



Appeal Decision

Site visit made on 19 March 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/Y2430/W/24/3349624

Land at Stygate Lane, Pickwell, Melton Mowbray LE14 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S J Hazard against the decision of Melton Borough Council.
 - The application Ref is 22/01292/FUL.
 - The development proposed is the erection of 4 No. poultry sheds and associated infrastructure.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been made by Mr S J Hazard against Melton Borough Council. This matter will be the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Policy background

4. The development plan for the district includes the Melton Local Plan [2018] (LP) and the Somersby Neighbourhood Plan [2021] (NP). I find a number of policies within both documents to be relevant in the determination of this appeal. LP policy EN1 requires development at (I.) to be sensitive to its landscape setting and seeks, where possible, for this to enhance the distinctive qualities of the landscape character. Part (II.) seeks new development to respect existing landscape character and features. It states that proposals will be supported where they do not have an unacceptable adverse effect upon important landscape features including, but not exclusively, with respect to distinctive topography.
5. LP policy D1, with respect to design, requires buildings to be designed to reflect the wider context of the local area and respect local vernacular. This also requires development to be assessed against considerations of siting and layout to ensure the proposal is sympathetic to the character of the area. Good design is also sought by NP policy CD1 which requires all development to respect local character and, among other matters, be of an appropriate scale and height.
6. NP policy ENV8 requires development to respect the qualities, character and distinctiveness of the three listed local character areas and to recognise the high value of the landscape. This also requires proposed development to not create inappropriate visual intrusion. Furthermore, NP policy ENV13 with respect to

footpaths and bridleways, states that development that would have a significant adverse effect on footpaths will not be supported.

Reasons

7. There is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

Landscape character

8. The appeal site consists of a field used for arable farming. The site is to the northeast of the small village of Pickwell. It is close, but set away, from Stygate Lane within the open countryside. Stygate Lane follows a shallow ridgeline, with the site set at lower land falling down towards a shallow valley floor to the south. Due to the noted agricultural buildings surrounding, but distant to the site, the local landscape includes a dispersed and limited range of man-made interventions into the local landscape.
9. The site is within Landscape Character Area 15: High Leicester Hills, in the Council's Landscape Character Assessment [2011]. This area is characterised as containing attractive stone villages, set amongst rolling pastoral hills, and a range of field shapes and sizes. It is found to be enclosed by well-managed hedges, woodland and among other features intensive arable land. The appeal site, being a field within a rolling rural landscape, which is an important landscape feature, makes a positive contribution to this landscape characteristic. The site is also designated within the NP as Local Landscape Character Area 3 – The Back Slope. This area consists of gradually undulating land, with Stygate Lane running through its centre. In this area, the NP seeks to prevent incongruous landscape elements and where development should not create inappropriate visual intrusion.
10. The proposed scheme would consist of four poultry sheds, associated equipment and areas of hardstanding including an access driveway. The proposed development would cover a wide area, but due to the relatively low-lying nature of the proposed buildings and the retention of existing boundary hedging, the effect on the wider landscape would be modest.
11. The topographical drawing indicates that the site falls by around 8 metres from north to south. Accordingly, it is proposed to cut and fill the land to create a flat and level surface for the buildings. The extent of infill is demonstrated by the cross-section drawing¹, showing two terraced levels created across the site. This shows that the lower buildings would be raised above natural ground level on a sizeable platform. Accordingly, the proposal would alter landscape features, especially the slope it sits within, due to the relatively extensive land reforming, to create two new flat areas of land.
12. As such, the engineering works, together with the scale and location of the proposed development, would result in some localised landscape harm. Consequently, the scheme would result in a small magnitude of change to the character of the landscape. This would result in a moderate/minor impact on the area's landscape character, leading to some, albeit modest harm.

¹ Drawing reference: IP/SJH/06

Visual impact

13. Belmont Farm, adjacent to Stygate Lane, consists of a range of interconnected linear buildings forming a close-knit cluster of development. The farm is screened by field boundaries and adjacent to the highway, limiting its overall visual effect on the wider countryside. The surrounding countryside includes other rural buildings, which are generally grouped along the lane. The appeal site is a short distance from Stygate Lane and set away from Belmont Farm and other buildings within the open countryside. The site is a field used for arable farming, which slopes downhill from the highway. Due to its open and agricultural character the field makes a positive contribution to the character and appearance of the surrounding countryside.
14. Visual amenity relates to the direct visual impacts on receptors (people) rather than on the landscape. Public views of the proposal could be obtained from Stygate Lane and from footpath D68, a public right of way, which runs along the southeastern boundary of the site. The footpath provides users with a route away from Pickwell into the countryside to the east of the village. This footpath provides wide sweeping views over the land, which become less enclosed and thus more open as a receptor moves towards the site, away from Pickwell. These characteristics increase the value of such views and, as such, users of the footpath would be highly sensitive to change.
15. The general topography of the site and its surroundings provide screening from many wider views forming a degree of enclosure. Some man-made features are also evident in the area, including roadways, a wind turbine, telegraph poles and agricultural buildings. The combination of these features would disaggregate and limit some views of the site.
16. Figure 3 of the appellant's Landscape and Visual Impact Assessment² (LVIA), shows the theoretical visibility of the scheme. This demonstrates that most views outside the site would be in an arc from the northwest clockwise through to the southeast. I have adopted the magnitude of change and sensitivity to change descriptors found in the LVIA in my consideration of the proposal.
17. The Appellant's LVIA identifies five viewpoints (VPs) which assess the effect of the scheme on Visual Receptors. The viewpoints have been accepted by the council as being the most significant and useful in understanding the visual effects of the proposal. I am cognisant that these selected viewpoints provide only a snapshot of the site and would not necessarily fully reflect the experience of receptors walking alongside and past the site sequentially.
18. VP1, from footpath D68 looking at the southeast corner of the site, would observe the front of several proposed barns and part of the side of barn 4. The proposed development would be of a substantial scale and would represent a permanent and irreversible effect on the local area. The scale of development, together with the proposed engineering works, would result in a large magnitude of change as observed from VP1, resulting in a major adverse visual effect.
19. From VP2, also on footpath D68, halfway along the southeast boundary, an observer would take in the side elevation of barn 4 on its raised platform. This view would be partially obscured by the field boundary hedgerow. The LVIA asserts that

² Landscape and Visual Impact Assessment, Ian Pick Associates, October 2022

views here would be filtered through the limited gaps in the hedgerow. However, during my visit I noted that gaps were more pronounced, and I find that the proposal would be visible through the multiple gaps in the hedge along this part of footpath D68. Views from this vantage would result in a medium magnitude of change, resulting in a major/moderate visual effect.

20. The view from VP3, further along footpath D68 towards Pickwell, would represent the experience of observers approaching the site from a middle distant position along the footpath. From here views would take in the rear and part side of the barns. Such views would be mostly screened by field boundary hedging and some tree cover. From this vantage the magnitude of change would be small, with a moderate adverse visual effect.
21. From VP4, taking in views of the site from the access onto Stygate Lane, an observer would be likely to take in the roof and partial side of building 1 from a distant view. the sensitivity of users of the road would be medium. Due to the site being on lower land from this vantage, the magnitude of change would be very small, resulting in a moderate/minor visual effect.
22. Finally, VP5 provides a view from Stygate Lane a short distance from the site access towards the A606. From this distance views of the proposal would be limited due to a combination of topography, distance and intervening vegetation. From this vantage, the magnitude of change would be very small, forming a minor visual effect.
23. In terms of mitigation, the landscape proposal indicates that existing hedging would be strengthened with mixed native hedging, and the southeastern and northeastern boundaries strengthened further with tree planting. The appellant's Landscape Statement³, asserts that the proposed hedgerow, alongside footpath D68, would be a depth of between 3 to 5 metres and would grow to a height of around 4 metres and after 15 years would prevent all views of the proposal. However, I am unsatisfied from the evidence before me, that views of the buildings from the footpath would be fully, or even mostly, obscured once the addition planting has become established.
24. The relatively abrupt change in levels, and the inevitable separation distance between the new hedge planting and the existing hedge, would partly determine the extent of building that would be visible by users of the footpath. Although, the appellant states that the cut and fill works were considered by the LVIA, these details are not demonstrated (such as within a cross-section drawing). Furthermore, such planting would be unlikely to materially address the moderate adverse visual effects identified from more distant views along the footpath, such as from VP3.
25. When the engineering works are considered in combination with the scale of the proposed buildings, users of the footpath would experience a dominant and imposing form of development for a protracted range of views along the footpath. Whilst the magnitude of change would vary between large, medium and small in sequential views, the overall effect on users of this route would be materially adverse. Walkers, using footpath D68 would experience dominating views of the proposal from local views, and these would provide a broad perception of most of the scheme. These views would only be partially obscured by topography and

³ Landscape Statement, Ian Pick Associates, July 2024

natural screening that would not materially mitigate the overall visual effect of the scheme.

26. The proposed development would consist of an agricultural activity that would be typically found within a countryside setting. Such development garners support in principle from several of the Council's policies. However, the proposed buildings are of a substantial scale and would be an appreciable distance from existing farm buildings and the nearest highway, forming a remote cluster of buildings in the open countryside. Taking its harmful visual affects into account, views of the proposal from the footpath would appear to remain significant even following the establishment of the proposed screening by year 15. Consequently, due to the proximity of the footpath to the scheme and the scale of the proposal, it's visual effect would result in a material impact that would not be sensitive to its landscape setting. This would therefore, result in major and moderate adverse visual effects which would demonstrably erode users' enjoyment of the footpath.
27. NP policy EN11 requires development to integrate landscape planting with the local character and seeks, at (d) for non-residential development to include one tree for every 50sqm of gross floor-space proposed. The Council and appellant dispute the extent of proposed tree planting, once the hedgerows have been included in this provision. However, whether or not sufficient tree planting is proposed to address this policy, I am unconvinced that this alone would adequately mitigate the adverse visual effects of the proposal.
28. Accordingly, the proposal would result in moderate/minor harm to the area's landscape character and major/moderate visual harm. As a result, the proposal would demonstrably harm the character and appearance of the site and its surrounding area. Consequently, the proposal would conflict with LP policies EN1 and D1 and NP policies CD1, ENV8, ENV11 and ENV13. These seek, among other matters, for development to be of an appropriate scale for its location, to be sympathetic to the character of the area, be sensitive to its landscape setting and to not support development that would have a significant adverse effect on a footpath.
29. Furthermore, LP policy EC2(B) supports rural employment which would create or safeguard jobs. Part 2 of this policy provides support for schemes for farm diversification that involve small-scale business and commercial development that help support the viability and retention of farm holdings. However, the term 'small-scale' is not defined by the Council and is therefore a matter of planning judgement.
30. The appellant has explained that the proposed development, whilst consisting of a footprint of around 9,300sqm, should be regarded as an average sized poultry business in comparison to other facilities. It is also noted that an existing poultry farm, at Belmont Farm, is around 400 metres from the site and is said to be larger than the proposed scheme. Accordingly, it seems to be comparable in scale to nearby agricultural buildings. However, the policy does not seek development to be of a complementary scale but to be small-scale, suggesting a form that would be subsidiary or subordinate to another main building or activity. On this basis, as the proposal would be remote from other development and be of significant scale, it would not be small-scale and thus would not be supported by LP policy EC2.

31. LP policy EN3 relates to the Melton Green Infrastructure Network. The final, and only seemingly relevant, section of the policy seeks to prevent an adverse impact on green infrastructure corridors or assets. However, the conclusions of the preliminary ecological appraisal⁴ and comments of the Council's ecologist indicate that no adverse impact on green assets would be likely. As such, in meeting this policy, this weighs neither for nor against the proposal.

Other Matters

32. The proposed scheme would be within the open countryside for policy purposes, where the Council's spatial strategy seeks development to be carefully controlled. The proposal, as an agricultural use, is deemed to be necessary and appropriate in principle for a countryside location and would thus accord with LP policy SS2 and NP policy HR2. The support in principle weighs in favour of the proposal.
33. Furthermore, the appellant's Design and Access Statement⁵ explains that due to the uncertainty of arable farming, the business seeks to diversify into poultry farming. The appellant asserts that the proposed development would add stability to the existing largely arable business, which is currently suffering increased fertiliser costs, bolstering its profitability and securing existing jobs. These findings have been undisputed by the Council, and I see no reason to disagree with them. This represents a diversification opportunity for the farming business which also garners weight in favour of the scheme.
34. The appellant operates an agricultural business that includes 97ha of owned land and 208ha of rented land. The Environmental Statement⁶ explains that the only parcel of land owned by the applicant is that shown within the blue line on the location plan of appendix 1, showing land to the south of Stygate Lane. It is asserted that the location had been selected, taking into account that fact that the farmstead is rented and there is no option to develop the project elsewhere. However, this does not adequately explain why alternative sites, within the appellant's ownership, have been discounted which could be both set away from the footpath, Stygate Lane and relate better to existing farm buildings. As a result, based on the submitted evidence, it is not clearly demonstrated that another site creating less harmful effects, does not exist within the appellant's ownership.

Planning Balance and conclusion

35. The proposed diversification of the business gains support from the National Planning Policy Framework (the framework). This supports a prosperous rural economy which supports the diversification of agriculture and other land-based rural businesses. The proposal would be for an agricultural use which is supported in principle within the countryside by local policies. It would create employment opportunities and would ensure the land is used efficiently for improved productivity. Furthermore, the scheme would contribute to the promotion of a strong, vibrant and healthy economy and support the social and cultural well-being of the rural area.
36. In contrast, the site is remote from other agricultural buildings and other man-made features. It would result in moderate/minor harm to the area's landscape character

⁵ Design and Access Statement, Ian Pick Associates, November 2022

⁶ Environmental Statement, Ian Pick Associates, November 2022

and major/moderate visual harm, resulting in conflict with a range of policies within the development plan. Whilst the Framework supports the diversification of rural businesses and economic development it also requires development to be sympathetic to local character, which in this case is of over-riding importance.

37. These effects would be a permanent and irreversible and would outweigh the stated benefits. The proposal would not accord with the development plan, when taken as a whole, and there are no material considerations of sufficient magnitude to indicate that the appeal should be determined other than in accordance with the development plan.
38. For the above reasons, the appeal is dismissed.

B Plenty

INSPECTOR