



# Malvern Hills National Landscape

## CONSULTATION RESPONSE

CASE OFFICER	Adam Lewis
LPA	Herefordshire Council
DATE	12 January 2025

REFERENCE	P42609/F		
LOCATION	Land at Mill Lane Colwall Herefordshire		
DESCRIPTION	Proposed 15 dwellings, including 5 affordable properties, with access provided via Mill Lane, associated landscaping and new public open space, community growing area with outdoor education space.		
POSITION	Objection	FURTHER INFORMATION REQUIRED	N/A

### POLICY CONTEXT FOR PROTECTED LANDSCAPES

#### NPPF (2024)

The Malvern Hills National Landscape is designated as an Area of Outstanding Natural Beauty (AONB)<sup>1</sup>. [Paragraph 189](#) of the National Planning Policy Framework (December 2024) outlines the 'great weight' to be given to the conservation and enhancement of the landscape and scenic beauty, including the wildlife and cultural heritage, of designated AONBs.

#### CRoW Act (2000)

[Section 85](#) of the Countryside and Rights of Way Act (2000) emphasises that in exercising or performing any functions in relation to land in an AONB, "a relevant authority **must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.**"

#### Malvern Hills AONB Management Plan 2019-2024

As a statutory plan, the [Malvern Hills Area of Outstanding Natural Beauty Management Plan 2019-2024](#) is a material planning consideration in decision-making on planning applications. [Policy BDP2](#) states that "development in the AONB and its setting should be in accordance with good practice guidance including that produced by the AONB Partnership".

### COMMENTS

The Malvern Hills National Landscape (MHNL) team **objects** to this development on the basis that it conflicts with national and Local Plan policy and with the Malvern Hills AONB Management Plan (2019-2024), including the draft Malvern Hills National Landscape Plan (2025-2030) which will be adopted in early 2025.

#### Appeal Decision – Land off Mill Lane, Colwall (17 January 2022)

The dismissed 2021/22 appeal ([APP/W1850/W/21/3272317](#)) at the same site concluded that development at this location in the AONB should be refused. Although the appeal relates to an outline application for a greater number of dwellings, the inspector's comments in their Decision clearly relate to the principle of development at this location regardless of scale. For example, introduction of a new access onto Mill Lane, new footpaths etc, which along with other nearby development "would

substantially erode the characteristically rural approach to Colwall along Mill Lane in landscape and visual terms” (para. 15-20).

The inspector goes on to clearly state that the proposals are untenable due to the adverse effects on the National Landscape:

*“21. My findings in respect of the effect of the proposal on the character and appearance of the area are supported by the Colwall NDP. The formulation of this was informed by landscape evidence which underpinned the assessment of potential housing sites and the capacity of those sites to absorb development. The Malvern Hills AONB Management Plan (2019-24) also supports this approach. In particular, the sensitivity of the appeal site was considered to be high and its capacity for development to be low.*

*22. For the above reasons, the proposal in terms of its nature and setting including the provision of an access and associated infrastructure would result in significant suburbanisation of this part of the AONB. This would significantly encroach into the adjoining countryside. The introduction of residential development would include additional activity, noise and lighting which together would have a significant adverse effect on the appearance, setting and enjoyment of the AONB and setting of Colwall.*

*23. Such harm would be focused on the appeal site but would also extend to parts of Mill Lane and the aforementioned footpaths and from wider viewpoints. Consequently, the landscape character of the appeal site would experience permanent and substantial adverse effects from the proposed development with substantial to minor adverse effects arising to the surrounding area in landscape and visual terms. Therefore, the proposal fails to conserve and enhance the AONB and would also erode the settlement pattern and setting of Colwall.”*

The Inspector then concludes that the appealed application would be contrary “to the Local Plan RA2, SS6 and LD1 which, along with other things places emphasis upon conserving and enhancing the natural landscape within the AONB”, including the aims of Policy CD1 of the Colwall NDP, and subsequently the inspector also finds “conflict with Policy SS1 which only permits development that accords with the development plan. Finally, the proposal is also contrary to the aims and objectives of the Framework for conserving and enhancing the natural environment.”

### **Draft Herefordshire Local Plan Regulation 18**

The inclusion of the site as one of the strategic allocations in emerging policy RURA3 in the draft Herefordshire Local Plan is therefore perplexing given the above, contravening existing and emerging local plan policies, as well as national policy (NPPF paras 189 and 190 if deemed major development)

The draft Plan also incorrectly stipulates the layout of any proposals for the allocation should reflect the “setting” of the National Landscape ([Local Plan Reg 18 Place Shaping Policies Document, p.126](#)).

The site is located within and forms part of the protected landscape and therefore NPPF paras. 189 and 190 should apply when considering the planning balance, as well as the Authority's duty to further the purposes of the AONB in accordance with Section 85 of the CROW Act (2000). The harm that would arise from the development would outweigh any potential benefits, as determined by the previous appeal. The MHNL team highlighted this contradiction and the site's unsuitability as an allocated site in our Regulation 18 consultation response which has been attached below.

In addition to our Regulation 18 consultation comments, it is also worth highlighting that the RURA3 allocations have been omitted as a policy meeting the [Environmental Objectives](#) to protect the National Landscapes in the emerging Local Plan in "Table 2: Local Plan objectives":

4	To protect the Wye Valley and Malvern Hills National Landscapes whilst, at the same time, valuing the county's whole ecology and landscape.	HSC3, EE1, EE2, AG3, ROSS2, RURA1, RURA2
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This omission demonstrates that consideration of the site's impact on the National Landscape and whether it complies with national policy and emerging local plan policy EE1 has not been sufficiently considered or given great weight. Similarly, in the Draft Plan Appendices (p.19) the Colwall allocation is not stated as meeting Local Plan Objective 4 to protect the National Landscape, as suggested in the Sustainability Appraisal with regard to SA Objective 12.

It is not clear in the evidence base for the draft plan if landscape and visual sensitivity and capacity studies have been undertaken for the site allocations in order to inform the effects that development would have on sensitive receptors such as the Malvern Hills National Landscape. The Plan's evidence base, policies and allocations have not been examined and scrutinised, and the site's proposed inclusion should not be a shortcut to assuming its suitability and sustainability have been accepted and adopted. The MHNL team and others have long contested development of the site, and the Colwall NDP and LSCA determined that the land does not have capacity for this development.

### Impacts on the Malvern Hills SSSI

In addition to our arguments for why the principle of development of the site should be refused, the applicant's documents make no reference to the Malvern Hills SSSI which is located c. 1.5km from the site and is located within the SSSI Impact Risk Zone. Natural England's condition assessment for the SSSI identify visitor pressure as a significant impact and a reason why the site is not currently in favourable condition. Any residential developments in close proximity to the SSSI is likely therefore to have adverse impacts on it. The impact of the development on the SSSI has not been assessed and it is therefore not possible to determine if the development complies with Para. 193 of the NPPF which states development on land within or outside a SSSI which is likely to have an adverse effect on it should not normally be permitted.

Natural England are currently speaking with LPAs in the area with regard to strategic solutions to address the poor condition of the Malvern Hills SSSI, including measures proposed by a Malvern Hills SSSI Recreation Mitigation Strategy produced as part of the South Worcestershire Development Plan

Review (SWDPR) evidence base. Although for a neighbouring local plan, links to the documents below have been provided due to their relevance to the Malvern Hills SSSI as a whole.

### Conclusion

To summarise, the application should be refused based on the following issues and concerns:

- Contravenes national and local policy in relation to development in protected landscapes.
- Is not in accordance with the Colwall NDP, including the findings of the LSCA which determined the site as sensitive and having no capacity for development, and being located outside of the settlement boundary
- The draft Local Plan Regulation 19 document has yet to be produced and its policies, allocations and evidence have yet to be examined. RURA3 has therefore not been tested, and concerns have been raised about the contradictions to other policies related to the site's inclusion.
- The proposals do not consider impacts on the Malvern Hills SSSI.
- Refusal and appeal dismissal of application P200156 on the site in 2022, and the inspector's conclusions regarding adverse effects on landscape character and lack of compliance with the NPPF.

### FURTHER INFORMATION & DOCUMENTS

- Malvern Hills National Landscape team's consultation response (May 2024) to RURA3 in the Herefordshire Draft Local Plan (2021-2041) Regulation 18 document (attached below)
- Malvern Hills National Landscape team's response to [P200156/O Land off Mill Lane – 26 Feb 2020](#)
- PINS Appeal Decision 17 January 2022, Land off Mill Lane, Colwall, Worcestershire, WR13 6EQ, 2022 [APP/W1850/W/21/3272317](#)
- [Malvern Hills SSSI Impacts Report \(2021\)](#) and [Mitigation Strategy \(2022\)](#) produced for the SWDPR

We trust you will take the above into consideration when arriving at your decision.

Kind regards,

Catherine Laidlaw PGDip LA

Planning Officer

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**EXTRACT FROM THE MALVERN HILLS NATIONAL LANDSCAPE TEAM'S CONSULTATION  
RESPONSE TO THE HEREFORDSHIRE DRAFT LOCAL PLAN 2021-2041 REGULATION 18  
DOCUMENT (May 2024)**

**Policy RURA3 includes a list of preferred housing allocations between 45-60 dwellings each. Please tick whether you agree or disagree with the allocation.**

Colwall – Land West of Colwall Primary School – disagree

No comments to make on the other preferred housing allocations.

**Please provide your comments on the approach taken for any or all of the above named preferred housing allocations.**

Colwall – Land West of Colwall Primary School

This is the only proposed non 'Rural hub' settlement with a proposed strategic allocation, which is perplexing given the AONB designation as an environmental constraint does not appear to have been factored in. The Council will be clearly aware of the dismissed appeal of early 2022 (APP/W1850/W/21/3272317 Land off Mill Lane, Colwall, Worcestershire WR13 6EQ) which encompasses a significant proportion of land for the Council's proposed allocation.

In terms of the AONB designation, the site, along with the whole of Colwall and surrounding area fall within the National Landscape. Paragraph 182 of the NPPF states that: 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.' At a local level the Malvern Hills AONB Management Plan (2019-24) provides guidance on the management of the AONB.

Amongst other things this states that development proposals that may affect land in the National Landscape, including those in its setting, should protect and/or enhance key views and landscape character. Based on local landscape character areas, the site is open rural farmland.

The northwest boundary is formed by a hedgerow between the site and adjacent field which is also part of the open countryside and typical of the open farmland landscape character type. The southwest boundary is a mixed native hedgerow to the edge of Mill Lane, with an existing field gate and two oak trees that are distinctive landscape features. The northeast boundary is a well vegetated, beyond which is a small parcel of residential open space and agricultural land. The southeast boundary is also a planted hedgerow and beyond this is a primary school and village hall. Because of its open and verdant nature, along with the adjacent fields, the site positively contributes to the open rural farmland landscape character and the scenic beauty of the National Landscape.

We acknowledge that the built extent of Colwall has evolved, this includes a number of developments that have been introduced over the later part of the twentieth century. There have also been more recent developments. For instance, Colwall Gardens, which extends westwards from Walwyn Road.

However, along Mill Lane development is predominantly linear. This is generally low-density development (including the three recently built houses opposite the proposed site) or community land use, which create a transition zone between the more built-up parts of the settlement and the open countryside and assist in defining the settlement pattern. Because of its landscape character, appearance and location, the site reinforces the rural edge and setting to Colwall. Therefore, development of the extent proposed in this particular location will appear separate from the more built-up parts of the village and would have a substantial erosive effect on the landscape character of the site and settlement pattern.

The site and development within it would be mainly visible from Mill Lane and the public footpaths alongside and to the west and north of the site; and from the elevated west facing slopes of the Malvern Hills. Any proposed access would result in the part removal of the existing hedgerow along the site's Mill Lane frontage. Further erosion of this hedgerow is likely to accommodate and maintain required sightlines. There will also need to be a widening of the lane at the new entrance, together with infrastructure impacts of new footpaths. These works individually and in the context of the nearby school car park and entrance, along with the access to the three houses opposite the site, will substantially erode the characteristically rural approach to Colwall along Mill Lane in landscape and visual terms.

Although Mill Lane may not be the principal route in and out of Colwall, the site, based on the Colwall NDP is located on an important visual corridor (Gateway 4) into the village which includes an identified important viewpoint (VP12). Heading southeast along Mill Lane this offers panoramic views of Malvern Hills across good quality open countryside (which includes the site). Both lowland and hill landscapes are important to the village's context and setting. While this view has changed due to presence of Colwall's new primary school, this does not significantly undermine this given its low-density nature.

In contrast, development of the extent proposed would introduce a suburban appearance of upper floors and roofs interrupting the existing rural setting. Overall, the effect would be one of pulling the urban edge appreciably further west in views from VP12 which Policy CD1 of the Colwall NDP seeks to protect.

There will also be alteration in views for users of the nearest public footpaths (CW29C and CW30B). Here the introduction of the development would change the character and amenity of these footpaths in terms of the views afforded to walkers. Middle distance views from parts of the network of footpaths on the more elevated slopes of the Malvern Hills would be available of the site and development within it. In these views, the site plays a small part in a much wider panoramic. Despite this, the proposed development would be apparent because of its scale and visual separation from the more built-up parts of the village. In our opinion, the permanent erosion of part of this rural and important landscape will result in a major adverse visual impact in views from Malvern Hills. Landscaping will not be effective in the short to medium term in mitigating the effects of the development and even on maturity it is likely to eliminate only some views of the development.

The formulation of the Colwall NDP was informed by significant and careful landscape evidence which the Malvern Hills National Landscape Team inputted into, which underpinned the

assessment of potential housing sites and the capacity of those sites to absorb development by way of a Landscape Sensitivity and Capacity Assessment Study. The Malvern Hills AONB Management Plan (2019-24) also supports this approach. In particular, the sensitivity of the site is considered to be high and its capacity for development to be low. For the above reasons, the proposal in terms of its nature and setting including the provision of an access and associated infrastructure will result in significant suburbanisation of this part of the National Landscape. This would significantly encroach into the adjoining countryside. The introduction of residential development would include additional activity, noise and lighting which together would have a significant adverse effect on the appearance, setting and enjoyment of the National Landscape and adversely affect Special Qualities as to why the Malvern Hills has been designated an AONB. Consequently, the landscape character of the site would experience permanent and substantial adverse effects from the proposed development. Therefore, the proposal fails to conserve and enhance the AONB designation and would also erode the settlement pattern and setting of Colwall.

The National Landscape Team consider that this site should not be considered further. Indeed, promotion of this site will clearly conflict with Point 1 of emerging Policy RURA3 as *“In addition to the requirements of other Local Plan policies, the development of these sites will be required to have regards to the policies of the relevant Neighbourhood Development Plan”*, namely that this site lies outside the settlement boundary for Colwall, whose NDP is now made. In landscape terms, this site has no capacity to accommodate residential development. In accordance with our Position Statement on Landscape-led Development, a Landscape and Visual Sensitivity and Capacity study (LSCA), or a Landscape and Visual Impact Assessment (LVIA), or a Landscape and Visual Appraisal (LVA), should be undertaken for all relevant sites (or land cover parcels) in the Malvern Hills National Landscape, and its setting, where the potential for development is being assessed as part of the development plan process.

The Malvern Hills National Landscape should be accorded the highest ‘value’ in the LSCA/LVIA/LVA assessments, with consideration being given to the degree to which the criteria and factors used to support the case for AONB designation are represented in the specific study area.

Your attention is also drawn to your statement within the Mill Lane site that *“The site should be master planned with supporting infrastructure and open space. The siting, massing, and layout would need to be sensitively designed to reflect the setting of an area of National Landscape (formally known as Areas of Outstanding Natural Beauty)”*. The site is wholly within the National Landscape NOT its setting.

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