



Appeal Decision

Hearing Held on 2 November 2022

Site visit made on 3 November 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/L3245/W/22/3301727

Heal Farms, Butlers Bank, Shawbury, Shropshire SY4 4HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Heal against the decision of Shropshire Council.
 - The application Ref 20/03962/FUL, dated 28 September 2020, was refused by notice dated 1 February 2022.
 - The development proposed is temporary accommodation for agricultural workers.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a single caravan for use as a temporary agricultural workers' dwelling at Heal Farms, Butlers Bank, Shawbury, Shropshire, SY4 4HG in accordance with the terms of the application, Ref 20/03962/FUL, dated 28 September 2020, subject to the following conditions:
 - 1) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
 - 2) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this permission in accordance with a scheme of work first submitted to and approved in writing by the Local Planning Authority.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Dwg No. SA37930-PL01; Block Plan Dwg No. SA37930-PL02;
Static Caravan Floor Plans & Elevations Dwg No. SA37930-PL03

Application for costs

2. At the Hearing an application for costs was made by Mr T Heal against Shropshire Council. That application is the subject of a separate decision.

Preliminary Matters

3. The appellant's description of the proposal is for temporary accommodation for agricultural workers, whereas the decision notice describes the proposal as the siting of a mobile home for use as a temporary agricultural workers dwelling
4. As the proposal is for accommodation to be provided within a mobile home, it is the siting of the mobile home which is the development itself. I have therefore utilised the Council's description in my decision.
5. At my site visit, I saw that a mobile home, although different to that depicted in the submitted plans, had already been sited at the appeal site. I have, however, determined the appeal based on the plans submitted as part of the application rather than as retrospectively.

Main Issue

6. Whether or not there is an essential functional need for an agricultural worker to live on the site.

Reasons

7. The appeal site is located adjacent to 2 poultry rearing sheds (the poultry unit) that house a maximum of approximately 64,000 pullets. The pullets enter the building as day old chicks and are reared on for 16 weeks before being transferred to layer units. The site is located within the open countryside to the north-east of Shawbury and is accessed off the western side of a country lane. The existing mobile home has been sited to the north-east of the poultry unit adjacent to the mature hedgerow boundary of the highway. The appellant advises that there are currently two full-time rearing supervisors employed and living in the mobile home. There is common ground between the main parties that the poultry unit can financially support the proposed temporary agricultural workers' dwelling and I see no reason to disagree.
8. At the hearing, the appellant set out in some detail the daily routine of the two rearing supervisors currently living in the mobile home. I noted that the day starts at 0730h with daily morning checks of the birds and systems. The rearing supervisors check the feeders, water and for fallen stock throughout the day, increasing the pullets access to different parts of the system as age appropriate. I note that the chicks are initially kept in a cage system for around two to three weeks before they are introduced to the shed floor. The rearing supervisors are also responsible for essential equipment maintenance/checks, cleaning/mucking out, and walking around the sheds making sure all the birds are up on the cage system every night. The supervisors core day job finishes just after 1530h, with further checks carried out at 1630h and 1830h, before the day finishes at 1900h.
9. The appellant advises that, based on figures within the John Nix Farm Management Pocketbook 49th edition 2019, a 64,000 bird rearing unit generates a requirement for 3 full-time workers¹. The Council does not dispute that it has been clearly demonstrated that two suitably skilled and competent full-time workers are required to operate the poultry unit. The Council does not accept, however, that the operational needs of the poultry unit result in an essential functional need for an additional dwelling at the site.

¹ Standard Man Day Calculation (not including an allowance for general maintenance)

10. In order to determine whether the need is essential, it is necessary to establish whether there is a physical need for someone to be on-site at most times. The Planning Practice Guidance² (the Guidance) indicates that in considering paragraph 80a of the National Planning Policy Framework (the Framework), it may be relevant to consider the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It refers to examples where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.
11. The appellant advises that rearing poultry requires close supervision when the pullets have access to the full floor and are being trained to access different parts of the system. Potential problems that can occur at any time and require immediate remedial actions include ventilation failure, feed or water system break downs, fire, and trespassers. If birds are left without the right amount of food or water, or the temperature in the building is too hot or cold it can quickly impact on the birds' welfare, resulting in increased fallen stock and lower productivity. The appellant advises that pullets can very quickly panic if something disturbs them, leading to the birds huddling together. This huddling increases the risk that birds will suffocate. These smothering incidents can be triggered for several reasons, including if the temperature in the poultry unit is either too hot or too cold. The appellant advises that bird losses can occur in as little as 5 minutes after the birds initially huddle.
12. The poultry units include an alarm system that covers potential failures in the unit's automated ventilation, lighting, power, feed and water systems. The Council accepts that a failure of the automated systems represents a risk to the productivity of the poultry unit, and to the welfare of the birds, if not responded to quickly. It is the rearing supervisors' responsibility to react first when alarms are activated. The on-site alarm includes a siren that would be audible to any on-site workers, including the 2 rearing supervisors at the site for the mobile home. The alarm system is also linked to the mobile phones of 4 other Heal Eggs Ltd employees. These 4 other employees are each 'on-call' for one week every 4 weeks, during which they are responsible for responding to alarms at all of the Heal Eggs Ltd locations. These on-call employees are accommodated at various dwellings owned by Heal Eggs Ltd within the surrounding area.
13. The appellant has submitted alarm logs that show alarms triggered several times each month at the poultry unit, including outside of the rearing supervisors' core working hours. The alarm logs also show frequent alarms at Heal Eggs Ltd's other poultry sites. In a best case scenario, quick responses to alarms at the bird rearing poultry unit (travel time less than 5 minutes) would be possible from existing Heal Eggs Ltd employees living at Hazeldene Bungalow (Production Manager), Croftside Bungalow (Maintenance Manager), Chapel House (Audit Manager), and at Greystones (Production Manager).
14. The Council asserts that it is reasonable to expect existing employees in nearby dwellings to respond to emergency call outs. Taking into account the need to maintain thorough biosecurity measures for off-site arrivals, and the potential

² PPG Paragraph 010 Reference ID 67-010-20190722

that the alarm is received whilst the on-call employee is at another poultry unit, the response time for the on-call employee could, however, be significantly longer than 5 minutes.

15. The operations of Heal Eggs Ltd includes egg units at 8 different egg sites, plus the rearing unit, giving a total of 24 individual sheds. It is, therefore, a significant operation, with sites spread out over the local area and journeys of up to approximately 11km between sites. The significant labour requirements of the overall operations are clearly indicated by the Butlers Bank poultry unit's requirement for 3 full-time workers when assessed with the John Nix Farm Management Pocketbook methodology. The appellant advises that the on-call employees have multiple units to oversee, and it is not possible for them to constantly monitor the poultry unit at Butlers Bank.
16. Whilst the number of employees on-call at any one time could be increased, this would inevitably generate additional labour requirements. The mobile home provides accommodation for additional labour in a location that significantly increases the chances that issues resulting in alarms will be addressed swiftly, with quick response times that reduce the risk to the productivity of the poultry unit, and to the welfare of the birds. Furthermore, minimising the number of visits of off-site workers to the poultry unit reduces the risk that diseases, such as avian influenza, will be spread through the contamination of vehicles, equipment, clothing, and footwear.
17. The appellant has also drawn my attention to a range of scenarios where the automated systems and alarms would not be effective in preventing bird losses. For example, the failure of a single ventilation fan, or an increase in noise level, such as from aircraft or adverse weather events, would not trigger alarms but may cause the birds to panic and huddle. Whilst the Heal Eggs Ltd employees living at Chapel House and Greystones are situated close to the poultry unit, there is no direct visibility of the unit due to extensive tree planting to the south of the unit. The closer proximity of the mobile home to the poultry unit means occupants would be more likely to detect issues and respond to them almost immediately.
18. The appellant has drawn my attention to the theft of an excavator at the nearby Coolmoor site. I do not, however, find the limited evidence of security concerns at the site would justify the need for a temporary workers' dwelling on the site. Nevertheless, the additional surveillance provided by the temporary workers' dwelling would increase site security and does, therefore, weigh in favour of the proposal.
19. The Council asserts that the required farm workers could be housed in Shawbury. The appellant's planning statement, however, included details of a search for rental properties within a 3-mile radius of the site but did not identify any suitable properties. The appellant's appeal statement indicates that some affordable properties may be available in Shawbury. Whilst travel times from dwellings in Shawbury could potentially be within 5 minutes, occupants of such dwellings would not be able to effectively monitor the poultry unit for issues where close proximity is essential to their identification. Furthermore, the response time for the on-call employee could be longer than 5 minutes when considering necessary bio-security measures.
20. The Council has also highlighted that planning permission has recently been granted for conversion of the existing pool house at Greystones to provide two

agricultural workers dwellings³. During my site visit, I observed that the conversion of the pool house appeared to have commenced, but that significant work remained to be completed before the approved dwellings would be ready for occupation. As such, whilst these dwellings, once completed, will factor into any assessment of available dwellings serving Heal Eggs Ltd's operations, they cannot reasonably be considered to be available at this time. The weight to be given to the extant permission for conversion of the pool house is therefore very limited given the appeal proposal is for a temporary permission to meet an immediate functional need.

21. My attention has also been drawn to two recent appeal decisions at Coolmoor Farm⁴ and at The Hazles Farm⁵, both for temporary agricultural workers' dwellings at nearby Heal Eggs Ltd sites. Whilst these recent appeal decisions related to free range egg poultry units rather than the poultry rearing sheds relevant to the current appeal, there are similarities in that they all relate to large modern poultry units with alarm systems that cover potential failures in the units' automated ventilation, lighting, power, feed and water systems. As such, the issues relating to bird welfare and productivity in the recent appeals were similar to this appeal.
22. In the two recent appeal decisions, despite the highly automated functioning of the modern poultry units, the Inspector found that it was necessary for a property to be within sight and sound of the egg laying units in order to deal with potential bird welfare issues. As such, these appeals were allowed due to the essential need for the temporary agricultural workers' dwellings having been demonstrated. Given the closer proximity of existing dwellings owned by Heal Eggs Ltd to the Butlers Bank poultry unit, I do not find that the circumstances of the recent appeals are wholly comparable to those for the current proposals. Nevertheless, considering the other material similarities in terms of the need for the near constant and close monitoring of stock, the need for swift response times to issues, the requirement for additional labour, and the lack of suitable alternative available accommodation, I give them significant weight in favour of the proposal. The Council's assertion that the automated functioning of modern poultry units negates the essential need for an available nearby worker's dwelling is inconsistent with the findings of the recent appeal decisions.
23. Overall, I find the unpredictable timing of the potential issues that can negatively affect bird welfare, combined with the difficulty in remotely detecting those issues, and the time critical nature of effectively responding to them, necessitates near constant attention of a nearby farm worker. Establishing agricultural need is an area of specific expertise. A substantial labour requirement at the site, and across the wider Heal Eggs Ltd operations, has been demonstrated by the appellant with reference to accepted industry standards. I do not find the Council's evidence, regarding whether or not there is an essential functional need for the 2 rearing supervisors to live at the appeal site sufficiently substantive to override that provided by the appellant. There is no substantive evidence of suitable alternative available accommodation. The essential need for the proposed temporary workers' dwelling has, therefore, been demonstrated.

³ LPA ref: 21/03070/FUL

⁴ APP/L3245/W/20/3247409

⁵ APP/L3245/W/20/3247412

24. As such, the proposal accords with Policies CS5 and CS6 of the Shropshire Local Development Framework Core Strategy (2011) and Policy MD7a of the Site Allocation and Management of Development (SAMDev) Plan (2015) which, amongst other matters, seek to strictly control new development in the countryside in accordance with national planning policies, supporting new dwellings for rural workers when an essential need has been demonstrated. It would also accord with paragraph 80 of the Framework and the Council's Type and Affordability of Housing Supplementary Planning Document (2012).

Conditions

25. I have considered the conditions suggested by the Council against the advice set out in the Guidance and the discussion at the hearing. As the mobile home is being permitted to support an essential need within the open countryside where residential development would not normally be permitted, a condition restricting occupancy is necessary. A condition specifying the approved plans is necessary as this provides certainty.
26. As the proposal is for accommodation to be provided within a mobile home rather than a permanent building, and given that the appellant states that the development is only intended to provide a temporary dwelling, a condition is necessary to ensure that it is removed after the period applied for.

Conclusion

27. The proposed development would comply with the development plan when taken as a whole. There are no other considerations which outweigh this finding.
28. Accordingly, for the reasons given above, the appeal is allowed.

S D Castle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Deborah Sharples LLB	Solicitor, Birketts
Mandy Seedhouse MRICS MRTPI CAAV	Senior Planning Consultant, Berrys
Tony Heal	Appellant, Heal Eggs Ltd
Lucy Grinnell LLB	Trainee Solicitor, Birketts

FOR THE LOCAL PLANNING AUTHORITY:

Richard Denison MRTPI	Senior Planning Officer, Shropshire Council
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DOCUMENTS SUBMITTED DURING THE HEARING

H1	E-mail from Deborah Sharples (DS) to Richard Denison (RD) (05 Oct 22)
H2	Letter sent by DS to RD (dated 07 May 21)
H3	Updated Appellant's Statement Appendix 3 – Staff Accommodation List
H4	Egg Units' Accommodation Planning History Summary Table
H5	Officer Report Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H6	Decision Notice Ref: 12/04974/FUL (Drayton Rd, Shawbury)
H7	Officer Report Ref: 19/02332/FUL (The Hazels Farm, Shawbury)
H8	Decision Notice Ref: TWC/2018/0624 (High Ercall Poultry Unit, Telford)
H9	Decision Notice Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H10	Officer Report Ref: 07/02425/FUL (Haw Green Farm, Peplow)
H11	Decision Notice Ref: TWC/2016/0131 (Ellerdine Heath, Telford)
H12	Decision Notice Ref: TWC/2020/0837 (Ellerdine Free Range Unit, Telford)
H13	Appeal Decision Ref: APP/R0660/W/19/3236598 (Daisy Bank Farm)
H14	Decision Notice Ref: TWC/2021/0531 (Osbaston, Telford)
H15	Decision Notice Ref: 21/03070/FUL (Greystones, Butlers Bank)
H16	Updated LPA Statement Appendix 2 – Map of Heal Eggs Poultry Units
H17	Application Planning Statement Ref: TWC/2020/0837 (Ellerdine Poultry Unit)
H18	Application Planning Statement Ref: TWC/2018/0624 (High Ercall)
H19	Costs Application on Behalf of the Appellant
H20	Shropshire Council Costs Rebuttal