



Appeal Decision

Site visit made on 21 October 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08th December 2025

Appeal Ref: APP/H1840/W/25/3368435

Land at Church Lane, Martin Hussingtree WR3 8TQ

- 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 T McMillan against the decision of Wychavon District Council.
 - The application Ref is W24/02312/FUL.
 - The development proposed is described as: 'Erection of Self Build Live/Work Unit.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council is in the process of reviewing the South Worcestershire Development Plan (SWDP). The South Worcestershire Development Plan Review (SWDPR) has reached main modifications stage. The policy relating to live work units is proposed for amendment within the SWDPR under policy SWDP14. The Council has confirmed that this policy is not subject to any modifications or unresolved objections. On this basis I afford considerable weight to the policy SWDP14 of the SWDPR as a material consideration.
3. The appeal site is within the Martin Hussingtree Conservation Area (MHCA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
4. I also have a duty under Section 66(1) of the LBCA Act to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The listed buildings, identified in evidence are The Old Rectory, Orchard Manor and the Church of St Michael and All Angels.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, giving special regard to its effect on the MHCA;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and

any relevant development plan policies, including the effect upon the openness of the Green Belt;

- the effect of the proposed development on highway safety with regard to safe access and egress;
- whether adequate information has been submitted to assess the effect of the development on heritage assets;
- whether the proposed live/work units are permitted under the terms of Part G of SWDP policy SWDP8 and would be supported by policy SWDP14 of the SWDPR;
- whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to the provision of private amenity space; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Character and appearance

6. Martin Hussingtree comprises a small village of houses and farms with a dispersed pattern of development. Most of the properties within the village are set within large plots and consist of a broad range of architectural styles and scales of dwellings. The appeal site comprises a largely open area of land, which includes a small wooden stable building that sits close to the site entrance, fronting Church Lane. The site sits higher than the highway and is partially screened from views by an extensive hedge to the front. Access to the site is gained via a steep, informal vehicle driveway, located at an angle from Church Lane.
7. The MHCA follows Church Lane and, whilst the buildings within it are dispersed, it is centred around the Church of St Michael and All Angels. The MHCA has an open and inherently rural character. Consequently, the open fields and hedgerows make an important contribution to the conservation area. Its special interest and significance are therefore largely derived from its agrarian past alongside the architectural variety of its historic buildings. The conservation area comprises several listed buildings including the 12th century church and the Old Rectory and Orchard House which are opposite and adjacent to the appeal site, respectively. The predominantly open appeal site makes a positive contribution to the dispersed form of local development.
8. The proposal would involve the construction of a two storey live-work unit. The building would include dormer windows and a cottage style with a low roof. However, the proposal would also include a front projecting feature that would be clad and include large, glazed panels, creating a contemporary element that would not complement the traditional design of the main building. This would create a harmful juxtaposition of components. Furthermore, the proposed live-work unit would occupy most of the width of the plot, introducing a large mass that would be disproportionate to the proportional scale of development within local plots.

9. Due to its elevated position, the proposal would be a prominent addition to the street scene and be intrusive in consideration of the open and dispersed character of surrounding development. The harmful impact of the proposed dwelling would be compounded by the extensive area of hardstanding and gates proposed in front of the dwelling and the removal of the boundary hedge. Taken together, these elements would create more open views of the site and reveal an urbanised site with pronounced built form.
10. Accordingly, the loss of the hedge, significant land regrading to the site frontage alongside considerable built form and hardstanding, would result in a form of development that would be out of character with the prevailing open and rural pattern of development within the MHCA. The removal of the front hedge would also make the site and subsequent development more prominent within the MHCA and would have a detrimental visual impact on wider views of the site.
11. For the above reasons, the proposed development would result in harm to the character and appearance of the MHCA which would fail to preserve its significance as a designated heritage asset. Under the terms of the Framework, the degree of harm to the MHCA would be at the lower end of less than substantial but nevertheless of considerable importance and weight. It would also result in harm to the character and appearance of the surrounding area.
12. Accordingly, the proposal would therefore fail to satisfy the requirements of the LBCA Act and conflict with the Framework where it seeks to conserve and enhance the historic environment. It would also conflict with Policies SWDP6, SWDP21, SWDP24 and SWDP25 of the SWDP. These policies, amongst other things, support development proposals where they conserve and enhance the significance of heritage assets, including their setting; conserve and enhance the special qualities of the landscape; and require development proposals to be appropriate to, integrate with and complement the character of the area and landscape setting. I attach significant weight to the harm that would be caused.

Whether inappropriate development

13. The appeal site is within the West Midlands Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy SWDP2(A) (v) of the SWDP requires development to maintain the openness of the Green Belt whilst SWDP2(E) allows the development of new buildings in the Green Belt in accordance with national policy as set out in the Framework.
14. Paragraph 155 of the Framework sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where it utilises grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt; where it would meet a demonstrable unmet need; would be in a sustainable location; and (where applicable) meets the 'Golden Rules'. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case does not contribute to any of the purposes (a), (b) or (d) in paragraph 143. It also excludes land where the application of policies relating to the areas or assets in footnote 7 (other than the Green Belt) would

provide a strong reason for refusing or restricting development. Designated heritage assets are included in the list of exclusions.

15. The proposal would cause less than substantial harm to the significance of the MHCA, which is a designated heritage asset. The Framework is clear that great weight should be given to heritage assets' conservation and where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. For reasons that are considered later in this decision, the public benefits would not outweigh the harm identified. The proposal therefore conflicts with the historic environment protection policies of the Framework and Policies SWDP6 and SWDP24 of the SWDP which require that development conserves and enhances heritage assets and, where a development will lead to less than substantial harm to the significance of the designated heritage asset, that permission is not granted unless the harm caused is outweighed by public benefits.
16. The Council asserts within its officer report Green Belt assessment that there is no strong reason to refuse under Footnote 7 of paragraph 11d of the Framework and the appeal site can therefore be considered as 'Grey Belt'. However, the Council considered that the proposed development conflicted with its heritage policies within the SWDP and I have also concluded that the proposal would harm the MHCA. Consequently, the identified harm provides a strong reason for refusing the development and the site would therefore not meet the definition of Grey Belt land. The proposal therefore cannot be considered under the exception at paragraph 155 of the Framework.
17. The exception at paragraph 154 e) of the Framework allows for limited infilling in villages. 'Limited infilling' is not defined in the Framework but is commonly understood to be the development of a small gap within an otherwise built-up frontage. In this case, the gap that exists between the neighbouring dwelling to the east and the closest dwelling to the west extends across not only the appeal site but private garden space of significant size. As such, the appeal site does not form a gap in an otherwise built-up frontage but sits within a dispersed pattern of development. From my site observations, the appeal site would not be sufficiently enclosed or surrounded by adjoining development to be accurately described as an infill plot. Even if this was not the case, as the appeal site is not sat within a defined village boundary, the proposal cannot therefore represent limited infilling in a village.
18. Consequently, having assessed the site-specific circumstances, the appeal scheme does not comprise limited infilling and therefore does not meet the exception under paragraph 154 e) of the Framework.
19. Another exception at paragraph 154 g) of the Framework is the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
20. The Council considers the appeal site to be previously developed land (PDL) due to the existing stable building on the site. However, apart from this small wooden structure, the site is predominantly grass (when not overgrown) with no identifiable areas of hardstanding. The definition of PDL in the Framework includes land that

has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it. It also includes land comprising large areas of fixed surface infrastructure such as areas of hardstanding which have been lawfully developed.

21. In this case, only a small proportion of the appeal site has built development on it (namely the stable building and any associated hardstanding) which could be regarded as PDL. The proposal would see the development of a significant area of undeveloped land which would not comply with the requirements of paragraph 154 g) of the Framework. However, even if the whole of the appeal site is classed as PDL, there remains a requirement to ensure that the proposed development would not cause substantial harm to the openness of the Green Belt.
22. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and its essential characteristics are therefore its permanence and openness. Considerations of openness have both visual and spatial aspects. I note that the proposed development would provide appropriate space between the development and the side boundaries of the site and that two-storey built form exists on the neighbouring sites. However, the proposal would introduce significant built form on land where there is presently little permanent development. The footprint of the live-work unit would fill much of the width of the site and together with the access, parking spaces and turning areas would cumulatively fill around half of the depth of the site.
23. The development would also result in a marked increase in activity on the site with the comings and goings associated with not only a dwelling but also an employment use. In addition, the development would see the domestication of the remaining land to a private garden area with associated domestic paraphernalia. The dwelling would be highly visible from the highway, surrounding residential properties and the Church of St Michael and All Angels and its associated grounds. Given the village's rural character with associated open and dispersed pattern of development and the elevated nature of the site, the development would be prominent in both short and long-distance views and would result in a more urbanised character. Overall, when spatial and visual effects are taken together, there would be substantial harm to the openness of the Green Belt. Accordingly, the proposed development would not meet the exception set out in paragraph 154 g) of the Framework.
24. Consequently, the proposed development does not meet any of the exceptions listed in paragraphs 154 and 155 of the Framework. The proposal would therefore be inappropriate development within the Green Belt. Such development would, by definition, be harmful to the Green Belt as described in paragraph 153 of the Framework.

Highway Safety

25. Church Lane is a single carriageway with a 30 miles per hour speed limit, no street lighting, and no footpath. An existing blind bend to Church Lane is located to the east of the site. Church Lane terminates in a dead end in front of the church. The existing site access off Church Lane is at around a 45-degree angle with a steep gradient and limited visibility due to the existing frontage hedge.

26. The existing stable would have been likely to have had minimal visitors to the site resulting in limited vehicular movements. Whilst the proposed live-work unit could reduce the need to travel to work when compared to a proposal solely for residential use, not all occupiers may work at the site and there would be a need to travel to access other services and facilities. Consequently, the proposed development would be likely to represent an increase in vehicular movements than the site currently generates.
27. Church Lane ends in a dead end, around 90m to the west of the site. The proposed site plan illustrates the site visibility splay of 2.4m x 31m could be achieved to the east and 2.4m x 42m to the west. These would fail to comply with the 2.4m x 43m splay required by the Highway Authority, especially in views to the east. Based on my visit, the visibility splay to the west across a narrow grass verge would be acceptable, however the splay to the east would cross adjacent land comprising of a tall hedge and visibility would be restricted. The visibility splays would also appear to cross over third-party land, for which there would be no ability to guarantee that the splay could be maintained in perpetuity.
28. I acknowledge that despite the visibility splays failing to meet the requirement, the proposed access and some wider visibility would be an improvement on the existing arrangement. However, whilst the general speed of traffic using Church Lane is likely to be below the speed limit, the highway is a single carriageway with no footpath, and no details have been provided regarding vehicle tracking or the gradient of the access drive. As such, the plans fail to demonstrate that the site access could accommodate delivery vehicles, refuse collection or emergency vehicles or that they could safely enter and exit the site in a forward gear. This would give rise to potential conflicts with pedestrians and other road users in the highway.
29. Consequently, I find that the development would be harmful to highway and pedestrian safety with regard to safe access and egress. This is contrary to Policy SWDP4 of the SWDP which seeks to ensure, amongst other things, that new development minimises demand for travel, provides genuine sustainable travel choices and addresses road safety. I attach notable weight to the harm that would be caused.

Heritage Assets

30. Paragraph 207 of the Framework requires applicants to describe the significance of any heritage assets that may be affected by a proposal including any contribution made by their setting. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise.
31. In this instance, only a cursory assessment was undertaken by the appellant. Despite the limited heritage information submitted, I have concluded on the effect of the development on the MHCA. However, I am unable to discharge my statutory duty in relation to the adjacent Grade I and II listed buildings as insufficient information has been provided to determine the potential harm.
32. Consequently, the proposal conflicts with Policy SWDP24 of the SWDP which amongst other things requires proposals that are likely to affect the significance of a heritage asset, including the contribution made by its setting, to be accompanied by a description of its significance in sufficient detail to allow the potential impacts to

be adequately assessed. The proposal would also be contrary to Paragraph 207 of the Framework. This finding adds further significant weight against the proposal.

Part G of SWDP policy SWDP8

33. Policy SWDP8 of the SWDP 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 seven criteria which seek to ensure that proposals are genuinely intended for employment purposes.
34. The Council contends that the proposal does not meet criteria iii) of Part G. Criterion iii) requires the 'live' and 'work' elements within the unit to be entirely separate. The Council asserts that the 'live' element within the unit would not be ancillary to the 'work' element.
35. Despite the domestic appearance of the unit, including the provision of French doors to the workspace allowing direct access to the front drive, I am satisfied that the internal subdivision of the unit means that the work element would be appropriately separated from the living accommodation. The work and residential elements within the unit would have separate entrances and toilet facilities. I note that the work and residential components would have access to the same front garden space, driveway, and parking area, but such an arrangement is not precluded under the terms of Part G. Therefore, the proposal would accord with criterion iii) of Part G.
36. Whilst the unit would have a domestic appearance, such an approach is not prevented 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 physically or architecturally separate.
37. Details regarding the end user have not been provided. However, this is not a requirement of Part G. Nor is the requirement to demonstrate that the unit has been designed as a practical and functional workspace.
38. Taking all the above into account, the proposed development would include a live-work unit that would accord with Part G of SWDP policy SWDP8. In doing so, the proposal would also accord with Policies SWDP1 and SWDP2 insofar as the proposed development would fall within the exceptions outlined in the development strategy and settlement hierarchy for development within the open countryside.

Emerging plan

39. The live-work policy has been reviewed within the SWDPR, and it now forms a material consideration in accordance with paragraph 49 of the Framework. The revised policy, SWDPR14, includes nine criteria, some of which are within the adopted SWDP policy.
40. The main changes to the policy which are applicable to the appeal proposal include: i) that the development is located within or adjacent to a town or Category 1, 2 or 3 village; ii) that the work element of the proposal relates to an existing, established and economically viable business that has been trading for at least 3 years; iii) that the residential and employment floorspaces are combined in a single building at a scale appropriate to the location and setting, and criteria v) that the residential accommodation does not exceed 100sq.m.

41. Based on the evidence before me, the appeal proposal would fail to comply with criteria i) and iii) as the site is not located within or adjacent to a town or Category 1, 2 or 3 village and based on my assessment of character and appearance above, the proposed scale of development would not be appropriate to the location and setting. I am unable to assess the proposal against criteria ii) as no evidence is before me regarding the proposed employment occupier. I will consider this further in the overall planning balance below.

Living conditions for future occupiers

42. The appellants evidence indicates that the appeal site is approximately 20m in width by 85m in length. Whilst the proposed site plans do not illustrate the full extent of the plot, they do indicate that around half of the site would be developed. This would subsequently leave around 40m of plot depth behind the live-work unit for private rear garden space.
43. The layout plans for the live-work unit indicate that there would be no direct access from the work element of the unit into either the rear or side garden space. However, access to the space appears to be unrestricted. Whilst details relating to boundary fencing are not before me, a suitably worded condition to secure details of boundary treatment restricting access into the rear garden space could be imposed, that would address this concern.
44. For the above reasons, I consider that the proposal would provide sufficient private garden space for the future occupiers of the live-work unit. Accordingly, in relation to the provision of private garden space, the proposal would comply with the requirements of Policy SWDP21 of the SWDP, which amongst other things requires development to provide an adequate level of privacy.

Other considerations

45. I have found that the proposal would be inappropriate development in the Green Belt and thus should not be approved except in very special circumstances. It is therefore necessary to consider the grounds put forward by the appellant, to determine whether there are any material considerations which would amount to very special circumstances that would outweigh the harm by reason of inappropriateness, and the harm that I have identified to the character and appearance of the area, highway safety and the potential harm to the setting of nearby listed buildings.
46. I have concluded above that the entire site does not constitute PDL as only a small proportion has been previously built on. Nevertheless, the proposed development would make use of underutilised land for a live-work unit making efficient use of land, which is supported by the Framework. Benefits would derive from the delivery of one dwelling within the live-work unit that would contribute to the Government's objective to significantly boost the supply of housing. However, the contribution that would be made by one dwelling comprising part of the live-work unit would be modest, even in the context that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Overall, this benefit attracts moderate weight.
47. Social and economic benefits would also arise during construction and after occupation whilst environmental benefits would ensue through a minimum 10% Biodiversity Net Gain on site. Further environmental benefits would be achieved

through a minimum 10% reduction in the overall carbon emissions of the development using a fabric first approach; thermal bridging; energy efficient lighting, doors and windows alongside roof mounted solar panels. I also acknowledge that the proposed development would be for self-build. However, as this cannot be secured by a planning condition and no legal mechanism is before me to secure it, limited weight can be attached to this benefit. Overall, these benefits would have modest weight when considering the scale of development proposed and the modest size of the site in question.

Heritage Balance

48. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons set out above, whilst I have been unable to assess the impact of the development on the adjacent listed buildings, I find that the proposal would result in harm to the character and appearance of the MHCA, which would fail to preserve its significance. I have found the harm to be less than substantial but nevertheless it must be noted that even less than substantial harm to a designated heritage asset carries great weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.
49. As I have outlined above, the proposed development would bring forward some public benefits, notably in relation to the delivery of a live-work unit on underutilised land and the consequential social, economic, and environmental benefits. However, when considered cumulatively, these public benefits would be relatively modest and would not outweigh the harm I have identified to the MHCA and consequently, the great weight to be attached to the conservation of heritage assets. The proposal would therefore conflict with the historic environment protection policies of the Framework and Policy SWDP6 of the SWDP which requires development proposals to conserve and enhance designated heritage assets.

Green Belt Balance

50. Paragraphs 153 and 154 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
51. The development would be inappropriate development in the Green Belt, which, would be harmful to the Green Belt as described in paragraph 153 of the Framework and would result in substantial harm to the openness of the Green Belt. Paragraph 153 also advises that substantial weight should be given to any harm to the Green Belt. I have also found that the proposal would harm the character and appearance of the area, including the MHCA, and highway safety. Clearly, therefore the degree of harm caused would be considerable.
52. Overall, when taken together and in the context of one live-work unit, the benefits of the development referred to above attract only moderate weight in favour of the proposal. I find that the other considerations put forward by the appellant fall far short of clearly outweighing the harm identified and thus the very special circumstances necessary to justify the development do not exist. As such, the

development therefore conflicts with Policy SWDP2 of the SWDP which sets out that development of new buildings in the Green Belt will be supported where they meet national policy as set out in the Framework and where the openness of the Green Belt is maintained.

Planning Balance and Conclusion

53. On consideration of the Council's housing land supply position at 1.1 years, paragraph 11(d) i) of the Framework indicates that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists designated heritage assets (which includes conservation areas) and Green Belt as assets of particular importance.
54. I have found that the proposal would be inappropriate development in the Green Belt and the very special circumstances necessary to justify the development do not exist. I have also found harm to the significance of the MHCA. Both findings provide strong reasons for refusing planning permission. Therefore, for the avoidance of doubt, paragraph 11 (d) ii) regarding the presumption in favour of sustainable development is not engaged in this instance.
55. Whilst the proposed development would comply with the SWDP Policy 8(G) in relation to live-work units, it would conflict with the revised live-work policy SWDPR14 within the SWDPR. Given that this policy is not subject to any modifications or unresolved objections, I afford considerable weight to the revised policy as a material consideration, and this weighs further against the proposal.
56. Accordingly, the proposal conflicts with the development plan when read as a whole and the material considerations do not outweigh that conflict.
57. For the reasons given, the appeal should therefore be dismissed.

P Brennan

INSPECTOR