

Committee: **Regulatory
Planning Committee**

Date:

Report by: **Director of Communities, Economy and Transport**

Proposal: **Retrospective application for the use of 2No bays within
an agricultural general purpose building as a waste
transfer station**

Site Address: **Little Exceat Farm, South Road, South Chailey, BN8 4QH**

Applicant: **Mr Luke Field, LFTO WASTE**

Application No. **LW/785/CM**

Key Issues: **(i) Waste management**
 (ii) Development in the countryside
 (iii) Effect on amenity

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Jim Sheppard**

SUMMARY OF RECOMMENDATIONS

1. The Committee is recommended to refuse planning permission for the reasons set out at paragraph 8.1 of this report and to endorse the undertaking of appropriate enforcement action in consultation with the Assistant Chief Executive, Governance Services, to require the cessation of activities associated with the waste transfer station and the removal of any plant, equipment, waste materials and any other associated structures and materials from the site.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. The site and surroundings

1.1 Little Exceat Farm is about 0.2 of a kilometre from the southern edge of the development boundary of South Chailey on the east side of the A275. The nearest residential properties to the application site building are at Hunters End to the north (approximately 200 metres distant) and Woodbrook Cottage to the south-west (also about 200 metres distant). The Little Exceat Farmhouse stands about 120 metres to the south-east of the application site building.

1.2 The farm yard and buildings associated with Little Exceat Farm are located to the north and east of the farm access, which is gained directly from the A275. The area of the yard nearest to the western boundary of the Farm is used as an authorised plant hire and groundworks depot and for the storage and processing of inert materials. Buildings to the east of this part of the yard are used for workshop and storage purposes, as well as accommodating livestock. An additional building is present on the southern side of the yard, which is authorised for use as an office and mess room. Open fields surround the yard to the north and east. A pond and access to the Farmhouse is present to the south of the yard with the A275 to the west.

1.3 The application site building comprises one half of an existing open fronted agricultural barn at the north-east corner of the farm yard, opposite a larger barn used for sheltering and feeding cattle.

2. The Proposal

2.1 The proposal seeks retrospective planning permission for the continued change of use of one half of an existing, open-sided agricultural building (comprising two bays) as a waste transfer station (WTS). The site has been operating as a WTS since July 2016 and according to the applicant, it would involve a throughput of about 520 tonnes per annum. The operations involve the importation, storage and sorting of household waste materials. Those materials that can be recycled are transferred to local recycling plants, with the remainder taken to landfill. Operating vehicles involve two, long-wheel base transit-type caged pick up trucks and the use of 2 small scale dozers ('Bobcats') on the site. The part of the building used by the applicant includes 2 metres high push walls to the sides and rear. Access to the application site is directly from the A275 via the plant hire and groundworks depot yard. According to the applicant, operational vehicles are generally used 3 times in the morning to deliver materials and 2-3 times in the afternoon for collections. The proposed hours of working are between 08.00 – 18.00 Mondays to Saturdays and 10.00 – 16.00 Sundays, Bank and Public Holidays.

3. Site History

3.1 There is no relevant County Planning history for the application site building. However, the access to the site from the A275 is via the existing yard, which was granted retrospective planning permission in 2007 (ref. LW/492/CM). This was for a change of use from a plant hire and ground works depot to a mixed use of plant hire and ground works depot and use of land for the purposes of importing, storing and processing inert materials.

4. Consultations and Representations

4.1 Lewes District Council raises objections on the grounds that there is no evidence that the building is no longer required for agricultural purposes, which would undermine and compromise safe farming practices, as well as impact on the functionality of the farming enterprise on the site. The

intensified transfer use would also have a detrimental effect on the character of the countryside.

4.2 Chailey Parish Council raises objections, as it is considered that the use of the facilities for waste transfer would prevent their use for agricultural purposes and no evidence had been provided that their use for this purpose is no longer required. Concerns are also raised regarding fire hazards, due to the large quantities of waste materials and the concerns of neighbours about the way in which the site is operated. Moreover, the permission being sought includes extensive weekend working and would exacerbate what appears to be an already unsatisfactory situation.

4.3 The Highway Authority raises no objections and recommends that conditions should be included regarding the provision of car and cycle parking spaces and the construction of a turning space at the site.

4.4 The Environment Agency states that an Environmental Permit might be required and that any waste transported to and from the site must be carried by a registered waste carrier.

4.5 Flood Risk Management ESCC has no comments.

4.6 Representations: The occupiers of an adjoining residential property (Hunters End) to the north of the Farm object to the proposal. Although the comments appear to largely relate to the existing authorised plant hire and ground works operation within the yard, the neighbours note that any permission for the proposal will again be facilitating the use of the site in an agricultural location, which is not suitable and which has negative impacts.

5. The main Development Plan and other policies of relevance to this decision are:

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Turning Waste into a Resource); WMP7a (Sustainable Locations for Waste Development); WMP25 (a), (b) (General Amenity); WMP26 (Traffic Impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, February 2017. No relevant identified sites.

5.3 Lewes District Local Plan 2003: Saved Policies: CT1 (Planning Boundary and Key Countryside Policy); ST3 (a), (c), (d) (Design, Form & Setting of Development).

Lewes District Council undertook a review of its Saved Local Plan Policies (2007) to determine their consistency with the NPPF (2012) and produced a table indicating the extent to which the policies are fully consistent, partly consistent or not consistent. Saved Policy ST3 is considered to be fully consistent with the NPPF and Saved Policy CT1 is considered to be partly

consistent. To that extent, they remain part of the Development Plan post adoption of the Core Strategy.

5.4 Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, adopted 2016: No relevant policies.

5.5 National Planning Policy Framework (NPPF) 2012

The NPPF does not change the status of the Development Plan as the starting point for decision making but it does constitute guidance as a material consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 17 within the Core planning principles section is relevant in this case.

5.6 National Planning Policy for Waste (NPPW) 2014

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

6. Considerations

Waste management

6.1 Policy WMP3b of the Waste and Minerals Plan requires development to manage waste as far as possible up the waste hierarchy so that an increasing amount is recovered and recycled and a decreasing amount is disposed of to land. Policy WMP7a of the same Plan directs new waste recycling and recovery facilities to within the broad Areas of Focus, which are indicated on the Key Diagram within the Plan. Under Policy WMP7a, proposals should demonstrate how they will balance the need to be located close to waste arisings, moving waste management up the waste hierarchy and minimising adverse impacts on communities and the environment.

6.2 The proposal seeks to manage household waste so that certain materials (e.g. metals and plastics) can be sorted prior to transfer to local recycling plants, which, in principle, accords with the thrust of Policy WMP3b. However, due to the rudimentary nature of the sorting operation, there appears to be a reliance on disposal to landfill to allow for the removal of materials from the site, thereby limiting the amount of waste that could be recycled or recovered. Therefore, in this context, the proposal attracts limited support from Policy WMP3b.

6.3 The site is accessed from the A275, a short distance to the south of South Chailey, which is identified as a road facilitating access to Areas of Focus, under Policy WMP7a of the Waste and Minerals Plan. These areas are considered to be sustainable, in principle, in terms of waste development due, inter alia, to their locations being generally close to waste arisings and good road access. While the applicant has not demonstrated, under Policy WMP7a, how the balance would be made between managing waste and

mitigating the effects of the operation on the environment, including amenity, the application site can nevertheless be considered to fall within an Area of Focus because of its proximity to the A275 as depicted in the Key Diagram, referred to above. However, one of the purposes of Policy WMP7a was to guide the preparation of the Waste and Minerals Sites Plan. This Plan has subsequently been prepared and adopted, and the application site has not been identified for a waste management use within it.

6.4 Although, in principle, the proposal is supported by Policy WMP7a of the Waste and Minerals Plan in relation to its location being within an Area of Focus, only limited support is derived from Policy WMP3b, due to the reliance placed by the applicant on disposal to landfill in the management of the waste.

Development in the countryside

6.5 The part of Saved Policy CT1 of the Lewes District Local Plan, which is considered to be consistent with the NPPF, states that development will be contained within the Planning Boundaries and planning permission will not be granted for development outside these Boundaries, other than for development which is specifically referred to. Specified development includes waste development but only in relation to proposals which feature in an adopted waste plan. Saved Policy ST3 of the same Plan requires development to respect, inter alia, the character of the local area. The NPPF, as one of its Core principles, requires that planning decisions should take account of the different roles and character of different areas, including recognising the intrinsic character of the countryside.

6.6 The proposal is for the continued change of use of one half of an existing agricultural building within an agricultural yard. The other half of the building is used for agricultural purposes, such as for the storage of hay. Opposite this building, across part of the yard used for access, a larger building is present, which is used for sheltering and feeding cattle. Due to the open sided nature of these buildings, cattle are able to move out of the barn and across the yard to the waste transfer station. Moreover, the waste within the transfer station building is not confined to distinct and secure areas. Instead, the waste is managed in an ad hoc manner and allowed to spill out of the building, thereby creating a potential hazard to livestock.

6.7 Moreover, the use of the building for waste management purposes negates its use for agriculture and therefore, undermines the agricultural use of the Farm and its safe operation, matters which have been referred to by the District and Parish Councils. It would also introduce an additional use into the Farm, which is not complementary to farming activities and therefore, has the effect of changing the character of the area and countryside more generally, thereby conflicting with Saved Policies CT1 and ST3 (a) and (d) of the Lewes District Local Plan and a Core principle of the NPPF.

6.8 There is an existing, authorised use at the Farm involving the operation of a plant hire and groundworks depot use and the use of land for the purposes of importing, storing and processing inert materials (refer to

paragraph 3.1). Although such uses might appear incongruous with agricultural activities, there were sound reasons why they were supported in planning terms. The plant hire and groundworks use had been carried out at the site for a period of about 20 years and it was evident that this business supported the agricultural business of the Farm. The waste related part of the use is directly linked to the groundworks use, without which the opportunity to recover materials would not be readily available. This relationship is controlled by condition and also includes the ability for agricultural activities at the Farm to benefit from the recovered materials. Compared to this, the current proposal is a completely separate activity, as it has only recently commenced and is not related to the agricultural activities at the Farm. It also manages household waste, which includes non-inert materials.

Effect on amenity

6.9 Policy WMP25 of the Waste and Minerals Plan and Saved Policy ST3 of the Lewes District Local Plan requires development to respect the amenities of adjoining properties in terms of, inter alia, noise, visual amenities, character of the area and other environmental considerations.

6.10 The adjoining neighbours to the north of the site have objected to the proposal. Although their comments appear to relate more to the existing plant hire and groundworks depot use, they nevertheless refer to the current proposal being unsuitable in this location, as they consider there would be resulting negative effects on neighbours. The Parish Council has also raised concerns regarding the proposed hours of operation. The use of the farm yard for an operation unrelated to agricultural activities would change the character of the locality and introduce additional noise and disturbance, which would be likely to have an adverse effect on the amenities of occupiers of nearby residential properties and the locality generally. As such, the development would conflict with Policy WMP25 (a) and (b) of the Waste and Minerals Plan and Saved Policy ST3 (c) of the Lewes District Local Plan, which seek to safeguard amenity from inappropriate development.

7. Conclusion and reasons for refusal

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is for the continued use of one half of an agricultural building as a WTS. The development involves a modest operation importing household waste and sorting it into materials for recycling and disposal to landfill. The site is located off the A275 and, as such, is considered to be within an Area of Focus. Despite the benefits of being in such a location, which is supported, in principle, by Policy WMP7a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, only limited support can be secured under Policy WMP3b of the same Plan in terms of how the waste is managed, due to the dependence of disposal to landfill.

Notwithstanding this, the WTS would introduce a new use into the Farm, which is unrelated to agricultural activities and which would be harmful to the character of the countryside. The use and operation presents a hazard to livestock, which are accommodated in very close proximity to the waste use. It would also be likely to be detrimental to the amenities of the locality. As such, the proposed development is considered to be unacceptable, which conflicts with Policies WMP3b and WMP25 (a) and (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policies CT1 and ST3 (a), (c) and (d) of the Lewes District Local Plan 2003 and the Core principles of the National Planning Policy Framework 2012.

7.3 In determining this planning application, the County Council has sought to work with the agent in an appropriate manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

8. Recommendation

8.1 To recommend the Planning Committee to refuse planning permission for the reasons set out below and to endorse the undertaking of appropriate enforcement action in consultation with the Assistant Chief Executive, Governance Services, to require the cessation of activities associated with the waste transfer station and the removal of any plant, equipment, waste materials and any other associated structures and materials from the site.

1. The proposal seeks to recycle a limited volume of household waste which is managed at the site and the applicant has not demonstrated that a larger volume could be reasonably managed by a process which is further up the waste hierarchy and which delivers the best overall environmental outcome, thereby conflicting with Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.
2. The development is located within a small farm yard which is used for agricultural purposes including the husbandry of livestock. Consequently, the development compromises the effectiveness of the Farm to function as an agricultural unit, due to the change of use of an agricultural building and to the introduction of activities which represent potential hazards to animals within the Farm. As such, the development conflicts with Saved Policies CT1 and ST3 (a) and (d) of the Lewes District Local Plan 2003 and the Core principles of the National Planning Policy Framework 2012.

3. The use of the application site as a waste transfer station is out of character with the countryside locality and results in activities which are likely to result in an adverse effect on the amenity of occupiers of nearby residential properties and in the locality generally, thereby conflicting with Policy WMP25 (a) and (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3 (a), (c) and (d) of the Lewes District Local Plan 2003.

RUPERT CLUBB

Director of Communities, Economy and Transport

7 April 2017

BACKGROUND DOCUMENTS

Application file LW/785/CM

Planning permission LW/492/CM

The Development Plan

National Planning Policy Framework 2012