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## Appeal Decision

Hearing held on 23 February 2016

Site visit made on 23 February 2016

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 March 2016**

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**Appeal Ref: APP/L3245/W/15/3136670**

**Heathton, Claverley, Wolverhampton WV5 7EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Walker against the decision of Shropshire Council.
  - The application Ref 14/02226/OUT, dated 16 May 2014, was refused by notice dated 24 April 2015.
  - The development proposed is a single dwelling for a rural worker.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with all matters reserved except for access. I have dealt with the appeal in the same manner.

### Main Issues

3. Based on all that I have read, heard, and seen, the main issues in this case are as follows:
  - Whether the proposal is inappropriate development in the Green Belt;
  - The effect of the proposal on the openness of the Green Belt;
  - If the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### Reasons

#### *Whether inappropriate development*

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in
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paragraph 89. Policy CS5 of the Shropshire Adopted Core Strategy, March 2011 (the Core Strategy) states that development will be strictly controlled in the Green Belt in accordance with national planning policies. There is no dispute amongst the parties that the proposal does not fall within one of the exceptions within paragraph 89 and I therefore conclude that the proposal constitutes inappropriate development in the Green Belt.

#### *Openness of the Green Belt*

5. Paragraph 79 of the Framework states that openness is an essential characteristic of the Green Belt. Whilst in outline form, and the appellant referred at the Hearing to existing screening of the site, openness in terms of the Green Belt means freedom from development, and the mass of a new house would inevitably reduce this openness.
6. I therefore conclude that the proposal would have an adverse effect on the openness of the Green Belt and would consequently be contrary to the Framework.

#### *Other considerations*

7. M G Walker & Sons operate a viable high quality game farm business, primarily based on pheasants. The flock of birds belonging to the business is stated to be one of the largest laying flocks on the ground in the country. The farm operates from three sites; at Hatchery Farm, Three Oaks and at the appeal site. Hatchery Farm covers some 26 hectares and includes a relatively modern farmhouse. The submitted evidence states that Three Oaks covers some 12 hectares and contains a further dwelling. At the Hearing it was revealed that in November/December of last year further land had been purchased at this site. The appeal site, referred to variously as Heathton and Lower Aston, covers some 10 hectares and is split into two by a small lane linking Heathton to Lower Aston. The land has three accesses; one onto the lane from Heathton towards Claverley on the southern side, and two accesses from the small lane referred to above.
8. The three sites are roughly sited in a triangle, with the appeal site being the most easterly, located around 3.5 miles from Hatchery Farm and some 5.5 miles from Three Oaks. It was clear from discussions at the Hearing that the use of the three sites was beneficial to the appellants, allowing them to split apart various aspects of the business and maintain high standards of bio security to ensure their flock remains disease free as much as possible.
9. The appeal site is used for the breeding stock of pheasants for the business; laying pens cover both sides of the site from around February each year. Egg collection commences in March and incubation at Hatchery Farm begins in April. This continues until around August-September, when some of the birds are sold and others retained for over-wintering at Hatchery Farm and Three Oaks. At the Hearing it was explained that the additional land purchased at Three Oaks would allow the appellants to retain some over wintering birds at the appeal site, providing flexibility for the business and allowing them to operate a system of rotation to allow the land to recover. It was stated at the Hearing that the site had been used for laying hens for some 4 years.
10. It was clear from the Hearing that the egg laying season of around March to August/September is an intense season. The documents indicate that around

750,000 eggs would be expected during this season, and that five additional part time staff are taken on from April to August to cater for the increased labour required. There are two main elements of the stated need for a permanent dwelling on site; bird welfare and health, and site security. To a certain extent these elements also interlink.

11. In terms of bird welfare, the Defra Code of Practice<sup>1</sup> states that all birds should be checked at least twice daily during the breeding and rearing season for signs of disease or injury and to ensure that their welfare needs are being met, and at least once a day at other times. Evidence submitted from the appellant's veterinarian states that the workload during the short breeding season is onerous, even if there is nothing untoward, and there are also emergencies that need reacting to. Gamebirds' health and welfare is seriously compromised if there is any breakdown in feed and water delivery, and they are very sensitive to external stresses.
12. Each generously sized pen on site houses two mains fed water dispensers and one feed hopper. A breakdown in either feed or water hopper would cause stress to the birds, however it seems unlikely that both water dispensers would break down and the twice daily checks during the breeding season would include these facilities. External stresses detailed at the Hearing included wildlife (foxes, hedgehogs, other birds), vermin, severe weather, low flying aircraft and site break ins.
13. I can appreciate that the presence of a full time stockperson on the site could assist in certain situations, including providing more protection against stresses caused by wildlife, vermin and site break ins, and by being more readily available to potentially protect birds during severe weather. I note however that the majority of the site is free from birds outside of the breeding and rearing season, described by the veterinarian themselves as 'short'. Whilst the recent acquisition in land would result in birds being present all year round at the site, these birds would be lower in number than in the spring/summer, and based on the Defra code, would require less checks of their welfare.
14. The appellants describe security issues at the site in the past. The site is accessed by locked gates, with a low level electric fence and a higher chicken wire type perimeter fence surrounding the pens, which are netted on top. Birds have been stolen previously and a barn has suffered an arson attack. Other incursions onto the site are also reported. The fallibility of the electric fence was noted with malfunctions from falling branches or knocks sometimes breaking the circuit and allowing access to predators. Checks are needed twice daily to ensure the fence is working correctly and the site is secure, usually requiring a 7 mile round trip from Hatchery Farm.
15. The presence of a full time stockperson on site would dissuade human interference and criminal access to the site and aid in quick response to issues of security and for general checks, providing greater protection and aiding bird welfare. However, I am unconvinced that a house on the southern edge of the site would assist greatly in the protection of the north eastern segment of the site, much of which due to gradients and distance would not be visible from the proposed house. I accept that response times would be quicker to incidents on this land than from other sites and properties in the appellant's ownership and

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<sup>1</sup> Department for Environment, Food and Rural Affairs, 'Code of Practice for the Welfare of Gamebirds Reared for Sporting Purposes', 2009.

that a dwelling would act as deterrence, although I consider this effect would be limited across the whole site, and a not dissimilar deterrence effect could also be attained if a caravan was placed on site.

### **Conclusions**

16. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition there would also be a loss of openness caused by the proposal.
17. On the other hand, the proposal would allow a full time stockperson to be present on the appeal site, bringing benefits in terms of security and bird welfare. It has been demonstrated that labour on the site is intense during the breeding and rearing season and that the health and security needs of the site are reasonably high during this period. However, this season does not cover significantly more than half the year. During such relatively clement months a caravan could potentially be utilised to aid with on site issues. Although I note the recent change in the business allowing over wintering birds on the site, I do not consider that this extends the same needs to a permanent, year round need as the evidence suggests that the welfare requirements of the over wintering birds is less than those in the breeding and rearing season, and the lesser number of birds on the site and decreased equipment also means that security demands are reduced.
18. The Framework states that new isolated homes should be avoided in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy CS5 of the Core Strategy states that dwellings to house agricultural workers will be allowed where they are in accordance with national planning policies and subject to need and benefit being demonstrated. I do not consider that this essential permanent need required by the Framework or the Core Strategy has been demonstrated in this case. Consequently this does not clearly outweigh the harm that the proposal would cause to the Green Belt and the effect on openness that would result, and very special circumstances do not exist.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jon Hockley*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

M G Walker	Appellant
William Walker	Appellant's son
Anthony Atkinson	Acorus Rural Property Services
Michael Clark MA, VetMB, MBA, MRCVS	Minster Veterinary Practice Ltd

**FOR THE LOCAL PLANNING AUTHORITY**

Richard Fortune BA (Hons), BTP, MRTPI	Shropshire Council
Peter Williams BSc MBIAL	Reading Agricultural Consultants