

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>24 APRIL 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>SE100966/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</b></p> <p><b>For: NJ &amp; IE Cockburn per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=100966&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=100966&amp;NoSearch=True</a>

**Date Received: 26 April 2010**

**Ward: Old Gore**

**Grid Ref: 355972,228695**

**Expiry Date: 3 August 2010**

Local Members: Councillor BA Durkin

### **Introduction**

1. The planning application was originally received on 26 April 2010 and presented to the Planning Committee with a recommendation for refusal on 13 October 2010. It was resolved that planning permission should be granted subject to the agreement of suitable conditions and the completion of a unilateral undertaking. The planning permission was issued on 25 May 2011 subject to 21 conditions and a legal agreement preventing the use of other forms of plastic crop protection (e.g. cloches) elsewhere across the application site. The discharge of conditions followed and the permission was implemented.
2. The decision to grant planning permission was subsequently challenged via judicial review and was quashed by order dated 3 September 2012. The Courts held that the local planning authority failed to discharge its duty to provide an adequate summary of its reasons for granting permission, failing specifically to describe how the proposal complied with Unitary Development Plan policy LA1.
3. The planning application has now to be re-determined. In view of the time that has elapsed and the requirement to ensure that decisions are based on up to date planning policies and any other material considerations, the Council gave the applicant the opportunity to update the Planning Statement, Landscape and Visual Impact Assessment and Economic Impact Assessment. These have formed the basis for re-consultation with the local community, statutory consultees, interested parties and those individuals/bodies who commented on this application in 2010. The updated consultation responses are summarised below in Section 5.
4. The Herefordshire Unitary Development Plan remains the adopted development plan for the county. At a national level The National Planning Policy Framework supersedes the former Planning Policy Statements and Guidance Notes that were relevant. The Framework and its

---

Further information on the subject of this report is available from Mr E Thomas on 01432 261566

implications for the determination of this application are discussed below. Although its abolition is understood to be imminent, the Regional Spatial Strategy remains in force. The Council's Core Strategy is undergoing a consultation at present, but it is considered that it should be given little weight in the decision-making process.

## **1.1 Site Description**

- 1.1.1 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 whole area falls within the Wye Valley Area of Outstanding Natural Beauty. It is a landscape of national importance. The landscape type is 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.
- 1.1.2 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). There are a range of public viewpoints and rights of way in the area.

## **1.2 Planning Background**

- 1.2.1 In October 2006 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, but withdrawn in December that year. At the time, polytunnels were located principally on the west and south-west facing slopes adjacent to the River Wye (i.e. Front Meadow, Wetlands, Lower Fishpool and Garden Fields), 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).
- 1.2.2 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 that Spanish polytunnels constitute development requiring planning permission and then considered the planning merits of the development encompassed by the 'deemed' planning application. He found that a total of 9.86 hectares of polytunnels 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.
- 1.2.3 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). In respect of the western half of George Harris Field the notice was also upheld because of the impact on the unregistered historic park and garden at Poulstone Court.
- 1.2.4 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 but Windmill Field has remained in use since.

- 1.2.5 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). Rotation, landscaping and a commitment to a ceiling of 35 hectares of polythene coverage at any one time were 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 concluded that the proposals were large-scale and prejudicial to the intrinsic natural beauty of the AONB. The economic benefits were not considered to outweigh the identified harm. The proposed siting of polytunnels close to Poulstone Court and within buffer zones formed the basis for additional refusal reasons.
- 1.2.6 The application has been screened in 2013 in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 by the Secretary of State who determined that the application is not EIA development. The original submission was, in the light of the Homme Farm judgement, screened as Schedule II EIA development and accompanied by an Environmental Statement (ES) which identifies and attempts to quantify and mitigate environmental impacts arising from the proposal. The later Screening Direction of the Secretary of State effectively supersedes that need for an ES but its content remains relevant in terms of assessing the impacts of the proposal. In addition to the ES, the application is also accompanied by an Economic Impact Appraisal of the Soft Fruit Growing Enterprise at Pennoxstone Court. Economic benefits, as recognised by the appeal Inspector are matters to which significant weight should be afforded in the balance of considerations.
- 1.2.7 The application has been advertised as a departure from the Council's adopted planning policy as it promotes large-scale development within the Area of Outstanding Natural Beauty.

### **1.3 The Proposal**

- 1.3.1 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.
- 1.3.2 Soft fruit has been grown at Pennoxstone Court since the 1960s. Polytunnels have been used 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 3.5 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.
- 1.3.3 The current 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 immediate north-east of the village), and Old Sward (situated at the eastern edge of the village). Ellen Field and Old Sward are in active use. The intention is now to rotate polytunnels around the area. A limit on the total area of *covered* polytunnels is

proposed at 25 hectares at any one time. It is submitted that 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.

- 1.3.4 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. This leaves a net area of 83 hectares overall, within which it is proposed to rotate polytunnels from season to season and within seasons.
- 1.3.5 Material originally submitted as part of the application included an indicative 10-year rotation plan illustrating 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. The quashed permission was subject to a condition limiting the area of uncovered polytunnels frames to 12.5 hectares. The 25 hectare limit is 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.
- 1.3.6 The stated approach to landscaping across the application site was to gap up and reinforce existing field hedgerow boundaries and plant new hedgerows and tree groups where appropriate. The native tree and shrub planting is described on the Summary Planting Plan and in more detail on the specific field plans. The landscaping proposals were subject of negotiation in the context that the applicant is not the freeholder of all of the application site area and had to seek landowner permissions for in-field planting. These proposals were agreed in accordance with condition 12 of the quashed permission. The submitted documentation asserts that the majority of planting has now been undertaken.
- 1.3.7 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 application seeks 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. The former lawful areas would then become part of the 'polytunnel exclusion zone'. Garden Field is in active use and the rotation plans indicate a permanent presence in that field, which sits between fields previously identified by the appeal Inspector as inappropriate.
- 1.3.8 Concern was and continues to be expressed at the continued presence of field accesses within the buffer zones. This underpinned the third reason for refusal of the predecessor application DCSE2008/3036/F. 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.

## **1.4 Summary of updated material (Planning Statement, Landscape and Visual Impact and Economic Impact Assessment)**

1.4.1 In addition to the material submitted in 2010, three further documents have been submitted in support of the application. These are a Supplementary Planning Statement, Landscape and Visual Impact Assessment and Economic Impact Assessment.

1.4.2 The key points raised in the Supplementary Planning Statement are summarised as follows:

- Polytunnels have been in use at Pennoxstone for 20 years. For most of this time they have been deemed lawful, to not require planning permission or explicitly permitted e.g. under the 2007 enforcement appeal or the 2010 planning permission. To deprive an established business built around the use of polytunnel technology, in which it has made significant investment, would be doubly damaging and especially unreasonable – particularly in the light of the Council's resolution to grant permission in 2010.
- 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 Unit 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 and that to relocate the applicant's business wholly outside the AONB would not be practical;
- 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, Natural England and others 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 Herefordshire economy were the business to fail;
- The annual Gross Value Added to the local economy is estimated at £1.5m per annum and the business supports 21 full-time positions directly and indirectly (discounting all seasonal labour);
- 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 in so doing 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, therefore, no material conflict with the provisions of the Wye Valley AONB Management Plan;
- Even if the proposal is deemed not to be small-scale, the degree of harm to the natural beauty of the AONB is localised, limited and capable of being reduced, such that the proposal is not in conflict with LA1;
- If it is concluded that the development is large-scale exceptional circumstances as set out in paragraph 116 of the NPPF apply. There is a need for the development and to refuse would cause harm to the local economy. Other agri-business uses do not generate comparable turnover.
- The proposal is sustainable development and the NPPF presumption in favour of approval should apply;

- The application site area is substantially less than Homme Farm, Ross-on-Wye, which is also in the AONB. Planning permission in that case permits the coverage of up to 54ha of polytunnels with polythene at any one time;
- The enterprise is a contributor to a successful growth industry that has bucked the general decline in other areas of UK agriculture. Management of the countryside is dependent on a viable agricultural sector and soft fruit enterprises are integral to this;

1.4.3 The key issues raised in the Economic Impact Assessment 2013 are summarised as follows:

- The soft fruit sector is performing particularly well relative to other agricultural businesses. This is particularly relevant to the Herefordshire economy where agricultural output is 7% of the total Gross Value Added, compared to 1% nationally;
- This is reflected in the increase in land area dedicated to soft fruit production – an increase of 41% (398ha) since 2005;
- The expertise of growers such as the applicant will enable Herefordshire to retain its pre-eminent position as food producer and exporter;
- After a period of general decline soft fruit imports rose in 2011, this is a reflection of the poor weather. Without the use of polytunnels the level of imports would rise significantly, highlighting the role that polytunnels play in increasing yields, the continuity and duration of supply and thus a reduction in food miles;
- Buyers (typically supermarkets) have exceptionally high requirements in terms of quality and consistency of supply. The requirements can only be met through the use of polytunnels;
- Assessment of the local (Ross locality) economy suggests a high non-working to working ratio with only 4 in 10 residents contributing to economic output. Against this background the output and wealth generated by Pennoxstone Court is likely to be significant to local prosperity by generating local spending;
- The strong soft fruit sector underpins jobs which help maintain a population with a low number of working residents;

#### Quantifying Pennoxstone Court's economic output

- Excluding the applicants, there are 12 full-time workers directly employed at Pennoxstone who either reside at the holding or within Herefordshire;
- This is bolstered by seasonal labour and averages at approximately 100 full-time equivalent posts throughout the year (peak labour demand is 180 seasonal workers between May and August);
- £1 million is spent per annum on local suppliers. This equates to indirect support for 7 full-time equivalent jobs within those suppliers;
- Induced impacts (including the local spending of employees) are estimated at £783,550 and support 7.8 local jobs;
- The annual Gross Value Added to the Herefordshire economy by Pennoxstone Court is calculated at £1.5 million per annum and a discounted net £12.9million over the course of a 10-year planning permission.

1.4.4 The key issues raised within the Supplementary Landscape and Visual Impact Assessment (LVIA) are summarised as follows:

- Covered polytunnels have a high to moderate significance of impact on the character of the AONB;
- The magnitude of impact is moderate due to the limited impact on the areas due to the scale of the tunnels, topography and screening;
- Mitigation measures offer a long-term positive benefit by replacing lost landscape features;
- The development has a very limited 'zone of visual influence' and this zone will be further reduced by the mitigation proposed and that already in place;

- The development is fully reversible with no long-term or permanent impacts on the character of the AONB;
- Mitigation proposed as part of the 2010 application has been largely undertaken and is already taking effect, although it will take several years to mature fully;
- The development covers only 0.076% of the AONB, is small-scale and in accordance with Unitary Development Plan policy LA1.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The overarching theme of the NPPF is a presumption in favour of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 17 sets out 12 core planning principles that should under-pin decision taking. Amongst these, the following are considered particularly relevant to the application proposal. Planning should:-

- *proactively drive and support sustainable economic development to deliver, amongst other things, thriving local places that the country needs and respond positively to opportunities for growth;*
- *take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *contribute to conserving and enhancing the natural environment and reducing pollution.*

Chapter 1 requires that the planning system supports sustainable economic growth, with the planning system acting to encourage not impede economic growth.

Chapter 3 states that local plans should “support sustainable growth and expansion of all types of business and enterprise in rural areas...and promote the development and diversification of agricultural and other land-based rural businesses.”

Chapter 11 recognises that great weight should be given to the conservation of landscape and scenic beauty within AONBs and that planning permission for major development within designated areas should be refused except in exceptional circumstances, particularly paragraphs 109, 115, 116 and 118.

Paragraph 187 confirms that decision takers at every level should ‘seek to approve applications for sustainable development’ where possible.

## 2.2 The Regional Spatial Strategy

The RSS is founded on achieving both an urban and a rural renaissance within the context of sustainability and protection of the region's environmental assets. These two parallel objectives are expressed in the Regional Vision (Paragraphs 2.2 and 2.4 [clauses a), b), c) and e]), in the Spatial Strategy (through the Rural Regeneration Zone [in which the Appeal Site is located] – paragraph 3.9 d)) and developed further in discrete policies.

The Government has announced the intention to abolish Regional Spatial Strategies and for this reason the policies have been afforded comparatively little weight for the purpose of determining this application.

## 2.3 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
- 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
- NC3 - Sites of National Importance
- NC4 - Sites of Local Importance
- 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
- T6 - Walking

## 2.3 Supplementary Planning Guidance/Documents

- SPG : Landscape Character Assessment (2004) (Updated 2009)
- SPG : SPD : Biodiversity (2004) (Updated 2009)



- SPD : Polytunnels (2008)

## 2.4 Other Material Considerations

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

2.5 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:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

3.1	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 at Pennoxstone Court, Kings Caple, HR1 4TX.	- Withdrawn 19.12.2006
	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
	DMSE100966/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	- Approved contrary to recommendation 25 <sup>th</sup> May 2011, but subsequently quashed by Court Order dated 3 <sup>rd</sup> September 2012.
	EN2010/001118/ZZ	- Relating in part to the removal of polytunnels from Garden Field, a separate French polytunnel and netted structures	- Withdrawn 18/1/11
	DMS112188/F	- Variation of conditions 10, 12 & 19 & removal of condition 7 of planning	- Refused 1 <sup>st</sup> December 2011 and subsequent

	permission DMSE100966/F	appeal withdrawn following the outcome of the judicial review.
DMS120266/F	- Variation of condition 19 and removal of condition 7 of planning permission	- Withdrawn 21 <sup>st</sup> September 2012.
DMSE100966/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	- Quashed by Court Order 3 <sup>rd</sup> September 2012
EN2012/001570/ZZ	- Temporary Stop Notice	- Served 1 <sup>st</sup> February 2012

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Natural England: Objection (2013). The submitted Landscape and Visual Impact Assessment concludes that polytunnels in Garden Field would produce a 'significant' negative impact on the character of the AONB, which would only reduce to 'low' after 10 years when screening planting has matured. Garden Field is on the Wye Valley slopes; an area deemed unsuitable for polytunnels by the Inspector in 2007/8. As regards wider impacts, we would advise the Council to take account of advice provided by the Wye Valley AONB unit.

Natural England notes that the supplementary LVIA contends that the site is small-scale and thus compliant with UDP Policy LA1. Natural England concludes that because LA1 is a landscape policy, the magnitude of the impacts on the landscape's character and quality should determine whether or not an application is small-scale. Although mindful of planting proposals, Natural England does not consider 25ha of polytunnels with significant landscape and visual impacts to be 'small scale'. Natural England also consider paragraphs 115 and 116 of the NPPF to be relevant, with paragraph 116 stating "planning permission should be refused for major developments in these designated areas, except in exceptional circumstances and where it can be demonstrated that they are in the public interest."

- 4.2 English Heritage: (2010 comments). In considering the balance of public benefits involved in this proposal, full weight should be 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.
- 4.3 Environment Agency: (2013 comments). 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.

##### Internal Council Advice

4.4 Conservation Manger (Landscapes and Biodiversity): The comments of the Conservation Manager are summarised below.

4.4.1 Visual impact

With regard to visual impact I conclude that the polytunnel development is visible from numerous viewpoints from the surrounding, elevated areas, all within the Wye Valley Area of Outstanding Natural Beauty. The development will remain visible, albeit with a reduced adverse impact, even if the proposed mitigation measures are fully implemented. As a landscape officer, I could not advocate the proposed development because there are many views (as identified in the full memo) that will experience significant adverse impact to the Wye Valley Area of Outstanding Natural Beauty.

4.4.2 Landscape character

The polytunnel development has an adverse impact on the rural and historic landscape character of the area and on the character of the Wye Valley Area of Outstanding Natural Beauty. 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 to the limited proposals for new cross-field hedgerows to replace those lost over time. The proposal will adversely affect the overall character of the landscape, as defined by the Landscape Character Assessment. The proposed polytunnels represent inappropriate development that cause unacceptable adverse change to the landscape of Kings Caple and is therefore contrary to UDP Policy LA2.

4.4.3 Zone of visual influence

The ZVI images are useful in demonstrating the potential visibility of the polytunnels based on the underlying landform of the area. The maps do provide clarity that the key viewpoints selected for the visual analysis are within the extent of the ZVI and that no additional viewpoints are required. These illustrate, as expected, the relationship between the topography of the Wye valley in this location and the visibility of the polytunnel sites: the area of high potential visibility is the western side of the river valley; the arc of rising ground from Albothou, to the north, Redrail, to the west and Caradoc Hill and Sellack to the south.

4.4.4 It is argued in the document that both the actual ZVI and the polytunnel development are small in scale in the context of the AONB; it is stated that the actual ZVI affects less than 5 sq. km of the AONB. The AONB designation does cover a large area; however, it is specifically the river valley, with its particular scenic qualities, which is at the heart of the AONB; it is the 'Wye Valley AONB'. This polytunnel development site, being situated in the river valley, is therefore in the part of the landscape with the highest value and highest sensitivity, in the context of the whole AONB. The dominance of the coverage across this spur of land is large scale in relation to the setting.

4.4.5 The scale of the ZVI and the fact there is no viewpoint from which all of the covered tunnels would be visible together is of little relevance to the way in which people experience the landscape. People living and working in and visiting the Wye Valley do not experience the landscape in plan form, they experience it by travelling through it, gaining a succession of views which will include some or all of the polytunnel sites, depending on their route.

4.4.6 Landscape mitigation

The proposals are shown on the 'Landscape Strategy' plan (January 2013) and comprise new copse planting, tree screening belts, enhancement of existing hedgerows, new hedgerow planting and the planting of groups of Willow and Alder.

A site visit has confirmed the planting that has been carried out to date. The planting comprises:

- New boundary hedgerow planting to west and north of Old Sward.
- Two new cross field hedgerows at Garden Field.
- Hedgerow planting adjacent to the Church.

Additional planting not forming part of the submitted mitigation has also been carried out close to Pennoxstone Court and on the east boundary of Garden Field.

4.4.7 Three new cross field hedgerows have been planted at Windmill Field; however they are along the leg rows of polytunnel frames, with the southern two physically beneath polythene. Due to the limited space available, these hedgerows will not establish suitably to fulfil the function intended by the mitigation – to visually break up the expanse of coverage and to create new wildlife corridors. The northern section is not under polythene, but is interrupted by metal framework.

4.4.8 No copse planting has been undertaken to the east boundary of Windmill Field adjacent to the dwelling. No gapping up has been undertaken to the southern boundary of Old Sward or to the boundaries of Ellen Field and Top Ruxton. It is accepted that no planting has been undertaken on Forty Acre and George Harris, where there is currently no polytunnel coverage. Existing hedgerows have generally all grown up to at least 3m high. The hedgerow verges vary in width.

4.4.9 The photographs in the current LVIA are welcome, however it is not accepted that these clearly identify any noticeable change to the original LVIA photographs, taken October 2009. The planting which has been undertaken has not matured sufficiently to contribute as a screen or filter: it would take a minimum of five years for the planting to mature sufficiently to contribute to screening. Therefore the assessment of landscape and visual impacts contained in the previous landscape consultation response (8<sup>th</sup> September 2010) still stands – adverse impacts identified then remain the same.

#### 4.4.10 Policy LA1: Areas of Outstanding Natural Beauty

The proposed development cannot be considered to be small scale because:

1. It is the horizontal spread of polytunnels which causes the majority of the adverse visual impacts. Contiguous tunnels in a field(s) have a much greater plan area than the built structures referred to and when viewed from elevated vantage points, it is the plan area of structures which is more relevant than their vertical height.
2. The polytunnels are not viewed in the context of the whole of the Wye Valley AONB. As demonstrated by the ZVI they are viewed in the context of a ZVI of approximately 5 square kilometres. The scale of the proposed development is large in relation to the sensitive landscape of the Kings Cable spur of land. Therefore the perceived intensity of polytunnel development is far greater than is suggested.
3. As stated previously, people do not experience the landscape in plan form, as they move through the landscape in the vicinity of the development site they gain successive views of the polytunnels.

#### 4.4.11 Conclusions

The mitigation measures proposed will reduce the adverse impact to some degree but will not adequately mitigate the detrimental effect upon the landscape. Ellen Field, 40 Acres and Old

Sward are in prominent, 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, mean that from certain viewpoints a number of the polytunnel sites are viewed in combination, increasing the degree of adverse impact on the Wye Valley Area of Outstanding Natural Beauty. The efficacy of rotation, as a mitigation tool, is limited by the relatively compact nature of the landholding – all of the tunnelled fields are on the same spur of land, not dispersed over a wide area.

Given the negative landscape impacts which have been identified, the ten-year permission requested is considered to be long term, not transient.

It is concluded that no sustainable arguments have been put forward to support the assertion that the polytunnel development is in accordance with Policy LA1. It is maintained that the development conflicts with UDP policies LA1 and LA2 SPD: Polytunnels Guideline 2 and paragraphs 115 and 116 of the NPPF.

4.5 Conservation Manager (Building Conservation - 2010): 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.

4.6 Conservation Manager (Ecology - 2013)

Relevant principles from the National Planning Policy Framework 2012 are found within paragraphs 109 and 118.

Paragraph 109 states:

“The planning system should contribute to and enhance the natural and local environment by.... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by, amongst other things, “encouraging opportunities to incorporate biodiversity in and around developments.”

The Ecological and Landscape Management Plans by DLA Ltd. dated August 2011 satisfied the requirements of the previously imposed planning condition and included clear recommendations for habitat enhancement at the site.

The site was visited on 11<sup>th</sup> April 2013 and whilst some planting of hedgerows has been undertaken, not all the recommendations in the approved management plan appear to have been implemented. Two of the new hedgerows that have been planted in Windmill Field are currently under the polytunnels and one is along the leg-row between rows of strawberries; they do not have associated headlands. It is appreciated that it will take time for the hedgerows to grow and become established, but their value in providing coherent ecological networks will be limited whilst covered with plastic and without sufficient headlands adjacent to them.

It is of particular concern that the appropriate management of existing headlands is adopted in order to protect the hedgerows and improve their function as wildlife corridors. The report recommends 2 metre width headlands as a minimum and a 5 metre stand-off to the nearest tunnels. This is clearly not the case in all instances at present and will need to be implemented if planning permission is ultimately approved.

The locations for installation of bat and bird boxes, as well as raptor perching posts, have not been agreed. It is unclear as to whether these works have been undertaken. If this application is to be approved, details of these (specifications, proposed locations and a timescale for implementation) should be submitted. There are records of great crested newts in ponds on the site, but it has been agreed with Natural England in the past that they are unlikely to be affected by the development proposals.

If this application is to be approved, in order to comply with the principles of the NPPF as well as UDP Policies NC1, NC6 and NC7, an appropriately worded condition should be imposed to secure submission of an updated Ecological Enhancement and Management Plan as well as a timetable for its implementation. The timescales within the previously submitted Management Plan will need to be amended to address a 10-year strategy from the date of approval.

- 4.7 A Habitats Regulations Assessment screening has been undertaken and concluded that there is no Likely Significant Effect upon the River Wye SAC. Natural England is in agreement with this conclusion.
- 4.8 Traffic Manager (2013): The main issues are the traffic generated and the water run-off management. There is a high possibility of conflict between traffic generated by the farming activity and the background traffic during peak time due to the local school and communities. Vehicle movements associated with the enterprise should be managed through appropriate routing and timings that avoid peak traffic. If not there may well be conflict due to the narrow road network and this is already reflected in some letters of objection.

Drainage has been a significant issue with attenuation measures required under the quashed permission not installed during my previous visits. This appears to have resulted in run off and silting of the road and ditches at various locations. Even accepting the exceptional rain-fall over this period, it is my belief that the situation would have been improved had preventative measures been installed. Surface water management systems must be introduced to prevent further flooding problems. The surface water attenuation outlined in the Environmental Statement (Drainage Appraisal) in relation to the polytunnels must be installed; these include each leg row having swales to attenuate run-off and polytunnel orientation to prevent direct run-off from the sites. A system must be included to monitor and action alterations to the drainage system to manage the flows to prevent surface water and silt run off which has the potential to cause a hazard to the highway user. Adjacent ditches will need to be monitored and cleaned out as and when necessary.

The drainage appraisal does state that the surface water is allowed to 'flow over grassland or through small grain crops to the field boundary and adjacent highway' – surface water onto the highway must be prevented and not allowed, flows need to be managed into water courses, ditches and swales.

Conditions/undertakings will be required for a vehicle routing agreement, assessment of routes involved and necessary improvements to be undertaken as required at the developers expense. In the locality of the proposed polytunnels, at various locations along the narrow network, the verges are being overrun in order to allow vehicles to pass. These locations need to be appraised and where necessary passing places introduced by widening the carriageway.

Although a Travel Plan was agreed previously, monitoring, enforcement and mitigation are key strategies and it isn't apparent that any mitigation measures have been undertaken.

- 4.9 PROW Manager (2010): No objection.
- 4.10 Archaeology (2010): No objection. The Archaeology Chapter of the Environmental Statement has satisfied outstanding archaeological concerns.

## 5. Representations

- 5.1 Given the planning history associated with the site many of the representations received offer detailed analysis of multiple planning applications and other events leading up to the present day. It is beyond the compass of this report to set out every response in detail and the summaries below are intended to describe the essence of the points raised, but should not be taken as exhaustive. Likewise the supporting documents offer detailed analysis that is impossible to recite in full within the body of this report. The full text of the letters of support and objection can be viewed on the following link:

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

- 5.2 Reporting consultation responses is complicated by the fact that comments received in 2010 have been superseded or otherwise amended following the recent round of consultation conducted earlier this year. Recent consultation responses reflect the period of time elapsed since the decision to grant planning permission in October 2010, the submission of new and updated material by the applicant and the publication of the National Planning Policy Framework.
- 5.3 Kings Cople Parish Council objects to this planning application. The Parish Council cannot support the application in its present form as it does not meet the criteria of sustainable development in particular relation to the scale of the development and its impact on the AONB environment. 113 signed mandate forms stating objection to this application have been submitted to the parish council by residents of Kings Cople. *[In 2010 Kings Cople PC was not able to gather a quorum of eligible people and referred the matter to the Council].*
- 5.4 Hentland Parish Council: We make no objection but recognise that some residents have expressed concern about the visual impact of the proposals and a perceived negative impact on their property values. *[In 2010 Hentland PC recorded an objection, reflecting on the inefficacy of proposed planting when viewed from elevated vantage points, the deleterious impact upon the amenity of the AONB for residents and visitors alike, the inappropriateness of Garden Field and the impact of numbers of articulated vehicles which cause damage and present a danger to other highway users].*
- 5.5 Sellack Parish Council: No objection
- 5.6 A total of 123 letters of objection have been received. In 2010 a petition of objection signed by 107 local residents was submitted under covering letter. A further petition of objection containing 583 signatures, also submitted under a covering letter, was received in March 2013. A summary of the key points raised is as follows:
- The proposal is on a scale that dominates the village of Kings Cople 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. The development is for the production of luxury soft fruit, not a staple foodstuff;  
Screening in the spring and autumn months is ineffectual and the hoops left in over winter create an industrial landscape. Kings Cople is an AONB all year round and it is spurious to imply that trees and hedges are adequate mitigation, particularly when lots of public views are from elevated ground;

- 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? 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;
- 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 and the applicant is on record as saying that it is up to Council to enforce condition;
- 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 and the cropped area is more than half of the total area that can be put under tunnels?
- 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. This is contrary to policy LA3;
- 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 fact that the polytunnels have been present over many years is irrelevant;
- 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. In allowing these tunnels to become lawful the Council allowed the baseline position to become skewed;
- The applicant 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 applicant failed to abide by conditions laid down by the quashed permission. Coverage exceeded 37.5ha of polytunnel frames, leading to the service of a temporary stop notice;
- 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;
- 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 proposed development is also contrary to Kings Cople Parish Plan, which has been adopted as Supplementary Planning Guidance and is therefore a material consideration;
- 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;
- Whilst a reduction in food miles is quoted, there is no mention of the environmental costs of producing polytunnels and polythene, the air miles associated with migration of the workforce, pumping of water for irrigation and the insensitive outside storage of polythene in sensitive areas;
- The calculations of employee expenditure in the Economic Impact Assessment are an extrapolation from a sample of seven domicile full-time employees and cannot be relied upon as an accurate assessment as to how the seasonal labour force spend their wages;
- The Economic Impact Assessment admits that most employee expenditure takes place during a weekly shopping trip in either Ross or Ledbury. This is likely to benefit national food retailers, who would be unaffected by the loss of such expenditure;
- 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 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 and have been more numerous than predicted. Delivery/collection vehicles are numerous and ill-directed;
- 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?
- Practical experience shows that landscaping will not be maintained properly and that far from being managed actively field margins have become sterile wildlife free areas. The stated benefits to biodiversity are hard to believe in this context and very difficult to quantify;
- The applicant does not respect the spirit of the SPD guidelines in relation to buffer zones and is not considerate of neighbours' amenity. Despite claiming that crops without polythene are unviable in the British climate, Pennoxstone continue to utilise the buffer zones for growing strawberries in the traditional manner. This necessitates the presence of workers inside the buffer zones, thereby rendering the buffer zones useless in practice;
- The Community Liaison Group (set up under condition 20 of the quashed permission) has not functioned in the manner envisaged;

- The petition of objection has been signed by local residents, not people with a personal or pecuniary interest in soft fruit production.

5.7 There have been a total of 247 letters of support for the proposal - 109 received in 2010 and 138 in response to the most recent consultation exercise. A 303 signature petition in support was submitted in 2010 and two petitions of support containing a total of 87 signatures received in March 2013. 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 reduce 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 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 supply chain to the soft fruit industry has grown rapidly and depends on businesses being able to plan and invest in the future with confidence;
- 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.
- The AONB should be regarded as a working landscape, not left to become a museum;
- The value of the enterprise and the jobs it supports cannot be underestimated in the current economic climate. To refuse the application would cause harm to the Herefordshire economy. No other agricultural use of the land could generate anything like the equivalent turnover.

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

5.9 The Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee: Objection.

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. 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.

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. The AONB also

considers the development large-scale, and as it cannot be demonstrated that the proposal is in the greater national interest than the purpose of the AONB designation, the development must be held contrary to UDP Policy LA1. On this basis the proposal is also contrary to paragraphs 115 and 116 of the NPPF. Paragraph 116 states that planning permission for major developments should be refused in designated areas (included AONBs) except in exceptional circumstances and where it can be demonstrated they are in the public interest. The AONB does not consider that the case has been made to support the notion that the development is in the public interest and of greater importance than the protection of the landscape for its own intrinsic beauty.

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.

- 5.10 Campaign to Protect Rural England: The CPRE reiterates its objection to the proposal in principle as it contravenes UDP Policy LA1 which seeks to prioritise the protection and enhancement of an Area of Outstanding Natural Beauty, and is also contrary to paragraph 118 of the NPPF. Supplementary Guidelines 1 & 2 of the Polytunnels SPD make it clear that in marginal cases where economic benefits are being weighed against landscape impact, priority will be afforded to the landscape over all other planning considerations. 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. Reference is also made to the erosion of verges, issues around HGV traffic, sterile field margins, litter and surface water run-off.
- 5.11 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.
- 5.12 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. The soft fruit sector is a major employer within the region and the applicant's business sustains approximately 100 full-time equivalent positions. Without polytunnels the business would cease to exist, which would be of detriment to the local economy, including those businesses who supply goods and services to the soft-fruit sector. In the current economic climate the Council should support businesses such as this and soft fruit production should be regarded as a Herefordshire success story.

- 5.13 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.
- 5.14 Hereford and Worcester Garden Trust: Objection. The general effect of this development will be to completely change the character of Kings Cople and damage the Wye Valley Area of Outstanding Natural beauty. Tourist literature should be altered to take account of another black-hole along the Wye Valley. The village appears to be under siege and any listed building, ancient monument, historic garden or recommended view is left isolated and without context. The picturesque cannot coexist with acres of polythene.
- 5.15 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## **6. Officer's Appraisal**

- 6.1 Polytunnel developments of any scale give rise to multiple material considerations. 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. The impact upon landscape character and visual amenity and the economic benefits to be derived from the growing of soft fruit can thus be defined as to the two principal and often competing issues.

### Relevant planning policies and guidance

- 6.2 The policy framework is provided principally by the Unitary Development Plan and National Planning Policy Framework (NPPF) with further detailed guidance contained in the adopted Supplementary Planning Document: Polytunnels (December 2008). The NPPF was published in March 2012. Paragraph 216 explains that in the absence of an up to date local plan, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Revocation of the Regional Spatial Strategy is imminent although its objectives are in general accord with the UDP and NPPF.
- 6.3 Herefordshire Unitary Development Plan Policy LA1 – Areas of Outstanding Natural Beauty is relevant. The policy differentiates between proposals on the basis of scale and directs that large-scale development within the AONB should be refused unless all four exceptions criteria can be met. This approach is consistent with paragraph 116 of the NPPF, which advises that major developments within designated areas should be refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 6.4 Policy LA1 states:

Within the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty, priority will be given to the protection and enhancement of the intrinsic natural beauty and amenity of the area in the national interest and in accordance with the relevant management plans.

Development will only be permitted where it is small-scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity.

Exceptions to this policy will only be permitted when all of the following have been demonstrated:

1. The development is of greater national interest than the purpose of the AONB;
2. There is unlikely to be any adverse impact upon the local economy;
3. No alternative site is available, including outside the AONB; and
4. Any detrimental effect upon the landscape, biodiversity and historic assets can be mitigated adequately, and where appropriate, compensatory measures provided.

- 6.5 It is important to note that all of the exceptions criteria must be satisfied in order for development to be permitted. It is also clear that a judgement regarding the issue of scale is highly relevant to the determination of the application. In order for large-scale development to be acceptable relative to Policy LA1 all four 'exceptions criteria' need to be met. It is clear that there is a consistent and strong approach to protection of the AONB within both the NPPF and UDP, amplified by the SPD: Polytunnels and the Wye Valley AONB Management Plan, and that AONBs rank alongside National Parks insofar as protection of their landscapes is concerned.
- 6.6 Although a significant number are relevant, it is Guidelines 1 and 2 of the Poly tunnels SPD that attract most weight for the purpose of determining 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. 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 and the NPPF.
- 6.8 The NPPF also places an emphasis on planning for a prosperous rural economy, with the planning system acting to support existing business sectors with policies that are flexible enough to accommodate needs not anticipated in the plan. Planning should support the *sustainable* growth and expansion of all type of business in rural areas and promote the development and diversification of agricultural and other land-based business (NPPF Paragraph 28). It is clear that the NPPF envisages strong support for the promotion of sustainable economic growth. Various statements within the NPPF encourage the planning system to promote and support investment in economic growth that is sustainable. It is necessary, therefore, to determine whether the application represents sustainable development. If it is concluded that the development is not sustainable, then the presumption in favour of approval should not apply.

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

- 6.9 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. The NPPF states that "great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."
- 6.10 In his decision letter in January 2008, 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.” The contention 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.

- 6.11 In recognition that the Appeal Inspector considered the use of polytunnels on the fields immediately adjacent to the River Wye unacceptable (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 of both skinned polytunnels and uncovered hoops is a means of addressing visual impact. These measures accord with Guideline 3 (Limits to Polyunnel Coverage) and Guideline 6 (Polyunnel Removal) of the SPD. Although the rotation plans submitted are indicative, the quashed permission was subject to a planning 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.
- 6.12 With the exception of Garden Field and the lawful areas in Lower Fishpool and Nursery Field, polytunnels have been removed from the west facing slopes of the Wye Valley. The consequent dispersal of the polytunnels over a wider area does, however, have some negative impacts and it is concluded 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.
- 6.13 Officers consider that as Policy LA1 relates to protection of the AONB landscape, a more realistic measure of scale is the magnitude of impact on that landscape and not an assessment of site coverage as a proportion of the entire AONB area. A 50-storey building would cover an infinitesimal proportion of the AONB area but would be capable of having an enormous ZVI and disproportionately large impact on the landscape character of the area. As stated by the Conservation Manager, AONB Unit and Natural England, the 25ha of covered polytunnels and 12.5ha of uncovered hoops, are considered to represent large-scale or major development within the local context. Whilst recognising the benefits to be derived from the use of polytunnels, officers consider it has not been demonstrated that the development is in the greater national interest than the purpose of the designation or that exceptional circumstances exist and that the proposal degrades a nationally important landscape and thus fails to meet the objectives of sustainable development as defined at paragraph 7 of the NPPF.
- 6.14 It is concluded, therefore, that notwithstanding the efforts to address the adverse impact of polytunnels upon the visual and landscape character of the AONB, the proposal is large-scale, harmful to the intrinsic natural beauty of the area and by consequence unacceptable. The proposed mitigation measures will reduce the cumulative impact to some degree, but cannot fully address 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 and will not provide meaningful mitigation from elevated public viewpoints. 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 and paragraphs 115, 116 and 118 of the NPPF. The proposal is also considered contrary to the Wye Valley AONB Management Plan (2009-2014), in that it does not observe the strategic objective that is to ‘conserve and enhance the natural beauty of the AONB.’

## The Economic Case

- 6.15 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 Appraisals submitted with the application in 2010 and 2013 explain 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 appraisals also define 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 180 staff will be taken on for picking and packing.
- 6.16 The appraisals also set 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 reports recognise 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 lower import substitution.
- 6.17 Adopting different methods, each appraisal attempts to define the economic impact of the soft fruit growing enterprise. The 2010 approach was 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 was 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.
- 6.18 The 2010 Appraisal also attempted to quantify 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 were 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
<b>LM3 Contribution to the local economy</b>	<b>£2, 869, 636</b>	<b>£1, 245, 149</b>	<b>£159, 398</b>

- 6.19 The level of contribution to the local economy is obviously larger with the use of 25 hectares of polytunnels versus 9.86 hectares. The Appraisal also 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.
- 6.20 The updated Economic Impact Assessment (2013) is summarised at 1.4.3 above. The approach adopted in this assessment is to quantify the economic benefit of the enterprise in terms of the number of jobs supported directly and indirectly, as well as induced effects, which includes expenditure by staff on goods and services in the local economy. The report concludes that the annual contribution to the Herefordshire economy in terms of Gross Value Added is £1.5 million per annum of a discounted net £12.9 million over the 10-year duration of a planning permission.
- 6.21 The Council has commissioned a report to consider the 2013 Economic Impact Assessment. Although accepting that the approach to quantifying the impacts is logical, there are some unresolved issues. These are summarised as follows:

**Negative impacts** - This study presents only positive impacts. A Strategic Economic Impact Assessment should seek to present a balanced view. This gives the applicant the opportunity to mitigate against the potential negative socio-economic impacts associated with the proposals.

**Qualitative impacts** - There is little consideration given to the qualitative economic impacts of the proposals. There are likely to be other socio-economic impacts other than Gross Value Added and job creation.

**An evaluation of social impacts** - The study does not consider the social impacts of the proposals. To what extent do the proposals contribute to the social well-being of the surrounding community? This consideration is particularly useful to draw out any initiatives which can be put in place to ensure that the positive effects of the proposed development are maximised within the community.

**Appropriate indications of baseline socio-economic conditions** - The study pays some consideration to the local economic conditions but the indicators chosen are not necessarily the most appropriate indicators for the evaluation. Levels of unemployment and an index of multiple deprivation would be appropriate indicators to illustrate baseline socio-economic conditions. The economic effects of GVA and job creation are more significant in deprived areas. If there are low levels of deprivation and unemployment, it is harder to justify the socio-economic effects of a proposal as significant.

**Consideration of the significance of the effects** - The proposals produce 102 jobs. As a majority of these positions are filled by temporary inward migration, the local effects are considered to be less significant than if the jobs were filled by the local pool of unemployed labour. It has also not been possible to verify the stated £2.4 million

- 6.22 As described above in the weighing up the main 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 comparatively 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) would be offset by increased production elsewhere.
- 6.23 Therefore, whilst the economic benefit to the Herefordshire economy is not inconsiderable it must, in accordance with Policy LA1 and SPD Guideline 2, be weighed against the negative impact of the development upon the landscape character and visual amenity of the AONB. It is the view of officers that the conservation and enhancement of the natural beauty of the Wye Valley AONB should, in accordance with the strategic objective of the Wye Valley AONB



Management Plan, take priority. 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.

### Other matters

#### Transport and drainage

- 6.24 The Traffic 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 Travel Plan was agreed pursuant to the quashed planning permission, although it is clear that there are fundamental concerns locally as regards the ability of the network of relatively narrow country lanes to accommodate the volume of HGV traffic at the peak of the season. 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 also the case that a routing condition imposed on the quashed planning permission fails to meet the test of enforceability.
- 6.25 With regard to the concerns raised about drainage, these were addressed satisfactorily within the original Drainage Appraisal, which was agreed with the Environment Agency. It is apparent, however, that significant concerns remain regarding the control over the management of surface-water run-off and in the event of approval this matter would require further consideration.

#### Residential amenity

- 6.26 A significant number of objection letters have commented upon the impact that large-scale polytunnel development has upon residential amenity. 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.
- 6.27 Policy DR2 seeks to ensure that development respects the amenities of existing neighbouring uses. 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.) 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.
- 6.28 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.
- 6.29 It is the case, however, that during the period when the planning permission was operable, the buffer zones were used for the growing of soft fruit in the traditional, uncovered manner. Although this activity is lawful in the context that it represents agricultural use of agricultural land, it is considered contrary to the objectives underpinning the introduction of buffer zones as a means of ameliorating the impact of polytunnel development on residential amenity. The growing of uncovered soft fruit within the buffer zone requires the presence of substantial numbers of workers and vehicle movements – an effect that the buffer zone concept seeks to address.

- 6.30 If buffer zones are respected, and a commitment to not use them for traditionally grown soft fruit would assist in this regard, the impact of the development upon individual residential properties and the wider setting of Kings Cuple is not considered so significant as to warrant refusal under Policies DR2 and LA3.
- 6.31 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, the Grade II listed stables at Pennoxstone and the Scheduled Ancient Monument, it is considered that development in Windmill Field has the most significant bearing. 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

- 6.32 Notwithstanding that the scale of polytunnel development would be limited by condition to 37.5 hectares at any one time (25 hectares covered; 12.5 hectares of hoops), the proposed locations are not, in the light of the statutory duty to have regard to the purpose of the AONB designation, considered acceptable. The progress made in attempting to mitigate the identified harm is recognised and the economic benefits derived from the use of polytunnels noted. It is concluded, however, that the development is large-scale and a discordant feature within a landscape of national significance and thus contrary to the purpose of the designation which is to conserve and enhance natural beauty. For this reason the application is recommended for refusal as being contrary to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan, Guideline 2 of the Polytunnel Supplementary Planning Document and Paragraphs 115 and 116 of the NPPF.

## **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, Guideline 2 of the Polytunnel Supplementary Planning Document 2008, and paragraphs 115 and 116 of the NPPF, the proposal is considered unacceptable. The scale of the development is large in relation to the sensitive landscape of the Kings Cuple spur and has a negative visual impact from surrounding elevated areas. The dominance of the polytunnel coverage across this spur of land is a significant detraction from the natural beauty of the local landscape as part of the Wye Valley Area of Outstanding Natural Beauty.**

**With specific regard to Unitary Development Plan Policy LA1 it is concluded that the development is not small-scale, would adversely affect the intrinsic natural beauty of the landscape, is not necessary to facilitate the economic and social well-being of the designated area and the community and does not enhance the quality of the landscape or biodiversity. It is not demonstrated that the proposal is in the greater national interest than the purpose of the AONB designation and the impact is not capable of adequate mitigation. It is not demonstrated, therefore, that the proposal accords with the stated exceptions to the presumption against large-scale development within the AONB.**

**The acknowledged contribution of the business to the local economy is not considered to outweigh the identified harm to the Wye Valley Area of Outstanding**

**Natural Beauty.**

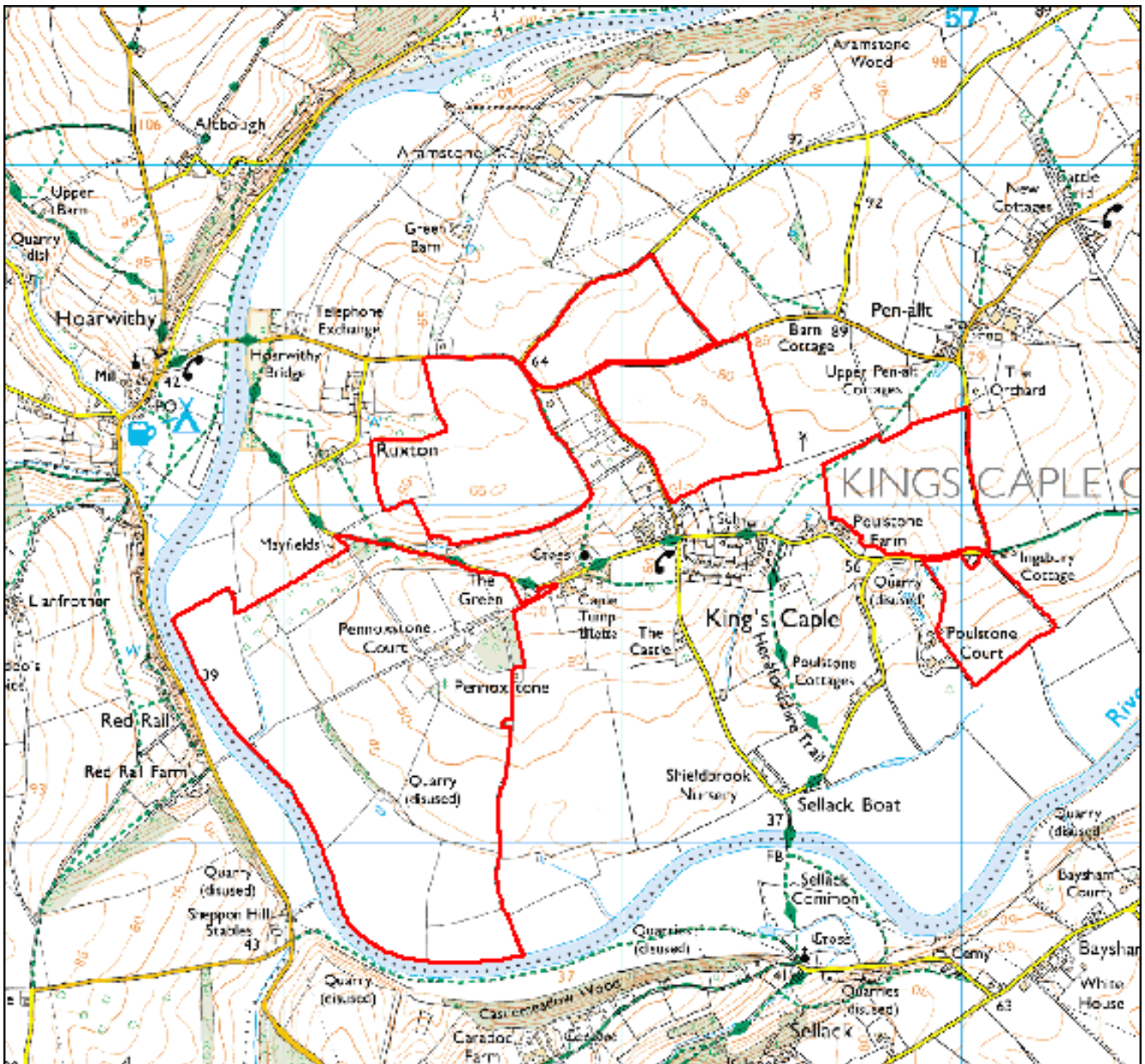
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DMSE/100966/F

**SITE ADDRESS :** Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005