



Appeal Decision

Site visit made on 6 May 2025

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/W1850/W/25/3359297

Land at Ledbury Road, Wellington Heath, Ledbury HR8 1NB

- 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 Abbatiello of Wellington Heath Developments Ltd against the decision of Herefordshire Council.
 - The application Ref is 232093.
 - The development proposed is erection of 5 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Malvern Hills National Landscape (formerly Area of Outstanding Natural Beauty). On 26 December 2023, section 245 of the Levelling-Up and Regeneration Act (the LURA) amended the duty in respect of National Landscapes, strengthening the statutory purpose of conserving and enhancing the natural beauty of National Landscapes. Guidance on furthering the purposes of Protected Landscapes (including National Landscapes) was published on 16 December 2024.
3. Comments were sought from the main parties as to the relevance of the LURA and the Protected Landscapes guidance to the appeal. I have had regard to these documents, and I have taken the comments received from the main parties into account in my consideration of the appeal.

Background and Main Issue

4. The Council's appeal statement indicates that, subject to the imposition of an appropriate condition relating to ecological mitigation and enhancement, it no longer wishes to uphold refusal reason 2 in its Decision Notice. Having considered the information submitted, I find it reasonable to conclude that, with an appropriate condition, any potential harm to protected species populations, priority habitats or other ecological features could be mitigated, if the appeal were allowed. In light of the above, there would be no identifiable conflict, in this respect, with Policy SS1 and SS6 of the Herefordshire Local Plan Core Strategy 2011-2031 (October 2015) (HLP) and Policy WH13 of the Wellington Heath Neighbourhood Development Plan 2011 -2031 (made October 2018) (the WHNDP), as referred to in the Council's Decision Notice.

5. Accordingly, the main issue in this appeal is effect of the proposed development on the character and appearance of the area, including whether it would conserve and enhance the natural beauty of the Malvern Hills National Landscape (MHNL).

Reasons

6. The appeal site relates to a largely open overgrown parcel of land that slopes sharply upwards from Ledbury Road. The site is located on the western edge of the settlement of Wellington Heath with open countryside and long-distance views to the west behind a mature vegetative boundary. To the east of the site is an area of woodland. The prevailing pattern of development in Ledbury Road is largely dispersed, ad hoc and of traditional design, contributing to the rural character of the area.
7. The site lies within the MHNL, an area designated for its landscape and scenic beauty. One of the statutory purposes of National Landscapes is conserving and enhancing their natural beauty. The National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues. When seeking to further the purposes of National Landscapes, relevant authorities are advised to consider the information contained in a Protected Landscape's Management Plan¹.
8. The Malvern Hills Area of Outstanding National Beauty Management Plan 2019-2024 (the MHMP) sets out a shared vision and strategic framework for the conservation, enhancement and sustainable management of the MHNL. Policy BDP2 of the MHMP requires development in the MHNL and its setting to be in accordance with good practice guidance including that produced by the AONB Partnership. Policy BDP4 of the MHMP requires development proposals that may affect land in the MHNL to protect and/ or enhance key views and landscape character in accordance with AONB Partnership guidance documents. This includes the Landscape Strategy and Guidelines.
9. I am advised that the Landscape Strategy and Guidelines identifies ten landscape character types within the MHNL and that the appeal site falls within the Forest Smallholdings and Dwellings landscape character area (the LCA) which is described as an intimate densely settled landscape characterised by strings of wayside cottages and associated smallholdings and open spaces. The LCA is noted as containing a mix of different style buildings nestled within a complex matrix of small pastoral fields, historic orchards and a network of winding lanes. The ad hoc pattern of settlement and fields along with its semi-natural heathy/ acid grassland vegetation is a distinctive feature of the LCA. I understand that the Landscape Strategy and Guidelines advise that new development should reinforce and integrate with the surrounding rural landscape, maintaining the rhythm of buildings and open spaces. The MHMP notes that lack of attention to issues such as local design, layout, scale and materials can harm the special qualities of the MHNL and diminish the distinctiveness of the built environment. In addition, I am advised by the appellant that the appeal site falls within the Undulating Woodland Farmland and Estates and Wooded Limestone Ridges landscape character types as identified in the Herefordshire Landscape Character Assessment (2023).

¹ Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes, 12 December 2024, Department for Environment, Food and Rural Affairs.

10. I acknowledge that the proposal would provide five four-bedroom houses with associated large plot sizes, in accordance with Policy WH4 and WH7 of the WHNDP. However, Policy WH5 of the WHNDP, amongst other matters, requires development to be appropriate in terms of its scale, mass, character and siting. It also requires hard surfacing around new development to be kept to the minimum and use of materials which blends with the rural landscape. Each new building is expected to make a positive contribution to local distinctiveness and have its own individual style and design. In addition, new buildings are required to integrate with the landscape and incorporate visual design cues and materials from pre-1900 buildings.
11. The proposal is for five two storey houses within similar sized plots, each with a detached double garage served by an internal road. The larger of the houses share a broadly similar design though they differ in architectural detailing, choice of materials and façade articulation. The smaller houses are of a similar design, including consistent roof forms and materials. All of the proposed garages are generally consistent in design, incorporating flat roofs and are of a uniform scale. The Proposed Block Plan² shows that the dwellings would follow a rhythmic alignment and be largely oriented to face Ledbury Road. As a result of these factors, the proposed scheme would appear overly uniform and suburban in appearance, lacking variation and failing to reflect the ad hoc arrangement of buildings and organic varied character of the rural settlement.
12. Each of the dwellings would have a first floor balcony. While the appellant's appeal statement indicates that the balcony balustrades would be timber as opposed to glass, the submitted plans do not appear to show that timber would be used. Some of the balconies would span the majority of the width of the dwelling. Large expanses of timber or glass across multiple elevations in close proximity to one another would be visually prominent within the traditional vernacular of the area where stone and brick predominate.
13. Combined with the excessive size and number of windows on the proposed dwellings, the proposal would create visual clutter and be discordant with the typically modest sized windows of the traditional houses in the area. The reflective surfaces, particularly those in an elevated position, would draw attention, create glare and visual intrusion within the rural landscape setting of the site. Furthermore, the elevated ground levels of the site would exacerbate the prominence and incongruity of the proposed development in surrounding views.
14. The appellant contends that in order to provide an internal service road, maintain the existing hedgerow and ensure the development does not break the skyline of the ridge, the dwellings can only be accommodated in the central part of the site. However, based on the submitted plans, it would appear that other factors such as the size and length of the proposed driveways and the position of the detached double garages have also influenced the proposed position of the dwellings within the site. Therefore, I am not persuaded that the appeal scheme is the only way the site can be developed or that the proposed dwellings can only be accommodated in the central part of the site.
15. While flat roofed, the detached uniform double garages that would be sited in front of each dwelling, would nevertheless be visually prominent, undermining the rural

² Ref. 2315 - 01 – Rev C - Proposed Block Plan

character and organic layout of housing in the area. The garages would also diminish the sense of space between the dwellings and result in an over-dominant and suburban appearance in the MHNL.

16. While the dwellings would be proportionate in size to their individual plots and display some variation in design and materials, taking cues from the surrounding area, this does not itself justify the overall effect of the proposed development on the character and appearance of the area. The proposed development, by virtue of its extensive hard surfacing, regimented layout, excessive fenestration, expansive balconies, and overly suburban design would fail to respect the prevailing local vernacular and erode the rural character of the area.
17. Furthermore, due to the lack of a detailed landscape scheme, it has not been demonstrated that the proposal would be well-screened along Ledbury Road or that the proposal would reinforce and integrate with the sensitive landscape of the MHNL and the intricate topography of the area.
18. The appellant has pointed to Site 19a North where the Council is purported to have permitted houses of similar size and massing. However, the number, orientation, spacing, layout, design and external materials of those houses are different to the appeal scheme so are not directly comparable. In any event, I have considered the proposal on its own merits.
19. The designation of the woodland area east of the site as Local Green Space under Policy WH2 would not mitigate for the proposal's adverse effect on the character and appearance of the site and the surrounding area, including the MHNL.
20. While the appellant contends that the wider village settlement is denser and has a greater degree of formality than the appeal scheme, those dwellings are not located in Ledbury Road where development is more dispersed and ad hoc in arrangement.
21. For the reasons given, the proposed development would cause significant harm to the character and appearance of the area, including the landscape and scenic beauty of the MHNL, thus failing to conserve and enhance its natural beauty. There is conflict with Policies SS6, SD1 and LD1 of the HLP insofar as they require development proposals to respect local character and context, and conserve and enhance landscape, townscape and local distinctiveness, especially in the MHNL. The proposal also conflicts with Policies WH5 and WH7 of the WHNDP insofar as they require development to protect and enhance local landscape character, minimise hard surfacing, use materials which blend with the rural landscape, be of an appropriate scale, mass and character and be well-screened along Ledbury Road.
22. The Council has referred to conflict with Policy WH4 of the WHNDP. However, this policy relates to the mix of new housing so is not determinative on this main issue. In any event, Policy WH4 specifically states that development on all sites other than allocated Site 19a South should provide a mix of houses. The appeal site falls within allocated Site 19a South so is not required to provide a mix of houses.

Planning Balance and Conclusion

23. The Council is unable to demonstrate a five-year supply of deliverable housing sites with only 3.06 years supply. In these circumstances, paragraph 11 d) of the Framework is engaged.
24. However, I have concluded that the proposal would cause significant harm to the landscape and scenic beauty of the MHNL, thus failing to conserve and enhance its natural beauty, which provides a strong reason for refusing the development in accordance with paragraph 11 d) i) of the Framework. There is, therefore, no need to refer to the test in paragraph 11 d) ii) of the Framework. Consequently, the presumption in favour of sustainable development does not apply.
25. The addition of five houses would contribute to the overall housing supply which is in shortage in the area. There would be social and economic benefits associated with the provision of housing. However, given the small scale of the development, these benefits carry moderate weight in the planning balance.
26. On the other hand, the proposal would cause significant harm to the character and appearance of the area, including the natural beauty of the MHNL. Accordingly, the proposal conflicts with the development plan when considered as a whole. The moderate benefits of the proposal would not outweigh the significant harm identified.
27. The material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR