



Appeal Decision

Hearing held on 23 September 2025

Site visit made on 23 September 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/C3430/W/25/3366632

Gailey Lea Farm, Gailey Lea Lane, Gailey, Staffordshire ST19 5PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Corbett on behalf of Abbey Foods Ltd against the decision of South Staffordshire Council.
 - The application Ref is 24/00538/OUTM.
 - The development proposed is erection of 2 No. poultry houses and associated infrastructure.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr James Corbett on behalf of Abbey Foods Ltd against the decision of South Staffordshire Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline. The means of access, appearance, layout, and scale of the development are all to be determined at this stage. The landscaping of the site is reserved for later.
4. Prior to the hearing the Council confirmed that the third reason for refusal, relating to the lack of information to consider Biodiversity Net Gain, was an error and that the additional information, received before the decision was made, had resolved that matter. I have no compelling reason to disagree with the Council and have, therefore, not considered this issue further.
5. As part of the appeal documents the appellant submitted a Lichen Assessment by Arbtech, dated 14 May 2025, and a copy of the Environmental Permit issued by the Environment Agency. Although these documents constitute new information, that was not available to the Council at the time of their decision, neither document fundamentally alters the appeal proposal. Moreover, the Council and interested parties have had an opportunity to comment on both documents and, therefore, no party would be prejudiced if I were to take them into account in my decision.

Main Issues

6. The main issues are:

- The effect of the proposal on Fullmoor Wood and Manstry Wood Ancient Woodlands and Fullmoor Wood Site of Biological Importance with particular regard to ammonia and nitrogen emissions; and
- The effect of the proposal on the living conditions of the occupiers of nearby properties, with particular regard to the effect of odour and whether the proposal would be overbearing to Ellerslie House.

Reasons

Ancient Woodlands and Site of Biological Interest

7. The appeal site comprises arable land on Gailey Lea Lane to the side of an existing farm and behind existing residential properties. Beyond the appeal site, circa 255m away, is Fullmoor Wood which is a Site of Biological Interest (SBI) and an Ancient Woodland (AW). Manstry Wood AW lies beyond Fullmoor Wood and is approximately 1.1km from the site. The SBI is of local importance and is an area that contains some of the best semi-natural habitat in the county. The AWs are important irreplaceable habitat due to the age and mix of trees.
8. The development would not encroach into the AWs and would, therefore, not result in direct loss. Nevertheless, the local plan policies and the National Planning Policy Framework (the Framework) also seek to prevent deterioration and aim to enhance these areas.
9. The appellant's computer modelling of the ammonia and nitrogen emissions, dated 9 May 2025, shows that the development would increase ammonia at the SBI by 55.4% and nitrogen by 43.17%. At Fullmoor Wood the increase is detailed as 4% ammonia and 3.08% nitrogen. The emissions at Manstry Wood would be lower than those at Fullmoor Wood due to the distance and intervening features.
10. The development has been granted an Environmental Permit by the Environment Agency. In considering whether to provide a permit for a site near an AW, the Environment Agency set 100% of additional emissions as both the upper and lower threshold. The modelling information confirms that the development would cause less than 100% additional emissions.
11. Nevertheless, the Environmental Permit is not part of the planning process and the guidance referred to by the appellant, relating to the risk assessment for intensive farming, is not planning guidance. The permit, in allowing up to 100% additional pollution, accepts some harm to the AWs and SBI. The Council accepted that emission levels above 1% does not mean that it is significant but both parties also accepted that it is not insignificant.
12. While the harm in this instance would be appreciably less than that accepted in the Environmental Permit the evidence before me indicates that there would be an increase in both pollutants at both of the AWs and the SBI. Moreover, I have no compelling evidence that the additional ammonia and nitrogen would not cause deterioration of the SBI and AWs, even though the development has obtained an Environmental Permit. I, therefore, find that the increase in pollutants would result

in harm to the AWs and the SBI through the deterioration of the irreplaceable habitat.

13. Although though the Council does not have a local policy threshold, or a supplementary planning document advising of a lower threshold, the wording of the Framework sets a lower threshold than the Environmental Permit regime in seeking to resist loss or deterioration. The threshold in the Framework is not preventing significant loss or significant deterioration. As such any loss or deterioration would harm the AWs and the SBI.
14. I accept that the Framework advises that 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) and that planning decisions should assume that these regimes will operate effectively. Notwithstanding this, the implications of pollution from development is a recurring theme in the Framework and it is still necessary for me to assess the effect of the development, in planning and land use terms.
15. The Lichen Assessment submitted with the appeal documents supports the case that the nitrogen levels in both AWs is already high and that both suffer from pollution. However, even if the levels are already high the development would still result in increases in ammonia and nitrogen and, therefore, result in harm.
16. Allowing the proposal would not enhance the AWs and, even considering the presence of the motorway, the additional emissions from the appeal scheme are likely to result in further deterioration. The appellant suggested at the hearing that the existing agricultural use of the field would also result in ammonia and nitrogen emissions. However, I do not have any compelling evidence of the level of pollutants from the existing use, or sufficient evidence that the emissions would be reduced as a result of the loss of the field to the proposed development.
17. For the above reasons, the proposal would have an adverse effect on Fullmoor Wood and Manstry Wood Ancient Woodlands and Fullmoor Wood Site of Biological Importance with particular regard to ammonia and nitrogen emissions. Although the level of emissions would not be significant, I find that there would be harm and likely further deterioration of the woodland. The proposal would, therefore, be contrary to Policies EQ1 and EQ4 of the South Staffordshire Local Plan Core Strategy (the CS) which, taken together, require development to protect and enhance SBIs and ensure that woodlands are protected from damage.
18. For the same reasons, the development would fail to comply with paragraph 193(c) of the Framework which advises that development resulting in the deterioration of irreplaceable habitats, such as ancient woodlands, should be refused.

Living conditions

19. At the hearing, all parties agreed that Ellerslie House is the closest dwelling to the appeal site. There are other dwellings on the same side of the road as Ellerslie House and a further dwelling on the opposite side of the road from the existing farm buildings. The surrounding area is rural and predominantly open fields. However, the M6 motorway was visible from the site and adds an urban feature to

the landscape. The appellant also operates an existing poultry farm nearer to the junction with the A5.

20. Although there was disagreement at the site visit as to the exact position of the proposed buildings, which was difficult to fully assess due to the crop in the field, the buildings and hardstanding are clearly shown on the submitted plans as not being directly behind Ellerslie House. I acknowledge that the rear elevation of this property has large, glazed openings which benefit from the rural outlook. It also has a limited garden depth from the back of the property to the rear boundary.
21. The proposed buildings would be over sixty metres from the rear elevation of the dwelling. The poultry houses would have a height of around 6m with four feed bins located between the two poultry houses which would be approximately 8.5m high. The separation distance between the existing dwelling and the proposed development would ensure that the buildings would not be overly dominant or overbearing to the outlook from this neighbouring property. Due to the position and limited height, even though the occupants of this property would be able to see the development, it would not result in an unacceptable sense of enclosure. Moreover, the proposal would not completely block the views of the rural area or the woodland beyond.
22. The proposed hardstanding area, which would be used for vehicle movements, would be between the buildings and the neighbouring dwellings. However, there is space between the proposed development and the houses to provide landscaping which would help to screen the proposal, including the vehicle movements. The landscaping of the site is reserved for later approval and would be capable of ensuring that the development would not result in unacceptable adverse overbearing effects on the living conditions of the occupiers of the neighbouring properties.
23. With regard to odour the appellant referred to the Odour Management Plan (OMP) and a copy of the Environmental Permit granted by the Environment Agency. The OMP confirms that the operator will follow best practice to control and manage odour. There is a ten day window in which to conduct the cleaning and removal of the poultry waste and the appellant confirmed that this work would take around half a day, with two days required for drying the buildings. It would, therefore, be possible to conduct the cleaning and drying when the winds are directed away from the neighbouring properties.
24. I, therefore, find that, although the occupants of the neighbouring properties may perceive odour from the operation and clearing out, including cumulative odour from other poultry units in the area, the level of odour would not be such that it would cause unacceptable adverse effects on living conditions.
25. The appellant also advised, at the hearing, that the waste material is removed from the site to a licenced facility. Although I am aware that this information has been provided to the Inspectorate for the purposes of screening the development for an Environmental Impact Assessment, this information is not before me and I am not aware of whether the Council has had sight of it. If I had found differently in the first main issue it would be wholly reasonable and necessary to require the details of the waste management to be submitted to the Council as a condition.
26. Concerns were raised by interested parties at the hearing in relation to vehicle movements along Gailey Lea Lane and the effect of vehicles directly outside

houses on living conditions. The Council has suggested a condition to restrict vehicle delivery and collection times. This would, for the majority of movements, be capable of ensuring that they are only conducted during normal working hours and, whilst the birds are on site, there would be limited vehicle movements. However, the appellant also drew my attention to the need to remove birds from the poultry houses within a strict time period which may include the need for vehicle movements on Saturday afternoons and Sundays. Although I am conscious of the neighbours' concerns, and I accept that vehicle movements on weekends would be more disruptive, the appellant confirmed that this would be infrequent and a condition could be worded so as to only allow vehicle movements outside of the proposed hours where it related to the removal of live birds.

27. I am also cognisant that the existing farm next to the appeal site includes buildings which are in use for business uses and I do not have compelling evidence that those businesses are similarly restricted in operating hours. Moreover, there are other uses along Gailey Lea Lane that would result in vehicle movements. Overall, the appeal proposal would not result in a level of vehicle movements or movements at times which would result in unacceptable adverse effects on the living conditions of the neighbouring properties.
28. For the above reasons, I find that the appeal proposal would not result in unacceptable adverse effects on the living conditions of the occupiers of nearby properties, with particular regard to the effect of odour and whether the proposal would be overbearing to Ellerslie House. It would, therefore, comply with Policy EQ9 of the CS which, amongst other matters, requires development to not unacceptably affect the amenity of residents.

Other Matters

29. The site lies within the zone of influence for, and near to, the Cannock Chase Special Area of Conservation (SAC), the Cannock Chase Extension Canal SAC, the Motte Meadows SAC, the Chasewater and Southern Staffordshire Coalfield Heath Site of Special Scientific Interest (SSSI), the Cannock Chase SSSI, the Cannock Chase Extension Canal SSSI, and the Stowe Pool, and Walk Mill Clay Pit SSSI. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.
30. As a development for poultry housing within the zone of influence there is a likelihood that emissions from the development, including in combination with other developments in the area, would adversely affect the SSSIs and SACs. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further. However, as I am dismissing the appeal on a main issue, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.
31. The site falls within the Green Belt. Policy GB1 of the CS accepts that new buildings for agricultural use are not inappropriate in the Green Belt. This is consistent with the advice in the Framework and there is no need to consider the openness of the Green Belt or whether very special circumstances exist. The

layout, scale and appearance of the buildings is typical for poultry housing. The proposal is for the buildings to have their gable ends facing towards the road, thereby minimising the visual effect. Moreover, the proposal would be sited near to existing agricultural buildings on the farm which would mean that the buildings would not be incongruous or out of keeping with the rural area.

32. The appeal site lies outside of the Cannock Chase National Landscape (the NL) (formerly the Area of Outstanding Natural Beauty). The Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs which have the highest status of protection in relation to these issues. Section 245 of the Levelling Up and Regeneration Act 2023 (the LURA) amended the duty in the Countryside and Rights of Way Act 2000 in relation to NLs to require relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in a NL to seek to further the purpose of conserving and enhancing the natural beauty of it.
33. As the site is outside the NL, I have considered whether the proposal would affect its setting. There are intervening landscape features which form a visual barrier between the site and the NL. Moreover, additional landscaping would also be possible within the site, subject to the reserved matters application, which would help to assimilate the buildings into the landscape. For these reasons, I find no harm to the setting of the NL.
34. Interested parties also raised concerns relating to highway safety and the increase in vehicle movements along Gailey Lea Lane. At my visit I saw that the lane is narrow and with limited and mostly unsurfaced passing places. Nevertheless, I also saw that the lane is relatively straight for most of its length and an oncoming vehicle would be visible for sufficient distance to enable the use of the passing places. Although the interested parties raised concerns about the vehicle speeds, I have no compelling evidence that the speeds are excessive and I also saw that the condition of the surface would be likely to restrict speeds.
35. An additional passing place is proposed as part of the scheme. This would provide formally surfaced sections on both sides of Gailey Lea Lane, at a single point, to provide a space wide enough for two HGVs to pass each other. Improvements at the junction with the A5 are also proposed to provide a length of highway within Gailey Lea Lane that would allow for two HGVs to pass. This would reduce the need for vehicles to have to wait on the A5 whilst another vehicle waits to turn out of the lane which would improve highway safety.
36. The passing place on the corner of the tight bend near the junction with the A5 is to be re-surfaced as part of the proposal. Although I saw at my visit that vehicles turn this corner tentatively, as it is not easy to see whether another vehicle is coming in the opposite direction, the resurfacing of the passing place would provide a better area for vehicles leaving Gailey Lea Lane to manoeuvre to avoid oncoming traffic. All of the proposed improvements are within the highway and capable of being secured through an appropriately worded Grampian condition.
37. My attention has also been drawn to the use of Gailey Lea Lane by pedestrians, especially school children accessing the sailing club. These pedestrians would have to walk past the appeal site. However, the distance between the appeal site and the sailing club is not substantial. The road is straight with good forward visibility and good verges where pedestrians can wait for a vehicle to pass. In my

judgement the appeal proposal would not significantly affect highway safety or pedestrian safety.

Planning Balance

38. Policy EV8 of the CS and the Framework support new agricultural development, even in the Green Belt. The Framework also supports development to expand business and places significant weight on economic growth and productivity. There would be economic benefits from additional employment and growth in the appellant's poultry business. However, although I give significant weight to the economic benefits they would be limited due to the scale of the development. The benefits would not outweigh the significant weight that I give to the environmental harm to the AWs and SBI.

Conclusion

39. Although I find that the development would not result in unacceptable adverse effects on the living conditions of the occupiers of the neighbouring properties, for the reasons given above, I find that the development would adversely affect the Ancient Woodlands and the Site of Biological Interest. Therefore, the appeal should be dismissed.

K Townend

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ian Pick	Harrison Pick Associates Ltd
Steve Smith	AS Modelling and Data Ltd
Sally Young	AS Modelling and Data Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Laura Moon	Senior Planning Officer
Matthew Wall	Senior Ecology Officer

INTERESTED PARTIES:

Steve Leroux
Wayne Hicklin
Councillor Victor Kelly