

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 OCTOBER 2025
TITLE OF REPORT:	242922 - ERECTION OF 2 DETACHED CUSTOM/SELF-BUILD DWELLING HOUSES AT LAND TO SOUTH OF RECTORY LANE, CRADLEY, HEREFORDSHIRE, WR13 5LH For: Mr Pratley per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242922&search-term=242922

Reason Application submitted to Committee – Redirection

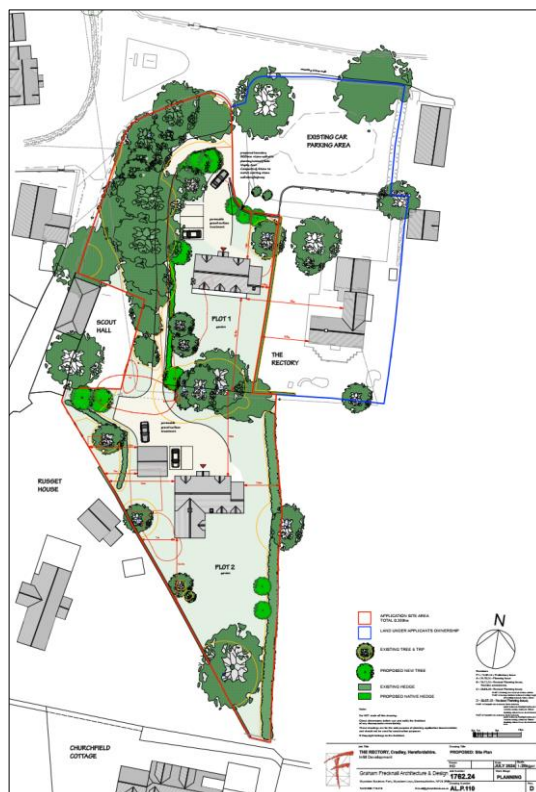
Date Received: 12 November 2024 Ward: Bishops Frome Grid Ref: 373529,247024 & Cradley

Expiry Date: 12 February 2025
Local Member: Cllr Rebecca Tully

1. Site Description and Proposal

- 1.1 The application site is immediately south of Rectory Lane and west of The Rectory, comprising an irregularly shaped parcel of approximately 0.359 hectares. It consists of two distinct parcels.
- 1.2 The northern parcel (Plot 1) is vegetated and overgrown, accessed by a vehicular track from Rectory Lane. To the east lies The Rectory, a relatively modern detached house with its own plot and a separate car parking area for use by the Church and Village Hall, and to the west is a scout hut.
- 1.3 The southern parcel (Plot 2), set back from Rectory Lane, is triangular and relatively open, containing an existing outbuilding and yard used for a forestry-related business. It is bounded by two modern dwellings, Russet House to the west and Churchfield Cottage to the south.
- 1.4 The Site lies entirely within Cradley village's defined settlement boundary and Conservation Area, and within the wider setting of Listed Buildings, notably the Grade II Listed Old Rectory to the north and the Grade II* Listed Church of St James to the northeast.
- 1.5 The Site lies within the Malvern Hills Area of Outstanding Natural Beauty (AONB) now known as the Malvern Hills National Landscape.
- 1.6 This application seeks full planning permission for the erection of 2 detached dwellings. Plot 1 would consist of a 3 bedroomed dwelling of a rectangular form measuring in 14 metres in length and 8.2 metres in width with a proposed ridge height of 7.6 metres. Plot 2 would consist of a 5 bedroomed dwelling, with an L-shaped floorplan measuring in 14.2 metres in length and 12.8 metres in width with a proposed ridge height of 7.75 metres. Access is to the north of the site. Extracts from the proposed plans are inserted below.

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855



Proposed site plan (Drawing number AL.P.110 Rev D)



Extract Proposed Plans Plot 1 – DRGNo AL.P.112 Rev D

Extract Proposed Plans Plot 2 – DRGNo AL.P.112 Rev D

1.7 The proposed external materials include red brick, timber cladding and plain clay roof tiles.

1.8 The application has been supported by the following:

- Design and Access Statement
- Planning Statement
- Ecology Report
- Tree Survey Report
- Further Tree Report and Tree Protection Plan
- Heritage Report

1.9 The application can be accessed in the supporting documents section on the website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242922&search-term=242922

2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS):

- SS1 – Presumption in Favour of Sustainable Development
- SS2 – Delivering New Homes
- SS3 – Releasing Land for Residential Development
- SS4 – Movement and Transportation
- SS5 – Employment Provision
- SS6 – Environmental quality and local distinctiveness
- RA1 – Rural Housing Strategy
- RA2 – Herefordshire's Villages
- H3 – Ensuring an Appropriate Range and Mix of Housing
- MT1 – Traffic Management Highway Safety & Active Travel
- LD1 – Landscape and Townscape
- LD2 – Biodiversity and Geodiversity
- LD3 – Green Infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable Design and Energy Efficiency
- SD2 – Renewable and Low Carbon Energy
- SD3 – Sustainable Water Management and Water Resources
- SD4 – Wastewater Treatment and River Water Quality

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Cradley Neighbourhood Development Plan (NDP):

The Cradley Neighbourhood Development Plan was made on 21 August 2017. It now forms part of the Development Plan for Herefordshire.

- CNDP1 – Settlement Boundary
- CNDP2 – Housing Provision
- CNDP5 – Area of Outstanding Natural Beauty
- CNDP9 – Design

The Cradley Neighbourhood Development Plan can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/11048/neighbourhood_development_plan_may_2017

2.3 The National Planning Policy Framework (NPPF):

- Section 2 – Achieving sustainable development
- Section 4 – Decision Making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

2.4 Malvern Hills AONB Management Plan:

- PE5 – Transport and accessibility
- PL1 – Landscape
- PL5 – Historic environment
- PL7 – Built development
- PL8 – Local distinctiveness

<https://www.malvern-hills-nl.org.uk/wp-content/uploads/2025/05/2025-30-MHNL-Management-Plan-FINAL-INC-Chair-Foreword.pdf>

- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others). These have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight and any policy tension is set out within the assessment and planning balance in the Appraisal section below.

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 **Severn Trent** – Qualified comment

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

IMPORTANT NOTE: With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative – affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

4.2 Welsh Water – Qualified comment – 17/01/2025

Dwr Cymru Welsh Water are not the sewerage undertaker in this area and therefore have no comment to make on this application.

4.3 Further Welsh Water – Qualified comment – 26/08/2025

Dwr Cymru Welsh Water have no further comment to make on this application.

4.4 Historic England – Qualified comment – 07/08/2025

Thank you for your letter of 28 May 2025 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.5 Further Historic England – Qualified comment – 29/05/2025

Thank you for your letter of regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.6 Initial Historic England – Qualified comment – 20/01/2025

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

Internal Council Consultations

4.7 Area Engineer Highways Comments – No objection – 28/05/2025

No objections to the updates

4.8 Area Engineer Highways Comments – No objection – 31/12/2024

No objection to the proposed. The site can accommodate both properties with access and parking, however cycle storage should be provided.

CAH - Driveway gradient

CAI - Parking – single/shared private drives

CB2 - Secure covered cycle parking provision

I11 – Mud on highway

I09 – Private apparatus within the highway

I45 – Works within the highway

I35 – Highways Design Guide and Specification

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence

<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.9 Ecology Comments – No objection – 02/05/2025

Habitat Regulation Assessment

The site lies within the impact risk zone of the River Teme SSSI, part of the River Clun SAC, however, the trigger for requiring an HRA is the discharge of any water or liquid waste of more than 20m³ /day either to ground or to surface water.

This application is unlikely to reach this threshold and has therefore been screened out as requiring an HRA.

Ecology

I have read the Preliminary Ecological Appraisal and Automated Static Bat Survey Report written by Cotswold Environmental dated October 2024.

The report states the habitat on site is dominated by trees and shrubs but notes that these are largely to be retained with the exception of a single mature tree and an area of scrub.

The site was assessed for suitability for bats with no evidence of roosting bats discovered during the site visit. The outbuilding within Plot 2 was deemed as having a lack of suitable features for roosting bats. It was also concluded that the tree to be removed and adjacent trees were lacking in suitable roosting features. The static monitoring showed five species of bats commuting and foraging within the site.

The report states that it is possible that local water bodies could support Great Crested Newt populations although there are no water bodies present on site. The unmanaged vegetation and undisturbed log piles on site would provide suitable habitat for reptiles and amphibians. The report recommends working with a Precautionary Working Method Statement, which has been included in the report.

Biodiversity Net Gain

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

The development is classed as self-build and is exempt from BNG.

Providing the development is secured formally as a "self-build" then it is likely to remain exempt from statutory Biodiversity Net Gain. Should this self-build designation fail to apply then statutory BNG will become necessary and relevant details to discharge this requirement must be submitted for approval to the planning authority.

Conditions

Please include the following conditions on the decision notice

Nature Conservation – Implementation

The recommendations set out in the Preliminary Ecological Appraisal and Automated Static Bat Survey Report written by Cotswold Environmental dated October 2024, should be followed in relation to protected species, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements:

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of the dwelling approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types and TWO bat roost features, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure all local nature conservation interests are not impacted and external lighting is requested:

Protected Species and Dark Skies (external illumination)

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

4.10 **Tree Officer Comments** – Further information required – 27/08/2025

Previous comments remain relevant.

4.11 **Tree Officer Comments** – Further information required – 04/06/2025

I have reviewed the submitted Arboricultural Impact Assessment, Method Statement and Tree protection Plan (JJH Arboriculture_JJH_25003_AIA_MS_TPP_V1_27.05.25) and have the following comments.

The AIA identifies all trees within and adjacent to the site and categorises them in accordance with BS5837:2012. It identifies tree removals required to implement the development proposals which includes 3 low quality tree groups (G4, G7 and G8). G7 and G8 are contained within the site and impact to the overall Conservation Area will be limited due to lack of visibility.

G4 is a more significant tree group (up to 9 metres in height, although small stem diameters) which will also require removal. Although low quality, this does have visibility from Rectory Lane to the North and opens up views in to the site from The Rectory to the east. It would be helpful to understand whether some trees within this group (i.e. on the north-eastern boundary) could be retained and bolstered with new tree planting as screening to neighbouring properties? I note that no landscaping scheme has been submitted but will be essential to confirm mitigation planting.

The AIA and AMS provides adequate information to ensure the retained trees are protected during the development. Once the information regarding service installation is available, this document will have to be updated (via a planning condition) to ensure completeness.

No facilitation pruning is proposed but I note that the off-site TPO'd (TPO029/T14) Lime tree (T1 in survey) adjacent to the entrance of the site has a reasonably low canopy (2.5m) and therefore has the potential to be damaged by construction vehicles if consent is obtained. No works have been highlighted to this tree within the Facilitation Pruning section (para 4.2) of the AIA. I consider that this detail will need to be included within the report.

Overall, I consider that impacts to the overall existing arboricultural resource are reasonably low. The AIA/AMS report addresses most areas of concern and therefore acceptable.

I consider that the applicant should explore whether sections of G4 could be retained and improved with new tree planting and whether facilitation pruning is required to T1 (TPO'd Lime). If these points are addressed, I would have no reason to object to the proposals.

The information regarding service installation could be requested as a planning condition if consent is obtained.

4.12 Buildings Conservation Comments – Qualified Comment – 02/09/2025

The revised designs have been received with thanks and are duly noted.

Whilst the designs of the elevations have been refined as per Officer advice, there remains an element of heritage harm to the well-established core of the Conservation Area and grain of the settlement - due to the level of change the scheme envisages and encroachment of modern development further to the south and east, onward into the historic core. This level of harm would equate to less than substantial.

If the Officer is minded to approve, suitable conditions should be employed to comprehensively control the following but not limited to finishing and facing materials, fenestration, joinery, hard and soft landscaping and boundary treatment.

There are no further comments from Built Heritage.

4.13 Buildings Conservation Comments – Further information required – 27/06/2025

Initial comments and preliminary pre-application advice by a previous Officer (2023), has been re-reviewed by Built Heritage and apologies are sent for the contrasting wording.

In terms of the preliminary pre-application advice; the principle of development is positive and this is concurred with. However, comments as below remain echoed in the current concerns in terms of Setting, materials, design, scale and form, and what heritage harm would arise from the change imposed on the natural open spaces in this core area of the Conservation Area. Pre-application comments pertaining to this are reiterated as follows:

“The proposed site is within the village Conservation Area and the Malvern Hills Area of Outstanding Natural Beauty. It is located in the oldest part of Cradley, in close proximity to a number of designated heritage assets, buildings of local interest, and immediately adjacent to key views within the village that positively contribute to its character. The development of this site has the potential to impact both the character of the Conservation Area and the setting of several listed buildings.

The Cradley Conservation Area Appraisal identifies the character of the village to be defined by the uncrowded plots surrounded by orchards and meadows and demarked by rubble boundary walls, hedges and mature trees which create a sense of enclosure. This is contrasted by the open spaces that break up the built environment. Any development in this area should be mindful of this established character and the proposals should be sympathetic in continuing it.

In such a highly historically sensitive location, we would expect the design of these dwellings to be of exceptional quality, drawing on the special historic and architectural characteristics and local building materials of the Cradley Conservation Area”.

Whilst a building was seen in this vicinity in previous times, the scale and form, paired with large garages within the proposed scheme are not traditional to the Conservation Area in this location, and there is concern there would be harm imposed to the ways in which the vicinity is experienced and therefore Setting as per Section 72 Planning (Listed Buildings and Conservation Areas) 1990:

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Previous pre-application advice provides that designs should be exceptional and draw on characteristics of the Conservation Area. Unfortunately, at this time this is not seen to be fulfilled and amendments are therefore sought to revise the form and architectural tooling, and materiality

of the structures. Designs are encouraged to acknowledge the vernacular and draw on positive features to provide enhancement. It is noted that chimneys are included features and this is welcomed and positive. It is encouraged that:

- dormers are reduced or omitted for simpler roofscapes, (window units are small and uncomfortable within large surrounds),
- central lone skylights above front doors are omitted,
- porches and porch roof lights are omitted,
- the scale of the structures are reduced. For example, only the historic buildings both listed and unlisted of a large scale should be primary in this vicinity, and not in competition with new development.
- fenestration is neater, i.e. ground floor windows to both see arch headers, or both without.
- to acknowledge more traditional rural domestic characteristics.

Please see the below contrasting images, on the left is the indicative plans provided for the pre-application that now differ to what of which is within the application in terms of mass. It is noted that plot 1 was also encouraged to be reduced and brought further south though it is unclear as to whether amendments had been made:



Further information is awaited before providing final comment.

4.14 **Buildings Conservation Comments** – Objection – 07/02/2025

No pre-application accompanies the scheme.

I strongly object to this scheme, and it is unlikely this objection would be resolved. I do not at this time see heritage benefit or material need for the scheme.

Background

The site is within Cradley Conservation Area, and proposed to be within immediate proximity to the following:

- Stables west of Rectory. Grade II. List UID: 1177124.
- Rectory. Grade II. List UID: 1082301.
- Churchyard Cross S of Tower of St James Church. Grade II. List UID: 108229.
- Church of St James. Grade II*. List UID: 1082298.
- Parish Hall Old Boys School. Grade II*. List UID: 1082300.
- Church Cottage. Grade II. List UID: 1307574.
- Lych Gate of St James Church. Grade II*. List UID: 1177095.

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

- Garden Wall at Rectory to S and W of House. Grade II. List UID: 1082302.
- Maclean War Memorial. Grade II. List UID: 1462191.

Notwithstanding the substantial overlap of Setting between the heritage assets, the hamlet of Cradley and its collection of highly graded heritage assets are located in a marginally lofty position in the core of the hamlet. They are viewed together and with intersecting lines of vistas, views through and direct intervisibility. On approach, they are all at the highest point in the centrepiece of the hamlet, and as such are emphasised by this position in terms of their experiential value. There is a physical sense of place to this ancient core, highlighted by the topography.

The grain of the original settlement is well established, and on approach toward the Church and its accompanying buildings, is a sense of reveal. Historic significance is legible through this, and through the tight knit lanes and impressive buildings with patina of age, is clear evidential value. The layout of this grain, and the original core of the settlement is positive and relationships between structures are evident. It has remained as was, intact, and is seen in Historic OS Maps of 1886. The hamlet could successfully be described as a rural miniature.

Whilst the Conservation Area is hugged and overlooked by the Malvern Hills AONB, the vicinity has seen diminutive piecemeal development far to the west and north of the settlement. However, the original core is untouched and the ingredients of a primitive rural hamlet survives, nucleated adjacent to the Church and Rectory. This in itself is particularly rare, and I would assess the collection of assets and Conservation Area to have substantially high value.

The site visit revealed the hamlet core to be a hub of community activity, still an active working Church and with active accompanying buildings; it is a historic scene that is retained in present day due to the marker point made by the memorial, alongside large garden wall to the Rectory then leading onto, and into respective buildings. One would simply expect to see single track lanes meeting in a primitive Y shape in the core of a hamlet, accompanied by some sort of memorial such as commemorative War time monument and such like, with paths and tracks leading to houses of clergy and places of worship. It is, one can only describe, as the quintessential format to a British village or hamlet. This in itself is strong and clear evidential value, legible historic survival, and high historic significance.

Leading on from the above, the natural or organic space between Churches, Rectory's, respective estate cottages and parish halls are evidence of their former uses, and are positive contributing factors in terms of setting, relationship between buildings and grounds, and setting within the Conservation Area. They are, as seen on site, positive ways in which the vicinity and assets are experienced.

For example, the Rectory (List UID: 1082301) retains its grounds adjacent to the listed Stables, simply because it required at the time, land for horses and tack. Further legibility is interpreted from this, due to the nature and size of the building, evidently a landowner or clergyman of wealth and status, and so on. Each of these heritage assets are accompanied by concise reason and placement behind their layout and design, and can be translated through their integrity and survival condition in the vernacular.

I relay for emphasis the following listing description for: Church of St James. Grade II*. List UID: 1082298.

Parish church with tower of c1200 heightened in C15, part restored 1868 by G.G. Scott, further restored with addition of aisle in 1869 by A.E. Perkins.

MATERIALS: Local red sandstone rubble with freestone dressings, tile roof.

PLAN: Rectangular plan of nave with lower and narrower chancel, west tower, south porch, north aisle with vestry.

EXTERIOR: The 3-stage tower is Transitional work of c1200 in its lower stages, and has C19 diagonal west buttresses and angle south-east buttress. It has a south doorway with a cyclopean arch and, in the second stage, a round-headed window, whereas the corresponding north window is pointed. Set into the wall on the north side is a fragment of masonry with crockets, probably Anglo-Saxon. The west side is altered, with 3-light C19 Perpendicular west window, above which the second stage has a small cusped window under a square label. North and south sides have clock faces installed as a 1914-18 war memorial. The freestone upper stage, with diagonal buttresses, is C15. It has 2-light bell openings with louvres, and embattled parapet. The nave south doorway is late C12. It has nook shafts with scallop capitals and arch with roll mould and chevrons. It stands in a porch added in 1893. The remainder of the church is C19 work in the decorated style. The nave has three 2-light windows and a single-light window L of the porch. In the chancel are two 2-light windows on south and north sides, and south priest's door. The east window of 3 stepped lights is beneath a single pointed hood mould. Either side of it are re-set grotesque heads from a C12 corbel table. Two similar corbels, of a face-puller and an animal head, are re-set below the south side of the east verge. The north aisle has 2-light windows, and vestry under an outshut roof, which has square-headed windows and west door under a shouldered lintel.

INTERIOR: The Transitional tower has responds of 3 clustered shafts, scalloped capitals and pointed stepped arch. North and south interior walls of the tower base are timber-framed with square plaster panels. Nave and aisle walls are exposed hammer-dressed stone. The 6-bay nave arcade has piers with 4 clustered shafts and double-chamfered arches, both piers and arches being executed in banded masonry, with alternating red and cream courses. Nave and chancel have crown-post roofs on corbelled brackets, and the aisle has a trussed rafter roof. The division between nave and chancel is marked by arched braces below the westernmost tie beam of the chancel roof. The floors are C19 tiles, with raised wood floors below pews. In the sanctuary are encaustic tiles and re-set grave slabs, one dated 1776.

PRINCIPAL FIXTURES: Chancel screen has panel dado, open-arcaded main lights and moulded crest. The central doorway has low doors with blind Gothic panelling. The tower screen has cusped arcading over a boarded dado, with central cusped arch. In the chancel the communion rail is brass on iron standards. The font, given by Thomas Bisse and dated 1722, has a rustic Baroque stem with square-bowl, and Gothic concave cover. The C19 polygonal pulpit has Gothic panels and foliage cornice, on a panelled stone base. Nave benches are plain, of 1869, but the choir stalls have ends with poppy heads, some of which are C16. There are few memorials, the noteworthy examples being a neo-classical tablet to Richard Chambers (d 1776), and a wall monument to Daniel Price (date illegible) that shows a mourner (damaged) leaning on a stele. Beneath the tower is a board dated 1795 listing fines for bellringers' misdemeanours. The east window shows the Resurrection in bright colours, possibly by Frederick Preedy. The chancel north window shows St Francis, post 1933, and the nave south-east window shows St James and Joseph of Arimathea, post 1864.

SUBSIDIARY FEATURES: The base and part of the shaft of a churchyard cross have a sundial with copper plate and gnomon, all restored in 1887 (LBS no 151081). The timber-framed lych gate is late medieval (LBS no 151082). Each is separately listed.

HISTORY: The church is of C12 origin and the tower of c1200 shows it to have been a substantial church by that time. It takes its present appearance mainly from C19 restoration and rebuilding. The chancel was rebuilt in 1868 by George Gilbert Scott (1811-78), one of the busiest church restorers of the C19. In 1869 A.E. Perkins, architect of Worcester, restored the nave and added the north aisle and vestry. The porch was added in 1893.

SOURCES: N. Pevsner, *The Buildings of England: Herefordshire*, 1963, p 108. *St James the Great Church, Cradley*, church guide. Information from Alan Brooks

REASONS FOR DESIGNATION: The church of St James the Great, Cradley, is listed Grade II* for the following principal reasons: * It has an impressive tower of c1200, retaining original detail, heightened in the C15. * The main body of the church is a good example of C19 Gothic-Revival architecture, undertaken by one of its leading practitioners, Sir George Gilbert Scott. * It has fixtures of special interest, including an unusual C18 font, C16 choir benches, and well-designed C19 east window. * It has group value with the churchyard cross, lych gate and surrounding historic buildings at the heart of the village.

Proposal

The scheme sees two oversized modern houses positioned to the immediate south of the hamlet core, and to the immediate south of the collection of heritage assets. The scheme simply appears to be 'shoe horned' into the space.

From a heritage perspective, the project appears to have simply located two gaps to fill, and does not take into account the positive, unassuming character and natural space among the historic environment. The scheme long term will invite depreciation of the setting by way of parking paraphernalia, associated clutter, additional access, and additional development to facilitate this and accommodate later change associated to these additional modern dwellings. This does not have the long term preservation, merits and survival of the Conservation Area, or its respective assets in mind. I do not believe overlap of setting has been taken into account, and I assess the scheme to irreversibly undo and therefore harm the legibility of the established core, and setting of the highly graded assets.

From the drawings provided, the buildings proposed are wholly unrelated to any humble vernacular or traditional architecture by way of their anonymous design, regimented and contrived elevations, and would be uncomfortable in the vicinity. I do not see them to be successfully harmonious for the quiet character of the settlement. I am deeply concerned the scheme proposes overdevelopment of the ancient hamlet, where at this time no heritage betterment or long term protection is found to offset this.

I am deeply concerned the scheme invites great harm to the ways in which the vicinity is experienced, and its survival integrity, and I emphasise this in particular would amount to loss and irreversible harm.

Historic mapping provides that no such domestic dwellings and garages of this scale and form are found and as such I do not see a precedent.

Positive characteristics are described in the supporting information such as for example:

"The character of the conservation area is defined by the predominance of detached residential dwellings set back from the streets within large gardens. There is an abundance of timber framed buildings which line the village streets but remain uncrowded. This aspect of the conservation area is largely unchanged from its medieval character. Later buildings dating to the 18th century and 19th century are constructed in brick and stone, predominantly detached with rubble walls, hedges and mature vegetation comprising the boundary treatment".

I am inclined to agree with this statement, and later it is noted the asset/s are of high significance. However, the scheme ultimately conflicts with these notes regarding uncrowded character, natural space surrounding vernacular buildings, and consequently does not look to enhance, protect or better reveal any medieval character.

I strongly disagree that the proposed buildings are similar to the vernacular seen in the core of the hamlet, and for example mass produced modern red-orange brick presumed 'to match' will only be obtrusive and alien. Conversely, this emphasises that they are further out of place simply by reason they must be forcibly contrived to 'match'.

Further to this I do not agree that simply by way of their presumed similarities in porches, dormers and chimneys alone that there will be overall no harm whatsoever. Unfortunately, I do not believe this is realistic.

The assessment then concludes that the scheme is only in accordance with Local Plan Policy 9: Design.

Unfortunately; the following is in substantial conflict:

Herefordshire Local Plan Core Strategy 2011 – 2031:

Policy LD1 requires that development proposals should:

- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection , protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, includingconservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;

Policy LD4 requires development proposals affecting heritage assets and the wider historic environment should:

- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;
- Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;

National Planning Policy Framework 2023

212.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66(1) –

In determining planning applications which affect listed buildings Local Planning Authorities are required to pay 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72(1) –

In determining planning applications which affect Conservation Areas Local Planning Authorities are required to 'In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Concluding comments

I cannot support this scheme, and as such strongly object. I assess it to be particularly contentious in terms of heritage.

Despite a marginally detailed Heritage Statement - I do not see an adequate reason for the project, or any clear and convincing justification. This appears to be missing. As above, it is unrealistic to presume no harm whatsoever to this highly significant vicinity.

Due to the accumulation of assets, (those of which are graded II*: as 'particularly important, of more than special interest, making up 5.8% of listed building stock'), and Conservation Area status; there is harm identified, referring to paragraph 212 of the NPPF 2023. Whilst the harm is less than substantial, I do not see there to be any heritage benefit to outweigh this harm. I also assess Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be at clear and present conflict.

4.15 Landscape Comments – Qualified Comment – 25/08/2025

I note the submission of the Proposed Landscape Plan (ref AL.P.113, rev A), which shows an additional two silver birch trees to the rear garden of plot 2. No specification details on the size of tree to be planted or method of planting is included. The proposed planting will all be on plot and therefore presumably maintained and managed by the plot holders in the long term and therefore it is accepted that little more could be provided in this respect.

I defer to the historic building officer comments in relation to the impact of the new buildings on the Conservation Area and character of the village.

4.16 Landscape Comments – Objection – 14/07/2025

I have reviewed the three revised drawings (to rev C) and the tree report (dated 27/05/2025).

I note the changes to the layout at the front of Plot 1, to move the parking away from the house and to clarify a 900mm stone wall to the front boundary. Pea gravel has been specified as the surface treatment to the drive, however this is not locally distinctive and is a rather generic material that does not fit well with the character of the Conservation Area. I note that three field maple trees are also proposed to the front of the plot. As per the Tree Officer response (Andrew Cunningham), I remain concerned that the design of this plot still does not take suitable account of the existing trees, whether any could be retained and provide suitable mitigation planting. A smaller building, with less car parking and more planting, would better reflect the character of the site.

In relation to plot 2 and the overall site, it is disappointing that in this sensitive location no detailed landscape plan has been provided. While in some cases it is appropriate for this to follow later by condition, on a sensitive site such as this it is preferable for the hard and soft landscape to be considered from the outset as integral to ensuring that new development is integrated appropriately into the surroundings. I agree with the Historic Building Officer response (eho) that the scale of the structures be reduced and that the design details better reflect the local setting.

Overall I maintain the objection that the proposed development is contrary to Core Strategy Policy LD1. It does not demonstrate that the character of the landscape and villagescape has positively influenced the scale or design of the proposals. It does not conserve or enhance the natural, historic or scenic beauty of the Malvern Hills National Landscape (AONB). No suitable landscape scheme is proposed in order to ensure that the new dwellings will integrate appropriately into its surroundings.

4.17 Landscape Comments – Objection – 30/01/2025

The site and setting was for pre-application advice. As stated then, this is a sensitive site, within the Malvern Hills National Landscape (an area of outstanding natural beauty, AONB) and Cradley Conservation Area, with nearby listed buildings and TPO. There are also nearby public footpaths and views down into Cradley, with good visual amenity value. The site currently contributes to the green and low density character of the village.

The proposal will result in the loss of these currently undeveloped plots and increase the density of built development, with associated vehicle access, movements and other residential paraphernalia. In landscape terms it would be preferable to retain the sites as per the current situation.

Landscape and visual appraisal – considering the sensitive and unique location of the site, the design and access statement does not include an adequate landscape and visual appraisal. It lacks photographs from public view points to assess the impact of the new dwellings, importantly the public footpaths that surround the site, including the southern boundary of plot 2 and winter views across the adjacent fields to the east of the site. It lacks assessment of the surrounding village character of existing dwellings, boundary treatments, materials and colours.

Site layout, Plot 1 - is currently well vegetated and makes a positive green separation between the hall and The Rectory. It would be particularly important to retain a green frontage to the main road and the war memorial, on the North West corner of the red line boundary. Plot 1 would appear rather squeezed in, once parking and turning areas are added there would be a considerable soil sealing and built form, with a loss of green infrastructure and biodiversity, as shown on the submitted preliminary ecological appraisal figure 2, which shows plot 1 as broadleaved woodland.

Landscape scheme, Plot 1 - The footprint of the dwelling does not seem proportional with the size of the plot, with most of the front area taken up for the drive. The one of the three parking spaces is shown right in front of the front door, which is not attractive or practical. The permeable hardstanding material has not been specified and is important to integrate with the setting, as it is a considerable change to the existing vegetation. A proposed boundary brick wall is shown to the front, however no height is given, if high this will look particularly un-attractive / suburban from views into the site (see street view image below). If a low boundary wall is required then stone would be a preferable material to match that along Rectory Lane. The garden to the rear will be considerably shaded by ash tree (no. 12), together with the adjacent hazel coppices. The site plan shows two retained trees to the south west corner of the dwelling, which are not marked on the tree survey.

Site layout, Plot 2 - has the potential to be developed on its own, with a single drive through a well vegetated area to the north. Plot 2, in the southern triangle, has more space for the required change of use infrastructure, while also allowing for retaining the boundary trees and vegetation.

Vehicle access, Plot 2 – the design and access statement includes that the driveway will follow a similar line to the existing track, however the tree survey states that the existing track is within the root protection areas of the existing trees and therefore a ‘no-dig’ surface solution will be required. The exact route and width of the access track should be plotted in relation to the trees and the surface detail specified in order to determine whether this is possible.

Landscape scheme, Plot 2 – There are no landscape proposals shown to the boundaries, to support the offsite Ionicera hedgerow (H4) or the gappy mature mixed hedgerow (H3).

Tree protection and long term management – No detailed arboricultural impact assessment has yet been provided (as recommended at 6.1 of the tree report). No information has been provided in relation to the long term management and maintenance of the retained trees, particularly the visually prominent important boundary trees marked as group 1, which would not appear to be conveyed to either plot owner.

Conclusion, objection – As shown the application is contrary to Core Strategy Policy LD1. It does not demonstrate that the character of the landscape and villagescape has positively influenced the scale or design of the proposals. It does not conserve or enhance the natural, historic or scenic beauty of the Malvern Hills National Landscape (AONB). No suitable landscape scheme or long term management of existing trees is proposed in order to ensure that the new dwellings will integrate appropriately into its surroundings.



Important view into the site, which Plot 1 will interrupt.

4.18 **PROW Comments** – No objection – 06/08/2025

No objection to the houses but it should be noted that if access is planned off byway CD93, this will not be maintained to the standard of a metalled road by HC.

PROW Comments – No objection – 28/05/2025

No objection

PROW Comments – No objection – 03/01/2025

No objection

Other Consultees

4.19 **Open Spaces Comments**

No response

4.20 **Ramblers Comments**

No response

4.21 **Ledbury Area Cycle Forum Comments** – Objection – 30/01/2

I am writing on behalf of Ledbury Area Cycle Forum (LACF) to object to the proposals as there is no provision for cycle storage on Plot 2.

4.22 **Malvern Hills National Landscape (AONB) Comments**

No response

5. **Representations**

5.1 **Parish Council** – Objection – 18/08/2025

Cradley & Storridge Parish Council OBJECTS to this application, the Parish Council note the revisions to the various aspects of the two proposed dwellings, which need to be considered in respect of how they might help reduce the overlooking and visible aspects from neighbouring properties and the wider area/vista. Our other concerns still stand and overall, we still object to this development with the comments we have made still needing to be addressed/considered. This development also does not comply with NDP 4, 5 and 9 plus a reference to Cradley Conservation Area in respect of protection of trees and wildlife.

5.2 **Parish Council** – Objection – 15/06/2025

Resolution – The Cradley & Storridge Parish Council OBJECTS to this application having read the updated information in relation to the Tree Report and Agents comments on the Heritage report and having viewed the updated drawings.

The Parish Council stands by its earlier comments that it OBJECTS to this development as it is for a dwelling type we don't need in Cradley, whereas the site could support dwelling developments that we do need i.e. high quality 1-2 bed bungalow developments, and we have serious concerns as to the safety to pedestrians and motorists from the inadequate site access arrangement from the "main road" it is served from.

If a development were to be approved however, we would ask Herefordshire to consider your own tree officers' comments about retention of some of the trees in G4 to subsequently be bolstered/supplemented with others. We would also ask that Herefordshire stress that any contractor followed the site protection works proposals to protect the trees to be retained as we fear these could be easily overlooked/ignored.

We note the agent's objection to the Heritage report and whilst they may have some valid points which you will have to determine, we believe there is some significant value and comments in the Heritage report which need to be considered and lend significant weight to an objection to the development as submitted.

We also note that the applicant still hasn't undertaken any further investigation and presented possible proposals in relation to the concerns raised by a number around various aspects of the ecology assessment given their knowledge of the site.

5.3 **Parish Council** – Objection – 30/01/2025

After careful consideration and in considering views expressed by the immediate neighbours at Russett House and Sundown Lodge and other interested parties, Cradley and Storridge Parish Council OBJECT to this application.

Although the application falls within the Settlement Boundary (CNDP1) it fails to satisfy a number of concerns:

1. The development is within the AONB (recently renamed Malvern Hills Natural Landscape – MHNL) where development is only supported where it is necessary to promote the economic and social well-being of the designated area and their communities and enhances the quality of the landscape or biodiversity (CNDP5).

It is considered that the proposal for one four bedroomed and one three bedroom house is a fundamental concern as Cradley does not need more of the type of accommodation proposed in this application at this current time.

Currently in Cradley there is a high number of 3- and 4-bedroom houses (around 15-20) available on the market, which are not selling and many have been on the market for many months and in some cases years.

We are aware from comments that we receive however, that there is a need for affordable homes to purchase and the need for high-quality eco-friendly two bedroom bungalow accommodation to support older single people (often widowed) who would subsequently release more larger properties back onto the market, as they moved to the accommodation suggested. They believe such accommodation, if available, would enable them to remain in their community and/or others to move to what is perceived as a safe, supportive and established community in Cradley.

The Governments housing strategy focuses on affordable homes necessary to meet needs, not housing per se.

2. The application makes no reference to improving the access arrangements to and from Rectory Lane which sits off two blind bends on the adjacent through road, the C1162.

We are aware of accidents at this “junction”.

It is felt that this concern could possibly be addressed, if any permission that might be granted incorporated conditions for the ‘developer(s)’ to convert the existing access into a one-way system, with appropriate signage and double yellow lines on both sides of the access/exit, for the length that runs past the Memorial Cross to ensure appropriate visibility for users of the lane pulling out onto the through road. In considering how suitable access arrangement might be achieved, we would also ask Highways Officers to consider whether the curbing to the Memorial Cross site, needs to be slightly realigned/reset on what would be the new one-way exit from Rectory Lane, to help traffic turning right out of the lane avoid clipping what is currently a fairly pointed curb which does get caught.

3. There are also concerns around the visibility splays for traffic turning into and out of the proposed development site from Rectory Lane. A solution may be more difficult to find here for the developer to implement, as it is thought that the Walls lining this access point maybe listed.
4. We believe inadequate access/visibility from Rectory Lane to the C116 has been the reason for previous applications being refused and we are surprised that this application makes no reference to how those concerns would be addressed in this application.
5. Various parties have a concern as to whether the ecological study is adequate, as they believe there are other species in this area not listed or considered in the report.
6. Similarly, various parties have a concern that a more comprehensive Arboreal Assessment should be undertaken, as they believe that there are other species of trees worthy of consideration/protection within the proposed development site.
7. The immediate neighbours at Sundown Lodge and Russett House believe that the impact assessment of the development on their continued enjoyment of their properties has not been fully considered or accurately portrayed. They feel the proposed properties will be more ‘overbearing’ than suggested. We would welcome this being considered/reviewed further as bulk and massing of developments are a requirement of CNDP9.
8. If any permission were to be granted, we believe it should be conditional on any developer having to produce a construction programme and method statements, which specify how construction vehicles and materials/equipment will be delivered to the site, to avoid damage to the relatively narrow roads running through the village to the site, through Rectory Lane itself and around the Memorial Cross land. The method statements should incorporate proposals for how the developer will keep the roads clean and clear of construction mud/debris throughout the contract. The plan should also include proposals for where

tradesmen/people working at the site will park to avoid congestion due to the limited car parking around that area.

9. Any developer(s) should also be required to avoid deliveries to the site between 8:15 to 9:00 and 14:45 to 15:45 to avoid school pick up and drop off times.
10. Adjacent to the proposed development site, the Diocese own a further parcel of land which historically has provided the only parking for the Church and Village Hall. This land is currently leased to the individual using part of the development site for business interests, who in turn allows the Church and Village Hall to use it. To facilitate any development, we anticipate that the lease with this lease holder would have to be determined inclusive of the lease covering the car parking.

In granting any permission for these developments, we would welcome confirmation from the Diocese that they will continue to make this land available for parking to the Church in perpetuity. We would also ask the Diocese to consider/support 'giving' this land to an appropriate body, to ensure it remains available for appropriate safe use by Parishioners for supportive/necessary community activities around that area in perpetuity. As part of this agreement, it would also be welcomed if the developer was required to 'level' this land to support its safe use as a car park.

During our discussions with various parties, there has been a query raised as to whether the Diocese own the full extent of the land holding covered by these development proposals. We recognise that the application form says that they do, but Herefordshire Council might want to consider whether clarifying ownership should have any bearing in considering this application.

The Parish Council would be happy to discuss the above concerns and possible resolutions with Planning Colleagues, the Diocese or their agents as might be appropriate.

We have advised all neighbours and other parties who have raised concerns with us that they should raise them in full directly with yourselves.

5.4 Third Party Representations

A total of 54 representations have been made to the Local Planning Authority, 2 have been made in support of the scheme and 29 have been in objection, and 8 general comments. The responses can be summarised as follows:

Support

- Will not affect Scout community building subject to a 6ft close boarded fence on this boundary
- Will resolve problems with the use of the car park and the access track for the plot 2 area.

Objection

- The development is not necessary within AONB
- A similar application was refused in the 1980s
- The site is to utilise a dangerous access
- No traffic survey conducted
- The development would negatively impact the historical setting of the Church and Conservation Area
- No engagement with local community
- There a number of trees on the site that should be protected
- The proposal does not address housing needs of Cradley, smaller 2/3 bedroomed houses or bungalows would be more appropriate

- The site is currently a green area within the Conservation Area and AONB and should be protected
- The proposal lacks sufficient evidence that foul and surface water drainage can be sustainably managed on-site
- Development would result in the loss of a private allotment site on Plot 1
- There is a well in the small brick-built hut in the SW of the site, adjoining Russet House's N boundary. The Deeds of the house explain that the well is for the use of Russet House, and that occupants of the property have a right to enter the building, maintain the well pump, and to use the water.
Great Crested Newts have been found/ seen on adjoining site
- Plot 2 would result in an eyesore from Russet House, Sundown Lodge, and walkers to the south

5.5 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242922&search-term=242922

Internet access is available at the Council's Customer Service Centres.

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Cradley Neighbourhood Area, which was made on 21 August 2017.
- 6.3 The NPPF makes clear that all decisions need to apply the presumption in favour of sustainable development as set out at Paragraph 11 of the NPPF. This makes clear that development which accords with an up-to-date development plan should be approved without delay. Where there are no relevant policies or the most relevant policies are considered to be 'out-of-date', then the presumption in favour of sustainable development as set out by Paragraph 11 d) ('the tilted balance') is engaged. This means that planning permission should be granted, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.4 Footnote 7 to Paragraph 11d (i) specifies that the policies referred to include those related to habitats sites, Sites of Special Scientific Interest, Green Belt land, Local Green Space, National Landscapes, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change.
- 6.5 Footnote 8 makes clear that, for applications involving the provision of housing, policies should be regarded as being out of date if the Local Planning Authority is unable to demonstrate a five

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

year supply of deliverable housing sites. Following changes to the standard method for calculating housing targets which accompanied the revised NPPF in December 2024, the Council is no longer able to demonstrate a five year supply of housing land. The current supply figure in the county stands at 3.06 years. The relevant policies of the development plan should therefore be regarded as being 'out of date' and the positive presumption as set out at Paragraph 11 d) is engaged.

- 6.6 For plans that contain policies and allocations to meet their identified housing requirement, and which are not more than five years old, paragraph 14 of the NPPF allows the decision maker to attach significant weight to the neighbourhood plan even when the council cannot demonstrate a five year housing land supply. For parish groups with plans that are less than 5 years old; both a and b of paragraph 14 is applicable and will be a material planning consideration when assessing the principle of speculative housing developments in the Designated Neighbourhood Area.
- 6.7 Whilst being mindful that the NDP post-dates the adoption of the CS, the Cradley NDP is now over five years old (made 21 August 2017). Paragraph 14 is not engaged given conflict with a). As such, any conflict with the policies contained within the NDP does not automatically amount to harm that significantly and demonstrably outweighs the benefits of a proposal which would engage Paragraph 14. The aforementioned balance at Paragraph 11d will therefore still apply in earnest.
- 6.8 Supreme Court judgements and subsequent appeal decisions have nevertheless confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision and Paragraph 232 of the NPPF is therefore applicable. The spatial strategy set out in both the CS and NDP is considered to be largely consistent with the NPPF. As such, one should attribute significant weight to the relevant policies for determination, particularly as both the CS and NDP helps in some ways define what may amount to a 'sustainable location', 'effective use of land' and 'securing well-designed places', key policies within Paragraph 11d of the NPPF, which can be considered individually, or in combination, together with affordable housing.
- 6.9 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF.
- 6.10 In locational terms Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.11 Policy RA1 relates to rural housing distribution. A minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county's housing needs. New dwellings will be broadly distributed across the county's rural areas on the basis of seven Housing Markets Areas (HMA). This acknowledges that different areas of Herefordshire have different housing needs and requirements.
- 6.12 The CS outlines that to maintain and strengthen locally sustainable communities across Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements outlined under Policy RA2. This site is within the Ledbury HMA, which is earmarked for an 14% indicative housing growth and Cradley is listed in Figure 4.14 as a settlement which will be the main focus of proportionate housing development.

- 6.13 The proposal in this case lies within the Cradley Neighbourhood Area. The NDP policy CNDP1 identifies a settlement boundary for Cradley shown by the bold black line in Figure 1. The approximate location of the site is depicted by the yellow star which clearly shown to be within the boundary.

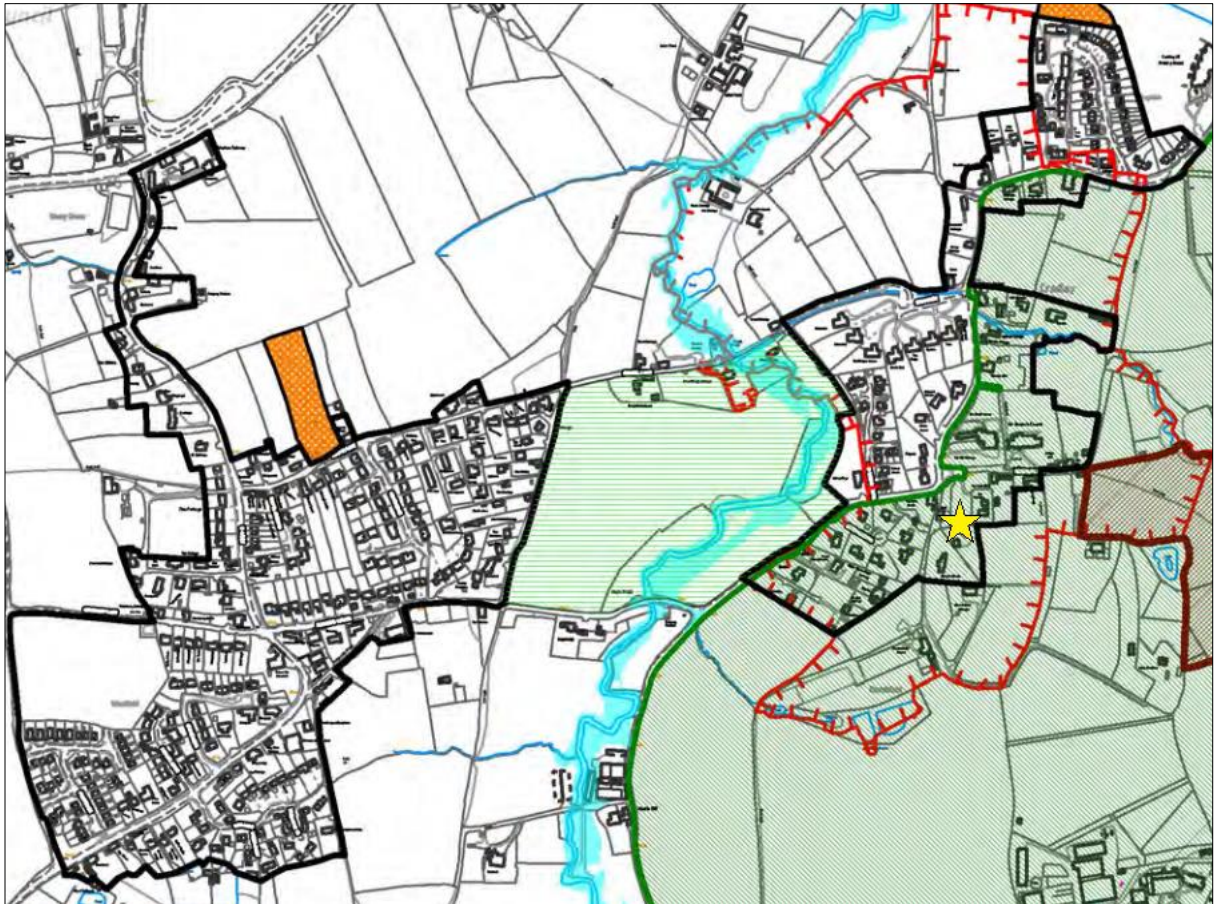


Figure 1- Cradley settlement boundary

- 6.14 With the above in mind, I consider the principle of the development is acceptable in purely locational terms. Notwithstanding the inclusion of the site within the settlement boundary, it is acknowledged the site is within the Malvern Hills National Landscape and Cradley Conservation Area. As such, there is a requirement to further the purpose of conserving and enhancing the natural beauty of the AONB pursuant to section 85 of the Countryside and Rights of Way Act 2000. Special attention should also be paid to the desirability of preserving or enhancing the Conservation Area, and special regard is to be given to the desirability of preserving listing buildings and their settings.
- 6.15 An assessment of the proposed development in the context of those considerations and all other relevant technical considerations will now be discussed under the relevant headings within this report. The wider details of the scheme with regards to policy are considered below.

Design, residential amenity and impact on character and appearance of area

- 6.16 The NPPF promotes a high level of design and emphasis on achieving well-designed places. Paragraph 131 states that: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.

- 6.17 The detail of design is assessed by Policy SD1 of the CS. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.18 The requirements of Policy SD1 and RA2 are underpinned by Policy LD1 (landscape and townscape). Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure.
- 6.19 NDP policy CNDP9 states *“development which take appropriate account of the their setting in terms of bulk and mass, siting, design, materials and boundary treatments, and which stengthen the distinctive character of the plan area will be supported”*.
- 6.20 The submitted scheme would appear to be appropriate size relative to the plot. The dwellings would have sufficient gardens fitting with the pattern of development in the immdieaite area where dwellings are set witihn generous plots. The proposed two-storey dwellings are intended to be in keeping with the masonry and clay roof constructions of well-established and more recent dwellings such as Mistletoe Cottage in the locality.
- 6.21 The proposed new buildings are designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area. The proposal does not feature a design specific to a generic “scheme” and displays how they take account of the locally distinctive character of the area in which they are to be sited, largely down to the ‘self-build’ nature of the proposed scheme.
- 6.22 In terms of design therefore, your officer is content that Policies SS6, RA2, SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF; and Policies SS1, SS4 and SS7 are satisfied. As recognised by the NDP at Policy CNDP9, materials should be appropraiate for its setting and conditioning of samples of materials can enable suitable materiality.

Residential Amenity

- 6.23 Turning to residential amenity, Policy SD1 of the CS strives to safeguard residential amenity for current and future occupiers, meaning a long-term perspective needs to be considered. This is consistent with Paragraphs 135 of the NPPF. Policies SS4 and SS7 also touch on residential amenity as part of wider design policy considerations.
- 6.24 It is considered that no concerns arise in relation to protecting neighbours’ residential amenities. The Rectory is the cloest neighbouirng dwelling to Plot 1, located some 20 metres to the east, with Russet House being the cloest neighbouring dwelling to Plot 2 being located some 20 metres to the south-west of Plot 2. Additionally, the projecting rear gable of Plot 2 contains no openings facing Russet House. Therefore, despite the relative proximity of neighbouring dwellings, the

degree of separation means that there would be no significant loss of privacy or immediate outlook.

Landscape and Visual Impacts

- 6.25 Policy CNDP5 states within the National Landscape, development will be supported where it does not adversely affect the intrinsic natural beauty of the landscape and is necessary to promote the economic and social well-being of the designated area and their communities and enhance the quality of the landscape or biodiversity.
- 6.26 Paragraph 187 sets out ways in which planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Furthermore, minimising impacts and providing for net gains for biodiversity and preventing new and existing development from contributing to unacceptable risk from soil, air, water or noise pollution of land instability. Additionally, land where appropriate.
- 6.27 Paragraph 189 identifies great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 6.28 Paragraph 190 then goes on to say, when considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.29 By reason of the modest scale of the development and its visual relationship with the built form of Cradley, the proposed development does not constitute major development within the Malvern Hills National Landscape. As such, in officers' view there is no requirement for 'exceptional circumstances and public interest' to be demonstrated in this case.
- 6.30 Malvern Hills National Landscape Partnership (formerly known as Malvern Hills AONB Unit) have been consulted in connection with the application and have not responded.
- 6.31 The proposed dwellings are considered to be of an acceptable design and set back from the streetscene, and this in conjunction with the existing and proposed vegetation, would help to minimise its visibility within the wider landscape.
- 6.32 Whilst the Senior Landscape Officer has not objected it is suggested that should the application be approved, a more detailed landscaping scheme be secured by condition. This should include specifications relating to the treatment of residential boundaries, surface materials for permeable vehicular access areas, and detailed planting information. Such measures are necessary to ensure that the new built form and associated land use are appropriately integrated into the surrounding landscape context. In addition to this, it is recommended that permitted development

rights for the erection of ancillary buildings, walls and fences are removed given the sites location within the Malvern Hills National Landscape. This would ensure additional urban features such as fencing will require planning permission allowing control over potentially harmful means of enclosure.

- 6.33 Taking the above into account it is considered that the proposed development will conserve the scenic qualities of the National Landscape in a manner consistent with the legal duty under the Levelling Up and Regeneration Act 2023 to seek to “further the purpose” this National designation and in accordance with the Development Plan policies identified above and the NPPF.

Heritage Impacts

- 6.34 The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets. Policy LD4 of the CS is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed building and conservation areas, or not, ranging from individual structures and their settings, archaeological remains, to larger neighbourhoods of historic value, parks, gardens and other green spaces of local interest. Policy SS6 identifies that development proposals should conserve and enhance those environmental assets that contribute towards then county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.
- 6.35 When considering the impact of a development proposal upon the setting of a heritage assets, there are several stages. Firstly, identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets’ setting, this depends upon whether that view contributes to the significance of the asset. Also, a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.36 There are a number of listed buildings and a scheduled monument in close proximity:
- 6.37 The Site is located in the oldest part of Cradley within the Cradley Conservation Area. The Site also lies in close proximity to a number of designated heritage assets, buildings of local interest to the north of the application site, and immediately adjacent to key views within the village that positively contribute to its character.
- | | |
|--|-------------------|
| - Stables west of Rectory. Grade II | List UID: 1177124 |
| - Rectory. Grade II | List UID: 1082301 |
| - Churchyard Cross S of Tower of St James Church. Grade II | List UID: 108229 |
| - Church of St James. Grade II* | List UID: 1082298 |
| - Parish Hall Old Boys School. Grade II* | List UID: 1082300 |
| - Church Cottage. Grade II | List UID: 1307574 |
| - Lych Gate of St James Church. Grade II* | List UID: 1177095 |
| - Garden Wall at Rectory to S and W of House. Grade II | List UID: 1082302 |
| - Maclean War Memorial. Grade II | List UID: 1462191 |
- 6.38 Figure 2 highlights the relevant designated heritage assets:

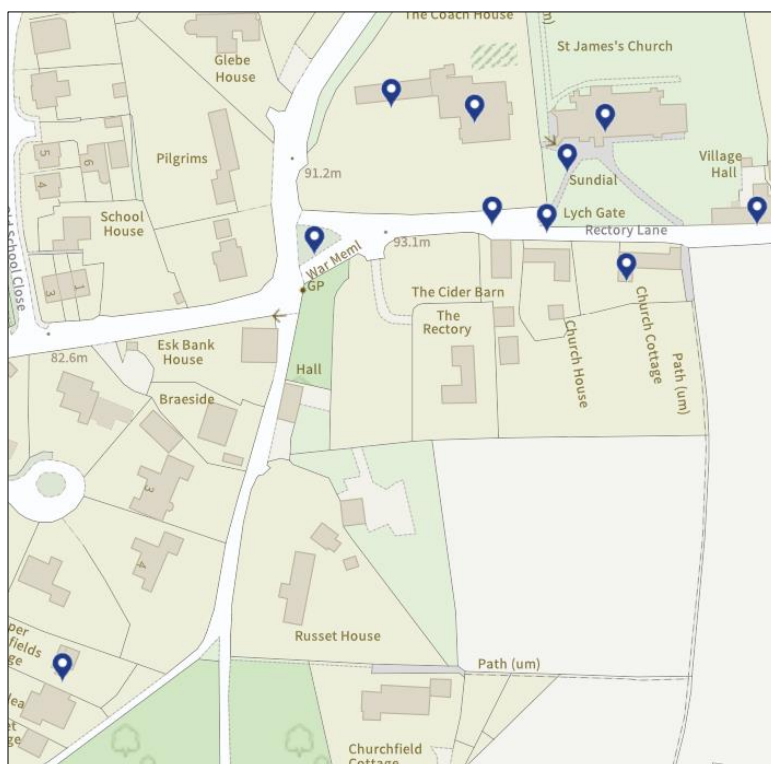


Figure 2 - Historic England Map of designated heritage assets

- 6.39 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.40 It follows that the duties in Section 66 do not allow a decision-maker to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”. Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.41 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved in a manner appropriate to their significance. Section 16 particularly offers clarity about the assessment to be made of the significance of heritage assets. Paragraph 210 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.42 Whilst policy requires heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a

mechanism for assessing how harm should be factored into the planning balance. In order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

- 6.43 A Heritage Statement has been submitted to support the application, in line with Paragraph 207 of the NPPF.
- 6.44 In respect of heritage assets the advice set out at paragraph 212 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 213 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 214, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 215 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.45 It is worth noting that historically, there was a dwelling in similar location as the proposed dwelling on plot 1. This building was described in the Royal Commission of the Historic Monuments of England's survey of Herefordshire in 1932 as follows:
- 6.46 *d(24). Cottage, E. of Pound Bridge and 350 yards W.N.W. of the church, was built late in the 17th or early in the 18th century*
- 6.47 The historic mapping (overleaf) shows that this building was in existence until the mid-twentieth century, but has since been demolished. The existing access to the Church and Village Hall car park may have been the original access to this building.

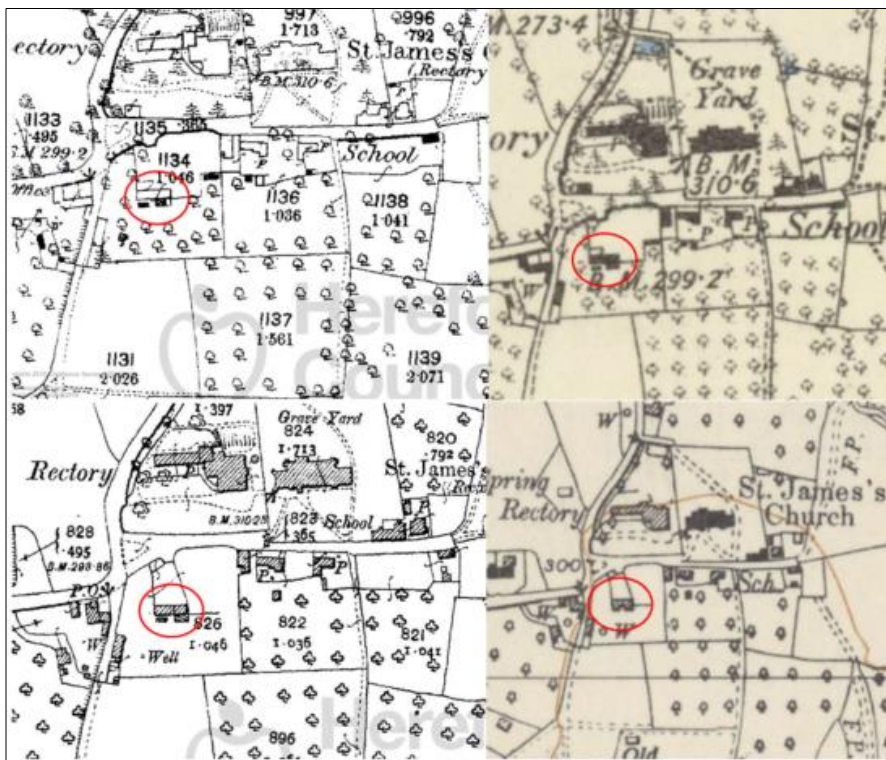


Figure 3- Historic OS mapping of the centre of Cradley village, from 1843 (top left), 1885 (top right), 1919 (bottom left) and 1953 (bottom right), illustrating the existence of the seventeenth century structure present on the proposal site before it's demolition

- 6.48 The Council's Buildings Conservation Officer has reviewed the amended application and concludes that there is a element of heritage harm to the well established core of the Conservation

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

Area and grain of the settlement - due to the level of change the scheme envisages and encroachment of modern development further to the south and east, onward into the historic core. The Buildings Conservation Officer describes this harm as less than substantial.

- 6.49 In accordance with the Framework great weight should be given to the conservation of heritage assets. Paragraph 215 of the Framework advises that less than substantial harm should be weighed against the public benefits of the proposal. The development would provide two additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing and is on a small site that can make an important contribution to meeting the housing requirement for the area, as well as addressing a shortfall in 'self-build' plots across Herefordshire.

Ecology and biodiversity

- 6.50 Policy LD2 of the CS states that all development proposals should conserve, restore and enhance the counties biodiversity assets wherever possible. Amongst other things, this should be achieved through the retention and protection of nature conservation sites and habitats in accordance with their status. In relation to trees and green infrastructure. Policy LD3 of the CS requires that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as trees, woodlands and hedgerows.
- 6.51 The report states that it is possible that local water bodies could support Great Crested Newt populations although there are no water bodies present on site. The unmanaged vegetation and undisturbed log piles on site would provide suitable habitat for reptiles and amphibians. The report recommends working with a Precautionary Working Method Statement, which has been included in the report. Furthermore, from the supplied and available information there is no reason for the LPA to consider there are likely to be any effects on any other protected species or other ecological interests as a result of the proposed development. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection afforded at all times through the Wildlife & Countryside Act.

Biodiversity Net Gain

- 6.52 The requirement for qualifying developments to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions came into force on 12th February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 6.53 In relation to the requirement for mandatory 10% BNG, the application is promoted as a self-build project which benefits from an exemption. The continued compliance with the exemption will be controlled by condition limiting first occupation of the dwelling by persons complying with the legal definition of this tenure as set out in the Self-Build and Custom Housebuilding Act 2015.

Access and highways

- 6.54 Policy MT1 of the development proposals should incorporate the following principle requirements covering movement and transportation demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.
- 6.55 Paragraph 116 of the NPPF reads that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

- 6.56 There have been representations raising concerns regarding the highways impacts of the proposed development. The proposed development would be served via an existing access onto Rectory Lane within the 30mph village speed limit. This access serves the Site, the Old Rectory and the car park for use of the Church and Village Hall.
- 6.57 It is considered that the intensification in use of the existing access associated with the proposed development does not give rise to a severe impact on highway safety. The Site access lies within the 30mph speed limit and given the proximity of the memorial junction it is this Officers experience that actual vehicle speeds are much lower. The Area Engineer has confirmed the proposal is acceptable with regards to the nature of the local network and are adequate to ensure that safe access can be achieved. The internal layout makes adequate provision for the parking and manoeuvring of vehicles, and a condition is recommended to secure storage for cycles. Subject to the imposition of conditions addressing cycle storage, driveway gradient, and shared driveway arrangements, and given that the Area Engineer has raised no objections, the proposal is considered to be consistent with Core Strategy policy MT1 and the relevant paragraphs of the NPPF.

Drainage

- 6.58 Policy SD3 of the CS requires development proposals to include sustainable water management in order to reduce the risk of flooding. In relation to Policy SD4, development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network.
- 6.59 The proposal seeks for foul water to be drained to the mains with surface water going to a soakaway. There is no objection to this approach however, it is noted Severn Trent has suggested a condition to secure details of these drainage arrangements.

Other considerations

- 6.60 This application is progressed as a self-build and custom-build dwelling under the Self-build and Custom Housebuilding Act 2015, in accordance with S1(A1) of that Act. It would be appropriate to afford weighting in terms of contributing to the requirement to deliver an appropriate number of self-build dwellings, where there is recognised to be a current shortfall of 89 plots (Self and Custom Build Authority Monitoring Report, May 2025).
- 6.61 A number of objections make reference to the proposal resulting in a loss of allotment. This is a private allotment with a notice period of 2 months. It is understood that all parties are aware of this application.
- 6.62 Loss of a private view, enjoyment of the area by residents and visitors, as well as the number of properties 'for sale' in the area, are mentioned in a number of representations but are not material considerations.
- 6.63 The representations received pertaining to covenants on the land are civil matters between the relevant interested parties are all non-material planning considerations and do not prevent the Local Planning Authority from making a determination of this particular planning application.
- 6.64 Furthermore, within the representations there are references to a discrepancy in the red line boundary, suggesting a land ownership issue, however no deed maps have been provided to evidence this.

Conclusion

- 6.65 CS Policy SS1 and Paragraph 11 of the NPPF apply a presumption in favour of sustainable development. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are economic; social; and environmental.
- 6.66 The proposed development represents a small scale and appropriately designed residential scheme situated within the defined settlement boundary of Cradley, as designated under the Cradley Neighbourhood Development Plan. The site is considered to lie in a sustainable location in accordance with Policy CNDP1, and the development accords with the general principles of Policies SS1, SS2 and RA2 of the Core Strategy. The proposal would provide two additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing and is on a small site that can make an important contribution to meeting the housing requirement for the area, as well as addressing a shortfall in 'self-build' plots across Herefordshire.
- 6.67 Furthermore, the proposal is acceptable in terms of scale, layout and design, and would not result in unacceptable harm to residential amenity, ecological assets, or highway safety. The proposal subject to the imposition of appropriate conditions – including those securing landscaping details and boundary treatments – is not considered to result in unacceptable harm on landscape character or the National Landscape. Less than substantial harm has been identified by the Buildings Conservation Officer, however based on the preceding assessment, the harm is not considered to significantly and demonstrably outweighing the benefits of the proposal. On this basis, it is considered that planning permission should be granted as set out in the recommendation below.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. C01 – Time Limit for Commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. C06 – Development in accordance with approved plans

The development hereby approved shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:

- **Location Plan**
- **AL.P.001 rev. B**
- **AL.P.010 rev. B**
- **AL.P.110 rev. D**
- **AL.P.111 rev. D**
- **AL.P.113 rev. A**
- **AL.P.112 rev. D**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core

Strategy, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

3. CBK – Restriction on working hours during construction

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Commencement Conditions

4. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5. Prior to the commencement of the development, the submitted Arboricultural Impact Assessment Method Statement and Tree Protection Plan (JJH Arboriculture_JJH_AIA_MS_TPP_V1_27.05.25) shall be updated to explore the part retention of tree group G4 and pruning required to T1. This will then be re-submitted and approved by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To ensure the proper care and maintenance of the trees and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Relevant Commencement Conditions

6. C13 – Samples of External Materials

With the exception of any site clearance and groundwork, no further development shall take place until samples of materials to be used externally on walls and roofs of the approved dwelling and garage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire

7. CA1- Landscape Scheme

With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Occupancy Conditions

8. Driveway gradient

Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Parking – single/shared private drives

Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. CB2 – Implementation of secure cycle storage

Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each

dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. CE6 – Efficient Use of Water

Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy, Policies SS2 and SS4 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

12. CNS – Non-standard condition

Prior to first occupation of the dwelling approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types and TWO bat roost features, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

Post-Occupancy/on-going compliance conditions

13. Landscape Implementation

All planting, seeding or turf laying in the approved landscaping scheme (Condition 7) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

14. CNS – Non-standard condition

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency

15. C58 – Domestic use only of garage

The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

16. Removal of Permitted Development rights

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA and E of Part 1 and Class A of Part 2 both of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, enable re-assessment of impacts upon landscape character, visual amenity and heritage assets, to maintain the amenities of adjoining property and to comply with Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

17. Self-build

The dwellinghouses hereby permitted shall be constructed as self-build within the definitions of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The first occupation of each dwellinghouse hereby permitted shall be by a person or persons who have had a primary input into the design and layout of the dwelling and two months prior to the first occupation of the unit, the Council shall be notified of, and shall agree in writing, details of the persons who intend to take up first occupation.

The dwellinghouses shall be occupied in accordance with the approved details.

Reason: The approved development is granted on the basis that it complies with the Self Build and Custom Housebuilding Act 2015 and is consequently exempt from the requirements to submit a Biodiversity Gain Plan in accordance with the provisions of

Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

3. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.
4. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
5. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

6. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

7. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

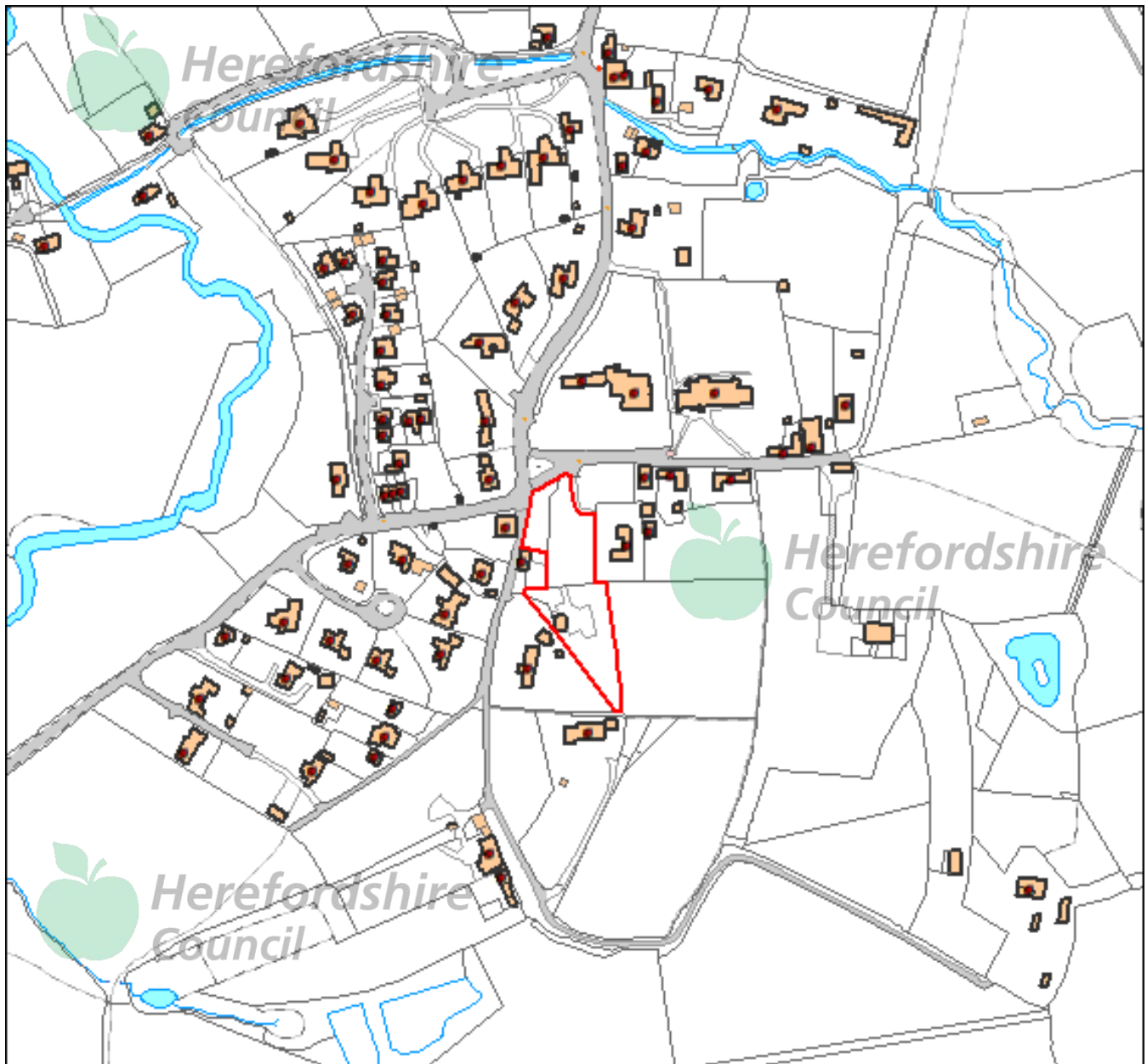
Decision:

Notes:

.....

Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 242922

SITE ADDRESS: LAND TO SOUTH OF RECTORY LANE, CRADLEY, HEREFORDSHIRE, WR13 5LH

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005