
Appeal Decision

Site visit made on 24 September 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/L3245/W/25/3368229

Land lying north of B4364, Bodbury Farm, Wheathill, Bridgnorth WV16 6QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Odell against the decision of Shropshire Council.
 - The application Ref is 25/01333/FUL.
 - The development proposed is agricultural workers dwellinghouse, new access and farm track and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. One of the Council's reasons for refusal stated that the proposed development would necessitate an agreement to be made to ensure that the dwelling remained affordable in perpetuity, and that no such agreement had been made. During the appeal process a duly executed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 was submitted. I am satisfied that this would ensure that the proposed dwelling would remain affordable in perpetuity, or that an appropriate financial contribution for affordable housing would be provided should the dwelling no longer be required by an agricultural worker, and that it would be reasonably related to the scale and kind of the development. The Council has confirmed that the submitted obligation would address its reason for refusal on this issue, and I find no reason to consider otherwise. I have therefore not addressed this issue in the reasoning below.

Main Issues

3. The main issues are:
 - whether there is an essential need for a rural worker to live at or near their place of work in the countryside, with particular regard to the functional needs and financial viability of the business, and the availability of other suitable existing accommodation in the area;
 - the effect of the proposal on the character and appearance of the area, having regard to its location within the Shropshire Hills National Landscape;
 - the effect of the proposed access track on future large scale farming purposes; and
 - the effect of the proposal on the living conditions of neighbouring occupiers and businesses with regard to noise and odour.

Reasons

Planning policy

4. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) sets out that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside. Among other things the policy permits dwellings to house agriculture, forestry, or other essential countryside workers. Applicants will be required to demonstrate the need and benefit of the development.
5. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) strictly controls new market housing outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters, unless it is suitably designed and located and meets an evidenced local housing need. This includes dwellings to house essential rural workers, if, in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met, and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business.
6. Paragraph 84 of the National Planning Policy Framework (the Framework) states planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
7. The appeal site is situated close to Wheathill, which forms part of a Community Cluster, as defined in the SAMDev Policy S6.2(iv). At the Hearing it was confirmed that the site lies outside of the settlement in open countryside.
8. Whilst the CS and SAMDev policies set out a number of additional criteria beyond that required by the Framework, these criteria form an appropriate basis for establishing whether or not there is an essential need for a rural worker to live permanently on the site. As such, these policies are consistent with the aims of the Framework.
9. Guidance contained within the Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) sets out that the system of granting occupational dwellings must be based on an accurate assessment of the needs of the enterprise and that applicants will be required to demonstrate that a dwelling is essential by showing a functional need for the occupier to be present at the business for the majority of the time, defined in the SPD as being 24 hours a day, 7 days a week.

Essential need

Functional

10. Bodbury Farm is a relatively new farming enterprise which, at the time of the hearing, had 17 sows, piglets, 4 cows, 2 boars, laying hens and poultry. The farm is around 12.14 ha in total. Sow breeding cycles are managed evenly throughout the year, with each sow producing two litters per year of up to eight to ten piglets each. This provides a continuous supply of meat produce year-round, which is sold on a 'field to fork' basis. Previous applications for a temporary dwelling at the site have been dismissed. The proposal is for a permanent agricultural workers

dwelling at the farm, which would be the primary dwelling for the appellants and their four children.

11. Whilst the free ranging chickens would not require a worker's essential presence on site at all times, and there is no evidence before me regarding the need for onsite supervision of the small number of cattle, there is no dispute between the parties that during periods of pig farrowing, an agricultural workers presence on site would be necessary including throughout the night.
12. At the hearing it was clarified that there is no policy on the size of a farm or the number of animals that would be considered appropriate to justify an agricultural workers dwelling with regard to essential need. The John Nix Pocketbook for Farm Management (the Pocketbook) an accepted industry source, was referenced. The Pocketbook indicates that 2.25 working days is standard for a sow, which based on the number of sows at the farm would not equate to the requirement for a full-time worker.
13. However, pigs reared outdoors require more attention and monitoring than those kept indoors, and the work on the farm entails more than just caring for the sows. The enterprise is operated following regenerative agricultural principles, a form of farming which allows the land to regenerate, rather than be depleted, by its agricultural use.
14. Regenerative farming is dependent upon a significant proportion of work being undertaken by hand and can be time consuming, including the movement of stock and fences as part of rotational grazing methods. Moreover, the theoretical total labour requirement as calculated in the Pocketbook is not the same as demonstrating an essential need for a rural worker to live at or near their place of work. Instead, based on the evidence presented, in this case I find that the essential need for a worker to live at the site hinges upon the husbandry activities associated with the pigs, particularly ensuring that there are no complications during farrowing.
15. The early hours and days after the birth of the piglets is critical, and at the hearing Mr Odell explained that without immediate help and intervention it is possible that there may be piglet deaths. Whilst I have not been made aware of any prescribed industry time as to how fast a worker should attend, nor a specific distance of how close a worker should be to attend in an emergency, there is little doubt that the faster that an emergency can be dealt with the better in order to attend to the pigs' welfare and minimise losses. It was explained at the hearing that as the animals are not kept indoors, an alarm system or cameras to monitor them would not be wholly effective.
16. However, whilst farrowing takes place at all times of the year, it would be very likely that the appellants would know well in advance when farrowing was likely to take place and could plan to remain at the farm during that period, in temporary accommodation. I note the letter of support from the appellants' vet, but given the relatively small numbers of sows currently involved, I am not persuaded that the need to be present at times of farrowing would currently generate a functional need to live permanently on site. I conclude that there is not, therefore, a compelling functional need for a permanent dwelling in the countryside.

Financial

17. The farming enterprise is relatively new. Financial information from the previous 3 years was submitted, which highlighted that in the financial years of 2023 and 2024 the farming enterprise had incurred losses. A healthy profit was shown for 2025. However, in the year where a profit was shown, the business had been awarded a Farming in Protected Landscapes grant of approximately £80 000. Whilst the appellants have indicated that a profit would have been made without the grant funding and grant purchases, from the evidence before me, the profit generated would be reduced.
18. Furthermore, there is limited evidence to demonstrate how the proposed dwelling would be funded. The appellants confirmed at the hearing that a mortgage would be taken out to pay for the proposed dwelling, and Mr Odell would be able to undertake some of the building work to keep costs down. However, there is no mortgage in principle in place at the moment. Moreover, SAMDev Policy MD7a is clear that the business to which a dwelling would be tied must demonstrate that it is able to fund the proposal, and there is no reference to the financing or construction of the proposed dwelling in the appellants' business plan to indicate whether such costs can be funded by the business.
19. The business plan anticipates the farming enterprise growing to having 21 sows in Year 3 of trading, compared to 15 sows in Year 1, and a subsequent increase in income.
20. Whilst the evidence indicates that the Soil Association have no concerns regarding the condition of the soil at present, there appears to be insufficient land available on the farm to accommodate the livestock densities proposed whilst meeting the Soil Association's organic standards for nitrogen loading. In order to comply with these organic standards, the number of pigs proposed by Year 3 would require an area for the pigs of approximately 25 acres, which would be greater than the area of land available for the keeping of pigs on the holding, as shown on the submitted Farming In Protected Landscapes Habitat Plan. Additionally, when the requirements of the cattle and poultry are considered, the land area required to accommodate the livestock in line with the organic standard would rise further.
21. The appeal site is not located in a Nitrate Vulnerable Zone and nonorganic farmers can farm within the higher limit for nitrates applicable across the country. However, to adhere to the Soil Association's organic standards a lower rate for nitrates applies. Whilst the farm could therefore use a higher nitrogen rate, and there are other auditing bodies which may be used in the future, Bodbury Farm has been certified as organic with the Soil Association, and as such the lower nitrogen rates currently apply.
22. The appellants indicated that they could adapt the stocking rate, or rent or buy more land, but these factors are not covered in the business plan. I therefore have doubts as to whether the proposed growth of the enterprise in accordance with the regenerative agricultural practices and organic standards is achievable. As such, I cannot be certain whether the predicted income, the future financial viability of the business, and the financial projections are sound.

Other available accommodation

23. There are no other suitable buildings on the site that could be used for accommodation, and the appellants do not own any other properties within the area.

24. The appellants have four children, and as such would require a four bedroomed property to rent or buy. This limits the availability and affordability of alternative accommodation. At the hearing the appellants stated that they are on the lists of all local estate agents, and ring up the estate agents regularly to discuss the availability of properties, as well as searching on Rightmove.
25. Whilst the availability of alternative accommodation can only ever be a snapshot in time in an ever changing property market, the submitted evidence indicated a number of 4 bedroom properties which are likely to have been suitable for the appellants in recent months, such as a property for rent at £1400 per month in Oreton, approximately 4 miles from the farm, and a property around a 13 minute drive away in Ludlow, for £1100 per month. Although these properties are further than 3 miles from the farm, which it had been suggested would be an appropriate maximum radius, at the hearing it was confirmed that there are no policies which stipulate a specific distance or travel time from farm units for alternative off-site accommodation.
26. Given the proximity of other settlements to the appeal farm, it has therefore not been evidenced that there is no alternative accommodation likely to become available within a relatively short travel distance from the farm. The availability of such accommodation would negate the need for a permanent on-site dwelling. I consider that a property less than 4 miles from the farm, or less than a 15 minute drive, would allow an agricultural worker to respond quickly to events on the farm outside of working hours at times where there would not need to be a permanent presence on the site due to farrowing, thereby meeting the functional needs of the farming enterprise.

Conclusion on essential need

27. The Council, in its first reason for refusal, stated that there was insufficient evidence to justify an essential or functional need for a permanent dwelling accommodating a family of six. However, it was confirmed at the hearing that the scale of the proposed dwelling would be appropriate and that there is no policy which indicates that a family cannot be housed in a temporary or permanent agricultural workers dwelling.
28. The reason for refusal also stated that the siting of the proposed dwelling would not enable the appellants to adequately oversee the livestock, as there would be no view over one of the fields. However, the appellants confirmed that the location of the dwelling would enable them to hear the pigs and that the proposed dwelling would be positioned in between the rotational grazing paddocks to enable immediate access to the pigs at all times. As such, I consider that the proposed dwelling would be appropriately located with regard to overseeing the livestock.
29. Notwithstanding the above, I conclude that insufficient evidence has been provided to justify a functional need for a permanent agricultural workers dwellinghouse at Bodbury Farm. Moreover, it has not been evidenced that the business is sufficiently financially viable, or that there would not be suitable alternative accommodation available to the appellants. As such, there is not an essential need for the proposed dwelling to accommodate a rural worker to live permanently at or near their place of work in the countryside. In the absence of a demonstrable essential need the proposal would conflict with policies which seek to restrict development in the countryside, specifically the terms of CS Policy CS5 and

SAMDev Policy MD7 as set out above. Furthermore, the proposal would conflict with the SPD and Paragraph 84 of the Framework.

30. At the hearing it was confirmed that as Policy CS5 relates to the open countryside, Policies CS1, CS3 and CS4, quoted in the reasons for refusal, were not specifically relevant to the proposal. As such I have not concluded against them.

Character and appearance and National Landscape

31. The appeal site is within the Shropshire Hills National Landscape (NL). I have therefore had regard to my duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the NL. The Framework sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of NLs, which have the highest status of protection in relation to these issues.
32. During the hearing, the Council advised that the special qualities of the NL include its sloping pastoral hills, farmland, woods, tranquillity, scenic quality and views, as set out in the Shropshire Hills AONB Management Plan 2019-2024. The appeal site and the surrounding area, despite some existing built form in the locality, forms part of a scenic and attractive pastoral landscape and reflects the characteristics of the NL. The appeal site therefore makes a positive contribution to the character and appearance of the area and the NL.
33. The proposal would be visible from various viewpoints within the wider landscape, including routes leading to the summit of Brown Clee Hill, and from two nearby public rights of way.
34. It was accepted at the hearing that agricultural workers dwellings are a normal and expected feature within the NL. It was also accepted that neighbouring properties and businesses are visible from viewpoints within the landscape, and that the NL Partnership made no comments regarding the proposal.
35. The proposal would be single storey, of a modest scale and constructed from appropriate materials. It would also be partially screened from certain viewpoints by mature vegetation, reducing its visual prominence. Moreover, in long distance views it would not be unduly conspicuous but would be viewed in the wider context of other built development, such as agricultural structures and neighbouring properties and businesses.
36. Notwithstanding the above, the proposal would nevertheless result in an encroachment into the rural setting and the wider landscape, and would introduce an element of urbanisation, due to associated domestic paraphernalia and lighting. As a consequence, the contribution of the field to the scenic pastoral character of the landscape would be diminished. Further planting and landscaping would not altogether mitigate this loss, particularly during the winter months when vegetation would not be in full leaf.
37. Overall, even though the identified harm of the proposed development would be modest, given that I have found that the proposal does not demonstrate an essential need to justify its location, I conclude that the proposed development would harm the character and appearance of the area and would not further the purpose of conserving and enhancing the natural beauty of the NL. It would not accord with CS Policies CS5, CS6, CS17 and SAMDev Policies MD2 and MD12

which collectively seek to protect and enhance the quality and character of Shropshire's natural environment and the NL. It would also be contrary to the identified objectives of the Framework.

38. While there are concerns regarding the impact on the NL of the farming element of the enterprise, the site could be farmed regardless of the construction of the proposed development. As such, this has had no bearing on my decision on this issue.

Access Track

39. The proposed access track would not be sited at the edge of a field, as may be typical on many farms, but rather would create an opening in a hedge running along the highway, cutting across the southernmost field in the appellants' ownership. This would lead to the creation of two smaller fields.
40. At the hearing it was clarified that there are no Local Plan policies and no paragraphs in the Framework which suggest how farmland must be used. The appellants do not consider that the siting of the proposed access track would harm the future of their farm or limit their farming practices. Animals would, for example, still be able to graze in the field despite the location of the track, and nature connectivity would be provided by the planting of new hedgerows in the field. The field is on a slope, and the proposed track would slant diagonally to mitigate the incline.
41. Although a comment was made at the hearing regarding the suitability of the access to allow vehicles to pull off from the road, there were no concerns raised by Highways regarding the access details or position of the track, and from the evidence before me and my observations on site I see no reason to disagree.
42. The position of the proposed access track would not be of poor design nor an inefficient use of land, nor would it render parts of the field as unsuitable for future largescale farming purposes. As such, the proposal would not conflict with CS Policy CS6 which states that development must make the most effective use of land, nor SAMDev Policy MD2 which indicates that development must respond appropriately to the form, layout and function of existing development. Moreover, there would be no conflict with the Framework which encourages good design and the efficient use of land.

Living conditions

43. Pigs can be noisy animals, particularly at feeding times, and they also have a distinct odour. Whilst there are neighbours and a caravan park within 200m of the farm, it is not unusual nor unexpected to hear animal noises or experience animal odours within the open countryside.
44. Whilst the business plan highlights a proposed increase in the number of pigs which would be at the farm, which would increase the noise and the smell, the appeal relates to an agricultural workers dwellinghouse, access and farm track, rather than for the farming enterprise itself, which is already established. It was agreed at the hearing that the land could be farmed without the construction of the proposed development, and I have not been provided with substantive evidence that intensification of the farm could not occur should the appeal not succeed.

45. It was mentioned at the hearing that planting would help mitigate nitrate emissions, and more frequent rotation of the animals could help to mitigate odours. However, these are aspects of farm management which are outside the remit of this appeal, as is the welfare of the animals with regard to a herd health plan, and the suitability of the site for pig farming.
46. The proposed development of an agricultural workers dwelling, access, track and associated works would not harm the living conditions of neighbouring occupiers and businesses. The proposal would not conflict with CS Policy CS6 which requires development to safeguard residential and local amenity, nor the SPD which requires new developments to not have unacceptable consequences for neighbours. Moreover, it would not conflict with the Framework which seeks to prevent pollution.

Other Matters

47. Applications for firstly a temporary agricultural workers' dwelling, then a permanent agricultural workers' dwelling, which were permitted at Hare Hill Farm¹ in Shropshire have been brought to my attention. Whilst elements of these applications are similar to this appeal, I do not have all the evidence before me regarding the Hare Hill Farm applicants' financial circumstances, business plan, or the suitability of alternative accommodation available to them in order to make direct comparisons. I note, however, that the appellants are reported as having made a small profit for three years when applying for the permanent dwelling. It is also notable that the statutory duty regarding NLs has been strengthened in the period since the Hare Hill applications were approved. As such, there are material differences between the schemes, and I have considered this appeal on its own merits.
48. Concern over the Council's handling of the application, objectors' pecuniary interests and the previous employment of planning agents are not matters that fall under the remit of this appeal and do not alter my findings, in which I have had regard solely to the planning merits of the proposal. Issues relating to enforcement and other structures at the site are likewise outside of the remit of this appeal.
49. I have considered the rights of the appellants under Article 8 as set out under the Human Rights Act 1998, which affords the right to respect for private and family life, home and correspondence. This is a qualified right and interference may be justified in the public interest but requires the application of proportionality to balance the fundamental rights of an individual against the legitimate interest of other individuals and the wider community and public interest.
50. A dismissal of the appeal would lead to the appellants having to move from their current accommodation at the site and would interfere with their rights under Article 8. However, the interference would be in accordance with the law and in pursuance of well-established and legitimate public interest aims of protecting the countryside from isolated development and the protection of the landscape and scenic beauty of the NL. I therefore find the interference would be proportionate and necessary, and it would not amount to a violation of the human rights of the appellants. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

¹ 20/01796/FUL and 23/05226/FUL

Planning Balance and Conclusion

51. I note the many letters of support for the scheme and recognise the appellants obvious dedication and passion for their enterprise, land, animals and their produce. The proposal would support a young family growing a local food business, would help promote local food and supply chains and would support the local rural economy. The proposal would provide a modest contribution to Shropshire's affordable housing supply. A presence on the farm would increase the site's security and limit the likelihood of livestock straying into or out of the farm. However, all these benefits combined are relatively modest.
52. The proposal would not render parts of the appellants' fields as unsuitable for largescale farming practices, and would not harm the living conditions of neighbouring occupiers and businesses with regard to noise and odour. However, an absence of harm is a neutral factor that neither weighs for nor against the proposal.
53. However, I found that the proposed development would harm the character and appearance of the area and would not further the purpose of conserving and enhancing the natural beauty of the NL. Such harm should be afforded great weight.
54. In the absence of a compelling functional or financial case or sufficient evidence regarding alternative accommodation to justify a permanent dwelling on site, along with the harm that would be caused to the NL, in this case the benefits would not outweigh the conflict with the development plan and national policies which seek to protect the countryside and landscape.
55. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
56. As a result, the appeal should be dismissed.

L C Hughes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sarah Odell Appellant

Byron Odell Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jenny Powell Senior Planning Officer

Emma Green Area Planning Manager and Enforcement Team Leader

INTERESTED PERSONS:

Dyanne Humphreys Dyanne Humphreys Planning

Phil Plant Mid-West Planning

Ann Sutcliffe

Stephen Sutcliffe

Wilfred Pountney

Fern Chadwick

Jane O'Grady

DOCUMENT SUBMITTED AT THE HEARING

Unredacted financial information, Company Full Accounts.