

Appeal Decision

Site visit made on 3 June 2025

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/H1840/W/25/3362973

Land at (OS 8427 6369), Apple Tree Walk, Ombersley, Worcester, Worcestershire WR9 0HQ

- 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 Apple Tree Walk Developments Ltd against the decision of Wychavon District Council.
- The application Ref is W/24/00965/FUL.
- The development proposed is construction of 9 dwellings consisting of a mix of 2, 3 and 4 bedrooms (including 1 no 'first home'), including new vehicular access, turning and parking, and green infrastructure.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form had the briefest of addresses, simply "Land south of Apple Tree Walk" with no town or county. Between them, the appeal form and the Council's decision notice provide a more complete address, which I have used above.
3. I have had regard to the latest version of the National Planning Policy Framework¹ (the Framework) in reaching my decision.
4. The emerging Local Plan is still currently under examination and unlikely to be adopted until Spring 2026. In light of its stage of preparation and as any relevant policies may still be subject to change, I attach limited weight to them.
5. The Council's third refusal reason related to insufficient information about the impact on the trees that would be retained. The appellant has submitted an Arboricultural Impact Assessment. The Council has confirmed it will no longer contest this reason for refusal. I have no reason to take a different view.
6. The appellant has also submitted a completed and dated Planning Obligation². This would secure the provision of a 'First Home', which is a form of affordable housing, as well as a financial contribution towards the 0.8 affordable housing unit remaining³ and financial contributions towards formal sports and leisure provision (Ombersley Tennis Club and Ombersley Cricket Club). In the light of this, the Council has confirmed that these matters, which were the basis of the fourth

¹ Published 12 December 2024

² Pursuant to Section 106 of the Town and Country Planning Act 1990

³ On sites of between 5-9 dwellings Policy SWDP15 requires 20% affordable housing. Based on the proposed 9 dwellings, this would equate to 1.8 dwellings on this site, but with 0.8 dwelling provided as a financial contribution.

refusal reason, have been acceptably addressed and the Council no longer contests this reason for refusal. I have no reason to come to a different conclusion.

7. As the appeal site is located within a conservation area and there are listed buildings nearby, I am required under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the setting of the listed building(s) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issue

8. In light of the above, the main issue in this appeal is the effect of the proposed development on the character and appearance of the area, with regard to the location of the site within the Ombersley Conservation Area (the OCA) and the effect on the setting of nearby Grade II listed buildings, namely Raymond House, Shrubbery House and Styles Farmhouse.

Reasons

Significance of the heritage assets

9. The appeal site is a field parcel located to the west of the centre of the village between Holt Fleet Road and a small modern housing estate off Apple Tree Walk. It lies within the OCA, in one of its four character areas that the Conservation Area Appraisal (the CAA) describes as being "Development to the north of the roundabout".
10. The CAA describes Ombersley as an old settlement with Saxon origins. The medieval historic core and road layout is still apparent, with the oldest buildings grouped around the lower crossroads and Church Lane. Since the late 16th century the Sandy family has been associated with the village. Their home is the current Grade II* listed Ombersley Court (built on the site of the former Abbots buildings south of Holt Fleet Road) and its surrounding Registered Park and Garden. With the family's influence came new developments in the 18th and 19th centuries that saw the village extended, consolidated and flourish.
11. The character of the area to the north of the roundabout, that includes the appeal site, has seen most modern development along the A4133 heading north. There are a mix of building styles and periods and a looser framework pattern of development compared to the tighter grain of the medieval core where properties are closer together. Nearer to the appeal site, gardens are generally larger.
12. In addition to the abundance of mature trees that give a leafy backdrop to the village, I saw there were also a number of open spaces and large gardens, some more visible than others. The appeal site is listed as one of five specifically mentioned areas of open space that the CAA describes as being an important part of the character and appearance of the village and shown on the map in the CAA and which are annotated on the map in the CAA as "prominent open spaces".
13. Compared to the open 'Wedding Field' beside the roundabout, for example, I accept that the appeal site is less visible or prominent in that it is not adjacent to one of the main roads through the village and is well screened from the road by mature vegetation, although the field gate and drive to Raymond House provide clear views of the site from parts of Apple Tree Walk.

14. However, an open space does not have to be public, highly visible or 'prominent' for it to make a contribution to the OCA as I found from my observations. Walking around the village I saw that the undeveloped nature of these identified open spaces, together with gardens and the significant presence of trees combine to create space and gaps between buildings and areas of development that give a verdant and spacious character and appearance to the village and the OCA. This is reinforced by the CAA's comments about private gardens that "*Although are not always entirely publicly visible these are important as undeveloped open spaces in the character and appearance of the Conservation Area*". The appeal site is further described as being a 'natural buffer' separating Shrubbery House, Raymond House and Orford Lodge (that front Holt Fleet Road) from the nearby modern development at Apple Tree Walk and provides them with a green setting.
15. From the evidence before me and what I saw during my site visit, I consider the character and appearance of the OCA, and thus its special interest and significance, insofar as it relates to this appeal, are in part derived from the architectural richness and variety of its surviving historic buildings, including the medieval core with historic form and street pattern, the strong influence of the Sandys Estate and the relationship of the village's various buildings and open spaces that reflect the social and economic development of the village. Whilst the various identified open spaces make varying contributions to the character and appearance of the OCA due to their nature, uses and different locations around the village, the undeveloped nature of the appeal site as one of the identified important open spaces in the village that positively contributes to the character and appearance of the OCA.
16. Two of the nearby listed buildings are Shrubbery House⁴ and Raymond House⁵, both Grade II listed. The listing describes them both as being similar and contemporary to each other. They date from around the early 19th century, are 2-storey, 3-bay brick houses with plain tiled hipped roofs and dentiled eaves, cornices and entablature and pilaster surrounds to a partly glazed door. Both front Holt Fleet Road and sit behind a tall hedge. The rear gardens, in particular that of Shrubbery House, adjoin the southern boundary of the appeal site. They reflect part of the early 19th century growth of the village.
17. Styles Farmhouse⁶ on the corner of Apple Tree Walk on the site's eastern boundary, is a part timber-framed former farmhouse, now house, dating from about the 17th century with 19th century alterations and additions. With its exposed timber framing and other features, such as collar-and-tie beam trusses with queen struts, it is a good example of a post-mediaeval timber-framed vernacular farmhouse that reflects the agricultural history of the village.
18. From the submitted evidence and my observations, the special interest and significance of these listed buildings, insofar as they relate to these appeals, are largely derived from their architectural, historic and archaeological interests in illustrating vernacular architecture in a rural Estate village. Their age, use of traditional materials and construction, and surviving historic fabric make important contributions in these regards.

⁴ National Heritage List for England: list entry number 1350165

⁵ National Heritage List for England: list entry number 1173179

⁶ National Heritage List for England: list entry number 1081177

19. The special interest and significance of the assets can also be derived in part from their surroundings, or setting, in which the listed buildings are experienced. Both Shrubbery House and Raymond View are designed with their principal elevations and main architectural features facing Holt Fleet Road, as part of this relatively undeveloped edge of village location. Views of the properties from the road are limited due to the tall hedge and their close proximity to the road.
20. The 1880s 1st Edition Ordnance Survey map extract in the CAA shows the appeal site undeveloped and indicatively planted with trees, possibly an orchard, with Apple Tree Walk to the north and fields beyond. The map shows the appeal site clearly separated/bounded/demarcated from Shrubbery House, Raymond House and Styles Farmhouse and their 'gardens' much as it is today. This indicates to me little historic function between the appeal site and any of these listed buildings.
21. Whilst the appeal site provides a pleasant green aspect to the rear of Shrubbery House, it affords limited views of the side and rear elevations, no views of the principal architectural elevation and does not give a very meaningful appreciation the building's historic interest or its edge of village location. Overall it makes a limited contribution to the setting of the listed building.
22. Styles Farmhouse and Raymond House are more separated from the appeal site by a north-south vehicular track off Apple Tree Walk, their physical location on the east side of the site and by fencing and mature vegetation that effectively screens them from view, such that little of either dwelling is visible from the appeal site. The heritage significance of Raymond House is best appreciated from Holt Fleet Road and Styles Farmhouse is best appreciated from Apple Tree Walk. Thus the appeal site makes a neutral contribution to both their settings.

The effect of the proposal

23. The proposed 9 dwellings would extend across the site east to west. A new access point would be formed by creating an opening in the mature hedge along the site's northern boundary with Apple Tree Walk. It would be a shared drive with a hammer head at each end and would give access to each dwelling. In addition to parking spaces outside each dwelling there would be carports to offer covered parking. The proposal would comprise a mix of detached, linked detached and semi-detached dwellings. One of the 2-bedroom dwellings would provide a 'First Home' affordable dwelling.
24. The dwellings would be broadly aligned in a linear manner across the site, despite some attempt to stagger the building line. The provision of car ports would create even more structures across the site. The frontage would be dominated by hardstanding and driveways with very little landscaping to soften the frontage to each dwelling, despite the proposed wildflower meadow and the set back of the dwellings. The dwellings would be sited close together, with either a driveway or nominal boundary between them. Plots 1 and 9 in particular are close up to the site boundaries with car ports angled to fit in such that they are shoe-horned into the site. The design of the dwellings is also unremarkable for a village with substantial historic heritage, although I have no reason to doubt the actual build-quality. The linear alignment of the dwellings and their proximity to each other would be at odds with the prevailing looser-knit pattern of nearby development, including the modern development the other side of Apple Tree Walk. The result is an unduly suburban form of development that would fail to satisfactorily integrate

and respond to the character and appearance of the area on this edge of village location and would amount to poor design.

25. Moreover, the physical presence of built development on an undeveloped parcel of land would remove the 'green buffer' and materially erode the open characteristics of the site, which is identified and protected for its contribution to the overall openness and spaciousness of the OCA. As the appeal site is an integral part of the OCA it follows that the heritage significance of the conservation area would be diminished and thus harmed by the proposal. Hence the proposal would neither preserve nor enhance the character or appearance of the OCA as a whole.
26. The retention of most of the hedges along Apple Tree Walk, the public footpath and the site's southern boundary with Shrubbery House would provide some seasonal screening and additional tree planting and a wildflower meadow would retain some of the openness. However, this would not mitigate against the presence of built development and hardstanding on the site and the resulting loss of an area of important open space.
27. The proposal would interrupt views across the appeal site towards the rear and sides of Shrubbery House, and to a lesser extent Raymond House and Styles Farmhouse. But this would not adversely affect the setting of these buildings where the appeal site makes little or a neutral contribution to their significance. Their main relationships and settings with Holt Fleet Road and Apple Tree Walk and the village would be retained. Hence, the proposal would not adversely affect the setting of the listed buildings nor harm their significance.
28. The failure to preserve or enhance the character or appearance of the OCA fails to satisfy the requirements of the Act and the provisions of the Framework. It would also conflict with Policies SWDP6, SWDP21, SWDP24 of the South Worcestershire Development Plan and Policies TOAD9 and TOAD10 of the Ombersley and Doverdale Neighbourhood Plan. Collectively these seek, amongst other things, to ensure that development is of a high quality, integrates into its surroundings and responds to buildings and features that contribute to the visual and heritage interest of the area, and conserves or enhances the historic environment. Development should also reflect the prevailing design and retain important open spaces identified in the CAA.

Other Matters

29. Ombersley Court and the Registered Park and Garden are not mentioned in the Council's refusal reasons. Dense tree planting was visible to the south of the site, but with the intervening road and properties there was no intervisibility between the appeal site and Ombersley Court. From the appeal site it was difficult to distinguish between trees within the Registered Park & Garden, and those within gardens, along the road or along the southern boundary of the appeal site. Whilst views towards the tree canopies would be reduced, I am satisfied enough tree cover would remain visible such that the setting of Ombersley Court and the Registered Park and Garden would not be affected and thus their significance would not be harmed. The top of the church spire is visible above the tree canopies from a few locations near the eastern side of the appeal site. However, it is not a significant feature of, or view from, the appeal site.
30. Interested parties have raised a number of other concerns. These are all important matters. However, given my findings in relation to the main issues based on the

Council's reasons for refusal there is no need for me to address them in the current decision.

Heritage and Planning Balance

31. The Framework states that heritage assets are an irreplaceable resource. Paragraphs 212 and 213 of the Framework state 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. Any harm to, or loss of, the significance of a designated heritage asset, from its alterations or destruction or from development within its setting, should require clear and convincing justification.
32. In finding harm to the significance of a designated heritage asset, Framework paragraphs 214 and 215 require the magnitude of that harm to be assessed. Given the nature and extent of the proposed development and against the advice in the Framework I find the harm to the significance of the OCA would be 'less than substantial'. Nonetheless, a finding of less than substantial harm still carries considerable importance and weight. Under such circumstances, paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal. Public benefits, as described in the national Planning Policy Guidance can be anything that delivers economic, social or environmental objectives and do not have to be visible or publicly accessible.
33. There would be some public benefits arising from the provision of 9 dwellings, one of which would be affordable. There would also be some short-term economic benefits to the wider local economy from jobs and the supply chain during the construction phase and some longer-term spend from future occupiers, at least some of which would likely be spent locally. There would also be some environmental benefits through some modest Biodiversity net gain from the provision of an on-site wildflower meadow and tree planting.
34. Provision of electric charging points is now a requirement of new housing development addressed by other legislation. Sustainable construction methods and improving greenfield run-off rates are good planning practices commonly used and expected of new development, such that they attract limited weight.
35. However, the Council cannot demonstrate a 5-year supply of deliverable housing sites - only a 1.1 year's supply. Thus paragraph 11d) of the Framework is engaged. This means that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
36. The provision of 9 dwellings would help meet the social aims of the Framework and help reduce the Council's housing deficit. It would also accord with the Framework's aims of boosting housing supply, recognising that small sites can make an important contribution to meeting the housing requirements of an area, and supporting the development of windfall sites, if they are suitable. I give this significant weight. The Council also has a shortfall of affordable housing, so the provision of 1 affordable dwelling would make a very modest contribution to that deficit. The site is within the boundary of a Category 1 village deemed suitable in principle for infill housing.

37. The financial contributions towards affordable housing and local sport and leisure provision in the submitted Planning Obligation are not benefits as they serve only to off-set the impact of the development on an area.
38. Whilst there are public benefits that weigh in favour of the proposed development, they are not sufficient to outweigh the great weight and considerable importance I attach to the harm that would occur to the OCA, a designated heritage asset. The design and layout of the proposal would also fail to appropriately respond to the character of the area such that it would amount to poor design.
39. In any event, with reference to footnote 7 of the Framework and given my conclusions above, the application of policies in the Framework that protect areas or assets of particular importance, which includes designated heritage assets, provides a strong reason for refusing the development proposed.

Conclusion

40. For the reasons given above, the appeal should be dismissed.

K Stephens
INSPECTOR