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Planning Appeal
6010345

Application P240422/F

Land to the East of Hereford

South of Ledbury Road (A438)
Hereford, Hampton Bishop

Objection to planning appeal.

August 2026

Kirkwells

The Planning People

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1. Introduction

1.1 My name is Claire Bradley. I am a town planner with over 35 years' experience in town planning in both local government and the private sector. This document sets out the representation on behalf of Hampton Bishop Parish Council and many local residents and businesses, who live and work around the site to the appeal.

1.2 The application was as follows:

Application No: P240422/F

Description: Outline planning application for the demolition of existing buildings and structures and the erection of up to 265 dwellings (including affordable housing), employment workspaces, along with associated parking, access roads, walking and cycling routes, public open space, landscaping, sustainable urban drainage and other associated works, site clearance and infrastructure. All matters reserved except for the primary vehicular Site access via the A438 (Amended Description).

Address: Hampton Bishop, Backbury, Land to the East of Hereford South of Ledbury Road (A438) Hereford

Applicant: STL Group

2. The Application Site and Proposal

2.1 The application site originally comprised circa 23.3 hectares of agricultural land east of Hereford, to the south of Ledbury Road (A438), this has now been amended to 19.6 Ha.

2.2. To the west of the Site is the Hampton Dene/Tupsley neighbourhood, with the Site immediately abutting the 110 dwelling 'Bishop Fields' development, consented in 2015. To the northwest is the Cock of Tupsley public house. To the east is agricultural land, as well as the Lugg Meadows Site of Special Scientific Interest (SSSI). To the south of the site are residential dwellings and Holywell Gutter Lane, which provides pedestrian and cycle access to Hampton Park Road. To the north of the site is the A438.

2.2 The planning application now seeks permission for up to 265 residential dwellings, alongside a farm shop, workspaces, with the land for a potential primary school having been removed from the proposal.

2.3 The application is in outline with the exception of details which have been provided for the junction and a short section of the access into the site which provide the 'means of access'. All other details including the internal routes within the site will be subject to determination as part of future reserved matters applications.

3. Planning History

3.1 The following is the planning history of the site:

P152038/F: Proposed new access road to the north of the current AD site connecting the current development and the A438. (For DOC 7,9,12,13,14,15,17,18,19 & 20.) - Approved

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4. Relevant Planning Policy

4.1 The Development Plan for the site consists of The Herefordshire Local Plan Core Strategy (adopted October 2015 and the Hampton Bishop Neighbourhood Development Plan.

4.2 The Council had produced 2 Regulation 18 documents as a replacement for the Core Strategy, however, due to changes in the NPPF in December 2024, the council decided to cease further work on the Draft Regulation 18 Local Plan because a new spatial strategy is required to address the significant uplift in housing growth.

National Planning Policy

4.3 The National Planning Policy Framework (NPPF) makes it clear at Paragraph 47 that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

4.4 Relevant sections of the NPPF are summarised in the following paragraphs.:

NPPF: Sustainable Development

4.5 The purpose of the planning system is to contribute to the achievement of sustainable development. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.

4.6 Paragraph 8 states: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) ***an economic objective*** *– to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.*
b) ***a social objective*** *– to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe*

places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) ***an environmental objective*** *– to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

4.7 In order to ensure that development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development set out in Paragraph 10. It also follows that development plans, under the current plan-led system, ought to be consistent with the objectives, principles and policies now set out in the NPPF.

4.8 Paragraph 11 sets out in detail the presumption in favour of sustainable development. It states that plans should *positively seek opportunities to meet the development needs of their area*. The Framework details that *development proposals which accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:*

- *The application of policies in this Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed[7]; 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[9].*

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

Footnote 9: The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

NPPF: 5 Delivering a sufficient supply of homes

4.9 Paragraph 61 states that. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including an appropriate mix of housing types for the local community.

NPPF: 6 Building a strong competitive economy.

4.10 Paragraph 89 states that *Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

NPPF: 8. Promoting healthy and safe communities.

4.11 Paragraph 96 states that *Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:*

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear, and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

NPPF: 9. Promoting sustainable transport.

4.12 Paragraph 115 relates to assessing applications for development and states that *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
b) safe and suitable access to the site can be achieved for all users.
c) the design of streets, parking areas, other transport elements, and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code 46; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

NPPF: 12. Achieving well designed places.

4.13 Section 12 of NPPF relates to the importance of good design and states at Paragraph 131 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities, and other interests throughout the process."*

4.14 Paragraph 135 goes as to state that *Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users49; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

NPPF 14: Meeting the challenge of climate change flooding and coastal change

4.15 Paragraph 161 states *The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

NPPF: 15 Conserving and enhancing the natural environment.

4.16 The planning system is expected to contribute to and enhance the natural and local environment. Paragraph 187 states that *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

NPPF 16: Conserving and Enhancing the historic environment

4.17 Paragraph 202 states *Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*

4.18 Paragraph 212 states that *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.*

The Development Plan

4.19 The development plan for the application site is the consists of The Herefordshire Local Plan Core Strategy (adopted October 2015 and the Hampton Bishop Neighbourhood Development Plan (adopted.

4.20 The main policies in the above documents of relevance to this application are set out below.

Policy SS1: Presumption in favour of sustainable development.
Policy SS2: Delivering new homes.
Policy SS3: Ensuring sufficient housing land delivery.
Policy SS4: Movement and Transportation
Policy SS5: Employment Provision
Policy SS6 Environmental Quality and local distinctiveness

Policy SS7: Delivering climate change.
Policy RA1: Rural Housing distribution
Policy RA2: Housing in settlements outside Hereford
Policy RA3: Herefordshire's countryside
Policy H1: Affordable Housing
Policy H3: Ensuring an appropriate range and mix of housing.
Policy SC1: Social and community facilities
Policy OS1: Requirement for open space, sports and recreation facilities
Policy OS2: Meeting open space, sports and recreation needs
Policy MT1: Traffic management, highway safety and promoting active travel.
Policy E1: Employment provision
Policy LD1: Landscape and Townscape
Policy LD2: Biodiversity and geodiversity
Policy LD3: Green Infrastructure
Policy LD4: Historic environment and heritage assets
Policy SD1: Sustainable design and energy efficiency
Policy SD2: Renewable and low carbon energy generation
Policy SD3: Sustainable water management and water resources
Policy SD4: Wastewater treatment and river water quality

Policy HB1: Development in areas of flood risk
Policy HB2: Design for flood resilience and resistance
Policy HB3: Design to reduce surface water runoff.
Policy HB4: Protecting heritage assets and archaeology.
Policy HB6: Hampton Bishop settlement boundary
Policy HB7: Building design principles for new development
Policy HB8: Landscape design principles
Policy HB9: Green Infrastructure
Policy HB10 Development on the urban fringe of City of Hereford within the Plan Area.

5. Reasons for objection

5.1 Housing Land Supply and Presumption in Favour of Development

5.1.1 The response is in addition to the previous responses submitted in April 2024 and September 2025, the majority of which with the exception of the principle of development remain applicable.

5.1.2 The main thrust of the appeal statement relates to Herefordshire Council lack of a 5 year land supply and the presumption in favour of sustainable development with the Appellants statement of case stating:

4.4. The Housing Land Supply Statement published by HC in October 2025 concludes that there is a supply of 4,452 homes over the next five years against a requirement for 7,166, a shortfall of 2,714 homes and a land supply of 3.11 years. The shortfall and the number of years supply are not just statistics, they represent real households across Herefordshire in need of a safe and secure place to live. The quotation from Matthew Pennycook MP in the introduction to this Statement explains why Government considers the robust application of the presumption in favour of sustainable development to be so important in circumstances such as those in Herefordshire and consequently why, in accordance with the Framework, the policies relating to housing delivery are deemed to be out-of-date. Limb (d) of Paragraph 11 of the Framework (2024) is therefore engaged.

4.5. It falls therefore to consider the subsequent two tests. In relation to the first, the case officer came to the conclusion at paragraph 8.268 of his Delegated Report that the following represent 'strong' reasons to refuse the application proposals:

- *"Adverse effects on the integrity of the River Lugg Special Area of Conservation (SAC);*
- *Significant harm to the adjacent Lugg & Hampton Meadows Site of Special Scientific Interest (SSSI); and*
- *Failure to pass the Sequential Test and the consequent inability to demonstrate safe access during flood events associated with development of the site."*

4.6. On that basis the Case Officer disengaged the presumption in favour of sustainable development. The appellant wholly disagrees with this conclusion. For the reasons set out in Section 6 of this Statement it is the appellant's contention that:

- *The application of a Grampian Condition would rule out, with scientific certainty, any adverse impacts on the SAC. Grampian Conditions are*

commonly used for this purpose and this is not a reason to refuse planning permission, let alone a 'strong' reason;

- *The appeal proposals deliver a positive benefit to the SSSI by providing an alternative recreational resource for residents of the development and the existing residents on the eastern side of Hereford. Again, this does not therefore represent even a 'weak' reason for refusing planning permission let alone a 'strong' one; and*
- *Recent appeal decisions, including Land at Ham Road, Faversham2 from 27 June 2025, Land east of Colestocks Road, Feniton3 from 11 July 2025 and Land at Rectory Farm, Yatton4 from 18 March 2025 all show that a failure of, or even a failure to undertake, a Sequential Test for flooding purposes is not fatal to a planning application nor a reason to disengage the presumption in favour of sustainable development. These Decisions, which all cite the Mead Realisations Limited v SSLUHC [2024] EWHC279 (Admin), were published well in advance of the Delegated Report on the application and should have informed the Case Officers judgement.*

Furthermore, the recent judgement of Mrs Justice Lieven in Gladman Developments Limited V Secretary Of State For Housing, Communities And Local Government and Lancaster City Council [2026] EWHC 51 (Admin), (which post-dates the Decision Notice) provides further clarity on the approach to the sequential test and its role as a Footnote 7 reason to disengage the presumption in favour of sustainable development. Paragraph 47 of that judgement reads as follows:

"At DL98 the Inspector finds a "clear reason" for refusal "in line with footnote 7" by the failure to undertake a Sequential Test. She does not weigh that departure from policy against the matters she has set out in the earlier paragraphs of the Planning Balance section. She appears to assume that because there is this departure and that it is capable of being a "clear reason" within footnote 7, that is the end of the matter. There is no explanation as to why that departure outweighs the other material considerations, as would be required by s.70(2) TCPA and s.38(6) PCPA. There is no balancing of that departure from the Development Plan, with the other policies such as on the delivery of housing, which accord with the Development Plan. There is no explanation as to why it amounts to a "clear reason" on the facts of the particular case. As I read DL98 the Inspector's approach is that once she has found something which is capable of being a "clear reason" she then thinks that she does not need to balance the other factors. That is a clear error of law." [emphasis added]

The case officer grappled with the nature of the flood risk in his Delegated Report (albeit coming to a conclusion which the appellant fundamentally

disagrees with for the reasons explained in Section 6 of this Statement), however, there was no balancing of this against other policies or benefits of the development before he reaches the conclusion that the presence of other available sites represented a failure of the sequential test and that this represented a 'strong' reason to refuse planning permission.

The disengagement of the presumption in favour of sustainable development on these grounds is therefore incompatible with the judgement of Mrs Justice Lieven in the Gladman case.

4.7. It is our contention that these reasons did not provide 'strong' reasons to refuse the planning application and that there is no justification for the disengagement of the presumption in favour of sustainable development. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

5.1.3 Hampton Bishop Parish Council have no comments to make in relation to this reason for refusal.

5.2 Reason 1 - The River Lugg/Wye Special Area of Conservation (SAC) and Drainage

5.2.1 Based on the information submitted with the original application and the consultant's report submitted with the appeal, Hampton Bishop Parish Council agree with the Officer report and the reasons for refusal in respect of potential impact on The River Lugg/Wye Special Area of Conservation (SAC) and consider that the appeal should be dismissed.

5.3 Reason 2 - Recreational pressure on the adjacent Lugg & Hampton Meadows Site of Special Scientific Interest (SSSI)

5.3.1 The September 2025 response from Hampton Bishop Parish Council was as follows:

5.3.2 Currently the majority of the site is a greenfield site supporting many species of flora and fauna.

5.3.3 The Lugg and Hampton Meadow Site of Special Scientific Interest (SSSI) lies just next to the development site and is the largest surviving Lammas meadow in England, with the grassland being species-rich and supporting small numbers of breeding curlew. Lowland meadows are listed as a priority habitat in the UK Biodiversity Action Plan and as such are of principal

importance to the conservation of biodiversity in England. Lowland floodplain meadows are also recognised as a threatened habitat in the EU.

5.3.4 The River Lugg has been designated as an SSSI from source to its confluence with the River Wye. The length of the River Lugg, downstream of Hope under Dinmore is a Special Area of Conservation (SAC).

5.3.5 Lugg Meadow is not only a site of national importance for its biodiversity but is also a site of great historical, cultural and landscape significance for Herefordshire.

5.3.6 It is considered that the development of this site would have a significant detrimental impact on the function of the floodplain and the Lammas meadows and the adjacent Site of Special Scientific Interest and nationally protected species.

5.3.7 The conservation and enhancement of Biodiversity is a significant feature of planning policy with the introduction of Biodiversity Net Gain. The development of this site and the significant detrimental impact it would have on biodiversity of national significance is contrary to Policy LD2 of the Herefordshire Local Plan Core Strategy, Policy HB8 and HB9 of the Hampton Bishop Neighbourhood Development and Plan, and Paragraph 193 of the National Planning Policy Framework

5.3.8 Based on the information submitted with the original application and the consultant's report submitted with the appeal, Hampton Bishop Parish Council agree with the Officer report and the reasons for refusal in respect of the recreational pressure on the adjacent Lugg & Hampton Meadows Site of Special Scientific Interest (SSSI). It is not considered that the additional information submitted with the appeal fully addresses the impact on the Lugg & Hampton Meadows Site of Special Scientific Interest (SSSI) and consider that the appeal should be dismissed.

5.4 Reason 3 - Landscape character and irreversible harm

5.4.1 The September 2025 response from Hampton Bishop Parish Council was as follows:

5.4.2 The site does not benefit from any special landscape designation, but the development proposal would have a significant effect on the landscape character. The site is located within the Landscape Strategic Corridor forming part of HerLSC 7 as set out within Herefordshire Council's Green Infrastructure Strategy (2010). This corridor provides an east/west link into the City from the Lugg Meadows. Commencing at the Herefordshire Nature Trust's office at Lower House Farm, the corridor includes an un-registered historic garden at Hampton Dene House, the grounds and playing fields of

three schools, the former Tupsley quarry (now a Local Nature Reserve and recreation ground) and the grounds of Herefordshire Council's offices at Brockington.

5.4.3 Within the Council's Urban Fringe Landscape Sensitive Analysis, the site is judged to be highly sensitive. Within the Council's Landscape Character Assessment, it forms part of the Principle Settled Farmland and Riverside Meadows type.

5.4.4 As stated in the previous response, the level of the site rises as it moves west which would result in a highly prominent development in the land scape when viewed from the approach to Hereford from the East.



5.4.5 Whilst residential development is visible in the distance, it is not prominent in the landscape, whereas this proposed development will impact on the landscape character in a highly sensitive and very visible location.

5.4.6 The Landscape and Visual Impact Assessment indicates that the southern development parcel that was part of the original planning application has now been removed, however this does not affect the visual impact of the development from the areas travelling east on the A468 from the site.

5.4.7 The further information submitted with the appeal states as follows:

"4.2 The Appeal Site is located within a transitional landscape, being of medium value, reflecting its partially enclosed and farmed character, lack of national or local landscape designation, and influence of adjacent settlement and infrastructure. As stated within the Officer's Report, "the site is more closely associated with the urban edge of Hereford, is visually influenced by the A438 corridor, and is adjacent to the Barratt West Midlands (141256/O

and 161196/RM refers) development and includes the access road serving the AD at Court Farm, Hampton Bishop (152038/F refers). These factors introduce a greater degree of urban influence, reducing the sense of rural seclusion and tranquillity". While the Appeal Site lies adjacent to a higher-value floodplain landscape, the Appellant will demonstrate that it does not form part of the designated or common land to the east, and its contribution to wider landscape character is limited and indirect."

5.4.8 In considering the impact of the revised development proposals on the landscape, the landscape impacts would still be severe in extent and distant views would be severely affected to a significant degree. From the lower land to the east, the application site occupies a significant area in the wider panorama and would not be screened from these wider views. This is not considered to have been mitigated through the revisions submitted.

5.4.9 It is still considered that due to the significant severe effect on the landscape character in a highly sensitive location, The proposal is therefore contrary to Herefordshire Local Plan - Core Strategy Policy LD1, Policies HB8 and HB10 of the Hampton Bishop Neighbourhood Development Plan, and paragraphs 135 and 187 of the National Planning Policy Framework, all of which require that development conserves and enhances landscape character, visual amenity, and the intrinsic qualities of the countryside.

5.4.10 Based on the information submitted with the original application and the consultant's report submitted with the appeal, Hampton Bishop Parish Council agree with the Officer report and the reasons for refusal in respect of the irreversible harm to the landscape character and the additional information submitted with the appeal does not address this fully and consider that the appeal should be dismissed.

5.5 Reason 4 – Lack of safe, direct, and reliable pedestrian and cycle connectivity to nearby schools, services, and facilities

5.5.1 The September 2025 response from Hampton Bishop Parish Council was as follows:

5.5.2 Policy MT1 of the Core Strategy 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 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. It also requires that developments are designed and laid out to achieve safe entrance and exit

and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide.

5.5.3 The application will utilise an existing site access to the Anaerobic Digestion Plant located at Court Farm. Traffic to and from this site is constant across the day, with heavy vehicles travelling to and from the site.

5.5.4 The traffic report submitted with the AD Plant it is identified that the deliveries to the AD plant will vary across the seasons, however, it was identified that there would be approximately 6,714 vehicle movements throughout the year. Whilst deliveries were anticipated to occur 7-days a week, a robust assumption that deliveries only take place on working days throughout the year which equates to 252 days per year, has been applied for the purpose of the junction assessment in the report. This equates to 27 two-way vehicle movements per day on average.

5.5.5 The introduction of traffic from 265 dwellings from two accesses on to this road will cause conflict with the HGV's travelling to and from the Anaerobic Digestion Plant. Whilst this has been assessed in the revised Transport Assessment, it has been disregarded as not creating a problem, which is disputed.

5.5.6 There still remains limited proposals to provide pedestrian and cycle access along the front of the site to the junction with Hampton Dene Road. There is a very narrow footpath on one side of the road, which is dangerous to walk along given the existing speed of the traffic using the A428 and even if the speed is reduced to 40 mph it will still be dangerous.

5.5.7 In addition access to the site lies in in Flood Zone 3, resulting in no access to the site during heavy rain events.

5.5.8 However, the reason for refusal related to pedestrian and cycle connectivity rather than vehicular traffic to and from the site.

5.5.9 The consultants statement in the appellants statement of case states as follows:

The proposed development provides three points of connectivity to the wider pedestrian/cycle network in the vicinity of the site. These comprise the following:

a) Access to the A438 either via the proposed vehicular access or via the pedestrian/emergency access;
b) Pedestrian/cycle access via the link to the south of the Cock of Tupsley; and

c) Pedestrian/cycle access via Holywell Gutter Lane (Hereford Bridleway 47) located to the south of the site.

5.5.10 However, Herefordshire Council in their reason for refusal have stated as follows:

Alternative routes, including those along the A438 and via Holywell Gutter Lane, are demonstrably inadequate, unsafe, or unattractive for active travel, particularly for children and vulnerable users. In the absence of robust and secured active travel connections, future residents would be forced to rely on private cars for even the shortest journeys, resulting in a fundamentally car-dependent and unsustainable form of development. This lack of sustainable access is compounded by the existing severe congestion at key junctions, most notably the A438/Church Road/Folly Lane/Mount Crescent junction, and the absence of effective mitigation or agreed contributions to address the cumulative impacts of additional traffic generated by the development.

5.5.11 Despite the further information submitted with the appeal, it is not considered to fully address the issues raised in the reason for refusal and the development is considered contrary to Core Strategy Policies SS4 and MT1, Policy HB11 of the Hampton Bishop Neighbourhood Development Plan, and paragraphs 110, 112, 115 and 117 of the National Planning Policy Framework, all of which require that new development maximises opportunities for sustainable transport, reduces reliance on the private car, and ensures that the local highway network can accommodate the impacts of development without resulting in unacceptable harm.

5.5.12 Based on the information submitted with the original application and the consultant's report submitted with the appeal, Hampton Bishop Parish Council agree with the Officer report and the reasons for refusal in respect of the recreational pressure on the adjacent Lugg & Hampton Meadows Site of Special Scientific Interest (SSSI), and the additional information submitted with the appeal does not address this fully and consider that the appeal should be dismissed.

5.6 Reasons 5 & 6 – Flood Risk Assessment and Sequential Test

5.6.1 As these are procedural matters, based on the information submitted with the original application and the consultant's report submitted with the appeal, Hampton Bishop Parish Council agree with the Officer report and the reasons for refusal in respect flood risk and the sequential test. There is nothing further to add to previous comments.

5.7 Impact on Heritage Assets

5.6.1 Whilst not included as a reason for refusal the appellants statement of case includes a report from their heritage consultant. Hampton Bishop Parish Council would like to re-iterate there comments in September 2025 and are as follows:

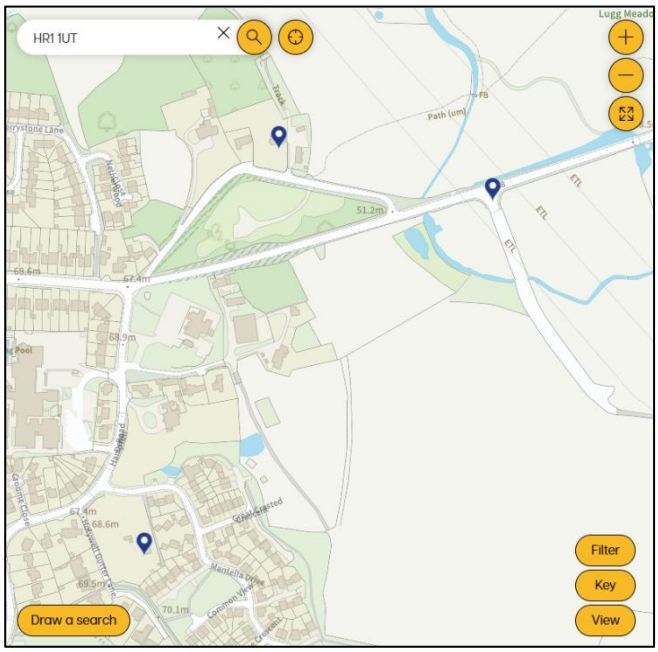
5.6.2 The east side of the development site is located 250m west of the scheduled monument known as 'Ring Ditches and rectilinear enclosures E of Tupsley' (National Heritage List for England 1005348, https://historicengland.org.uk/listing/the-list/listentry/1005348).

5.6.3 This monument includes the buried remains of a nationally important multi-period landscape including a double ditched enclosure, successive rectangular enclosures and a series of ring ditches that indicate a range of human activity over Prehistory and the Roman period

5.6.4 As detailed in the previous response in April 2024, the development has the potential to have a detrimental effect on the scheduled monument, which would amount to substantial harm to the heritage asset. In addition, the development of this whole site will be fundamentally detrimental to the setting of the scheduled monument, resulting in urbanisation of the area around the monument.

5.6.5 In addition, the site is close to three listed buildings:

- Meadow Cottage
- Lower House Farmhouse
- Milepost



5.6.6 Currently Lower Meadow Farmhouse, a C16th building built as a farmhouse sits within a relatively open landscape. The setting of a heritage asset is the surroundings in which that asset is experienced.

5.6.7 The Archaeology and Heritage Addendum submitted states at paragraph 4.86 as follows:

Development within the Site would not cause any change to the heritage asset's experience or appreciation and therefore would not affect its significance. As such, the heritage asset is not considered any further in this assessment.

5.6.8 It is considered that the development proposed would severely impact the setting of this Grade II listed building and destroy the surroundings in which it is experienced causing substantial harm to the setting of the heritage assets.

5.6.9 This and the harm to the archaeological remains would be contrary to Section 16 of the NPPF and the Herefordshire Core strategy.

5.6.10 In addition, Section 66 of The Planning (Listed Building and Conservation Areas) Act places a statutory duty on decision makers to pay special regard to preserving listed buildings and their settings. It is considered that substantial harm to the setting of the heritage asset has been identified, and the statutory duty would be to refuse the application.

6. Conclusions

6.1 **For the reasons identified in the preceding sections, the appeal should be dismissed as it is contrary to the Herefordshire Local Plan Core Strategy and the NPPF. This is summarised below and based on all comments submitted in respect of the application and appeal.**

6.2 This site, whilst on the edge of Hereford City, is located in Hampton Bishop,

6.3 The site is not an allocated site and is not considered to be a sustainable location and the policies in the Framework in relation to habitats site, designated heritage assets and archaeological assets, and areas at risk of flooding, provide very strong reasons for refusing the development proposed.

6.4 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

6.5 In considering the impact of the development on the landscape, “the landscape impacts would be severe in extent and distant views would be severely affected to a significant degree. From the lower land to the east, the application site occupies a significant area in the wider panorama and would not be screened from these wider views.

6.6 Due to the significant severe effect on the landscape character in a highly sensitive location, the proposed development is contrary to Policy LD1 of the Herefordshire Local Plan Core Strategy and HB10 of the Hampton Bishop Neighbourhood Plan.

6.7 The development of this site would have a significant detrimental impact on the function of the floodplain and the Lammas meadows and the adjacent Site of Special Scientific Interest (SSSI) and nationally protected species.

6.8 The conservation and enhancement of Biodiversity is a significant feature of planning policy with the introduction of Biodiversity Net Gain. The development of this site and the significant detrimental impact it would have on biodiversity of national significance is contrary to the NPPF and Policy LD2 of the Herefordshire Local Plan Core Strategy and

6.9 There still remains limited proposals to provide pedestrian and cycle access along the front of the site to the junction with Hampton Dene Road. There is a very narrow footpath on one side of the road, which is dangerous to walk along given the existing speed of the traffic using the A428 and even if the speed is reduced to 40 mph it will still be dangerous.

6.10 In addition, access to the site lies in Flood Zone 3, resulting in no access to the site during heavy rain events.

6.11 Despite the revised information, it is considered that due to the conflict within the site between traffic from the development and traffic to and from the digestion plant, and the limited opportunities for pedestrian and cycle access to and from the development and the access road in FZ3, the proposal will have a severe impact on highway safety and will be contrary to Policy MT1 of the Herefordshire Local Plan Core Strategy and the NPPF.

6.12 As detailed in the previous response in April 2024, the development has the potential to have a detrimental effect on the scheduled monument, which would amount to substantial harm to the heritage asset. In addition, the development of this whole site will be fundamentally detrimental to the setting of the scheduled monument, resulting in urbanisation of the area around the monument.

6.13 The development proposed would severely impact the setting of Lower House Farmhouse, a Grade II listed building, and destroy the surroundings in which it is experienced causing substantial harm to the setting of the heritage assets. This and the harm to the archaeological remains would be contrary to Section 16 of the NPPF and the Herefordshire Core strategy.

6.14 The Flood Risk Sequential Test demonstrates that there are six sites that are available and suitable for the development, including one within the ownership of the applicant. However, these are then discounted due to the lack of a five-year supply and the need for more housing sites. It is clear from the exercise carried there are sites that are sequentially more appropriate for a development of this nature, and the application should be refused for this reason.

6.15 The Exception Test shows that access to the site would be a danger during a flood event. The report goes on to advise that it is noted that alternative vehicular and pedestrian access routes provided over and above the existing access track into the site. The potential emergency access is provided from the A438, through the proposed woodland and vegetation adjacent to the play areas, with limited visibility. This in itself would not provide a safe and satisfactory emergency vehicular access into and out of the site.

6.16 The development would require adequate flood defences to be deployed. This could see irreparable damage done to the SSSI and the river itself and further areas along the river. As the water that would have occupied the Lugg Meadow would be displaced to take up space elsewhere along the river.

6.17 The strategy includes swales and detention basins, however in extreme flood events , given their location directly adjacent to Flood Zone 3 and the access road is highly likely that these will exacerbate existing flooding.

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