



Appeal Decision

Site visit made on 30 September 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/W3520/W/25/3369566

Fennings Farm, Pixey Green, Stradbroke, Suffolk IP21 5NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by C E Davidson Farms Ltd against the decision of Mid Suffolk District Council.
 - The application Ref is DC/25/00494.
 - The application sought planning permission for Erection of 6no poultry houses with associated admin blocks, feed bins and ancillary development. (accompanied by EIA statement) without complying with a condition attached to planning permission Ref DC/21/06824, dated 24/08/2024.
 - The condition in dispute is No.19 which states that:
Prior to the first occupation of the hereby approved poultry units, a scheme for the management of odours arising from the use hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority.
The scheme shall include, but is not limited to, the following details:
 - i. Monitoring
 - ii. Reporting
 - iii. Community liaison arrangements which shall include measures for the participation of parish Council/s and the District Council and Councillors
 - iv. Complaints process
 - v. Control measures and contingency planThe approved scheme shall be implemented in full at the commencement of use and operated at all times that the use is in being.
 - The reason given for the condition is: In order to ensure that odours are properly monitored, managed and subject of appropriate community engagement in the interests of the amenities of residential, countryside and other users in the locality.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of 6no poultry houses with associated admin blocks, feed bins and ancillary development. (accompanied by EIA statement) at Fennings Farm, Pixey Green, Stradbroke, Suffolk IP21 5NH in accordance with the application Ref DC/25/00494, without compliance with condition numbers 1, 2, 3, 4, 5, 6, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 22 previously imposed on planning permission Ref DC/21/06824 dated 24/08/2024 and subject to the conditions in the attached schedule.

Preliminary Matters

2. Condition 19 has been discharged by the Council on the 26 November 2024. However, the appellant is not wanting to comply with the community liaison arrangements requirement element of the condition.

3. Following my site visit it was noted that much of the works have now been completed, including the use of poultry houses. The Council has provided updated wording without prejudice to other conditions which have been discharged.

Main Issue

4. The main issue is whether the condition requiring community liaison arrangements meets the six tests under paragraph 57 of the National Planning Policy Framework 2024 (Framework) having regard to ongoing odour management and its effect on nearby residents.

Reasons

5. Paragraph 57 of the Framework states that conditions 'should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.
6. Paragraph 198 of the Framework states 'decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development'.
7. Paragraph 201 of the Framework states 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'.
8. The Framework strongly supports communities being involved in planning decisions, as well as developers discussing their proposals prior to the submission of the application. However, this involvement is prior to determination by the Council. Therefore, the ongoing requirement post decision for community involvement is not supported by the Framework.
9. I have noted in the evidence before me that the Environment Agency and the Council's Senior Environmental Management Officer have not objected to the rewording of the condition. During my site visit, which I acknowledge is only a relatively short period in time and set within specific weather conditions, the overall odour on site was mild and not detectible off site.
10. The primary reason for the community liaison meetings is to allow neighbours to express their concerns in a more informal arrangement. In addition, the Council have explained that these meetings allow for a wider range of topics to be discussed beyond odour. However, the condition is to ensure that the odour from the poultry is controlled. There are other conditions that control or mitigate the other impacts of the proposal.
11. While it is accepted that the community liaison meetings can provide a positive mechanism between residents and the appellant to discuss problems and solutions early, the question of a condition meeting the requirement of necessary is fundamentally that the proposal would be unacceptable without it. The Council

has accepted the Odour Management Plan and it could enforce any breach in this document and it is noted that there are separate requirements by the Environment Agency. Given that the Council and the Environment Agency have means to ensure that odour on site is controlled and complaints investigated, it is not necessary to provide other informal meetings to ensure the appellant is complying.

12. I therefore conclude that the community liaison meetings are not necessary, as while they are a benefit they are not required to make the development acceptable and the variation of wording for condition 19 is acceptable. The revised wording would still comply with Policy LP14 of the Babergh and Mid Suffolk Joint Local Plan – Part 1 November 2023 that requires poultry farms to protect residential properties from odour. Policy STRAD13 of the Stradbroke Neighbourhood Plan 2016-2036 also seeks to protect residential amenity from employment sites expanding. The Intensive Livestock and Poultry Farming Supplementary Planning Document November 2024 highlights the importance of consultation during pre-application stages and ensuring the material affects like odour are fully considered as part of the planning process, it does not require any post determination ongoing consultation.
13. As I have concluded that the community liaison meetings requirement does not meet the test of necessary, it is not required to form a conclusion against the other five tests under paragraph 57 of the Framework.

Conditions

14. The development has been commenced and during my site visit looked to be nearing completion, with at least one poultry house in use. On this basis there is no need to reinsert a commencement of development condition, condition 1 of DC/21/06824.
15. Condition 2 of DC/21/06824 has been slightly reworded, to reflect the listed approved plans.
16. Condition 3 of DC/21/06824 related to the phasing of the development and water supply, the Council has discharged and is no longer requiring. This condition has, therefore, been removed.
17. Condition 4 of DC/21/06824 has been discharged relating to ongoing HGV traffic details, and the Council is now seeking for this to be a compliance condition. This can be duly added.
18. Condition 5 of DC/21/06824 has been slightly reworded, to reflect the listed approved plans.
19. Condition 6 of DC/21/06824 has been slightly reworded, as to reflect the Council's new preferred wording of removing the 'prior to first use' element.
20. Condition 7 of DC/21/06824 required information has been agreed with the Council, which is now seeking it to be a compliance condition. While most of the construction work is complete, there still appeared to be some remaining elements. On this basis, it will be reworded and re-added to the new decision notice without any reference to prior to first use.
21. Conditions 8 and 9 of DC/21/06824 are compliance condition and will be readded.

22. Conditions 10 and 11 of DC/21/06824 relates to pre-commencement and pre-occupation conditions regarding archaeology. These conditions have been fully discharged and on this basis it can be removed.
23. Condition 12 of DC/21/06824 related to a pre-commencement condition regarding energy and water efficiency has been discharged. The Council has suggested some revised wording to make it a compliance condition, which can be added to my decision.
24. Condition 13 of DC/21/06824 is a compliance condition relating to ecology, which can be readed to my decision.
25. Condition 14 of DC/21/06824 is a pre-commencement condition relating to ecology. This condition has been discharged by the Council and is now a compliance condition.
26. Condition 15 of DC/21/06824 is a pre-commencement condition relating to landscape and ecology management. The Council has discharged this condition, such that it is now a compliance condition. This condition will be reworded and added to my decision.
27. Condition 16 of DC/21/06824 is a prior to first use condition relating to lighting design. The Council is now seeking a compliance condition following submission of required details. This condition will be reworded as suggested by the Council and added to my decision.
28. Condition 17 of DC/21/06824 relates to water neutrality prior to first use. The Council has discharged this condition and is now seeking a compliance condition. This condition will be reworded and added to my decision.
29. Condition 18 of DC/21/06824 relates to biodiversity enhancement. The condition has been discharged by the Council, who are now seeking a compliance condition. This condition will be reworded and added to my decision.
30. Condition 19 of DC/21/06824 relates to odour management and is the reason of this appeal. The appellant has agreed to the Council's suggested wording. On this basis, I will use this suggested wording though reworded to make it clearer it is a compliance condition in the revised condition 19.
31. Condition 20 of DC/21/06824 relates to cooling systems. The information required has been agreed with the Council, who are now seeking a compliance condition.
32. Condition 21 of DC/21/06824 is a compliance condition relating to chicken litter removal. This condition can be readed to this decision.
33. Condition 22 of DC/21/06824 relates to electric charging vehicle points. The required information has been submitted and agreed by the Council. This condition is now a compliance condition.

Conclusion

34. For the reasons given above the appeal should be allowed. I will vary the approval given to the details pursuant to conditions Nos 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 22 of a planning permission Ref DC/21/06824, granted on 24 August 2024 by Mid Suffolk District Council deleting some of the requirements of disputed condition and rewording, as well as substituting/rewording others.

A Phillips

INSPECTOR

Schedule 1 – Conditions

1. The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A of decision notice DC/21/06824 and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.
2. All HGV movements associated with this development to and from the site shall be in accordance with the details contained within the approved Deliveries Management Plan dated Aug 2023 received on 6th September 2023 under DC/23/04186.
3. The use/buildings shall not be occupied/commenced until the area within the site shown on Drawings listed under Section A of decision notice DC/21/06824 for the purposes of loading, unloading, manoeuvring, and parking of vehicles, has been provided and made functionally available. Thereafter that area/s shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.
4. The visibility splays as shown on Drawing No. 210486-01 with an X dimension of 2.4 metres and Y dimensions of 135 and 148 metres [tangential to the nearside edge of the carriageway] shall be retained in the specified form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

5. The development shall be carried out in accordance with the Construction Management Plan received on 6th September 2023 under DC/23/04186.
6. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated January 2022, ref: 27344 Rev A) shall be implemented as approved in writing by the local planning authority (LPA). Surface Water drainage shall thereafter be managed and maintained in accordance with the approved strategy.
7. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the hereby approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting

and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

8. The development shall be delivered and operated in accordance with the Sustainability Statement received on November 28th 2023 under DC/23/05514.
9. All mitigation measures and works shall be carried out in accordance with the Ecological Impact Assessment (Wild Frontier Ecology - Fennings Farm, Pixey Green, Suffolk - Ecology Report (July 2021)). This must include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and all works shall be carried out in accordance with the approved details.
10. The details contained within the Construction Environment Management Plan received on November 28th 2023 under DC/23/05514 shall be adhered to and implemented throughout the construction period.
11. The details contained within the Landscape and Ecology Management Plan received on November 28th 2023 under DC/23/05514 shall be adhered to in accordance with the approved details.
12. All external lighting shall be installed in accordance with the specifications and locations set out in Lite-Site Drawing and the accompanying lighting specifications received on November 28th 2023 under and maintained thereafter in accordance with this approved scheme. Under no circumstances shall any other external lighting be installed without prior consent from the local planning authority.
13. There shall be no additional connection of the buildings to a separate mains water supply at any time the buildings are in use.
14. The details contained within the Landscape and Ecology Management Plan received on July 9th 2024 under DC/24/03061 shall be implemented in full in accordance with the timetable and thereafter retained at all times the building/s is in use.
15. The Odour Management Plan (September 2024, V1.1) received on 2nd October 2024 under DC/24/04360 shall be complied with all times that the use is being operated.
16. The details contained in the Ecocooling Misting Solutions Spec received on July 9th 2024 and further information on the cooling temperature via email received on October 1st 2024 under DC/24/03061 shall be implemented as agreed and operational at all times that the building/s are in use.
17. The waste/litter/manure arising from the keeping of the poultry in the buildings shall be managed and disposed of in accordance with the application documents including Environmental Statement submitted on 17 Dec 2021 and there shall be

no spreading of waste/litter/manure on land within ownership or control of the applicant.

18. The details contained in the Drawing Amended Visitor Parking and EV Location Plan CED-EV REV 0 received on July 31st 2024 under DC/24/03061 shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose at all times the use is in being.