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| MEETING: | PLANNING COMMITTEE |
| DATE: | 27 AUGUST 2014 |
| TITLE OF REPORT: | <p>P140953/F - VARIATION OF CONDITIONS 1(A), 1(C), 1(D) AND 2 OF DCSE2008/0996/F AT HOMME FARM, HOM GREEN, ROSS-ON-WYE, HR9 7TF</p> <p>For: Mr Drummond per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140953&search=140953 |

Date Received: 25 March 2014

Ward: Kerne Bridge

Grid Ref: 357847,221937

Expiry Date: 24 June 2014

Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 Homme Farm is located approximately one kilometre from the south-western edge of Ross-on-Wye. The farm holding comprises 377 hectares of open countryside extending eastwards from the River Wye towards the B4234 Ross-on-Wye to Walford road. The whole of the farm is located within the Wye Valley Area of Outstanding Natural Beauty (AONB). The site for the application comprises a total of seven separate fields within the farm-holding, one of which is bisected by a public right of way.
- 1.2 The adopted Landscape Character Assessment identifies all of the fields affected by this application, and much of the rest of the farm, as 'Principal Settled Farmlands'. The potential for regular change in farming practices is a key element of this character type. The wider farm-holding outside the proposal sites also occupies areas classified as 'Riverside Meadows', associated with the River Wye. The farm holding encompasses 'Hill Court', which comprises various important listed buildings, other structures, and a Registered Historic Park/garden. There are a several other listed buildings close to the affected fields, including 'Old Hill Court'. Goodrich Castle, a Scheduled Ancient Monument (SAM) and Grade I listed site, occupies a spur of land to the south on the opposite side of the Wye and approximately 1 kilometre from the southern-most point of the application site. The farm is visible, or partially visible, from surrounding high ground such as Howle Hill, Chase Hill, Bulls Hill and Coppett Hill, located to the east and south-east of the application site at an approximate distance of between 1 and 3 kilometres. It is also fleetingly visible from the A40(T) which runs parallel to the River Wye to the west, through trees. The Homme's farm-holding abuts the River Wye [Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)], although none of the application fields adjoin the river. Three Public Rights of Way cross Homme Farm, and others in the wider area provide views towards the farm.

1.3 Planning permission was granted on 15 October 2008 under reference DCSE2008/0996/F (081040/F) for the erection of polytunnels to be rotated around the holding on an annual basis. The polytunnels are of varying length, with a typical width of 6.5 - 8 metres and a height of 3 - 3.7 metres. The clear polythene covers are removed from the end of November to the end of January each year. Under the existing permission, 152 hectares (approximately 40% of the total, shaded pink on Approved Plan DLA 1226/06 Rev A), are entirely excluded from polytunnel use. Within the remaining 60% (225 hectares), no more than 54 hectares (24%) may be covered with tunnels at any one time and there is a limit of 10 hectares' coverage in any single block of tunnels. The permission has an expiry date of 15 October 2018.

1.4 The current application is for modification of the extant permission (reference DCSE2008/0996/F). It does not necessitate consideration of the entire scheme, only the variation itself. The submission explains evolving operational trends since the permission was granted. Farming practices now favour 'table-top growing' in channels which are raised above ground level. This method does not entail using the soil beneath and annual crop rotation would therefore be unnecessary. The applicant seeks to vary conditions 1 and 2 of the above permission as follows:

- Reduce the overall polytunnel coverage by about 10%, to a maximum total of 48.5 hectares at any time, on specific permanent sites with no annual rotation [Condition 1(a)]
- Remove the limit of 10 hectares for any one block [Condition 1(c)]. It should be noted that this was directly related to the rotation scheme. The new proposals plan shows the coverage would still be below 10 hectares in any one block, excluding buffer strips around field margins.
- Remove the ten-year time limit [Condition 1(d)]
- Remove the requirement to submit annual rotation plans [Condition 2]

1.5 The application is supported by the following documents:

Spatial Planning Statement (AAA March 2014)

- Sets out the applicant's position in terms of the policy context including changes in perceptions and general attitudes, along with national and local policies developed since the original permission was granted. This includes the AONB Management Plan;
- Outlines key points in the context of reducing tunnel coverage and ceasing field rotation;
- Weighs up material planning considerations including UDP policy LA1, outlining benefits from reduced impacts, support for the rural economy, lengthened growing seasons and reduced dependence upon imported fruit.

Statement of Community Involvement (AAA March 2014)

- Details of public exhibitions held in August 2012 and January 2014 to explain the proposals to interested parties, including arrangements to publicise the exercise;
- Analyses comments received;
- Takes account of Pre-application Advice sought and given

Transport Statement (Bancroft Consulting May 2012 updated January 2014)

- Assesses business development and specific transportation considerations from the proposal in the context of the existing permission, the working farm and the proposals.

Ecology and Nature Conservation (DLA 2012)

- Updated ecological report including proposed mitigation measures.

Landscape and Visual Impact Assessment (DLA 2014)

- Detailed analysis of the wider area and specific details relating to the new proposals including proposed mitigation.

Flood Risk Assessment (Envireau Water Oct 2012)

- Takes account of the need for permanent polytunnels to meet 'greenfield run-off' equivalents or better;
- Outlines the scope for permanent polytunnels to collect rainwater for irrigation;
- Details methodology and existing measures for silt management.

Water Resources Risk Evaluation (Envireau Water June 2012)

- Identifies and assesses potential risks to the River Wye SSSI/SAC and its ecology, and proposes mitigation;
- Assesses drainage, abstraction, irrigation and water management proposals.

Business Appraisal (CLM 2012)

- Assesses employment prospects for the business;
- Contribution to the county and rural economies including ancillary markets and customers;
- Soft fruit trends in the UK and reduction in dependence on imports;
- Extension of growing seasons and yields.

1.6 **Environmental Impact Assessment (EIA)**

Herefordshire Council issued a formal Screening Opinion with regard to this proposal, dated 30 November 2012 and signed by the Head of Neighbourhood Planning on 5 December 2012. The adopted opinion was that the proposal as presented is not EIA development under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (The EIA Regulations). It has been established that polytunnels do not fall within the scope of the EIA Regulations. The matter of cumulative impact thus does not arise, since polytunnels are not caught. They are not listed, nor anything similar or comparable, among the relevant development types in any part of Schedule 1 or 2, and do not affect 'uncultivated or semi-natural' land since all the relevant fields are already used for polytunnels. Part 13 of Schedule 2 relates to cumulative impacts from changes to development which has already been assessed as EIA, which is not the case here.

- 1.7 It is noted that caravans for workers may be caught depending on circumstances, but this proposal does not include or affect any caravans. There have been no changes to this proposal, its circumstances or the legislation since the proposed variation was first mooted in 2012 so it was considered unnecessary to re-screen in 2014. The Environmental Impact Assessment (Agriculture) (England) (No 2) Regulations 2006 are administered primarily by Natural England. These Regulations serve to protect uncultivated land and semi-natural areas from adverse effects by agriculture. They consider two types of project: works to uncultivated land, and projects which involve remodelling of agricultural land. This proposal does not affect any uncultivated land and does not entail any physical remodelling. These Regulations are thus not relevant to this case.

2. **Policies**

2.1 **National Planning Policy Framework (NPPF)**

This came into force in March 2012 and constitutes a material consideration in the assessment process. It defines 'sustainable development' and is to be regarded in its entirety, with particular reference in this case to paragraphs 6-17, sections 1, 3, 7, 10, 11, 12, and

paragraphs 186-206. The NPPF carries greatest weight at present but it was not in force at the time of the original approval for polytunnels at this site.

2.2 **Regional Spatial Strategy for the West Midlands:** This policy document was formally revoked by Statutory Instrument (SI) 2013/933, which came into effect on 20th May 2013. Although relevant in 2008, it no longer plays any part in strategic or local planning policy.

2.3 **Herefordshire Unitary Development Plan 2007** – Regard must be had to the adopted development plan for the purposes of determination. Such determination must be made ‘in accordance with the plan unless material considerations indicate otherwise’ (s38 (6) Planning and Compulsory Purchase Act 2004). Policies which have been formally ‘saved’ during the development of the Core Strategy remain in force and carry weight, where they accord with the NPPF. For the avoidance of doubt the following policies were considered relevant at the time of considering the original application in 2008 and are included as saved policies:

Part I

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S4 - Employment
- Policy S6 - Transport
- Policy S7 - Natural and Historic Heritage

Part II

- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR7 - Flood Risk
- Policy DR11 - Soil Quality
- Policy E13 - Agricultural and Forestry Development
- Policy LA1 - Areas of Outstanding Natural Beauty
- Policy LA2 - Landscape Character
- Policy LA4 - Protection of Historic Parks and Gardens
- Policy LA5 - Protection of Trees, Woodlands and Hedgerows
- Policy LA6 - Landscaping Schemes
- Policy NC1 - Biodiversity and Development
- Policy NC3 - Sites of National Importance
- Policy NC5 - European and Nationally Protected Species
- Policy NC6 - Biodiversity Action Plan Priority Habitats and Species
- Policy NC7 - Compensation for Loss of Biodiversity
- Policy NC8 - Habitat Creation, Restoration and Enhancement
- Policy NC9 - Management of Features of the Landscape Important for Flora and Fauna
- Policy HBA4 - Setting of Listed Buildings
- Policy T6 - Walking

2.4 **Herefordshire Core Strategy**

The adoption process for the Core Strategy is at an advanced stage aiming for completion during 2015. The following policies are relevant but carry negligible weight at the time of writing:

- Policy SS1 - Presumption in favour of sustainable development
- Policy SS4 - Movement and transportation
- Policy SS5 - Employment provision
- Policy SS6 - Addressing climate change
- Policy LD1 - Landscape and townscape

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| Policy LD2 | - | Biodiversity and geodiversity |
| Policy LD3 | - | Green infrastructure |
| Policy LD4 | - | Historic Environment and heritage assets |
| Policy SD1 | - | Sustainable design and energy efficiency |
| Policy SD3 | - | Sustainable water management and water resources |
| Policy RA3 | - | Herefordshire's countryside |
| Policy RA6 | - | Rural economy |
| Policy MT1 | - | Traffic management, highway safety and promoting active travel |

2.5 Other Policy and Guidance

Polytunnel Supplementary Planning Document: Adopted December 2008
 Landscape Character Assessment 2004 as updated
 Wye Valley Area of Outstanding Natural Beauty Management Plan 2009 – 2014

2.6 Legislation

Town and Country Planning (Environmental Impact Assessment) Regulations 2011
 The Conservation of Species and Habitats Regulations 2010 (The Habitats Regulations)

2.7 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

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| 3.1 | DCSE2002/2715/S | Offices and amenity facilities. | - | Prior approval not required 01.10.2002 |
| | DCSE2002/3635/S | Implement store | - | Prior approval not required 15.01.2003 |
| | DCSE2008/0995/F | Construction of irrigation lakes. | - | Withdrawn |
| | DCSE2008/0996/F | Siting of polytunnels | - | Approved 15.10. 2008 |
| | DCSE2009/0670/F | Resubmission of irrigation lakes | - | Approved 08.07.2009 |

4. Consultation Summary

Statutory and other external consultations

- 4.1 Environment Agency: No objection to the proposed variation of conditions, noting that all of the polytunnel sites are within flood zone 1 (low risk).
- 4.2 Natural England: We did not request a temporary permission and so would not object to its removal. We have no landscape concerns on the proposal, but AONB Officer advice should be heeded. Overall, the move to permanent sites would be an improvement. Rotation does little to alleviate visual impacts, and the proposal offers more opportunities for screening. It also offers benefits with regard to drainage and silt management. No objection.
- 4.3 English Heritage: No new comments offered, relying on their letter dated 27 August 2008 in respect of the original application. For clarity, at the time this stated: "We do not wish to comment in detail, we advise that any permission should [include]binding agreement ensuring the establishment of historic field boundaries within one year, and limitation of the permission to ten years" [from 2008].

- 4.4 National Grid: No objections (proximity to a High Voltage Transmission Overhead Line).
- 4.5 Health and Safety Executive (HSE): does not advise, on safety grounds, against the granting of planning permission in this case [due to major below-ground energy infrastructure works currently under construction in the general area, involving significant earthmoving operations not connected with the farm].
- 4.6 Wye Valley AONB Officer – If this were a new application we would consider it to be ‘major development’ invoking NPPF paragraph 116. However as this is a variation we accept that the use of polytunnels is already approved. The AONB unit did not support the original application and we still consider that, in principle, polytunnels have a detrimental impact on the AONB. The proposal would however have some positive outcomes. In particular, we support the move away from Goodrich Castle and reduction of tunnels visible from the A40. Planting takes time to mature; we consider the permission should remain temporary, to be reviewed when the landscaping is better established. However, permanent locations should enable ‘whole farm’ landscaping measures to maximise screening in the wider landscape.
- 4.7 Hereford and Worcester Gardens Trust - I write to defend the setting of Hill Court grade II* listed building set within a Registered Park and Garden, embraced by the River Wye and besieged by polytunnels for more than a decade. The removal of some polytunnels from the ground to the south of the formal gardens is welcomed to preserve foreground views to Goodrich Castle, but Hill Court is still surrounded. Polytunnels are a blight on the AONB and adversely affect appreciation of the Wye Valley between Ross and Goodrich. I appreciate the applicant is trying to rationalise the use of plastic around Hill Court. It is time to identify a moment for complete removal to somewhere less sensitive e.g. Eastern Europe or Spain.

Internal Council Advice

- 4.8 Transportation Manager: No adverse highways implications from the proposal
- 4.9 Public Rights of Way Manager: No objection providing all rights of way remain unobstructed and walkable.
- 4.10 Conservation Manager: -
- (a) Building Conservation Officer - No objection. The proposal would reduce the area of land under polytunnels, with no unexpected additional effects on the numerous listed buildings in the vicinity. The 2008 permission allows for the setting of these designated sites, and screening continues to mature. The impact is within acceptable limits bearing in mind the working agricultural landscape. Reduced coverage and static locations would be an improvement. There is considered to be sufficient distance and landscaping to avoid major impact on the setting of heritage assets in this area
- (b) Landscape Consultant - No objection. Comments are in the context of discussion with the applicant to provide supplementary landscape enhancement, following a site visit. The applicant has established hedgerows which are now two to three metres high. To aid further screening, native and orchard trees should be planted adjacent to some of these hedgerows. Sustainable drainage should be deployed to minimise silt run-off. Opportunities for supplementary biodiversity enhancement measures should be pursued.
- (c) Ecologist - Recommend approval with conditions. The submitted ecological report appears to be sound and its observations valid. Please note that there are now records of Great-crested newt in the vicinity. There is potential to secure additional

biodiversity enhancement through an approval. Improved hedgerow and fieldmargin management should provide connectivity [for wildlife].

- (d) Habitats Regulations Assessment Screening: Systems are in place to prevent nutrients from entering the river [Wye]. Trickle irrigation and controllable water/fertiliser input for table-top growing offer potential for significant progress towards less environmental impact, in combination with the approved winter storage reservoirs currently under construction. In consequence I would find that this application demonstrates 'No Likely Significant Effect' upon the River Wye Special Area of Conservation (SAC) arising from this proposal.

4.11 County Land Agent: Supports the proposal: The change to permanent polytunnels is beneficial for the following reasons:

- a) It will be easier to install permanent drainage systems, manage rainwater and silt better and to benefit flora and fauna;
- b) Raised growing has recently proved to be a more effective, efficient and better-yielding method, and is superseding rotational ground-based growing. They facilitate harvesting and reduce the use of chemicals;
- c) Table-top growing is beneficial to worker health and safety as no bending is involved.
- d) Saving in labour costs and traffic by removing construction and deconstruction of tunnels.

5. Representations

5.1 Walford Parish Council - Supports the application with the following caveats: that the ten-year time limit should not be removed, but extended to ten further years from now; to find practical solutions to reduce visual impact, e.g. by screening and materials used.

5.2 Two letters of objection have been received from local residents (Lady S Waterhouse and Mr P Dewhurst). The points raised are summarised as follows:

- Oppose the development in an AONB;
- This further undermines the concept of the AONB and the public amenity;
- The potential for tourism is being stifled by polytunnels and caravans;
- The financial benefits are questionable;

5.3 Approximately forty-seven letters and emails of support have been received. The points raised are summarised as follows: -

- It will be more environmentally friendly;
- It will help to secure the farm, and support jobs and other businesses in this area;
- I understand the necessity of such change to keep up with farming challenges. It will be beneficial to all, and to business efficiency in an ever-changing market;
- We appreciate the applicant's pro-active and responsible approach;
- It makes perfect sense to support this proposal as the fruit business is so important to the local economy. The request to extend the time limit seems very fair;
- The change to table-top growing is sustainable and efficient;
- The change to table-top growing helps water efficiency, soil management and pollution prevention
- Farming needs pro-active support to enable long-term planning and secure food supply contracts;
- The applicant supports jobs and a wide range of local suppliers of goods and equipment
- The business helps British industries. The alternative is increased imports from other countries;
- The applicant contributes significantly to the local economy;

- The revisions appear to consider the landscape and environment and should be supported.

5.4 One 'mixed response' letter has been received, with no objection to the proposal but requesting consideration of wider field margins and the avoidance of spraying near houses at weekends/holiday and evenings.

5.5 Three representations have been received from other organisations, summarised as follows: -

- a) CPRE Herefordshire
 - We are concerned about the unsuitability of the site, which is all within the AONB;
 - The 2008 application was decided as a Departure from policy, specifically LA1;
 - Policy LA1 will be nullified if this application is granted for permanent polytunnels;
 - This type of growing can be done on abandoned airstrips and barren land and does not need to be on good agricultural ground;
 - Views in the AONB are adversely affected;
 - Removal of tunnels from the close views of Goodrich Castle is appreciated, but hedge-planting etc cannot reduce the cumulative impact of gleaming plastic;
 - We disagree with the Council's view that EIA is not required;
 - Comments on Environmental Impact Assessment implications with regard to workers caravans.
- b) Campaign for Polyunnel Control (CPC) – No decision should be made until the outcome of the appeal at Pennoxstone Court is known. Policy LA1 was central to the Council's argument to refuse the King's Caple application and the same reasons follow. Permanent rights should definitely not be granted.
- c) Ross Civic Society – We do not object to the application provided it is not paving the way to further permanent polyunnel coverage of the entire area in which polytunnels are presently rotated.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

6.1 The main issues for consideration in the application are:

- The principle of the request to vary conditions 1 and 2 of the existing permission;
- Policy context and relevant material considerations;
- Changing farming practices; contribution to the rural economy;
- Wye Valley Area of Outstanding Natural Beauty (AONB) and local heritage assets;
- Landscape and biodiversity including the River Wye SSSI and SAC,
- Drainage, water and silt management;
- Other matters.

Principle of the proposal

6.2 The principle of polyunnel use is well-established at The Homme, and the proposal is to vary the approved scheme. The permission granted in 2008 followed protracted national consideration as to whether or not polytunnels require planning permission; and thus how and whether they should fit into the planning system in terms of policy and operation. Due to

uncertainty at the time, the first application relating to The Homme volunteered a proposal for a temporary permission for ten years to allow for any outstanding technical and legal matters to resolve themselves. These points have since been settled.

- 6.3 The proposal has three distinct elements: (a) to reduce the overall area of land where polytunnels would be deployed by about 10%; (b) to cease rotating the tunnels on an annual basis and (c) to remove the limit of ten years on the existing permission. The general principle of siting polytunnels on this farm-holding is well-established and the proposal is presented to Planning Committee on this premise.
- 6.4 In principle, the reduction of the land area put to polytunnels is considered beneficial. The choice of fields shows sensitivity to landscape character in terms of UDP policy LA2, including pulling further away from the River Wye and Goodrich Castle. The proposed plans (Figs 'A' and Figs 1-6)) allow for wide field margins from a minimum of 10 metres, up to 30 metres where they adjoin residential properties. The farm plan of the proposed coverage shows the designated fields with wide buffer strips and excluded areas. These site plans show that the limit of ten hectares for any single block of polytunnels would in practice continue. The application seeks to remove this stipulation (sub-clause (c) of condition 1 of the permission), but officers consider it remains necessary, to clarify the public record rather than relying on shaded areas on plans. Negotiation has resulted in agreement with the applicant to retain clause 1(c). The overall reduction from 54 to 48.5 hectares in total would result in less than 13% of Homme Farm being used for tunnels.
- 6.5 The changing trend towards static sites compares favourably with field rotation practices, offering stability and consistency in terms of landscape and public views of the area. It would allow screening to be more effective over time. It would also offer opportunities to improve surface water and silt management. There is also a sustainability element in the saving of fuel and resources by ceasing the annual transport and set-up of equipment, and table-top growing is considered more efficient. Farmers must operate within a competitive market economy dominated by the food industry; the planning system should not seek to unnecessarily restrict technical evolution in a way that could inadvertently disadvantage any one farmer.
- 6.6 With regard to the removal of the ten-year time limit, the now archived Circular 11/95 was still in force in 2008, and offered clear advice that the scope for imposing a temporary permission is very limited. Part 2, paragraph 109 stated *'...the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenities of the area. Where such objections ... arise they should, if necessary, be met by conditions whose requirements will safeguard the amenities.'* It went on to say *'... a temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area.'* Circular 11/95 has now (2014) been superseded by the on-line National Planning Practice Guidance, but this repeats the limited scope for such imposition, and also states that *'it will rarely be justifiable to grant a second temporary permission'* (section on the use of planning conditions referenced ID:21a-015-20140306)
- 6.7 Circular 11/95, the National Planning Guidance, and paragraphs 204 and 206 of the NPPF all set out the 'six tests' which must be met for a planning condition to be deemed lawful. These are that conditions must be:
- i. Necessary;
 - ii. Relevant to planning;
 - iii. Relevant to the development to be permitted;
 - iv. Enforceable;
 - v. Precise; and
 - vi. Reasonable in all other respects.

- 6.8 The original application for polytunnels included a request for a ten year permission, almost 6 of which have now passed. Arguably this has allowed time to ascertain the extent of any effects, and to establish other outcomes such as farming efficiency and the rural economy, which might carry weight. On the basis of paragraphs 6.6 and 6.7 above, officers conclude that in principle the retention, extension or re-imposition of a time limit would be neither 'necessary' nor 'reasonable' and that a 'trial run' is no longer appropriate. Since the applicant has now requested its removal, it is suggested that continuing this approach could not meet the terms of the National Planning Policy Framework or Guidance and on that basis could not stand up to scrutiny.

Policy Context and material considerations

- 6.9 The National Planning Policy Framework (NPPF) is the key material consideration at this time. It is to be regarded in its entirety, and sets out a presumption in favour of 'sustainable development', as defined in paragraphs 7 to 15. The three strands of sustainability (economic, social and environmental) are interdependent and not viewed in isolation. In this case, the economic role is predominant, but there is a social role in producing affordable British-grown food, and an environmental role in reducing the impact of imports, and the fact that commercial success helps to enable provision of landscaping and biodiversity enhancement. These broader positive factors are balanced against any specific identified adverse impacts. Section 3 of the NPPF seeks to support rural prosperity and section 10 considers climate change. Section 11 seeks to 'conserve and enhance' biodiversity, and the applicant has made significant improvements to habitats since approval was granted. The proposal complies with the NPPF in seeking to adapt food production operations to meet changing demands and circumstances.
- 6.10 The applicant's positive contribution to the rural economy and mitigation measures already implemented for screen planting and wildlife habitats are important factors in meeting policy requirements, in particular UDP policies LA5, LA6, NC8 and NC9. Section 11 of the NPPF is relevant. The reduction in covered area and the cessation of rotation are regarded as beneficial, and the removal of the time limit was discussed at paragraph 6.6 above. On balance officers regard the nature of the proposal as relatively minor in policy terms, as it would reduce the effects of development already approved and allow further environmental opportunities.
- 6.11 Also in section 11 of the NPPF are paragraphs 115 and 116. These place great weight on protecting the status and attributes of designations such as AONB, in relation to landscape, scenic beauty and the conservation of wildlife. Paragraph 116 advocates refusal '*for major developments [in the AONB] except in exceptional circumstances and where it can be demonstrated that they are in the public interest*'. Assessments should establish the need for the development and the impact of permitting or refusing it on the local economy; the cost of and scope for locating it elsewhere or in some other way; effects on the environment, landscape and amenity and the potential for mitigation. This application addresses these requirements. The original application was regarded as major development in the AONB, and a 'Departure' from UDP Policy LA1, and was approved following lengthy and detailed considerations. All the relevant factors were taken into account at the time. This application is to vary three aspects of that previously approved outcome. As a technical precaution it has been treated as a 'major' application due to the area of land involved, and as a 'Departure' from UDP policy LA1 since it is within the AONB and the parent application was considered as such.
- 6.12 The Herefordshire Unitary Development Plan (UDP) was in full force in 2008 but is now reaching the end of its life, in favour of the emerging Core Strategy. The UDP policies relied upon in 2008 are listed at point 2.3 above for the avoidance of doubt, but their relevance to this application is reduced. In particular, policy LA1 was an important factor in 2008 but now requires reconsideration. It sets criteria for development in the AONB, favouring small-scale

projects that do not adversely affect the designation. Exceptions are possible provided there is overriding national interest, a low risk of adverse economic effects, no alternative site outside the AONB, and a good potential for environmental mitigation. With regard to the proposed variations of conditions, officers consider that all but the first criterion are met bearing in mind that the principle of siting polytunnels is not in question. However, policy LA1 now carries less weight, particularly in light of point 6.13 below.

6.13 The Planning Inspector recently considering an appeal relating to unauthorised polytunnels at Pennoxstone Farm, also in the AONB, (references APP/W1850/C/13/2206638 and 39) noted a conflict between local policy LA1 and the NPPF. In her view UDP policy LA1 now carries little weight, concluding that paragraph 116 of the NPPF takes precedence. This is a very recent decision but it does demonstrate a current trend. Officers consider that the proposal to vary the existing permission at The Homme is not physically 'major development' as it does not entail any new works and would in fact reduce the extent of covered land. Nevertheless it has been considered as 'major' purely in land area terms. Paragraph 116 of the NPPF sets out the circumstances and factors for approving major developments in designated areas:

- The need for the development including national considerations and effects on the local economy;
- The cost of and scope for locating the proposal outside the designation;
- Potential for mitigation of environmental effects.

The significant contribution of farming enterprise to the local economy is acknowledged; all of the applicant's relevant land-holding lies within the AONB; and environmental mitigation is already in place with scope for additional measures. On balance officers consider the proposal can meet paragraph 116 of the NPPF.

6.14 The emerging Core Strategy echoes the less prescriptive nature of the NPPF. Until such time as the Core Strategy is formally approved and adopted, its policies are a material consideration but have limited weighting in determining current applications. The NPPF is the key consideration at the time of writing.

Changes in farming practices and efficiency, rural economy

6.15 The benefits of polytunnels to food production, plant quality and growing seasons are put strongly by the farming industry across Europe. The Council's 2008 adopted Polyunnel Supplementary Planning Document (SPD) considers the evolving trend for soft-fruit growers to use the 'table top' method. Crops are planted in a growing medium on linear structures raised to about chest height. These connect to an efficient computerised trickle-irrigation and nutrient system to deliver optimum growth. As the crops are not grown in the ground, there is no need to rotate them. The technique requires less land, which can also reduce other impacts. It is safer for the workforce as harvesting does not entail bending. There is considerable cost-saving by not moving and re-erecting the tunnels around the farm. Static sites also favour rain-water capture with consequent reduction in river abstraction, and better silt management opportunities.

6.16 The current permission for The Homme specifies field rotation. It was one of the earliest granted in Herefordshire, after a period of uncertainty and legal proceedings elsewhere in England. The applicant now finds his permission is over-prescriptive if he is to maintain his market position and secure supply contracts in competition with other growers. The Homme's contribution to the rural economy and Ross-on-Wye also supports other businesses such as suppliers of equipment and materials, customers, food producers, and the local spending power of the seasonal workforce. Modern soft-fruit farming is a national enterprise, seeking to extend growing seasons to support British produce and reduce dependence on imports. Letters of support recognise this national and local contribution. Notwithstanding

consideration of the farm's location within the AONB, officers accept these key points, which reflect section 3 of the NPPF in supporting growth in a 'strong rural economy'.

Wye Valley Area of Outstanding Natural Beauty, (AONB) and the setting of local heritage assets:

- 6.17 Paragraph 28 of the NPPF tacitly acknowledges the inherent potential for tension between the agricultural economy and 'sustainable rural tourism and leisure', and this becomes clearer in Section 11. How to strike a balance in a working countryside is a modern challenge. The primary purpose of AONBs is to conserve and enhance natural beauty, and they share equal status with National Parks. The Wye Valley AONB Management Plan 2009-2014 recognises the wide range of agricultural enterprises within its area, including broiler units, beef production, arable, apples and turf growing, as well as soft fruit. It states that 54% of the AONB is farmed intensively. It also acknowledges that food production is a '*key ecosystem service but must also be a viable business*', and highlights the tension between the ethos of the AONB and modern commercial farming. Poly tunnels are singled out as having a dramatic effect on the landscape. Whilst the AONB Officer maintains his aversion to poly tunnels in principle and concerns about permanence, he recognises the potential improvements from reducing the coverage and keeping the sites static. On balance, Officers consider that the proposal to reduce the coverage and vary the terms of the existing approval at The Homme could be broadly beneficial. It is noted that farming practices will continue to evolve over time, and screen planting will become more effective as it matures.
- 6.18 The 2008 application entailed detailed consideration of listed buildings in the vicinity of The Homme farm-holding, with particular attention given to the setting of Goodrich Castle (Grade I Listed and Scheduled Monument) and Hill Court (Grade II* Listed building and Grade II Registered historic park). This application acknowledges the presence of these assets and makes every effort to reduce impacts, in the context of existing approved development. All the fields now proposed for permanent poly tunnels are already permitted, with no new areas. No evidence has been found to support the view that poly tunnels detract from visitor numbers to sites such as Goodrich and the Wye Valley. However, under the proposal the poly tunnel areas closest to the two important historic sites would be reduced, and the fields nearest to the River Wye would be taken out of tunnels altogether. Whilst Hill Court would still have tunnels nearby, the reduction overall is accepted as a benefit. The Conservation Manager has not objected or found any conflict with UDP policy HBA4 or section 12 of the NPPF. Fields closest to residential properties would be subject to 30 metre buffer strips to pull the tunnels away. This approach helps to address sensitivities identified in 2008, notably
- The River Wye floodplain
 - The lower sections of fields that form a 'pinch point' with the River Wye
 - Land where the siting of poly tunnels may affect the setting of listed buildings
 - Land where the siting of poly tunnels would affect the amenity of dwellings

Landscape and Biodiversity

- 6.19 UDP policy E13 considers agricultural development. The supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape. Large-scale poly tunnel use can cause conflict between landscape protection and a viable farming industry. However, opinions about inevitable landscape changes and visual impact are subjective. With static sites and developing screen cover, the proposed reductions in coverage and removal of rotation are considered beneficial in the context of the existing permission, are welcomed by representations, and meet section 11 of the NPPF on this topic.
- 6.20 Since 2008, in meeting the first permission's requirements the applicant has reinstated numerous traditional hedgerows. These are maintained so as to maximise height and bulk for

screening, which also benefits wildlife. Additional orchard planting has been put in and these efforts will continue. The submitted 'Ecology and Nature Conservation' report (DLA Ltd June 2012) states that implementation of the previously approved scheme is substantially complete. This proposal, if approved, would build on this by adding bat and owl nest-boxes and increase rough grass/uncropped areas. During negotiations, the applicant has agreed to accept a further condition requiring an updated and improved scheme for landscaping and biodiversity enhancement in light of the new arrangements. Officers welcome this in terms of section 11 of the NPPF and UDP policies LA5, LA6, NC1 and NC6-9 inclusive.

Drainage, water and silt management

- 6.21 Also since the permission was granted in 2008, the applicant has implemented measures to minimise silt run-off, and secured a separate permission (reference DCSE2009/0670/F) for a series of winter storage reservoirs to reduce summer abstraction from the River Wye. These comply with sections 10 and 11 of the NPPF and UDP policies DR4 and DR11. They also have their own conditional requirements for landscape and biodiversity enhancement, restoration of Coughton Marsh SSSI, and a wildlife corridor. Growing methods now involve computerised systems which optimise water use and minimise pollution from chemical fertilisers and pest control. Static sites allow grass to be grown beneath the table-tops. This stabilises the ground, helps protect soil health and reduces silt run-off. On balance, officers consider that the move to static table-top sites would have a series of benefits to soil structure, water management and pollution prevention including benefits to the River Wye SSI/SAC.

Other matters

- 6.22 Highways and Transport: There are no adverse highways implications from the proposed changes. There would be some beneficial reduction in road traffic due to the removal of the need to transport infrastructure from site to site and less risk of mud on the lanes. The Public Rights of Way Manager has no objections; the local path network was subject to a comprehensive assessment in 2008 and there would be no additional impacts. The establishment of static sites would benefit the enjoyment of walkers. Officers consider there would be no conflict with UDP policies T6 and T8, nor section 4 of the NPPF.
- 6.23 Residential amenity: In 2008 it was accepted that the siting of polytunnels close to residential dwellings can adversely affect amenity relating to visual impact, noise and disturbance. In this regard it was considered there should be no polytunnels within 30 metres of any residential property. There is no proposal to alter this, and the proposed plans show that this would be continued.

Summary and Conclusion

- 6.24 The proposal has been considered in detail and with great care. The weight to be given to UDP policy LA1 is now questionable in light of the much greater weight given to the NPPF. In terms of the proposals, the reduction of polytunnel coverage to less than 13% of the farm-holding and the change from rotational to static sites are both regarded as beneficial in light of evolving practices, policy changes, and the experience gained since 2008. Furthermore, it has been demonstrated at paragraphs 6.6 to 6.8 above that the request to remove the temporary nature of the permission is reasonable. However, it has been agreed with the applicant that the limit of ten hectares in any one block should be continued in the interests of clarity on the public record. This negates the need to vary condition 1 (c). Officers welcome the applicant's expressed willingness to accept an additional condition to secure further landscape/biodiversity enhancement in light of the changed regime.
- 6.25 As a result, officers are able to recommend to the Planning Committee that permission should be granted for variations to conditions 1 (a), 1 (d) and 2 of planning permission

DCSE2008/0996/F [081040/F]. The remaining conditions would be maintained insofar as they would remain relevant, with updates to reflect current circumstances. It should be noted that the original permission and the approved schemes arising from it would continue to subsist.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. This permission effectively updates and supersedes the previous permission under reference DCSE2008/0996/F [081040/F], which approval however continues to subsist in principle. The development shall henceforth from the date of this permission take place only in accordance with that permission as it is updated by the proposals and recommendations in this variation. For the avoidance of doubt, the approved plans and details are now as follows, which supersede all other operational plans:**
 - i. Fig 00 site plan 'Application Boundaries' (DLA Ltd March 2014);**
 - ii. Fig. A – Site detail overview (DLA Ltd 2014);**
 - iii. Fig 1 'Stable Field' detail;**
 - iv. Fig 2 'Front Orchard Field' detail;**
 - v. Fig 3 'Dillo Field' detail;**
 - vi. Fig 4 'Barn Field' detail;**
 - vii. Fig 5 'Balls, House and Punjab Fields' detail;**
 - viii. Fig 6 'Callow Front Drive Field' detail (Figs 1-6 DLA Ltd all dated Nov 2013)**
 - ix. Landscape mitigation proposals described in the Landscape and Visual Impact Assessment Statement [Reference DLA1419LVIA/rpt.1/Aug '12 (updated January 2014)]**
 - x. Biodiversity enhancement mitigation proposals described in the Ecology and Nature Conservation report [Reference DLA1419/Eco/Phase 1/rpt.1/June '12]**

Items xi, xii, and xiii below formed part of the approved plans under DCSE2008/0996/F and shall continue to be adhered to:

- xi. Landscape and Visual Assessment received 14th April 2008**
- xii. Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority, dated June 2007, addendum dated 1 April 2008, and Supplementary Report dated 26 June 2008**
- xiii. Ecological Appraisal Ref 1226/ecorpt-1 dated 27 July 2007 and Ref 1226/2ecorpt-2 dated June 2008 prepared by Davies Light Associates**

The development shall be carried out in accordance with the above approved plans and details subject to the following stipulations:-

- a) Not more than 48.5 hectares of the land shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.**
- b) There shall be no polytunnels sited within the applicant's farm-holding other than within the areas of land identified and outlined in red on Fig 00 'Application Boundaries' (DLA Ltd March 2014) unless a specific planning permission has been granted.**
- c) Notwithstanding the submitted application there shall be a limit of 10 hectares on the coverage in any single block of polytunnels.**

Reason: For the avoidance of doubt; to ensure a satisfactory form of development in order to safeguard and maintain the visual amenity of the area; and to ensure that the

development conforms with Policies DR1, LA2, LA5, LA6 and HBA4 and the requirements of the National Planning Policy Framework.

2. Within 6 months of the date of this permission a scheme for additional landscaping, biodiversity and silt/surface water management enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall supplement the schemes previously approved and relate to the change from rotational to static sites, shall contribute to a 'whole farm plan' approach, and shall include in particular:
- a) A brief summary update of the measures implemented to date since 2008 and listing any outstanding items or works-in-progress;
 - b) A brief assessment of the existing planting/seeding scheme in terms of implementation and success, followed by further planting and screening improvement proposals, to include a proportion of standard and orchard fruit trees of appropriate native species, with an aim to consolidate and strengthen the existing scheme where necessary, in light of the permanent and static nature of polytunnel coverage hereby permitted;
 - c) A brief assessment of the existing biodiversity enhancement measures in terms of implementation and success, followed by proposals for further measures to support wildlife and create or enhance habitats with a reference to Biodiversity Action Plan priorities and the recommendations in the submitted 'Ecology and Nature Conservation' report (DLA Ltd June 2012).
 - d) A brief assessment of existing silt and run-off management measures in terms of implementation and success, followed by further measures where necessary, to improve diffuse pollution prevention, in light of the permanent and static nature of polytunnel coverage;
 - e) Method statement and Management Plan for implementation, maintenance and after-care of the revised scheme, including time-scales, provision for periodic review, and the replacement of any failed planting or seeding.

The scheme shall be implemented as approved and maintained in conjunction with the previously approved schemes for the life of the development.

Reason: In order to secure further effective measures for landscaping, biodiversity enhancement and pollution prevention, to safeguard and maintain the visual amenity and heritage of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies S2, DR1, DR4, DR11, LA2, LA5, LA6, HBA4 4, NC1, NC6, NC7, NC8, NC8 and NC9, and the requirements of the National Planning Policy Framework in its entirety with particular reference to sections 10, 11 and 12.

3. No polytunnels shall be sited within 2 metres of the centre line of any public right of way.

Reason: To ensure that no public right of way is obstructed and to ensure that their enjoyment is safeguarded in accordance with policy T6 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework.

4. No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwelling house unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework.

5. None of the polytunnels hereby permitted shall be covered with polythene from 30th November until 31st December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing periods in accordance with policy LA1 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework.

6. The previously-approved Landscape Management Plan (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens) shall continue to be implemented as approved, in conjunction with the additional measures require by condition 2 above.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

7. All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

8. The previously-approved Habitat Enhancement and Management Scheme overseen by an appropriately qualified and experienced ecological clerk of works (based on the recommendations for habitats and protected species set out in the Ecological Appraisal received 3.04.2008 - Ref: 1226/ecorpt-1 and received 27th June 2008 - Ref: 1226/ecorpt-2 prepared by Davies Light Associates) shall continue to be implemented as approved in conjunction with the additional measures require by condition 2 above.

Reason: To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework: To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007: To comply with Herefordshire council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006 and the requirements of the National Planning Policy Framework.

9. There shall be no variation to the design or appearance of any polytunnel without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4 and the requirements of the National Planning Policy Framework.

10. There shall be no polytunnels sited on land lower than 35.0m AOD, as indicated upon Figure 3 'Flood Elevations' The Homme Supplementary Report dated 26/06/08.

Reason: To maintain the conveyance of flood flows and to prevent the increased risk of flooding elsewhere to ensure that the development complies with Policy DR4 and the requirements of the National Planning Policy Framework.

- 11. There shall be no new buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Wye (Main River), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.**

Reason: To maintain access to the watercourse for maintenance or improvements in accordance with Policy DR4 and the requirements of the National Planning Policy Framework.

- 12. Surface Water generated from the site shall be limited to the equivalent Greenfield run-off rate, and continue to be managed as approved, in conjunction with any additional measures submitted under condition 2 and in accordance with the following:**
- Drainage Appraisal [JDIH (Water & Environment) Ltd June 2007]; addendum dated 1 April 2008, Supplementary Report dated 26 June 2008;**
 - Updated Flood Risk Assessment October 2012, Water Resources Risk Assessment June 2012 and update letter dated 12th March 2014 [Envireau Water]**
 - The previously-approved Surface Water Regulation scheme, including the use of sustainable drainage systems (SuDS).**

Reason: To minimise flood risk, optimise water resource use and to protect the River Wye SSSI/SAC, in accordance with Herefordshire Unitary Development Plan Policies S2, DR4, DR7, NC, NC3 and the requirements of the National Planning Policy Framework with particular reference to sections 10 and 11.

- 13. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which including the supporting structures shall be permanently removed from application site within a period of twelve months.**

Reason: To ensure that buildings / structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

INFORMATIVES:

- 1. It is hereby confirmed that the requirements of conditions 6, 7, 9 and 14 of planning permission reference DCSE2008/0996/F have been met in full and formally discharged prior to the application for a variation under Section 73 of the Town and Country Planning Act 1990 (as amended). This new permission updates and varies the previous conditions. The 2008 permission continues to subsist and the various schemes approved under it shall continue to be implemented as approved except where altered or superseded by this variation. Where relevant and appropriate, these factors have been incorporated into the above new set of conditions, which takes account of instances where all requirements are complete and where additional terms are imposed in light of the variation.**
- 2. The local planning authority has acted positively and proactively in determining this application by identifying technical matters of concern which might affect the determination process and likely outcome, by negotiating and discussing these with the applicant and appointed consultant, and reaching agreement as to correct procedure and any minor amendments found necessary. As a result, the local planning authority has been able to grant planning permission for an acceptable proposal in light of the terms of the previous permission granted in 2008 and in accordance with the**

presumption in favour of sustainable development as set out within the National Planning Policy Framework.

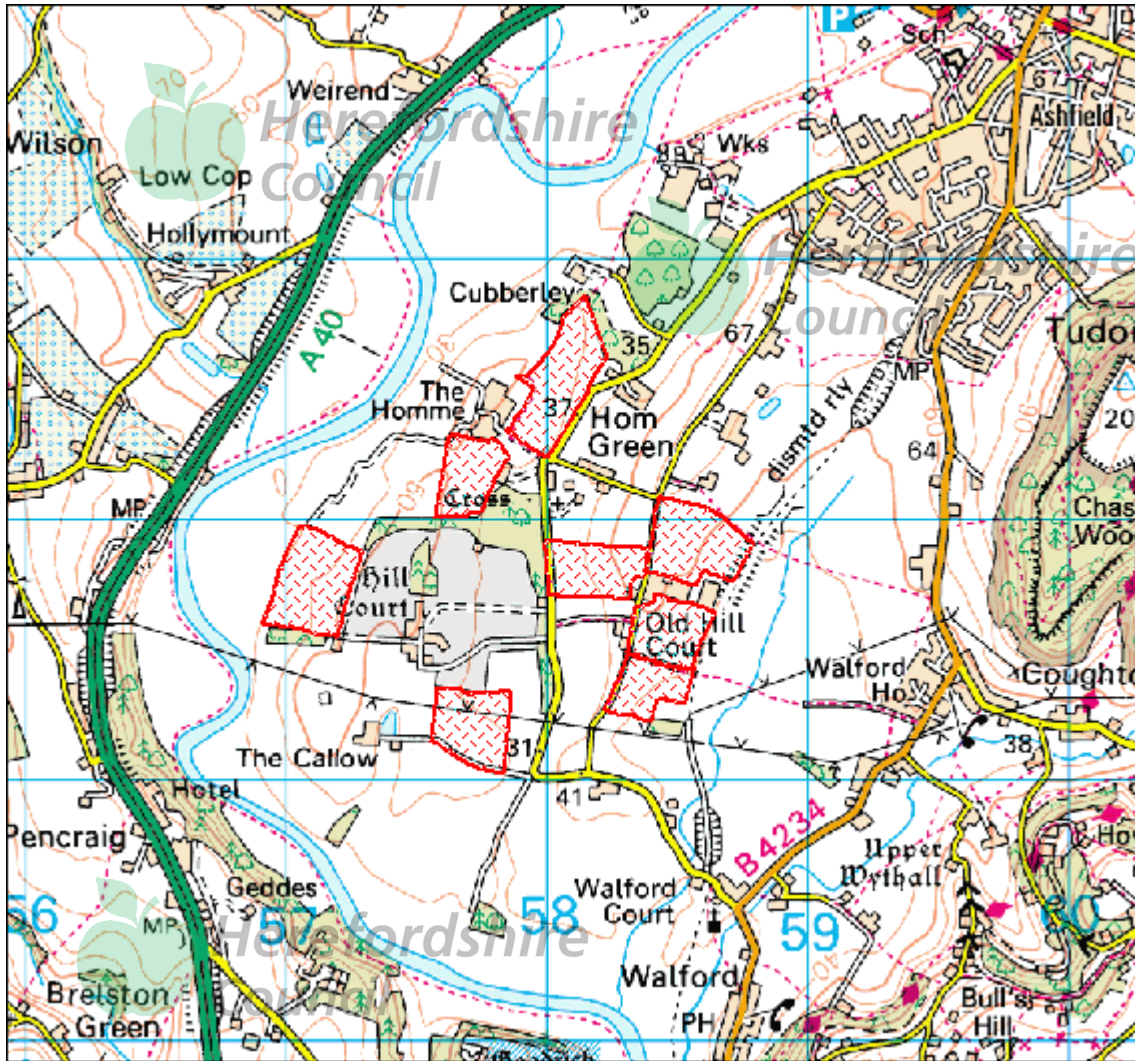
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140953/F

SITE ADDRESS : HOM FARM, HOM GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TF

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