

MEETING:	PLANNING COMMITTEE
DATE:	13 OCTOBER 2010
TITLE OF REPORT:	<p>DMSE/100966/F - APPLICATION (PART RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX</p> <p>For: Mr NJ Cockburn per Antony Aspbury Associates, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>

Date Received: 26 April 2010
Expiry Date: 24 August 2010

Ward: Old Gore

Grid Ref: 355972,228695

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 The application seeks a 10 year planning permission to enable the applicant to erect, take down and re-erect polytunnels rotated around fields as required by the soft fruit crops under cultivation at Pennoxstone Court Farm, Kings Caple, Herefordshire. The application also aims to regularise the currently unauthorised use of polytunnels on the holding in the context of earlier unsuccessful planning applications and enforcement notices.
- 1.2 The village of Kings Caple, with Pennoxstone Court Farm lying on its south-western fringe, is situated on a spur of land on the eastern side of the Wye Valley, overlooked by rising ground to the west and south. The six broad areas that comprise the application site are dispersed around the King's Caple spur, which falls within the landscape type Principal Settled Farmlands, as defined by Herefordshire Council's Landscape Character Assessment 2004 (updated 2009). The lower lying ground – the River Wye floodplain – is described as Riverside Meadows.
- 1.3 This part of the Lower Wye Valley is highly sensitive from landscape, historic building, archaeological and ecological perspectives and is within the Area of Outstanding Natural Beauty. The Kings Caple spur of land is particularly rich in terms of historic parks and gardens. Pennoxstone Court, Poulstone Court and Aramstone, which are all located on the Kings Caple spur, with Caradoc Court, located on a scarp to the south of the river, are historic parks of local interest. The Grade I listed St. John the Baptist's church, in Kings Caple and the Caple Tump Motte, a Scheduled Ancient Monument, are located on this highest point of the Kings Caple spur. The River Wye itself is designated as a Site of Special Scientific Interest and a Special

Area of Conservation (SAC). The site is also visible from a range of elevated public vantage points, including public rights of way to the west of the application site.

- 1.4 Soft fruit has been grown at Pennoxstone Court since the 1960s. Polytunnels have been employed since the 1990's but their use expanded significantly from 2001 in response to increased demand for British produce. The business specialises in the production of strawberries, raspberries and blueberries grown in the ground predominantly under Spanish polytunnels. Each polytunnel is about 3 metres high and between 6.5m – 7.5m wide; sufficient for tractor access and for workers to tend the crop and harvest the fruit under cover. The tunnels are linked together in blocks, and consist of metal legs mechanically wound into the ground, each with a Y-shaped attachment on top. The curved metal hoops are then added to the "Y" pole and thus connected in linked rows. Wires connect and stabilise the legs and hoops, and the polythene coverings are secured with ropes. In the winter the polythene is normally stripped back and stored on top of the "Y" attachments. The smaller French polytunnels also employed are not joined together in this fashion and are not as resistant to high winds.
- 1.5 An application for planning permission to regularise the tunnels then erected on part of the current application site (that is the area of the applicant's freehold ownership around Pennoxstone Court, together with the rented 'Top Ruxton', 'Windmill', and 'George Harris' fields) was submitted in October 2006 and withdrawn in December 2006. At the time, polytunnels were principally located on the west and south-west facing slopes of the Wye Valley meander (i.e. Front Meadow, Wetlands, Lower Fishpool and Garden Fields), but with three additional fields adjacent the farmstead (Nursery, Packhouse and Plum) and on two separate blocks of rented land; one to the north of Kings Caple Church (Windmill Field) and the other to the South-east at Poulstone Court (George Harris).
- 1.6 An Enforcement Notice was served on 26 February 2007 in relation to the polytunnels then erected on the site. An Appeal against the notice was heard at a Public Inquiry in November 2007. The Inspector confirmed the Tuesley Farm case by determining that polytunnels constitute development requiring planning permission and then considered the planning merits of the development encompassed by the 'deemed' planning application.
- 1.7 He found that a total of 9.86 hectares on Plum Field, Nursery Fields and parts of Lower Fishpool and Windmill Fields to be lawful through the passage of time i.e. they had been in place continuously for in excess of four years and had thus become immune from enforcement action.
- 1.8 Garden Field was not considered under the Appeal as there were no tunnels present at the time of the service of the Enforcement Notice.
- 1.9 The Inspector determined that, of the remaining fields, it was those on the Wye Valley sides that were the most sensitive in landscape terms and concluded that the tunnels then erected on these fields conflicted with the protection that ought to be afforded to the Area of Outstanding Natural Beauty and thus upheld the Notice in respect of Front Meadow, Wetland and Lower Fishpool Fields (excluding the 0.8 hectares of lawful tunnels) and in respect of the western half of George Harris Field because of the impact on the unregistered historic park and garden at Poulstone Court.
- 1.10 The Inspector granted temporary two-year permissions in relation to the tunnels on Packhouse Field and a block in the south-eastern corner of Windmill Field. Here the Inspector adjudged the visual impact of these specific areas to be slight in the context of the lawful areas adjoining them and considered the two-year period to be sufficient for the Council to review the case for the polytunnels on a rotational basis. This permission expired on 8 January 2010.

1.11 The need to remove polytunnels from the valley sides of the River Wye was thus apparent and two concurrent planning applications (DCSE2008/3036/F and DCSE2008/3040/F) were submitted in December 2008. The 'whole farm' application (DCSE2008/3036/F) was predicated upon the removal of tunnels from the valley sides (excepting Garden Field, which was the subject of DCSE2008/3040/F for a temporary 2 year period), with rotation, landscape mitigation and a commitment to a ceiling of 35 hectares of polythene coverage at any one time, the core themes of the strategy to overcome the refusal reason relating to the landscape and visual harm caused to the Area of Outstanding Natural Beauty. Both applications were refused under delegated powers by notice dated 17 September 2009. The refusal reasons for the 'whole farm' application were as follows:

- 1. Having regard to Herefordshire Unitary Development Plan Policies LA1, LA2 and LA6 and Guidelines 2, 3, 4 and 5 of the Polytunnel Supplementary Planning Document the proposal is considered to be unacceptable. The proposed erection of polytunnels within the Wye Valley Area of Outstanding Natural Beauty is not considered to be small-scale, (and) will adversely affect the intrinsic natural beauty of the landscape. The detailed economic benefit of the proposal is not considered to outweigh the acknowledged harm to the Wye Valley Area of Outstanding Natural Beauty.*
- 2. Having regard to Herefordshire Unitary Development Plan Policy LA4 and Guideline 8 of the Polytunnel Supplementary Planning Document, the proposal is considered to be unacceptable. The close proximity of the polytunnels to Poulstone Court, for a period of four years, will have an adverse effect on the character and setting of the unregistered parkland.*
- 3. Having regard to Herefordshire Unitary Development Plan Policies DR2 and E13 and Guidelines 9, 10 and 12 of the Polytunnel Supplementary Planning Document the proposal is considered to be unacceptable. The proposed siting of polytunnels in relation to residential dwellings, the proposed landscape mitigation, the use of field accesses within buffer zones and the associated vehicle movements are considered to prejudice the amenity and continued use of adjoining land and buildings.*

The Proposal

1.12 The planning application includes all of the fields referred to previously, but with the addition of three extra fields that the applicant has rented; Ellen Field (to the north of the village), Forty Acre Field (to the north-east of the village), and Old Sward (situated at the eastern edge of the village). Thus the intention is now to rotate polytunnels around a wider area, which it is submitted will lead, together with additional soft landscaping, to a substantially reduced impact upon the landscape character and visual amenity of this section of the Lower Wye Valley Area of Outstanding Natural Beauty. The proposal is now to limit the total coverage of covered polytunnels to no more than 25 hectares at any one time, which would appear to amount to a contraction of the business against the predecessor application with its 35 hectare ceiling. However, the application explains that this is not the case in practice and that there would be no material change in the maximum area of polytunnels that would be covered at any one time. It is explained that the previously proposed 35 hectare ceiling was intended to allow "a greater margin of flexibility/more 'headroom' within the polytunnel rotation process and was not intended to imply a higher level of actual polytunnel coverage. It is submitted that with the current application (and indeed its predecessor), the 25 hectares maximum of covered tunnels at any one time will be spread around the total area available (83 hectares) for soft fruit cropping and will not be concentrated either all in one block or in contiguous blocks. The applicant is also willing to accede to a condition to restrict the area of uncovered frames to 12.5 hectares. The effect is that no more than 37.5 hectares could be covered with polytunnel frames at any one time. A plan is attached which identifies the fields which are subject of this application.

- 1.13 Thus the overall holding (i.e. the red lined application site area) is 153 hectares, of which 81.5 hectares are owned freehold by the applicant. The remainder is rented on Farm Business Tenancies. Of the 153 hectare total site area, some 70 hectares would constitute a 'polytunnel exclusion zone.' That is, an area where polytunnels would not be erected at any time. This exclusion zone, which includes most of the fields that lie on the Valley slopes and were previously considered inappropriate for tunnelling by the Appeal Inspector, leaves a net area of 83 hectares overall, within which it is proposed to rotate polytunnels from season to season and within seasons.
- 1.14 Further material submitted as part of the current application includes an indicative 10-year whole farm rotation plan explaining the full extent of coverage over the whole season (typically between 40 and 45 hectares), of which only 25 hectares would be covered with polythene at any one time – with the exception of the transitional periods as described above. It should be noted that these figures are inclusive of the 9.86 hectares of lawful tunnels. The application also includes plans across a representative sample of the 10-year rotation projections (Spring and Autumn 2012, 2017 and 2020) giving snapshots of how 25 hectares maximum covered polytunnel coverage might manifest itself in the context of the projected rotation. Rotation of polytunnels is accepted as a means of reducing visual impact, although it is clear that rotation of polytunnels has not been the norm at Pennoxstone. The applicant acknowledges that rotating covered polytunnels is significant in this context and can be achieved by the use of early and late season crops, dependent upon coverage at different times of the year. In addition to the rotation strategy the applicant is also willing to accept planning conditions to limit the coverage of polytunnels with polythene to not more than eight months in any one year and the complete removal of the tunnels should they become redundant.
- 1.15 As described above the Appeal Inspector concluded that the fields on the Wye Valley sides were inappropriate for polytunnel use. This notwithstanding, 1.1 hectares of polytunnels in these fields are lawful through the passage of time. The application asserts that the west and south facing slopes of the Wye Valley offer a particular localised combination of soils and micro-climate which are especially conducive to the production of very early-season fruit. The applicant is thus particularly keen to retain the ability to grow fruit under polythene on these slopes. It is proposed, therefore, to relocate the 1.1 hectares of lawful polytunnels in Lower Fishpool (0.8 hectare) and Nursery Field (0.29 hectare) into the south-west (lower-lying) end of the adjoining Garden Field. In return the application seeks permanent planning permission for 2.5 hectares of polytunnels in Garden Field, which it is contended is well screened, with the remainder of the area subject to the 10-year duration of the planning permission as per the rest of the application site.
- 1.16 The general approach to landscaping across the application site is to gap up and reinforce existing field hedgerow boundaries and plant new hedgerows and tree groups where appropriate, all with native tree and shrub planting as described on the Summary Planting Plan and in more detail on the specific field plans. The landscaping proposals have been subject of much negotiation in the context that the applicant is not the freeholder of all of the application site area and has thus had to seek agreement to in-field planting from the landowners in question.
- 1.17 Concern has been expressed at the continued presence of field accesses within the buffer zones as defined by the Polytunnel Supplementary Planning Document. This underpinned the third reason for refusal of the predecessor application DCSE2008/3036/F (see above). The response is to define the field access at the southwest corner of 'Forty Acre Field' as a secondary access with no use before 8am or after 8pm. The field access in the north corner of 'George Harris Field', which is in close proximity to a residential property and a severe bend in the highway, will not be used. It is also proposed to limit farm vehicle movements on the road through the village during school term time when children are arriving and departing, although in practice it is difficult to envisage how this arrangement could be adequately enforced.

- 1.18 In order to address issues not falling directly under the regulatory control of the planning system, the applicant is willing to accede to a condition requiring the formulation of a site management plan, the objectives of which would be to provide a framework for managing the conduct and behaviour of staff, littering, noise and general disturbance, the use and routing of operational vehicles and mechanisms for managing community relations.
- 1.19 The application was screened in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It was determined that the application is EIA development and that the submission of an Environmental Statement (ES) was a legal requirement. This has been undertaken and the ES is now deposited with the application. The ES is a comprehensive document identifying the key environmental impacts that would arise as a result of the development proposed. In addition to the ES, which encompasses the Landscape and Visual Impact Assessment, Traffic and Transport Statement, Hydrology, Archaeology and Ecology chapters, the application is also accompanied by an Economic Appraisal of the Soft Fruit Growing Enterprise at Pennoxstone Court. It is accepted that the benefit that soft fruit production under polytunnels can bring to the local economy, as well as reducing the need to import food from abroad, are matters to which significant weight should be afforded in the balance of considerations.
- 1.20 The application has been advertised as a departure from the Council's adopted planning policy in that it promotes large-scale development within the Area of Outstanding Natural Beauty which is, at face value, contrary to Policy LA1 of the Unitary Development Plan 2007.
- 1.21 In addition to the Environmental Statement, the application is also accompanied by the following documents:
- A Town Planning Statement (Antony Aspbury Associates); This assesses the proposal against the national, regional (now withdrawn) and local planning policy framework.
 - Drainage Appraisal Document (JDIH Envireau): This concludes that the polytunnel development at Pennoxstone Court will not have a detrimental impact upon drainage and flood risk provided that flow restrictors are placed within the polytunnel leg row channels and swales and buffer zones are located between the end of the polytunnel rows and the field boundaries. With active measures in place, the run-off rates from storm events will be equivalent to or less than the 'Greenfield' run-off rate.
 - An Economic Appraisal (James Standen, Farm Business Consultant). This assesses the contribution that Pennoxstone Court as a soft fruit enterprise makes to the local economy through direct and indirect expenditure.

2. Policies

2.1 National Planning Policy

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007

Part 1

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment

- S6 - Transport
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism

Part 2

- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR6 - Water Resources
- DR7 - Flood Risk
- DR13 - Noise
- E11 - Employment in the Smaller Settlements and Open Countryside
- E12 - Farm Diversification
- E13 - Agricultural and Forestry Development
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC2 - Sites of International Importance
- NC3 - Sites of National Importance
- NC4 - Sites of Local Importance
- NC5 - European and Nationally Protected Species
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- HBA4 - Setting of Listed Buildings
- ARCH1 - Archaeological Assessments and Field Evaluations
- ARCH6 - Recording of Archaeological Remains

2.3 Supplementary Planning Guidance/Documents

- SPG : Landscape Character Assessment (2004) (Updated 2009)
- SPG : SPD : Biodiversity (Interim; 2005)
- SPD : Polytunnels (2008)

2.4 Other Material Considerations

- The Wye Valley Area of Outstanding Natural Beauty Management Plan 2009-2014.
- Kings Caple Parish Plan

3. Planning History

- 2005 - Enforcement Notice alleging the unauthorised erection of polytunnels. - Appeal withdrawn
- DCSE2006/3267/F - Erection of (Spanish) polytunnels to be rotated around fields as required by crops under cultivation - Withdrawn 19.12.2006

at Pennoxstone Court, Kings
Caple, HR1 4TX.

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|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| EN2007/0002/22
APP/WI850/C/07/
2041603 | - Enforcement notice alleging the unauthorised erection of polytunnels. Enforcement appeal incorporating 'deemed' application for planning permission. | - Appeal allowed in part, but otherwise dismissed and the Enforcement Notice upheld with corrections and variations – 8 January 2008 |
| DCSE2008/3036/F | - Application (part retrospective) to erect, take down and re-erect Spanish polytunnels, rotated around fields as required by the crops under cultivation (soft fruit). | - Refused 17.09.2009 |
| DCSE2008/3040/F | - Application to erect, take down and re-erect (including covering and uncovering) Spanish polytunnels for a period of two years from the date of this application. | - Refused 17.09.2009 |

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage: Restates its previous advice that in considering the balance of public benefits involved in this proposal, full weight is given to its impact upon the Historic Environment. This includes assessment of the visual impact on the setting of 'Castle Tump' – a Scheduled Ancient Monument; and on listed historic buildings especially the Grade I listed Church of St John the Baptist, Kings Caple.
- 4.2 Environment Agency: The polytunnels have been located on higher ground away from the River Wye and outside the designated floodplain. The development is now located in Flood Zone 1, the low risk Flood Zone. A minimal portion of the development lies adjacent Flood Zone 2, which is addressed satisfactorily in the Drainage Appraisal Document. A condition is recommended to ensure that the surface water drainage scheme for the site accords with the submitted Drainage Appraisal.
- On the basis that trickle irrigation (relying on abstraction from the River Wye) has been in place since 1987, and that this proposal does not propose an increase of abstraction, the Environment Agency has no objections to the abstraction proposals.
- 4.3 Natural England: Has no objection to this proposal, apart from the continued use of Garden Field, which it advises should be excluded from this permission. Garden Field is on the Wye Valley slopes, an area deemed unsuitable for polytunnels by the Inspector's decision on this site. The Landscape and Visual Impact Assessment concludes that polytunnels in Garden Field, Lower Fishpool, Packhouse and Plum Fields result in a 'significant' negative impact on the character of the area of outstanding natural beauty, which is only reduced to 'low' after 10 years.

Natural England also notes the conclusion of the Habitat's Regulation Assessment Screening Report that the application would not result in likely significant effects upon the River Wye Special Area of Conservation.

- 4.4 Conservation Manger (Landscapes and Biodiversity): The comments of the Conservation Manager are reported in detail below.

This part of the Lower Wye Valley is highly sensitive from landscape, historic building, archaeological and ecological perspectives. The proposal, as it was in the previous application (DCSE2008/3036/F) is to restrict the area of polytunnels on the south-western facing slopes below Pennoxstone Court to Garden Field only (the existing lawful tunnelled area to the north west (Lower Fishpool) is to be relocated into Garden Field with the area vacated being thereafter excluded from polytunnel use), to maintain the use of Packhouse and Plum Field, Windmill Field/Top Ruxton and part of the George Harris field for polytunnels to bring three new fields into use for polytunnels: Ellen Field, which lies to the north of Kings Caple, Forty Acre Field, which lies to the north-east of the village and Old Sward, which lies on the eastern fringe of the village.

Response to the Environmental Statement: Landscape and Visual Impact Assessment Chapter

It is considered that the baseline landscape information is comprehensive and accurate, with the exception of the description and analysis of some of the historic landscape issues. This section of the ES does not fully describe the distinctive historic landscape character of the Kings Caple spur of land on which the application site is situated which is created by the full range of historic assets: the unregistered parklands, listed buildings, the Scheduled Ancient Monument and the historic hedgerow pattern, acting in combination. This is highlighted by the partial description of the historic assets in the vicinity. Whilst Caple Tump Scheduled Ancient Monument is mentioned there is no reference to either the Grade 1 listed building the Church of St. John the Baptist or the four local unregistered historic parks and gardens. Diagrammatic information does refer to the above, but explicit reference ought to have been made to these historic assets in the narrative describing them and their cultural value.

There is a general reference to the loss and decline of field boundary hedgerows during the twentieth century and the increasing openness of the landscape, although this is not made specific to the application site area. A comparison of the Tithe Map (1839) with contemporary aerial photographs shows that a total of 25 hedgerows within the fields forming the application site have been removed. However, it is stated in the baseline landscape assessment that the polytunnels are set 'within a framework of small/medium square fields.' This generalised description is not applicable to the fields identified above, which have increased in scale considerably, due to the loss of hedgerows. This is considered a significant point because the loss of hedgerows in these areas makes it more difficult for polytunnel development to be assimilated into the nationally important landscape.

Landscape and Visual Impact

The rotation plans are helpful in describing the complex rotation of polytunnels across the application site. Evaluating the visual impact of polytunnels involves assessing a number of interrelated issues: the visibility of polytunnel sites, the cumulative impact of the polytunnels, with reference to the timing and duration of the polytunnels on particular sites and the appropriateness and efficacy of the proposed mitigation measures.

Views into the site from the wider landscape

The topographical position and dispersal of polytunnel sites around the Kings Caple spur means that different sites, or combinations of sites, come into view when travelling around the land of the western side of the River Wye. Representative view points have been agreed with the applicant's consultants.

Views from the north: Altbough

From the minor road through Altbough, in the vicinity of Altbough Farm, there are glimpsed views of part of Packhouse, Windmill, Top Ruxton and Ellen Fields (LVIA viewpoint 15). There would be cumulative private views of these sites from upper, south-east facing windows of houses at Altbough. Adding Ellen Field to the range of fields used of polytunnels has increased the cumulative adverse impact of polytunnels on views from Altbough. The LVIA assesses the cumulative impact of polytunnels in relation to public vantage points on the road as moderate, which is considered reasonable, but it is considered that there would be a substantial adverse impact on the private views identified above.

Through reference to the rotation plans it is acknowledged that this cumulative adverse impact will be reduced by the relatively low use of Top Ruxton Field (used one year in three for part of the growing season), the intermittent use of Ellen Field and the fact that only half of Ellen Field would be covered in polytunnels over the course of a growing season.

One of the key landscape mitigation tools identified is the introduction of strategic hedges within the polytunnel sites, to break up the mass of polytunnels. However, the proposals for new internal hedgerows/tree belts are very limited – no new internal planting is proposed for Ellen Field (despite the fact that an internal hedgerow was lost from this field in the past) and the proposed cross field hedgerow planting in Windmill Field is limited and discontinuous.

Views from the east

Due to the topography of the surrounding area there are no long-distance views from the east.

Views from the south

Views from the south centre upon views from Sellack and Caradoc Hill.

Sellack: From the minor road to Sellack, adjacent to Sellack cemetery, which is in an elevated position on the slope below The Old School, polytunnels on the George Harris Field are prominent (LVIA viewpoint 19). Parts of Old Sward and Forty Acre Fields are also visible from this viewpoint. The boundary hedges of Ellen Field and Garden Field are also visible, but not the polytunnels on those two fields.

The viewpoint at Sellack Cemetery is elevated in relation to George Harris, Old Sward and Forty Acre Field with the effect that the proposed tree/hedgerow planting on the field boundaries will have limited effect. The proposed cross-field hedgerow in Forty Acre Field will have a limited contribution to screening because of its orientation (northwest - southeast).

Caradoc Hill: Elevated views from Caradoc Hill give more prominence to Garden Field than the lawful tunnels in Lower Fishpool. This is because of the angle of vision. From this viewpoint, polytunnels in Garden Field are seen in combination with the lawful polytunnels in Plum Field and those existing in Packhouse. The indicative rotation plans show that Garden Field will be under intensive polytunnel use with polytunnels occupying the entire field for at least half of the 10 year rotation. This means that landscape planting rather than rotation is proposed as the mitigation tool. Whilst the proposed screening belts to the south-east of Garden Field will, as they mature, partially screen the polytunnels when viewed from Caradoc Hill, they cannot fully screen the site because of its elevation relative to the site.

Views from the west

Redrail, public footpath HN9

The most significant cumulative impact of the polytunnels is experienced walking along this footpath, which traverses the east-facing, open slopes above the minor road between Hoarwithy

and Poolmill. There are open, elevated views of Garden Field and filtered views of Plum and Packhouse, Ellen Field, Forty Acre Field and Windmill/Top Ruxton in combination for an approximately 300 metres section of footpath HN9, which is part of the Circular Walk. Moving southwards along this section, Forty-Acre Field becomes more prominent. From the southern end of the footpath, where it crosses the top edge of the field above Redrail Farm, Ellen Field and Forty Acre Field remain prominent, being almost on the skyline. From vantage point along footpath HN9, polytunnels on Plum and Packhouse fields are relatively well-screened, so the proposed continuous use of these fields for polytunnels will only have a slight adverse visual impact.

The proposed rotation schedule would reduce the cumulative impact in relation to Ellen, Forty Acre and Top Ruxton fields, because polytunnel use on these fields would be intermittent. In relation to Garden Field this site is in a very sensitive, visually prominent position on the south-west facing slope below Pennoxstone Court. The proposal to relocate the adjacent area of lawful polytunnels into Garden Field would reduce the adverse impact slightly because they would be partially contained by the belt of mature trees along the south-western edge of Garden Field.

The topography of the Wye Valley will limit the efficacy of the proposed mitigation planting, because of the elevation of the middle section of public footpath HN9 relative to the polytunnel sites.

Short and medium distance views

The general findings of the LVIA with regard to medium and close views of the site from the Kings Caple spur of land are accepted. These are summarised below in relation to individual fields.

Garden Field: Due to the absence of public rights of way crossing the south-west facing slopes below Pennoxstone Court there are no views of Garden Field from the Kings Caple spur of land.

Packhouse and Plum Fields: Views into these fields are restricted by landform and the boundary hedgerows and trees.

Windmill Field and Top Ruxton: Close views are available from public footpath KC13, which descends from St. John the Baptist Church and along the eastern boundary of Windmill Field. There are further glimpsed views from gateways and occasional gaps in the roadside hedgerows along the lanes to the north and south of the fields. The officer maintains the view that the polytunnels on Windmill Field have a substantial adverse impact on close views to and from the Grade I listed church and those available from the lanes abutting the site. This impact will be significant because the indicative rotation schedule shows that a substantial area of Windmill Field will be used continuously for polytunnels. The native tree belt along the eastern boundary will help to screen views from properties and whilst the proposed new hedgerows within Windmill Field are welcomed, the efficacy of this mitigation will be limited due to the elevated nature of public views down onto the site.

Ellen Field: Close views into this field from public vantage points are mitigated by the mature field boundary hedgerow. There are, however, views into the site via the field gateways and from private dwellings.

Forty Acre Field: This is largely screened by field boundary hedgerows but there are views into the site through field gateways. There are potential views from properties on the north and eastern perimeters of Kings Caple but the proposed enhancement of the hedgerow to the west of this field will help to screen these views.

Old Sward: Views into the site from the lane which abuts the field to the east are screened by the dense roadside hedge. Polytunnels would, however, be visible from public footpath KC8, which runs between Kings Caple and Penault. This footpath passes through the north-western corner of Old Sward, which owes its current form to the historic removal of hedgerows. This has had the effect of severely degrading the historic hedgerow pattern. It is proposed to plant new native species hedgerows to replace those absent from the western and part of the north-western boundaries of Old Sward so as to prevent open views of polytunnels from the section of KC8 where it passes through Old Sward. However, it would take a minimum of five years for these hedgerows to mature sufficiently to contribute to screening, whereas any argument that the new hedgerow would restore historic landscape character is offset by the fact that in order to stand clear of the footpath, the new hedgerow would be further into the field than the Tithe Map suggests was the case historically. Current unmitigated views into Old Sward from the section of minor road along the southern field boundary, between the entrance to Poulstone Court and Poulstone Farm, will be screened by the proposed replacement hedgerow intended for this area.

George Harris Field: There are close views into this field from adjoining properties on the northern and western boundaries and from an access gate on the northern boundary. Maintaining a 30 metre standoff to property boundaries and locating the polytunnels in the south-east of the field will help to reduce the adverse visual impact.

The impacts on landscape character

All of the proposed polytunnel sites fall within the AONB this part of which is defined as Principal Settled Farmlands in the Landscape Character Assessment. Mixed farming land use and field boundary hedges are key characteristics of this landscape. As described previously, the landscape character of Windmill Field/Top Ruxton, Ellen Field, Forty Acre, Old Sward and George Harris field has been degraded by agricultural intensification over a long period of time which has resulted in the loss of field boundary hedgerows, the amalgamation of fields and consequent increase in the scale of field compartments. This more open landscape exacerbates the adverse impact of polytunnels because of the effect of visual coalescence.

The proposed planting strategy includes new copse planting, tree screening belts, enhancement of existing hedgerows, new hedgerow planting and the planting of groups of Willow and Alder. This is appropriate to the landscape character in the main and will help to reinforce the character of Principal Settled Farmlands, but concern remains around certain elements.

It is disappointing that no new cross field hedgerows are proposed for Ellen Field, Old Sward and George Harris Field. It is acknowledged that in respect of the rented fields it may be difficult to employ this form of mitigation, because of the need to obtain the owners' consent. However, it should be recognised that the application site is part of the Wye Valley Area of Outstanding Natural Beauty and thus the need to provide adequate mitigation is paramount. The additional cross-field hedgerow planting in Windmill and Forty Acre fields is acknowledged. However, this only partially addresses my concern at the degradation of landscape character that has occurred through the more substantial loss of historic hedgerows and increase in the scale of field patterns.

The impacts upon historic landscape character

The officer maintains that the polytunnels in Windmill Field have a substantial adverse impact on close views to and from the church. The proposed planting mitigation will assist in reducing the impact in views toward the church, but will have less effect in respect of views from the church because of its elevated position relative to Windmill Field.

The polytunnels in Garden Field and George Harris Field will also affect the Pennoxstone Court and Poulstone Court historic parklands. However, it is acknowledged that in relation to

Poulstone Court measures have been taken to reduce the area of polytunnels located in this field and move them further away from the boundary with the historic park. As a consequence the level of adverse impact is reduced.

Conclusions

The removal of the majority of polytunnels from the prominent south-west facing slopes below Pennoxstone Court is beneficial and reduces adverse visual impacts from the west.

However, the switch from sites on the south-west facing slopes below Pennoxstone Court to sites to the north and east of Kings Caple and the dispersal of polytunnels over six areas has some negative aspects. Ellen Field, Forty Acre and Old Sward are in prominent, quite elevated locations and are visible from various elevated viewpoints on the western side of the River Wye. The topography of the area, the location of the six sites on a convex spur of land, overlooked by rising ground on the western site of the Wye Valley, means that from certain viewpoints a number of the polytunnel sites are viewed in combination resulting in a cumulative adverse impact on the Wye Valley Area of Outstanding Natural Beauty.

The mitigation measures will reduce the cumulative impact to some degree but cannot fully mitigate the detrimental effect upon the landscape. Tree and hedgerow planting would take a minimum of five years to mature sufficiently enough to contribute towards screening.

With regard to visual impact it is concluded that the polytunnel development is visible from numerous viewpoints from the surrounding, elevated areas, all within the Wye Valley Area of Outstanding Natural Beauty and will remain visible, albeit with a reduced adverse impact, even if the proposed mitigation measures are implemented.

It is also concluded that the proposal would have an adverse impact upon the landscape character of the Wye Valley AONB. The proposed planting will offer a positive benefit in terms of restoring landscape character, albeit this will be a partial restoration of landscape character due largely to the limited proposals for new cross-field hedgerows to replace those lost historically. The proposal is thus considered contrary to Policy LA1 (Areas of Outstanding Natural Beauty) of the Herefordshire Unitary Development Plan 2007.

4.5 Traffic Manager: Has no objection subject to conditions.

The Traffic Manager expresses concern regarding the proposed polytunnels, though part retrospective, in terms of the transport movements associated with the intensification of farming and the potential for flooding due to the runoff of the surface water without proper management of the polytunnel area.

Concern is also expressed at how the Traffic Assessment has assessed congestion. The assessment should be whether the network can cope with the movements of HGV vehicles where the carriageway width in the most part can allow for 2 cars to pass, and at best, a car and lorry to pass. The route utilises the u71004, u71005, C1262, C1261 then back onto the C1262 to the A49. The C1262 / A49 junction is a Highways Agency Trunk Road Accident Cluster Site. This appears to be the only route available for the HGV movements but a full assessment of this network needs to be undertaken with turning movements at junctions such as Hoarwithy and the junction with the A49, any improvements required need to be agreed and undertaken as part of the development.

A Travel Plan needs to be conditioned as part of any planning consent. No assessment of how the agricultural workers for food or recreation has been undertaken and there is a minimal bus service to Hoarwithy that may not fit in with the workers hours which will lead to additional traffic on the network. Therefore a Travel Plan is required.

The Traffic Manager is unaware of highway flooding or silt being deposited onto the highway being associated with this area, the Drainage Appraisal states that fields A to E and J are retrospective, Area F and G rely on the highway and associated drainage system to deal with the surface water, the appraisal states through management of the system, the run-off will be limited to green field run-off. The methodology for assessing the run-off has been accepted by the EA and Natural England. The methodology of managing the surface water and maintaining the network is critical in maintaining the highway network and prevent localised flooding, this needs to be conditioned as part of any planning consent.

Conditions required

Routing Agreement, assessment of route and improvements undertaken as required at the developers expense.

CB2

Travel plan CB3

Managing and maintaining the drainage system

4.6 Conservation Manager (Building Conservation): The polytunnel development in Windmill Field, to the north of the church, has potentially the greatest impact upon the setting of the Grade I listed building. However, as a substantial proportion of the coverage here has been deemed lawful development, the additional areas proposed in this application are not likely to add significantly to its overall visual impact. Castle Tump, the scheduled motte, is located south of the church and is further screened by a ring of mature trees, so the polytunnel development in Windmill Field does not feature significantly in views of its setting. Pragmatically, given the presence of lawful polytunnel coverage in the vicinity of the church, no conservation objection to this application can, in my opinion, be sustained.

4.7 Ecologist: The Ecologist has visited the site in relation to previous applications and has received the Environmental Statement dated April 2010 including an ecological report dated August 2008. The officer has previously commented that the ecological maps that have been submitted are at a small scale, and not particularly informative and that the numbering system for target notes and field areas is confusing. The Pennoxstone Farm Watercourse Report by Dr Alison Strange (May 2009) contains no evidence of otter or white-clawed crayfish to be present. There are records of great crested newts in ponds on the site, but having discussed this issue with Natural England in the past, have agreed that they are unlikely to be affected by the development proposals.

A Habitats Regulations Assessment Screening for the site has been undertaken in consultation with Natural England. This concluded that there will be no likely significant effect upon the River Wye SAC; NE is in agreement with this conclusion.

The planting of new woodland copses, the strengthening of hedgerow corridors within the development site and the provision of 5m stand-off zone between polytunnels and hedgerows is welcomed. The planting details need some revision, for example, the use of alder would not be recommended except in association with wetland areas. The use of straw bales as visual screening misses an opportunity for further native-species planting and biodiversity enhancement.

A habitat enhancement and management scheme should include the floodplain and the banks of the River Wye, the traditional orchards and any ponds and smaller watercourses.

If this application is to be approved, as well as a suitable condition regarding drainage and surface water management, the officer also recommends the inclusion of the following condition for biodiversity:

The recommendations set out in the ecology section of the Environmental Statement dated August 2008 should be followed unless otherwise agreed in writing by the local planning authority.

Within 3 months of the granting of planning permission, a full habitat protection, enhancement and 10-year management scheme should be submitted to and be approved in writing by the local planning authority. This shall include large-scale plans of the sites and shall include a buffer strip along the banks of the River Wye where within the applicant's control. The work shall be implemented as approved and maintained thereafter.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reasons:

To ensure that all species and habitats are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, PPS9 and Policies NC1, NC3, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's UDP Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006

4.8 PROW Manager: No objection.

4.9 Archaeology: No objection. The Archaeology Chapter of the Environmental Statement has satisfied outstanding archaeological concerns.

5. Representations

Given the planning history associated with the site many of the representations received offer detailed analysis of the main issues. The summaries below are intended to describe the points raised but are not exhaustive. The full text of these letters can be inspected at Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

5.1 Kings Cople Parish Council: Due to apologies and members having to declare interests, the Council were not able to gather a quorum of eligible people. They, therefore, defer the matter and decision to Herefordshire Council Planning or its Committee.

5.2 Hentland Parish Council. Hentland Parish includes the village of Hoarwithy which lies on the opposite side of the River Wye to Kings Cople and much of which overlooks some of the existing or proposed polytunnels. We would state our opposition to the siting of any polytunnels in the Area of Outstanding Natural Beauty. Their presence is not consistent with the status of the area and we believe that their presence is unwelcomed by the majority of Hentland Parish residents.

A summary of points raised is as follows:-

- There are houses in Hentland (and adjacent parishes) whose value and saleability will be adversely affected by polytunnels.
- The proposed screening measures will not provide adequate screening because of the time taken to reach maturity, and even then the nature of the landscape means that they will remain ineffective.
- The Hoarwithy area attracts a large number of visitors because of its unique Italianate Church, the River Wye and the surrounding countryside. We believe that the presence of

polytunnels within the Area of Outstanding Natural Beauty has a deleterious effect of the amenity for both residents and visitors who come to enjoy an unspoilt area for walks and touring. The polytunnels affect footpaths in Kings Caple and the surrounding area and because of the hilly nature of the surrounding area are visible from a considerable distance.

- The Parish Council is strongly opposed to the continued use of Garden Field, which would be contrary to the Appeal Inspector's findings in 2008.
- There is a considerable impact arising from articulated vehicles associated with the business. These pose a danger to and obstruct other road users.

5.3 Sellack Parish Council: No objection

5.4 As described above the use of Polytunnels at Pennoxstone Court dates back some time, with significant expansion from 2001. Subsequently there have been several planning applications and the Public Inquiry – all of which have entailed a significant degree of consultation with statutory bodies, Parish Councils, local residents and other interested parties. It is clear that the use of polytunnels at Pennoxstone Court is divisive locally, with large numbers of local residents opposed to the development, but equally strong levels of support from the growing fraternity and growers' representatives and those involved with the enterprise – specifically the workforce. With the current application there has been a similar level of representation, which is summarised below.

5.5 54 letters of objection have been received. A summary of the points raised is as follows:

- The proposal is on a scale that would dominate the village of Kings Caple and the Wye Valley AONB. Exceptions to Policy LA1 (Areas of Outstanding Natural Beauty) will only be permitted where all of the exceptions criteria have been met. Guideline 2 of the Polytunnel SPD is unequivocal in giving priority to the landscape in relation to marginal cases within the AONB;
- Pennoxstone fruit cannot be considered of greater national importance than the AONB;
- Screening in the spring and autumn months is ineffectual and the hoops left in over winter create an industrial landscape. Kings Caple is an AONB all year round and it is spurious to imply that trees and hedges are adequate mitigation;
- The application emphasises the amount of land to be left free of polytunnels as though that makes the proposal more acceptable. This is a facile way of diluting the application to achieve a low usage ratio;
- Has proper consideration been given to an examination of alternative sites that are far less prominent or outside the AONB?
- Self governance in relation to the 25 hectares coverage is not offered and enforcement by the Council would prove not only impractical but unrealistic. No public body could commit to enforcing such a regime;
- What happens when the 25 hectare ceiling is breached?
- How can the rotation regime work when the strawberries, raspberries and blueberries are long-term crops?
- The proximity of the polytunnel areas in relation to the village is such that the amenity of the residents is being prejudiced for the interests of one farm;
- Results of the Parish Plan consultation exercise indicated that 74% of respondents were concerned that polytunnels were causing harm to the landscape;
- Most letters of support are from people with a financial interest in the continuation of the polytunnel enterprise i.e. suppliers, other growers and transitory seasonal labour;
- The applicant has taken a unilateral decision to construct the business without planning permission. As a result the AONB is being subjected to an erosion of its natural and intrinsic natural beauty;
- The proposal is completely incompatible with the objectives of the AONB Management Plan 2009-2014.

- It is wrong to infer from the Inspector's decision that the sites away from the Wye are more appropriate for polytunnels. For example, it is clear that the temporary 2-year permission granted in Windmill Field was only on the basis that the immediate location was already harmed by the presence of lawful tunnels. Were it not for the ineffectiveness of enforcement action, which led to certain areas acquiring lawful status, then it is clear that the Inspector would have considered Windmill Field an inappropriate location for polytunnels too;
- If the polytunnels are to be rotated this would be a change in practice that is considered unrealistic. How otherwise did the applicant obtain lawful status over 9.86 hectares? It was certainly not by recognising the Council's then voluntary code of practice;
- The applicant has failed to abide by the conditions laid down by the Inspector in relation to the two year temporary planning permissions for the blocks in Windmill and Packhouse Field. Planting that should by now be established in relation to the former is non-existent.
- The new fields to the north and east of the village are elevated above the Wye and consequently any polytunnels on these fields will have a far greater impact on the wider landscape. These fields were not considered by the Inspector and no inference may be made as to his opinion on their suitability or otherwise;
- The Appeal Inspector acknowledged the monetary, employment and sustainable development value of growing fruit under polythene but did not refer to Pennoxstone specifically. It was a generic statement;
- Given the number of soft fruit enterprises operating outside the AONB there cannot be any overriding husbandry reason for having to operate within the AONB;
- It is for reasons of convenience that the grower insists on farming land within the AONB. There is no special reason why this business could not successfully operate sites elsewhere and still provide the economic benefits;
- Tourism development is critical to Herefordshire and the Wye Valley is the jewel in the crown. Has anybody assessed the detrimental impact that continued polytunnel development will have upon the tourism sector? It would appear that the interests of one person are being placed above those of all the small, local businesses that depend upon tourism. The applicant's alleged 'precarious position' should not be given undue weight in this context and particularly as he has chosen to develop the business at his own risk;
- The application states that no more than 25 hectares will be covered at any one time. The agent's covering letter admits that the polythene coverage will extend beyond this for up to four weeks at a time and that this situation will arise periodically. Therefore it would appear that the application could amount to a free hand in the amount of polythene used provided it returns to 25 hectares at least once every four weeks;
- The application provides no assurance that uncovered hoops will be removed during the growing season. On past experience these hoops, which are harmful to visual amenity in themselves, will remain in the fields;
- The application site is at the heart of the Wye Valley AONB and represent a devastating intrusion into the landscape contrary to UDP Policies LA1, LA2 and LA6 as well as Guidelines 1, 2 and 5 of the Polytunnels SPD;
- The proposed development is also contrary to Kings Caple Parish Plan, which has been adopted as Supplementary Planning Guidance and is therefore a material consideration;
- The AONB is a national designation and the economic benefit derived from the polytunnel business should demonstrably outweigh the manifest damage caused to this protected landscape. The economic benefit simply cannot outweigh the purpose of the landscape designation;
- In the case of Pennoxstone the claimed economic benefit is not particularly significant and represents only a small percentage of the Herefordshire soft fruit industry. As such it is extremely likely that were Pennoxstone to be refused planning permission, the loss of production would be absorbed elsewhere in Herefordshire and other growing areas at no net loss to the local or national economy;
- The continued use of Windmill Field will continue to have a devastating effect upon the setting of the Grade I listed Church of St. John the Baptist;

- The use of field access points within the buffer zones prescribed by the SPD continues;
- The business case is ambiguous in relation to the profitability of the enterprise were it to rely solely upon the 9.86 hectares of lawful polytunnels;
- Polytunnels do not cease to be polytunnels when the polythene is rolled back. Uncovered polytunnels, at any time of year and particularly in the winter, have a devastating effect upon the AONB. The hoops and legs are not removed in practice and the 25 hectare maximum insofar as it relates to covered polytunnels is ambiguous and inaccurate;
- Job creation for locals is non-existent. The workforce comprises eastern European workers. Pennoxstone Court contributes nothing to village life;
- The traffic assessment is misleading. Vehicular movements associated with Pennoxstone fruit start at 5am and continue into the evening;
- There is no baseline ecology survey from before the first erection of polytunnels;
- What are the economic benefits to the residents who have to live with the increased nuisance and visual impact of polytunnels as well as decreased property prices?
- Delivery/collection vehicles are numerous and ill-directed.

5.6 There have been 109 letters of support for the proposal. 64 come from seasonal workers resident at Pennoxstone Court Farm. A 303 signature petition in support has also been received (130 signatories' resident at Pennoxstone Court). The content is summarised as follows:

- The success of businesses that service the British soft fruit growers is dependent to a large extent upon the ability to use polytunnels;
- Polytunnels enable the provision of a controlled environment to enable protection from rain damage and less reliance upon pesticide and fungal sprays;
- Polytunnels allow predator populations to thrive, which in turn maximises quality production and minimises wastage and 'grade outs' – those fruits deemed unfit for supermarkets;
- Polytunnels also allow an environment that extends the natural growing season which allows a greater, more consistent supply to the food chain thus reducing the requirement to import fruit;
- The reduction in the percentage of imported soft fruit has the effect of reducing the carbon footprint associated with the importation of soft fruit from abroad;
- The business at Pennoxstone also underpins local employment and a seasonal workforce that all spend wages locally;
- The diversification into polytunnels is reflective of changing customer demands and the questionable viability of traditional farming methods;
- The loss of this business would be detrimental to the local economy through the losses incurred by suppliers to the business;
- The environmental consequences of using polytunnels in Britain is minimal compared to that caused by importing produce;
- Herefordshire is an agricultural county and ventures such as this deserve support for the benefit they bring to the local economy and the reputation that the county obtains as a home to world class locally produced soft fruit;
- Polytunnels are, by now, an accepted part of the working rural landscape. They are rotated and leave no discernible impacts in the long-term. The visual impact can be adequately mitigated.

5.7 A summary of further representations received from other organisations is presented below:

5.8 The Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee:

Objection.

The site of the proposed development lies within the boundary of the Wye Valley AONB, which is an area designated for its national landscape importance. The application is objected to on

the grounds that it will have a negative impact on the character and appearance of the landscape. Under S.85 of the Countryside and Rights of Way Act 2000 the local planning authority is under a duty to have regard to the purpose of the designation of the Wye Valley as an AONB. The primary purpose of the AONB designation is to conserve and enhance natural beauty. It is acknowledged that the use of polytunnels for soft fruit growing has agricultural and economic benefits. It is clear, however, that polytunnels do not conserve and enhance the environment, which makes their use contrary to the guiding principles of the Wye Valley AONB Management Plan 2009 – 2014. The production of the Management Plan is a statutory requirement and the Polytunnels Supplementary Planning Document refers to the requirement to take the Management Plan into account when determining planning applications.

The application has suggested that some of the farming policies within the Management Plan support the proposal, but the Management Plan makes clear in section 4.5 that the primary purpose of the AONB i.e. to conserve and enhance natural beauty, must take precedence where there is any potential conflict with strategic objectives.

Paragraph 4.5.3 of the Management Plan states as follows:

“Where there may be more than one possible interpretation of a Strategic Objective, the one which reflects the aim behind the Strategic Objective (*which will always be to conserve and enhance the natural beauty of the AONB*) must be applied.”

Protection of the landscape is the primary purpose of AONB designation and should therefore take precedence over economic benefits unless those benefits can be shown to outweigh the harm to the landscape and be in the national interest. The proposed development is not of national significance and therefore the landscape should take precedence.

Concern is expressed in relation to the topography and visibility of some of the ‘new’ fields and the continued use of Garden Field, which could set a precedent for the reintroduction of polytunnels within an area previously deemed unacceptable by the Appeal Inspector. The AONB Joint Advisory Committee concludes that none of the proposed sites are suitable for polytunnel development due to their negative impact on the character and appearance of the AONB. If the Council was minded to approve the development it should insist on frames being removed when not covered by polythene as uncovered tunnels would continue to have an impact upon the landscape.

- 5.9 The Ramblers’ Association: No objection subject to the imposition of conditions in relation to landscaping, the polytunnel exclusion area, no more than eight months coverage in any one year and a requirement that redundant tunnels be removed. A landscape and biodiversity management plan should also be required by condition.
- 5.10 Country Land and Business Association: The applicant has run a long-established soft fruit business and the Herefordshire Soft Fruit industry is a success story for British Agriculture. Polytunnels make many positive contributions in enabling the production of increased quantities and qualities of soft fruit, the sustainability of reducing food miles and the impact upon the local community. Much effort is being made by the business to minimise the visual impact of polytunnels. Farmers should not have their businesses unfairly restricted because they farm in Areas of Outstanding Natural Beauty.
- 5.11 National Farmers’ Union (National Union and Ledbury and Ross-on-Wye Branch): The British soft fruit industry has been highly successful in producing a range of fruit over a longer growing period. Polytunnel use has resulted in decreased pesticide use and an increase in yields and quality – 90% of soft fruit produced in England under polytunnels is Grade 1 as opposed to 50% beforehand. Herefordshire growers contribute significantly to the local agricultural economy and maintain the countryside. Demand would otherwise be met by foreign produce and polytunnels are the only option for a viable business. Without polytunnels the business would cease to exist.

5.12 Campaign to Protect Rural England: The CPRE objects to the proposal in principle as it contravenes UDP Policy LA1 which seeks to prioritise the protection and enhancement of Area of Outstanding Natural Beauty and is also contrary to paragraphs 21 and 22 of Planning Policy Statement 7: Sustainable Development in Rural Areas. The CPRE makes specific comment on each of the fields within the application site noting that several are elevated above the village and the river valley with the effect that they will be prominent in long distance views. The setting of the village and the church are also considered. Notwithstanding the detailed mitigation proposals the CPRE considers that none of the proposed sites are suitable for polytunnel development due to their negative impact on the character and appearance of the AONB.

5.13 Antony Aspbury Associates Ltd. (Agent): A supplement to the original Town Planning Statement and comment upon the representations by the Wye Valley AONB Manager has been received. This is a detailed rebuttal of the objection to the development by the Wye Valley AONB, the full text of which is available for inspection as described above. The key points are as follows:

- The scale of the proposal is small in relation to the actual coverage of the AONB designation. The 25 hectares covered at any one time amounts to 0.076% of the AONB area;
- It is perceived that the objection from the Wye Valley AONB is based upon the historic position in relation to polytunnels and does not take account of the strategies that the applicant is employing in order to reduce and mitigate visual and landscape harm;
- It has been acknowledged by the Appeal Inspector that a blanket ban on polytunnels within the AONB would not be feasible;
- The impact upon the AONB would not be persistent or dominant. Polytunnels will be dispersed over a wide area and Pennoxstone Court is not within the same visual envelope as the two other known farm-scale polytunnels operations within the Wye Valley AONB – Homme Farm and How Caple;
- The comments of the Wye Valley AONB fail to observe the other material considerations to which significant weight ought to be attached, including the reduction in food miles, demonstrable and sizeable and direct benefits to the local economy and the impact upon the local economy were the business to fail;
- The applicant maintains that the proposal is not manifestly contrary to the overriding objective of the AONB Management Plan, but includes positive management of landscape assets and the restoration of the degraded landscape by significant new planting. Thus the proposal contributes to the restoration of key landscape elements and also contributes to the enhancement of biodiversity;
- Insofar as there is some limited, localised, short-term transitory adverse impact on the visual amenity of the AONB, this is outweighed by other material considerations telling in favour of the development and is significantly mitigated through positive measures set out in the application. There is, in our view, therefore, no material conflict with the provisions of the Wye Valley AONB Management Plan.

6. Officer's Appraisal

6.1 This application is the third farm-scale application seeking to regularise the use of polytunnels at Pennoxstone Court Farm. Polytunnel developments of any scale give rise to many material considerations as is evidenced by the number of planning policies that are of direct relevance to the proposal. In this case the impact of the proposal upon the natural beauty of the AONB is a significant material consideration, but against this it is also necessary to assess the positive contribution that the use of polytunnels can have in terms of reducing the need to import food, assisting in the production of soft fruit of increased quality *and* quantity and the provision of direct, positive economic benefits to the local economy. There are other issues to be addressed and these involve the impact of the proposal upon the setting of the Church of St. John the Baptist, surface water drainage, flooding, residential amenity and the impact of polytunnel development upon the setting of Kings Caple, and traffic and transport.

- 6.2 The application results from pre-application consultation and ongoing negotiation with officers in an attempt to address the issues identified by the Appeal Inspector. This is in the context of the inherent difficulties that the applicant faces insofar as his holding is located in the AONB and, due to practical issues, is within a comparatively concentrated area. It should also be noted that at Paragraph 105 of his decision, the Appeal Inspector concluded that it would not be “a realistic option” for the appellant to completely relocate soft fruit production out of the AONB.
- 6.3 The above notwithstanding, it is considered that the main issues in this case are:
- (i) The effect of polytunnels on the natural beauty of the landscape and the countryside of the Wye Valley Area of Outstanding Natural Beauty (AONB);
 - (ii) The weight to be attached to the benefits of the polytunnels in terms of the quantity and quality of the soft fruit produced, the contribution made to the rural economy and the substitution of locally grown fruit for imported fruit.

Effect on the Wye Valley AONB: Visual and landscape character impact

- 6.4 The application site is within the Wye Valley Area of Outstanding Natural Beauty, an area which must be afforded the highest level of landscape protection. This landscape is regarded as one of the finest lowland landscapes in Britain. The river is the centrepiece. Kings Caple is located on a spur in the centre of a large river meander, and the church spire at the highest point is a landmark visible over a wide area. The primary purpose of the AONB designation is to conserve and enhance natural beauty. AONBs share equal status with National Parks in terms of their scenic beauty and landscape protection that they should be afforded. National planning policy in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) states that “The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.”
- 6.5 Of particular relevance, therefore, is Herefordshire Unitary Development Plan Policy LA1 concerning development in AONBs. This gives priority to the protection and enhancement of the natural beauty and amenity of the area in the national interest, in accordance with a management plan. Only small scale development is to be permitted, and only where it can be shown that the natural beauty of the landscape is not adversely affected and where the development is necessary for the economic and social well-being of the area. Exceptions will only be permitted where:
- (i) the development is of greater national interest than the purpose of the AONB;
 - (ii) there is unlikely to be any adverse impact upon the local economy;
 - (iii) no alternative site is available, including outside the AONB; and
 - (iv) any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately, and where appropriate, compensatory measures provided.

It is important to note that all of the exceptions criteria must be satisfied in order for development to be permitted.

- 6.6 Further detailed guidance in relation to Polytunnel development has been produced in the form of the adopted Polytunnels Supplementary Planning Document (2008) (The SPD). The SPD was produced in consultation with a wide range of interested parties, including the enterprise concerned. The guidance takes the form of a detailed narrative punctuated with a series of Guidelines that cover a range of topics. It is Guidelines 1 and 2 that are of most relevance to the determination of this application. Guideline 1 (Economic Benefits) states that the benefits of polytunnels in enabling the production of increased quantities and qualities of soft fruit, the sustainability benefits of reducing food miles and the positive contribution to the rural economy are all matters to which considerable weight will be accorded in the balance of considerations.

- 6.7 Guideline 2 (Areas of Outstanding Natural Beauty) states that within AONBs, in marginal cases where economic benefits are being weighed against landscape impact priority will be afforded to the landscape *over all other planning considerations*. (Case officer's emphasis). Thus, whilst economic benefits must be afforded considerable weight, in marginal cases where there is demonstrable harm to the landscape and visual character of an AONB, Guideline 2 indicates that economic benefits are not capable of overriding such harm. This is consistent with Policy LA1 (above), which explains that large-scale developments within the AONB will not be permitted unless (amongst other things) it can be demonstrated that the development is in the greater national interest than the purpose of the designation.
- 6.8 In his decision letter the Appeal Inspector commented that the recent development of large-scale polytunnel use has "brought into stark opposition the aims of protecting the landscape, whilst supporting a viable farming industry." This is an apposite summary of the key issues identified above. The contention of the applicant is that the soft fruit enterprise is simply unviable without the large-scale use of polytunnels, whereas the principal purpose of the designation is to conserve and enhance the natural beauty of the area. On the face of it these two objectives appear contradictory.
- 6.9 In recognition of the findings of the Appeal Inspector in relation to the polytunnels originally located on the Wye Valley sides (upon the applicant's freehold land), the applicant has sought to locate alternative sites in an attempt to disperse the visual impact of the polytunnels and take advantage of the topography of the wider site area so that the entire site is not visible from one, single public vantage point. This has led to additional rented land being taken on, across which polytunnels will be rotated as required by the early/late season crops. Thus whilst rotation has not been the norm at Pennoxstone Court it is now accepted that rotation, in addition to limitations upon coverage or both skinned polytunnels and uncovered hoops is a means of addressing visual impact. These measures accord with Guideline 3 (Limits to Polytunnel Coverage) and Guideline 6 (Polytunnel Removal) of the SPD. Although the rotation plans submitted are indicative, the applicant is also prepared to accede to a further condition limiting the coverage of polytunnels (both covered and uncovered) in a single or two adjoining fields to not more than 20 hectares, of which no more than 12.5 hectares would be covered with polythene at any one time.
- 6.10 The application also proposes more substantial landscaping than has been the case historically. This has included the introduction of cross-field hedgerows in Windmill and Forty-Acre Field. Accordingly, officers acknowledge and recognise the substantive efforts that have been made in order to mitigate the adverse impact that polytunnel development can have upon the intrinsic natural beauty of the AONB.
- 6.11 However, the Landscape Officer has identified that although, with the exception of Garden Field, polytunnels have been removed from the west facing slopes of the Wye Valley, the dispersal of the polytunnels over a wider area does have some negative impacts and concludes that Ellen, Forty Acre and Old Sward fields are in prominent, quite elevated locations, visible from various viewpoints on the western side of the River Wye. The topography of the area, the location of the sites on a convex spur of land overlooked by rising ground on the western side of the Wye Valley, means that from certain vantage points, a number of the proposed sites are viewed in combination which results in a cumulative adverse impact on the Wye Valley AONB.
- 6.12 It is concluded, therefore, that notwithstanding the substantial efforts of the applicant to address the adverse impact of polytunnels upon the visual and landscape character of the AONB, the proposal is unacceptable. The proposed mitigation measures will reduce the cumulative impact to some degree, but cannot fully mitigate the detrimental impact upon the landscape. Tree and hedgerow planting would take a minimum of five years to mature sufficiently enough to contribute to screening. Moreover, the restoration of the degraded landscape that will result from hedgerow and tree belt planting is not sufficient to override the identified harm.

Consequently, on the first main issue, the proposal is considered contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007.

The Economic Case

- 6.13 It is accepted that the use of polytunnels has many benefits in assisting with the production of top quality soft fruit for the British market over an extended growing season. The Economic Appraisal submitted with the application (“The Appraisal”) explains that the main outlet for Pennoxstone fruit is the national supermarkets, which “drive the market and set the minimum standards for fruit quality and quality control procedures.” The Appraisal also sets out the staffing levels at Pennoxstone which equates to 12 full time equivalents throughout the year (eleven of which reside upon the holding), with a further 6 full time staff taken on during the picking season. At peak picking times up to 140 staff will be taken on for picking and packing.
- 6.14 The Appraisal also sets out the increased soft fruit production in the UK over the last decade. In 2001 soft fruits represented 10% of fresh produce value; in 2008 it represented 20%. The report recognises that the UK is likely to remain a net importer of soft fruit, but considers that this only emphasises the importance of polytunnels to the UK sector. This is underpinned by figures that demonstrate the increased yields attained since the introduction of polytunnels in the 1990’s, with the other benefits including improvements in quality, decreased pesticide use and import substitution.
- 6.15 The Appraisal goes on to examine the business at Pennoxstone in the context of demonstrating the break even position and relating that to the requisite level of polytunnel coverage to achieve a net farm income capable of covering all costs, paying a wage to the two partners (an assumed £26,000 each) with a level of contingency to cover exceptional costs or a poor harvest. It is stated that a 5% fall in the price of strawberries would reduce the Net Farm Income by around £30,000, bringing the farm back to breakeven. It is thus concluded that the business would not be capable of meeting the breakeven position were it reduced to using the 9.86 hectares of lawful tunnels or indeed if arable production was considered.
- 6.16 The Appraisal also quantifies the businesses’ total contribution to the local economy both directly and extrapolated to include the wider effects of the expenditure using the Local Multiplier 3 (LM3). LM3 enables individual businesses to measure their economic impact by measuring spend within a region. In the year 2006/07 it is calculated that the business spent over £1 million purchasing goods and services of which 57% was spent within Herefordshire. LM3 estimates that for every £1 of output the business puts £1.86 into the local rural economy. The LM3 calculations are adjusted to give the level of contribution to the local economy for the proposed 25 hectares of polytunnels, the contribution were only the lawful 9.86 hectares used and the position were an arable rotation reverted to.

	Using a maximum of 25 ha polytunnels	Using a maximum of 9.86 ha of lawful polytunnels	Alternative Enterprise - Arable
LM3 Calculation			
Business Turnover	1, 542, 815	669, 435	85, 698
Local Spend – Estimated	799,224	358,332	44,877

LM3 Multiplier	1.86	1.86	1.86
LM3 Contribution to the local economy	£2, 869, 636	£1, 245, 149	£159, 398

- 6.17 As one would expect, the level of contribution to the local economy is larger with the use of 25 hectares of polytunnels versus 9.86 hectares. Moreover the Appraisal concludes that the business will only remain viable with the use of at least 25 hectares of covered polytunnels at any one time. The table suggests that were the business only allowed to continue with the lawful tunnels, over £1.6 million pounds would be lost to the local economy each year.
- 6.18 As described above, in the weighing up of all of the competing issues, the economic benefit to the local economy must be afforded considerable weight. As acknowledged by the Appeal Inspector, the inability to operate at a certain level of coverage would have severe financial consequences for the business at Pennoxstone Court. However, the Inspector also acknowledged that the contribution of Pennoxstone fruit to the overall value of import substitution (£110 million in 2007), must be a small and given the number of soft fruit businesses operating successfully outside the AONB it is not inconceivable that any decrease in production at Pennoxstone (and thus loss to the local Herefordshire economy) will be offset by increased production elsewhere.
- 6.19 The business model proposed (i.e. 25 hectares of coverage) will allow the business to remain viable. It is stated that this is the minimum level of coverage required to maintain the business at a level where provision can be made to cover normal and abnormal costs and capital re-investment. Whilst the economic benefit to the Herefordshire economy is considerable it must, in accordance with SPD Guideline 2, be weighed against the landscape impact. On the second main issue it is the view of officers that on balance the harm to the visual amenity and landscape character of the Wye Valley AONB should, in this case, take precedence. On balance, therefore, whilst the acknowledged benefits accruing from the use of polytunnels are substantial, they are not considered to override the harm caused to the nationally important landscape, which is contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007 and Guideline 2 of the Polytunnels SPD.

Other matters

- 6.20 The Environment Agency has confirmed that it is satisfied with the arrangements made at Pennoxstone Court for water abstraction from the River Wye for the trickle irrigation systems and for the management of surface water in accordance with the submitted Drainage Appraisal Document.
- 6.21 The Transportation Manager has raised a number of concerns in relation to the capability of the local road network to cater for the HGV movements associated with the continued operation of the enterprise and suggests the potential for off-site improvements, a routing plan and a Travel Plan to achieve the safest outcome in the event that permission is granted. It is considered that it would be reasonable to seek to achieve appropriate commitments from the applicant in this respect but it must be accepted that vehicular activity would be a feature of the site with or without polytunnels and since there is no actual change of use of land involved this matter would need to be negotiated carefully. It is considered that these requirements could be achieved through conditions.

With regard to the concerns raised about drainage, these are addressed satisfactorily within the submitted Drainage Appraisal, which has been agreed with the Environment Agency. Subject to conditional control over the surface-water run-off management, it is considered that any impact upon the local road network will be minimised.

- 6.22 The application has satisfactorily addressed the biodiversity implications of the polytunnel operation and indeed attracts an endorsement in relation to the proposed new woodland copses, the strengthening of hedgerow corridors and the stand-off zones between polytunnel development and hedgerows. It is recommended that the habitat enhancement scheme would need further minor revisions in the light of the comments of the Ecologist but it is considered that this could be secured by an appropriate condition. In relation to the impact on protected species and biodiversity value it is concluded that the proposal satisfies the requirements of Policies NC1, NC3, NC6 and NC7 of the Herefordshire Unitary Development Plan and SPD Guidelines 20 and 21.
- 6.23 A significant number of objection letters have commented upon the impact that large-scale polytunnel development would have upon residential amenity in certain locations. This is a consequence of the intended use of fields that are more closely related to the village than the applicant's own fields to the south-west of Pennoxstone Court. Windmill, Ellen, Forty Acre and Old Sward are fields immediately adjacent the settlement. Policy DR2 seeks to ensure that development respects the amenities of existing neighbouring uses and SPD Guideline 9 refers to the need to ensure that residential properties are afforded adequate protection through the use of 'buffer zones' that act to prevent the presence of polytunnels or associated development (works, storage, servicing accesses, toilets etc) shall be sited within a minimum distance of 30 metres of the boundary of any residential curtilage and 50 metres of any dwelling, whichever distance is the greater. Furthermore, in the wider context, Policy LA3 of the Unitary Development Plan 2007 (Setting of settlements) seeks to resist development that would have an adverse effect upon the setting of the settlement concerned.
- 6.24 It is clear that the majority of the field specific plans submitted with the application meet the buffer zone requirement. There are exceptions at the south-west corner of Forty Acre Field and a secondary access into Windmill Field. The use of the access to the northeast corner of George Harris, which passes in very close proximity to Hill Cottage is no longer intended for use, with two alternative accesses into this field. On balance, and having regard to the intended rotation of polytunnels, the impact of the development upon individual residential properties and the wider setting of Kings Caple is not considered so significant as to warrant refusal under Policies DR2 and LA3.
- 6.25 With regard to the impact of the proposal upon the known heritage assets that characterise the site and its locality, and with particular reference to the setting of the Grade I listed Church and the Scheduled Ancient, it is considered that development in Windmill Field has the most significant bearing. On balance, and notwithstanding the increased coverage proposed within Windmill Field, it is considered that the presence of the lawful tunnels must be accorded significant weight. In this context, the continued use of those elements granted temporary permission by virtue of the deemed permission granted by the Inspector and the parts of Windmill Field that are further from the heritage assets than the lawful tunnels is such that the setting of these features would not be adversely affected. The proposal therefore accords with Policies HBA4 and ARCH3 of the Herefordshire Unitary Development Plan and Guideline 7 of the SPD.

Conclusion

- 6.26 Notwithstanding the fact that the scale of polytunnel development now proposed would be limited to 37.5 hectares (25 hectares covered; 12.5 hectares of hoops) at any one time, the proposed sites are not considered acceptable, particularly given the statutory duty to have regard to the purpose of the AONB designation i.e. to conserve and enhance natural beauty.

Officers acknowledge that significant progress has been made by the applicant in an attempt to mitigate the identified harm and indeed two of the previous reasons for refusal have been addressed. However it is concluded that notwithstanding the economic benefits derived from their use, the polytunnels would constitute large-scale and discordant development within a landscape of national significance, contrary to the purpose of the designation. For this reason the application is recommended for refusal as being contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan and Guideline 2 of the Polytunnel Supplementary Planning Document.

RECOMMENDATION

It is recorded that the Environmental Statement and associated documents have been taken into account in making this recommendation.

That planning permission be refused for the following reason:

- 1 Having regard to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007, and Guideline 2 of the Polytunnel Supplementary Planning Document 2008, the proposal is considered unacceptable. The proposed erection of polytunnels on this scale within this part of the Wye Valley Area of Outstanding Natural Beauty will adversely affect the intrinsic natural beauty of the landscape and run contrary to the primary purpose of the designation. The acknowledged contribution of the business to the local economy is not considered to outweigh the harm to the Wye Valley Area of Outstanding Natural Beauty.**

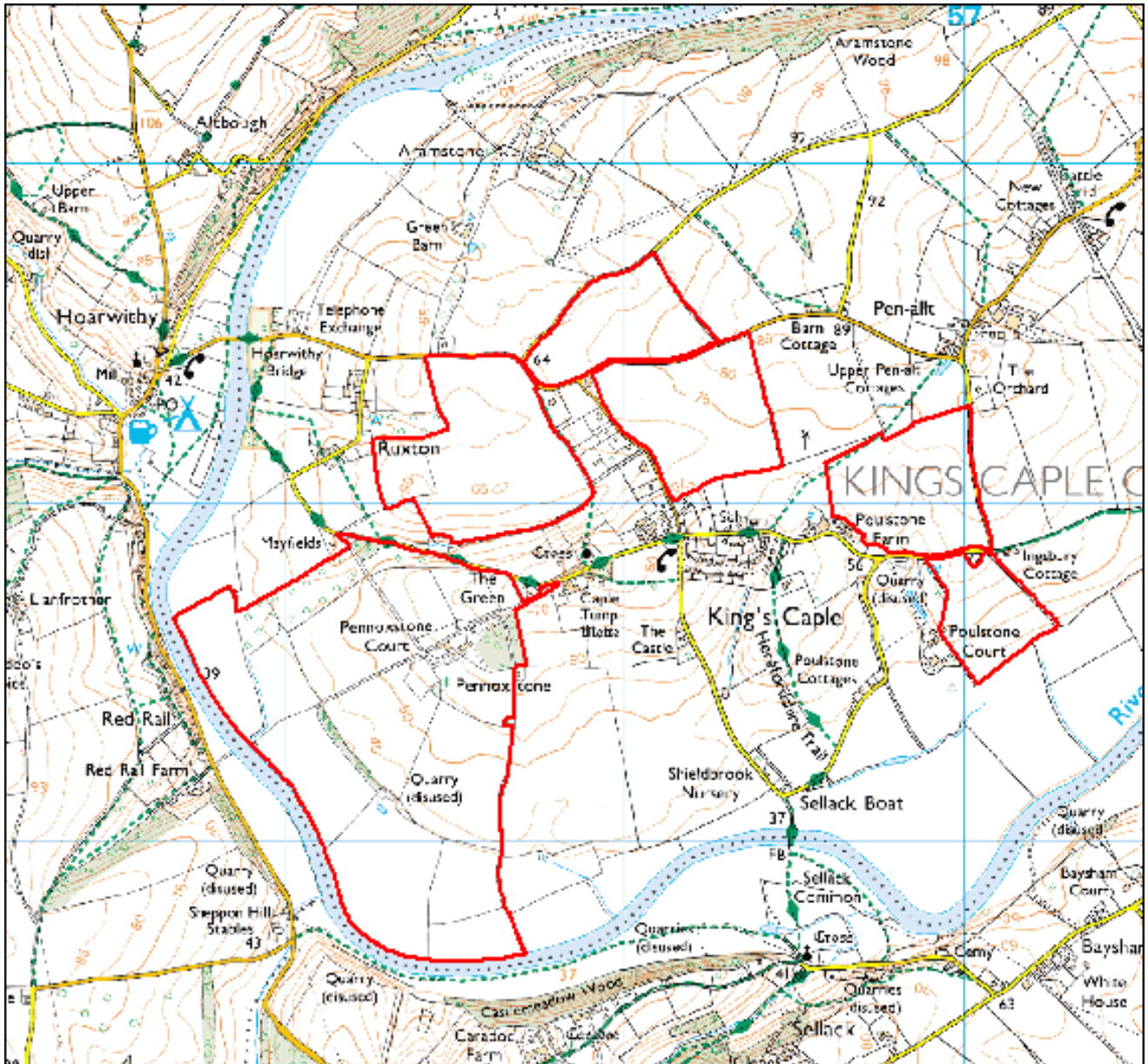
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMSE/100966/F

SITE ADDRESS : PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX

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