
Appeal Decision

Site visit made on 2 September 2025

by **Zoe Raygen DipURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/K3415/W/24/3355123

Dunnimere Farm, Portway Lane, Harlaston, Tamworth, B79 9LA

- 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 Dunnimere Poultry Ltd against the decision of Lichfield District Council.
 - The application Ref is 23/00348/FULMEI.
 - The development proposed is an extension to a poultry growing and rearing unit and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The application that was considered by the Council included a rural worker's dwelling. However, the appellant has confirmed that this is not part of the appeal proposals. I have proceeded on the basis of the development as described above as no one would be prejudiced by this exclusion.

Main Issues

4. The main issues are:
 - The effect of the proposal on protected species, biodiversity and the River Mease Special Area of Conservation;
 - The effect of the proposal on flooding;
 - The effect of the proposal on the living conditions of the occupiers of surrounding properties; and
 - The effect of the proposal on the character and appearance of the area and the setting of the Farmhouse a Grade II listed building.

Reasons

Protected species and biodiversity

5. The appellant submitted a Preliminary Ecological Assessment (PEA) with the planning application. The Council's ecologist raised no issue with its findings

subject to the satisfaction of the matter relating to a breeding bird survey if the excavation work could not be completed outside of the breeding bird season. This is a matter that could be dealt with by way of a condition. Therefore, the proposal would not be harmful to protected species on or near the appeal site.

6. The appellant has submitted a Biodiversity Matrix and plans showing the existing and proposed habitat which demonstrate that there would be a total net percentage change of 21.66% for habitat units and 32.83% for hedgerow units. There is no dispute from the Council and therefore the proposal would comply with the requirement in Policy NR3 of the LPS and the Biodiversity and Development Supplementary Planning Document 2016 to achieve a net gain for biodiversity.
7. The Council's planning application report states that "The Council's Tree Officer was consulted on the application and has no objections to the proposal, subject to the inclusion of a condition to submit a landscaping scheme. There are therefore no objections to the proposal in terms of tree policy. Therefore, the proposal accords with the development plan in this regard." At my site visit I did not see any trees that would need to be removed as part of the development. A condition could be imposed to secure satisfactory details and implementation of proposed landscaping. Consequently, there would be no conflict with Policy NR4 of the LPS which requires that trees and woodland are protected from damage and retained.
8. The proposal lies within the River Mease Special Area of Conservation (the SAC) catchment/buffer zone. The primary qualifying features of the SAC are the presence of Spined loach and Bullhead supported by a relatively unmodified lowland river. There are also White clawed crayfish and otter. It is essential therefore that the river is maintained in an acceptable level. Natural England report that water quality measurements show phosphorus concentrations to be exceeding targets for all units. Natural England has therefore advised that development cannot proceed if it increases levels of nutrients and can only proceed if it is nutrient neutral.
9. The appellant has advised that surface water drainage will be linked to the existing system which drains to the River Tame. There will be no harm caused in this respect, therefore. Given that the proposal no longer includes the agricultural workers dwelling then there will be no additional overnight stays at the appeal site. Dirty water from the poultry units would be stored in underground sealed dirty water tanks and then tankered out, so will not discharge to the ground or cause harm to the River Mease.
10. The manure produced will be removed from the poultry units at the end of each cycle and stored in a covered manure store before being applied to the land in accordance with the Manure Management Plan (the MMP). However, there is no convincing evidence before me to demonstrate how this would ensure nutrient neutrality for the River Mease. The area of spread is wide and within the catchment area of the River Mease, and although the MMP seeks to ensure that water courses are avoided, taking a precautionary approach I do not have the information before me to be sure that the provision of additional units would achieve nutrient neutrality. Therefore, I cannot be sure that the proposal would not have a significant adverse effect on the integrity of the SAC. I note that Natural England in its July 2023 response to the proposals also share this view despite having considered a Habitats Regulations Assessment submitted by the appellant.

11. For the reasons above, I cannot conclude that the proposal would not have a significant adverse effect on the integrity of the SAC. It would therefore be in conflict with Core Policy 13 and Policy NR8 of the Lichfield District Local Plan Strategy 2015 (the Local Plan). Together these require that development safeguards ecological networks and will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Mease Special Area of Conservation.

Flooding

12. The appeal site is within Flood zone 1 meaning it has a low probability of flooding from rivers and sea. As part of the appeal documentation the appellant has submitted a revised site-specific Flood Risk Assessment (FRA) and Surface Water Drainage Strategy. These include sufficient detail regarding other sources of flooding and the investigation of the hierarchy of drainage methods as requested by the Lead Local Flood Authority. I am satisfied therefore that a condition could be imposed if the appeal proposals are acceptable in all other matters.
13. Therefore, for the reasons above, it has been adequately demonstrated that an appropriate drainage system can be designed or installed which complies with sustainable drainage principles in order to ensure that the proposal does not exacerbate flooding on or off site from all sources. Consequently, there would be no conflict with Policies CP3 and BE1 of the LPS which together require that development makes prudent use of natural resources, minimise environmental impacts and create a sustainable built environment.

Living conditions

14. There are a number of residential properties in the vicinity of the appeal site, and the Council has highlighted the potential harm to the occupants living conditions from noise, odour, dust and flies. Although the appellant states that no complaints have been received regarding the existing unit, I have received two objections from nearby residents particularly regarding the smell and noise.
15. The appellant has submitted an odour management plan which has been updated to take account of comments from the Environmental Health Officer, regarding the regularity of checking the sticky fly papers to every day from 1 March to 1 December each year. A dust management plan has also been submitted. The Council provide no substantive evidence to show these measures would not be sufficient to control dust or odour. In addition, the site would be regulated by a permit issued by the Environment Agency which considers how the site is operated, the emissions from the operation and the direct impact the site has on human health and the environment. Moreover, there would be a duty manager available to deal with any complaints which would be investigated immediately.
16. The appellant has also submitted a noise management plan, prepared as part of the Environmental Permit application. While this deals satisfactorily with most matters it talks about large vehicles travelling to and from the farm. The Highway Authority raise no objections to the proposal in terms of the increase in vehicles using the public highway and the route management plan. The number of vehicles visiting the farm will increase from 92 per year to 274 per year. However, this is still less than one per day.

17. I appreciate that the properties adjacent to the access from Portway Lane will experience an increase in noise from vehicles accessing the property. However, at the proposed rate this would not be materially harmful. Furthermore, the majority of the movements would be regarding feed delivery which would only take place between 0700 and 1800 during the day.
18. For the reasons above, the proposal would not be harmful to the living conditions of residents of nearby properties. There would therefore be no conflict with Policies Core Policy 3 and BE1 of the LPS and the Sustainable Design Supplementary Planning Document. Together these require that development protects the amenity of existing residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light or other disturbance.
19. The Council also refers to Core Policy 13 of the LPS regarding natural resources as well as the Trees, Landscaping and Development Supplementary Planning Document. It is not clear what their relevance is to this main issue, and they have not been determinative.

Character and appearance including listed building

20. The appeal site is located within the countryside which is characterised by undulating land with large fields having hedgerows as boundaries and occasional tree planting. There are houses dotted around the landscape, together with agricultural buildings including the existing poultry unit at the appeal site.
21. Dunnimere Farmhouse is a grade II listed building originally constructed as an 18th century building together with outbuildings associated with the farming of the surrounding farmland including the appeal site. The listed building is now used for holiday lets and the outbuildings converted to dwellings and used separately from its former associated fields.
22. The significance of the building for the purposes of the appeal largely relate to its surviving architecture and features demonstrating its historic use. Its location and surrounding farmland, including the appeal site, give an understanding of, and reinforce its use as a farmhouse and associated outbuildings.
23. The proposal for three additional poultry units would bring the development closer to the listed building. Even so there would still be a minimum distance of 350 metres between the development and the farmhouse. Although the proposal would erode the field layout, the use of the land would remain as agricultural. Furthermore, the use of the farmhouse would still be understood and be visible in association with a vast expanse of agricultural land in the form of fields. Its significance would not therefore be materially diminished by the proposals.
24. The poultry units would be of a similar height and design to that existing. I saw at my site visit that due to its colour, low height and intervening landform and vegetation the existing unit has very limited visibility in the wider landscape. Locally, views are available from some residential properties and through occasional gaps in the hedge from the road. Nevertheless, the scale, design and colour of the building means it is not an obtrusive addition to the local landscape. Given that the proposed buildings would be of a similar scale and design they would integrate satisfactorily into the rural landscape. Furthermore, the proposal would include hedgerow planting which would add further screening mitigation in a form that is characteristic of the local landscape.

25. For the reasons above, the proposal would not be harmful to the character and appearance of the area and would preserve the setting of the listed building. There would be no conflict with CP1, CP3, CP14, and BE1 of the Lichfield District Local Plan Strategy 2015 (the LPS) and Policy BE2 of the Lichfield District Local Plan Allocations Document 2019 (the LPA). Together these require that development protects and enhances the natural environment and heritage assets, respects the character of the surrounding area and does not cause harm to the setting of heritage assets.

Conclusion

26. I have found that the proposal would be in conflict with policies relating to the protection of the SAC bringing the development into conflict with the development plan as a whole as well as the Habitat Regulations.
27. The proposal would bring forward economic benefits through enhancing the operation of the existing business, meeting demand for poultry meat, pursuing rural diversification and making the site labour and economically efficient as well as boosting the local rural economy. However, these benefits are insufficient to outweigh the conflict with the development plan
28. For the reasons above the appeal is dismissed.

Zoe Raygen

INSPECTOR