



Appeal Decision

Hearing held on 2 December 2025

Site visit made on 2 December 2025

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal Ref: APP/P1615/W/25/3362659

Land on the north side of Lydney Road, Bream

- 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 Stuart Leaver, Powells against the decision of Forest of Dean District Council.
 - The application Ref is P0332/24/OUT.
 - The development proposed is development of the land for up to 30 residential dwellings (C3) with associated highway access and infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved except for access. Appearance, landscaping, layout and scale are matters reserved for future consideration. As far as any details of matters relating to the reserved matters have been provided on the submitted plans, I have treated these as indicative.

Applications for costs

3. An application for costs was made by Powells against Forest of Dean Council. A separate application for costs was made by Forest of Dean Council against Powells. These applications are the subject of separate Decisions.

Main Issues

4. The main issues are:

(i) whether the appeal site represents a suitable location for housing having regard to any odour impacts arising from the nearby poultry farm and whether the introduction of housing at the appeal site would be detrimental to the continued operation of this poultry farm, and;

(ii) whether the proposal makes adequate provision for affordable housing, self-build housing, the management and maintenance of public open space, biodiversity net gain, and the necessary financial contributions for mitigation relating to the Severn Estuary SAC, SPA and Ramsar site, as well as contributions towards libraries and school transport, such that the development would be acceptable in planning terms.

Reasons

Housing suitability in relation to odour effects

5. The appeal site ('the Site') comprises a field which is located outside but adjacent to the settlement boundary of Bream.
6. The Site at its closest point is located approximately 140m northwest of the Treetops Poultry Farm ('the poultry farm') which is an authorised broiler-rearing installation with a permitted capacity of around 357,999 birds. Established in 1996, the facility is purpose-built for the intensive rearing of broiler chickens for meat production. Its operational cycle typically involves the arrival of day-old chicks, which are reared to market weight over a period of up to 42 days. After each flock is removed, the buildings are mucked out, washed and disinfected before the next cycle begins. The farm generally operates around seven cycles per year, with a turnaround period of 5–7 days between flocks.
7. I was advised that odour emissions from broiler-rearing units are influenced by three principal and interrelated operational factors: the requirement to maintain a stable internal temperature within the buildings, the prevailing external temperature, and the size and age of the birds. In the early stages of each flock cycle, when day-old chicks require a warmer environment, ventilation rates are deliberately kept low to retain heat. Reduced ventilation limits the dispersion of odorous air. As the birds grow and generate more heat, ventilation rates are progressively increased to prevent overheating, resulting in greater volumes of air being expelled and a corresponding change in external odour characteristics. External temperature further affects these dynamics, with colder conditions necessitating lower ventilation rates and warmer conditions requiring higher extraction.
8. These operational patterns mean that odour emissions are not constant but vary throughout each cycle and season. For planning purposes, this variability is significant, as it demonstrates that odour impacts must be assessed across the full operational cycle, taking account of the proximity of sensitive receptors, prevailing wind conditions and the frequency of flock turnover. This is necessary in determining whether the proposed development would be exposed to odour levels capable of materially affecting residential amenity.
9. Odour emissions associated with the poultry farm may have the potential to cause loss of amenity for future residents of the development. Indeed, nearby residents have expressed concerns regarding potential odour issues, which they currently endure through certain periods, describing the smell as pungent, resulting in changes to living habits e.g. not being able to open windows and not using outdoor amenity areas.
10. The Environment Agency ('EA') has confirmed receiving odour complaints relating to the poultry farm. EA officers undertook two off-site odour monitoring visits, during which no poultry odour was detected. However, it is not clear whether these visits coincided with the timing or conditions of the reported complaints, nor are the precise monitoring locations specified. To this end, at the Hearing, the Council and third parties explained that investigating odour complaints can be challenging due to their intermittent nature and the difficulty of capturing evidence at the right moment.

11. The EA also advises that there is no evidence to suggest non-compliance with the farm's Environmental Permit. In its response, the EA refers to the agent of change principle and clarifies that it is not the role of the regulator to object to new development on behalf of an existing permitted operator.
12. Although the poultry farm operates under an Environmental Permit and includes an Odour Management Plan, I am mindful that such regulatory controls do not displace the role of the planning system to create places which promote health and well-being, with a high standard of amenity for existing and future users, as required by the development plan and Framework.
13. The Framework requires new development to be integrated effectively with existing businesses, ensuring that established operations are not subject to unreasonable restrictions as a result of later development. Where an existing business could have significant adverse effects on new sensitive uses, suitable mitigation must be secured before the development is completed.
14. The Planning Practice Guidance reinforces this, stating that applicants must clearly identify any potential nuisance from existing businesses, such as noise, dust, odour, vibration or other pollution, and assess the likelihood of significant adverse effects on future occupants. This assessment must consider not only current activities but also those the business is lawfully permitted to undertake.
15. In this context, the proposal must be assessed alongside the residual impacts of the established poultry farm. Under the agent of change principle, it is for the appellant to demonstrate that adequate mitigation can be provided to avoid significant adverse effects and to ensure that the existing lawful operation is not constrained. The principle requires new development to be made acceptable without undermining the viability or operation of the established use, allowing both to coexist without undue conflict.
16. The application was initially supported by an Odour Impact Assessment ('OIA') to consider the effects of odour from the poultry farm on the Site. I have reviewed this along with the Council's peer review of the OIA.
17. Significant concerns were raised regarding the OIA, including its failure to account for the flock cycle and the periods when odour emissions are at their highest. The Council's peer review went further, finding that the assessment provided very little objective evidence to demonstrate that odour impacts would be acceptable; that the Source-Pathway-Receptor ('SPR') analysis was incorrect and relied heavily on subjective judgement without adequate justification; and that the odour sniff-testing carried limited value given the weather conditions at the time of the surveys. Taken together, these shortcomings undermine the robustness of the assessment, and I therefore attach very limited weight to it.
18. During the application process, the appellant submitted an Addendum to the OIA. In reviewing this alongside the Council's peer review, I note that although unpleasant odours were detected at receptor-representative locations, they were not recorded frequently enough to be classed as significant. However, the surveys were not undertaken in worst-case conditions, and the Council's consultant emphasises that the cyclical nature of emissions requires further testing, particularly toward the end of the rearing cycle, to obtain results that are genuinely representative. The sniff-testing nonetheless confirms that odours do reach the Site at a distinct and noticeable level, and when considered alongside the

emission cycle and prevailing meteorological conditions, the findings indicate a need for further assessment to understand the overall risk.

19. I also note the discussion of odour complaints made to the EA. Although it is suggested that the planning process may have influenced reporting levels, this cannot be verified. While some complaints may relate to routine agricultural activities, the volume of reports from a relatively small local population cannot be discounted and indicates that odour remains an ongoing issue in the area.
20. Moreover, the absence of worst-case monitoring or dispersion modelling limits confidence in the prediction that effects would remain slight. Accordingly, and although the Addendum corrects the earlier SPR error, I remain concerned that this does not demonstrate with sufficient certainty that future residents would not experience unacceptable odour impacts.
21. As part of the appeal, the appellant commissioned and submitted a further Odour Technical Note ('the Technical Note'). This includes supplementary sniff-testing undertaken to understand the potential influence of the poultry farm on future occupiers. At the Hearing, the Council's odour expert confirmed that the methodology used for the Technical Note was acceptable.
22. The Technical Note confirms that strong and unpleasant poultry-related odours occur across the Site, giving rise to substantial effects in the south-eastern quadrant and largely moderate effects elsewhere. These findings informed consideration of how the layout might minimise exposure for future residents, taking account of prevailing wind patterns.
23. The south-eastern part of the Site experiences the greatest impact during south-easterly winds, which carry emissions directly from the poultry farm. The Technical Note therefore advises that this area should not accommodate residential development and is instead suited to low-sensitivity uses such as access roads, footpaths, parking or drainage, where exposure would be only slight to moderate in line with the Institute of Air Quality Management guidance.
24. The Technical Note explains that the removal of residential uses from the area subject to substantial odour effects would ensure that no new dwellings are positioned closer to the poultry farm than the existing sensitive receptors on Lydney Road, Green Acre and Whittington Way. I note that the survey work was undertaken when the Site lay downwind of the poultry farm, a wind direction that is unrepresentative of prevailing conditions. Although odour levels would ordinarily be lower under typical wind patterns, I am of the view that the proposed layout measures remain necessary to mitigate impacts that may arise during south-easterly winds.
25. The Technical Note also considers the operational context of the poultry farm and the pattern of odour complaints recorded over the past decade. The suggested layout is intended to reflect the EAs advice by ensuring that new dwellings would not be positioned closer to the poultry farm than existing properties and would be located outside the substantial-odour zone.
26. Additional mitigation is recommended in the form of landscaping along the boundary closest to the poultry farm, intended both to reduce direct views of the poultry farm and to help disrupt the odour pathway. However, there is no certainty that the latter effect would be achieved

27. Drawing on the above, the evidence confirms that parts of the Site would be subject to odour levels capable of causing significant adverse effects for residential occupiers. The suggested layout arrangements could reduce exposure to the parts of the Site likely to experience substantial odour effects.
28. However, the remaining moderate effects would still expose future occupiers to noticeable and unpleasant odours at a frequency incompatible with the high level of amenity expected for housing. As such, there is no certainty that the suggested layout and other mitigation would remove the risk of significant impacts on the living conditions of new residents.
29. In addition, the agent of change principle is directly engaged. The poultry farm is an established lawful operation, and it is the incoming residential development that would introduce new sensitive receptors into an area where odour emissions are an inherent and long-standing characteristic. The evidence does not demonstrate that the recommended buffer, layout changes and screening would prevent exposure to odour levels capable of generating complaints. This creates a foreseeable and unreasonable risk that pressure could be placed on the existing poultry farm to alter or curtail its operations, contrary to national policy and the agent of change approach.
30. Applying a precautionary approach to the identified environmental constraints, and giving appropriate weight to the technical evidence, the proposal fails to demonstrate that future residents would experience acceptable living conditions. In these circumstances, and having regard to national policy expectations for securing a high standard of residential amenity, the development cannot be supported.
31. Consequently, the Site represents an unsuitable location for housing, given the odour impacts arising from the nearby poultry farm, and because the introduction of residential development here, would be detrimental to the continued operation of that farm. The proposal would therefore be contrary to Policy AP.4 of the Council's Allocations Plan 2006–2026, Adopted June 2018 ('Allocations Plan'), which seeks to ensure that developments contribute positively to the quality of the environment and the well-being of residents and to ensure that new developments and existing uses can coexist without causing undue harm or inconvenience to each other. In addition, the proposal conflicts with the similar objectives of the Framework, which requires that new development provides a high standard of amenity for future users and is planned in a way that avoids placing unreasonable restrictions on existing lawful businesses.

Planning obligations

32. The introduction of up to 30 additional dwellings in this location would increase the local population and, in turn, generating certain requirements and giving rise to additional demands on community facilities and infrastructure. A completed S106 Agreement has been submitted in support of the proposal, securing a range of obligations. These include provision for the following:
33. Affordable housing – Policy CSP.5 of the Council's Core Strategy, Adopted 2012 ('CS') requires that schemes of more than 10 dwellings provide a 40% affordable housing contribution, based on a 70:30 tenure split, in order to address identified needs within the district. The Policy also seeks an appropriate mix of dwelling

sizes and types. In line with these requirements, the S106 Agreement secures the necessary affordable housing provision.

34. The management and maintenance of the areas of public open space - Due to the scale of the development, in accordance with the Council's open space Supplementary Planning Guidance, a Local Area of Play ('LAP') should be provided for future occupants. The LAP is intended to be provided at the Site and this would be dealt with under any subsequent reserved matters. Nonetheless, the S106 Agreement includes an obligation requiring the management and maintenance of the LAP, along with any other landscaped area not within a residential curtilage.
35. Contributions towards libraries - An obligation is included to secure a financial contribution, calculated on the basis of 30 dwellings, with the funding directed to Bream Community Library to enhance access to services through refurbishment and building upgrades, improvements to stock, investment in IT and digital technology, and the expansion of available services.
36. Contributions towards home to school transport - Gloucestershire County Council has advised that a financial contribution is required to support home-to-school travel for secondary-age pupils (11–16). Based on a development of 30 dwellings, the expected pupil yield is five pupils, generating a requirement of £950 per annum over a five-year period. The total contribution sought is therefore £23,750, and this would be secured through the S106 Agreement.
37. Severn Estuary SAC, SPA and Ramsar (Lydney Harbour) - The appeal site falls within the Zone of Influence ('Zol') for Lydney Harbour.
38. The tidal range of the Severn Estuary results in this having one of the most extensive intertidal wildlife habitats in the UK. It contains a variety of landscapes and seascapes including salt marshes, cliffs, islands, and tidal flats. It is a well-known and important nature conservation site because of its internationally important habitats and species, including migratory and over-wintering birds and migratory fish. Accordingly, Lydney Harbour is protected under the Conservation of Habitats and Species Regulations 2017 (as amended).
39. Natural England advises that where development results in an increase in overnight accommodation (such as new dwellings) within the Zol of Lydney Harbour, the associated recreational activity is likely to have a significant effect on the Harbour, either alone or in combination with other proposals.
40. Adopting a precautionary principle and without mitigation, new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites associated with Lydney Harbour, from human pressures.
41. It is necessary for me, as the competent authority for the purposes of the Act, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of Lydney Harbour.
42. The Council has worked with neighbouring authorities and Natural England to prepare a recreation mitigation strategy (Lydney Harbour Visitor Survey and Recreational Strategy). This identifies the measures necessary to address these impacts, including financial contributions to support strategic management and monitoring. These measures are capable of ensuring that the development would

not give rise to adverse effects on the integrity of Lydney Harbour, provided they are secured in full.

43. The S106 Agreement includes an obligation for a financial contribution towards Council's mitigation scheme. As such, this provides sufficient certainty that the development will not result in likely significant effects on the integrity of Lydney Harbour.
44. Consequently, and on the evidence before me, the obligations contained within the submitted S106 Agreement meet the tests set out in the Framework and Regulation 122 of the CIL Regulations 2010 (as amended).
45. Nevertheless, the S106 Agreement does not incorporate provisions in respect of the following which were identified in the Council's submissions:
46. Biodiversity net gain ('BNG') - Local Planning Authorities are required to consider BNG under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. BNG aims to create and improve biodiversity by ensuring that development has a positive impact (a "net gain") on biodiversity. Developers must deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
47. The submitted Biodiversity Net Gain Delivery Statement concludes that given the size of the Site along with the policy requirements for a LAP and 40% affordable housing, that the Council should permit the appellant the option to buy off site credits through a credit provider in order to meet the full 10% BNG requirement.
48. Self-build housing - CS Policy CSP.5 and its supporting text identifies that a mix of house sizes and types will be encouraged in accordance with prevailing evidence. In accordance with the Forest of Dean District Council Self-build and Custom Housebuilding Guidance Note, on housing sites comprising of 25 or more dwellings, the Council will seek to secure 4% of the dwellings proposed as serviced plots for sale to self and custom builders. As such, one of the proposed plots should be provided as a serviced plot for sale to self and custom builders.
49. Furthermore, the Framework identifies that planning policies should reflect the housing needs of different sectors of the community including, but not limited to people wishing to commission or build their own homes.
50. In this case BNG relies on the purchase of off-site biodiversity units and ongoing delivery mechanisms, which must be secured through a Section 106 Agreement. Likewise, providing and marketing a serviced self-build plot requires a land-based obligation that cannot be effectively enforced by planning conditions.
51. Therefore, the S106 Agreement and proposal fail to secure the necessary measures to deliver the required 10% BNG and does not provide for a serviced self-build or custom-build plot.
52. In the absence of secured provision for 10% BNG and a serviced self-build or custom-build plot, the proposal conflicts with Policies CSP.1, CSP.4, CSP.5 and CSP.9 of the CS and Policies AP.1, AP.7 and AP.8 of the Allocations Plan. Taken together, these policies establish a clear expectation that new development must be environmentally responsible, deliver measurable biodiversity enhancements, and contribute to a balanced and inclusive housing mix. Accordingly, the proposal

also fails to meet the Framework's expectations for enhancing the natural environment and meeting identified housing needs.

Other considerations

53. The Site is identified for development in the emerging local plan. However, as the emerging local plan has not yet progressed to examination and remains subject to unresolved objections, it can only be afforded limited weight. Its allocation does indicate the direction of travel for future growth, but it does not overcome my findings in respect of odour, and the absence of secured BNG and self-build custom housing provision. Accordingly, while the emerging plan lends some support to the site's longer-term potential, it does not alter the overall planning balance in this case.
54. The Council advise that they cannot demonstrate a 5 year housing land supply, which is about 1.9 years. Consequently, Paragraph 11d) ii) of the Framework applies.
55. The Council's evidence demonstrates a clear and significant unmet need for affordable housing. Many households are seeking affordable rented homes both in Bream and across the wider district. The Local Housing Needs Assessment (2021–2041) identifies a substantial requirement for additional affordable homes, with a strong emphasis on rented provision, including social rent and smaller units suitable for single-person households. There is also a considerable district-wide need for accessible and adaptable homes to meet the needs of older and disabled residents.
56. Against the above background, the proposal could deliver up to 30 new homes, of which up to 18 would be market houses. As already stated, the S106 Agreement includes an obligation agreeing that 40% (up to 12) of the proposed dwellings permitted by the planning permission shall constitute affordable housing. Given its relatively accessible location and further proposed improvements to linkages to and from the development, the Site is well placed to make a meaningful contribution to these needs.
57. While the provision of new housing is an important consideration in the context of the Council's current housing land supply position, the application is in outline. Layout is a reserved matter and part of the Site has been identified as unsuitable for housing, meaning that the final quantum of development cannot be confirmed at this stage. For similar reasons, I cannot be certain that development could be delivered at the Site without delay. Moreover, given my findings on the main issues, there is no certainty that the proposed development would be of high quality or would provide a high standard of amenity for future users, as required by the development plan and the Framework. These factors temper the weight that can be afforded to the scheme's potential contribution to housing supply.
58. Nonetheless, the delivery of additional homes, including affordable housing, is a clear benefit that aligns directly with the Framework's objective of significantly boosting the supply of homes. In the circumstances of this case, this attracts considerable weight.
59. The construction of a major development and its associated infrastructure would generate meaningful economic activity including jobs, and the spending of future residents would help sustain local shops, services and facilities. These social and

economic benefits attract moderate weight, consistent with the Framework's support for economic growth and thriving communities.

60. Although the obligations secured through the S106 Agreement are necessary to make the development acceptable, several would also deliver wider community benefits. These attract limited weight, reflecting their broader value while recognising that they arise from mitigation rather than enhancement.
61. Taken together, and particularly through the delivery of new market and affordable homes, the proposal would secure a package of social and economic benefits. In the context of the district's acute housing land supply shortfall, these combined benefits attract significant weight in favour of the scheme, consistent with the Framework's emphasis on boosting housing supply and supporting economic vitality.

Planning balance and conclusion

62. I have found that the Site is unsuitable for residential development owing to the odour impacts generated by the nearby poultry farm. Introducing housing in this location would also risk prejudicing the continued lawful operation of that farm.
63. Also, the scheme fails to secure BNG or provide a serviced self-build plot, placing it in clear conflict with the development plan and the Framework. These omissions amount to significant shortcomings, undermining both environmental enhancement and the delivery of a balanced housing mix. Even if they stem from oversight rather than intention, the outcome is the same: the development does not deliver two policy-critical components of sustainable development.
64. In applying the balance required by Paragraph 11(d) of the Framework, the benefits associated with the delivery of new housing, including affordable homes, are recognised as important, particularly in the context of the district's limited housing land supply. These benefits attract significant weight.
65. Although measures such as excluding residential uses from the most affected area, providing an odour buffer and incorporating boundary landscaping would reduce exposure, they would not overcome the fundamental constraint. Residual moderate odour effects would still give rise to noticeable and unpleasant odours at a frequency incompatible with the standard of amenity required for housing. Applying the agent of change principle, introducing new homes into an area where odour is an established characteristic would risk creating pressure for the existing operation to alter its lawful activities. In the context of the Framework's expectations for amenity and the management of established uses, this amounts to a significant adverse impact that carries substantial weight against the scheme.
66. As BNG is now a mandatory requirement, its absence means the scheme would not achieve the measurable environmental enhancement sought by the development plan, nor would it accord with the Framework's expectation that development should leave the natural environment in a measurably better state. This represents a significant environmental harm that carries substantial weight.
67. The failure to secure a serviced self-build plot also conflicts with the development plan and the Framework's aim of ensuring that new housing sites contribute to a balanced mix, including opportunities for those wishing to build or commission their

own homes. This is a further harm, although its weight is limited given that it relates to a single plot within a scheme of up to 30 dwellings.

68. Taking all matters together, the adverse impacts arising from residential development at the site, the absence of secured BNG, and the lack of self-build provision significantly and demonstrably outweigh the benefits of the scheme, even when giving full weight to its contribution to housing supply.
69. Applying section 38(6) of the Planning and Compulsory Purchase Act 2004, the balance leads to the same outcome: the proposal conflicts with the development plan when read as a whole, and no material considerations justify a decision other than refusal.
70. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Freya Hoyle
Stuart Leaver
Matt Tompkins

FOR THE LOCAL PLANNING AUTHORITY

Dr Michael Bull
Stephen Colgate

THIRD PARTIES

Sion Bayliss
Alison Bruce
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