
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: 21 August 2025

Appeal Ref: APP/J1860/W/25/3361329

Cadmore Lodge, Berrington Green, Tenbury Wells, Worcestershire WR15 8TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Nick Ferguson against the decision of Malvern Hills District Council.
 - The application Ref M/23/01673/RM sought approval of details pursuant to condition No 1 of outline planning permission granted on appeal ref: APP/J1860/W/21/3273533 on 26 August 2022 following the submission of a planning application Ref 20/01034/OUT.
 - The application was refused by notice dated 6 September 2024.
 - The development proposed is the erection of 25 holiday lodges and associated car parking.
 - The details for which approval is sought are appearance, landscaping and layout.
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Decision

1. The appeal is allowed, and the reserved matters are approved, namely appearance, landscaping and layout in pursuance of condition 1 attached to outline planning permission granted on appeal ref: APP/J1860/W/21/3273533 on 26 August 2022 following the submission of a planning application Ref 20/01034/OUT, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the setting of the existing hotel;
 - the living conditions of nearby residents with regard to noise, disturbance and light pollution.

Reasons

Character and appearance

3. The appeal site comprises a hotel along with its extensive grounds set within a valley which is characterised by areas of woodland and mature vegetation. A lake and the Cadmore Brook are located at the base of the valley.
4. To the east of the lake is a densely wooded area, beyond which lies a number of residential properties and farm buildings in the small settlement of Berrington Green. The area to the south of this woodland is more open, characterised by grassed areas and groups of trees.

5. The western side of the valley alongside the lake and brook, to the southwest of the hotel is dominated by a former golf course. Whilst this has overgrown, the combination of plateaued areas interspersed with groups of trees associated with its former use has influenced its character. Nevertheless, the site has an attractive verdant character and is visible to users of the footpath which runs through the site.
6. In allowing outline planning permission¹ for 25 holiday lodges at the site, the previous Inspector considered that the proposal would introduce urban form to an existing tranquil and attractive countryside setting. However, because the proposal could be largely contained within the profiled fairways and there would be the opportunity for extensive landscaping, that would at least mitigate and potentially enhance the overall character and appearance of the site, they concluded that *“The key characteristics of the landscape would not be harmed from a low level of harm to tranquillity, which needs to be set against the potential visual enhancements from the proposed landscaping. This conclusion relies heavily on the design detail and layout still to come forward as part of any future reserved matters applications or condition discharge submissions.”*
7. The proposed layout and the designs of the lodges differ from those which were shown on the indicative plans accompanying the outline application. However, the indicative plans were intended to demonstrate that the site can accommodate 25 lodges and are not approved drawings. It is therefore, not necessarily unacceptable that plans coming forward at reserved matters stage differ from the indicative plans.
8. The appeal decision makes reference to the possibility of minimising infrastructure such as roads by providing parking near the hotel and using other forms of transportation to access the lodges. A car park is proposed towards the north of the appeal site and whilst vehicular access to individual lodges will be possible, parking would be kept to a minimum and only used for unloading and loading, servicing and cleaning the lodges. The remainder of the time guest cars would be parked in the car park. As such although the road has been designed to accommodate cars, they would not be present throughout the site for the majority of the time and as such would not have a significant effect on the tranquillity of the area.
9. The positioning of the proposed access route roughly follows the plateaus across the site and would be located between groups of trees. In this respect, although it would be a relatively urban feature and would be of generous width, it would be sensitively located to respond to the contours of the land and therefore would not be visually intrusive.
10. The majority of the existing trees would be retained which would soften the visual impact of the road. The broadly oval layout of the proposed development would allow the majority of the landscaping towards the centre of the site to be retained, and this would be supplemented by additional landscaping including a significant number of new trees.
11. The southern part of the appeal site would be kept free of development and would be maintained and enhanced as a lowland meadow with supplementary tree planting along the western edge. This would enhance this part of the site and respond appropriately to the landscape character which is less wooded on both sides of the valley than the area to either side of the lake.

¹ APP/J1860/W/21/3273533

12. The proposed layout of the lodges is relatively spacious with generous, landscaped gaps between them. Consequently, the lodges would sit comfortably within the landscape and would not appear dominant.
13. The proposed lodges would be of a simple pitched roof design and the walling materials would be timber effect cladding in muted colours. Furthermore, they would be single storey and relatively modest in scale. Although the lodges would have a wheeled base (which would be concealed) when installed at the site their appearance would be more akin to a lodge-type structure. Consequently, they would be of a scale and design which would be appropriate for the landscape setting and would not appear incongruous in this context.
14. Consequently, I am satisfied that the design detail, layout and landscaping would be of sufficient quality to ensure that the proposal would not result in harm to the character and appearance of the area. As such it would not conflict with the findings of the previous Inspector.
15. Overall, the proposal would not have a harmful effect on the character and appearance of the area and would therefore be in accordance with Policies SWDP21, SWDP25, SWDP35 and SWDP36 of the South Worcestershire Development Plan (Adopted February 2016) (SWDP). Together these seek to ensure that development, including visitor accommodation is of a high quality of design, integrates with its surroundings, is appropriate for its location and is appropriate to its landscape setting.

Setting of hotel

16. The existing hotel is located adjacent to the northern edge of the lake. The proposed access and parking would be relatively close to the hotel, although it would be separated by an existing area of hardstanding. The lodges themselves would be a generous distance from the hotel. As such although some of the lodges would be visible from the hotel, they would not be imposing in views from it.
17. Given the distance of the proposed lodges from the hotel, their presence would not have a significant adverse effect on the visitor experience for those using the hotel. Although some of the lodges would be closer to the lake than was indicated on the indicative plan, there would be a generous distance remaining between the lake and the lodges. Given the relatively loose knit arrangement of lodges and the quality of the landscaping, the proposal would not result in a significant adverse effect on those walking on the footpaths which run through the site.
18. I conclude that the proposal would not result in harm to the setting of the hotel and would therefore be in accordance with Policies SWDP 35 and SWDP36 of the SWDP which allow for new and improved visitor accommodation where it is visually unobtrusive and is appropriate to its landscape setting.

Living conditions

19. The nearest properties to the appeal site are those within Berrington Green on the west side of the road which runs through the settlement. Between these properties and the proposed development is a substantial tree belt and Cadmore Lake.
20. Vehicular movements throughout the site associated with the lodges would be minimal given that their use would be restricted as described above. The

development would be relatively small scale and no additional external social or leisure facilities are proposed as part of the development.

21. As such in the absence of any substantive evidence to the contrary and bearing in mind the significant distance to the dwellings in Berrington Green it is unlikely that noise generated by the day-to-day activities of the lodge visitors would be so great as to adversely effect the living conditions of the occupiers of nearby properties.
22. Limited evidence has been submitted in respect of the proposed lighting at the site however given the modest size of the lodges it is unlikely that they would emit significant levels of light. Even in the winter, the interposing vegetation would filter any lights which might be visible from nearby properties.
23. In any event, details of lighting are required by a condition attached to the outline consent which would be considered separately. There is nothing inherent in the matters being considered, namely appearance, layout and landscaping which suggests that light pollution would be at such a level that it would result in a significant impact upon the living conditions of nearby occupiers.
24. I conclude that the proposal would have an acceptable effect on the living conditions of nearby residents with regard to noise, disturbance and light pollution. It would therefore accord with Policies SWDP21 and SWDP35 which seek to ensure that development including new visitor accommodation does not have an adverse impact on neighbouring amenity.

Other Matters

25. I recognise that there is significant opposition to the scheme locally. Concerns have been raised in respect of the justification for the scheme, ecology and biodiversity, flooding, foul water, drainage and access. However, these are matters which were considered through the outline application or are the subject of conditions thereto which will be considered separately. The matter of the footpath diversion will also be considered separately.
26. Some of the proposed lodges would be closer to the adjacent agricultural land than was shown on the indicative plan. However, these are few in number and given that the use of the lodges would be holiday accommodation and not permanent homes, it is unlikely that any noise complaints arising, or the low levels of activity associated with the proposed development would have a significant effect on the operation of the adjacent farm.

Conditions

27. I have had regard to the suggested conditions proposed by the Council. Where necessary, I have undertaken some minor editing and rationalisation of the conditions where they meet the tests set out in paragraph 58 of the National Planning Policy Framework. I have imposed a condition specifying the approved plans in the interests of certainty.
28. A condition requiring a Construction Method Statement is necessary to ensure that the construction phase of the development would not result in harm to highway safety and that activities associated with construction would be appropriately managed.

29. To ensure that the proposed development is adequately serviced and in the interests of highway safety a condition requiring the provision of the access, roadway and parking is necessary. A condition requiring a scheme to manage vehicles accessing the site is necessary to ensure that the site is free of vehicles for the majority of the time in the interests of the tranquillity of the landscape.
30. A condition requiring details of the surface of the roadway is not necessary as it would duplicate a condition imposed on the outline consent.

Conclusion

31. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

E Pickernell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 337.18.04 Rev A, 528.22.L01 Rev E, 528.22.L02 Rev E, 528.22.L03 Rev C, 528.22.L04 Rev B, 528.22.L05 Rev C, 528.22.L06, Lumiere 30 x 13 scale 1-50, Lumiere 30 x 13 Rev A, Parkview 40x20-2B CL, Parkview 40x20-2b elevations Rev A, Parkview 42x20-3B, Parkview 42x20-3B Elevation ASM Rev A, Schedule of accommodation.
- 2) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
 - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
 - Details of any temporary construction accesses and their reinstatement.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 3) The Development hereby approved shall not be brought into use until the access, roadway and parking facilities have been provided as shown on drawing 528.22.L02 Rev E. Thereafter, the access, roadway and parking shall be retained as such.

- 4) Prior to the first use of the development hereby approved a scheme for the management of vehicles accessing the lodges shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include a gated access which shall be installed prior to the first occupation of the lodges. Thereafter the site shall be managed in accordance with the approved scheme.

End of Schedule