the location to be unsuitable but given the context of paragraph 11(d), the number of dwellings and the housing land supply position allowed the appeal.

12. Reference to permissions granted by the Inspectorate and the Council in the locality have also been raised. Nevertheless, each application is determined on its own merits and for the reasons given above including the site-specific context, they do not lead me to a different conclusion.
13. In conclusion, the appeal site is not a suitable location for the proposed development and therefore would conflict with Policies SWDP2, SWDP4 and SWDP8 of the SWDP as well as Policy TOAD9 of the Ombersely and Doverdale Neighbourhood Development Plan 2020-2030. These policies seek to ensure, amongst other things, that developments are in suitable locations and minimise the reliance upon private motor vehicles.

Rural Employment Land And Buildings

14. Given that the previous permission has been implemented, the appeal scheme would result in the loss of the work element of the approved live/work unit on the site. Policy SWDP12 of the SWDP relates to employment in rural areas.
15. Policy SWDP12 outlines that proposals to change the use of existing employment sites in rural areas should be protected to help promote rural regeneration across south Worcestershire. A live/work unit is classified as *sui generis* and the employment use and residential use of a live/work unit are linked.
16. Condition 10 of the extant permission limits the work element of the live/work unit to prevent the sale of goods to visiting members of the public and shall not be used for any purpose which if assessed in its own right would fall outside of Use Class E.(g) as defined under 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. Therefore, the work element of the extant permission could be used for employment purposes covered by Policy SWDP12.
17. There is limited substantive evidence before me to adequately demonstrate that the marketing of the appeal site has taken place in accordance with the requirements of Policy SWDP12. Therefore, the appeal scheme would conflict with Policy SWDP12. However, given the small size of the employment element, it would not, to my mind, result in a significant loss of employment land and thus would not compromise the overall provision of such land in the area. Therefore, whilst the proposal would remain in conflict with Policy SWDP12, the conflict would be minor.
18. Given all of the above, the appeal scheme would result in a small loss of employment land and conflict with Policy SWDP12 of the SWDP insofar as it seeks to protect existing employment sites.

Other Matters

19. The Council has stated that they are only able to demonstrate a housing land supply of 1.10 years according to a revised calculation undertaken as a

consequence of the revised Framework. This is considerably below the housing land supply they are expected to deliver in line with the Framework.

20. Whilst SWDP8 refers to live/work units and the criterion which need to be met to benefit from support, this does not necessarily preclude them from contributing to the housing land supply figure.
21. I note that the appeal scheme would provide a like-for-like development in terms of the numbers of bedrooms when compared with the residential element of the extant permission that has been implemented. Therefore, in my judgement, it would not result in a net gain regarding housing supply.
22. The appeal scheme would provide a sympathetic design and assimilate with the character and appearance of the surrounding area. The Council has not raised character and appearance as a concern. Furthermore, the Council has also not indicated concern regarding highways access and highway safety to the development. Given the extant permission, I do not consider that the appeal scheme would result in unacceptable harm to either highways access or safety. Considering all of the above, I find no reason to disagree with its conclusions on these matters.

Planning Balance

23. As set out above, the appeal site is not a suitable location for the development and the proposal would result in the loss of employment land albeit minor. Thus, there would be a material conflict with Development Plan Policies.
24. Due to the Council's housing land supply position, paragraph 11 d) of the Framework is engaged. Footnote 8 of the Framework confirms in these circumstances the policies which are most important for determining the application are considered to be out-of-date.
25. Paragraph 232 of the Framework outlines that due weight should be given to policies according to their consistency with the Framework. Development in the rural area is not precluded but the Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes and therefore supports the general thrust of the SWDP. Consequently, given that the relevant policies accord with the Framework, this conflict attracts significant weight in this case.
26. The appeal scheme would result in an open market dwelling in a District that is falling below the level of housing supply required by national policy. However, given the extant permission has been implemented it does not, in my judgement, result in a net gain.
27. Furthermore, the appellant has provided a Section 106 agreement which would provide a financial contribution towards affordable housing. However, given the relatively small scale of the contribution, the weight I afford it is not sufficient to outweigh the harm I have found.
28. Nevertheless, even if I were to consider the appeal scheme to provide a net gain of one in relation to the housing land supply in the District, given the modest contribution it would make, it would not significantly and demonstrably

outweigh the harm I have identified above when assessed against the Framework as a whole.

29. There are no other material considerations of such weight or significance to justify a decision other than in accordance with the development plan.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed and planning permission refused.

B Astley-Serougi

INSPECTOR