



Appeal Decision

Site visit made on 1 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/25/3368824

Eastfield, Wadborough Road, Kempsey, Worcester WR5 3QH

- 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 M Rowberry against the decision of Wychavon District Council.
 - The application Ref is W/25/00844/FUL.
 - The development proposed is Construction of 1no. live/work unit.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 1no. live/work unit at Eastfield, Wadborough Road, Kempsey, Worcester, WR5 3QH in accordance with the terms of the application, Ref W/25/00844/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr M Rowberry against the decision of Wychavon District Council. This application is subject to a separate decision.

Preliminary Matter

3. I have used the address contained within the appeal form and decision notice in the banner heading above for clarity.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development having regard to local and national policy; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitable Location

5. The appeal site is located between Eastfield Farm and Eastfield Fisheries. It is bounded by a public right of way (PROW) and is currently used as a commercial fishery site. It benefits from an existing vehicular access off the public highway.
6. Policy SWDP2 of the South Worcestershire Development Plan 2016 (SWDP) outlines how and where growth will be managed within the District and the established settlement boundaries. The appeal site is not located within an

established settlement boundary and consequently is considered to be in the open countryside for planning purposes.

7. Policy SWDP2(C) of the SWDP outlines exceptions for development in the open countryside and notably, for this case, is Policy SWDP8. Policy SWDP8(g) establishes certain criterion which need to be met regarding live/work units.
8. Policy SWDP8(g)(i) requires that the residential use is ancillary with floor space split at least 60% employment and no more than 40% residential. Based on the evidence before me, the appeal scheme would accord with the required split of employment/residential space.
9. Policy SWDP8(g) does not require an end user to be identified. Moreover, a relevant condition could not be imposed requiring a personal permission because this would not meet the tests as outlined in paragraph 57 of the National Planning Policy Framework (the Framework). Consequently, irrespective of whether the appellant would use the appeal scheme for either the existing adjacent fishery business or a separate business operation, there is not a requirement for an end user, in this case. Furthermore, the work element of the proposal has, to my mind, been designed to be flexible for any future occupier given the proposed layout.
10. It follows, therefore, that given the lack of requirement for an end user of the appeal scheme, concerns regarding the number of hours the workspace would be occupied is not determinative for this particular matter, in this case.
11. Considering the relevant criterion of Policy SWDP8(g), I am satisfied that the proposal meets the requirements, given that the appeal scheme does not have more than three bedrooms and that the residential and workspaces are entirely separate with separate entrances and toilet facilities
12. Regarding the sustainability of the appeal site, it is within the open countryside for planning purposes.
13. Nevertheless, in the supporting text of Policy SWDP8 it is highlighted that live/work arrangements are dispersed throughout the rural areas of South Worcestershire and that they can provide sustainability benefits, particularly in the more rural parts of the area. Consequently, the appeal scheme would help to diversify the local economy to create wider employment and therefore be less vulnerable to any international and national economic changes.
14. Policy SWDP4 of the SWDP seeks to ensure, amongst other things, that developments minimise demand for travel as well as provide genuine sustainable travel choices. I acknowledge that the appeal scheme provides three bedrooms, however this is deemed to be acceptable in Policy SWDP8 given that it stipulates live/work units should not have more than three bedrooms. Consequently, given that the supporting text outlines that this type of development can provide sustainability benefits in rural areas, the number of bedrooms proposed does not, to my mind, equate to an unacceptable number of traffic movements.
15. Moreover, the proposed live/work unit could result in a decrease of daily trips in the area, because it would offer the opportunity for individuals to work and live in the same building instead of commuting to an office.

16. Given the primacy of the development plan, neither the Framework nor any other relevant national policy guidance can of itself provide that provisions of a development plan are no longer applicable.
17. Therefore, whilst the Framework may not have specific policies relating to live/work units, it does however provide that planning policies and decisions should support economic growth and productivity and be flexible enough to allow for new and flexible working practices (paragraph 85 and 86 of the Framework).
18. Paragraph 89 of the Framework highlights, amongst other things, that in relation to supporting a prosperous rural economy, sites which are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. However, it also highlights that in rural areas, sites may have to be found adjacent or beyond existing settlements and in locations that are not well served by public transport. The Framework further outlines in paragraph 110 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
19. The reasoned justification for Policy SWDP4 acknowledges that rural residents are more reliant on the use of cars when compared to residents in urban areas of South Worcestershire. Accordingly, the settlement boundaries of Littleworth and Hatfield are around 400 and 500 metres from the site respectively and within these settlements are bus stops (albeit the bus stops are approximately 1.2km in distance from the appeal site). Notably, the Highways Authority in its consultee response outlines that despite the distance to the bus stops, the private vehicle movements that would likely be generated from the site would largely be leisure-based given the appeal scheme is for a live/work unit and thus low in number.
20. I note that there is a general absence of street lighting and pavements in the surrounding area. Consequently, future occupants could choose private motor vehicle over more sustainable methods of travel to access the nearby settlements. Nevertheless, it remains that there are sustainable travel choices within, to my mind, a reasonable distance for future occupants as well as the addition of an electrical vehicle charger as part of the appeal scheme. Therefore, in my judgement, these settlements could be reasonably accessed by future occupants of the appeal scheme and would likely be for leisure purposes due to the character of a live/work unit.
21. Given all of the above, the development would comply with SWDP4 regarding genuine sustainable travel choices but still have limited conflict with the policy regarding minimising demand for travel given its relatively isolated location.
22. The Council has referred to Policy SWDPR14, Annexe D and the glossary contained within the emerging South Worcestershire Development Plan Review (SWDPR). Whilst the Inspector's interim letter dated June 2025 outlines that subject to main modifications the plan is likely to be capable of being found legally compliant and sound, it remains that main modifications are yet to be consulted upon.
23. I note that Policy SWDPR14 would require, amongst other things, that the work element of the proposal should relate to an existing, established and economically viable business that has been trading for at least three years. This would also be supported by Annexe D of the same document. However, given the stage of the SWDPR the Policy attracts limited weight. Consequently, Policy SWDPR14 is not

currently part of the development plan so does not outweigh compliance with Policy SWDP8 of the SWDP.

24. Regarding the appeal decisions at Land Adjacent Ombersely Golf Course, Bell Acre and Mamble Road, each case is determined on its own merits and I cannot be certain that it is wholly comparable to the appeal scheme before me. Nevertheless, whilst I acknowledge that the appeal scheme would have a limited conflict with minimising demand for travel, I have still identified above that there would be genuine sustainable travel choices available to any future occupants. Thus, given the site-specific context, proximity to Littleworth and Hatfield as well as a number of the provisions within the SWDP and the Framework, they do not lead me to a different conclusion.
25. In conclusion, the appeal site is a suitable location for the proposed development. It would comply with Policies SWDP1, SWDP2 and SWDP8 of the SWDP insofar as they seek to facilitate sustainable development and provide support for employment development including in rural areas. Additionally, despite the small conflict with Policy SWDP4 insofar as it seeks to minimise travel demand, the proposal still complies with the SWDP as a whole.

Character and Appearance

26. The appeal site is set back considerably from the public highway and is bordered by significant mature hedgerows. The site itself has, to my mind, a relatively varied topography including slopes and a PROW borders the site. There is an existing cabin on the appeal site which is set between the two lakes. Due to the topography of the site, the cabin is set down and minimal views of it can be seen from surrounding public vantage points including those on the PROW.
27. The proposed materials of the appeal scheme would include red brick walls and steel cladding sheets with plain clay tiles and standing seam coated roof. In my judgement, the materials would assimilate with the relatively semi-rural character of the surrounding area.
28. The proposed design would be approximately 8 metres in height. However, given the topography of the site, proposed landscaping as well as the retention of mature boundary treatment, views from public vantage points would, to my mind, be limited.
29. The proposed design of the scheme would incorporate somewhat rural characteristics such as the steel cladding sheets with relatively domestic features, for example, contemporary glazing, rooflights and gable ends. The incorporation of all these characteristics would, in my judgement, result in a sympathetic development to the overall semi-rural character of the appeal site and surrounding area. Furthermore, given the extant cabin on the site, the appeal scheme would, to my mind, be read in conjunction with the cabin. Thus, given all of the above, the proposal would not, in my judgement, result in an incongruous addition.
30. Regarding an appeal decision at Radford Road, I do not have the full details of this appeal and therefore cannot be certain that it is wholly comparable to the appeal scheme before me. Nevertheless, each case is determined on its own merits. Given the site-specific context of the appeal site, including its topography and the extant cabin on the site, it does not lead me to a different conclusion.

31. In conclusion, the appeal scheme, would not, in my judgement, result in unacceptable harm to the character or appearance of the surrounding area. It would therefore comply with Policies SWDP2A(iii), SWDP21 and SWDP25 insofar as they seek to ensure that developments safeguard the open countryside, are of a high design quality and integrate with their surroundings.

Conditions

32. The Council has provided a list of suggested conditions which I have considered against the tests set out in paragraph 57 of the Framework and advice contained in Planning Practice Guidance.
33. In addition to the standard time limit condition (1). I have attached a condition specifying the approved plans to provide certainty (2). Additionally, I have attached a condition requiring the submission of details to the Council regarding surface water drainage systems to ensure adequate mitigation against flooding (3).
34. I have also imposed a condition requiring the submission of renewable and low carbon energy generation measures to the Council to ensure the development contributes to the reduction of carbon emissions (5).
35. A condition regarding the provision of the work floorspace and timetable of occupation (6), restriction of selling, letting or subletting the residential and work floor space areas (9), and the restriction of who can reside in the live/work unit (7) are necessary to ensure clarity and that the development provides an appropriate live/work unit. It is for the same reasons I have included a condition removing use class order rights (8), however I have not included reference to the adjacent commercial fishery site as it has not been adequately demonstrated that this aspect of the condition would be needed to make the development acceptable in planning terms.
36. I have imposed a pre-commencement condition relating to a Habitat Management and Monitoring Plan to enhance biodiversity (4).
37. Finally, I have not imposed a condition requiring details of the occupation of the work unit to be sent to the Council because the need for this condition to make the development acceptable in planning terms has not been adequately demonstrated.
38. It is necessary for conditions 3 and 4 to take the form of 'pre-commencement' conditions to have their intended effect.

Conclusion

39. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

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 drawing nos p2025_001/01 Rev A (Location Plan), p2025_001/03 Rev A (Proposed Site Plan), p2025_001/04 Rev A (Live/work Unit Plans and Elevations), p2025_001/05 Rev A (Waste Management Statement) and p2025_001/06 Rev A (Biodiversity Net Gain Area Plan).

Pre-Commencement

- 3) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 4) No development shall take place until a Habitat Management and Monitoring Plan (the HMMP), has been prepared in accordance with the approved Biodiversity Gain Plan 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.

Pre-Occupation

- 5) 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 approved 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.

- 6) Prior to the first occupation of the residential element of the development hereby permitted the work element of the live/work unit as shown on drawing no p2025_001/04 Rev A shall be finished ready for occupation and the residential use shall not precede the commencement of the business use.

Post-Occupation

- 7) 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).
- 1) The business or 'work' floorspace 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).
- 2) The residential and work floorspace areas of the live/work unit as shown on drawing no p2025_001/04 Rev A shall not be sold, let, or sublet separately from each other.

=====END OF SCHEDULE=====