

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	14TH OCTOBER 2026
TITLE OF REPORT:	253316 & 253317 - PART CHANGE OF USE FROM A MIXED RESIDENTIAL AND RETAIL USE, TO RESIDENTIAL USE AT 123 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BP For: Mrs Isaacs per Mr Tom Assal, 2 Park View, Newbury Park, Ledbury, HR8 1AZ
WEBSITE LINK:	Planning Permission (P253316/F): https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=253316&search-term=253316 Listed Building Consent (P253317/L): https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=253317&search-term=253317
Reason Application submitted to Committee - Unusual or sensitive planning issues	

Date Received: 14 November 2025 **Ward:** Ledbury North **Grid Ref:** 371002,237943
Expiry Date: 11 September 2026 (Extension of time agreement)
Local Members: Cllr Liz Harvey

1. Site Description and Proposal

- 1.1 The application site comprises a Grade II listed building located towards the northern end of Ledbury Town Centre, within the Conservation Area. The building is semi-detached and currently comprises a mixed use with a closed commercial unit at ground floor and a single residential dwelling above, on the first and second floors.
- 1.2 The building is of a traditional architectural style with a pitched clay tile roof and cream painted brickwork external walls.
- 1.3 This report relates to two applications that seek full planning permission (P253316/F) and listed building consent (P253317/L) to change the use of the building from a mixed residential and retail unit to an entirely residential use. This would see the ground floor commercial unit changed to a residential use.
- 1.4 The application has been supported by the following:
 - Design and Access Statement
 - Heritage Impact Assessment
 - Correspondence between the Local Planning Authority and applicant's agent regarding additional supporting information

2. Policies

2.1 National Planning Policy Framework, as amended on 17 August 2026 (NPPF):

Chapter 3: Decision-making policies

- DM1: Preparing development proposals
- DM3: Determining development proposals
- DM6: Use of planning conditions and obligations

Chapter 4: Achieving sustainable development

- S3 Presumption in favour of sustainable development
- S4 Principle of development within settlements

Chapter 6: Delivering a sufficient supply of homes

- HO9 Specialist forms of accommodation

Chapter 8: Ensuring the vitality of town centres

- TC2 Development in town centres

Chapter 12: Making effective use of land

- L2 Making effective use of land

Chapter 14: Achieving well-designed places

- DP3 Key principles for well-designed places
- DP4 The design process

Chapter 15: Promoting sustainable transport

- TR3 Locating development in sustainable locations

Chapter 20: Conserving and enhancing the historic environment

- HE5 Assessing effects on heritage assets
- HE6 Proposals affecting designated heritage assets
- HE9 Conservation areas

The NPPF sets out the government's planning policies for both plan-making and decision-making on development proposals in England. It is a material consideration of critical importance in both contexts. This version now replaces the previous NPPF that was published most recently in December 2024 (including revisions on 7 February 2025). The NPPF can be accessed using the following link: [National Planning Policy Framework - GOV.UK](#)

One of the most notable changes in the recently revised NPPF is the establishment of national plan-making and decision-making policies. The national decision-making policies identified above are considered by officers to be relevant to the determination of this particular application.

Planning law still requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in the NPPF are material considerations in making these decisions and should be read alongside the policies in the development plan, albeit ones that the UK Government expects to be given 'critical' importance. Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.

The NPPF also confirms that planning decisions should contribute towards the achievement of sustainable development through economic, social and environmental objectives which are mutually supportive and should be pursued together.

Some of the national decision-making policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused. The NPPF at Annex A covers implementation of the NPPF for the purposes of decision-making, particularly in relation to existing local plan policies. Paragraph 2 is implicit that:

"Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework."

This applies to all development plan policies, which includes both local plan policies (i.e. Herefordshire Local Plan - Core Strategy); and made Neighbourhood Development Plan (NDP) policies. The same paragraph then goes on to say that,

"Other development plan policies (including policies in made neighbourhood plans) should not be given reduced weight simply because they were adopted prior to the publication of this Framework."

In practice, this means that the Local Plan does not cease to apply simply because it predates the current publication of the NPPF but that each policy must be considered individually. Where policies in the Local Plan and a NDP remain broadly consistent with the national decision-making policies, they can continue to carry weight. Precisely how much weight that amounts to remains something for decision-makers to assess. However, where policies are materially inconsistent with the national decision-making policies, they should carry very limited weight.

Footnote 63 of the NPPF states that the policies set out in Chapter 20 (Conserving and enhancing the historic environment) also relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, which includes applications for listed building consent.

2.2 National Planning Practice Guidance (PPG):

The PPG adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed using the following link:

[Planning practice guidance - GOV.UK](#)

2.3 Herefordshire Local Plan Core Strategy 2011 – 2031 adopted October 2015 (CS):

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
LB1	-	Development in Ledbury
E5	-	Town Centres
E6	-	Primary shopping areas and primary and secondary shopping frontages
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water 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

3. Planning History

- 3.1 DCN054156/L - Replace existing conservatory, replace first floor window and internal alterations – Approved with Conditions

DCN054155/F – Replacement of existing conservatory – Approved with Conditions

DCN043728/L – Proposed Internal Alterations and replacement conservatory – Refused

4. Internal Consultation Summary

- 4.1 During consideration of the applications, amended plans and additional and/or updated supporting documents have been submitted for consideration. For avoidance of any doubt, all consultation responses are provided below and have been annotated under each consultation response where they are responding to superseded or amended plans.

4.2 Area Engineer Team Leader – No objections – No conditions recommended

- 4.2.1 No objections to the proposed. Ledbury is classed as a sustainable location therefore the lack of the provision of parking is supported by the sustainable location.

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>

4.3 AMENDED Principal Building Conservation Officer – No objections – Conditions recommended

- 4.3.1 I have looked through this application and confirm there are no objections on heritage grounds. If you are minded to approve please could you include a joinery condition, requesting 1:20 scale elevations of the new windows, with 1:5 cross and vertical sections and a full size drawing of the glazing bar, noting materials and finish.

4.4 PREVIOUS Principal Building Conservation Officer – Objection – Further information required

- 4.4.1 There are very minor internal works proposed to create a bedroom and shower room neither of which will adversely impact on the heritage interest of the property. They do propose slightly widening a small window (photographed here) but there is no elevation or details which should be added to the application. There is also a ground floor window which has replaced a sash window on the front elevation for which no consent was granted so I advised the owner that the application should include a reinstatement with a timber sash. Finally it is proposed to include some internal wall insulation to which there is no reference on the drawings. So in principle I have no objection to the proposal but before it can be determined we will require this additional information.

4.5 Economic Development – No objection

4.5.1 The Economic Development Team has considered planning application 253316 relating to 123 The Homend, Ledbury, Herefordshire, HR8 1BP, and confirms that it supports the proposal.

The premises have historically been occupied by a retail business for many years. The owner lives in the accommodation above the premises. However, the previous owner has now retired, and the shop has subsequently become vacant. These current circumstances therefore appear to reflect the retirement of a long-standing business rather than the loss of a currently trading retail operation.

The location and context of the property are also relevant to the assessment of the proposal. 123 The Homend is situated towards the upper end of the High Street, away from the main concentration of shops and commercial activity within Ledbury town centre. There are no further shops beyond this point on the same side of the road, and the property is immediately adjacent to a block of apartments. The premises therefore occupy a transitional position between the main shopping area and the more predominantly residential part of The Homend.

The Team also notes that there are at least two other vacant retail units within Ledbury town centre. In this context, the proposed change of use is not considered likely to result in a shortage of retail premises or materially diminish the town's retail offer.

From an economic development perspective, bringing a vacant premises back into an active and appropriate use is considered beneficial to the vitality and appearance of the area. Continued vacancy could, in contrast, have a negative effect on the visual appearance and economic activity of this part of The Homend.

Given the property's position at the upper end of the High Street, away from the main shopping area, its location adjacent to residential apartments, the absence of shops beyond the property on that side of the road, and the availability of other vacant retail premises within Ledbury, the Economic Development Team considers that the proposal would not undermine the town's retail function.

Conclusion

The Economic Development Team supports planning application 253316. The proposed change of use is not considered likely to result in a shortage of retail space in Ledbury or adversely affect the vitality of the principal shopping area.

On balance, bringing this vacant premises into an active and appropriate use would make a positive contribution to the local area and support the continued economic vitality of Ledbury. The Economic Development Team therefore raises no objection to the application.

5. **Representations**

5.1 Ledbury Town Council – No objection

5.1.1 No objection

5.2 At the time of completing this report, 3 letters of representation have been received from third parties supporting the application. These are summarised below:

- Footfall has fallen and it can be unviable to keep a shop open
- Concerns over the deterioration of the shop if it remains empty because approval isn't granted

- Applicants are foster carers and the application would allow for the potential fostering of another child

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=253316&search-term=253316>

5.4 Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 As set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 "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."
- 6.3 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Ledbury Neighbourhood Development Plan (NDP).
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and policy PM2 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. 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 applications.
- 6.5 development proposals in England. It is a material consideration of critical importance in both contexts. This version now replaces the previous NPPF that was published most recently in December 2024 (including revisions on 7 February 2025).
- 6.6 Further to recent revisions to the NPPF, national decision-making policies (NDMP) in the NPPF are a material consideration in decision-making.
- 6.7 Having regard to the above, whilst the CS was adopted in 2015, paragraph 2 of Annex A of the NPPF confirms that development plan policies should not be given reduced weight solely because they pre-date the current NPPF. The weight afforded to individual policies depends on their consistency with the current NDMPs. Precisely how much weight that amounts to remains something for decision-makers to assess, whereas any materially inconsistent policies should be afforded very limited weight.
- 6.8 As set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.9 In the context of this proposal, the CS policies relevant to determination of the application have been considered against the NPPF and are viewed by officers to be weighted as follows:

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

- 6.10 Policy SS1 is considered to have limited weight given to it as it has now been superseded by the NPPF presumption in favour of sustainable development and principle of development NDMP S3-S5.
- 6.11 The appraisal is still assessed against the policies of the adopted development plan though any decision will need to be considered in accordance with Policies S3, S4 and HC6 of the NPPF unless material considerations indicate otherwise. This also includes the need to assess the application against the NDMPs of the NPPF.
- 6.12 Listed building consent is governed by a separate statutory code under the Planning (Listed Buildings and Conservation Areas) Act 1990, and the decision is not a development plan-led decision in the same way as a planning application. For Listed Building Consent applications, the key statutory duty is set out under Section 16(2) of the above Act, which requires the decision-maker, when considering whether to grant listed building consent, to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it possesses.

Principle of development

- 6.13 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).
- 6.14 The application site is considered to be located in a spatially sustainable locale within the built-up area of Ledbury town, and it is noted that the Core Strategy does not define the settlement boundaries. Policy LB1 of the Core Strategy states that Ledbury will accommodate a minimum of 800 new homes within the plan period.
- 6.15 The NDP policy SD1.2 identifies a settlement boundary for Ledbury where new housing is appropriate, and the application site is found to be within this boundary.
- 6.16 Notwithstanding the above, and the fact the ground floor is currently vacant, the building benefits from a lawful use as a commercial unit (Use Class E) and is located along Ledbury's Primary Shopping Frontage as can be seen in the Figure below and therefore is afforded a level of protection.

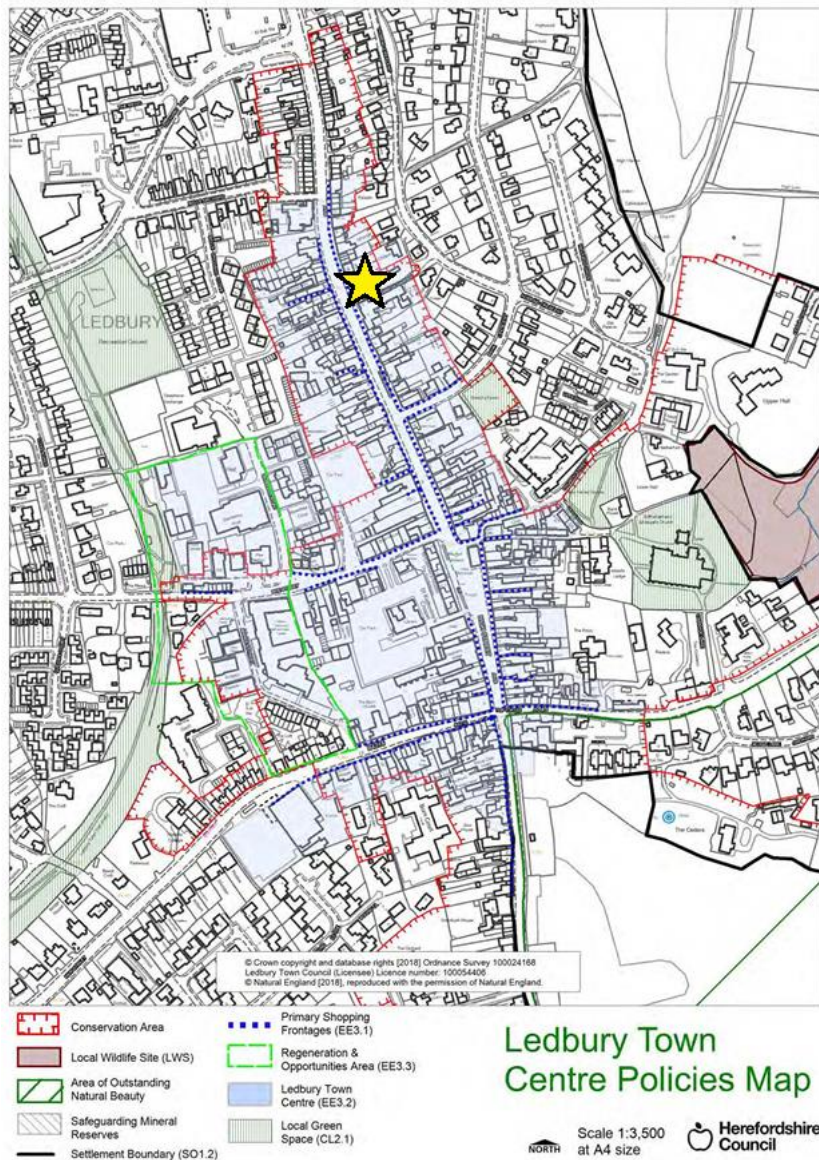


Figure 1- Ledbury Town Centre Policies Map

- 6.17 The latest available evidence ([Town Centre and Retail Assessment Appendix 4](#)) for 2022 show that 16.9% of units in Ledbury Town Centre are vacant, since then we are aware through the Housing Land Survey that there has been an uptake in conversions from retail to residential. However, this has not been reflected as of yet in any update to a Town Centre Health Check.
- 6.18 It should be noted that this was produced towards the end of the Covid-19 pandemic and may not be reflective of the current situation.
- 6.19 NDMP TC2 is relevant to this application. This policy relates to development in town centres and states that: *in considering proposals for development in town centres, substantial weight should be given to the benefits of:*
- Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations)*
 - Improving or retaining access to local shops and other facilities which provide day-to day services for the local community.*

- 6.20 NDMP L2 is also a consideration. The policy states substantial weight should be given to the benefits where a development proposal would achieve one or more of the following:
- a. *Making better use of vacant and underutilised land and buildings (such as: by bringing back into residential use empty homes and other suitable buildings; converting space above shops; redeveloping underutilised retail and business sites; and building on or above service yards, lock-ups, car parks and other transport infrastructure which are no longer required)*
- 6.21 The reference to “*making better use of vacant and underutilised land and buildings*” requires consideration of what constitutes a “*better use*”. The policy does not define the term, and therefore its interpretation is a matter of planning judgement for the decision-maker. As such, the assessment must consider whether the proposed development would represent a more effective and beneficial use of the site when viewed against the objectives of the development plan and other material considerations as a whole.
- 6.22 Policies E5 (town centres) and E6 (Primary shopping areas and primary and secondary shopping frontages) of the CS focus on the land uses within town centres. Policy E5 states “*Town centres will be the focus for retail, commercial, leisure, cultural and tourism uses*. Policy E6 seeks to protect and enhance primary shopping areas also seeking to protect and enhance primary and secondary shopping frontages. Policy E6 sets out to achieve “*a continuous frontage of no more than two non-retail units and overall proportion of non-retail uses within primary shopping frontages is no more than 25% of the frontages*. In regards to exceptions to E6 the CS states:
- 6.23 *Exceptions to the above thresholds may be considered where:*
- *in primary and secondary frontages the proposal would lead to the appropriate use of vacant or underused premises where it can be demonstrated that the premises are unlikely to be used for retailing and that a business case can be demonstrated for requiring such a location; or in secondary frontages, the proposal results from an expansion of an existing non-retail use or would fall within Class D1-D2; or*
 - *it is demonstrated in the Hereford Area Plan and/or Neighbourhood Development Plans that an alternative threshold would be appropriate”.*
- 6.24 It is considered that E6 is largely consistent with the NPPF and is supported under National Plan-making Policy TC1: Planning for town centres. Therefore, significant weight should be retained for CS policy E6.
- 6.25 It is acknowledged that the application site lies within the Primary Shopping Frontage. However, it is also noted that, to the north along The Homend, retail units become increasingly intermittent, whilst the opposite side of the street exhibits a less varied mix of uses. Immediately to the north of the site is a terrace of residential apartments, comprising Nos. 125–131 The Homend. As such, the introduction of an additional residential unit at the application site would have the effect of extending the non-retail frontage within this section of the street.
- 6.26 Although the loss of the retail unit would not, at present, result in a continuous frontage of more than two consecutive non-retail units, it is material that the adjoining unit, which was formerly combined with the application site, is currently being marketed separately and remains vacant. In these circumstances, the proposal would contribute to the erosion of the retail function of the Primary Shopping Frontage and is considered to conflict with the objectives of Policy E6. Furthermore, the proposal does not satisfy any of the policy exceptions and, having regard to the vacant status of the adjoining unit, it is considered that the requirements of Policy E6 are not met.
- 6.27 Furthermore, under the policy exception E6; “*in primary and secondary frontages the proposal would lead to the appropriate use of vacant or underused premises where it can be demonstrated that the premises are unlikely to be used for retailing and that a business case*

can be demonstrated for requiring such a location". Presently the submitted details do not provide appropriate justification that the premise is unlikely to be used for retail, a level of marketing would be expected to be conducted on the property.

- 6.28 Policy EE3.1 of the Ledbury NDP states planning applications for the change of use of ground floor premises to other use classes within these shopping frontages will be supported only where there are exceptional circumstances. The policy goes on to say *'while appropriate conversions should allow new commercial, business or service uses falling within the prescribed categories within these frontages, development that would result in their loss should be resisted. There may be exceptions, such as those referred to in Herefordshire Local Plan Core Strategy policy E6. These exceptions include provision for medical and health services, should it be decided to pursue a town centre option, and Ledbury Town Council would, in particular, support a frontage providing access to improved health facilities for Ledbury Health Partnership. This Partnership is expected to require new premises during the plan period and options are being investigated. In addition, it is now possible to convert premises falling within Use Class E to dwellings without the need to apply for planning permission, subject to a number of limiting factors, and no justification has been identified that might enable restrictions to be imposed beyond those set nationally within the shopping frontages and primary shopping area'*.
- 6.29 In this case, the applicant's agent has submitted additional supporting information setting out why, in their view, the proposal accords with the requirements of Policy EE3.1. The submission states that the existing commercial use is no longer considered to be commercially viable and that the proposed change of use would enable the provision of accommodation for additional foster children.
- 6.30 I have considered each of these matters in turn. Firstly, while the applicant's comments regarding the viability of the existing retail use are noted, the absence of commercial viability is not, in itself, considered sufficient justification to support the proposed change of use to residential nor is it considered an exemption criteria under CS policy E6 or NDP policy EE3.1. Furthermore, there is insufficient evidence to demonstrate that alternative town centre uses, consistent with the site's location and policy objectives, have been fully explored before seeking a permanent loss of the commercial unit.
- 6.31 Secondly, I have had regard to the Equality Act 2010 and have carefully considered the agents representation that the proposal would facilitate the fostering of additional children. Whilst this is acknowledged as a positive personal and social benefit, it is not considered to outweigh the planning policy objectives that seek to maintain an active commercial frontage within the town centre. The proposal does not, in my view, satisfy the requirements of Policy EE3.1 or provide planning grounds that would justify setting aside the policy's clear presumption against the loss of commercial units in this location.
- 6.32 Accordingly, having given full consideration to the circumstances put forward by the applicant, it is concluded that they do not constitute the exceptional circumstances necessary to warrant a departure from Policy EE3.1.
- 6.33 Overall, whilst the proposal derives some support from NDMP L2, it is contrary to NDMP TC2, which supports development proposals within town centres only where they do not conflict with other policies of the development plan. As set out above, the proposal conflicts with Policy E6 of the CS and Policy EE3.1 of the NDP. Whilst the applicant's comments regarding the viability of the existing retail use are noted, the lack of commercial viability is not, in itself, considered sufficient justification for the proposed change of use to residential. Nor does it constitute an exception under either Policy E6 of the CS or Policy EE3.1 of the NDP. Furthermore, insufficient evidence has been submitted to demonstrate that alternative town centre uses, compatible with the site's location and the objectives of the development plan, have been fully explored prior to seeking the permanent loss of the commercial unit.

- 6.34 In addition, the proposal would not deliver any new residential accommodation but instead represents an extension of an existing upper-floor residential use. As such, it is not considered appropriate to afford significant weight to policies concerned with boosting the supply of housing. Consequently, the proposal would not make a meaningful contribution towards maintaining or enhancing the vitality and viability of the town centre.
- 6.35 Accordingly, whilst the circumstances advanced by the applicant have been carefully considered, they are not considered to amount to the exceptional circumstances necessary to justify a departure from the requirements of NDMP TC2, Policy E6 of the CS, and Policy EE3.1 of the NDP.

Design, Appearance and Heritage Impact

- 6.36 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a general duty with respect to listed buildings in exercise of planning functions both for planning permission and listed building consents upon decision-makers.
- 6.37 The revised NPPF provides clarity in terms of assessing the impact of proposals on designated heritage assets (both above and below ground), dedicating a whole section to conserving and enhancing the historic environment (Chapter 20).
- 6.38 Policy HE4 (Securing the conservation of heritage assets) states:
"1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:
 a. *Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and*
 b. *Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.*
 2. *Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.*
 3. *Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the asset should not be taken into account in any decision relating to the asset. 14*
 4. *Proposals for enabling development, which would otherwise conflict with other policies in this Framework and/or those in the development plan, but which would secure the future conservation of a heritage asset, should be considered on the basis of whether the conservation benefits outweigh the disbenefits of departing from the policies concerned."*
- 6.39 Policy HE5 (Assessing effects on heritage assets) states:
"1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be referred to in making this assessment, and appropriate expertise employed where necessary.

2. Assessments of the potential effects of development proposals on the significance of heritage assets (including through effects on their setting) should identify whether proposals would be likely to:

- a. Have a positive effect, which is where the significance of a heritage asset would be enhanced, or better revealed; or
- b. Have no effect on the significance of a heritage asset; or
- c. Result in harm to the significance of a heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or
- d. Cause the total loss of the significance of a heritage asset.

3. In making this assessment it is the effect on a heritage asset's significance rather than the scale of the development which should be considered.

4. Decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals.

5. Where a development proposal involves, or has the potential to involve, a heritage asset with archaeological interest, an appropriate desk-based assessment should be undertaken and, where necessary, a field evaluation. These should be used to help understand the asset's significance and the potential effect of the proposal on this, which should inform the design, mitigation and implementation of the development."

6.40 Policy HE6 (Proposals affecting designated heritage assets) states:

"1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.

2. Development proposals which would have a positive effect on a designated heritage asset should be supported.

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.

5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

- a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;
- b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and
- d. The harm or loss is outweighed by the benefit of bringing the asset back into use.

6. Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, 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”*

- 6.41 CS Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, and notes heritage assets and specifically those with environmental designations. CS Policy LD4 requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, proposals should contribute to the character and local distinctiveness of the townscape or wider environment.
- 6.42 123 The Homend is a Grade II listed building (UID 1082851), the listing description is as follows: C18. Painted brick. Gable-ended roof of new tiles. Brick dentil eaves. 2 storeys. 2 widely saced windows with segmental brick heads, 1st floor 2-light wood mullion/ transom casements. Ground floor right sash with glazing bars. Ground floor left later projecting shop front with hipped tiled roof. Modern addition to match on right.
- 6.43 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 overall 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 appreciating that relevant tests are clearly set out as referred to above within NDMP.
- 6.44 The amended proposal realtes to minor interal works to create a bedroom and shower room shows minor internal works to create a bedroom and shower room neither of which will adversely impact on the character and significance of the heritage asset. The proposal also seeks to replace a ground floor sash window to upvc. The Council’s buildings conservation officer has raised no objections to the proposal subject to conditions. This view is supported by your officer such that no effect is identified upon the significance of any designated heritage asset, including their setting. Subject to conditions, there are no objections in built heritage terms.
- 6.45 Notwithstanding the above, the proposal would result in the loss retail unit on Ledbury’s Primary Shopping Frontage without sufficient justification and therefore the alterations are considered be unjustified. The proposed works are considered to be contrary with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, HE4, HE5, HE6 and HE9 of the NPPF and Herefordshire Local Plan - Core Strategy Policies SS1, SS6 and LD4, and Policy BE2.1 of the Ledbury Neighbourhood Development Plan

Highways

- 6.46 Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations.
- 6.47 Core Strategy Policy MT1 relates to the highways impacts of new development and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the of the development without adversely affecting the safe and efficient flow of traffic on the network.

- 6.48 The application seeks to change the ground floor of the building to residential, the upper floors are already in residential use, and this proposal will not increase the number of residential units within the building. Ledbury is classed as a sustainable location therefore the lack of the provision of parking is supported by the sustainable location. The Local Highways Authority has raised no objection to the proposal.

Biodiversity Net Gain

- 6.49 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).
- 6.50 In relation to the requirement for mandatory 10% BNG, as the proposal seeks no works to any unsealed surface, tree or hedgerow, the proposal is considered to meet the 'de minimus' exemption for statutory BNG requirements.

7. Conclusion

- 7.1 In relation to the application for planning permission, the NPPF has at its heart the presumption in favour of sustainable development, as per Policy S3. Policy S3 states that Policy S4 in the NPPF applies when considering proposals within settlements, which is the case here.
- 7.2 Policy S4 1) states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. The application site is located in a spatially sustainable location within a town centre where the principle of residential development is supported.
- 7.3 In terms of highways, ecology and heritage, the proposal is found to be compliant with the relevant policies within the CS and therefore none of these aspects weigh against the proposals.
- 7.4 However, the proposal is considered to be contrary to the development plan as it results in the loss of a retail unit on Ledbury's Primary Shopping Frontage without appropriate justification and as such fails to gain in-principle support under NDMP TC2 of the NPPF, Policy E6 of the CS and policy EE3.1 of the NDP. Accordingly, the application is recommended for refusal.

RECOMMENDATION

That planning permission (P253316/F) be REFUSED for the following reason:

- 1. The proposal would result in the loss retail unit on Ledbury's Primary Shopping Frontage and whilst the applicants circumstances applicant have been fully considered, they are not considered to constitute the exceptional circumstances necessary to justify a departure from the requirements of Policy. The proposal is contrary to Policy TC2 of the National Planning Policy Framework, Core Strategy Policy E6 and Neighbourhood Development Plan Policy EE3.1**

That listed building consent (P253317/L) be REFUSED for the following reason:

1. The proposal would result in the loss retail unit on Ledbury's Primary Shopping Frontage without sufficient justification and therefore the alterations are considered be unjustified. As such, the proposal is contrary to Policy LD4 of the Herefordshire Local Plan Core Strategy, Policy BE2.1 of the Ledbury Neighbourhood Development Plan, and the relevant sections of the National Planning Policy Framework and Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

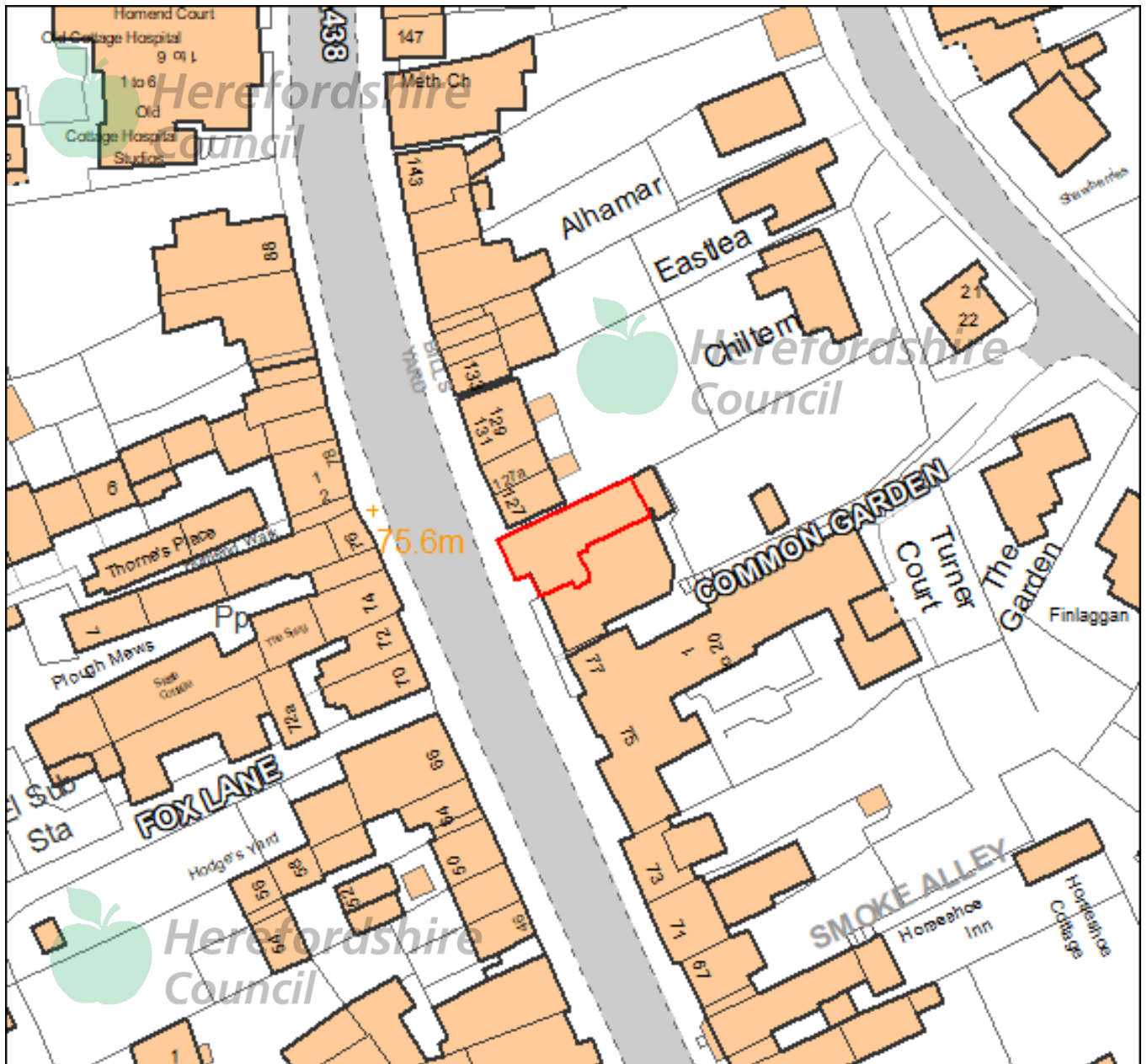
None identified

Useful information

Internal departmental consultation replies – available through the following links:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=253316&search-term=253316>

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=253317&search-term=253317>.



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APPLICATION NO: 253316

SITE ADDRESS : 123 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BP

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