

Appeal Decision

Site visit made on 15 October 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/J2210/W/20/3254470

Middle Pett Farm, Pett Bottom Road, Bridge, Kent CT4 5PD

- 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 P Mansfield against the decision of Canterbury City Council.
 - The application Ref CA/19/01398, dated 11 July 2019, was refused by notice dated 26 May 2020.
 - The development proposed was initially described as the "continued retention of existing polytunnels".
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Mansfield against Canterbury City Council. That application is the subject of a separate Decision.

Procedural Matter

3. The address used above has been taken from the original application form. Alternative addresses have been used within the Council's decision notice and the appeal form but confirmation has not been provided by the main parties that either alternative address has been agreed. I find that no prejudice is caused to any party through the use of the abovementioned address.
4. The main parties agree that temporary planning permissions granted in 2009 and 2014 enabled the existing polytunnels to be erected at the site, albeit they are not able to be covered between 01 November in any year and 28 February the following year. However, the most recent of those permissions expired on 28 February 2020.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area, including the Kent Downs Area of Outstanding Natural Beauty (The AONB).

Reasons

6. The site is located within The AONB and, as such, Policy LB1 of the Canterbury District Local Plan 2017 (The CDLP) requires that high priority is given to the conservation and enhancement of natural beauty. Similarly, paragraph 172 of the National Planning Policy Framework (The Framework) requires that great weight is given to conserving and enhancing the landscape and scenic beauty within The AONB and affords it the highest status of protection in relation to those issues.

7. The Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 (The AONBMP) identifies that dry valleys are one of the main targets of the designation of The AONB and that other qualities including the pastoral scenery, amongst others, are highly valued. The AONBMP also identifies that the part of The AONB that includes the appeal site is characterised by featuring valleys and elevated plateaux that contain fields and wooded areas. The appeal site is reflective of this as it features land at the side of a valley that leads upwards from Pett Bottom Road towards a plateau of grazing land and woodland and further polytunnels that sit adjacent to the appeal site.
8. The majority of the appeal site is covered by polytunnels that, as a result of their clustering, appear as a substantial group that covers a large area. Hedgerows, trees, other vegetation and the undulating topography of the surrounding area combine to enable the polytunnels to be screened from view from some public routes within the surrounding area, including Pett Bottom Road. However, from where they can be seen, they represent a substantial incursion within the rural countryside setting, particularly as their colour and form highlights their presence. As a result, the polytunnels detract from the pastoral scenery that The AONBMP identifies as being an important part of The AONB landscape. The AONBMP also identifies that, along with other factors, incremental development and intensive agricultural practices add to a cumulative loss of landscape features, tranquillity and character and, for the reasons set out above, the polytunnels add to this loss of landscape value.
9. Although polytunnels have become an established feature of the site that most people familiar with the site and the area would have become accustomed to, the evidence before me indicates that the polytunnels only benefited from temporary planning permission and, as such, their removal would be expected. Accordingly, I do not find that the previous temporary permissions should alter my assessment of the visual effect of the development. Furthermore, the presence of other polytunnels within the wider area does not lead me to conclude that the retention of the polytunnels at the site would not undermine the rural character of the area. Moreover, whilst the covers would not be in place when the natural screening is least effective and the visual effect of the development would be reduced at that time of the year, this does not compensate for the visual effect of the development for the remainder of the year.
10. For these reasons, the retention of the polytunnels at the site would have an unacceptable effect on the character and appearance of the area, including The AONB and be contrary to Policies EMP13, LB1 and DBE3 of The CDLP which, together, require that development has no detrimental impact on and integrates into the landscape and conserves and enhances natural beauty and has regard to the advice set out in the Kent Downs AONB Management Plan. The development would also be contrary to the abovementioned aims of The Framework.
11. The proposal would also be contrary to those parts of The AONBMP which aim to ensure that all development achieves landscape enhancement with conservation and mitigation delivered in every case. The AONBMP also identifies that polytunnels are an important detractor to landscape character and that proposals should be assessed on the basis of their effect on The AONB landscape. This compounds my findings in the abovementioned respects.
12. The Council have identified that the site is designated as part of an Area of High Landscape Value but the appellant has suggested that this should carry no weight as the supporting text of policies LB2 and LB4 of The CDLP indicate that The AONB is excluded from The Canterbury District Landscape and Biodiversity Appraisal and that the North Downs Area of High Landscape Value designation includes land

outside The AONB. Even if I proceed on the basis that Policies LB2 and LB4 are not determinative, this would not lead me to reach a different conclusion in respect of the development on the landscape and scenic beauty of The AONB which The Framework indicates has the highest status of protection in relation to those issues.

Other Considerations

13. Policy LB1 of The CDLP and paragraph 172 of The Framework both resist major development within The AONB with footnote 55 of The Framework indicating how 'major' should be considered. Having regard to the abovementioned purpose of The AONB designation, even though the site area is large and the polytunnels are extensive, the nature of the development within a rural setting does not lead me to conclude that the development would be major in the context of the abovementioned policies and guidance and no party has given me reason to reach a different conclusion in this respect. As such, it is not required to be demonstrated that exceptional circumstances exist or that the development is in the public interest. Moreover, the requirement of Paragraph 172 of The Framework for an assessment to be made in respect of various other factors is not applicable. However, the cases of both main parties in these respects address factors that are relevant considerations.
14. The polytunnels serve a functional purpose in terms of increasing yield, reducing crop losses, disease and the use of pesticides and meeting the requirements of others within the supply chain whilst also reducing the distance that food is transported. Accordingly, the polytunnels meet a need that has been identified by the appellant and the Council. Moreover, I acknowledge that polytunnels are a feature of modern farming practices and play a role in enabling agriculture to continue to be viable and remain part of the rural landscape that is a feature of The AONB. In this regard, The AONBMP identifies that the use of polytunnels is anticipated to increase and that horticulture is a small but important component of the AONB landscape and significant to the rural economy. The operations of the appellant also provide employment opportunities for a fluctuating workforce which has associated benefits for other businesses within the vicinity of the site.
15. Policy LB1 of The CDLP provides conditional support for developments that benefit the economy of The AONB and its communities. Moreover, the supporting text of Policy EMP12 of The CDLP identifies that agriculture forms a significant economic sector and that developments assisting agricultural operations and innovative farming methods will be supported. The Framework also seeks to support a prosperous rural economy and requires decisions to enable the development of agricultural and land-based rural businesses.
16. However, the evidence provided indicates that the appeal site is only part of the operation at Middle Pett Farm and does not quantify the effect on the business if the polytunnels are not retained at the site. Moreover, whilst a sequential approach is not required to be undertaken and the appellant has identified that relocating the polytunnels to other available sites is impossible or impractical, the evidence before me is not compelling in terms of demonstrating that the retention of the polytunnels at this site is the only way that the abovementioned benefits could be secured.
17. The appellant has identified that the removal or relocation of the existing polytunnels at the site would cause cost and inconvenience and undermine investments made at the site and at other parts of the appellant's operation. However, as the structures at the site benefit from temporary permission only and any investment would have been made in full awareness of that limitation, the

polytunnels being present at the site is not determinative in my assessment. Moreover, whilst the Council previously found that the benefits of the proposal outweigh the harm caused on a temporary basis, as permission is now sought on a permanent basis I am not persuaded that the weight to afford the relevant considerations must remain the same.

18. The appellant's submissions identify that Grade II listed buildings of Middle Pett Farmhouse, Braeburn Barn and Butterball Barn are within the vicinity of the site and I have had special regard to the desirability of preserving the setting of those buildings. Whilst there are some locations within the vicinity of the site where the listed buildings and the polytunnels may be able to be viewed together, the polytunnels would be a substantial distance from the listed buildings and any effect on their setting would be minor. As such, I agree with the appellant that the proposal would cause, at worst, less than substantial harm. Whilst I afford this less than substantial harm significant weight, the public benefits of supporting the rural economy would outweigh the minor harm caused in that respect.
19. An appeal decision¹ at Swanton Farm within the Borough of Swale has been brought to my attention and, whilst I have had regard to the content and the weight that was afforded to the various considerations by the Inspector, I have insufficient details before me that demonstrate that the circumstances are comparable and note that the coverings would be in place for a substantially different period. Accordingly, that decision is not determinative in my assessment.

Planning Balance

20. There are clear benefits arising from the proposal, particularly in terms of providing employment opportunities and supporting the local economy, which I afford substantial weight. However, great weight is required to be afforded to the importance of conserving and enhancing The AONB and, for the reasons set out above, the proposal would conflict with that objective. In this case, I find that the visual effect of the development and the harm caused to The AONB outweighs the benefits of the proposal. As such, I find that the proposal would be contrary to The Framework when taken as a whole. Moreover, I conclude that the benefits of the proposal and other considerations, including The Framework, do not outweigh the conflict with the policies of The CDLP identified above.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR

¹ APP/V2255/W/18/3214269