

Appeal Decision

Site visit made on 21 March 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 12 April 2017

Appeal Ref: APP/Y3425/W/16/3164617

Plot 14, Radmore Lane, Gnosall ST20 0EG

- 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 Mrs Alina Muntean of POE Limited against the decision of Stafford Borough Council.
 - The application Ref 16/23992/FUL, dated 6 April 2016, was refused by notice dated 27 October 2016.
 - The development proposed is described as "*rabbit farm proposal. Create an access from Radmore Lane to our plot*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - Whether the proposal would be sustainable rural development;
 - The effect of the proposed access on highway safety.

Reasons

3. The appeal site comprises a small part of a field adjacent to Radmore Lane and its boundaries are marked by metal posts and hedgerows to the north and west. There is a gap in the hedgerow on the boundary with Radmore Lane that coincides with the proposed access point. Radmore Lane is bounded by grass verges, ditches and hedgerows in the vicinity of the appeal site. I noted at my site visit that there are a number of dwellings and farms dispersed along Radmore Lane with cattle grazing in fields near to the appeal site. There is also evidence of equestrian uses in paddocks that are in close proximity to the appeal site. The site is adjacent to The School House, a residential dwelling.

Sustainable rural development

4. The proposal would involve the use of the site as a rabbit farm with the erection of a single storey building for staff facilities and storage adjacent to the northern and eastern boundaries. The rabbits would be housed in 342 rabbit boxes/hutches separate to that building. I note that the appellant has stated that the products and by-products of the farm would be live rabbits, rabbit meat and rabbit manure. I also note that the company has the option to transport the animals to an abattoir for slaughter.
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5. Policy E2 of The Plan for Stafford Borough (the LP) states that support will be given for the achievement of rural sustainability by encouraging, amongst other things, provision for the essential operational needs of agriculture and rural businesses. It goes on to state that all development should not be detrimental to the amenity of the area.
6. LP Spatial Principle 6 sets out that priority will be given to supporting the rural sustainability of the Borough by protecting and enhancing its environmental assets and character whilst sustaining the social and economic fabric of its communities.
7. I have no evidence before me as to whether the development would be within a Settlement Boundary for the purposes of LP Spatial Principle 7. However, the Council's Officer Report considers points ii), iii) and iv) of this spatial principle that relate to development in other locations. It is reasonable to consider that given the location of the appeal site and the Council's Officer Report that the site is not within a Settlement Boundary.
8. Points ii), iii) and iv) of LP Spatial Principle 7 relate to the development being consistent with Spatial Principle 6 and Policy E2, it not conflicting with environmental protection and nature conservation policies of the LP and provision being made for any necessary mitigating or compensatory measures to address any harmful implications.
9. I acknowledge that the proposal would involve an agricultural business in a rural area and that 2/3 jobs would be created. I note that the Council considers that it is not clear from the information provided as to whether there would be sufficient land or facilities essential for a viable agricultural business to flourish. The Business Plan, which was submitted in support of the planning application, provides information in relation to the overall company POE Limited and the rabbit farm. However, the financial and business assets cited in that report appear to relate to the past performance of POE Limited.
10. There is also little detailed evidence before me to justify a building of the size shown on drawing No D.02 in relation to the essential operational needs of the rabbit farm. However, the building would be low key in appearance and would be of a similar character to other agricultural buildings in the vicinity.
11. Nonetheless, the evidence before me in support of the proposal is limited and contradictory. It is not clear as to whether the animals would be taken to be slaughtered at an abattoir as the appellant has only stated that they have the option to do this. I also note that the Council's Principal Environmental Health Officer has stated that there are no approved abattoirs in the region for rabbit slaughter.
12. The rabbit hutches/boxes would not be within an enclosed building. I have no information before me to indicate the measures that would be taken to ensure the biosecurity of the site and to prevent the spread and transfer of disease. The submitted waste disposal and odour assessment states that the rabbit manure will be disposed of each day into the septic tank that is to be installed on the site.
13. However, the business plan states that rabbit manure can be used by farmers and indicates that it is a by-product of the business. It is unclear if some of the manure is to be stored on site and then sold to farmers and how that manure is

- to be stored. Moreover, there is no detailed evidence on how the waste products from the animals are to be collected or the measures to be taken to control odour and insects arising from the storage and disposal of the manure.
14. I note that the Council's Principal Environmental Health Officer considers that the use of a septic tank for waste water from the development is unsuitable given the quantity of waste water that is likely to be generated. I have no reason to dispute this finding.
 15. Once it is constructed the main noise generated from the development would be in relation to vehicles entering and exiting the site. I note that in relation to staff working at the site one van would arrive at the start of the working day and the same van would leave at the end of the working day. However, the appellant has provided evidence that contradicts this as she has also stated that the staff would make any deliveries. Moreover, there is no detailed assessment of the noise to be generated by vehicles entering and exiting the site.
 16. The appeal site is within close proximity of a residential dwelling and farms. The information before me does not offer sufficient clarity and robustness to be able to conclude that the proposal would not adversely affect the amenity of the area or the natural environment. Indeed from the evidence it seems likely that the use would cause such harm given the siting of the rabbit hutches/boxes in the open, the use of a septic tank for waste water, the potential to store manure on the site and the proximity of neighbouring occupiers. Furthermore, without a more comprehensive assessment any mitigation or compensatory measures required cannot be adequately assessed.
 17. Consequently, the proposal would not comply with LP Policy E2, Spatial Principles 6 and 7 and would not be sustainable rural development. It would also not accord with paragraph 109 of the National Planning Policy Framework (the Framework) which sets out that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Access

18. Radmore Lane is a narrow country lane with passing places and at the time of my site visit (10.00am) it was very quiet and there were relatively few vehicles using it. I acknowledge that at other times of the day it may be busier but there is no evidence before me to suggest that the road is normally heavily trafficked.
19. However, I note that the national speed limit applies to Radmore Lane and that the section in close proximity to the site is relatively straight. The proposed access point would be adjacent to a timber power line pole and this could potentially obstruct visibility to the right to some extent when leaving the site.
20. Even though the national speed limit applies, due to the width of the lane average traffic speeds may be lower. However, there is no evidence before me such as a speed survey to confirm this. I also have no drawings to indicate the visibility splays that could be achieved in both directions. Furthermore, as stated above there is no detailed information provided in relation to the

frequency and size of vehicles likely to make deliveries to or collections from the site. I note that the appellant states that the staff will make deliveries but it is likely that some goods would be delivered or collected from the site by other parties.

21. I acknowledge that the proposed traffic generated by staff would not be significant and that there would appear to be sufficient space within the site to park and manoeuvre a car/van for staff. However, due to the lack of evidence in relation to delivery vehicles it is unclear as to whether there would be sufficient space within the site for those vehicles to park and manoeuvre. Any delivery vehicles that would not be able to enter and exit the site would severely restrict access along Radmore Lane if they undertook the delivery from the highway.
22. Taking into account all of the above Radmore Lane appears to be lightly trafficked but it is restricted in width and it is unclear from the information before me as to the overall level of traffic that would be generated by the proposal or the visibility splays that would be achievable. Consequently, there is insufficient evidence to ascertain as to whether a safe and suitable access to the site can be achieved for all people.
23. It follows that the proposal would conflict with LP Policy T2 which, amongst other things, requires all new development to have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal. It would also not comply with paragraph 32 of the Framework. I note that the decision notice refers to LP Policy T1(h) but as the amount of traffic that would be generated by the proposal is unclear I consider that this policy is not relevant.

Other Matters

24. The proposed access would be across a significant width ditch that had an appreciable amount of water within it on the day of my site visit. No details have been provided in relation to the method of construction of the access but the appellant has stated that she would install a 30 centimetre diameter pipe within the ditch. I noted that there are a number of accesses across the ditch to neighbouring farms and dwellings. I consider that it would be possible to construct a culverted access that would not restrict the flow of water within the ditch. These details could be controlled by means of a condition if I was minded to allow the appeal to ensure that the likelihood of flooding would not be increased.
25. I acknowledge that this proposal has generated a large amount of objections in relation to animal welfare. However, these concerns are not for me to address and are more properly dealt with under other legislation. I also note that a number of the representations have stated that an Environmental Impact Assessment (EIA) is necessary for the development as specified by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (EIA Regulations). If I was minded to allow this appeal I would have first sought a screening direction from the Secretary of State in accordance with Regulation 12(2) of the EIA Regulations.
26. I note that the appellant has raised concern in relation to the lack of communication with the Council before and during the determination of the

planning application. However, that is not a matter for my consideration in the context of this appeal decision.

27. I acknowledge that the proposal would support the growth of an existing business and that 2/3 jobs would be created. However, I have found that the information before me does not offer sufficient clarity and robustness to be able to conclude that the proposal would not adversely affect the amenity of the area or the natural environment. Furthermore, it has not been demonstrated that a safe and suitable access to the site can be achieved. These matters outweigh the economic benefits of the proposal.

Conclusion

28. The failure to comply with the development plan leads me to conclude that the proposal would not be sustainable development. There are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Having regard to all other matters raised therefore, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR