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To: NeighbourhoodPlanning - MHDC
Subject: Re: Powick Neighbourhood Plan Consultation Response Form

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Powick Neighbourhood Plan Consultation Response Form

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Part of the draft Neighbourhood Plan your representation refers to (e.g. section, objective or policy) Proposed designation of Lion Orchard (LGS4), land south of Powick Church (LGS5) and Bowling Green (LGS8) as Local Green Space (LGS).

Comments on this part of the Neighbourhood Plan

These representations are submitted by Black Box Planning on behalf of Hawkins Farming Limited, as a longstanding landowner within the NDP area.

Hawkins Farming Limited previously submitted representations to the NDP group.

As a longstanding local landowner, Hawkins Farming Limited

is keen to maintain support for Powick and Collett's Green as a thriving community and therefore support the general vision and aspirations set out in the draft Neighbourhood Plan.

For the reasons set out below however, Hawkins Farming Limited objects in the strongest terms to the proposed designation of local green space at Lion Orchard (LGS4), land south of Powick Church (LGS5) and Bowling Green (LGS8).

The National Planning Policy Framework (NPPF) is clear that the LGS designation should only be used where the space is;

- (a) in reasonably close proximity to the community it serves;
- (b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- (c) local in character and is not an extensive tract of land.

Planning Practice Guidance (PPG) (Paragraph: 013 Reference ID: 37-013-20140306) provides further clarity on 'What types of green area can be identified as Local Green Space?'. It states;

"The green area will need to meet the criteria set out in paragraph 100 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis."

The clear emphasis of both policy and guidance is to use the designation for spaces or features of the built environment which are demonstrably special and can be appreciated by the members of the public. As such, it is not a designation which will be appropriate for the majority of land.

The draft NDP has overextending and misapplied the use of the LGS designation. The draft NDP proposes the extensive use of LGS, with no less than 13no. separate proposals for LGS designations across the village. The objective on the part of the NDP is plainly to constrain development in the village. The designation of agricultural fields as LGS is not the intended use of the LGS policy.

Lion Orchard (LGS4)

Hawkins Farming Limited objects to the proposed designation of land at Lion Orchard (LGS4) as LGS for the following reasons. The field is already provided with a number of protections which ensure that its character and role within the village environment will be protected and maintained. Firstly, the field is prominent within the setting of the Grade I listed Church of St Peter and St Lawrence. Second, the field is located within the conservation area. The role of the field within the setting of the Church is also identified within the Powick Conservation Appraisal and Management Strategy (2010). There are numerous planning policy protections relative to land forming the setting of listed buildings, including the NPPF (Chapter 16 Conserving and Enhancing the Historic Environment), SWDP (SWDPR 09: Historic Environment) and indeed the Draft NDP (Policy PWK2: Heritage and PWK3:

Powick Village Conservation Area). The protection afforded to the setting of listed building is greater relevant to the significance of the listed building in question, and the contribution of the land to the setting. In this case, the Church is highly significant being a Grade 1 listed building, and Lion Orchard plays a prominent role in its approach and setting. As such, Lion Orchard is already a protected space by virtue of heritage designations.

In addition to the above, over the years there have been tentative discussions with the Church to enlarge the turning area/car parking. The designation of Lion Orchard as LGS would almost certainly prevent any scope for securing this in the future as it would be contrary to policy.

In addition, Hawkins Farming Limited is concerned that the LGS designation will inhibit abilities to utilise the field within the parameters of agricultural farming practices.

Paddock South of Powick Church (LGS5)

Hawkins Farming Limited objects to the proposed designation of land south of Powick Church as Local Green Space (LGS) for similar reasons to those set out above in respect of Lion Orchard. The paddock south of Powick Church equally enjoys planning policy protections relevant to its location within the Conservation and the role it plays within the setting of a Grade 1 listed building.

As such, the field already benefits from significant planning policy protections. In addition, the paddock immediately adjoins the farm manager's house and as such is carefully tended to and managed by the farm, including ensuring that the public footpaths remain unobstructed by farm operations. The paddock is not demonstrably special above and beyond other land within the NDP area which also contribute the setting of the elevated church

In addition, Hawkins Farming Limited is concerned that the LGS designation will inhibit abilities to utilise the field within the parameters of agricultural farming practices.

LGS8: Bowling Green

Hawkins Farming Limited objects to the proposed designation of land at Bowling Green as Local Green Space (LGS) for the following reasons. The land does not demonstrate any particularly unique characteristics to meet the criteria of LGS. Notwithstanding that, Hawkins Farming Limited would welcome discussions with the Parish Council regarding the potential future use and management of this space.

Policy PWK5: Powick/Collett's Green Local Gap

The NDP is aware through previous representations that a planning application (M/23/01055/OUT) for land south of Old Malvern Road was submitted in August 2023 following earlier pre-application discussions with Malvern Hills District Council. Whilst the application was recommended for approval by the planning officers, planning committee overturned this recommendation, and the application was refused (October 2024). In a subsequent appeal decision, the Inspector granted the planning permission which is now a material consideration for the draft NDP. As such, Policy PWK5 should be amended

to reflect this committed development. It is no longer appropriate, logical or sound to seek to allocate land as part of the green gap when the land already has the benefit of planning permission for residential development.

Policy PWK13: Land South of Old Malvern Road
The illustrative masterplan on the consented site (M/23/01055/OUT) indicated potential to improve the footpath network in the village. This aspiration is consistent with draft Policy PWK13. The masterplan for the approved scheme included a potential connection to the village recreation ground, which in turn would provide children from Collett's Green with a safer walking route to school (i.e. off the A449). Hawkins Farming Limited would welcome discussions with the Parish Council and/or trustees of the recreation ground to discuss this matter further.

Following our previous submissions to the NDP, it is disappointing that the NDP did not take the opportunity to address these matters, nor provide any response to Hawkins Farming Limited. The NDP as drafted remains contrary to planning policy and guidance in respect of the spirit and purpose of LGS.

We trust these representations are helpful and look forward to acknowledgement and invitation to participate in examiner hearing sessions in due course.

Yours sincerely,
Conor Flanagan (Director)
Black Box Planning

Would you like to be notified of the decision on the Neighbourhood Plan proposal?

Yes

Please check the box below to confirm you have read, understood and consent to your data being used in the way described in Section 4 and below.

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