

35/14/0023

MR & MRS S OWEN

**ERECTION OF POULTRY BUILDING (UNIT 1) WITH ASSOCIATED INFRASTRUCTURE AND FORMATION OF VEHICULAR ACCESS AT APPLEBY ORCHARD FARM, APPLEBY CROSS, STAWLEY**

Location: APPLEBY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307479.121168 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 200-01 Location Plan  
(A1) DrNo 200-02 Survey Plan  
(A1) DrNo 200-03 Site Plan  
(A1) DrNo 200-04 Site Plan  
(A2) DrNo 200-05 Floor Plan and Elevation Unit 1  
(A3) DrNo 200-06 Site Sections

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19th January 2015. All other colours shall be as submitted on the plans hereby approved.

Reason: Merlin grey is acceptable to the Local Planning Authority for the roof and the bulk feed bins as it is recessive and will blend the development into the landscape as required by policy CP8 and DM1 of the adopted Taunton Deane Core Strategy.

4. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment in accordance with policy DM1e of the adopted Taunton Deane Core Strategy.

5. The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and protected species survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1st December 2014.

Reason: To ensure that the maximum amount of protection is afforded to wildlife, particularly protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Natural Habitats and Species (Amendment) Regulations 2012 (also known as the Habitat Regulations), the National Planning Policy Framework and policy CP8 (Environment) of the Taunton Deane Core Strategy adopted September 2012.

6.
  - (i) Before any part of the development hereby approved is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the

grant of planning permission.

2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.
4. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.
5. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
6. The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.
7. Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.
8. Storage of litter should be on an impervious base with contained drainage. If,

however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code).

## **PROPOSAL**

This application is one of three that seek in total to provide new accommodation for 40,000 poultry on the existing farm holding at Appley Orchard Farm. The intention is to develop a free range broiler (meat) enterprise to meet the growing demand within the U.K. market. This application (unit 1) is designed to house 14,000 birds. Externally, the building will measure approx. 99 metres by 13.1 metres, including the control and store rooms. A further building adjacent will provide housing for the biomass boiler. This is indirect heating, as an alternative to LPG, utilising chipped timber and ensures drier litter which leads to reduced carbon dioxide and ammonia (natural bi-products of poultry manure).

The proposed building is of a timber framed construction, with brown timber horizontal shiplap boarding on the gable and side elevations and polyester coated profile steel sheeting (proposed juniper green) on the roof. Roof guttering and downpipes will connect to new soakaways. Windows are also provided to maximise natural daylight into the unit.

Popholes along each elevation provide access during daylight hours to the external grazing area. Stocking density is in accordance with the highest welfare codes of standard at 10,000 birds per hectare. At night the birds are shut in the building.

Externally the proposal is to provide 2 fully enclosed galvanised steel bulk bins, each with a capacity of 15.2 tonnes, measuring 3.15 metres in diameter and 5.79 metres in height.

The unit will be accessed by an extension to the existing approved driveway that runs from the highway network to the barn. As part of a previous application (35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track, Feb 2010), improved access provisions were made to the junction of the drive with the highway to enhance visibility and so no further modifications are considered necessary.

## **SITE DESCRIPTION AND HISTORY**

The farm is situated on fields lying to the east of the Hamlet of Appley. The land is served by one vehicular access off the public highway where a large splayed entrance has been laid. This was granted permission in February 2010. The entrance is laid to compacted hard core with the access track being of compacted stone. The track turns sharply west at the bottom of the hill and leads onto a stone yard area that contains a mobile home which is currently occupied by the applicant and his family and an adjacent ancillary timber building used as a utility room and domestic storage area. The mobile home and timber shed are the subject of another application also on the agenda for this committee. This unit (no. 1) is proposed in the fields to the east of the existing driveway, barn and mobile home. The total land holding of Appley Orchard Farm extends to more than 20 acres.

With regard to planning history, the following applications are relevant –

35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track (Feb 2010).

35/14/0015 - Change of use of land for the storage of felled timber at Appley Orchard Farm (retention of works already undertaken), first presented to members last year and deferred for further investigation on noise issues. Now an application also on this committee.

35/14/0021 - Extension to agricultural building, concurrent application also on this agenda.

35/14/0022 - Change of use of land for the siting of a mobile home and storage/utility room, concurrent application also on this agenda. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home and the storage of timber.

35/14/0024 - Formation of poultry building with associated infrastructure (unit 2), concurrent application also on this agenda.

35/14/0025 - Formation of poultry building with associated infrastructure (unit 3), concurrent application also on this agenda.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* - Stawley Parish Council has convened an Extraordinary Meeting on Monday 19th January 2015 to consider all these related planning applications. The Parish Council will respond formally to all these applications once it has had a chance to hear the views of the local community and consider the proposals as a whole at this Meeting. They intend to submit comments by Friday 23rd January at the latest before the close of public consultation on the three poultry shed applications.

*BIODIVERSITY* - The site is located approximately 350 metres south of Kittisford Wood Local Wildlife Site and to the west of the river Tone Local Wildlife Site. The site and its adjacent boundaries comprise of bare ground, broadleaved woodland, grassland, ditches and species poor hedgerows and trees. The application is submitted with an up to date ecological and protected species survey, which shows that the site interior is of low ecological interest and that the main ecological interest on site is found in the marginal habitats which are to be retained.

Planting required to settle the new buildings within the landscape should consist of native trees so that they will also be of benefit to wildlife. Conditions are suggested to protect the Local Wildlife Sites particularly from noise and light pollution.

*LANDSCAPE* - The site is located within landscape character type 15a (Brendon Fringes). The isolated location and scale of these poultry houses would be out of character with existing agricultural buildings in this rural and tranquil landscape. However, due to local topography and existing tree cover, the buildings will not be easily viewed from the public road. There may be limited glimpses of the units from the West Deane Way to the north of the site in the winter months. This can be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape.

I would prefer the roof to be a dark grey colour rather than juniper green. In addition the taller hoppers should be painted a dark colour to help make them less prominent in the landscape.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Have observations to make on this proposal which will follow.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Has no objections or observations to make on the proposal.

*ENVIRONMENT AGENCY* - The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions which meet the following requirements.

Condition:

No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

Reason: To prevent pollution of the water environment.

The following informatives should be included in the Decision Notice.

If the total number of poultry places of all 3 sheds exceeds 40000, the installation will require a permit from the Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement.

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance.

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.

Storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution.

Storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use *temporary* field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code).

## **Representations**

Two letters of OBJECTION have so far been received. One of these has subsequently been withdrawn by the author. This just leaves 1 objection. However it should be noted that the consultation period will run until 27th January, so any additional representations received will be reported to Members at the meeting.

Comments made against are –

- This has come quickly off the back of enforcement action by the Planning Committee which has not been adhered to;
- If these applications go ahead we would have the new barn, mobile home, stacks of logs, and three chicken houses on a 20 acre site;
- The waste from the chicken houses would have to be stockpiled as spreading is weather dependant. This has a health risk of rats and flies which is not a good idea so close to the pre-school, school and residential properties.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERSATION**

This application is not liable for a CIL contribution nor will it result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining factors in this case are -

- Planning policy;
- Visual amenity;
- Residential amenity;

- Highways and traffic implications;
- Environmental health issues; and,
- Landscape and biodiversity issues.

### Planning policy considerations

At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity and promote the development and diversification of agricultural and other land-based rural businesses. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment. It is Officer's opinion that the LPA should assist in the requirements of para. 28 by approving this proposal. The requirements of paras. 56 and 109 can be achieved with some minor alterations to the scheme (see below). Therefore there is clearly not any breach of the National Planning Policy Framework.

The NPPF and planning law makes clear that planning applications for planning permission must also be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant policies within the Adopted Core Strategy are –

- CP8 - (Environment);
- DM1 - (Development Management general requirements); and
- DM2 - (Development in the countryside).

These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, so long as the natural environment is not harmed and basic development management requirements are met. It is considered that the development of a poultry business within an existing agricultural holding, in an agricultural area is appropriate in a rural setting. The design is typical of a poultry unit and is widely used up and down the country in rural areas. Its design can be improved in terms of its colour scheme to make it blend further into the rural landscape (see below). On this basis the proposed unit is not considered to cause any environmental detriment and it will not cause any residential detriment (as discussed below), and so the proposal is considered to meet the tests of the policies within the Core Strategy.

### Visual amenity

The proposed site is not visible from any public vantage point or from any nearby Public Right of Way, because it is located down in a dip, is well screened from view by boundary hedging and trees, and is not unduly tall. It is considered that one might get glimpses of it from the West Deane Way to the north of the site in the winter months, but this would be at some distance. This can easily be ameliorated with a robust landscaping scheme which will help settle the buildings in the landscape. It is also thought that the colour chosen for the roof and the bulk storage



bins should be altered to a more recessive colour in order to help blend it into the landscape. The Agent has agreed to make this change and suggests 'merlin' grey for the roof and the bulk storage. This is acceptable. On this basis it is not considered that anyone would suffer any form of visual detriment as a result of this proposed unit. In any event this is clearly an agricultural building in an agricultural area where such structures are not uncommon features within the British countryside. Thus, it is considered that there are no issues with detriment to visual amenity that would justify refusal and the proposal is acceptable on this ground.

### Residential amenity

The nearest residential property is at least 360 metres away, and it is hardly visible to the naked eye from the proposed location for unit 1 due to tree and hedge cover both in the foreground and at the edge of the agricultural unit, due to the lie of the land being much lower than the road through Appley, because it is not an unduly tall structure and due to the approved farm barn being within the line of sight. There really are no grounds for concluding that the proposed unit no. 1 would have any impact on residential amenity whatsoever. It is possible to see Stawley pavilion from the site, but even this is over 300 metres away and would be well screened in the summer by an existing line of deciduous trees. This does not in any event have any residential element. The only residential properties are to the west and the north-west. There is only countryside without any buildings to the north, the east and to the south of this proposed site. Therefore no residential property will suffer any form of detriment as a result of this proposed poultry unit because it would simply be too far away to have any impact.

It is noted that there has only been one letter of objection received so far, although at the time of writing, the consultation period has yet to expire. Any further representations received will be reported to Members at their meeting. The one letter so far received which had reservations about the proposal did not make reference to residential amenity detriment. Instead it referred to the enforcement issues, the amount of proposed building on the site and potential difficulties with poultry waste (manure).

On the basis of all of this, it is reasonable and appropriate to conclude that this proposal is in accordance with policy DM1e (which includes residential amenity). There are no reasonable grounds for refusing the proposal on this ground.

### Highways and transportation issues

The broiler unit, as with most poultry operations, will have a set production cycle, and so traffic movements associated with it are predictable. It will have a 66 day cycle based on 56 days of rearing and a 10 day cleaning period. During this time, the number of vehicle (lorry) movements will be very low by agricultural standards, estimated to be less than 2 every week on average. Given the amount of traffic that uses the road between Greenham and the A38, the good width, vertical and horizontal alignment of the road (apart from in one place) and the good condition of the road surface, this is considered to be an immaterial amount. It is not envisaged that there will be any additional car traffic as a result of this proposal apart from the occasional vet visits, which would be occurring on an agricultural holding anyway. It

is known that the County Highway Authority have no issues with the nature of traffic that currently uses the road in order to access Gamlins Farm, the associated caravan park, Greenham Business Park, Cothay Manor and Whiteball landfill site, and the road is suitable enough to cater for all the traffic associated with these uses. However the views of the County Highway Authority have been sought and these will be reported to Members at their meeting.

### Environmental protection

The Environmental Health Officer is aware of other applications for poultry units within Taunton Deane and it is his view that whilst he cannot rule out any noise or odour being produced, based on past experience and with good management neither is likely to be an issue. It is his view that it is unlikely that there would be any environmental health impacts arising from this proposal that would justify refusal on planning grounds.

It should also be noted that the Environment Agency have no objection in principle and they have suggested some conditions and informatives to meet their requirements.

### Landscape and biodiversity issues

The unit is proposed on a field that contains poor grass and it is not of any significant agricultural value as it stands. The land is not of a highly sensitive nature that would require conservation and hence protection from any or all development. The Landscape and Biodiversity Officer has offered no objections so long as the colour of the roof and the associated bulk bin can be of a different colour to make it more recessive in the landscape. As noted above, the agent has agreed to this.

In ecological terms, the submission does include an 'Ecological and protected species survey' which concludes that the main ecological value of the application area is the mature boundary trees and hedges. These are unaffected by the proposal, except in one place where some of the hedging is to be removed to allow the new driveway to access units 2 and 3. The least sensitive portion of hedging has been chosen and its loss will not affect biodiversity, so long as the work of removal is done outside of the bird breeding season. The report concludes that since the majority of the site comprises grassland, the change in the ecological value of the site should be negligible. It does identify that with new landscaping and management of the existing habitats, the ecological value of the site could be enhanced. Therefore the long term impact should be of low magnitude. The report suggests conditions and informatives in order to ensure that the most significant impact of the land use through noise, light and human disturbance is minimised. Any approval should be conditioned to take these requirements into account.

### Conclusions

The proposal is for a poultry farming operation and given that it is located in a rural area that is currently used for agriculture, it would be appropriate in this location. On the main issues of planning policy, visual amenity, residential amenity, environmental protection, landscaping and biodiversity, it is concluded that there are

no reasonable or justifiable grounds for concern or for refusing the proposal, so long as the required conditions suggested are attached to any consent. The same is likely to be the case for the other main issue of highways/transportation, but this has yet to be verified by the relevant authority. Therefore, subject to the views of the Highway Authority, the recommendation is one of conditional approval.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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