



TO: Planning Committee North

BY: Head of Development

DATE: 16 March 2021

DEVELOPMENT: Change of use of land to bailing and storage of agricultural plastics for subsequent despatch and recycling

SITE: Copped Hall Farm Okehurst Lane Billingshurst

WARD: Billingshurst

APPLICATION: DC/20/0854

APPLICANT: **Name:** Mr and Mrs L Dace **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received within the consultation period which have raised material considerations contrary to the recommendation of the Head of Development

RECOMMENDATION: To refuse planning permission for the reasons set out in this report

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Retrospective planning permission is sought for the bailing and storage of agricultural plastics for subsequent despatch and recycling at Copped Hall Farm, Billingshurst. This is essentially waste transfer, as the site would deal with waste imported from members of the Farm XS scheme, baled on site and moved on. The Farm XS Scheme is designed and used by farming, equestrian and horticultural businesses who have used plastic waste to send for recycling. Members of the scheme either deliver their waste to the local Farm XS Collector in appropriate bags or arrange for Farm XS to collect it. Farm XS covers southern England.
- 1.2 Agricultural plastic waste material would be imported into the site by vehicles (either delivered or collected by the waste operator) and unloaded onto an existing hard surface where it would be stored into stockpiles. The material would then be sent to recycling facilities, while unsuitable items would be exported for recovery or disposal. The material would have been pre-sorted before arrival at site. The material arrives on site either in a dumpy bag or bundled up. Upon delivery, the material would be inspected by the site owners and not properly sorted plastic declined. No processing and/or recycling would take place on site. The material will be stockpiled outside on the hard surface. Baling of this material will

occur up to 8 days annually, and would involve a lorry mounted industrial baler that will visit the site twice annually.

- 1.3 In March 2020 complaints were received of unauthorised activity on the site involving waste import, including baling that took place between 22nd – 24th March. The Council's Planning Compliance team investigated and advised the site owners that a planning breach had occurred. The activity ceased and has not since restarted. The Council then received this planning application for a material change of planning use.
- 1.4 Through negotiations, how the business would operate has been subject to amendment by the waste operator and site owners in response to issues raised by consultees and those who have submitted representations. The details below reflect the latest information provided by the waste operator, in January 2021.
- 1.5 Submitted plans show how the hard surface will be divided up into functional areas associated with the waste storage use and the existing equestrian yard. An area of 24 square metres of baled storage will be located against the southern end of the hard surface area. It is expected that bales would be stacked no more than two bales high. An area of 150 square metres of bagged plastic stored prior to baling will be located to the west edge of the hard surface, with bags stored no higher than 2.5 metres. A hedge will be planted along the west edge of the hard surface with an intent to eventually screen both the bales and bags. Existing equine vehicle parking will be relocated to the north end of the hard surface, against the flank of the existing barn building.
- 1.6 The proposed hours of operation are Monday to Friday 8am to 6pm and 8am and 1pm on Saturdays. Within those operating hours, baling and plastic deliveries will occur between 8am and 7pm of the same day. Baling of material will occur up to 8 days annually. The waste operator also seeks hours to allow for occasional use of the site to service and maintain equipment.
- 1.7 All deliveries are by prior appointment at an agreed time. Spread across the entire year, the waste operator expects 65 deliveries/collections (130 movements). However, given the nature of the waste imported (farm plastics) there will be seasonal peaks in delivery of waste to the site. The waste operator advises that at the full proposed capacity, the development would result in an average of approximately 15 deliveries per week (30 movements in total). The waste operator assumes up to 8 days baling at 20 bales per day and 30 bales per lorry load, which equates to 6 lorry loads (12 lorry movements per year) There will be additional vehicle movements of the baler in those 8 days annually (4 movements) and 6 staff vehicles (12 movements over a year).
- 1.8 Potentially, the worst case scenario is that full proposed capacity deliveries and the baling operation occur simultaneously, giving rise to close to 58 movements at the same time. This would be akin to the March 2020 event where both activities took place over a two and half day period, in advance of the Covid lockdown.
- 1.9 Proposals involving waste are typically considered a County Matter, for which the relevant planning authority would be West Sussex County Council. Nonetheless, the District Council can determine such applications. The key waste policy considerations that should be taken into account are within the WSCC Waste Local Plan (2014): Policies W1 (Need) and W3 (Location of Built Waste Management Facilities). The decision maker must also be satisfied that the proposal accords with the general Development Management Policies W11-W23, and all other material considerations.

DESCRIPTION OF THE SITE

- 1.10 The application site, Copped Hall Farm Billingshurst, is situated within a cluster of buildings located on the south side of Okehurst Lane. These buildings are either in domestic

occupation with associated curtilages or functional to the equestrian yard operated on the site. This cluster includes Copped Hall, Copped Hall Barn and Okehurst House. The site itself is an area of hard surfacing (a mix of concrete, compacted material) and existing asphalt driveway to its junction with Okehurst Lane.

- 1.11 Access to the site is via an existing asphalt road from Oakhurst Lane serving the land in the applicant's ownership. It includes a bellmouth that would be maintained in its current form. Within the site, the hard surface parking is used for both deliveries and staff vehicles.
- 1.12 Okehurst Lane is a publicly maintained, unclassified road subject to national speed limit, with mostly sporadic development along its length. The surrounding landscape is rural, largely informal open fields, with agricultural land and woodland between Billingshurst to the south-east and Five Oaks to the north-east.
- 1.13 The application site is not located within any defined Built up Area and is therefore located in countryside (the closest Built up Area Boundary is Billingshurst, some 2.2 km to the northwest). The site is not allocated for waste management facility uses in the West Sussex Waste Local Plan (2014).
- 1.14 The site is in close proximity to the Grade II Listed Copped Hall, located to the east. A Public Right of Way (PRoW footpath 1336) runs the other side of Okehurst House to the west, with access to surrounding countryside via the wider PRoW network. The site is not within an identified flood risk zone and not within an area designated for landscape, heritage or ecological reasons.
- 1.15 The site falls within The Mens SAC Bat Sustenance Zone (HDPF Policy 31). The underlying site geology is brick clay. Coppedhall Hanger SSSI, part of a larger parcel of Ancient woodland, is northwest of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered relevant to the assessment of this application:

National Planning Policy Framework (2019)

National Planning Policy for Waste (October 2014)

West Sussex Waste Local Plan (April 2014)

Policy W1: Need for Waste Management Facilities

Policy W3: Location of Built Waste Management Facilities

Policy W11: Character

Policy W12: High Quality Developments

Policy W13: Protected Landscapes

Policy W14: Biodiversity and Geodiversity

Policy W15: Historic Environment

Policy W16: Air, Soil and Water

Policy W17: Flooding

Policy W18: Transport

Policy W19: Public Health and Amenity

Policy W21: Cumulative Impact

Policy W22: Aviation

Policy W23: Waste Management within Development

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 – Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 10 – Rural Economic Development

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 40 - Sustainable Transport

Policy 41 - Parking

West Sussex Joint Minerals Local Plan (2018)

National Planning Practice Guidance

Supplementary Planning Guidance: None

2.4 RELEVANT NEIGHBOURHOOD PLAN

The Parish of Billingshurst was designated as a Neighbourhood Development Area in December 2015. To date however there is no 'made' neighbourhood plan for the Parish.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/07/1426

Change of use of land and buildings for race horse training/breeding and retention of 1 bed stable lads dwelling

Permitted 19-09-2007

DC/08/2110

Sandschool

Permitted 10-12-2008

DC/09/0982

Erection of single-storey replacement racing stables manager's 3 x bed dwelling

Permitted 04-11-2009

DC/12/0155

Single storey 3 bedroom dwelling to replace approved planning permission ref DC/09/0982

Permitted 31-05-2012

DC/13/1001

Two storey 4 bedroom dwelling to replace approved dwelling under DC/12/0155

Permitted 22-07-2013

DC/19/1257

Conversion of existing outbuilding to a single storey detached dwelling with the removal of existing lean-to to rear

Refused 16-08-2019

Appeal ALLOWED

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

- 3.2 **HDC Planning Compliance: Complaint Closed.** Operation ceased and application submitted. Burning on site reported to Environmental Health.

- 3.3 **HDC Conservation: No Objection.**

- 3.4 **HDC Environmental Protection: No Objection**

The impacts of the development as proposed can be managed subject to conditions on the matters set out below

- Hours of operation to be limited to 08:00-1800 on weekdays and 08:00 13:00 hours on Saturdays with no deliveries on Sundays or bank holidays
- Number of vehicle movements to limited to no more than 15 deliveries per week (30 movements in total).
- Log of deliveries and type of recyclable plastics to be kept and made available for inspection.
- No sorting or treating of plastics or other wastes to be carried out at the site
- Baling operations to be carried for no more than 6 days in any calendar year
- Only bagged recyclable agricultural plastic to be accepted and stored at the site.
- Area used for storing plastics to be clearly defined on annotated site plan. Plastics to be stored in bags within the defined area only.
- No exterior lighting to be installed

It is important to note that the plastic waste will be stored under the terms allowed by a T4 Waste Exemption not an Environmental Permit. The T4 waste exemption allows up to 500 tonnes of plastics to be stored at any one time.

Remain concerned the prospect of any future intensification of the use above the level of waste activity proposed in the current application. It is unlikely any expansion of the recycling scheme could be accommodated at the site without causing significant impact on the amenity of neighbouring occupiers or affecting the character of the locality.

- 3.5 **HDC Landscapes: No Objection**

Although the harm arising is not considered to have an impact on the wider landscape, some localised harm is expected and the level of harm experienced will be subject to maximum storage height and orderly nature of the storage piles/rows. To help mitigate some of the visual harm experienced from the public footpath, additional hedge planting is required along the western boundary.

OUTSIDE AGENCIES

- 3.6 **Environment Agency: No Objection**

- 3.7 **WSCC Minerals and Waste: No Objection**, *subject to required information submitted and need for the facility sufficiently demonstrated.*

- 3.8 **WSCC Highways: No Objection** Do not consider this would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on highway network, therefore not contrary to NPPF (paragraph 109), and no transport grounds to resist.

3.9 **WSSC Rights of Way: Advice.** Does not directly affect PRoW.

PUBLIC CONSULTATIONS

3.10 **Parish Council:** Billingshurst Parish Council has submitted a strong objection, for the following reasons:-

- Potential contamination risks from hazardous waste stored on site.
- Inaccuracies/absence of clarity on application form and description (related to existing use, hours of use, processing of waste).
- Potential conflict for users of Okehurst Lane with increased vehicle movements in the location including HGVs, proximity of the proposal to residential dwellings, visual impact from nearby footpath, noise nuisance and risk from fire.
- Close proximity to Grade II Listed Building.
- An independent noise assessment should be undertaken.

Representations:

3.11 17 in **support** received, 14 of which are from farm operators across Surrey and West Sussex, raising the following:-

Important and needed agricultural environmental operation, for traceable storage of farm waste plastics, which is a legal requirement for all farmers. Farm XS have a long standing and reputable name in safe, secure and traceable storage. Very few collection/drop off sites available and expensive sites, such as industrial estates, cannot be afforded. Without this outlet, could lead to fly tipping, burial or burning. All plastic waste taken is already washed and clean. No hazardous materials are stored. Waste plastic is only stored for collection, not processed there, so should not affect any neighbouring property or land with leeching or odour.

3.12 18 **Objections** received, raising the following:-

Principle and need

Industrial use not suitable in a rural and residential environment and more suitable sites/ industrial locations in area. Application is disingenuous and plays down scale of operation - would result in bigger operation than applied for. Not used as farm since 2000. Fails NPPF and local plan policies/criteria.

Trip generation and traffic movements

Misleading on frequency of bailing and despatch operations. When operating for less than a month, higher level of traffic and bailing occurred

Highway Access and Capacity, Highway Safety

Poor access. Road network would be unable to cope and unsafe with increased vehicle movements; Okehurst Lane used by horse riders, cyclists, and pedestrians, with width and weight restrictions, blind corners, and limited passing places. Dangerous junctions onto A29 and A272 from Rowner Road.

Amenity and Noise

Before stopping, plastic stored in different areas, including up against neighbour's garden boundaries and piled over 6ft high. Noise and disturbance from bailing and telehandler; bailing occurred over weekend 22 March at 06.30am until 7pm and resumed 23 March 6.30am, finishing at 7pm, and started again 24 March. Fire and pollution risks. Toxic emissions from waste. Not low key and if this volume of plastic delivered in one month of business starting without permission, envisage business will grow immensely over time. No silent running of the baler.

Visual Impact, PRow, Heritage Assets, and Drainage

Harmful visually, to users of Public Right of Way, and to Copped Hall and Minstrels Wood (both Grade II Listed). No existing impervious hard standing to avoid leeching into ground and watercourses.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The main material considerations in relation to this application are the:

- whether the proposal would be acceptable in principle in this location, having regard to need and local and national planning policy;
- the effects of the proposal on the rural character and appearance of the area, including impact upon heritage assets Principle (need and location) of the development; and
- the effects of the proposal to the living conditions of neighbouring occupiers, with particular regard to activity, traffic and noise.

Principle - need and location

6.2 The application site is located outside of recognised settlements which are the focus for development in HDPF policies 2 and 3. As such, in planning policy terms, it is in the countryside. The site is not allocated for waste management uses either in the HDPF or West Sussex Waste Local Plan (2014) (the WLP), or a neighbourhood plan.

6.3 HDPF Policy 26 (Countryside Protection) seeks to protect the intrinsic rural character and undeveloped nature of the countryside against inappropriate development. It requires sustainable development in the countryside to be of a scale appropriate to its character and location which does not lead to a significant increase in activity, with key landscape features and characteristics protected. Any proposal in the countryside must be essential to its countryside location.

6.4 Policy W1 of the West Sussex Waste Local Plan (2014) deals with the need for waste management facilities on unallocated sites. It supports facilities on unallocated sites where there is a demonstrated market need, consistent with the principle of net self-sufficiency. The most recent Annual Monitoring Report for the WLP indicates there is a continued and increasing demand in the County, which this development could help to address. The development would promote the movement of waste up the waste hierarchy.

6.5 With regard to Policy W1, the waste operator states that the waste stored on site arises from farms, of which they have witnessed a market need, and for which they state nearby facilities do not specifically provide for. The waste operator further states that due to its geographical location, the site is well-located to serve waste collections within short travel distances.

- 6.6 Farm XS has an established client base in the Sussex Area. As of Jan 2021, this consisted of 44 members. Of these, 25 are based in Horsham District. By nearest town, Horsham and Billingshurst ranked highest for member distribution (10 and 9 members respectively) with an additional 3 members in Pulborough, 2 in Henfield, and 1 in Steyning. A further 7 members are based in West Sussex (Petworth 3, Arundel 1, Hassocks 1, Worthing 1, Haywards Heath 1). Remaining 12 members are based in East Sussex and Surrey.
- 6.7 As the site is not allocated for waste uses, the proposal must be assessed against Policy W3 of the WLP, which sets out criteria for locating waste facilities on unallocated sites. With regard to W3, the site is within a countryside location. However, it would be located on an established area of hardstanding within an existing yard, and as such could be considered as previously developed land. The site is located centrally within the County, with access, via the Lorry Route network (some 1km to the east - A264), to the wider countryside which is an obvious source of farm waste. Given the scale of the facility and noting it would be dedicated to farm clients, it is unlikely that the development could be delivered on either a site allocated within the WLP, or an existing waste facility. The site is also within the identified 'Area of Search'.
- 6.8 The NPPF (2019) recognises the need to protect the inherent qualities of the countryside, but it also expects decision-makers to be proactive in supporting development to deliver the jobs and infrastructure that local communities need. Aligned to this, in the countryside, HDPF Policy 10 encourages proposals in principle for rural economic development which maintain the quality and character of the area.

Summary on need and location

- 6.9 In summary on these matters, the Waste Local Plan (2014) acknowledges that whilst progress has been made on the provision of new and more sustainable facilities, there remains a need for further new facilities for the recycling of waste, and your officers consider a local need has been sufficiently demonstrated for this particular proposal.
- 6.10 Nonetheless, the acceptability of any proposal will depend upon its specific nature and its impact on the site and the surrounding area rather than on its capacity. The applicant has not demonstrated that the application site is the only option for this new facility. Account should be taken of the character of the area in which the proposal is located. There may be better sites that would be more appropriate and have less of an impact. The scale, appearance, and level of activity of waste development can mean that there is likely to be an adverse impact on the character of the area.
- 6.11 With regard to this particular proposal, it is considered that adverse impact to be contrary to HDPF Policy 26 and WLP W11 due to its detrimental impact on amenity of residents and its impact on the tranquillity this countryside location, as outlined below.

Landscape Character and Visual Impact

- 6.12 Horsham District Council recognises the value of its surrounding countryside, and the importance and influence this has on the character of the District as a whole.
- 6.13 However, existing buildings cover a large proportion of the site and the parts of the site that are visible are currently used for storage of trailers and horseboxes that can be easily seen from outside the site from the public footpath that runs the other side of Okehurst House to the west of the site. The site therefore appears developed from the rural and relatively undeveloped character of the surrounding area.
- 6.14 Given the open-air nature of the proposed activities and required stockpiles of materials, and associated paraphernalia, there would, inevitably, and especially during busy events, be a visual and character change to any remaining rural character of the site.

- 6.15 However, in terms of visual impacts, in order to ensure that any stockpile would not give rise to unacceptable visual impacts, conditions are proposed to limit their location, extent, and height. Any views of the stockpiles from public vantage point would be of a transient manner and when viewed from private residences, within the context of the other nearby buildings, land uses and activities. The development has retained the field boundaries to the hardstanding, to which all operational activities would be confined too.
- 6.16 For these reasons, the Council's Landscape Architect finds the site and area reflect only some local landscape characteristics, and that the proposal would have an acceptable effect with regard to visual appearance.
- 6.17 Notwithstanding this, it is considered that that the development would significantly increase the overall level of activity on site, and this intensity of use would result in a harmful effect on the locality's rural character and tranquillity.
- 6.18 With this proposal, the level of occupation and activity would be very noticeably greater. This is demonstrated in the potential number of movements of waste deliveries /export of materials, but also in the potential of the development to give rise to noise, light and dust impacts associated with the sorting and grading of the waste.
- 6.19 The site locality has a notably rural character. Tranquillity and quiet rural character are important qualities identified and praised by local residents. These attributes would also be apparent to users of the extensive network of public rights of way in the immediate vicinity of the site. The site is directly adjacent to residential dwellings. Despite the ambient noise levels of the equestrian yard during the day (including potential servicing and maintenance of trailers, horseboxes, and machinery), this degree of activity and its physical presence does not justify additional development of a separate operation on the same site. To the contrary, containing and maintaining quiet rural character assumes greater importance to safeguard in accordance with HDPF Policies 26 and 33.
- 6.20 As the experience of March 2020 demonstrate, unrestricted, the development resulted in unacceptable harm to the tranquillity of the countryside, in conflict with HDPF Policies 24, 26 and 33. Policy 32 was also not achieved.
- 6.21 The area of the component uses and the total number of movements and associated site activity are important to ensuring an acceptable scale of development, appropriate to its countryside character and location in accordance with Policy 26.
- 6.22 Therefore, it is considered that the proposed development would cause unacceptable harm to the character of the countryside. Accordingly, the proposal would conflict in this respect with HDPF Policy 26 which seeks to protect the rural character and undeveloped nature of the countryside against inappropriate development. It would also conflict with HDPF Policies 25, 32 and 33 which, in combination and amongst other things, seek to protect landscape and townscape character and require high quality design that complements locally distinctive character.

Heritage

- 6.23 Listed Buildings are around Okehurst Lane. The nearest is Grade II Listed Copped Hall, north-east of the site. The site is considered within the setting of Copped Hall. However, inter-visibility is limited physically and perceptually by intervening boundary treatment, vegetation and other buildings (including the recently converted Copped Hall Barn).
- 6.24 As such, the impact upon the significance of the setting of Copped Hall and other heritage assets would accord with statutory tests and national and local plan policy, including HDPF 34 and WLP Policy W15. These tests and relevant policy are set out below.

- 6.25 Paragraph 193 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'
- 6.26 This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.
- 6.27 Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials. Similar heritage tests apply under WLP Policy W15.

Environmental Protection and Amenity

- 6.28 The events that took place in March 2020 resulted in adverse effects on the living conditions of residents in the area. Following complaints, the Council's compliance team took appropriate action and investigated. This application was submitted in response to the Council notifying the site owners of a planning breach.
- 6.29 The development applied for now is not the same as March 2020, and the operational aspects of the development have been further amended through negotiation between your officers and the waste operator and site owners.
- 6.30 HDPF Policy 24 expects development to minimise exposure to and the emission of pollutants including noise, whilst policy 33 requires development to be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.31 Given the close proximity of the site to residential properties, it is necessary to ensure that the storage areas are located away from these sensitive receptors due to the potential impact of noise and disturbance associated with manoeuvring of vehicles and loading/unloading of waste. The submitted details propose to limit the areas of the site that can be used for outside storage, away from residential dwellings and their gardens.
- 6.32 Following detailed negotiations with the waste operator, the Council's Environmental Protection Officer has concluded that the associated pollutant disturbance from the site could be managed through a suite of planning conditions, as well as separate legislative controls. These include, amongst a series of mitigation measures, controls over operational practices and hours of working. The development would also have to comply with the Environment Agency T4 Waste Exemption (not an Environmental Permit), which, in consultation, has not objected. The T4 waste exemption allows up to 500 tonnes of plastics to be stored at any one time for preparatory treatments, such as bailing and sorting. This demonstrates compliance with WLP Policy 16: *Air, Soil, and Water*.
- 6.33 It is therefore judged that, subject to the imposing of the full suite of conditions necessary and reasonable to limit pollutant disturbance as advised by consultees, there would be technical compliance with Environmental Health standards and good practice. The issue of

fire safety working practices raised by third party objectors is a matter dealt under legislative controls separate to planning.

- 6.34 Notwithstanding this, it is considered that the development would significantly increase the overall level of activity on site, and this intensity of use would result in a harmful effect on the locality's rural character and tranquillity. The basic layout currently consists of a hard surface area with a low level of use.
- 6.35 With this proposal, the level of occupation and activity would be very noticeably greater, to the detriment of the living conditions of neighbouring occupiers. This is demonstrated in the potential number of movements of waste deliveries /export of materials, but also in the potential of the development to give rise to noise, light and dust impacts associated with the sorting and grading of the waste.
- 6.36 Tranquillity and quiet rural character are important qualities identified and praised by local residents. The site is directly adjacent to residential dwellings. Despite the ambient noise levels of the equestrian yard during the day (including potential servicing and maintenance of trailers, horseboxes, and machinery), this degree of activity and its physical presence does not justify additional development of a separate operation on the same site.
- 6.37 As the experiences of March 2020 testify, unrestricted, the development resulted in harm of an unacceptable nature to the living conditions of neighbouring occupiers, in conflict with HDPF Policies 24, 26 and 33.
- 6.38 In the absence of a noise assessment it has not been demonstrated that simply moving the storage further away from neighbours would be sufficient to mitigate the noise impacts of the proposal. There is no indication that specific acoustic measures could be relied upon to provide any significant sound attenuation.
- 6.39 The area of the component uses and the total number of movements and associated site activity are important to ensuring an acceptable scale of development, appropriate to its countryside character and location in accordance with Policy 26.
- 6.40 It is significant that whilst accepting of the precise operational aspects of the business model applied for, the Council's Environmental Protection officer remains concerned of the prospect of any future intensification of the use above the level of waste activity proposed in the current application. It is unlikely any expansion of the recycling scheme could be accommodated at the site without causing significant impact on the amenity of neighbouring occupiers or affecting the character of the locality.
- 6.41 This is a planning consideration of significant weight. The division of the hard surface into precise functional areas with limitations on heights of stockpiled materials acts to prohibit the future expansion of the waste operation to some degree. However, it is not enforceable to impose a planning condition that limits the number of vehicle movements associated with the operation.
- 6.42 For all these reasons, your planning officers remain of the opinion that unacceptable harm to the living conditions of neighbouring occupiers would result from this development, even as amended, such that the imposing of conditions would not be sufficient to overcome, and so prevent full compliance with HDPF Policies 24, 26, 32, and 33. Equally, it would not be compliant with WLP Policy 19: *Public Health and Amenity*.

Highway Matters

- 6.43 WLP policy W18 and HDPF Policy 40 state the need for sustainable transport and safe access is vital for development to be acceptable. HDPF Policy 41 states adequate parking facilities must be provided to meet the needs of the anticipated users.

Capacity and Safety

- 6.44 The Local Highway Authority, WSCC, has carefully assessed the impact of the development. In their view, the existing site access from Oakhurst Lane can safely accommodate the type and volume of movements likely to result from the development, individually and cumulatively with movements from the established equestrian yard.
- 6.45 In their view also, the scale of the development, and the frequency of activity, and the sufficient space for parking and turning within the site means they do not consider that the proposal would have a 'severe' impact on the capacity and safe operation of the nearby road network and have advised that there are no transport grounds to resist the proposals.
- 6.46 In reaching these conclusions, WSCC has carefully considered the points raised by third party objectors, including the facts that the term HGV covers a range of vehicles, and that Oakehurst Lane already serves residential properties and equestrian yards. It also accounted for the fact that there are few passing places along the lane and that the lane is used by other road users, including horse riders.
- 6.47 In having consideration of these matters, it is also recognised that the existing use of the site must already generate movements by trailers and horseboxes along the lane, including larger horseboxes which may be classed as small HGVs. It is accepted that the waste storage use would result in an increase in large HGVs entering and existing the site and using the lane. However, the LHA does not consider it necessary to restrict the types of vehicle accessing the site for this purpose (an approach, noted by third party objectors, as having be adopted elsewhere along Oakhurst Lane).
- 6.48 WSCC have reasoned that Okehurst Lane is low trafficked and although it is subject to national speed limit, due to the road geometry and the narrow nature of the rural lane, it is not anticipated vehicles would be travelling at the posted speed limit in the site location. As such, vehicular visibility onto the publicly maintained highway appears enough for the anticipated road speeds.
- 6.49 Furthermore, an inspection of the data supplied to WSCC by Sussex Police over a period of the last five years reveals that there have been no recorded injury accidents within the vicinity of the junction. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the addition of a waste storage use of the nature and scale proposed would exacerbate any existing safety concerns.

Public Rights of Way (PRoW)

- 6.50 The site access from Oakhurst Lane is shared with a public footpath (PRoW). West Sussex Public Rights of Way raise no objection to the development. Shared access arrangements with public footpaths are not uncommon, and fencing is in place to minimise the potential conflict. As a result, the proposed development is not considered to give rise to any unacceptable impact upon the PRoW.
- 6.51 Therefore, given the advice of the Local Highway Authority in respect of the application, it is considered that the proposed development accords with HDPF Policy 40 and provides a safe and suitable access.

Parking and turning

- 6.52 Based on the layout there is sufficient space to allow for parking and turning within the site for both the waste storage operation and the equestrian yard; each benefitting from its own dedicated area to park, turn on site, and exit in forward gear. The LHA raises no concerns over parking provision.

- 6.53 No cycle parking or electric car charging is proposed. However, this is a reflection of the location of the site and the nature of the development and considered acceptable in this particular instance.

Summary on Highway Matters

- 6.54 The concerns raised on highway matters by third parties is acknowledged. However, the development has been assessed by the qualified highway specialists and not found wanting.
- 6.55 It has not been demonstrated by substantive evidence that restrictions and limitations on vehicle types and movements using the site access, as advocated by third parties, are necessary for the proposed use to operate without harm to local highway network capacity or safety. Additionally the proposal without those conditions, would provide safe and suitable access.
- 6.56 Therefore, the proposal is judged by the Local Planning Authority, informed by the expert consultation response from the Local Highway Authority, to be in accordance with HDPF Policy 40 and the provisions of the National Planning Policy Framework.

Other Environmental Issues

Drainage and Climate Change

- 6.57 The site is in the lowest EA flood risk zone. The existing hardstanding would be maintained, and the site owners are to rely on existing foul drainage. Consequently, there is no substantive evidence that the proposal necessitates further drainage provision.
- 6.58 The proposed development is for waste recycling so would contribute toward mitigating the impacts of climate change as required by HDPF policies 35, 36 and 37.

Conclusions and Planning Balance

- 6.59 The development would meet an identified need, contribute toward managing waste within the County, and promote the movement of waste up the hierarchy. These are social and environmental benefits that weigh favourably for the proposal. However, it should be noted, it has not been demonstrated as to whether there is a more suitable location for this use nearby which would not result in a detrimental impact and harm to countryside; Ultimately, the acceptability of the proposal will depend upon its specific nature and its impact on the site and the surrounding area rather than on its capacity.
- 6.60 It is important to recognise that the rural character of the district means that the wider rural economy is also important. The development would support the economics of land based businesses, to support the meeting of a rural community need. As a consequence, the proposal aligns with the part of the HDPF which supports sustainable rural economic growth in the district. These economic benefits also weigh in favour for the proposal.
- 6.61 However local plan policy HDPF Policy 26 (Countryside Protection) and Waste Local Plan Policy W11 (Character) both seek to protect the intrinsic rural character and undeveloped nature of the countryside. Policy 26 requires sustainable development in the countryside to be of a scale appropriate to its rural character and location which does not lead to a significant increase in activity. Also HDPF Policy 10 encouragement is caveated to proposals which maintain the quality and character of the area. The scale and level of activity of the proposed waste development would give rise to an adverse impact on the character of the countryside. Account should be taken of the character of the area in which the proposal is located.

- 6.62 Whilst the Council's Environmental Health officer believes operational aspects of the development have been sufficiently amended to ensure appropriate mitigation can be managed by planning condition, this indicates a lack of harm rather than a benefit and so is given neutral weight. The same neutral weight is given to the lack of objection from the Local Highway and Waste Authorities, as well as compliance with statutory tests and relevant planning policy in regard to heritage assets.
- 6.63 In balancing the above considerations, whilst the proposal would result in social and economic benefits associated with waste management and business growth, these benefits do not outweigh the harm identified.
- 6.64 Therefore, the proposal would conflict with the development plan when taken as a whole and there are no material considerations that would justify a decision other than in accordance with the development plan. It would not be possible to overcome the harm identified through consideration of further conditions. It is therefore concluded that the application should be refused.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.65 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule, which took effect on 1st October 2017.

It is considered that this development does not constitute CIL liable development.

7. RECOMMENDATIONS

Application Refused

Reason for Refusal:

1. The proposed development, by reason of its scale and location, would result in an intensity of activity, traffic and noise which would detract from the intrinsic character and ambience of its rural surroundings as well as compromise the amenities of surrounding residential occupiers, contrary to policies 10, 24, 25, 26, 32, and 33 of the Horsham District Planning Framework which, amongst other things, seek to protect the countryside against development of an inappropriate scale that leads to a significant increase in the overall level of activity in the countryside. For these same reasons it would also be contrary to Waste Local Plan Policies W11, W12 and W19.

Background Papers: DC/20/0854