
Appeal Decision

Inquiry held on 16 – 18 April 2019

Site visits made on 13, 18 and 19 April 2019

by Helen Heward BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2019

Appeal Reference: APP/D0840/W/18/3204420

Land at Pengwedna, Breage, Helston Cornwall TR13 0AZ

- 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 Richland Foods Limited against the decision of Cornwall Council.
 - The application Ref: PA17/04129 dated 2 May 2017 was refused by notice dated 22 February 2018.
 - The development proposed is described as “erection of agricultural buildings for free-range egg production with associated feed bins, hardstanding and access”.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. Prior to the Inquiry the Council formally withdrew the second reason for refusal on the Decision Notice.
3. At the time that the Council made its decision the National Planning Policy Framework (Framework) 2012 was in place. By the time the Inquiry was held the updated Framework, February 2019 had been published and was addressed by the main parties in their evidence.

Regulatory framework

4. The application for development for housing 116,000 free-range birds is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011 (the Regulations)¹. An Environmental Statement (ES) accompanied the application. Regulation 3(4) places a statutory obligation on the decision maker before issuing a decision to have regard to the environmental information, particularly that contained within the ES, although not limited to that alone.
5. The proposal is also subject to the Environmental Permitting (England and Wales) Regulations 2016 as amended (EPR). This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, including through the application of Best Available Technique enabling improvements in environmental performance. The EIA documentation formed the basis of an application to the Environment Agency (EA) and a draft Environmental Permit (EP) has been issued.

¹ The 2011 Regulation provisions are applicable under transitional provisions where Scoping was done prior to the 2017 Regulations

Additional information

6. In this case, additional environmental information for EIA purposes was submitted to the Council in July 2017 in response to a request made by the Council under Regulation 22. The information included additional Landscape and Visual Impact material prepared by Anne Priscott Associates Ltd. With all of the additional information the Council considered the ES satisfactory and proceeded to determine the application.
7. Given the passage of time between the application being submitted and the appeal being heard it was agreed between the Council and the Appellant that the Appellant would update landscape impact work. The Appellant opined that as this was EIA development this would necessitate the ES being updated and submitted a written request to the Planning Inspectorate (PINs) that the Inspector request that this be undertaken. No such request was made. PINs issued an adequacy statement on behalf of the Secretary of State.
8. Nonetheless, on 28 February 2019 the Appellant voluntarily submitted a new Landscape and Visual Impact Assessment prepared by Tyler Grange (TG LVIA). The Council and Rule 6 Party objected to its late submission and lack of consultation. At the Inquiry opening the Appellant requested a Ruling on the requirement for the TG LVIA.
9. Although some time had elapsed since the previous LVIA was prepared that in itself did not necessitate the need for an ES update. The Council and Rule 6 Party had criticised the original LVIA in the ES, but criticism does not necessarily equate with a lack of adequacy either.
10. The description of development, and landscape and visual baselines in the TG LVIA had not materially changed. There were no submissions that there were significant amendments requiring reassessment. PINs, on behalf of the Secretary of State, had reviewed the EIA documents, found them to be adequate for the purposes of the Regulations and had not found a need to request further information.
11. There was no dispute about the content of the ES in the Statement of Common Ground. Paragraphs 1.5 and 1.6 of the TG LVIA refer to the adequacy of the previous information and note that the Officer's Report concluded that despite comments from the landscape officer, local objections and representations, the Planning Officer was able to conclude that that the proposal had sufficient information to allow an understanding of the implications of the proposal. It had been assessed on this basis.
12. The TG LVIA did not address issues dealt with by other chapters of the ES. The Appellant's planning consultant for the appeal had reviewed the TG LVIA and did not consider that it had implications for other chapters of the ES. The Appellant had not publicised the TG LVIA as an update to the ES.
13. I concluded that the TG LVIA was not required to make the ES adequate. To all intents it appeared to me that the TG LVIA was no more or less than additional evidence for the purposes of assisting the Appellant's presentation of their case at the Inquiry.
14. By intent or by error the TG LVIA had been submitted voluntarily. No matter how this had come to be it fell to be considered under Regulation 22(2) as "*any other information*" provided for the purposes of an inquiry where statutory

publication requirements under Regulation 22(3) to (9) do not apply. Such an interpretation is supported by advice on the Planning Practice Guidance website². I ruled that the TG LVIA was not required as additional environmental information under Regulation 22.

15. Paragraph 1.2 of the TG LVIA advises that the report assesses the effects of the proposed development and addresses the relevant issues highlighted by the Council and third parties in respect of the material that accompanied the original application. In this way it was of assistance to the Inquiry in trying to address matters that would have arisen at the Inquiry in any event.
16. Moreover, the Council and Rule 6 Party were aware of the submission of the TG LVIA by 1 March 2019. Extra time was allowed for them to consider the information and it was addressed in their evidence. Therefore, taking all the facts into consideration, and having regard to the Wheatcroft Principles, I did not consider that any party was prejudiced by the submission of the TG LVIA and the Inquiry was held.

Presentation of photographic evidence

17. Before the Inquiry I asked the parties to clearly set out their methodology and requirements for viewing submitted images. I noted on my pre-inquiry site visit that certain trees in the actual views appeared larger to my eye than they did when viewing the Appellant's printed images. At the Inquiry opening both the Council and Appellant's landscape witnesses agreed that there were some minor limitations with how their photographs had been printed. I have borne this in mind and arrived at my own judgements from what I saw on my site visits together with all the evidence before me.
18. The Council's landscape evidence includes several viewpoints from the private properties of Pryors Cottage and Kus Skewes Farmhouse, adjoining the site. It was no part of the Council's reasons for refusal that the proposal would adversely affect the outlook from private dwellings. With the agreement of the main parties I struck out the Council's photographs 12 a-d and 13a-c at Appendix 4. I have had no regard to them and related comments in the Council's Landscape Proof of Evidence.

Clarifications

19. Several documents and plans refer to or indicate the red line around the proposed built form and access only. During the application the red line was amended and extended to include land required for the ranging areas and this is how I have considered the proposal.
20. For building 4 the 'pop holes' would all be on the same side as the ranging area. A drawing submitted with the application showing hedge losses in magenta and proposed hedge creation in green (overlaid on the site location plan) contains some inaccuracies. The Council and Rule 6 Party raised no objection to the submission of Dwg No 11529/P12 at Appendix 7 of the Appellant's Landscape and Visual Proof of Evidence. A ridge and furrow construction across the site, as indicated at page 7 of the ES Regulation 22 additional information was no longer part of the proposals. Details of how new

² Paragraph: 048 Reference ID: 4-048-20170728 Revision date: 28 07 2017 See previous version

Cornish hedgebanks would be constructed were clarified. I have borne all these factors in mind in determining the appeal.

Main Issue

21. The main issue is whether the proposed development would safeguard the character and appearance of the site and locality.

Reasons

Landscape value

22. The quality of the landscape of the site and immediate locality are not identified as having special value in the Cornwall Local Plan Strategic Policies 2010-2030, November 2016 (Local Plan). There are no statutory or other landscape designations covering the site. Nor is the site within any identified setting or buffer area. Within the study zone there are several designations including three districts of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The WHS covers the outer areas of over half of the study area 'wrapping' around a central area within which the site sits. Most falls within the Tregonning and Gwinear Mining Districts.
23. The Cornwall and West Devon Mining Landscape WHS Supplementary Planning Document May 2017 explains that the concept of the setting of the WHS can be described as the physical and cultural context in which the inscribed areas lie. It advises that in assessing potential impacts, the setting of the WHS site must be defined by how this relates to the Outstanding Universal Value (OUV). A buffer area was not considered appropriate for this WHS. Paragraph 5.6 refers to the need to protect the setting of each WHS so that its OUV is not adversely affected by development close to it. The OUV attributes are mining sites, mining settlements, mine workers smallholdings, great houses, estates and gardens and mineralogical sites.
24. The appeal site is undoubtedly close to the WHS but trees, vegetation and built form significantly reduce the potential for intervisibility between the site and most WHS areas. From my observations and the submitted evidence I find that proximity and situation within a 'topographical bowl' surrounded by the WHS and other designations on higher ground are not sufficient on their own to make the site significant to the setting of the WHS or other designated areas.
25. The chimneys to nearby former mine shafts at Nancegollan and Wheal Vrose can be seen from high ground, including from within the WHS at Tregonning and Godolphin Hills. Some of the smaller fields beyond the northern boundary might be typical of mine workers smallholdings. But there is little evidence about social or cultural practices or other functional or intangible dimensions of heritage to demonstrate a material inter-influence between the essentially medieval and post medieval agricultural landscape of the appeal site to the OUV of the WHS.
26. From high ground, intervisibility exists between one designation and another. I was not convinced by evidence or observation of the significance of the appeal site in any such views or the setting of other designated areas, including the Area of Great Landscape Value. The evidence is insufficient to conclude that the appeal site is part of a landscape to which advice for the protection and

- enhancement of valued landscapes at paragraph 170.a) of the Framework applies.
27. The site is not identified as having any other quality in the Local Plan. However, paragraph 5.26 of Guidelines for Landscape and Visual Assessment, third edition, (GLVIA3), advises that the fact that an area is not designated either nationally or locally does not mean that it does not have any value.
 28. Local Plan Policy 23 also advises that development proposals will need to sustain local distinctiveness and character. They should protect and where possible enhance Cornwall's natural assets according to their international, national and local significance. Development should be of an appropriate scale mass and design that recognises and respects the landscape character of both designated and undesignated landscapes.
 29. The appeal site is characterised by relatively small fields and an access trackway enclosed by Cornish hedgebanks. Pengwedna was first recorded in 1277. An extract from a Tithe Map circa 1840 shows the arrangement of fields, hedgebanks and trackway on the site to be more or less as they appear now. Evidence of the Historic Landscape Classification from the Cornwall and Isles of Scilly Landscape Character Assessment 2007³ indicates that generally the fields to the south and west are medieval and post medieval to the north and east.
 30. There are hedgebanks of a sinuous nature bounding some of the post medieval fields and beyond in the wider landscape. This may be an indication that some of the field system north of the trackway is medieval, but this area has also been subject to some later reorganisation.
 31. The fields, hedgebanks and trackway are undesignated. In recent years the Appellant has variously grown crops and kept livestock on the site. At times the fields may have been intensively farmed and/or covered with modern plastic sheeting. Some field boundaries and sections of hedgebank along a trackway have been removed.
 32. Even so, the Appellant agrees that the site has well vegetated hedgebanks some of which are remnant of historic field patterns, and that those hedgerows that remain are of high value. I found that they appear relatively unchanged and relatively intact. There is scant evidence that their condition has significantly deteriorated. Together they provide a legible impression of the past and contribute positively to the character and appearance of the appeal site in the present-day landscape. They are also typical of recognised aspects of the landscape character of the area.
 33. The locality falls within Natural England's National Landscape Character (NCA) Area 152 Cornish Killas where Cornish hedgebanks are noted as a key characteristic that should be restored. They are noted as significant boundary features in this landscape. The NCA also notes that many have been in use for more than 1,000 years.
 34. Within the Cornwall and Isles of Scilly Landscape Character Assessment, 2007, (LCA) the appeal site falls within Landscape Character Type (LCT) Mount's Bay East CA06. Noted characteristic attributes in this LCT include small to medium fields with sinuous Cornish hedge boundaries, post medieval enclosures, and small-scale inland landscape confined by landform.

³ TG LVIA Plan 3

35. The site is within a settled rural landscape. The presence of development is never very far away. Farms and farmsteads and farm buildings are peppered throughout. These include glasshouses and large commercial 'sheds'. Some buildings appear quite derelict and others are quite large and modern in scale and appearance, including the anaerobic digester at Pengelly Barton. Modernisation of agricultural and horticultural operations has undoubtedly changed the landscape of the study area over time. Nonetheless, from all the evidence and my observations I find that the value of the landscape of the site and locality is medium-high.

Susceptibility and sensitivity of the existing site to the proposed development

36. The development would require access by large vehicles and the main components of the development are three poultry buildings approximately 137m x 20m and one at 78m x 20m, with level floor slabs. The buildings would be of a design and construction typical of modern agricultural buildings. They would not be particularly tall, being approximately 3.3m to the eaves and just less than 6.2m at the ridge.
37. The form of development responds to the requirements and welfare needs for a modern sustainable free-range farming proposal. It would be a functional agricultural development within an agricultural landscape. There would be no change of land use and in this way would be contextually appropriate. But this does not mean that the agricultural landscape cannot be sensitive to new agricultural development.
38. The site forms a small promontory in the landscape. The rounded plateau is quite open in nature. Beyond this the land falls away quite steeply. The proposed access would require new visibility splays. The trackway within the site is narrow in parts and has a sharp bend or 'kink' making it difficult for large or long rigid vehicles to negotiate.
39. At the Inquiry the Appellant's landscape witness argued that the site contains relatively large fields, better able to accommodate the development than elsewhere in the study area. But they are not large in a national context such as in comparison to fields sizes found in areas such as East Anglia. In any event the Appellant agreed that a key consideration is the ability of this landscape to accommodate this proposed development. Whilst some of the fields on the site have been enlarged, development would take place on parts of the site containing some of the smaller medieval fields and the Appellant agrees that these fields are small to medium in scale.
40. Farms and buildings peppered throughout the countryside in a dispersed pattern are characteristic of LCT CA06. The LCA Statement of Environmental Opportunity 2 includes to conserve, manage and increase understanding of... the unique Cornish hedges and field patterns. It also identifies "*changes in agricultural land management, with consequent loss of field boundaries*", as a pressure for change in LCT CA06. The Appellant recognises that changes in agricultural land management and specifically the loss of field boundaries are a potential pressure in this landscape.
41. Topography, the relatively small-scale and partially medieval field pattern, the hedgebanks, and the narrow trackway all combine to make the appeal site highly susceptible and sensitive to the size and scale of development proposed.

Effects of development

42. A new access would require the relocation of a section of hedgebank from the lane edge to behind the required visibility splays. The length is not specified in a table of hedge loss and gains. The existing hedgebank 'hugs' the lane and emphasises the curved alignment. Translocation might secure protection and possible enhancement of ecological value, but realignment would result in an immediate and permanent high adverse impact upon the intimate character and appearance of this section of the lane.
43. In order to accommodate buildings 1 and 2 and associated ancillary areas, sections of hedgebank along the trackway and from the ends of adjacent field enclosures would need to be removed. The proposals seek to limit the extent of hedgebank loss. However removal would include sections that are important in defining the route and character of the trackway, the relationship of the fields and their boundaries to the trackway and the overall integrity and connectivity of the field and trackway pattern. New hedgebanks and new interconnectivity would not fully compensate losses.
44. The trackway might have originally provided access to the property of Pengwedna, a non-designated heritage asset, but does not do so now and it is not part of its significance. Agricultural vehicles have used the trackway and these might have included modern and quite large vehicles. Nonetheless, the trackway has remained relatively intact and this proposal requires sections of hedgebanks that define it to be removed.
45. Buildings 1 and 2 and their associated servicing and concrete aprons would extend beyond the boundaries of the fields within which they would be located. Building 2 would straddle two medieval fields with a hedgebank appearing to end part way along one side of the building. Substantial cut and fill operations would be required to create level platforms for some buildings. Building 4 would extend out at right angles to the general direction of the hillside. The height above natural ground level would be considerable at the northern end of building 4.
46. Buildings 1, 2 and 3 would be laid out near each other and broadly forming a long building row over 300m in length, significantly at odds with the character and appearance of the site and locality. Rather than appearing to flow with the topography of the site, the large-scale buildings would appear engineered into and on top of the smaller scale landform and landscape pattern of the site. Altogether the development would appear much greater in scale than that of the site and locality. Cut and fill for buildings 1 and 2 might not be considerable and skilful land recontouring within hedgebanks could mitigate impacts. Nonetheless, the magnitude of change would be high. The effect would be high adverse.
47. Close to medium range public views of the proposed development would be found within a relatively localised area around the site. These would include some views where the large scale of the buildings and the effects of cut and fill operations would be clearly seen. TG LVIA Viewpoint Location Plan (Plan 9) viewpoints 14 and 16 are typical of close views where buildings 1 and 2 would appear to sit on the horizon and building 4 would strikingly extend out toward the viewer, above the falling hillside.

48. Careful detailing of ancillary structures and the horizontal pattern would limit vertical elements. The number of receptors might not be great. The Rights of Way Officer and Rambler's Association did not object. Landform and vegetation would limit and restrict views. Some receptors might be driving, there are other detractors in the locality and some views might be oblique. Nonetheless, when seen, the effects would be high adverse.
49. The study area offers occasional opportunities for expansive views from vantage points offering far-reaching views. Some would offer views of the development. One such view is from a public footpath at Men-Amber at a range of approximately 2km. From here the site is clearly visible in a short succession of views. The long buildings would be seen strewn out across the site. They would be prominent and appear incongruous in the landscape and the effect would be high adverse.
50. Long-range views would be available from Tregonning and Godolphin Hills within the WHS area. The view at Godolphin Hill is from within a Registered Park and Garden. At Tregonning Hill there are views from several paths, including a "Gold" route of national or regional significance and views from a Scheduled Ancient monument Iron Age hill fort, (T&G viewpoint 21). Although the site is not significant to the setting of other designated areas it was evident to me that many people use these paths and visit these viewpoints. These are highly sensitive visual receptors.
51. A T&G photomontage illustrates the likely view of development from Godolphin Hill. The printed image is quite matt and muted in tone and the proposed built form is barely perceptible in this image. However, during my visit to Godolphin Hill, on a clear afternoon with sunny spells following heavy rain, I found that a large-scale modern building at Fradham was clearly visible. Its outline and roof were sharply defined and drew the eye. It might be taller and deeper, but the Appellant does not dispute that three of the buildings would all be of a similar length, if not longer.
52. From these viewpoints the general scale and pattern of landscape in the locality of the appeal site appears small to medium scale with soft lines. I have no doubt that in certain atmospheric conditions the uncharacteristic long straight lines of those parts of the proposed buildings that could be seen would be clearly defined, draw they eye and appear incongruous. The effects would be high adverse.
53. Careful choice of external materials and colour finishes in green or grey tones would make the buildings more recessive. Cut and fill changes to landform would not be perceptible. The buildings would be low, would not break the skyline and would make up only a small part of the overall view. Lighting would be minimal and subject to detailed control through planning conditions. Several of the details had been designed to reduce impacts, such as the height of feed hoppers. Existing trees and woodland would prevent views of the whole development.
54. Distances and area seen is large. Other built form would also be seen including farms, settlements and several buildings at Pengelly Barton Farm. Effects upon LCT CA06 as a whole would not be significant. With time new landscaping would partially mitigate some impacts but would not amount to enhancement.

55. Planning permission has been granted for a similar, albeit smaller, development for production of free-range eggs at Porch Farm, Ross on Wye. The principle is not in dispute, nor do I find any reason to object in principle to the use of a modern farm building design like that at Porch Farm. But I do not know all the details of that site and locality and attach little weight to it.
56. Dispersed farms and buildings are part of the tapestry of the landscape of the locality and that of LCT CA06 generally. The Council's reason for refusal included that it would "*be out of scale with other agricultural development which characterises this area*". The mere fact that development would be larger does not make it inappropriate. A greater number of smaller buildings might be equally as visible. There is no policy basis for seeking to 'fossilise' the countryside or 'replicate' buildings. Such an approach could stifle new development and modernisation contrary to the thrust of planning policies for the rural economy.
57. However, it is not unreasonable to consider the form and scale of other farm buildings in the area when assessing the capacity of the landscape to absorb new development. Indeed, the Appellant draws my attention to development at Pengelly Barton Farm, close to and within the same LCT as the appeal site. Several buildings have been allowed and various permissions granted for new, larger buildings and extensions. The cylindrical anaerobic digester is visible in many of the views that the proposed development would be seen in. But otherwise I found that overall the buildings on this site appear to be more clustered and contained within the structure of the landscape than the proposed development would be.
58. Hill View Farm (Great Drym Farm) is another large farm building group. It includes derelict buildings and high retaining walls. There are other amalgamated modern and diversified farms in the study area. But the Appellant does not dispute that the scale of the proposed barns is greater than typically found in this location.
59. The Appellant refers to "*An assessment of landscape sensitivity to on shore wind energy and large-scale photovoltaic development in Cornwall*" (Cornwall Council, 2016). It assesses the sensitivity of the landscape to certain types of development, which do not include large-scale agricultural buildings. It recognises that the capacity to accommodate development is dependent on the scale and type of the receiving landscape.
60. Under 'Limitations' Paragraph 7.2 notes that it provides an initial indication of the relative landscape sensitivities of different areas, it should not be interpreted as a definitive statement of the suitability of a certain location for a particular development. Whilst noting that this assessment recognises that LCT CA06 can accommodate modern development of different forms and scales in principle, I attach little weight to it otherwise.
61. The ranges would be kept as managed grassland with woodland shelter blocks. The change of character over the wider site from crop production to roaming areas and pasture would be minor.
62. I conclude that the proposed development would fail to satisfactorily maintain, respect and reflect the value and sensitivity of distinctive attributes of the existing landscape of the site within which it would be located. The proposed development would be incongruous and out of scale with the landscape of the

site and locality. Overall the development would fail to safeguard the character and appearance of the site and locality. Landscaping would not satisfactorily mitigate the effects over time.

63. In these ways the development would fail to comply with requirements of Local Plan Policies 2, 12 and 23 that, amongst other things, require that proposals should maintain and respect the special character of Cornwall, sustain local distinctiveness and character, and ensure that the design of development is high quality and demonstrates a cultural, physical and aesthetic understanding of its location and of an appropriate scale, layout and design that recognises and responds to and respects landscape character.
64. These policies are broadly consistent with advice at paragraph 127 of the Framework. This includes that decisions should ensure that development will add to the overall character of the area, should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Benefits

65. Between December 2017 and December 2018 sales of free-range eggs grew by 9.1% by volume, much more than the egg market overall. The proposal also addresses an industry need to respond to a ban on caged hens that is due to take effect.
66. The applicant's business plan aims to help address the increasing demand for UK free-range eggs. They aim to become the regional expert in the production and supply of fresh free-range eggs, produced in West Cornwall to the highest welfare and ethics standards including TESCO, DEFRA, Red Tractor RSPCA Freedom Foods and Lion Codes of practice.
67. The proposal would amount to a £5m investment and be the largest venture in free-range egg production in the County and provide an income stream for Richland Foods Ltd, which includes Southern England Farms. The business has operated since 1996, farms approximately 2554 hectares in Cornwall, employees approximately 150 full-time employees plus approximately 400 seasonal workers and supplies major supermarkets, food processors and wholesale/export markets.
68. The proposal would help the business diversify farming operations, create local employment opportunities and contribute toward the supply of local/regional free-range eggs. Approximately 10 full time non-seasonal jobs would be created directly and indirectly it would support other businesses including food producers and wholesalers.
69. The National Farmers' Union and the British Egg Industry advise that the UK poultry industry contributes significantly to the UK economy. For every £1 contributed by farming, food manufacturers contribute a further £5. Demand for free-range egg production has increased significantly over recent years. Factors increasing demands include population increases, a demand for greater food security, self-sufficiency and environmental sustainability. Social, economic and environmental benefits of strong rural economies for those living in the countryside are recognised in the *Taylor Review Living Working Countryside* (2008).

70. Whilst there were very many letters of objection there were also many in support, including submitted in writing to the appeal. Amongst other things these point out that farming faces challenges from ever changing consumer requirements to the effects of Brexit and the need for increased food supply and food security.
71. Modern agricultural buildings are necessary for good husbandry, environmental and construction requirements as well as to secure long-term competitiveness. Modern laying aviary systems allow birds to replicate their natural behaviours, move around, perch, dust bathe and have easily accessible food and water, resulting in healthier and more contented productive flocks in an environment that replicates their natural habitat coupled with the ability to range and return to the house at dusk.
72. The Country Land and Business Association support the proposal. The business operates to the highest levels within the food production industry, are a recognised leading producer within the UK agricultural sector and highly efficient with good awareness of their impact on the environment. Local businesses will also benefit from the economies of scale and supply.
73. Paragraph 2.7 of the Local Plan recognises the importance of agriculture to the food needs of the region and to the Cornwall economy. Supporting the continued growth of the agricultural sector and diversification of the industry is recognised as being critical to Cornwall's future long-term prosperity.
74. The overall spatial strategy in Policy 2 includes providing solutions to current and future issues, including sensitively accommodating investment and growth within Cornwall's unique landscape, generating and sustaining economic activity and supporting the expansion of existing agricultural businesses. It seeks to support employment schemes in both towns and rural areas, giving emphasis to quality, permanent, work opportunities that break seasonal labour cycles. Local Plan Policy 5 recognises farm diversification as an overriding location and business need to be in the countryside.
75. The Framework advises that planning decisions should help create the conditions in which businesses can invest and seeks to support a prosperous rural economy. Paragraph 83 includes advice that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.
76. Paragraph 84 recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings.
77. The development requires a 'standalone' countryside location and a large area is required to provide for the ranging areas. However, I find little evidence to substantiate the opinion that of the Appellant's 2554Ha this was the most sustainable location or their submission that 'sustainable modern proposals' must be located outside of designated areas. The Appellant advised that if permission were refused the site would continue to be intensively farmed for crops.

78. There would be clear benefits to the rural economy, including supporting the growth of the free-range egg production market in Cornwall, assisting the modernisation and diversification of the agricultural sector, meeting new challenges and requirements for the welfare of free-range egg poultry farming and the creation of non-seasonal local employment opportunities. Policies 2 and 5 of the Local Plan and advice in the Framework for a prosperous rural economy support these goals. The economic and social benefits of the scheme attract significant weight in favour.

Other Matters

79. At the Inquiry my attention was drawn to the preparation of the Breage Neighbourhood Plan. It is at an early stage. At the time of the Inquiry questionnaire responses had not been analysed. I was also informed about the Crowan Neighbourhood Plan that is more advanced but does not cover the area of the appeal site. I attach little weight to these documents.

80. Kus Skewes Farmhouse is a residential property adjoining the site. When I visited, I observed that it is set in the valley and has close views from main habitable rooms and garden looking out across rising ground on the appeal site. Building 4 and development on the skyline would be seen. The Council did not include a reason for refusal on this matter. There is no right to a view in planning. Several matters concerning bunding, land recontouring and the extent and nature of woodland planting were still unresolved. These would influence the residual effect upon this property.

81. There are two Local Wildlife Sites (LWS) within 2km, three Sites of Special Scientific Interest (SSSI) and part of a Special Area of Conservation (SAC) within 5km, and parts of three other SACs within 10km. The River Hayle also contains a genetically unique Brown Trout population sensitive to nitrate levels.

82. Using the Environment Agency's standard ammonia emission factors and an atmospheric dispersion and deposition model the annual mean effects of ammonia at designated LWS's, SSSI's and SAC's would all be below the EA's lower threshold percentage of critical levels for these designations.

83. The site falls within the Hayle Nitrate Vulnerable Zone (NVZ), designated as being at risk from agricultural nitrate pollution. By reversion to grassland nitrogen loading on the farmland could be reduced from 370Kg/N/ha for cropping to 170Kg/N/ha for grassland. To achieve this and comply with the NVZ 'closed period' manure would need to be taken off site.

84. Dirty water would be collected in sealed containers. There would be a fenced buffer zone around boreholes, springs and water supplies. Infiltration trenches would collect all surface water run-off from the buildings and hard surfaced areas for attenuation and infiltration.

85. A containment bund was proposed along the northern and western boundaries to retain overland flow. At the time of the Inquiry discussions were still on going with the EA as to whether the bund was necessary and if additional wetland habitat tree planting would be an alternative.

86. Evidence about the feasibility of off-site disposal of the total amount of manure to be generated was somewhat uncertain. Other environmental emissions were of concern to interested parties. These included the potential effects of light pollution, noise, dust, odour, vermin and flies. There were concerns about

effects upon health and wellbeing, particularly of the young, elderly and vulnerable as well upon perceptual qualities of the environment that might impact upon recreation and tourism.

87. The EPR regulate emissions with an aim to minimise the risk of pollution. They cover any emission as a result of human activity which may be harmful to human health or the quality of the environment, cause offense to human senses, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment. The process is subject to annual compliance assessments. Non-compliance can result in permits being revoked and prosecution.
88. I have noted that a draft EP is in place. Noise mitigation and odour dust and air quality management plans have been submitted. Local planning authorities should assume that these regimes would operate effectively. Paragraph 183 of the Framework advises that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).
89. The flood risk assessment in the ES concluded that it was not expected that there would be any significant flood risk on the site or elsewhere. The EA concluded that the potential risk to ground and surface waters was not significant, no pollution to private water supplies or surface water should occur and that the EP conditions provide sufficient controls to enable further measures to be implemented should they be required. Public Health England and Natural England considered the proposals acceptable. The Council's Environmental Health Officer did not object.
90. Traffic modelling used data from the most comparable sources available, but the proposal is by the Appellant's own submission the largest of its kind in this region. Interested parties produced evidence about different assumptions used elsewhere. Concerns included conflicts between large and articulated lorries with other agricultural traffic, cyclists and pedestrians and about safety, particularly to the south of the access and at the crossroads with the main road. However there is no objection from the Local Highway Authority regarding either highway capacity or safety. The Appellant would accept conditions controlling lighting and the times of deliveries and a traffic management plan could control construction and operational traffic.
91. Moreover, as I am dismissing the appeal for other reasons it is not necessary for me to reach a conclusion on these matters. They are not determinative.

Overall Balance and Conclusion

92. The need to support a modern diversified farming sector is strongly supported in national planning policy and the Local Plan. The proposal is a response to a growing demand for UK free-range eggs. It would generate economic activity, create a limited number of jobs, invest in Cornwall, and support the economic vision for Cornwall and the expansion of existing businesses and the indigenous business of agriculture.
93. The Local Plan recognises the importance of agriculture to the food needs of the region and to the Cornwall economy. Supporting the continued growth of the agricultural sector and diversification of the industry is recognised as being

critical to Cornwall's future long-term prosperity. The economic and social benefits associated with the proposal attract significant weight in favour.

94. However one of the guiding principles of the Local Plan spatial strategy is that proposals should respect the special character of Cornwall. Paragraph 1.41 explains that underpinning all of the spatial strategy is the need to protect the quality and natural beauty of the landscape. Policy 23 requires that proposals must also satisfy the requirements for respecting and enhancing quality of place, sustain local distinctiveness and character and be of an appropriate scale, mass and design that recognises landscape character and respects the sensitivity and capacity of the landscape asset.
95. Therefore, whilst the Local Plan welcomes and supports proposals that improve conditions for agricultural businesses and investment in Cornwall this is not unqualified. This approach is consistent with advice in the Framework that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and that it is important to ensure that economic development in rural areas outside of settlement boundaries is sensitive to its surroundings.
96. I found that the proposal would fail to satisfactorily maintain, respect and reflect the value and sensitivity of distinctive attributes of the existing landscape and would result in harmful adverse impacts to the character and appearance of the site and locality. The environmental harms would be substantial, permanent and would not be fully mitigated or compensated.
97. I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and that the proposal would be contrary to the development plan when considered as a whole. In reaching my decision due regard has been given to the ES.
98. Therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR

PARTICIPANTS AT THE INQUIRY

FOR THE APPELLANT

Giles Cannock, Queens Counsel, Kings Chambers, instructed by Mr D S Dunlop, for Richland Foods Ltd. He called:

Mr D S Dunlop BA (Hons), MRTPI, Managing Director, D2 Planning Ltd
Mrs Clare Brockhurst FLI, BSc (Hons), Dip LA, Partner, Tyler Green

FOR THE COUNCIL

Ben Kurnow, Senior Solicitor, Cornwall Council, called:

Peter Blackshaw BA (Hons); MRTPI, Principal Development Officer Appeals,
Cornwall Council
Belinda Edwards BSc (Hons), Dip LD, MA, Landscape Architect

FOR THE Nancegollan Action Group

Helen Hamilton, Planning Consultant, Marches Planning, called:

Carly Tinkler CMLI, BA, FRSA, MIALE, Landscape Architect
Andy Norfolk Dip LA, MSc, LEDM, Landscape Architect
John Thornhill, resident Kus Skewes Farmhouse
Norman Pringle, resident Bartletts Farm
John Truscott, resident Pryors Cottage
Jim Watkins, resident Pengelly Mill

INTERESTED PERSONS

Richard Robinson, local resident
Randolph Pearce, BEM, local resident
Mr Rod Lyon, local resident
Councillor Tony Woodlams Chair of Breage Parish Council
Councillor David Smith, Chair of Crowan Parish Council
Councillor John Kerring, Local Councillor, Cornwall Council
Maggie Warriner, Kus Skewes Farmhouse
Richard Robinson, local resident
Councillor Dr Loveday Jenkin, Local Councillor, Cornwall Council
Ian Tessier, local resident
John Clinkskel, local resident
Peter Jackson, local resident
Steve Mason, local resident
Mandy Dymond Bolitho, Kus Skewes Farm
Michael Prosideen, local resident
Mark Hughes, local resident
Julie Boredon, local resident
Christina Newton, local resident
Alison Thomas, local resident

Documents received at the Inquiry

1. Opening Submissions for the Appellant
2. Town and Country Planning (Environmental Impact Assessment) Regulations 2011
3. Opening Statement on behalf of Cornwall Council
4. Opening Statement on behalf of the Nancegollan Action Group (Rule 6 Party)
5. Statement by Randolph Peace BEM
6. Statement by Peter Jackson
7. Statement by Rob Lyon
8. Statement by Steve Mason
9. Breage Parish Council statements 4 August 2017 and 8 February 2018 and copies of neighbourhood Plan Questionnaire responses
10. Crowan Parish Council Neighbourhood Plan v2.3.5 dated 23 November 2018
11. Topographic Survey DWg 2467/03.17/02/TS
12. Copy of Cornish bank details extract from ES Regulation 22 Annex 3 with turf hedge specification crossed out
13. Copy of Dwg JW/1169/0117 figure 10.3 Tree Planting Plan from ES Regulation 22 Annex 3
14. Copy of Dwg JW/1169/0117 figure 10.2 Site Location Plan from ES Regulation 22 Annex 3
15. A4 print of photograph for LPA photograph viewpoint 20/21 taken using a 50-55mm lens.
16. Print of pp11 of Cornwall and the Isles of Scilly Landscape Character Assessment Overview and Technical Report, May 2007
17. Extract from Cornwall Council Interactive Map Anciently Enclosed Land, source Cornwall Landscape Assessment 1994, pages 140-144
18. Statement by Mandy Bolitho
19. Statement by Christina Newton
20. Statement by Ian Tessier
21. Email and plan from James Whilding, Acorus, to EA 1 February 2108 identifying nine wells and boreholes for protection
22. Plan showing Parish and World Heritage Site Boundaries (wider area)
23. Plan showing Parish and World Heritage Site Boundaries (site area)
24. Route map (on TG Plan base) prepared by parties for my post Inquiry site visit
25. Closing submissions on behalf of the Council
26. Closing Submissions on behalf of the Nancegollan Action Group
27. Closing submissions on behalf of the Appellant