

AGRICULTURAL APPRAISAL & PLANNING STATEMENT

PROPOSED AGRICULTURAL WORKERS DWELLING AT
THE POULTRY UNIT, TOSSIDE ROAD, SLAIDBURN

APPLICANT: RICHARD ROBINSON

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1. INTRODUCTION

- 1.1 This report has been commissioned by Richard Robinson in connection with a planning application for the erection of an agricultural workers dwelling at Tosside Road, Slaidburn.
- 1.2 The purpose of this report is to provide an objective appraisal of the poultry enterprise operating at Tosside Road. This report has been prepared having regard to paragraph 55 of the National Planning Policy Framework which relates to dwellings for rural workers.
- 1.3 This report has been prepared by Ian Pick. Ian Pick is a specialist agricultural and rural planning consultant. He holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a Professional Member of the Royal Institution of Chartered Surveyors, being qualified in the Rural Practice Division of the Institution.
- 1.4 Ian Pick has 19 years experience in rural planning whilst employed by MAFF, ADAS, Acorus and most recently Ian Pick Associates Limited.

2. BACKGROUND TO THE APPLICATION

- 2.1 Richard Robinson owns a parcel of 174 acres of land at Tosside Road, Slaidburn. The land was formally part of Standridge Farm.
- 2.2 Since purchase of the farm, the applicant has invested in the development of a free range egg production business on the farm, through the erection of 2 No. free range egg production units, each extending to 16,000 birds.

3. AGRICULTURAL BUSINESS DESCRIPTION

- 3.1 The business is based on free range egg production and includes 2 No. purpose built free range egg laying units which each house 16000 birds.
- 3.2 This site is a specialist purpose built poultry unit. The buildings are constructed from a clear span frame, are fully insulated, lined with steel and have a profiled external cladding. The building house an egg packing facility and control area, an egg store and the bird house area.
- 3.3 The unit is fitted with automated feeding, water, lighting and ventilation systems.
- 3.4 The building includes a bird housing area which includes a concrete scratch area, a raised slatted perching area and nest boxes.
- 3.5 The nest boxes are situated adjacent to the egg collection conveyor. The nest boxes have a sloped floor to enable the fresh egg to gently roll away from the bird safely onto the conveyor.

- 3.6 The egg conveyor takes the eggs to the handling area which is located at the southern end of the building. Within the handling area, the eggs are packed into trays using an automated egg packer, and loaded onto pallets for collection. The egg packing process is undertaken every day of the week.
- 3.7 The poultry unit houses 32000 hens per flock cycle. The flock cycle within the unit is 60 weeks plus a four week break for cleanout. The birds are purchased at point of lay (16 weeks), and housed for 60 weeks.
- 3.8 At the end of the flock cycle, a 4 week period is allowed for cleaning of the unit and preparation for the incoming flock. The cleaning process involves dismantling the internal equipment within the bird area, removing the manure, power washing the building and equipment and reassembling the equipment.
- 3.9 The unit operates as a high health status poultry unit. Significant disease precautions are in place to prevent welfare problems with the hens.

Labour

- 3.10 Labour for this unit is provided by three full time workers. These include, Richard Robinson, the unit manager who is responsible stockmanship, egg packing and quality control. Two assistants inspect the bird area and package over 30000 eggs each day, seven days per week.

Dwellings

- 3.11 There are no dwellings on the application site. The applicant currently resides at The Cottage, Lower Edge Farm, Tinklers Lane, Slaidburn. This dwelling is located 2km by road from the application and is not within sight and sound of the livestock enterprises.
- 3.12 The applicants propose erecting a dwelling on the site at Tosside Road. The proposed dwelling will be located adjacent to the farm access and in close proximity to the free range egg laying units.

4. FINANCIAL DATA

- 4.1 The accounts for the year ending 30th June 2014, 2015 and 2016 are appended to this application confidentially and confirm that the business is financially sound and viable and profitable.

5. THE PROPOSED DEVELOPMENT

- 5.1 The business proposes erecting an agricultural dwelling provide accommodation for the full-time unit manager and his family. As described this site is a modern egg unit with the best available equipment and standards. The dwelling is positioned so that while relaxing in main area of the home, a complete view of the egg unit will be available to provide for the ongoing supervision and welfare of the birds. The proposed dwelling will enable a manager to permanently reside on the site to provide corrective action in the event of a livestock emergency, such as a smothering event and equipment failure and also the daily evening inspection of the birds carried out between 19.00 and 23.00.

6. NATIONAL PLANNING POLICY FRAMEWORK

- 6.1 Planning policy for dwellings in the Countryside is contained within paragraph 55 of the National Planning Policy Framework.

Paragraph of the NPPF states that “55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside;

7. NPPF ASSESSMENT

- 7.1 The National Planning Policy Framework replaced the guidance in PPS7 on 27th March 2012, and includes a single test associated with the provision of dwellings in the Countryside. This single test requires that it is essential for an agricultural worker to live at or near their place of work.
- 7.2 Essential need is principally determined by the nature and scale of the enterprises operated and the agricultural systems involved. This agricultural business operates a free range egg laying enterprise, extending to two connected building with 32,000 laying hens.
- 7.3 This type of intensive poultry enterprise has an essential need for supervision to provide care for the welfare of the birds and to monitor automated systems and provide corrective action in emergencies.
- 7.4 A high standard of animal husbandry is essential if the business is to be successful.

- 7.5 The essential needs associated with the operation of the barn egg laying units are two-fold with supervision required for monitoring of automatic ventilation, feed and lighting systems, and for bird welfare.
- 7.6 In a poultry unit of this type, the system is reliant upon automatic systems for ventilation, feed and lighting. When automated systems are in use, problems can occur, such as equipment failure or power failure. The consequences of a failure in the ventilation system are such that internal temperature can rise very rapidly. Rising temperatures initially cause heat stress to the birds and eventually suffocation and death, if not rectified quickly. Disruption to the lighting system, caused by power failure, can also cause a panic incident.
- 7.7 The monitoring of automated systems can be alarmed against and linked to a mobile phone. Even with alarm systems the response to an alarm should be relatively instant. As a high health status unit, the operators have a requirement to shower in and change clothes every time the unit is accessed by staff. This causing significant pressure on staff to be immediately available on the site to cut down on the timescale to gain access into the birds.
- 7.8 The more important issue of functional need is the behaviour of the birds themselves when panicked. Birds housed on the floor, as distinct from laying cages, are prone to panic and crowding, resulting in smothering, if disturbed by external factors. Factors which can result in panic amongst the birds range from aircraft noise, adverse weather, to mechanical problems. The unit includes automated machinery and equipment, and failure of the equipment can result in panic of the birds, for example, failure of the nest boxes to open can disturb the birds, power failing resulting in flickering lights while the back-up generator starts, disturbance from noise associated with the back-up generator starting up, mechanical faults with feed motors and auger breakage. The factors which can cause panic incidents are numerous.
- 7.9 In an incident of panic, the birds flock and crowd in a corner of the shed, which results in large numbers of birds climbing on top of each other. A panic incident can result in large scale losses of birds through smothering. The only way in which a smothering incident can be mitigated is from the manual intervention of a stockman.
- 7.10 Emergencies such as panic and a smothering incident amongst birds cannot be alarmed against, but are audible outside the building. The triggers of such an incident are also audible on the site. Therefore only a worker resident on the site would be alerted to such an incident.
- 7.11 The dwellings will provide for the out of hours supervision of a total of 32000 hens and it is considered there is an essential need for a full-time worker to reside on the holding to provide for the vast supervision and monitoring requirements.
- 7.12 The issue of functional needs associated with poultry units has arisen on a number of appeal cases, which are quoted below. Some of the quoted appeal decisions relate to free range egg units. Free range egg units and barn egg units

have the same operational characteristics with building layouts and equipment being the same.

Kay Sheffield. Appeal Ref: APP/R0660/A/10/2122115, Land north west of The Beeches, Audlem Road, Hatherton, Nantwich, Cheshire CW5 7QG

The above appeal decision was against Cheshire East Council and dated 21st June 2010 and related to the functional need for accommodation on a 7000 bird free range egg unit. With regard to the functional need to reside on the site, the inspector stated;

7. It is apparent from the submitted documents and the discussion at the hearing that a large part of the egg production process relating to the welfare of the chickens would be regulated and monitored by automatic systems and that the appellant, in running the enterprise, would be alerted to any problems by suitable alarm systems. It is also apparent that any problems with the automated systems could be minimised by regular maintenance and that any disruption to these systems, whilst a threat to the welfare of the chickens, could be successfully managed if responded to quickly.

8. It is the unpredictability of the response of the chickens to unexpected incidents that would appear to pose more threat to their welfare. Incidents from as serious as predators accessing the unit to as simple as the back-up generator starting up or aircraft flying overhead could prompt a panic incident which, if not dealt with within a matter of minutes, could result in the partial or full loss of the flock.

9. The frequency of panic incidents seems to vary between enterprises and there is no way of predicting how often they might happen. **However, it is evident that if the flock is disturbed a check needs to be made to ensure it does not escalate into a panic incident. In order to be aware of an event which might trigger an incident, or to be able to hear if one is triggered, the stockman needs to be within sight and sound of the unit.**

10. I noted that to drive from the entrance to the site off Audlem Road to the outskirts of Nantwich takes less than five minutes. I also noted, and the appellant agreed, that there are properties available both within Nantwich and in the vicinity of the site that would provide a level of accommodation comparable to that in the proposed mobile home. However, it was agreed that none would satisfy the functional need for a worker to be readily available at most times.'

11. From the evidence before me I am satisfied **that it is essential for the needs of the enterprise that a full-time worker lives within sight and sound of the egg production unit** and that there are no suitable existing dwellings which would satisfy that requirement. I therefore conclude that the functional need for the development could not be fulfilled by existing accommodation in the area and that the development would therefore comply with Policies RES.5 and NE.2 of the LP and the guidance contained within PPS7.

Jeremy Youle - Appeal Decision APP/C3240/A/05/2005531 (paragraph 18.) “I have been provided with evidence that in flocks of this size there is a high risk of panic. This can quickly lead to stress, massing, suffocation and death and so would require intervention from workers to avoid significant loss of stock. Panic can be triggered, even when the birds are inside the building by predators, human intruders and by military aircraft which operate in this area. (Paragraph 19.) Given by conclusions above I do not consider that the functional need could be met by a worker living at Mr and Mrs Bethell’s house which the council considers about 1.8km from the site”

Karl P. Moxon said in appeal decision APP/V1315/A/04/1156833 (paragraph 71.) “The crucial point under this head, I consider, is that a crisis likely to have a significantly adverse effect on the welfare of the flock could arise at any time. If such an incident happened to be, for example, the intrusion of a predator (such as a dog or fox) into the site, immediate action would be necessary. (Paragraph 72.) During the summer months especially, a FREP stockman’s daily hours of work do not form a single shift; rather, he is required to work for varying periods which, although they may in total amount to only eight or nine hours or so, are likely to span say, 0700 to 2200 hours. But because of the possibility of an unforeseen crisis, he needs to be on hand for the whole of those hours. (Paragraph 73.) I consider that it would be wholly unreasonable to expect a stockman to spend significant periods away from his home and family when he is not working, but is merely on stand-by in case of an emergency. **I have therefore formed the view that nothing short of a dwelling within sight and sound of the appeal site would meet the functional needs of this proposal.** (Paragraph 74.) Even leaving aside matters such as its availability and association in legal and/or policy terms with the land at Derwent Oak Farm, Derwent Oak Farmhouse is nearly 800m from the appeal site and hence does not fulfil the sight and sound criteria”

Phillip Crookes said in appeal decision APP/A3010/A/06/2026709 (paragraph 16.) “Paragraph 12 (b) of Annex A requires that the functional test included in paragraph 4 is applied, and, if satisfied, criteria (d) requires that the need could not be fulfilled by another dwelling on the unit, or by another existing accommodation in the area. Whilst automatic systems relating to temperature control, ventilation and feeding could be monitored and alarmed remotely, any failure could require attention at short notice. In addition, free range birds are easily stressed and circumstances can occur where flock reaction and panic due, for example, to sudden noise or the presence of predators can be immediate and potentially fatal to large numbers due to smothering. To this extent I am satisfied that the demands of the enterprise require a full-time worker to be readily available at most times. (Paragraph 17.) There are no other dwellings on the unit and those in the settlements of North and South Leverton are too far away to provide the immediate contact in terms of sight and sound that is necessary in the interests of animal welfare and the loss of significant flock numbers. The proposed mobile home would be approximately 150m from the production unit and in my view is the only feasible option to provide supervision of the flock at all times within sight and sound and therefore provide for a speedy response to any emergencies that may arise. (Paragraph 19.) I am satisfied that the proposed mobile home is a

necessary and essential requirement of the proposed free range egg production enterprise and satisfies the criteria for temporary agricultural dwellings in Annex A of PPS7. It also complies with 2/10 of the JSP and policy 6/14 of the DLP”.

Nigel Payne said in appeal decision APP/Y3425/A/00/1055405 (Paragraph 17.) “It was common ground at the inquiry that the two proposals stood or fell together as without the new egg unit there would be no justification for a mobile home. However, neither the council nor any other party questioned the essential need for a full time worker to be readily available at most times on the site for the proper functioning of the new enterprise. This would include ensuring the security and welfare of the birds, as well as dealing with emergencies. The fact that a contract has been signed with a national supplier to accept all the produce, together with the accompanying practical advice and assistance, confirms an ability to proceed, as well as that the project has been planned on a sound financial basis. As no other dwellings in Radmore Lane appear available or suitable and in the absence of any other evidence, the criteria in paragraph 14 of Annex 1 to PPG7 would be met. Given the location of the main building, the siting and access for the mobile home seem to be satisfactory and consistent with policy HOU4 of the SBLP. I conclude that there is an agricultural need for a temporary mobile home on the site for the three years to give the enterprise an opportunity to become established in accordance with policy H11 of the SSP and HOU3 of the SBLP”.

Appeal decision APP/E2001/A/11/2165327 related to a barn egg at Half Acres Lane, Everingham, York and the unit was operated with the same contract company as this current application. Essentially, the operation at Half Acres Lane, Everingham was identical to the operation at Wades Green Poultry Farm. Relevant comments made by the Inspector are shown below.

“10. I appreciate that events likely to trigger panic amongst the birds might well be infrequent. Moreover, the appellant has provided only limited detail of the smother incidents that have occurred at the site to date. However, it was accepted by the Council that such incidents can and do occur in this type of operation and that they can result in a substantial loss of stock. Accordingly, I attach significant weight to this consideration.

11. The Council points out that the unit has been operating for a number of years and appears to be successful without a dwelling. However, I understand that the mortality rate at the unit is currently unusually high, and compares unfavourably with those other units owned by the appellant company where a worker’s dwelling is available on the site. This suggests to me that the unit is not operating as effectively as it ought. Indeed, a letter from the company that contracts the production space at the unit expresses clear dissatisfaction with the current situation and an intention to end the arrangement if there is no improvement in the mortality rate. In any event, even if the unit remains in profit, I am mindful that the business involves a very large number of live animals, and their welfare must be assured to a reasonable degree.

12. The Council argues that the unit could be monitored from the appellant

company's existing dwelling at nearby Skylark Farm, or that a dwelling could be acquired within nearby Everingham village. I note also that an agricultural worker's dwelling is available nearby. However, for the reasons already given, I am persuaded that there is a need for a dwelling within earshot of the poultry unit, which stands on its own, unrelated to any existing dwelling, and this points to the need for a dwelling on the appeal site."

- 7.12 The thrust of the National Planning Policy Framework is aimed at sustainable development. This proposal is for a managers residence associated with a large scale, profitable farming business.

8. CONCLUSIONS

- 8.1 On the basis of the information provided by the applicants, it is considered that the proposal fully accords with the provision of paragraph 55 of the National Planning Policy Framework, i.e. there is an existing essential need for a full time worker to reside on the site to provide for supervision of the poultry unit.
- 8.2 It is considered that a dwelling on site is required in order to provide constant and adequate supervision of the poultry enterprise and related mechanical systems and to carry out essential emergency repairs at short notice both within and outside normal working hours.
- 8.3 The business is financially sound and viable with clear prospects of remaining so.

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