

Town and Country Planning Act 1990

In the matter of appeals by NJ & IE Cockburn

**In relation to the unlawful development and use of polytunnels at
Pennoxstone Court Farm, Kings Capse, Herefordshire HR1 4TX**

**Appeal no. APP/W1850/A/13/2206633 &
APP/W1850/C/13/2206638**

**Matter no. DMSE/100966/F
E/2013/001901/ZZ**

PROOF OF EVIDENCE OF JULIE BRANDRAM JONES

1. My name is Julie Brandram Jones of Hill Cottage, Kings Capse HR1 4UA. I am a Ground Transport Consultant at PGL Travel. Charles, myself and our family have lived at the above address for 25 years. I am one of the Kings Capse Rule 6 residents. Charles and I have made representations opposing the use of polytunnels at Pennoxstone Court Farm since 2005 orally and in writing. I am a member of Kings Capse Parish Council.
2. I have read Charles' proof. I agree and support everything stated in it along with the written representations attached to his proof. I would like to raise certain specific representations in relation to my personal situation:
3. I moved to Kings Capse 29 years ago to live with Charles. We spent the next 4 years building our house, Hill Cottage, in which we still live. The house is surrounded by farmland, is in an Area of Outstanding Natural Beauty (AONB) and is south facing with views across the valley to Ross on Wye. Charles set up business in a purpose built workshop at the back of the house as a self-employed clock restorer. We had two children, Jasmin and Rosie and in theory we should have lived happily ever after. However, in 2005 the field adjacent to our home (George Harris Field) was rented to Neil Cockburn, a local farmer and a lifelong friend of my husband, who needed land on which to site his polytunnels for soft fruit growing.
4. Almost overnight our environment totally changed as we found ourselves living within an agricultural industrial development. The land was covered

in harsh black plastic before being chemically sterilised and then 12 foot tall metal structures were erected by an army of workers and machines. The structures were then covered with polythene - polytunnels! Our once beautiful aspect and amenity was obliterated. We looked out of our windows and could see only polytunnels and the sky, virtually nothing else. There was a small area that had been kept polytunnel free but the Appellants planted sunflowers as ground cover for his shooting club here. This blocked the view and totally hemmed us in.

5. The access into the field was next to our house, the track for the vehicles and pickers was established within a foot of our garden boundary and the collection point was directly in front of us. All of these were in constant use. We have also suffered from piles of smelly rotting strawberries when they were not fit to be sold and the hedgerows being used as a toilet when workers declined to traverse the field to get to the portaloo. All in all it was horrible.

The effect on my husband's health and business

6. The effect on my family was devastating. Charles, who had spent almost 20 years restoring clocks in his workshop at the back of the house was no longer able to work because of the constant noise and interruption caused by the workers and the vehicles. He did try but was unable to maintain a high level of concentration for the intricate work he was doing. For example he could spend many hours painstakingly cutting a single cog for a long case clock only to make a slip as his concentration was disturbed and he would then have to start all over again.
7. It was like living with a person I didn't know, he became very distressed and ultimately ill and unable to work so that the lack of income became an added problem. Our relationship suffered enormously and I came very close to taking the children and moving out. Our GP, Dr Vanessa England, greatly assisted. She dispatched Charles to see a Consultant Psychiatrist and he was formally diagnosed with Aspergers Syndrome or higher functioning autism (he has a very clever brain but it does not function in a neuro-typical way). This explained why Charles was particularly susceptible to the repeated noise and disruption caused by a

large number of workers and the extensive vehicle movements needed to service the crops growing under the polytunnels: see JBJ1. That said, I am aware that the noise and disturbance is of concern for many local residents.

8. The early approach of the Council to the polytunnels was that the Appellants had signed up to a 'Voluntary Code of Practice' and so did not require planning permission. This was hopeless, the Appellants did not then conform to the code: for example, tunnels were sited within 12 metres of our house when the code specified no closer than 50 metres; they were in the field for a total of 5 years when the code specified no longer than 2 years, and so on.

Lack of protection

9. Personally, one of the most damaging aspects of the 8 years we have lived with polytunnels is the overwhelming sense that we are unprotected and powerless and that, although there are guidelines, regulations and conditions the Appellants regularly ignore them with the Council ineffective in its control. We have had the 'voluntary code'; the Inspector's conditions of 2007; the Supplementary Planning Document (2008); and the conditions attached to permission DMSE/100966/F. We have suffered breaches of all of these. Generally, the Council acknowledges the breaches but does not take enforcement action because it is 'not expedient' to do so. As a consequence I, and many members of the community, feel vulnerable and powerless. This becomes a form of mental torture which has caused constant distress, stress, worry and concern. On their Appeal Form the Appellants accuse the Council of not complying "with its obligations to engage in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application subject to this appeal". I disagree. The Council have been exceptionally lenient regarding his operation: see e.g. the letter Councillor Durkin to Chris Bull JBJ2.

My Children

10. When the polytunnels were first erected our daughters were 10 and 13 years old. They are now 19 and 22. They were both adversely affected by the changes to their home environment and the strain upon their parents. For example, they always spent a lot of time in the garden but suddenly they stopped because the large numbers of workers in very close proximity frightened them (indeed it is unnerving for adults). Also, we could only use the sitting room with the curtains closed because the steady stream of workers filing past our house would stare directly into the room. Their father was under huge pressure and unable to work and I was struggling to cope with this. It was particularly hard for them to understand how our very close family friends could inflict this upon us.

The effect on my health

11. My health has been affected by the polytunnel operation surrounding my house. For 8 years I have taken anti-depressants (Citalopram) and have had regular counselling, most recently in 2013 with a BACP Counsellor. I have also had problems with Bruxism caused by stress. I do this quite severely and have broken two of my teeth. I take Diazepam at night when it is particularly bad and I have also been a regular patient of The Whites Dental Practice in Cardiff, specialists in Bruxism. In 2013 I had a course of treatment with a hypno-therapist. These health issues are a direct result of the stress caused by the polytunnels.

Lack of communication with the Appellants

12. In the early days I tried very hard to keep lines of communication open with the Appellants as we had been such close friends previously. However, they were intransigent. They were not prepared to accept that their farming operations were having such a devastating effect on our lives. In fact they appeared to go out of their way to goad my husband knowing that he was very upset and that he suffered from Aspergers. Whatever issues we raised with the Appellants they sought to portray us as unreasonable trouble-makers rather than making any attempt at fair resolution. I was open and honest with them and tried to be the voice of

reason. By way of example, one Sunday morning we were woken at 5:30 am by a tractor coming into the George Harris Field. Charles wanted to telephone the Appellants there and then to wake them up too. I didn't let him but instead rang Neil Cockburn later on that morning. Neil promised to have a word with his tractor driver so that this didn't happen again. The very next morning at 5:30 am the tractor driver woke us again and this time he actually stopped by our bedroom window and revved his engine. We felt that the Appellants have treated us in a provocative way: see e.g. the email from Ed Thomas, Planning Officer, 16/03/2011, expressing this opinion JBJ3.

13. We felt bullied and intimidated and we know that there were others in Kings Cople who also felt bullied and intimidated; indeed there are still a fair number of residents who are reluctant to speak out against the Appellants' operations because they are fearful of reprisals. Many issues could have been dealt with by a Community Liaison Group however, even though it was part of the conditions for permission no. DMSE/100966/F, the Appellants failed to set up any effective mechanism for the community to raise issues.

The present position

14. The polytunnels were removed from George Harris Field in front of us in 2009 but were then sited in the Old Sward Field behind us in 2010. No screening has been planted to block our direct view onto the polytunnels in Old Sward. At one time we were told that straw bales would be used but what we actually got was some wooden posts with coconut matting pinned in-between. This solution lasted for one season as the matting fell down in bad weather. It was ineffective in any event being largely transparent and covering a small area; if you moved your head slightly to the left or slightly to the right you still had an unrestricted view of many hectares of polytunnels. The buffer zone for this field, which is intended to give us some protection, is totally ineffective because, amongst other things, it is filled with strawberry plants and therefore attracts just as many vehicle movements and man hours as the strawberry plants under polythene.

15. My personal view is that rather than continue to blight the locality, the Appellants should look to find an alternative site for their polytunnels that is away from homes and does not adversely affect the locality and the AONB. Unfortunately, the Appellants have shown time and time again that they are unwilling to adhere to conditions put to sufficiently mitigate the harm caused by their operations and they have demonstrated that they have no respect for the local community. The argument that jobs will be lost and people will go out of business if they are not allowed to use Poly tunnels in Kings Caple is an emotional red herring. If the Appellants are permitted to use polytunnels as sought my home will be totally surrounded by polytunnels see e.g. the plan at JBJ4.
16. For the above reasons, I, along with many other residents, have continuing concern about the Appellants' operations and use of polytunnels and, the adverse effects they have on the locality and community and ask that the appeals are dismissed.

14.4.14

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APPENDICES TO THE PROOF OF JULIE BRANDRAM JONES

JBJ

1. 6.2.14, letter Dr Vanessa England MB, BS, MRCGP, DFPF, Dip Ther.,
Much Birch Surgery, Herefordshire HR2 8HT
2. from Barry Durkin (Ward Councillor) to Chris Bull (Chief Executive,
Herefordshire Council. 27/03/2013
3. Email from Ed Thomas (Planning Officer) to Tony Aspbury (Appellants
Agent) 16/02/2011.
4. Map DLA 1359/30 DMSE/100966/F site boundary.