
Appeal Decision

Site visit made on 28 August 2014

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 13 October 2014

Appeal Ref: APP/T2350/A/14/2219388

Land south of Oakfield, Showley Road, Clayton-le-Dale, Blackburn, BB1 9EX

- 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 D Hayes against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2013/0448, dated 20 March 2014, was refused by notice dated 15 May 2014.
 - The development proposed is a poultry unit.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. On the application form, the location of the site is given as Oakfield, Longsight Road, Clayton-le-Dale, Blackburn. The appeal site comprises part of a field at the rear of Oakfield, with access from Showley Road: at the site visit the main parties agreed that it should be referred to as land south of Oakfield, Showley Road, and I have identified it accordingly in the appeal details above.
3. The red edge, which denotes the extent of the appeal site, is shown differently on the location plan and the proposed site plan. On the latter it includes a visibility splay along Showley Road and it is drawn further away from the sycamore tree near the pond. The main parties agreed that the extent of the appeal site is as shown on the site plan, and I have considered the appeal on this basis.
4. The date on the application form is 19 April 2013, whereas the decision notice and appeal form give the date of the application as 20 March 2014. It appears likely that the earlier date refers to a previous application for the poultry unit which was not validated, and that 20 March 2014 was the date when the application which led to this appeal was submitted.

Main Issues

5. I consider that the main issues in this appeal are the effect of the proposed development on:
 - (i) the amenities of nearby residents and businesses with regard to odour, noise and disturbance.

- (ii) highway safety.
- (iii) nearby trees and hedgerows.

The proposal

6. The proposed poultry unit would accommodate about 10,000 birds for the purpose of egg production. Birds would remain inside the main part of the building, kept in an enriched cage regime. Attached on the south-west side would be an egg packing area, and two feed silos would be erected close to the south-east end of the building.

Reasons

Amenities of nearby residents and businesses

7. The appeal site lies close to a loose cluster of built development along this stretch of Longsight Road (the A59). There are several dwellings in this cluster and two restaurants, both on the opposite side of the A59 from Oakfield. A property at the junction of Longsight Road and Showley Road offers bed and breakfast accommodation, as does Myre Edge Farm, which is about 170m to the north-east of the site on Showley Road. Other than the Appellant's home at Oakfield, the nearest dwelling is Greenacre to the north-east. The Council and a representation on behalf of the occupiers of Greenacre refer to this property being about 60m from the site, whereas the Appellant has given a distance of about 85m. The location plan indicates that there would be about 70m from the proposed poultry unit to the garden boundary of Greenacre and about 85m to the bungalow itself. Other dwellings would be somewhat further away.
8. There is potential for the release of odours from the building when manure is removed and through the extraction system, which would include a series of eight fans on the south-east gable of the building. In addition, the Appellant's noise impact report refers to ventilation occurring by means of 16 apertures on each side of the building, although these are not shown on the elevations and in his final comments the agent disputes the Council's reference to such an aspect of the design. If included in the building, the apertures would provide a further opportunity for the escape of odours, but if this is not the intention there would appear to a lack of clarity in information about the ventilation system. The noise impact report explains that the four smaller fans would be brought into use one at a time, by increases in the internal temperature from 21° to 27°, and it is intended that the larger fans would only be switched on for brief periods in extreme temperatures. The noise impact and odour reports suggest that the extractor fans would not be greatly used, particularly in winter, but there is no detailed assessment of either the extent to which they would be likely to be operated during a defined period, nor of their effectiveness in dispersing odours. The odour report explains that manure would be removed twice weekly during summer and once per week at other times, and stored on an enclosed trailer prior to disposal. Given that the birds would remain inside the building throughout the year, there is no clear explanation for the reduced frequency of manure disposal outside the summer months, and there is no detailed information about the extent of odour which could be emitted from the building during this activity.

9. Reference is made by the Appellant to several other proposals for poultry units. I note that outline planning permission for a larger unit at Maypole Equestrian Centre in Wigan was granted subject to conditions requiring approval of a scheme for the extraction of fumes and odours and arrangements for manure disposal and that these conditions have been discharged: the Appellant also refers to the proximity of a dwelling to this site. Planning permission was granted in Ribble Valley for a hen building at Haggs Hall Farm, Ramsgreave, although I note that the committee report explains that other than the applicant's house there are no dwellings in the immediate vicinity. Fundamentally, however the full circumstances of the other proposals and the nature of the material submitted in respect of their applications are not before me.
10. In this case there are a number of dwellings and two restaurants relatively close to the appeal site. The Council advises that prevailing winds blow from the south-west, which is not disputed by the Appellant. There is the potential for odour release from the poultry unit, and the prevailing winds would carry emissions towards Greenacre and other nearby properties. Given the proximity of these sensitive uses, the information submitted does not demonstrate that there would not be an unacceptable effect on the amenities of nearby residents and businesses. It is not clear from the limited information available that conditions concerning an odour management plan and the storage and removal of manure would render this development acceptable in planning terms.
11. I have reached a similar view in respect of noise and disturbance. Noise would be generated by the operation of the extraction fans, the feed augurs and the egg conveyor belt. The noise impact report refers to the limited time that the fans and augurs are expected to operate, but there is no detailed noise assessment of the proposed operation. An acoustic report has been submitted which relates to a proposed poultry unit at Levens in Cumbria. It cannot be assumed that the circumstances of that proposal and its surroundings correspond to the proposal before me, and it would be inappropriate to rely on a report prepared for a different development to demonstrate that noise can be satisfactorily addressed. Similarly the absence of an objection by the local planning authority to noise in respect of the poultry unit at Wigan (above, para 9) does not indicate that noise would not be a source of disturbance in the case of the appeal proposal. I have taken into account the noise of traffic on the A59, but this does not obviate the need to provide sufficient information to enable the effect of the proposed development to be fully assessed. This is a rural location into which the proposed poultry unit would introduce certain additional noise. There are sensitive uses in the locality, and insufficient information has been provided to demonstrate that a condition requiring a scheme of acoustic measures would avoid disturbance to neighbours.
12. Little information has been provided on dust. The Appellant states that the nature of the enriched cage poultry unit would preclude the emission of any significant amount of dust particles. That form of words indicates that some level of dust would be emitted from the unit, but there is no detail provided about this or its dispersal beyond the building. I note that a dust-laden atmosphere must be avoided within the poultry unit to safeguard the welfare of the birds and stockpersons, but whereas that requirement indicates that measures would be taken to remove dust from the building, it provides no reassurance about the effect of emitted dust in the locality. In these circumstances a condition concerning air quality and dust mitigation would not

overcome my concern about the potential nuisance to neighbours from dust emissions.

13. The Council and local residents have expressed concern about pests. In this proposed poultry operation, the birds would remain inside the building. It would be in the interest of the Appellant to ensure that they remained healthy and safe, and I have no reason to doubt that the business would be effectively managed in this regard.
14. I conclude that the proposed poultry unit has the potential to cause serious problems due to odour, noise and dust emissions. Taking account of the opportunity to impose conditions, the information before me is insufficient to demonstrate that the development would not unacceptably worsen the amenities of nearby existing uses contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the emerging Ribble Valley Core Strategy.

Highway safety

15. The Highway Authority seeks visibility splays of 2.4m by 32m to the south of the access and 2.4m by 15m to the north of the access. The former splay is included within the appeal site, but the latter is not. At the site visit the extent of the splays was identified, and the main parties agreed that they were contained within land in the Appellant's control. Consequently their provision could be secured by means of a condition. Conditions could also be imposed to secure widening and surfacing of the access, and the position of gateposts.
16. Showley Road is a lightly trafficked rural lane. Given its narrow width and the presence of bends to the north and south of the site access, I consider it unlikely that vehicles travel at speed on this stretch of the road. Egg collection by lorry would occur twice per week as would the removal of manure by tractor and trailer in the summer. Feed delivery and the delivery and collection of birds would be less frequent and the business would have only two employees. I do not anticipate that the limited number of vehicle movements which would be generated by the development would materially increase traffic levels on Showley Road. Subject to conditions to improve the access to the site, I conclude that the proposed development would not reduce highway safety. In this respect, therefore, there would be no conflict with Policy G1 of the Local Plan or Policy DMG1 of the emerging Core Strategy.

Trees and hedgerows

17. The poultry building would be erected parallel to the hedgerow which forms the south-west boundary of the field. The nearest part of the building would be about 7.7m from the hedgerow and about 6.6m from the trunk of a mature ash tree¹. The hardstanding would be about 7.7m from a sycamore tree and about 2.5m from the hedgerow. Referring to British Standard BS 5837, the Appellant calculates that the root protection area of the ash tree would have a radius of 7.2m which, in unrestricted conditions, could be reduced by up to 20% on one side, giving in this case a distance of 5.9m on the side of the proposed building. The Council does not dispute this approach. The hedgerow is more compact than the ash tree, the canopy of which spreads outwards from the field boundary, and I consider that the poultry unit would be a sufficient

¹ The distance of 6.6m is given in the Appellant's arboricultural assessment. The proposed site plan gives a somewhat greater separation distance of 7.7m between the position of the building and the ash tree.

distance to avoid any undue harm to the ash tree and the hedgerow. Similarly there should be no harmful effect on the sycamore tree, given its distance from the intended position of the hardstanding. The hardstanding would be closer to the hedgerow, but the edge of this area could be formed using a no-dig method of construction to minimise any effect on the root system. On Showley Road, hedgerow removal would be required on each side of the access to secure the visibility splays. Conditions could secure replanting behind the splays and the implementation of a scheme to protect the trees and hedgerow on the south-west field boundary.

18. I conclude that the proposed development would not have a detrimental effect on the quality of tree and hedgerow cover close to the appeal site, and it would not conflict with Policy ENV13 of the Local Plan or Policy DME1 of the emerging Core Strategy.

Other matters

19. Agricultural structures such as the proposed poultry unit and feed bins are not uncommon in the countryside. In this case, the structures would be set back from the A59 and would be relatively close to existing built development. They would not be unduly prominent and the use of subdued colours would assist in their assimilation into the landscape. External materials and landscaping could be the subject of conditions, and with these safeguards I do not find that the development would materially detract from the character and appearance of the area. Moreover, although the Council suggests in its statement that the development would detract from the visual amenities of the locality, I note that no such objection was included in the reasons for refusal.
20. The Appellant's ecological survey records a habitat suitability index score of 0.78 for the pond adjacent to the appeal site, indicating good potential for use by great crested newts. However the field of which the site forms part is considered to have low-moderate value as foraging habitat and to be of no value for the shelter or hibernation of great crested newts due to a lack of cover and presence of livestock. The report does not reach a view as to whether or not great crested newts are present in the pond. In order to avoid an adverse effect on this protected species, a scheme of mitigation measures could be secured by means of a condition. Subject to such a condition, I do not consider that the proposed development would be contrary to Policy ENV7 of the Local Plan or Policy DME3 of the emerging Core Strategy.
21. It is expected that the poultry unit would provide employment for two people, but there is little other information about the economic implications of the business. I give moderate weight to the contribution of this small-scale enterprise to the local rural economy.

Conclusions

22. The proposed development would not reduce highway safety or adversely affect the quality of tree and hedgerow cover. Agricultural development is acceptable in principle in the countryside and the poultry unit would make a contribution to the local economy. However it would be located near to several dwellings and two restaurants. There is the potential for serious harm to be caused to the amenities of these nearby uses due to the adverse effects of emissions of odour, noise and dust. Insufficient information has been submitted to demonstrate that, with the imposition of conditions, the

development would not unacceptably worsen amenities, and the prospect of such serious harm is not outweighed by the moderate benefit of the development to the local economy. For the reasons given above, and having regard to all matters raised including the suggested conditions, I conclude that the appeal should be dismissed.

Richard Clegg

INSPECTOR