



Appeal Decision

Site visit made on 14 January 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/D3125/W/24/3345619

Mutchmeats Ltd Abattoir, New Close Lane, Ducklington, Witney OX29 7GX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mutchmeats Ltd against the decision of West Oxfordshire District Council.
 - The application Ref is 23/02197/FUL.
 - The development proposed is the semi-permanent siting of 2 x portable self-contained, single storey sleeper cabins.
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Decision

1. The appeal is allowed and planning permission is granted for the semi-permanent siting of 2 x portable self-contained, single storey sleeper cabins at Mutchmeats Ltd Abattoir, New Close Lane, Ducklington, Witney OX29 7GX in accordance with the terms of the application, Ref 23/02197/FUL, and the plans submitted with it, subject to the following 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 submitted drawing no. 1613-PL-601 Plans and Elevations as Proposed.
 - 3) The external surfaces of the sleeper cabins hereby permitted shall be dark green in colour and shall be retained as such thereafter in perpetuity.
 - 4) The sleeper cabins hereby permitted shall be on site for no more than 5 years from the date of this decision. The sleeper cabins and any works undertaken in connection with them shall be removed and the land restored to its condition before the development took place within 6 months of the date of the removal of the cabins.
 - 5) The sleeper cabins shall be used by persons employed at the abattoir only and shall not be occupied as a person's sole or main place of residence. An up to date register of persons staying overnight at the sleeper cabins shall be kept at the sleeper cabins hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of those staying overnight, their main home addresses and their date of arrival and departure from the accommodation.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the planning application form, to reflect what was originally applied for.

3. A consolidated plan has been submitted as part of the appeal, which includes a site location plan, site block plan and elevations and floor plans of the sleeper cabins. Given that it does not seek to materially alter the proposal, but rather provide clarification, no injustice would occur should I determine the appeal on the basis of this plan.
4. At the time of my site visit the sleeper cabins were present on the site. However, I observed that they appeared to be in a different position to that shown on the submitted drawing. For the avoidance of doubt, I have determined the appeal based on the submitted plan.

Main Issue

5. The main issue is whether the proposed sleeper cabins would improve the effectiveness of employment operations at the appeal site.

Reasons

6. The appeal site comprises a small area of land which forms part of the wider abattoir site. The appeal proposal relates to the siting of 2 sleeper cabins, each including 2 single bedrooms, a shower room and kitchenette. They would be located alongside each other, on part of a grassed area adjacent to the reception facilities and car park.
7. The proposed cabins would provide temporary welfare facilities for employees at the abattoir during comfort breaks. They would be used by staff providing animal care and security staff, including those working overnight, for washing, eating and resting. The appellant's submissions indicate that, while the cabins may also be used by abattoir staff occasionally as temporary overnight accommodation for those working shifts, they would not be occupied on a permanent basis for residential purposes and would therefore not constitute dwellings. While I note the Council's suggestion that the presence of personal items in the cabins and active use of the kitchen may indicate otherwise, based on the information before me, there is no substantive evidence, including the appellant's property search of the surrounding area, to draw me to a different conclusion. Furthermore, the use of the cabins as permanent residential accommodation could be controlled by a planning condition.
8. Given that the sleeper cabins would not constitute residential units, Policies OS2 and H2 of the West Oxfordshire Local Plan 2031, adopted 2018 (LP), in so far as they seek to control the location of new housing, are therefore not relevant to the appeal proposal. Moreover, even if the cabins could be said to have a degree of permanence, this matter is not determinative to my decision on the basis that planning permission has been applied for and could be made temporary by the imposition of a suitable planning condition.
9. Policy E1 of the LP supports proposals to improve the effectiveness of employment operations on existing employment sites where they are commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses.
10. The appellant indicates that, to meet Health and Safety Executive requirements and Animal and Plant Health Agency standards, at least two workers are required

on site at any one time to carry out 2 hourly welfare checks on animals at the abattoir, which may be brought to the site over a 24-hour period. Staff are also required on site for security purposes throughout the night, particularly given the nature of the business. On this basis it would be reasonable to provide welfare facilities of the kind proposed, including showers and space for sleeping, for employees working at the site. Even if there are alternative kitchen and w/c facilities elsewhere on the site, the cabins are clearly required to provide surveillance and rest facilities for staff in connection with the operation of the existing business and therefore ancillary to the employment use of the site. Accordingly, the proposal would not conflict with the provisions of Policy E1 of the LP which seek to resist non-employment uses on employment sites unless specific circumstances apply.

11. Given the modest scale of the cabins and facilities therein, it is considered that they would appropriately reflect the needs of the business set out by the appellant and would enable the existing abattoir to operate effectively. In addition, the Council has raised no objection to the proposal having regard to the character of the area. Given the site context and scale and appearance of the cabins I have no reason to disagree. I therefore conclude that the proposed sleeper cabins would improve the effectiveness of employment operations at the appeal site, and in that regard the proposal would accord with Policy E1 of the LP.
12. The Council has expressed concern regarding the design, specifically the internal arrangement and size of the sleeper cabins, including the absence of amenity space, and location adjacent to the abattoir and Witney Sewage Treatment Works, which it is suggested would lead to unacceptable living conditions for future occupiers of the units. Having found that the cabins would be used on a short-term basis by those employed at the site, either while working overnight or between shifts, and not occupied as permanent dwellings, the size of the bedrooms and absence of natural light and outlook to the internal kitchen space are not matters considered to be pertinent to the appeal proposal. The sleeper cabins would be a functional facility, fit for the nature of the uses proposed.
13. Moreover, as the cabins would not be residential units, and would be used solely by employees at the site, those using the facilities would be accustomed to the surrounding environment, including activity at the abattoir and treatment works. As such, it is unlikely that users would suffer any ill effects from spending time in the cabins, including sleeping, that would be materially different to their working environment. In addition, there is no substantive evidence that users of the cabins, who are otherwise employed at the site, would be exposed to specific sources of pollution or risk to safety.
14. For the foregoing reasons the proposal would not conflict with Policy OS2 of the LP which among other things sets out that development should be compatible with adjoining uses, Policy OS4, in so far as it seeks development of a high quality, of an inclusive design, which is safe, pleasant and convenient, or Policy EH8, which requires proposals to, where applicable, include measures to provide a high standard of protection for health, environmental quality and amenity.

Conditions

15. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance (PPG) and the Framework.

Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG. In addition to the standard timescale condition, which is necessary as I have assessed the appeal scheme based on the proposed plans, I have also imposed a condition specifying the relevant plans to provide certainty. The dark green finish of the cabins that are on site is deemed to be appropriate to the site context, accordingly a condition to ensure the permission is implemented in the same form is reasonable.

16. A condition to grant temporary permission for 5 years is necessary, as the facilities are based on the current needs of the business, which may be subject to future change. Given my findings in relation to the main issue it would be reasonable and necessary to impose conditions to restrict the occupation of the cabins to employees at the abattoir and that the cabins shall not be occupied as permanent dwellings.
17. The Council suggest a condition to prevent the use of the cabins for sleeping. However, the PPG is clear that conditions which impact on the proper implementation of the planning permission should not be used. It would therefore be unreasonable to impose a condition which would nullify the benefit of the permission with regard to the provision of overnight accommodation, which may include sleeping.

Conclusion

18. For the reasons given above the appeal should be allowed.

E Worley

INSPECTOR