



Appeal Decision

Hearing Held on 26 June 2020

Site visit made on 26 June 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/L3245/W/20/3247412

The Hazles Farm, Hazles Road, Shawbury, Shropshire SY4 4HE

- 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 Heal Eggs against the decision of Shropshire Council.
 - The application Ref 19/02332/FUL, dated 23 May 2019, was refused by notice dated 11 November 2019.
 - The development proposed is a temporary agricultural dwelling at the Hazles Poultry Unit.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary agricultural dwelling at the Hazles Poultry Unit at The Hazles Farm, Hazles Road, Shawbury, Shropshire SY4 4HE in accordance with the terms of the application, Ref 19/02332/FUL, dated 23 May 2019, subject to the following conditions:
 - 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 2) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this permission in accordance with a scheme of work first submitted to and approved in writing by the Local Planning Authority.

Procedural Matter

2. The temporary agricultural dwelling is shown on the plans as being sited broadly in line with the ends of each of the two wings of the building to the west of the access driveway. At the hearing it was confirmed that a mobile home had already been sited at the appeal farm, and that the proposal was in effect to retain this.
3. However, at my site visit I saw that the mobile home was sited outside of the defined application site. Therefore, as agreed with the parties at the site visit, I have determined the appeal on the basis of the plans submitted as part of the application.

Main Issue

4. The main issue is whether there is an essential functional need for an agricultural worker to live on the site.

Reasons

5. The appeal site is located to the north of Hazles Road down an access driveway. The poultry unit consists of two main sheds set perpendicular to one another with a small link between the two sheds. In total, the unit has around 64,000 birds.
6. It is common ground between the main parties that the poultry unit could financially support the temporary dwelling and I have no reason to disagree with that view. The key issue is therefore whether there is a need for an agricultural worker to be on-site rather than being located at other nearby premises' or further away in a nearby village such as Shawbury.
7. The Appellant has set out that there are currently two full-time workers employed at the egg laying unit. From the evidence before me there are a number of daily tasks carried out which includes checking for fallen stock at regular intervals, checks of the birds and systems, checking of feeders and water, collection of floor eggs, as well as grading, cleaning and counting the eggs. Other tasks include essential equipment maintenance/checks and mucking out. The core job hours are generally 07:30 until 15:30 daily.
8. In addition to these tasks/hours, further checks are required at 18:30 and 21:00 including ensuring that the birds go back into the unit at night so that they are not at risk of predators.
9. The egg unit has various automated systems including an alarm system which send out alerts when something goes amiss. This could include issues with ventilation, temperature and food/water provision.
10. The Appellants evidence, and that outlined at the hearing, confirmed that the alarm systems can go off a number of times a week for varying reasons, some of which may be false alarms. However, there is no set pattern for these alarms and when an emergency does occur there is often a small window of opportunity to resolve a problem before birds begin to huddle and suffocate. This time period can be as little as 5 minutes.
11. In addition to the above, it was also outlined at the hearing that not all matters would trigger an alarm, and this could include noise from helicopters from the nearby RAF Shawbury airfield. Such noise has the potential to cause panic amongst the birds.
12. Therefore, in my view, it is clear that in such events a quick response time is paramount to ensure that there is not a loss of birds which could be on a very large scale. Realistically, this can only be achieved by having a worker on site to be able to deal with such unforeseen circumstances.
13. Whilst during the normal working day such matters could be managed without the need for an on-site dwelling, the same cannot be said for times outside of the normal working hours. In coming to that view, I acknowledge that the technology which is available today is a valuable tool in managing the flock.

However, it is also clear that such technology is not a substitute for suitably trained poultry workers.

14. As I have already noted, given that the time scale for a response can be critical, even a short journey time (together with the additional time needed for the necessary bio-security measures required for employees who live off site), could be the difference between dealing with an issue in a timely manner and a serious loss of stock.
15. The Council have drawn my attention to the locations of the staff which are employed by Heal Eggs and those persons who are contacted by the automated alarm system from the call out log book supplied by the Appellant. At the present time, none of these persons are located on-site. That said, they also cover the other Egg laying units within the wider business. It was also explained at the hearing that some matters are dealt with by the employees who currently live on site in the mobile home at the egg laying unit.
16. Whilst it is clear that some instances can be dealt with by persons off site, this is not the case for all events requiring action. Indeed, at the hearing a very recent example of a loss of around 1000 birds was outlined.
17. In order to swiftly deal with any issues, and in response to the visual and audible alarm systems, it is clear to me that such a property needs to be in sight and sound of the egg laying unit. From the evidence before me, and what I observed at my site visit, there are no existing properties which could fulfil this need.
18. The Appellant has drawn my attention to an appeal decision at Daisy Bank Farm in Broomhill¹ which was for an agricultural workers' dwelling at a free-range egg production unit. Whilst this decision relates to an egg production unit which is larger than the current appeal proposal, this decision further re-enforces my view that there is a need for an on-site presence.
19. For the above reasons, it has been sufficiently demonstrated that there is a need for a temporary agricultural workers dwelling at the appeal site and the proposal therefore accords with Policies CS5 and CS6 of the Shropshire Local Development Framework Core Strategy (2011) and Policy MD7a of the Site Allocation and Management of Development (SAMDev) Plan (2015) which amongst other matters seek to strictly control new development in the countryside in accordance with national planning policies and support new residential properties where they are for essential countryside workers and that an essential need has been demonstrated. It would also accord with the overarching aims of the National Planning Policy Framework.

Conditions

20. The Council has suggested two planning conditions that it considers would be appropriate in the event that I allow the appeal. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.

¹ Reference APP/R0660/W/19/3236598 dated 26 November 2019

21. Given that the justification for the dwelling is on the basis of the agricultural need of the enterprise, a condition is necessary to ensure that it is only occupied by persons working or last working in agriculture.
22. Given that the mobile home is sited in proximity to the chicken sheds, and that the development is only intended to be a temporary dwelling (which the appellant has stated should be for a 3 year period), a condition is also necessary to ensure that it is removed after the period applied for.

Conclusion

23. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mandy Seedhouse	Berrys - Senior Planning Consultant
Tony Heal	Appellant

FOR THE LOCAL PLANNING AUTHORITY

Richard Denison	Technical Specialist Planning Officer
Philip Mullineux	Principal Planning Officer

DOCUMENTS submitted at the Hearing

1. Appeal decision APP/R0660/W/19/3236598 dated 26 November 2019
2. Heal Eggs existing accommodation and distance from poultry units map