

Appeal Decision

Site visit made on 7 October 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Appeal Ref: APP/W1850/W/25/3365310

Land at Blackbridge, Nacklestone, Leintwardine, Craven Arms, Herefordshire SY7 0NA

- 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 Mr Gareth Morgan against the decision of Herefordshire Council.
 - The application Ref is 232926.
 - The development proposed is use of land for the rearing of game birds and egg production.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development so as to remove the reference to the current use of the land as, from the evidence before me, the use does not have planning permission and this appeal is for the use of the whole site rather than additional land.
3. I also note that from the evidence submitted, and from my site visit, that the use has commenced. I have, therefore, dealt with the appeal on a retrospective basis.
4. The appellant's Statement of Case provides additional information that was not before the Council at the time of the decision. However, the additional information does not fundamentally alter the appeal scheme and the Council has had an opportunity to comment on it. Neither main party would be prejudiced if I took the additional information into account in my decision.

Main Issues

5. The main issues are:
 - whether the use of the land and the appeal scheme would have an effect on the character and appearance of the area;
 - the effect of the appeal scheme on the Downton Gorge Special Area of Conservation (the SAC); and
 - the effect of the appeal scheme on highway safety.

Reasons

Character and appearance

6. The appeal site comprises a field which, at the time of my visit, contained several timber bird houses and pens, a static caravan, and other outbuildings. The appeal

before me relates to the bird houses and pens only and the appellant contends that they are temporary structures which are capable of being moved. There are three factors to be considered in deciding whether the structures are temporary or not; the size, permanence, and degree of physical attachment.

7. The bird houses are low timber structures with corrugated metal roofs. Although the appellant contends that they could be moved with a loader and I saw no evidence of them being physically attached to the ground, I have no compelling evidence that they could be moved, or would be capable of being moved, without needing to take them apart and re-build them. I also have no evidence that such dismantling and re-building would be possible given the form of their construction.
8. The pens are timber framed with wire sides and mesh covers. They were held together with cable ties and would, therefore, be easy to dismantle and move. The appellant was moving piles of pen surrounds at the time of my visit and I saw other piles being stored. The pens are also not physically attached to the ground although they did appear to be attached to the bird houses and other pens.
9. However, notwithstanding that the bird houses and pens could be dismantled and moved and notwithstanding that they are not physically attached to the ground, the size of structures covers a significant part of the appeal site. A single layout plan, indicating specific positions for the bird houses and pens, has been submitted with the appeal. I have no compelling evidence that the site is of a sufficient size to enable the number of bird houses and pens proposed to be moved around, other than onto the same parts of the site as indicated on the plan. Moreover, a number of the bird houses and pens that I saw at my visit were in the same position as the photographs of the site provided by the Council and appear to have been on the same part of the site for some time.
10. For these reasons, there is a degree of permanence to the bird houses and pens. Even though I saw that several of the pens and bird houses had been taken down I also have insufficient evidence that they would not be erected onto the same part of the land once new birds are brought onto site. The appellant's Design and Access Statement also sets out the wish to expand the business and this would further limit the space available within the appeal site for moving the bird houses and pens around.
11. The site is enclosed along the roadside by a tall hedge. However, there are views of the appeal scheme from the road at the point of the access into the site. The position of the bird houses and pens on site, at the time of my visit, result in harm to the character and appearance of the area by reason of adversely affecting this view. Without compelling evidence that the structures could be relocated to a less prominent part of the site the appeal scheme would be likely to continue to have an adverse effect on the character and appearance of the area.
12. For the above reasons, I cannot be certain that the appeal scheme would not adversely affect the character and appearance of the area contrary to Policies SS6, SD1 and LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 (the CS). Collectively these policies seek to conserve and enhance local distinctiveness, ensure that development demonstrates that the character of the area has positively influenced the design, ensure that it integrates into its surroundings, and takes account of the local context and site characteristics.

Effect on SAC

13. The appeal site lies within the zones of influence for the Downton Gorge SAC and the effect of the development on the SAC was included as a reason for refusal. The bird houses are lined with plastic sheeting. However, this did not appear to be fixed and there would be a risk of the waste not being caught by the sheet. Moreover, on removal the waste would be at risk of falling off the sheets.
14. Although I saw that the appellant has an area designated for the storage of waste, I have no details of the capacity of this storage facility or how the waste is stored within it before being collected and taken off site. I also have no detail of where the waste is taken and whether it is spread on land that would also affect the SAC. I, therefore, cannot be certain that the appeal scheme would not result in likely adverse effects upon the integrity of the SAC through increased phosphates.
15. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC. However, as I am dismissing the appeal on other matters, 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, nor to assess the appeal scheme against Policies LD2, RA6, SS6 and SD4 of the CS.

Highway safety

16. The appellant's statement of case provides details of the size of vehicles used for delivery and collection of birds, eggs, and feed and for general maintenance and cleaning. Although there is limited detail of the vehicle numbers there is general information about when the majority of movements occur and with what sized vehicle. Large vehicle movements are limited and mostly the vehicles accessing the site would be vans or small trucks. The number of birds held on site would also limit the number of vehicle movements.
17. The additional information provides sufficient detail of the predicted vehicle movements and their size to indicate that the development would not have an unacceptable or severe effect on highway safety. I note that the Council now has no concerns regarding this matter and I have no reason to disagree.
18. The finished surface treatment of the access within the site, and the junction with the road, would be capable of being secured by an appropriately worded condition, were I minded to allow the appeal.
19. For the above reasons, the appeal scheme would not have an unacceptable effect on highway safety. It would, therefore, comply with the requirements of Policy MT1 of the CS which, amongst other matters, seeks to ensure that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic.

Conclusion

20. For the reasons given above, although I find no unacceptable harm to highway safety, the appeal should be dismissed.

K Townend

INSPECTOR