
Appeal Decision

Site visit made on 20 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 March 2017

Appeal Ref: APP/J3720/W/16/3161860

Old Pastures Farm, Stratford Road, Hampton Lucy, Warwickshire CV35 8BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Mauro against the decision of Stratford on Avon District Council.
 - The application Ref 15/03650/FUL, dated 5 October 2015, was refused by notice dated 29 April 2016.
 - The development proposed is described as 'Erect 4.63 hectares of poly tunnels for Baby Leaf Salad and Oriental Vegetable production. At present the Old Pastures Farm is used for general arable and field scale vegetable production, notably outdoor oriental vegetables and baby leaf salad crops, covering 39.4 hectares (97.35 acres) of land. Valefresco Ltd is proposing the development of 4.63 hectares (11.44 acres) of poly tunnels to produce Baby Leaf Lettuce and Oriental Cabbage. The roof area of the poly tunnels will extend to some 46,332m², with an average rainfall of 600mm it is planned to harvest a minimum of 75% of that rain which will total some 20,489m³ (4,586,868 gallons) and store it in the existing reservoir and tanks, thereby reducing the quantity of water abstracted from the River Avon and boreholes'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the time that has elapsed since the planning application that is the subject of this appeal was refused, the Council have adopted their Core Strategy¹. Both parties have considered this change in their representations.
3. My visit to the site was carried out as an access required site visit. Following this, I visited the National Trust property of Charlecote House. I was allowed in the property and its gardens but was not accompanied.

Planning Policy

4. Policy CS.5 of the Core Strategy states that the landscape character and quality of the District will be maintained by ensuring that development takes place in a manner which minimises and mitigates its impact. Development will be permitted where it has regard to the landscape, protects landscape character, and measures are incorporated into schemes to enhance and restore the local landscape character. In terms of visual impact, development will be permitted where landscaping proposals are incorporated to reduce predicted harmful

¹ Stratford-on-Avon District Core Strategy, July 2016

visual impacts and enhance the landscape. Although not referred to in the decision notice, Policy CS.8 states that the District's heritage assets and their setting will be protected and enhanced. Policy AS.10 states that in the countryside all proposals will be thoroughly assessed against the principles of sustainable development, including the need to minimise impact to the character of the local landscape. A building or structure related to agriculture where it is required for such purposes is acceptable in principle. Policy CS.22 states that opportunities for business development will be provided in the countryside, including farm based activities in accordance with Policy AS.10.

5. The National Planning Policy Framework (the Framework) states as a core planning principle that planning should contribute to conserving and enhancing the natural environment and 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.
6. Section 66 (1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting. Paragraph 132 of the Framework says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed by development within its setting.

Main Issue

7. The main issue in this case is the effect of the proposal on the character and appearance of the area, including any effect on the setting of nearby heritage assets, and if there are any such effects, whether they would be outweighed by the benefits of the scheme.

Reasons

Character and appearance

8. The proposed poly tunnels would be sited within a field to the west of the village of Hampton Lucy and to the east of Alveston. The field adjoins an existing area of poly tunnels on its western side, and skirts around Tile Barn Farm in its south east corner. The site is accessed from an existing track to the north, and a public footpath from Hampton Lucy to the River Avon runs along the southern boundary of the site.
9. The area immediately surrounding the site is relatively flat and low lying, lying within the lower areas of the Avon valley, which lies to the south, west and east of the site. To the north of the site the land rises. Field boundaries are generally formed by lines of trees or hedgerows. Due to the site's location in the river valley views are often open and fairly extensive, particularly from the higher ground to the north. A submitted Landscape Report (LR) states that the site lies within the national character area of the Severn and Avon Vales, which in part is characterised as a diverse range of flat and gently undulating landscapes strongly influenced and united by the Severn and Avon rivers. At a local level the site lies within the Terrace Farmlands Local landscape type of the Avon Valley regional character area. This is defined as a flat open intensively farmed landscape, dominated by intensive arable production, typically in large

geometric fields, with commercial horticulture increasingly important in the area below Stratford. A further classification commissioned by the Council defines the area as 'LCP HM06' with a large and regular field pattern currently used intensively for horticulture.

10. The proposed polytunnels would cover some 4.63 hectares, and are set in rows of tunnels which have an eaves height of around 4.5m, with arched roofs extending to a height of some 6.3m tall. Each tunnel is around 8.8m wide. This sizing would be the same as the existing adjacent tunnels, and the site appears to cover roughly the same ground area as the existing poly tunnels. The LR considers that the proposal would have a moderate/minor adverse impact on landscape character, minor adverse to no impact on topography and landform, and minor adverse to no impact on natural heritage. Given the character of the area as a low lying, intensively farmed landscape and the small scale of the proposal relative to the surrounding local landscape type and the existing adjacent polytunnels, I agree with such conclusions.
11. The polytunnels would be visible from various viewpoints; clear views would be had from much of the road to the north of the site from Hampton Lucy to the Warwick Road (viewpoints 5, 6 & 8). Longer distance views would be possible from viewpoint 9 on the higher land to the north and from localised points further to the south (viewpoints 11 & 12). Closer views would be available from the public footpath which adjoins the site on its southern side (viewpoints 1, 2, 3, & 4). From viewpoints 1-4, I consider that, with suitable mitigation in the form of planting, there would be little fundamental changes in views. Although the area covered by polytunnels would increase in scale, this would not significantly alter the views which are already affected by the existing polytunnels.
12. Viewpoints 5, 6 and 8 would be affected more; the LR concludes that the proposal would have a major/moderate adverse impact on such views, a conclusion I agree with. In such locations the increased scale of the overall area of polytunnels would be evident, although they would be seen within their agricultural context. The LR also considers that there would be a moderate adverse effect on views from location no 9. However, in this respect, I disagree with the LR. At present the view from this point is far reaching due to the height of the location, set above the Avon valley. The existing polytunnels draw the eye in this view; the reflection from the plastic covering makes the tunnels appear more prominent, especially in sunshine, and despite their agricultural use, they appear as an alien feature in the wider landscape. The greatly increased area of polytunnels proposed would significantly increase this adverse effect. The appellant considers that similar effects are also caused by agricultural development not requiring consent, such as plastic sheeting or cloches. However, I consider that the increased height of the polytunnels would have a greater effect on long distance views than other such features.
13. To counter these effects the LR proposes fairly substantial and wide ranging landscaping planting including a mixed native hedge along the north, east and southern boundaries of the appellants land. Such a hedge would grow to and be maintained at 4m. It is also proposed to plant native trees to supplement the hedges and plant a mixed native woodland belt with shrub underplanting along the boundaries of the tunnels to a width of 20m. It is proposed to plant a percentage of extra heavy and heavy standard trees along the boundaries of the appellant's land, with 10% of the woodland belt being heavy standard

trees. This belt would be planted in a grid at 3m centres. Such landscaping would tie in with and enhance existing landscaping measures, much of which had fairly recently been undertaken at the time of my visit.

14. The LR demonstrates that the proposed planting would shield many of the views from the road to the north of the site (viewpoint 5), and viewpoints 6 and 8 would be similarly mitigated. However in this respect I note that it would be a considerable amount of time (15 years in the submitted montages) until such effects were achieved. Furthermore, the proposed planting would have little effect on the views from location 9, due to the height of this viewpoint and its overlooking views over the tops of the polytunnels, from where the development would remain noticeable in the low lying landscape.
15. In summary I consider that the development would have harmful visual impacts which would not be fully mitigated by the proposed landscaping proposals and would not minimise impact on the character of the local landscape. I therefore consider that the proposal would be contrary to the objectives of Policies CS.5 and AS.10 of the Core Strategy.

Heritage Assets

16. A range of heritage assets lie in the vicinity of the appeal site, including the Charlecote and Hampton Lucy Conservation Area and the Grade I listed buildings of the Church of St Peter Ad Vincula in Hampton Lucy and Charlecote Park. The park and gardens of Charlecote Park are grade II* listed registered parks and gardens.
17. The proposal has the potential to affect the setting of such assets; the Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
18. Charlecote Park is a 16th century country house, extended in the 19th century. The house has a long straight access drive to the east, and has a U plan layout facing towards the access. The 19th century symmetrical western elevation has three gables with two large stacked 8 light mullioned windows, which serve a dining room and a library. The windows front a parterre, which leads to steps down to the Avon. The house lies within its gardens and pleasure grounds; the listing notes the views to the south west, west and north west from the terraces across the parkland to the west of the river and towards Hampton Lucy Church. The axis of the entrance avenue is projected to the west of the river by a double avenue of horse chestnuts. Views from the terrace and from inside the dining room and library take in the landscape west of the river, including the treed avenue. The existing polytunnels are clearly visible in such views, and although not dominant, still appear discordant in the surrounding landscape.
19. The development of a further area of polytunnels, closer to the house and its parklands would increase the adverse effect of the house and gardens to the overall area of polytunnels. The LR shows that due to landscaping mitigation, many such views could be well hidden by year 15. Nevertheless, harm to the setting of the house and the parks and gardens would be caused for these initial years, thus causing harm to the significance of the heritage assets. A key part of the setting of the house is its positioning within its gardens, pleasure

grounds and parkland, as well as the rural landscape, and a period of up to 15 years remains a significant period of time.

20. In the context of paragraphs 132-134 of the Framework, I consider the harm caused to the significance of both Charlecote Park and the listed parks and gardens to be less than substantial. I have reached this conclusion due to the distance between the heritage assets and the appeal site. For the same reasons the proposal would fail to protect and enhance the District's heritage assets and their setting and would be contrary to Policy CS.8 of the Core Strategy.

Benefits

21. The appeal site occupies Grade I agricultural land and would enhance agricultural productivity and competitiveness, extending the growing season and increasing the proportion of home grown food that is consumed in the country. The appellant details how they already contribute some £20million to the local economy and have created over 50 full time jobs, with over 200 people employed at peak times across their holdings in two counties. The appellants also estimate that the proposal would generate a saving of 50,000 lorry miles a year compared with existing operations. I also note that the polytunnels effectively sit on the landscape, and can be removed after their use has expired, leaving no discernible mark on the long term character of the landscape and have other benefits in terms of water resources, and reducing need for artificial pesticides and fertilisers. Ecological benefits would also be accrued through the proposed landscaping scheme. When taken together I place material weight on the environmental, economic and biodiversity benefits of the proposal.

Conclusions

22. Decisions must be made in accordance with the development plan unless there are material considerations that indicate otherwise. I place material weight on the benefits of the proposal that I have identified above. The Framework identifies as a core planning principle that planning should proactively drive and support sustainable economic development and support thriving rural communities.
23. On the other hand, for the reasons identified above I consider that the proposal would harm the character and distinctiveness of the local countryside. The proposal would be contrary to further core planning principles of the Framework that planning should recognise the intrinsic character and beauty of the countryside and conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this (and future) generations. Whilst the proposed landscaping would mitigate such effects on the identified heritage assets for future generations, such mitigation would take a reasonable time to establish, during which time less than substantial harm would be caused. Less than substantial harm does not equate to a less than substantial objection. In respect of long distance views I do not consider that proposed landscaping would mitigate the effects of the proposal, and given the topography of the area nor do I consider that an alternative scheme would be likely to be successful in this regard. When taken in the round the harm caused by the proposal would be substantial.

24. When considering all this together I consider that the proposal, as well as being contrary to the development plan policies that I have identified in paragraphs 15 and 20, would also be contrary to Policy CS.1 of the Core Strategy in that when taken as a whole the proposal would not contribute towards the character and quality of the District and would thus not constitute sustainable development. For the same reason, the proposal would also be contrary to the Framework which seeks to promote sustainable development.
25. I therefore conclude that the benefits of the proposal, public and otherwise, do not outweigh any harmful impacts, having particular regard to the effect on the character and appearance of the landscape and the effect on heritage assets.
26. I note the appellant's views over the decision making process of the Council when considering the application at their Planning Committee. I have dealt with the appeal on its own merits.
27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR