
APPEAL STATEMENT ON BEHALF OF APPELLANT

P/2015/0810

Erection of free range egg production unit
(16,000 birds) including silos and
associated works (including ground level
alterations and alterations to existing
vehicular access)

July 2016

RJC/RB/M/1845

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E & J Morris

**Erection of a free range egg
production unit including silos
and all associated works**

Hearing Statement

Planning Authority

July 2016

Wrexham County Borough Council
The Guildhall
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1.0 Introduction

- 1.1 My name is Richard Corbett and I am a Professional and Partner with Roger Parry and Partners LLP. I hold a BSc Honours degree in Rural Enterprise and Land Management awarded by Harper Adams University College. I am a Member of the Royal Institution of Chartered Surveyors, following the Rural Faculty of the Royal Institution. I am also a Fellow of the Central Association of Agricultural Valuers.
- 1.2 Roger Parry and Partners LLP are a team of Chartered Surveyors and Architectural Technologists assisting clients with rural, agricultural, commercial and residential property types across Shropshire, Mid Wales, North Wales and increasingly further afield. Services include rural and commercial estate management, property sales and lettings, architectural and planning services, auction, plant, machinery and livestock sales, valuation and surveys, grant and subsidies, expert witness and dispute resolution, telecoms, wayleaves and renewable energy, compulsory purchase and compensation.
- 1.3 I have eleven years experience in rural planning and a total of twelve years experience in rural practice. I deal with a diverse range of planning applications from agricultural buildings, to new dwellings to renewable energy projects.

2.0 Background

- 2.1 Cae Mor Farm is a former Welsh Hill Sheep and Dairy Farm. The land is now predominately sheep grazing extending to approximately 41 acres of owner occupied agricultural land. Cae Mor is located about 1.2km (0.74 miles) from the rural settlement of Llwynmawr and 4.82km (3 miles) from the larger village of Glyn Ceiriog and Selattyn.
- 2.2 Cae Mor is approximately 300m above sea level overlooking the Ceiriog Valley.
- 2.3 Cae Mor is the homestead for the business and where Julian and Emma Morris live with their young family, this is where the majority of land is located (41 acres).
- 2.4 The trading business is registered with WG and RPA as a holding and the partnership has submitted SAF since 2006 when they bought the holding and are in receipt of SFP & BPS moving forward. The holding is also registered with Farming Connect. The business has a Customer Reference Number and a CPH Number.
- 2.5 The farm is managed day to day by Julian and Emma Morris. Although local to the area, neither Emma or Julian are from farming backgrounds, therefore their commitment and determination and energy is remarkable. Emma and Julian would be deemed by the Welsh Government as “New Entrants” to the industry – which in today’s climate is rare

as the investment cost to purchase land, livestock and infrastructure costs associated with the agricultural industry are massive.

- 2.6 Both partners are aware that due to the relatively small acreage they own, traditional farming practices such as beef and sheep are not a viable option. Having invested heavily in the infrastructure on the holding, with massive improvements to boundaries with new fences, re-establishing hedgerows and building up the productivity of the soil indices the partnership believe now is the time to move on with building up the holding into a fully productive unit that will in turn be a self-sustaining and viable business for future generations.

3.0 The Proposal

- 3.1 E & J Morris has appointed Roger Parry & Partners LLP to act on their behalf in an appeal against the Local Planning Authority following the refusal for full planning permission to erect a free range egg production unit (16,000 birds) including silos and associated works (including ground level alterations and alterations to existing vehicular access). The proposed diversification into free range egg production is part of business growth and a crucial factor for the efficiency and profitability of the unit.
- 3.2 The new building will be located on existing agricultural land and accessed with a new entrance off the B4579. The building will be approximately 76m x 19.8m which will house 16,000 birds. The eggs would be conveyed into the packaging and storage area and would be packed and stored ready for collection. The birds will have direct access from pop holes on the north and south elevations of the building to dedicated pasture. The birds are brought in as young laying stock and remain in the egg production unit for some 13 months. After this time the flock is removed and the whole building fully cleaned down internally and the new flock introduced to restart the egg production unit.
- 3.3 A Design and Access Statement with 23 appendices accompanied a planning application for the proposed erection of a free range egg production unit including silos and associated works.
- 3.4 From the outset, the process of the planning application and the design of the proposals have been carried out in an open and constructive manner with all interested parties.
- 3.5 Planning was submitted in October 2015 for the erection of a free range egg production unit (16,000 birds) including silos and associated works (including ground level alterations and alterations to existing vehicular access) and was refused on 7th March 2016.

4.0 Planning Policy

4.1 The Welsh Assembly Government states that:

*“Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the **needs of changing farming practices** or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.”*

4.2 National Planning Policy

4.2.1 Planning Policy Wales (Edition 8, January 2016) – Chapter 7 Economic Development

7.1.1 For planning purposes the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies.

7.1.2 It is essential that the planning system considers, and makes provision for, the needs of the entire economy and not just those uses defined under parts B1-B8 of the Town and Country Planning Use Classes Order. Particular policies on other economic sectors are also found elsewhere in Planning Policy Wales: in relation to Retail and Town Centres (Chapter 10); Tourism, Sport and Recreation (Chapter 11) and Infrastructure and Services (Chapter 12).

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary. In addition, wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability. In so doing, they should aim to:

- co-ordinate development with infrastructure provision;*
- support national, regional, and local economic policies and strategies;*
- align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car;*
- promote the re-use of previously developed, vacant and underused land; and*
- deliver physical regeneration and employment opportunities to disadvantaged communities.*

7.3.3 Local planning authorities should adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport. While initial consideration should be given to adapting existing farm buildings⁹, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

Local Planning Authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In addition they should adopt a positive approach to the conversion of rural buildings for business re-use.

7.5.1 Development plans should:

- include policies encouraging farm diversification and new rural development opportunities.*

4.2.2 Technical Advice Note (TAN) 6

Paragraph 25 under Development Related to Farm Diversification states the following: *“Small on-farm operations such as food and timber processing and food packing, together with services (e.g. workshop facilities, equipment hire and maintenance) to other farms, sports and recreations services, and the production of non-food crops and renewable energy, should be encouraged. Local planning authorities should, however consider the nature and scale of activity that would be appropriate.”*

4.3 Local Planning Policy

The proposed development falls within the administrative area covered by Wrexham Borough Council.

The main policies in the Wrexham Unitary Development Plan specifically relating to agricultural development are:

4.3.1 Policy GP1 – General Development Principles

Criteria of the above policy:

- Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- Take account of personal and community safety and security in the design and layout of development and public/private spaces.
- Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.

- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities, and is well related to pedestrian and cycle routes wherever possible.
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.
- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
- j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.
- k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.

4.3.2 Policy EC3 – Agricultural Buildings

The construction of new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact on the environment or surrounding landscape. The development should form part of an existing farm complex and take advantage of topography and other landscape features for screening. Isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development.

4.3.3 Policy EC4 – Hedgerows, Trees and Woodland

Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

5.0 Assessment of Identified Key Issues in Reason for Refusal by Wrexham Borough Council

5.1 Reason for Refusal (RfR):

1. *Notwithstanding the agricultural purpose of the proposed building, insufficient information has been submitted to justify the exceptional need for such a large scale*

isolated building at this particular location, which will be located on an exposed area of sloping land, which is within a Special Landscape Area which is described to be scenic and tranquil. To allow the development will cause long term detrimental visual harm to the character area, contrary to Policies EC3 and EC5 of the Wrexham Unitary Development Plan.

5.2 Policy EC3 states:

The construction of new agricultural buildings will be permitted unless the development is materially detrimental in terms of its impact on the environment or surrounding landscape. The development should form part of an existing farm complex and take advantage of topography and other landscape features for screening. Isolated buildings will only be permitted in exceptional circumstances where there is an essential agricultural need, and no reasonable alternative location for the development.

5.3 Policy EC5 states:

Within Special Landscape Areas, priority will be given to the conservation and enhancement of the landscape. Development, other than for agriculture, small-scale farm-based and other rural enterprises, and essential operational development by utility service providers, will be strictly controlled. Development will be required to conform to a high standard of design and landscaping, and special attention will be paid to minimising its visual impact both from nearby and distant viewpoints.

6.0 Assessment of Key Issues Relevant to Reason for Refusal

6.1 Insufficient Information to Justify the Exceptional Need for such a Large Scale Isolated Building

6.1.1 Exceptional Need

6.1.1.1 Both partners are aware that due to the relatively small acreage they own (41 acres), traditional farming practices such as beef and sheep are not a viable option. This is supported by Wynnstay (CM_JM_23) who state that the agriculture sector is under increasing pressure from an economic point of view, with a sharp decrease in the price of milk and less return being achieved in the beef and sheep sectors for their products. The reform of the Common Agricultural Policy will result in farmers receiving considerably less income than in current times. The combined impact of these factors is likely to be catastrophic. As a result of the expected downturn in income, farmers have been strongly encouraged by Welsh Government to diversify from the traditional enterprises such as milk, beef and sheep in other more sustainable enterprises, including egg production.

6.1.1.2 Having invested heavily in the infrastructure on the holding, with massive improvements to boundaries with new fences, re-establishing hedgerows and building

up the productivity of the soil indices, the partnership believe now is the time to move on with building up the holding into a fully productive unit that will in turn be a self-sustaining and viable business for future generations.

6.1.1.3 The proposed development will also create the employment of 2 local employees if the development is to go ahead, and it is envisaged that 3-part time roles for local people will be created once the unit is operational.

6.1.1.4 After much research and investigation, the partnership are focused on the production of Free Range Eggs with the investment into a 16,000 bird unit. The majority of investments in this sector are 32,000 bird units, so the Cae Mor proposal is relatively conservative.

6.1.1.5 The vision of Julian and Emma is to create a sustainable and profitable business for the farming family and future generations, to safeguard the environment, ensure high levels of animal welfare, whilst adapting to challenges from external factors such as climate change, animal diseases, legislation and CAP. The diversification into free range egg production is part of the business growth and is a crucial factor for the efficiency and profitability of the unit.

6.1.1.6 We refer you to a letter from Oaklands Eggs (CM_JM_22) which states that modern facilities are needed to meet the specifications required today to meet the British Lion brand, ensuring eggs are produced to the highest standard of shell egg for consumption and on the scale required to compete in a very aggressive market place.

6.1.1.7 Paragraph 20 of Appeal Decision ref: APP/H6955/A/14/2228984 states:

“The aim of the appellants is to make the small holding a viable concern but given the limited land available there is a need to consider intensive farming methods. The appellants content that the proposed unit would enable the business to support two employees. Whilst I have not seen any figure regarding the contribution the proposed egg laying unit would make, I have no reason to conclude that the operation would not help ensure the future viability of the small holding”.

6.1.2 Large Scale Building

6.1.2.1 The proposal is for a building approximately 76m x 19.8m wide which will house 16,000 birds. The building proposed operates a multi-tier system and allows a smaller shed by having two tier perching decks for the laying hens within the building and the highest level of welfare standards. The building has a proposed roof pitch of 15° and an eaves height of 3.35m and a ridge height of 6.03m. The building is of a low profile which helps to minimise its visual impact.

6.1.2.2 The majority of investments in this sector are 32,000 bird units, so the Cae Mor proposal is in fact relatively conservative.

6.1.2.3 When researching into the viability of the project at Cae Mor, the applicant looked at many options. These were with option 1 being the optimum return on investment and sliding down to option 5. The applicant has compromised return on investment to try to minimise the visual impact and affect on the landscape.

- Option 1: A broiler unit of 100,00 birds consisting of 2 sheds measuring 128 metres by 18.5 metres each
- Option 2: A free range egg unit of 32,000 birds measuring 106 metres by 20 metres
- Option 3: A free range egg unit of 32,000 birds measuring 77.15 metres by 30.68 metres
- Option 4: A free range flat deck egg unit of 16,000 birds measuring 110 metres by 20 metres
- Option 5: A free range multi-tier egg unit of 16,000 birds measuring 76 metres by 19.8 metres

6.1.2.4 We refer you to the letter from Oaklands Eggs (CM_JM_33) which states that a unit of 16,000 birds is the smallest viable option for the dilution of fixed costs that cover staff packers and egg stamping equipment, along with other issues such as transport, which is a major cost. There is also the ever increasing necessity for bio security measures to be put in place to prevent the spread of bird flu. We can see the day very quickly when under 10,000 bird units will no longer be viable. They recommend the absolute minimum of 16,000, 24,000 or preferably 32,000 birds. It is only due to the proximity of the site, being ten miles from the packing station in Ruabon, that they are able to consider taking the eggs for a small 16,000 unit.

6.1.2.5 Why does the unit need to be 16,000 birds?

- We considered a 32,000 bird unit which would have been double the size of the proposed unit. We therefore opted for a smaller 16,000 bird unit to reduce visual impact
- Due to economies of scale there are no Egg Packing Companies that will collect from a farm with less than 16,000 bird units, this is due to costs of collection and processing
- We refer you to letter received from Oakland's Eggs confirming this statement (CM_JM_22)
- The majority of farms that eggs are collected from are 32,000 birds

6.1.2.6 Why can't there be 4 smaller buildings with 4,000 birds in each?

- The cost implications of 4 computer systems, feeding lines, packing machines, electrical services, water services would make the enterprise unviable and unsustainable for free range egg production and success of the building
- This project would not proceed on the basis of 4 separate units
- Welfare of birds is higher by the management in one building rather than 4 buildings as the birds can be kept a closer eye on. DEFRA guidelines support a standard 16,000 bird unit on 4 colonies
- Separate buildings would need to be linked together by access roads having a more disruptive effect on the landscape and ecology
- The location of any separate building would effectively be in areas with other issues that planning would object to, i.e. close to a listed building, higher visibility, closer to a footpath, access of an unclassified road
- Bio security is easier to manage with 1 building as it avoids the passage along the ground between buildings with possible contamination
- Security is enhanced by the use of 1 building rather than 4 separate buildings

6.1.2.7 Paragraph 16 of the Appeal Decision ref: APP/H6955/A/14/2228984 states:

“Although the building would be larger than most others in the locality, overall I am satisfied that in the majority of views, the building would be effectively screened by the existing vegetation to the boundaries of the field. The effectiveness of this screening would increase over time as the existing younger planting and proposed additional planting matures. I accept that when there is no foliage on the trees there is the potential that the building would be glimpsed through the planting. However, the finish of the building would help assimilate it into its surroundings. On balance I therefore consider that the proposed development would have no adverse visual impact on the SLA and would not harm the special qualities of the AONB, in accord with Policy EC5 of the UDP and paragraph 5.3.6 of Planning Policy Wales.”

6.1.2.7 Paragraph 21 of the Appeal Decision ref: APP/H6955/A/14/2228984 states:

“Some interested parties alleged that the land has not been farmed for a long time. However, during my site visit I observed farming equipment and hay bales consistent with the appellants’ evidence. Other residents contended that the proposal does not constitute an agricultural use but one which would be more appropriate on an industrial estate. The rearing of hens is considered to be an agricultural use appropriate in the open countryside and whilst I accept that the building would be large, its design is reflective of many modern agricultural buildings.”

6.1.3 Isolated Building

6.1.3.1 Free Range Egg units have specific criteria to achieve RSPCA Freedom Food and Lion Standard requirements. The land requirement needed for this proposal is 8 hectares

which is approximately 20 acres as the UK requirements are 2000 hens/ha (EU regulations require 2500/ha which would be approximately 15 acres). The proposed building is Situated South East of the Farm (CJ_JM_06) and centrally within the ranging area to ensure that these specific guidelines are met, being located only 150m from the house.

6.1.3.2 The location of the building has been positioned to allow a new access and egress route directly off the B4579 due to the existing farm access being off an unclassified road. Therefore this new access provides a safe access and egress with visibility splays (CJ_JM_12).

6.1.3.3 The building has been positioned in order to minimise and reduce visual impact to neighbours and the general public using the B4579.

6.1.3.4 The building has been positioned to reduce visual impact from the nearby footpath.

6.1.3.5 A full farm holding appraisal was carried out in order to determine the most suitable position for the building (CM_JM_13):

- Option A

This area of land is approximately 10 acres and will provide insufficient ranging areas for the birds. The unclassified road leading down to the proposed position would be unsuitable for deliveries and collections. There is no natural screening on any elevations.

- Option B

The unclassified road leading down to the proposed position would be insufficient for deliveries and collections. The land and levels to this area are unsuitable to form a level base and access for the unit, a large infill of imported material would be required which would raise the building higher and would not have any natural screening. The building would be in very close proximity to the public footpath. A high voltage overhead cable runs above that field which would need to be moved.

- Option C

The access to the site can be created from the B Classified road and provide suitable visibility splays and create a new access road across the field to the unit. The land and levels to this area are steeper which would require a large amount of excavation to achieve the building base and cause a large amount of disturbance to the existing grasses and fauna. Although deep excavations would provide natural screening, to the rear and sides to the North Elevation will be unscreened. This position was

discussed with the Biodiversity Officer and it was felt that it would be better to move the unit to Option D.

- Option D

This is the preferred option with the unit position provided a clear access point from the B4579 with good visibility splays for access and egress. The unit is centrally positioned within the holding to provide efficient range management. The position of the building allows natural screening by trees and hedgerows.

- Option E

The unclassified road leading down to the proposed position would be insufficient for deliveries and collections. The building would be in very close proximity to the public footpath and a high voltage overhead cable runs above the field which would need to be moved. It would not be appropriate in terms of its proximity to the house and barn, its comparative scale, and on the grounds that it would therefore impact on key views of the listed buildings and their setting. We refer you to the report from Trysor, reference CM_JM_46, Trysor's Report.

6.1.3.6 Sites outside of the management control of the appellant were considered but this would have been cost prohibitive.

6.1.3.7 The proposed development would be situated within 150m of the existing Cae Mor farm buildings, which currently consist of the original farm (which is listed, Grade II) and some further modern extensions as well as an outbuilding (which is located to the West on the other side of the local road). We refer you to CM_JM_06 which shows how the unit is linked to the farmhouse via a track for quad bike use.

6.1.3.8 This application has carefully considered the siting and location of the development and has included additional landscape and biodiversity enhancement measures so as to further integrate the development into its surroundings (CJ_JM_07).

6.1.3.9 Paragraph 22 of Appeal Decision ref: APP/H6955/A/14/2228984 states:

"I am satisfied that whilst the proposed building would be set apart from the existing farm buildings it would not appear isolated from built development in the wider landscape. The proposed location takes advantage of existing landscape features for screening the building, minimising the effect it would have on the character of the area and would be preferable to available alternative sites in terms of the effect it would have on visual and residential amenity. Moreover, the development would help secure the financial future of the small holding. On balance I conclude that the siting and

scale of the building would no represent a visual intrusion into the landscape and would accord with Policy EC3 of the UDP”.

6.2 Located on an Exposed Area of Sloping Land, which is within a Special Landscape Area which is described to be scenic and tranquil

6.2.1 The proposed agricultural buildings are not situated within any national landscape designation (being 3.9km distance from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty).

6.2.2 The location of the building has been carefully considered and will be well screened from all elevations. The building has been designed to have a low impact to the surrounding area due to its external colour and a low ridge line and will not be intrusive to its surroundings. There will be a reduced amount of excavation and disruption to existing levels and the building sits more naturally into the landscape and surroundings (CJ_JM_11).

6.2.3 The field within which the proposed development would be located is separated from Cae Mor Farm by an agricultural field and woodland block. Each of the fields is bounded by hedgerows, with the hedge line immediately north of the proposed built development formed by a mature treeline of hazel, hawthorn, willow, birch and mountain ash at a height of approximately 6m. Just beyond this to the north is a mature block of deciduous woodland of similar height. The eastern field boundary contains a number of mature deciduous trees of heights exceeding 7m. The field boundary adjoining with the B4579 typically contains hazel, holly, rose, hawthorn and some bracken, with mountain ash hedgerow trees. The hedge on the northern side of the B road is currently maintained to a height of approximately 2m. However, the hedge bounding the southern side of the road (the side closest to Cae Mor Ucha) is currently much taller than this, at a height of between 4m and 5m.

6.2.4 The proposed agricultural building would be broadly orientated northwest to southeast and set within the open countryside at approximately 300m AOD, outside of the defined settlement limits of Llwynmawr, which is situated approximately 1.2km to the northwest at approximately 145m AOD. The proposed development would be set into the slope of the landform. In this way, the building would be less discernible from the south and from the nearby B4579 due to its position in relation to the existing slope of the land, as indicated by the cross sections (CJ_JM_11).

6.2.5 The landscape enhancements proposed as part of the application are indicated in CM_JM_07. These include increasing the height of the existing hedgerow along the B4579 as well as adding additional hedgerow trees to the hedge. Within the site, an additional belt of trees is proposed along the Northwest boundary to complement the existing mature tree belt, and an area of planting around the turning circle area is

proposed to further filter any potential views of the proposed development from the West.

6.2.6 There would be some short-term effects on the character of the site as a result of the construction phase, particularly the excavations of the trench and foundations. Overall, the construction phase would be short-term, with the various activities lasting for only small parts of the overall timescale. The presence of construction machinery and activities would be transient (temporary, short-term and reversible) and ground and vegetation disturbance would be limited. Therefore, the effects of the construction phase would not result in a significant beneficial or adverse effect on the landscape character of the site.

6.2.7 The existing buildings located on the southern slopes within these views are of a similar height to the proposed development and are all partially screened and seen 'dotted' throughout the view. This would be the case for the proposed development given its location adjacent to areas of existing mature vegetation.

6.2.8 Paragraph 16 of the Appeal Decision ref: APP/H6955/A/14/2228984 states:

"Although the building would be larger than most others in the locality, overall I am satisfied that in the majority of views, the building would be effectively screened by the existing vegetation to the boundaries of the field. The effectiveness of this screening would increase over time as the existing younger planting and proposed additional planting matures. I accept that when there is no foliage on the trees there is the potential that the building would be glimpsed through the planting. However, the finish of the building would help assimilate it into its surroundings. On balance I therefore consider that the proposed development would have no adverse visual impact on the SLA and would not harm the special qualities of the AONB, in accord with Policy EC5 of the UDP and paragraph 5.3.6 of Planning Policy Wales."

6.2.9 This assessment has examined the likely effects of the proposed development on the landscape and visual amenity of the site and surrounding area.

6.2.10 The significant effects of this proposed development would be limited to:

- The character of the landscape of the site. This would be limited to an extremely small part of LCA 4.

6.2.11 There would not be any significant effects on landscape fabric, the character of the landscapes beyond the site, or the visual amenity of residents, or walkers, equestrians and cyclists in the study area or motorists on any B and local road network within the study area.

6.2.12 It should also be noted that this assessment has considered the landscaping proposals at the point at which they have been implemented and not once the planting has

established and matured, which will further filter the proposal in views from the surrounding area over time.

6.2.13 Therefore, it is considered that the significant effects on landscape and visual amenity as a result of the proposed development would be limited in this location.

6.3 The Development will Cause Long Term Detrimental Visual Harm to the Character Area

6.3.1 The site is located on land sloping down to the north, which is bounded by mature hedgerows and mature tree belts to the north and east. To the south and west existing hedgerows bound the field to heights of approximately 1.5 – 2m. Beyond the road to the south, the landform continues to rise, with the roadside hedgerow boundary approximately 3m tall. These topographic and vegetation elements all aid in containing and limiting visibility of the proposed site from within the study area.

6.3.2 It is also important to note the existing built form within the locality. To the south, Cae Mor Ucha has two agricultural barns associated with the property, approximately 100-150m from the proposed development. To the east, Plas-onn has a large agricultural barn which is approximately 700m from the proposed site. This Plas-onn barn is of similar proportions to the Cae Mor proposal. There are a number of other large agricultural barns in the vicinity, such as at Pwllhir and Caedicws Farm. In this way, agricultural buildings are a regular feature of views within this landscape and are generally partially screened by local vegetation, as would be the case with the proposed development. The sloping valley landform allows some views of a detailed patchwork rural landscape where the proposed built form would sit tucked in behind mature hedgerows and tree belts. However, in other locations, the slope of the landform serves to screen parts of the view due to the steepness of the slope. Parts of the proposal would be discernible from some parts of the landscape in a similar way to the visibility of the agricultural sheds at Plas-onn, however in the same way, the Cae Mor proposal would not be prominent or dominant and would not become a key characteristic of this landscape, nor would it override the existing landscape context.

6.3.3 In the short term (post construction), the proposed development would be partially visible from some parts of the landscape close to the site, such as from some points along the B4579. However, these are not consistent views, several parts of the landscape closer to the site contain much higher levels of vegetation as roadside hedgerows and areas of woodland where the proposed development would not be visible. As a result, whilst intermittently more open views of the proposal may be available these do not characterise the typical views locally and no significant effect on the character of this LCA are expected beyond the site.

6.3.4 In the medium term, proposed landscaping measures would establish and start to provide some limited screening of the proposal. The effects of this would be seen in

the further reduction of views from the landscape around the B4579 to the east and south of the site where the development would be further filtered in views and potential visibility of the turning circle would also be reduced.

We refer you to:

CJ_JM_14a	Viewpoint A & B
CJ_JM_14b	Viewpoint C & D
CJ_JM_14c	Viewpoint E & F
CJ_JM_37	LVIA Study Area
CJ_JM_38	Viewpoint A & B
CJ_JM_39	Viewpoint C & D
CJ_JM_40	Viewpoint E & F
CJ_JM_41	Viewpoint G & H
CJ_JM_42	Viewpoint I & J
CJ_JM_43	Viewpoint K & L

6.3.5 As noted above, the site is located within the SLA local landscape designation. Policy EC5 relating to this designation is also set out above. This proposed development is considered to be for ‘agriculture, smallscale farm-based and other rural enterprises’ and has considered carefully the location of the development so as to limit the potential visual impacts. To further ensure the minimisation of potential visual impacts, the proposal has also provided a range of landscape and biodiversity enhancement. As such, it is considered that the proposal conforms with Policy EC5 and that there would be no significant effect on the purposes of this designation.

6.3.6 Paragraph 22 of Appeal Decision ref: APP/H6955/A/14/2228984 states:

“I am satisfied that whilst the proposed building would be set apart from the existing farm buildings it would not appear isolated from built development in the wider landscape. The proposed location takes advantage of existing landscape features for screening the building, minimising the effect it would have on the character of the area and would be preferable to available alternative sites in terms of the effect it would have on visual and residential amenity. Moreover, the development would help secure the financial future of the small holding. On balance I conclude that the siting and scale of the building would no represent a visual intrusion into the landscape and would accord with Policy EC3 of the UDP”.

7.0 Reasons for Approval

7.1 The application is for an erection of a free range egg production unit with works, landscaping and highways improvements.

- 7.2.1 Our clients have worked extremely hard to research the application presented and taking advice from Planning Officers and Statutory Consultees to ensure the proposed development is operating all the best practices within the Industry.
- 7.3 The Report of the Planning Officer summarised that Highways, Odour, Flies, Dust, Noise and Ammonia are all concerns raised. All of the aforementioned concerns have been overcome by the applicant through the investment in modern technologies and procedures that have been approved by the Statutory Consultees and the council's officers who supports the proposals.
- 7.4 We also have the full support of Natural Resources Wales, with regards to flooding, manure storage, manure management, water resources and ammonia.
- 7.5 The development uses investment in modern technology coupled with Sustainable Urban Drainage techniques to provide a drainage solution that meets the requirements of the Land Drainage Engineer.
- 7.6 Economy and Regeneration is one of the main priorities of Wrexham Council and the Welsh Assembly Government. The proposal creates a number of local jobs in construction of the unit. The development will also indirectly contribute to the local economy through feed contracts, building contracts and veterinary employment. The economic benefits especially in the current economic climate are a material planning consideration, and are a welcome investment boost to the local rural economy and we feel this outweighs the suggestive visual impact.
- 7.7 Planning Policy Wales states that *"Local planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices, or are necessary to achieve compliance with new environmental, hygiene or welfare legislation."*
- 7.8 We have commissioned a full Landscape and Visual Assessment of the development prepared by Francesca Iribar. A director of Viento Environmental Limited (Viento), an environmental consultancy and she holds a Bachelor of Arts Honours Degree in Landscape Architecture from Leeds Metropolitan University (1996) and a Graduate Diploma in Landscape Architecture from Leeds Metropolitan University (1998). She is also an Associate Member of the Landscape Institute.
- 7.9 We note that within the report the planning officer makes absolutely no reference to the photomontages that were produced as part of the landscape and visual impact assessment, nor to the very limited visibility of the proposed application that they illustrated. This very limited visibility was on the basis of the existing vegetation on site

boundaries in winter months. For the planning officer to then use visual impact as a reason for refusal seems to have extremely limited justification given this additional information that we provided. We consider that we have provided a range of visual evidence illustrating how limited the visibility of the proposal would be in winter and summer, from a range of distances and locations within the surrounding landscape.

7.10 We are also surprised to see the planning officer using precedence as an argument for refusing the application. Our understanding of planning law is that each planning application must be considered on its own merit, as all future applications must also be, and planning law does not allow this application to be refused as a means to stop future similar applications.

7.11 In relation to the justification of needs we would comment as follows and draw your attention to the supporting letter from Oaklands Eggs (CM_JM_22).

7.12 The significant effects of this proposed development would be limited to:

- The character of the landscape of the site. This would be limited to an extremely small part of LCA 4.

7.13 There would not be any significant effects on landscape fabric, the character of the landscapes beyond the site, or the visual amenity of residents, or walkers, equestrians and cyclists in the study area or motorists on any B and local road network within the study area.

7.14 It should also be noted that this assessment has considered the landscaping proposals at the point at which they have been implemented and not once the planting has established and matured, which will further filter the proposal in views from the surrounding area over time.

7.15 Therefore, it is considered that the significant effects on landscape and visual amenity as a result of the proposed development would be limited in this location.

7.16 We believe that the proposed development complies with policy EC3 and EC5 for the following reasons:

- The development forms part of an existing farm complex, being located 150 metres away from the farmhouse and existing buildings at Cae Mor, with natural screening from trees and hedgerows. However, should it be considered by the Inspector that policy EC3 is applicable we would confirm that we have met exceptional circumstances with an essential agricultural need with no alternative location for the development being found.

- The proposal is for a form of agriculture which is not strictly controlled under EC5. The development conforms with a high standard of design and landscaping and is typical of modern agricultural development.
- We consider that the balance of issues associated with the development and the associated planning policies, that the policy support for agriculture and for economic development in rural areas is such that it would outweigh any harms that have been identified.

8.0 Conclusion

- 8.1 The proposed scheme is for the erection of a free range egg production unit (16,000 birds) including silos and associated works (including ground level alterations and alterations to existing vehicular access). The proposed diversification into free range egg production is part of business growth and a crucial factor for the efficiency and profitability of the unit.
- 8.2 The application is in accordance with the Welsh Assembly Government's objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities.
- 8.3 With regards to Planning Policy Wales the proposed development fully meets the objectives as the core principles of the development are to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.
- 8.4 Based on the findings in this appeal, it is considered that the proposal would result in no demonstrable harm to any interests of acknowledged importance. The comprehensive LVIA which accompanied the application, and the detailed analysis provided in the Committee Report demonstrate that the proposal has significant merit and meets the policy requirements of the Wrexham Unitary Development Plan and National Planning Guidance. Contrary to the RfR, the scheme is deemed to be compliant with Policy EC3 and EC5 of the UDP, and it is not considered that there is any material consideration of sufficient weight to justify the refusal of the application.
- 8.5 Given that no other reasons were given for the refusal of the application it is accepted that the proposal is acceptable in all other regards as well as adhering to Policy ENV2. It is therefore considered that the application should have been approved by the Council and is respectfully requested that this appeal is allowed.