



Appeal Decision

Site visit made on 9 July 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2025

Appeal Ref: APP/J1860/W/25/3359999

Land at Lower Howsell Road, Leigh Sinton, Malvern WR13 5DZ

- 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 Maguire Holdings Ltd against Malvern Hills District Council.
 - The application Ref is M/23/01119/FUL.
 - The development proposed is change of use of land to a caravan site to provide 46 holiday caravans (to remain on site for 12 months per year) and one residential caravan for a manager (to remain on site for 12 months per year), together with associated infrastructure including hard and soft landscaping, access, parking and services.
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Decision

1. The appeal is dismissed and planning permission for change of use of land to a caravan site to provide 46 holiday caravans (to remain on site for 12 months per year) and one residential caravan for a manager (to remain on site for 12 months per year), together with associated infrastructure including hard and soft landscaping, access, parking and services is refused.

Background and Main Issues

2. The Council failed to determine the application within the prescribed period, however the Council has indicated in its statement that it would have refused planning permission had it retained the jurisdiction to do so.
3. Based on the evidence before me the main issues are the effect of the proposed development on:
 - the character and appearance of the area including the effect on the setting of the Malvern Hills National Landscape and existing hedgerows at the site; and
 - the Significant Gap between Leigh Sinton and Malvern.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land which is located adjacent to the junction of Lower Howsell Road and Leigh Sinton Road, outside the development boundary of Leigh Sinton. The site is mostly open with a belt of trees towards the south of the site and the remainder of the site mostly bound by mature hedgerow. The site is free of development and owing to the combination of open field land with mature vegetation has a distinctly rural character.

5. The land adjoining the site, on the east side of Leigh Sinton Road and Malvern Road comprises open fields with boundaries typically comprising mature hedgerows with intermittent groups and belts of trees. As such the appeal site contributes to a patchwork of open spaces which characterise this part of the countryside and the Principal Timbered Farmland landscape character type identified by the Worcestershire Landscape Character Assessment (August 2012).
6. It is proposed to change the use of the land to a caravan site involving the siting of 46 holiday caravans and a residential managers caravan around a new internal road. The existing access to the site would be closed and a new access provided on the northern edge of the site.
7. A Landscape and Visual Appraisal Report¹ (LVAR) has been prepared on behalf of the appellant. This contends that for the contextual area around the site, the level of landscape change resulting from the development would be minor because the site is already enclosed and separated from the surrounding landscape in near and distant views and because there is limited landscape connectivity between the site and its immediate context. The LVAR contends that the proposal would result in a neutral landscape change because of other similar leisure led land uses, built form and rural businesses in the contextual area. It also considers that for the majority of visual receptor groups no visual effects would occur due to the height and thickness of the hedge and woodland belt.
8. Some rural development including that associated with Springbrook Farm to the south exists relatively close to the appeal site. However, it is scattered and has an irregular development pattern, interspersed by open areas and landscaping and therefore does not detract from the rural character of the area. I saw at my site visit that development is underway on the west side of Leigh Sinton Road with access opposite the appeal site. However, the site is experienced as part of the open countryside and is not contiguous with other development.
9. Although there is a sense of enclosure owing to the existing landscaped boundaries of the site, it is nevertheless part and parcel of the wider landscape. I saw at my site visit that fields with similar boundaries are not uncommon nearby and as such the site is not separated from the surrounding landscape, as suggested by the LVAR.
10. Whilst the majority of the woodland and boundary hedging is proposed to be retained, the central part of the site would be populated by caravans, positioned in rows around the internal access roads. The roads would cut across the site, resulting in a harsh, urban appearance in this rural setting which would significantly alter the character of the site.
11. Some of the proposed caravans in the central section of the site would be separated by landscaping and a communal area and suds feature is proposed towards the east of the site. However, the individual plots would be close together meaning that the caravans would not have a significant degree of visual separation.
12. Very little landscaping or gaps to provide visual relief are proposed between and around the plots towards the edge of the site. The Council are critical of the proposed drainage strategy given the lack of surface level features throughout the

¹ Produced by Ryder Landscape Consultants Ltd on behalf of Maguire Land Holdings Ltd (July 2023)

site. Given the density of the layout; such features would be difficult to incorporate as part of an integrated landscaping scheme. The proposal would be at odds with the open, rural character of the area and this would be exacerbated by the regular, linear layout of the caravans, particularly near to the edges of the site. The proposed development would have a distinctly different character to other rural development in the vicinity.

13. The proposed caravans would be relatively low in height, and it is proposed that they be of a timber finish. Nevertheless, due to the number of caravans, their presence near to the edges of the site and their relatively dense layout, it is likely that they would be perceived through the boundary hedging, especially in winter months. There would be some areas where the woodland planting and existing vegetation would be removed to accommodate the caravans and access which would allow more visibility into the site from the surrounding roads.
14. Furthermore, the new access would afford views into the site through which caravans and hard surfacing would be clearly visible. This would be perceived as a significant change in local landscape character when experienced from vantage points close to the site. Given the proximity of the site to an existing settlement, near to a busy through-road there are likely to be a significant number of visual receptors on a daily basis.
15. Overall, the proposal would result in an incongruous and obtrusive form of development which would have a harmful effect on the character and appearance of the area.
16. However, I acknowledge that because of the relatively flat topography of the site, and surrounding area, combined with the low height of the caravans it is unlikely that their presence on the site would have a significant impact upon views towards and across the countryside from surrounding areas. Similarly, the key views identified in The Parishes of Leigh and Bransford Neighbourhood Plan 2022 – 2041 (Made November 2022) (NDP) are unlikely to be significantly affected.

Setting of National Landscape

17. Section 245 of the Levelling Up and Regeneration Act 2023, requires authorities to seek to further the purposes of National Landscapes (NLs). Planning Policy Guidance states that this duty is relevant in considering development proposals that are situated outside a NL but might have an impact on their setting or protection². The National Planning Policy Framework (the Framework) states that development within the setting of NLs should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.
18. The Malvern Hills NL is located a significant distance from the appeal site to the south and west. Distant views towards the appeal site would be possible from elevated vantage points within the NL. However given the distance involved, the presence of other development and landscaping features relatively nearby, the visual relationship between the NL and the appeal site is limited.
19. Little more than distant glimpses of the proposed development are likely to be possible and it would not be prominent in views from the NL. Consequently, the proposal would not result in adverse impacts upon the NL and in this respect the

² Paragraph: 039 Reference ID: 8-039-20250129

proposal would further the purpose of conserving and enhancing the natural beauty of the area.

20. As such, whilst I find that the proposal would result in harm to local landscape character, it would not have a significant effect on the wider landscape.
21. The appeal site is part of a wider parcel of land identified within the Malvern Hills AONB Environs Landscape and Visual Sensitivity Study³ as Parcel M08. In respect of (amongst other things) tourism uses, the study considers that the area has no capacity due to its sensitivity for reasons including its openness, its visibility from roads and footpaths and its visual separation from the village. I am mindful that the boundaries of parcel M08 do not correspond with those of the appeal site. As such whilst I have had regard to this document, my findings on the proposal are based on my own observations.

Hedgerows

22. The Council consider that the wider landscape impact would be greater owing to the potential loss of the hedgerow. However, even if the development of the appeal site were to change the level of protection afforded to the hedgerows, a suitably worded condition could ensure the retention of the majority of the hedging in accordance with the submitted tree protection plan. Conditions could also secure the long-term maintenance and management of existing and proposed landscaping.

Conclusion on character and appearance

23. Overall, I conclude that the proposal would not result in harm to the setting of the Malvern Hills NL or the existing hedgerows on the site. However, it would nevertheless result in a harmful effect upon the character and appearance of the area. It would therefore conflict with Policies SWDP 21, SWDP25, SWDP36 of the South Worcestershire Development Plan (Adopted February 2016) (the development plan) and Policies LB/D/1 and LB/E/1 of the NDP. Together these seek to ensure that development is of a high-quality design, integrates effectively with its surroundings, are appropriate to and integrate with landscape character. Policy SWDP 36 seeks to ensure that new caravan sites are, amongst other things, visually unobtrusive and of a design, form and scale which is well related to its setting.
24. The proposal would also conflict with paragraph 88 of the Framework which seeks to ensure that sustainable rural tourism proposals respect the character of the countryside.

Significant gap

25. Policy SWDP2 of the development plan sets out the development strategy and settlement hierarchy for the area. Amongst other things it seeks to ensure that development proposals should ensure the retention of the open character of the Significant Gaps (SGs). The glossary of the development plan defines a SG as a local planning designation intended to protect the settings and separate identities of settlements by: helping to avoid coalescence; retaining the existing settlement pattern through maintaining the openness of the land; and securing the quality of life benefits of having open land close to where people live.

³ Prepared by White Consultants – May 2019

26. Policy LB/H/5 of the NDP seeks to ensure that the open character of the SG is retained in order to maintain the separation between Leigh Sinton and Malvern. The policy lists possible acceptable developments which include the re-use of rural buildings, agricultural and forestry-related development, playing fields, other open land uses that maintain the openness of the gap and minor extensions to existing dwellings.
27. A review of the SGs⁴ recommended that the SG be retained with the possible exception of a few discrete land parcels on the edge of Leigh Sinton should they be needed (i.e. allocations in either the SWDPR or Leigh Sinton Neighbourhood Plan).
28. My attention has been drawn to an appeal decision relating to residential development to the west of Leigh Sinton Road where the Inspector referred to the SG review. I have been provided with limited details of this appeal. However, I note that the majority of the built form of the village is on the west side of Leigh Sinton Road and Malvern Road. Therefore, the site referred to in this appeal would have a different relationship with the village than the appeal site. As such, based on the available evidence, the appeal scheme referred to is materially different to that which is before me.
29. The appeal site is separated from development to the north by open fields and although its northwest corner is near to the built form of the village, it is not contiguous with it. As such the recommendations of the review are not readily applicable to the appeal scheme.
30. The appeal site is located roughly central to the northern extent of the SG and the roads which run through the SG between Leigh Sinton and Malvern both border the site. Consequently, the appeal site is an important element in maintaining the openness between the two settlements. The appellant contends that the site does not contribute to the openness of the gap because of the dense boundaries of the site. However, this is not unique in the countryside. Openness has spatial as well as visual aspects and the absence of built development means that the site comprises an open element within the gap which would be lost as a result of the proposal.
31. Although the boundaries of the site are well landscaped, the proposed development would nevertheless be visible from adjacent vantage points. The proposal would result in a significant amount of development at the appeal site and a considerable loss of open space would occur as a result of the caravans that would be situated on the site. Consequently, the proposal would not maintain the open character of the site.
32. Given the overall scale of the SG the appeal scheme on its own would not result in the coalescence of the settlements. However, it would nevertheless partially erode the gap and would contribute to incremental coalescence. Furthermore, it would not reflect the settlement pattern in the area. It would therefore conflict with the aims of the SG and the development strategy for the area. The proposed development does not fall within any of the possible acceptable development types listed in Policy LB/H/5. The appellant contends that this policy is not relevant as it is a housing policy, however it makes explicit reference to non-residential forms of development.

⁴ South Worcestershire Development Plan Reviews (SWDPR) Preferred Options: Significant Gaps Appraisal (November 2019)

33. I conclude that the proposal would have a harmful effect on the open character of the SG between Leigh Sinton and Malvern. It would therefore conflict with Policies SWDP2 of the development plan and LB/H/5 of the NDP.

Other Matters

34. I recognise that benefits would accrue as a result of the scheme. The proposed caravan site would provide tourist accommodation to the benefit of holiday makers and the tourism industry in the area. Tourists occupying the proposed caravans would make use of local facilities, resulting in economic benefits. The site would also generate employment opportunities. Given the scale of the proposed development I attach moderate weight to these benefits.

Planning Balance and Conclusion

35. Whilst I afford moderate weight to the benefits of the proposal, they would not be sufficient to outweigh the harm which I have identified in respect of the character and appearance of the area and the harm to the open character of the SG, which I adjudge would be significant.
36. I conclude that the proposal conflicts with the development plan as a whole and the material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed, and planning permission is refused.

E Pickernell

INSPECTOR