



Appeal Decision

Site visit made on 9 October 2017

by **Rachel Walmsley BSc MSc MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2017

Appeal Ref: APP/H1840/W/17/3177727

Land North East of Froghall Bungalow, Naunton Road, Upton Snodsbury, Worcestershire WR7 4NU

- 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 Watts against the decision of Wychavon District Council.
 - The application Ref W/16/03009/PN, dated 20 December 2016, was refused by notice dated 11 April 2017.
 - The development proposed is the proposed erection of three poultry units for free range egg production, six feed bins, alterations to existing site entrance, new access track and associated development on land north east of Froghall Bungalow, Naunton Road, Upton Snodsbury.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of three poultry units for free range egg production, six feed bins, alterations to existing site entrance, new access track and associated development on land north east of Froghall Bungalow, Naunton Road, Upton Snodsbury, Worcestershire WR7 4NU in accordance with the terms of the application, Ref W/16/03009/PN dated 20 December 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. This is the effect of the proposal on the character and appearance of the landscape.

Reasons

3. The appeal site is a grassed open field which is part of a rural landscape that is largely flat but strongly characterised by an ordered pattern of hedged fields and mature trees. The hedges and trees which bound the site contribute to the wider character of the landscape. Nucleated settlements and buildings also dot the landscape and contribute to its overall rural character.
4. The appeal site is not afforded the protection of any landscape designation such as those referred to within paragraph 115 of the National Planning Policy Framework (the Framework). However the site does fall within the Village Claylands Landscape, as referred to within the Council's County Landscape

- Character Assessment (the Supplementary Guidance)¹. Within this, the large areas of pastoral land, dispersed settlement patterns and hedgerows are noted.
5. Given the current absence of built form on the appeal site, the proposed development would have a notable presence. However, whilst occupying a sizeable area of ground, the development would be modest in height with much of it obscured by existing and proposed hedgerows and associated trees. That is not to say that the development would be obscured; the feed bins at the very least would be seen within local views. However, the development would not exceed the height of landscaping to appear unduly prominent.
 6. A variety in cladding colour is proposed. This would help break down the visual bulk and mass of the building and given the colours chosen, would further assimilate the development into the landscape. The cladding colours are shown on the submitted drawings and should permission be granted, it would be reasonable to secure these drawings by planning condition to ensure that the development was constructed with the cladding proposed.
 7. In 2014, a development of poultry units on the appeal site was granted by appeal². The floor area of the current proposal would be less than that allowed in 2014 but its length longer. When considering the degree to which the development would be screened by landscaping, difference in length is a consideration that carries little bearing on my decision.
 8. Agricultural buildings are not uncharacteristic of a rural landscape; the Framework does not seek to resist all new buildings within the countryside but supports the sustainable growth of all types of business and enterprise in rural areas, through, not least, well designed buildings. Supporting this notion is policy SWDP25 of the local plan³ which seeks to ensure that development proposals and their associated landscaping schemes are appropriate to, and integrate with, the character of the landscape setting and conserve, and where appropriate, enhance primary landscape characteristics. On the basis of my findings for the scale and form of the development in relation to the landscape, the development would be appropriately integrated into its surroundings and therefore appreciated as an agricultural building within a rural landscape.
 9. The Supplementary Guidance supports the conservation and enhancement of hedgerows and trees. The development is supported by a landscape strategy which proposes new hedgerows and tree planting and specimen tree planting in smaller clusters. The clustered tree planting would be away from field boundaries and hedge lines and therefore would contrast with the prevalence of existing trees which are mostly within linear patterns and hedgerows. However, the new trees are species which would not grow to a height that would exceed that of existing and proposed hedgerow trees, or the height of the poultry units proposed to have a notable presence within the landscape. Furthermore, the trees would be planted in small groups with a good proportion of the field left as open land. This would amount to a density of planting that could not be construed as woodland. Therefore, whilst the arrangement of the new trees would not complement that of existing trees, they would be sufficiently inconspicuous to have an indiscernible effect on the character of the wider landscape.

¹ Worcestershire County Council, Landscape Character Assessment, Supplementary Guidance, August 2012

² Ref: APP/H1840/A/13/2207644

³ South Worcestershire Development Plan, Adopted February 2016

10. The hedgerows proposed would maintain the ordered patterns of hedged fields and with trees planted within them, would echo the scattered pattern of hedgerow trees which is a defining feature of the Village Claylands Landscape.
11. In all, therefore, I find that the development would be a notable addition to the landscape but for the reasons given, it would not amount to a development that would cause undue harm to the character and appearance of it. I reach this conclusion taking into account the cladding and landscape strategy proposed. Both of these could reasonably be secured by planning condition and therefore it is on this basis that I find that the development would not be contrary to policy SWDP25 of the Local Plan.

Other matters

12. I note the concerns raised for the principle of the development; that of a development outside an existing settlement. The Council found that, because the development is for agriculture, it is an acceptable form of development outside a settlement and therefore compliant with policy. Based on the evidence before me I find no reason to come to a different view.
13. I have considered the objections to the appeal proposal. Concerns relating to landscape and character and appearance have been addressed within the main section of this decision. Concerns were also raised relating to forms of pollution including noise and odour, as well as matters of wildlife, flooding, and increased traffic. The Council has not objected to the proposed development on these grounds and nor am I aware of any objections from environmental agencies or the highway authority relating to these matters. In the absence of any specific or substantive evidence to indicate that the development would be harmful in these regards, I find no basis on which to reassess my conclusions. Nevertheless, agencies have a responsibility to protect the amenity of local residents and the environment. With the power to respond to and remedy any breach in environmental conditions, environmental concerns would be met in this way.
14. Within local objections, reference is made to permissions for poultry farms within the area, in particular on land adjacent to the appeal site and on the other side of Piddle Brook. The evidence before me identifies consent in the form of a permit, granted by the Environment Agency, for a poultry farm on land adjacent to the appeal site. This does not equate to planning permission and therefore the suitability of a poultry farm on this land, together with any implications for cumulative impact, remains a matter for the Council to decide should a planning application for such development be submitted. There are no details before me concerning the poultry farm proposed on the other side of Piddle Brook and therefore I cannot consider this proposal in any detail.
15. I note local concerns for any precedent the development may set for subsequent development but in deciding this appeal, I am required to make my decision on the basis of the development plan, unless material considerations indicate otherwise. In light of my findings, I have found that the development would not be contrary to the development plan and I have not found any considerations of material weight to suggest otherwise.
16. In reaching my decision I have considered the merits of a number of earlier appeals on the site. Where relevant and as indicated above, this has informed my reasoning. I have no details of appeal APP/W1850/W/16/3162464 or any

evidence of its relevance to the development proposed to consider this in any detail.

Conditions

17. I have found that the development would not give rise to unacceptable harm and that it would comply with the relevant development plan policy. Consequently, I propose to allow the appeal and grant planning permission. However, as discussed above, it is necessary to attach planning conditions to the permission to ensure that the development is carried out appropriately. The reasons for some of these conditions have been discussed above. I set out below the reasons for any other conditions.
18. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result I have amended some of them to improve precision, clarity and enforceability and eliminated others where conditions have been considered irrelevant or to avoid duplication.
19. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty.
20. Conditions relating to construction methods, forklift operations, lighting and hours of operation are necessary in the interests of protecting the living conditions of neighbouring occupiers.
21. Compliance with commitments submitted with the application as set out in the planning, design and access statement and odour and noise reports is necessary in the interests of protecting the quality of the environment, as is compliance with a condition regarding manure storage and management. Compliance with the Habitat Assessment submitted with the application, supplemented with the submission and approval of further details is required to ensure that the biodiversity of the site and the wider area is not harmed.
22. I have included a condition with regards to surface water drainage and a SuDS management plan to ensure that adequate systems are put in place and adhered to mitigate any potential harm to the environment as a result of poor drainage or pollution.
23. Conditions requiring details on the routing of heavy goods vehicles, the construction of appropriate access and parking facilities and a condition to stipulate that gates should be erected to avoid obstructing moving vehicles are included for highway safety purposes.

Conclusion

24. For the reasons given above, and having regard to all other matters, I conclude that the development would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan HA24723/01 Rev A; Proposed Block Plan HA24723/03 Rev A; Location Plan showing Access and Visibility Splay HA24723/05; Landscape Mitigation Proposals, Figure 2, dated June '17; and General Arrangement (Plans and Elevations) Rev A.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) an area for site operative's facilities;
 - iii) loading and unloading of plant and materials;
 - iv) parking and turning for delivery vehicles;
 - v) storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing; and,
 - vii) wheel washing facilities.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. Only electric models of fork lift trucks shall operate on site.
5. Notwithstanding the details submitted as part of the application, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
6. Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays and 08.00 and 13.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
7. The development hereby permitted shall be carried out and operated thereafter in accordance with the details set out in the Dispersion Modelling Study of the Impact of Odour (December 2016), Noise Impact Assessment (December 2016), and the Design, Access and Planning Statement which were submitted as part of the application, insofar as those measures do not conflict with terms and conditions of an Environmental Permit.
8. Prior to the first use of the development hereby permitted, details of a manure storage and management plan shall be submitted to and approved in writing by the Local Planning Authority. The operation shall be carried out

in accordance with the approved details at all times, unless otherwise agreed in writing by the Local Planning Authority.

9. Prior to the commencement of the development hereby permitted a detailed ecological mitigation and enhancement scheme shall be submitted to the Local Planning Authority for approval in writing. This shall be based on the recommendations contained within section 7 of the Extended Phase 1 Habitat Assessment by Wold Ecology Ltd dated November 2016 and shall include:
- i) a detailed working method statement for great crested newts with Reasonable Avoidance Measures which shall be informed by presence/absence surveys undertaken on the 3 ponds located within 50m of the application site;
 - ii) details of locations for bat and bird boxes and hibernacula;
 - iii) details of proposed lighting in relation to bat roosting and foraging habitat; and
 - iv) a detailed long term habitat management plan.

The approved ecological mitigation and enhancement scheme shall thereafter be carried out in full.

10. No development shall commence until details of a SuDS management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall:

- i) detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime;
- ii) include details on future management responsibilities including for pollution protection for all local watercourses, habitat provision and water quality improvement; and,
- iii) include maintenance schedules for all SuDS features and associated pipework.

The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

11. No development shall take place until the proposed route and point of discharge for the restricted surface water discharge from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied and retained thereafter.

12. Prior to the first use of the development hereby permitted, measures to control the routing of heavy goods vehicles visiting the site, insofar as they are capable of being controlled by the operator, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the approved measures, unless otherwise agreed in writing by the Local Planning Authority.

13. The development hereby permitted shall not be brought into use until the access and parking facilities shown on the approved plan have been

consolidated, surfaced, drained and otherwise constructed. These areas shall thereafter be retained and kept available for those uses at all times.

14. Any new access gates/doors shall be set back a minimum of 18 metres from the adjoining carriageway edge and shall be made to open inwards only.
15. For its first 20 metre length measured back from the nearside edge of the existing carriageway the site access shall be surfaced with either concrete or tarmac and adequately drained to ensure no surface water run-off enters the highway.
16. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with Landscape Mitigation Proposals, Figure 2, dated June '17 and shall include:
 - i) details, to a scale of 1:100, of all existing trees and hedges on the application site to include, for each tree and hedge, its position, canopy spread, species, proposals for felling/pruning and details of any works to be carried out within the canopy spread;
 - ii) a plan, to a scale of 1:100, and a schedule detailing the proposed layout of trees, hedges and shrubs, their species, size at time of planting, numbers and densities;
 - iii) a written specification outlining cultivation and other operations associated with plant and grass establishment;
 - iv) a schedule of maintenance including watering and the control of competitive weed growth, for a minimum period of five years from first planting;
 - v) existing and proposed boundary treatments; and,
 - vi) hard surfacing materials.

The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is first in use.

17. All planting, seeding or turfing comprised in the approved details of landscaping referred to under condition 16 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All soft landscaping to be retained, as shown in the approved details of landscaping referred to under condition 16 shall be retained and shall not be felled or pruned or otherwise removed. If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season, in accordance with details to be approved in writing by the Local Planning Authority.