

**LAND SOUTH OF
WARTON RECREATION GROUND,
ORTON ROAD, WARTON**

**AGRICULTURAL EVIDENCE
ON BEHALF OF
THE APPELLANT
BY**

TONY KERNON BSc(Hons) MRICS FBIAC

VOLUME 3: SUMMARY OF PROOF

LPA Reference: PAP/2025/0155

PINS Reference: APP/R3705/W/25/3371526

November 2025





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Volume 3: Summary of Proof

SUMMARY OF PROOF

The Witness

- S1 My name is Tony Kernon. I am a Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants with 38 years' experience in assessing the effects of development on agricultural land, soils and farm businesses.

The Site

- S2 The Site contains 5.6 ha of agricultural land of Grades 2 and 3a, and accordingly is all of the "best and most versatile" quality. The Site forms approximately 2% of a farm business, and is used for growing cereals and arable break crops

Putative Reason for Refusal

- S3 Putative Reason for Refusal 5 alleges that the loss of 5.7 ha of BMV land is contrary to Local Plan policy LP1 and paragraph 187 of the NPPF.

Planning Policies

- S4 Policy LP1 is a catch-all sustainable development policy, which makes no reference to agricultural land or soils.
- S5 NPPF (2024) paragraph 187 requires that the economic and other benefits of BMV land be recognised.

Analysis

- S6 LP1 is a general sustainable development policy that does not mention agricultural land. It is evident that the proposals are not in conflict with this policy.
- S7 The NPPF paragraph 187 a) refers to protected soils, and this part of the NPPF was quoted by the case officer. There is, however, no analysis of soils and no evidence that the soils are of an identified quality in the development plan, so it is evident that the proposals are not in conflict with this part of the NPPF.
- S8 The NPPF paragraph 187 b) refers to decisions recognising the economic and other benefits of BMV land. There is no analysis or evidence in the officer's report to Committee as to why there is conflict with this part of the policy. The evidence is, nevertheless, set out in this Proof. The economic benefits and food production benefits are minimal.

- S9 The report to Committee analyses NPPF paragraph 188 and alleges conflict. However this did not translate into identifying paragraph 188 in the Reason for Refusal.
- S10 That notwithstanding, the Site is not “significant development” and, were it part of the Council’s case, footnote 65 is not triggered. In any event, there is no evidence that poorer quality land is available around Warton, which is all shown to be Grade 2 on the provisional ALC maps, and >60% BMV on the Likelihood of BMV maps.
- S11 Whilst not part of the Reason for Refusal, the report to Committee advised Councillors that the availability of land for food production is now an important part of Government policy. However the policy the officer quoted is not part of policy in the NPPF, as it was deleted in December 2024.

Conclusions

- S12 The weight to be accorded to the loss of land of BMV quality will be a matter for the decision taker.
- S13 It is, however, evident that the appeal proposals do not conflict with the development plan or with national policy.



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