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Mr Edward Thomas  
Herefordshire Council  
Planning Services  
PO Box 230  
Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB

12<sup>th</sup> March 2013

Dear Mr Thomas,

**Planning Application 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).**

**Pennoxstone Court Farm, Kings Caple, Herefordshire HR1 4TX**

The site of the proposed development lies within the boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its national landscape importance. The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the landscape.

The Wye Valley AONB Unit submitted a detailed objection response on the original application, dated 31<sup>st</sup> May 2010, and would like this to be reconsidered in reaching a decision on this application. The reasons for objection set out still apply to the re-determination of this application and will not be repeated here.

Our major concern with the resubmitted application is with the applicant's argument that this is 'small scale' development that is consistent with Policy LA1 of the Herefordshire Unitary Development Plan. The proposal is for 25ha of polytunnels at any one time, with 45ha of land to be covered at some time during each year. The total area affected is 83ha. There is no way that this can be considered to be small scale by any interpretation of the words. The main argument, put forward in Section 5.2.12 of the Planning Statement, that this is small scale because it forms a small part of the overall AONB is, in our view, totally unreasonable. The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2010 states that any development of buildings over 1000m<sup>2</sup> or of an overall size of over 1ha should be considered to be major development. Therefore it is reasonable to assume that developments such as this one, which are well over that size, are major and cannot therefore be considered to be small scale. The

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One of the  
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{ DYFFRYN GWY  
Un o'r  
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application later states that Pennoxstone Court makes a “relatively small” contribution to the soft fruit industry but that this should be given weight. The application also states that “there are no subdivisions of the designated Area” and subsequently make the calculation of the area of the application as a percentage of the whole AONB. The AONB Management Plan clearly identifies Landscape Management Zones (LMZ), based on the County Landscape Character Assessment, with this application falling within LMZ 5 - Kings Caple Lowlands.

If the development is not considered to be small scale, then it is contrary to the main clause of Policy LA1 of the UDP. In relation to the exceptions in that policy, we are not convinced that the development has been shown to be of greater national interest than the protection of the AONB. The same service could be provided in a different location outside the AONB and the application states that the soft fruit industry is a national, if localised, industry. We also have concerns over the adequacy of the proposed mitigation to reduce the impacts on the character and appearance of the AONB. Whilst the mitigation will help to screen the polytunnels there will be some residual impact on the AONB.

Since the application was originally submitted the National Planning Policy Framework (NPPF) has been published. In order for the application to be supported by the NPPF it must meet the requirements of, amongst others, Sections 14, 115 and 116.

Section 14 of the NPPF relates to the presumption in favour of sustainable development. In order to comply with this section the application must be in accordance with the requirements of the Development Plan. As stated above, the application is clearly contrary to Policy LA1 and therefore the presumption does not apply. It is misleading for the applicant to state in Section 4.7 of their Planning Statement that there is ‘no doubt’ that the development constitutes sustainable development. The balance of evidence given between the three strands of sustainable development is far from even, with, for example, no clear community benefits identified for the local residents of Kings Caple.

Section 115 of the NPPF requires great weight to be given to AONB status and implies that applications must demonstrate how the weight given to other issues outweighs the great weight given to the AONB and to landscape and scenic beauty. Whilst the applicant has provided details of economic and wider community benefits, we are not convinced that these are of sufficient national importance to outweigh the national importance given to AONB status.

Section 116 relates to major developments in AONBs and should be applicable due to the scale of the development proposed. Major developments in AONBs should only be allowed in exceptional circumstances and where they can be demonstrated to be in the public interest. It is unclear from the application why exceptional circumstances exist in relation to this application and why it is in the public interest that this particular site is developed for the proposed purpose. For example, arguments in relation to wider community benefits from eating more soft fruit, health benefits and reducing food miles may be important, but

they do not demonstrate direct community benefits from allowing development on this particular site as opposed to any other.

The AONB Management Plan 2009-2014 seeks to create a balance between the needs of farming, among others, and conserving and enhancing the character and appearance of the landscape of the AONB. In this case some of the policies could be used either to support or oppose the application, with the key question being how the balance should be struck. As the Management Plan points out in Section 4.5, where there is conflict between objectives then the primary purpose of AONBs to conserve and enhance natural beauty should take precedence. This was set out in more detail in the 2010 response. Our view remains that this application should be determined in favour of the nationally protected landscape, natural and scenic beauty and therefore the application should be refused.

Yours sincerely



Andrew Blake  
Wye Valley AONB Officer