



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 17 August 2021

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

SITE: Copped Hall Farm Okehurst Lane Billingshurst West Sussex RH14 9HR

WARD: Billingshurst

APPLICATION: DC/20/0854

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

REASON FOR INCLUSION ON THE AGENDA: Deferred from 16 March committee

RECOMMENDATION: To refuse the application for the reason set out in this report.

1. ASSESSMENT

- 1.1 This application was presented at Planning Committee South, 16 March 2021 (see Appendix A) where members resolved that the application be deferred for the submission of a Noise Assessment of the proposed use.
- 1.2 A Noise Impact Assessment (May 2021) by Environmental Assessment Services Limited (EAS Ltd), under instruction by the applicant, was received 03 June 2021. A subsequent response to commentary from Stantec Acoustic under instruction of objectors, was received 29 July 2021.
- 1.2 In addition to the Noise Impact Assessment, since the previous committee further supporting evidence from the applicant, third party representations, and re-consultation responses has been received and is itemised below:-
- From the applicant, a Supporting Statement dated 03 June and Statement on Need dated 30 June 2021.
 - From Ashurst LLP, representing the occupiers of Copped Hall, correspondence (20 May and 08 July 2021) which raises issue with how certain matters related to the development scheme have been assessed (Heritage; Need and location; Quantity of waste to be stored at any one time; Trip Generation; and Residential Amenity), the need for further information/clarification on certain matters, and a review by Stantec Acoustic of the applicant's EAS Ltd Noise Report.
 - Further representation from third parties both in support and in objection, raising no new issues to those previously reported, and from Billingshurst Parish Council

maintaining its strong objection for the reasons as previously reported at the 16 March Committee.

- Re-consultation responses from WSCC Local Highway Authority and WSCC Waste Authority, and HDC Environmental Health.

1.3 The officer response to this additional supporting evidence, and additional representation and consultation is set out below:-

Need and Location and Previously Developed Land

1.4 Ashurst LLP on behalf of objectors has stated the applicant has provided very little information to justify the need for the development in this location. It is contended no evidence has been provided of a market need other than a few letters of support, and that no information on other operator capacity means it is difficult to conclude whether or not the proposed development conflicts with Policy W1. Ashurst LLP disagrees with the contention that the existing hard is previously developed land as there is no evidence of the land being occupied by a permanent structure. No information has been provided in relation to suitable alternative sites.

1.5 In response, the applicant has stated Farm XS is the only farm plastic waste collector and operator with sites in West Sussex, and whilst four other businesses offer a service within the WSCC area these are based elsewhere. According to the applicant, the nature of the business and client base means the most appropriate Farm XS collectors and sites are on a farm. According to the applicant, in late 2019 Farm XS wrote to 570 farmers seeking a new collector and site following retirement of the previous collector. Out of that process, Copped Hall Farm was considered the best option.

1.6 WSCC as the Minerals and Waste Planning Authority (MWPA) has been re-consulted on these matters. With regard to need, the MWPA has replied it is not made aware of every waste operation within the county, particularly those that operate at a small and localised scale in response to a niche market. The WSCC Waste Local Plan (2014) (WLP) shortfalls don't take account of agricultural waste and, as set out in paragraph 2.3.1 of the WLP, only 2% of agricultural waste produced is things like packaging, plastic sheeting, chemicals, and tyres.

1.7 Therefore, the MWPA considers any facilities permitted for purely agricultural waste would not contribute to the shortfalls, and so the need for such facilities should be demonstrated by the applicant on a more localised scale as per Policy W1 of the WLP. That said, it is for the applicant to demonstrate a need for the development as part of their planning application by identifying/reviewing the proposal against similar sites and/or by demonstrating a likely customer base/market need. Part of this discussion could identify why a more traditional waste transfer station isn't a viable option.

1.8 As determining authority, it is for Horsham District Council to decide the weight afforded to this need when considering the balance for a planning application. Your Planning Officers have carefully considered the Farm XS client list and the agricultural, horticultural and equestrian businesses that have written in to support this development proposal, many of which cite the need for the service provided by the proposal. From this, it is considered a likely customer base/market need has been sufficiently demonstrated. Whilst the applicant is not explicit to why a traditional waste transfer station is not a viable option, the Farm XS business model is replicated nationwide and its niche operation takes place on other farms across the country. It would not be inappropriate for it to operate similarly in West Sussex.

1.9 As for the assessment of need against other potential sites, the MWPA position on this is that applications can only be considered as they are submitted. The application site is within

the area of search, and so the principle for a waste management facility in this location is established as per policy W3 of the WLP. Your Planning Officers concur with this.

- 1.10 With regard to the land being previously developed, your Planning Officers are confident that this is indeed the case. The site forms an integral part of the curtilage of developed land associated with an existing equestrian holding occupied by permanent structures, essentially comprising fixed hard surfacing surface infrastructure used with a number of existing buildings directly north for storage and parking.
- 1.11 In summary, in the view of your planning officers the applicant has sufficiently demonstrated need and the land is previously developed, by NPPF definition. However, for reasons set out later in this report, and as explained in the March Committee Report, the Local Planning Authority does not consider this would outweigh the shortcoming of the application on balance, as it is continues to be recommended for refusal on amenity grounds.
- 1.12 In the view of your planning officers, the weighting exercise carried out in the 16 March committee Report remains correct and valid.

Heritage

- 1.13 Ashurst LLP has stated that the impact of the proposed development on the setting of Copped had not been assessed either in the information submitted by the applicant or in the 16 March Committee Report.
- 1.14 Your planning officers accept that harm to the significance of a heritage asset can result from development within its setting. However, the Council's Conservation Officer previously assessed the proposed development and, in his qualified assessment, there would be no impact upon the setting of the Grade II Listed Copped Hall. His position is unchanged.
- 1.15 The setting of this heritage asset was considered in a previous appeal at Copped Hall Farm, which was allowed (DC/19/1257 – to convert one of the outbuildings to a single storey dwelling). In that appeal, the planning Inspector reasoned the intervening buildings and their uses has significantly changed the former historic relationship between Copped Hall and the application site. The growth and expansion of Copped Hall Farm and its uses, as well as the adjacent cluster of residential buildings, has, over time, already impacted upon the setting of Copped Hall through the introduction of busyness, bustle movement and activity. The result is, in terms of its setting character, so much historical rural tranquillity and remoteness has been already compromised that further diminishment of the scale and nature of the development proposed is judged to have no impact upon the significance of the heritage asset. The proposal would therefore accord with HDPF Policy 34 which seeks to protect the heritage assets of the district and the Framework.

Trip generation and waste stored on site

- 1.16 Highway matters were addressed in the 16 March report and your officer's position on these matters is unchanged. The Local Highway Authority has advised on the new evidence and they maintain No Objection. Ashurst LLP has queried the extent of plastic storage on site. The applicant has confirmed the proposal is for up to 250 bags of plastic (a maximum of 40 bales) to be stored at any one time. The applicant has offered that baling can be restricted to weekdays. Maximum of 130 deliveries annually and a maximum of 15 weekly, with no more than 6 deliveries in any one day. Your officers believe sufficient detail has been submitted on the operation of the proposed use to be able to sufficiently assess its impact, which is set out in the paragraphs below.

Noise Report

- 1.17 Ashurst LLP has stated their client is concerned how the predicated levels of noise have been identified and assessed in the submitted EAS Ltd Noise Assessment and that the noise assessment does not accurately reflect the noise experienced both on farms operating similar recycling developments or the development operating in the worst case scenario.
- 1.18 According to The Stantec Acoustic Review, submitted by Ashurst LLP, incorrect standards and principles have been applied within the EAS Ltd Assessment so the report's conclusions are unsupported and unreliable. Stantec are therefore of the view that no weight should be attached to the report and the related assessment.
- 1.19 EAS Ltd responded to the Stantec Acoustic Review on 29 July 2021, on the matters of dispute, including compliance with Policy, Assessment Methodology including Background and Operational Sound Levels, and Application of BS4142. Their conclusion is the EAS Assessment is based on sound level measures, and that the proposed operation will not cause unacceptable levels of noise pollution, if operated in accordance with the proposed planning conditions.
- 1.20 Short term noise monitoring was carried out at three locations around the site on Tuesday 13 April 2021. This was to obtain a representative reading of background noise levels across the site. A further period of continuous monitoring was carried out between Tues 13 April and Tues 20 April at a location north of the operating site close to the boundary with Copped Hall Barn. The principal noise sources were associated with low-key activities carried out around the site, e.g. movement of horse from stables to paddocks and exercise areas, feeding and clearing stables, use of a powered horse walker etc. There was minimal noise from traffic either on or off the site.
- 1.21 Noise from the baling operation was not measured at the site. It was assessed using British Standard BS4142. Monitoring of the operation of a baling machine was undertaken at a surrogate site. It took place at a farm location in Sandon, Staffordshire on 10 May 2021. The baler was operating in a similar setting to the application site, on a minor road carrying similar traffic mix and volume as Okehurst Lane. Specific noise generating activities associated with the baling cooperation compromised the following – loading of plastics, diesel generator providing power to the baling rams, baling ram mounted on lorry within steel container. Noise from the ram in motion was discernible above the generator and loading tractor engine noise. Unloading from the baler was by a telehandler. Noise from this process was limited to the telehandler engine and audible reversing alarm. The sound from the operation was continuous whilst bailing was in process.
- 1.22 The applicant provided a breakdown of the vehicle types and predicated frequency of journeys. This information was used to estimate the likely noise impacts on neighbouring properties.
- 1.23 The Council's Environmental Health Officer (EHO) has also advised on the EAS Ltd Assessment. He is satisfied the Assessment was undertaken by a competent person, who surveyed the background noise environment from the site and noise levels from other FX farm sites where the operation is taking place. The report also surveyed traffic noise.
- 1.24 The Council's EHO is of the opinion the EAS Ltd Assessment has been undertaken and measured in accordance with the relevant paragraphs of the National Planning Policy Framework, National Planning Practice Guidance and the Noise Policy Statement for England. It is accepted and well established practice to use representative data from similar sites for the process of mathematical modelling of noise impacts, both nationally in the UK and internationally through the WHO and other national governments. This is simply because no sites are ever directly equivalent. The Planning Noise Advice Document Sussex as well as British Standard applies. There are two well established British Standards which can be

applied to the assessment of noise impacts. On the question of disturbance BS4142 sets out the procedure to be adopted for the assessment of commercial and industrial noise and is specially designed to provide an assessment on the likelihood of complaints. There are also standard reference values for plant and machinery listed in BS5228:2009 widely used in noise modelling calculations.

- 1.25 In his qualified opinion, the Council's EHO would have to accept a satisfactory noise assessment that meets the requirements of the relevant British Standard. In his view, the survey is representative of the full range of operations at the proposed facility. The mechanics of the report in terms of the data and calculations are therefore satisfactory, to inform the planning assessment to whether the proposal is compliant with policy.

Residential Amenity

- 1.26 Aside from the baling operation itself, concern has also been raised by objectors regarding noise impacts associated with ancillary vehicle movements. According to Ashurst LLP, their clients believe it is a matter of fact that the noise from the proposed operations would be considerable, and that approval would result in a significant adverse impact on their residential amenity. A condition restricting the level of noise on the site would not be enforceable it is said.
- 1.27 The EAS Ltd Assessment identified the nearest sensitive receptors as the residential properties to the north and northeast of the site at Copped Hall, Copped Hall Barn and Okehurst House and Copped Hall Farm Cottages to the northwest.
- 1.28 The EAS Ltd Assessment comprised continuous sound level monitoring at Copped Hall Farm over a period of a week, together with a series of short-term measurements around the site to establish the background and ambient sound levels under current operational conditions. The farm is used for equestrian activities. The noise levels measured were typical of a rural setting.
- 1.29 It was not possible to undertake sound measurement of the baling operation at the application site. A 'surrogate' farm site, where the mobile baling machine was operating, was used to measure noise generated by the baling machine and the ancillary loading plant. The noise measurements were used to undertake a BS4142 assessment which indicated 'likelihood of significant adverse impact at the assessment location'. The assessment location in this case was at a distance of 5 metres from the operation. The rating level generated by the BS4142 assessment was superimposed on the sound level readings for Copped Hall Farm and adjustments made to take account of the distance of the operation site from the nearest receptors and the influence of any screening provided by existing buildings at the farm.
- 1.30 For the neighbouring properties at Copped Hall Barn and Okehurst House, the calculated noise levels from the baling operation were predicted to be less than the existing background sound level at the nearest boundaries. Calculated sound levels at the boundaries of Copped Hall and Copped Hall Farm Cottages were marginally in excess of the existing background noise levels but still complied with both the WHO community noise guidelines and the British Standard Guidance on Sound Insulation and Noise Reduction for Buildings (BS 8233:2014).
- 1.31 Given that the calculated noise impact of the baling operation on neighbouring properties is negligible, and that it is to be conducted on a maximum of 8 days per year, the EAS Ltd Assessment did not consider it necessary to recommend any specific noise attenuation measures.
- 1.32 The EAS Ltd Assessment makes recommendations to further reduce noise impacts:-
- Maintaining low vehicle speeds on site; arranging vehicle routes to minimise reversing; and using white noise reversing beacons.

- Areas of planting/soft landscaping in order to reduce reflective surfacing which may transmit noise, through a landscape plan, with a management scheme.

Character

- 1.33 The Council's EHO has provided his assessment on the conclusions of the EAS Ltd Assessment, which has informed the planning assessment to whether the proposal is compliant with policy. He believes the reality is that noise is unlikely to be significant in terms of the averaged noise levels used to describe amenity. In his view, there is nothing identified in the EAS Ltd Assessment that cannot be managed through appropriate conditions – principally hours, of work and approved noise management plan. He notes the EAS Ltd consultant maintains the most significant noise source from daily operations will be the reversing alarm on the telehandler, which can be changed to a broadband noise alarm.
- 1.34 However, the Council's EHO goes on to confirm this would not mean that the residents will not discern a change. As discussed in 16 March committee report, the proposal would alter the character of the yard from an equestrian to industrial/waste activity. 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 of rural economic development is caveated to proposals which maintain the quality and character of the area. As the ESA Ltd Assessment noted, existing principal noise sources were associated with the low-key activities carried out around the site, e.g. movement of horse from stables to paddocks and exercise areas, feeding and clearing stables, use of a powered horse walker etc. There was minimal noise from traffic either on or off the site. These observations are testament of the rural tranquillity of the site and the character of surrounding countryside.
- 1.35 From a planning perspective, the Noise Exposure Hierarchy referred to in National Planning Practice Guidance sets the points at which development should be controlled (or prevented). Despite the ESA Ltd Assessment not raising concerns in this regard, your planning officers are still recommending refusal. This is because it is still 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. 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. The ESA Ltd Assessment concludes the noise impacts of the proposal would cause harm to residential amenity unless mitigated by operational restrictions and limitations imposed by condition.
- 1.36 With this proposal, the level of site 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. The ESA Ltd Assessment recognises this in its conclusions that condition are needed to limit potential activity to tolerance levels.
- 1.37 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 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.

- 1.38 As before, a real impact on residents will be the increase in vehicle movements, which will be outside of the application site. The area of the operational components 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. In the view of Council's EHO, this is not an argument about noise either as the increase in movements (if controlled by condition) would not be enough to significantly elevate road noise in terms of averaged noise levels. However, it is not enforceable to impose a planning condition that limits the number of vehicle movements associated with the operation.
- 1.39 Your Planning Officers note the conclusions of the ESA Ltd Assessment. However, in their view the character harm arising from the proposed development as set out in the 16 March Committee Report would still arise.

Conclusion and Planning Balance

- 1.40 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. The rural character of the district means 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, weighing in favour for the proposal. However, HDPF Policy 10 encouragement of rural enterprise is caveated to proposals which maintain the quality and character of the area. It is still considered by planning officers that 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.
- 1.41 The new evidence submitted by the applicant has contributed further to demonstration of need. The development would contribute toward managing waste within the County, and promote the movement of waste up the hierarchy. These are social and environmental benefits in favour of the proposal. However, the Waste Authority identifies the need as small and localised, in response to a niche market, for agricultural waste that does not contribute to the WSCC Waste Local Plan (2014) (WLP) shortfalls. It is important to note this proposal would function as a waste transfer site, and in itself it would not realise the benefits of processing nor recycling the waste itself. As such, in the view of your planning officers, the weighting exercise carried out in the 16 March committee report remains correct and unchanged; the need would not outweigh the shortcoming of the application on balance and, as explained in the March Committee Report, the Local Planning Authority continues to be recommended for refusal on amenity and character grounds
- 1.42 The Council's Environmental Health officer has proposed conditions that can be applied to meet Environmental Health standards, but those in relation to controlling vehicle movements are not enforceable and in any case the application of conditions would not address the harm caused to the rural character of the area from the increased activity and noise at the site. In this regard neutral weight is given to the Environment Health Officer's comments. 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.
- 1.43 In reaching this conclusion, your planning officers acknowledge the area designated for the proposed activity is at the southernmost extent of the farm building complex at the furthest point from neighbouring properties. The baling machine is a mobile unit which is to be operated on no more than 8 days per annum. The baling operation and associated traffic movements are restricted to daytime working hours on a limited number of days throughout the year. Ultimately, however, 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. Whilst the applicant has stated that their business operation often uses farms as transfer sites, Copped Hall Farm has particular sensitivities in its location; in its proximity to a cluster of residential receptors, its proximity to other receptors using the Public Right of Way network, and its existing baseline noise as an equestrian business rather than intensive working farm.

1.44 Therefore, taking into consideration all the new evidence received and on the matters raised in representations, the recommendation to refuse planning permission remains as previous.

2. RECOMMENDATION

2.1 To refuse planning permission, for the following reason:

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.