The Planning Inspectorate

Appeal Decision

Site visit made on 24 May 2022

by M L Milliken BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022

Appeal Ref: APP/Y2003/W/21/3285771
Hall Farm, Middlegate Lane, Bonby DN20 0PJ (Easting 500447, Northing 416259)

- 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 International Energy Crops Ltd against the decision of North Lincolnshire Council.
- The application Ref PA/2019/2064, dated 12 December 2019, was refused by notice dated 4 June 2021.
- The development proposed is the erection of 4 poultry buildings together with associated feed bins, infrastructure and new highway access.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application to which this appeal relates is Schedule 1 development, for which an Environmental Impact Assessment (EIA) is mandatory. An Environmental Statement (ES) dated November 2019 was submitted with the application and is before me in evidence. I have had regard to this document and all other relevant environmental information in determining the appeal.

Application for costs

3. An application for costs was made by International Energy Crops Ltd against North Lincolnshire Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the surrounding landscape and open countryside.

Reasons

5. The appeal site comprises a large, open field currently utilised for the growing of miscanthus grass. An existing access track connects the site with Middlegate Lane to the south west, where existing built development is present, principally in the form of agricultural sheds and associated apparatus.

6. Although the parties agree that the appeal site itself is not subject to any specific landscape designation, it is located on the 'flat top', near to the start of a slope, where the land rolls downwards to the top of the escarpment. The parties agree that it forms part of a wider landscape context, namely that it is located within the Lincolnshire Wolds Landscape Character Area (LCA) (Open Rolling High Farmland - Lincolnshire Wolds Escarpment Top Landscape Type), as outlined within the North Lincolnshire Landscape Character Assessment and Guidelines (1999).

7. The Lincolnshire Wolds LCA is characterised by, in part, sweeping and rolling terrain, an openness of views, a dominance of arable land use and shelterbelts of woodland. To the west of the site, beyond the village of Saxby All Saints, lies the Vale of Ancholme LCA, which is characterised, in part, by a broad, low-lying arable vale, enclosed slightly by rising ground of the Lincolnshire Wolds scarp slope. I consider that, due to its distinct topography, positioning and open, agricultural nature, including its existing arable use, the appeal site makes a positive contribution to the local landscape.

8. The proposed development would comprise four large poultry sheds with pitched roofs, feed bins, associated infrastructure and access. The appellant has provided me with a detailed description of the history of the site, including evidence relating to a previous planning application and subsequent appeal.

9. I have had regard to the Landscape and Visual Statement of Evidence dated October 2021, submitted in support of the appeal, together with the Landscape and Visual Assessment (LVIA) dated June 2019. In regard to effects relating to the Lincolnshire Wolds LCA, the appellant opines that the effect would be 'slight adverse' and therefore 'not significant' on the basis that, in part, the development platform and proposed structures are unlikely to notably affect legibility of the large scale rolling landform on which it is located, and that the proposed mitigation planting would be in keeping with surrounding woodland plantations.

10. Whilst I note that a number of woodland plantations exist within the local area and recognise the overall aim of the landscape mitigation proposals as a method of partially screening the proposed development, the mitigation planting proposed to surround the poultry sheds would, in my view, appear as a formal landscape, which would contrast adversely against the more rural and open surrounding field pattern, which defines this part of the Lincolnshire Wolds LCA. It would also fail to adequately screen the proposed development for some considerable time, further detracting from the surrounding character.

11. Whilst I agree with the appellant's assertion that the proposed development is unlikely to affect the legibility of the escarpment itself, it would nonetheless alter the character of the existing 'rolling top' landform. I recognise that the appellant has reduced the proposal in terms of its scale and extent when compared to that applied for previously, and that the development would be designed to cut into the landscape, which would serve to reduce its overall impact. However, it is my judgement that the proposed development would nevertheless constitute a large, physical presence in an elevated position, in the relatively open, rural landscape, and that it would thereby not sensitively accord with the landscape character of the area, in terms of its location and scale. Moreover, the character of the area would experience a more general change resulting from the introduction of an intensive agricultural use, which

would, in my view, have a negative impact on the relatively tranquil, rural character of the local area.

12. I note the appellant's assertion that a strong precedent exists for agricultural buildings on top of the escarpment. Whilst I accept that large farmsteads feature within the Wolds LCA, their presence is scattered and evenly distributed, as also noted during my site visit. For this reason, I consider that the proposed development, given its nature and location, would appear overly dominant and alien in this context, particularly since it would be located on the 'flat top' and near to a slope.

13. For the reasons given, I perceive the loss of open land to have a negative effect on landscape character and do not accept that the effect of the change in relation to the Wolds LCA would be 'slight adverse'. I find that the proposed development and landscape mitigation proposals would appear incongruous and would clutter the relatively open, rural landscape, and that the overall effect would be unacceptable.

14. With regards to the Vale of Ancholme LCA, I consider that, due to the location of the proposed development being set back from the escarpment edge, together with the presence of existing vegetation, the overall effect would be negligible and therefore acceptable. In the same way, I consider that the proposed development would not be visible from the villages of Bonby and Saxby All Saints.

15. The appeal site contributes positively to the visual amenity of walkers and cyclists that utilise local routes, particularly Middlegate Lane, Bonby Lane and the Viking Way long distance footpath. I note that the LVIA and viewpoints assessment identifies that, with regard to visual receptors, the proposed development would be visible from various points along these routes and concludes that the nature of the effect of the development on Middlegate Lane and Bonby Lane would be moderate adverse, reducing to slight adverse after 4-5 years as the mitigation planting matures. In regard to users of Viking Way, the LVIA concludes that the effect would be negligible, however it is acknowledged that some views, albeit partial, would remain. Overall, I find that the proposed development would cause some residual harm to the open character of the countryside and thus the visual amenity of users of these routes.

16. With regard to users of the Ancholme Valley Way and associated views, it is unlikely that the proposed development would be discernible and therefore I consider that the overall visual effect would be acceptable.

17. Although I acknowledge that the highway movements associated with the proposed development would be somewhat limited to temporary and concentrated periods, vehicle movements along the access track would be visible for users of Viking Way, where currently there is no traffic nuisance. This would harmfully affect their enjoyment of the landscape and, therefore, given the size and type of vehicles, together with their prominent location, I do not agree that the overall effect would be negligible. For the same reasons, I do not agree that the effect of vehicle movements on the Wolds LCA would be minor, but rather I find that the character of the landscape would be altered to an unacceptable degree.

18. As recognised within the LVIA, higher elements of the development would be visible from upper floors of Bonby Top Farm and local residents would therefore experience a change in the view compared to what they currently experience. I find, however, that the overall effect would likely be minor in nature and therefore acceptable.

19. There would be some benefits associated with the development, including regarding diversification of the appellant's business and resultant benefits to the rural economy, which I find to be consistent with the National Planning Policy Framework (the Framework). It is also likely that the proposed landscape mitigation planting scheme would provide some biodiversity benefits, which attracts limited weight in favour of the appeal. However, for the reasons cited, I do not consider that the benefits of the proposal would overcome its inappropriate location and I am not satisfied, by what I have seen and read, that the majority of these benefits could not be realised through development in other locations which would not result in the scale of harm identified in this case.

20. Overall, I find the proposed development is unacceptable in the context of the landscape and existing built development within the local area. It would erode the character of the landscape to an unacceptable degree, causing significant harm to the character and appearance of the area, with particular regard to the surrounding landscape and open countryside. Whilst I have had regard to appeal decision reference APP/Y2003/17/3186363, I am focussing on the planning merits of the appeal before me and upon the evidence provided.

21. The proposed development would be contrary to, in part, Policies RD2, RD14, LC7 and DS1 of the North Lincolnshire Local Plan (adopted May 2003) which, in part, relate to the protection of the character and appearance of the open countryside and local landscape, the location of agricultural buildings and the design of proposals, so as to ensure that local character is reflected or enhanced and, where possible, retain and/or enhance the existing landform.

22. It would also be contrary to, in part, Policies CS2, CS3 and CS5 of the North Lincolnshire Local Development Framework Core Strategy (adopted June 2011), which relate to environmental impacts, development in the countryside, and the design of developments, including the relationship between the spaces around them.

23. For the reasons cited, the proposed development would be contrary to the North Lincolnshire Landscape Character Assessment and Guidelines (SPG 5) (1999). For the same reasons, it would conflict with the relevant paragraphs contained within Sections 12 and 15 of the Framework.

24. In reaching this decision, I note the appellant's concerns regarding the competency of the Council to review the LVIA. However, little evidence is before me which suggests that this has any truthful basis. Indeed, I find the Council's comments to be clear and well explained, and I am alive to the fact that such assessments on landscape character come down to matters of planning judgement.

Other Matters

25. I have had regard to third party concerns with respect to the proposed development, including but not limited to the effect on the highway network,

the potential for odour, noise and pollution. However, these issues have not been adequately substantiated in evidence before me and the Council raises no objection in this regard. Accordingly, on the evidence before me I am satisfied that the proposal is acceptable in regard to concerns highlighted above.

26. I note that the appeal site lies within proximity to a number of heritage assets, including a number of Listed Buildings and the Saxby-All-Saints Conservation Area. Although I have not been provided with a copy of the listing descriptions for these assets or details regarding what defines their significance, in discharging my statutory responsibility (under the Planning, Listed Building and Conservation Areas) Act 1990, I have considered the effect of the proposed development in relation to these heritage assets and I am satisfied that the location of the proposed development would be sufficiently distant and would not interrupt or distract views of the assets, nor negatively affect how they are appreciated, including their setting. I am therefore satisfied that the significance of the heritage assets would be preserved.

Conclusion

27. For the reasons given, the appeal should be dismissed.

M L Milliken

INSPECTOR