



Appeal Decision

Site visit made on 27 June 2017

by David Walker MA MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/C3105/W/17/3166498

Land East of College Farm, Pinchgate, Bletchingdon, Oxford OX5 3DY

- 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 Adrian Wilcox of JE and AJ Wilcox against the decision of Cherwell District Council.
 - The application Ref 16/01706/F, dated 8 August 2016, was refused by notice dated 29 December 2016.
 - The development proposed is the erection of 6 No agricultural buildings for poultry production, together with associated infrastructure of boiler building, ancillary buildings, feed bins, hardstandings, access and drainage attenuation pond.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 No agricultural buildings for poultry production, together with associated infrastructure of boiler building, ancillary buildings, feed bins, hardstandings, access and drainage attenuation pond at Land East of College Farm, Pinchgate, Bletchingdon, Oxford OX5 3DY in accordance with the terms of the application, Ref 16/01706/F, dated 8 August 2016, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Adrian Wilcox of JE and AJ Wilcox against Cherwell District Council. This application will be the subject of a separate Decision.

Main Issue

3. The appeal site falls within the Oxford Green Belt where the fundamental aim is to prevent urban sprawl by keeping land permanently open. Under the National Planning Policy Framework (the Framework) the construction of new buildings in the Green Belt is inappropriate, except in very limited circumstances. Buildings for agriculture and forestry are one of the stated exceptions at paragraph 89 of the Framework and are not-inappropriate under national Green Belt policy.
4. I therefore consider the main issue in the appeal to be the effect of the proposal on the living conditions of nearby residents and visitors, having regard to odour emissions.

Reasons

5. Each of the poultry houses would contain 50,000 standard birds on a 45 day growing cycle, including a 7 day clean out and preparation period. It is anticipated that there would be 7.5 flocks per annum. Finished birds would be removed in three uplifts per cycle to a processing plant 17 miles away providing locally grown poultry contributing to food production and national food security.
6. High velocity ridge mounted extraction systems and side inlet vents would regulate ventilation in line with the odour impact controls governed by the Environment Agency (EA) under the Industrial Emissions Directive – Integrated Pollution Prevention and Control regime. Manure would be managed on site providing a fuel for a biomass heating system with residual ash scattered within the land as an agricultural fertiliser.
7. A detailed odour impact assessment has been submitted as part of a full Environmental Statement. Odours would be stronger as birds grow, peaking during the periods when litter is removed. With appropriate management practices it is demonstrated that predicted odours would fall below the benchmark set down by the Environment Agency. The threshold is set at a level that is unlikely to cause nuisance, leading to adequate protection for residential receptors from broiler chicken rearing houses.
8. I acknowledge the concerns raised by nearby residents and Bletchingdon Parish Council. A number of potentially affected receptors fall within relatively close proximity, including the Heathfield House Nursing Home at Heathfield village. However, the available evidence shows that no significant harm is likely to arise. At the care home and its extensively used gardens impacts have been calculated to be less than 50% of the EA benchmark.
9. No objection to the proposal was raised by the EA in its consultation response to the planning application. It is also significant that the Council's own environmental health service was satisfied with the submitted assessments and the extent of the controls. No alternative technical evidence of harm has been provided.
10. Visitors to the commercial premises at Weston on the Green Service Station would be the closest receptors at around 110 m. Impacts at this position are predicted to fall marginally outside of the EA's benchmark. Given that any odour events are predicted to be very isolated and that visits to the commercial premises would likely be only for short periods, the probability of experiencing an odour episode would be considerably reduced.
11. It is significant that the operation of the enterprise and any emissions would be tightly controlled by an Environmental Permit that has been issued by the EA. This enforces the implementation of an odour management plan to operate the poultry unit in accordance with best practice methods and the use of the best available technologies. There would be routine monitoring and reporting overseen by the EA. I am mindful that the advice at paragraph 122 of the Framework is for the planning system not to seek to control processes or emissions where these are subject to approval under pollution control regimes.
12. I am satisfied that the proposal would have an acceptable effect on the living conditions of nearby residents and visitors with regard to odour emissions. It

would therefore accord with the high standards of design in respect of amenity and having regard to ventilation of Policy SD15 of the Cherwell Local Plan 2015, and would not give rise to detrimental levels of pollution to be avoided under saved Policy ENV1 of the Cherwell Local Plan 1996.

Other Matters

13. Visual effects are generally minimal due to the low nature of the proposal and dense interceding vegetation. There would be a significant visual impact from the public right of way running along the eastern boundary that would not be adequately mitigated by the proposed additional planting. It could be improved in a revised scheme for landscaping required by a condition. Having regard to the policy of para 28 of the Framework the limited visual impacts identified would not outweigh the significant weight to be given to supporting economic growth in rural areas and the development and diversification of agriculture.
14. Frequent visits by large vehicles would be required to transport the birds to a processing plant. A route over the B4027 to the A34 is proposed in the accompanying transport statement. Peak movements would take place only on three days during the cycle. Subject to suitable conditions to ensure additional passing places along Dolly's Lane and junction improvements at Pinchgate Lane concerns surrounding these movements do not weigh heavily against the scheme.
15. Concerns have also been expressed regarding the potential for alternative uses under national permitted development rights, although no examples have been provided. Unforeseeable changes to future planning rules do not lend weight against a scheme that is demonstrably in accord with prevailing policies.

Conditions

16. The appeal being allowed, it is necessary to identify the implementation period and plans and documents approved in the interests of certainty. Further details are required in relation to landscape and ecology management, planting, tree protection, drainage, archaeology, and access and highway works. It is necessary that these are agreed prior to any commencement of development as they go to the heart of the development. Further safeguards are necessary to control any lighting, hardstanding drainage, and contamination should these arise. It has not been shown that the Council's suggested condition requiring further energy saving and sustainability measures is required in the development.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

David Walker

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 and documents:
 - Application Form submitted with the application
 - Design, Access & Planning Statement by Ian Pick dated August 2016 submitted with the application
 - Tree Report and Impact Assessment by ACD Environmental dated 15th August 2016
 - Drawing Numbers: 18250-01; 18250-02; IP/AJW/02; IP/AJW/03; IP/AJW/03A; IP/AJW/04; IP/AJW/05; IP/AJW/06; IP/AJW/07; IP/AJW/08; IP/AJW/09; and IP/AJW/10
 - Environmental Statement prepared by Ian Pick dated August 2016 submitted with the application along with the following appendices:
 - Noise Impact Assessment by Matrix Acoustic Design Consultants dated 20th July 2016
 - Odour Impact Assessment by Steve Smith dated 16th April 2016
 - Landscape And Visual Impact Assessment by ACD Environmental dated August 2016
 - Ecological Survey by Craig Emms dated June 2016;
 - Flood Risk Assessment by Hydro-Logic Services dated 8th August 2016
 - Transport Statement by David Tucker Associates dated 8th August 2016
 - Archaeological Evaluation Report by Allen Archaeology dated July 2016, and
 - Phase 1 Contamination Assessment by Land Drainage Consultancy Ltd dated August 2016.
 - Soft Landscaping Plan by ACD Environmental dated August 2016 submitted with the application
 - Waste Management Plan by Ian Pick dated September 2016 submitted with the application, and
 - Drawing Number IP/AJW/01 Revision A received from the applicant's agent by e-mail on 14th October 2016.
- 3) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) for a minimum period of 15 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and/or off site drainage works required in relation to the development and including

maintenance and management of SuDS features , shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

- 5) Prior to the commencement of the development, and notwithstanding the details shown on Drawing Number IPA20673-11 submitted with the application, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation
- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps
- full details of the water tank to the west of the poultry buildings, including height appearance and materials, and
- full details of the 6 No. gas tanks to the east of the poultry buildings including height, appearance and materials.

Thereafter, the development shall be carried out in accordance with the approved landscaping scheme.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
- 7) Prior to the commencement of the development hereby approved, a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved TPP and AMS.
- 8) Prior to the commencement of development hereby approved, a Routing Strategy for HGVs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the Routing Strategy shall be implemented in accordance with the approved details.

- 9) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details and prior to the first occupation, the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6 m above carriageway level.
- 10) Prior to the commencement of the development hereby approved, full details of 4 No. passing places on the unnamed road (known as Dolly's Lane) between the B4027 and the site including, position, layout, construction, surfacing and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the 4 No. passing places shall be provided on the site in accordance with the approved details.
- 11) Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority. Following the approval of the Written Scheme of Investigation and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
- 12) The development shall be carried out in accordance with the 'Recommendations for Mitigation and Further Survey' section of the Ecological Survey by Craig Emms dated June 2016 submitted with the application.
- 13) Full details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 14) All hard standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.
- 15) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in

writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

End of schedule