

Planning Committee

7 July 2020

County Matter Waste Application

Proposed Temporary Concrete Crushing and Soil Recycling Facility

Kilmarnock Farm, Charlwood Road, Ifield, RH11 0JY

Application No: WSCC/081/19

Report by Head of Planning Services

Local Member: Mrs Liz Kitchen

District: Horsham

Executive Summary

This report considers an application for temporary planning permission for a five year period for a soil recycling and concrete crushing facility at Kilmarnock Farm, Charlwood Road, Horsham. The proposed facility would process up to 75,000 tonnes a year of construction and demolition waste which would be delivered to the site for sorting, grading and crushing to produce recycled soils and aggregates for export/sale.

The application site is not allocated for a built waste management facility uses in the West Sussex Waste Local Plan (2014).

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework.

In terms of statutory consultees, Ruspur Parish Council, Horsham District Council (Planning and Environmental Health Officers), Crawley Borough Council, and Gatwick Airport, all object to the application. Key issues raised are the acceptability in a countryside location, harm to the character, visual amenities, PROW, and residential amenity in the locality, highway capacity and road safety, an unacceptable within a safeguarded area for a future runway at Gatwick. The Highway Authority also objects concluding that by virtue of an inadequate access, the development would prejudice highway safety, and it has not been demonstrated that the road network is suitable to accommodate the type of traffic proposed. The Environment Agency raises no objection to the proposals.

Five third-party representations, have been received all raising objections for similar reasons to those set out by the above consultees.

Consideration of Key Issues

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

- need for the development;
- location of the development;
- landscape, character and visual impact;
- impact on local amenity;

- compatibility with safeguarded runway land; and
- impact on the highway capacity and road safety.

Need for the development

Policy W1 of the West Sussex Waste Local Plan (2014)(the WLP) supports inert waste recycling 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 for inert waste recycling in the County, which this development could address, particularly given its location in close proximity to the large urban areas of Crawley and Horsham.

Location of the development

Policies W3 and W4 of the Waste Local Plan sets out criteria for locating waste facilities on unallocated sites. With reference to these criteria, the proposed development would be within an 'Area of Search,' as identified in the WLP, and could not likely be delivered on an existing waste site or a site allocated in Policy W10. By virtue of harmful impacts upon character, visual amenities, and amenities of occupiers of nearby property/land and a public right of way, the proposed site is not considered 'suitable' previously developed land for the scale and nature of development proposed. HGV movements resulting from the development would traverse a significant length of local road with both a rural and residential character, well used by vulnerable users. The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate the road network giving access to the site is suitable to accommodate the type and volume of traffic proposed. The proposed development is not considered well-located to the Lorry Route Network. The proposed development is, therefore, contrary to Policies W3, W4 and W18 of the WLP.

Landscape, character and visual impact

The application site is within a rural area, characterised by fields and woodlands, albeit affected by its close proximity to Gatwick Airport and the adjacent commercial uses. The proposed development would introduce outdoor operations, use of heavy plant, HGV movements, stockpiles, structures and a 4.5m high fence, as well as a widened access, all of which are considered intrusive and unnatural features that would be readily visible in the countryside. This would result in a harmful, urbanising effect on the visual amenity of the area and its landscape character. It would, therefore, be contrary to Policies W11 and W12 of the West Sussex Waste Local Plan (2014), Policies 25 and 26 of the Horsham District Planning Framework (2015), and paragraphs 127 and 170 of the National Planning Policy Framework (2019).

Impact on local amenity

The proposed development has the potential to give rise to noise, light and dust impacts associated with the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste, and the delivery of waste/export of materials in HGVs. The proximity to Gatwick Airport, is such that noise from aircraft landing and taking off is a characteristic of the existing noise environment, however, this is intermittent. The open nature of the activities and proximity to the neighbouring farmhouse, adjacent land uses and a public footpath, is such that it is considered that the proposed development would give rise to unacceptable impacts upon the amenities of these receptors. The proposed development is therefore contrary to policy W19 of the West Sussex Waste Local Plan (2014), policy 33 of the Horsham

District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework

Compatibility with safeguarded runway land

The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is major development of a scale, extent and nature that would be incompatible with the future expansion of Gatwick Airport to accommodate the construction of an additional runway if required by national policy. The proposed development is, therefore, contrary to the Aviation White Paper 2003, the Aviation Policy Framework 2013.

Impact on Highway Capacity and Road Safety

The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate that the access to the site via Charlwood Road/Ifield Avenue is suitable to accommodate the type and volume of HGV movements likely to result from the proposed development. The applicant has failed to demonstrate that HGV movements resulting from the development would not give rise to an adverse impact on the safety of all road users and would, therefore, be contrary to Policy W18 of the West Sussex Waste Local Plan (2014), Policy 40 of the Horsham District Planning Framework (2015), and paragraphs 108 and 109 of the National Planning Policy Framework (2019).

Overall Conclusion

Although the benefits of the development in terms of its contribution towards meeting an identified need for construction and demolition waste management capacity and movement of waste up the waste hierarchy weigh favourably for the proposal, they are not considered to outweigh the impacts on the rural countryside character of the locality, amenities of occupiers of nearby property/land and a public right of way, the local highway network, or incompatibility with safeguarded runway land. Although temporary permission is sought, it would not be reasonable to allow a trial run to establish whether the operation would have an unacceptable adverse effect on the amenity of the area or highway safety. Further, the proposed development involves significant construction works that would not be readily or easily reversible, increasing the degree of permanence of the proposals, and further exacerbating the negative impacts upon the visual amenity and landscape/character of the locality.

The proposed development would conflict with the development plan when read as a whole and there are no other material considerations that would indicate determination other than in accordance with the development plan.

Recommendation

That temporary planning permission be refused for the reasons set out in **Appendix 1**.

1. Introduction

- 1.1 A temporary five year planning permission is sought for a soil recycling and concrete crushing facility at Kilmarnock Farm, Charlwood Road, Horsham.
- 1.2 The proposed facility would process up to 75,000 tonnes per year of inert construction and demolition waste, which would be delivered to the site for

sorting, grading and crushing to produce recycled soils and aggregates for export/sale.

2. **Site and Description**

- 2.1 The application site falls in a countryside location on the eastern edge of Horsham District, some 650m to the west of the built up area of Crawley Borough. The site is located within Kilmarnock Farm, on the northern side of Charlwood Road (see **Appendix 2 – Site Location**).
- 2.2 The application site occupies an area of some 0.7 hectares to the east of existing buildings, and includes a field access onto Charlwood Road, located between mature trees/vegetation. At present, the site is largely hard-surfaced with compacted stone and includes a number of mobile homes, part of a stable, and a large parking area. At its southern extent, the site also includes an area of open field currently in equine use. Boundary treatment to the east consists of low post and rail fencing and to the west the site abuts existing buildings. Immediately to the south west of the site is a residential property (farmhouse) and associated outbuildings.
- 2.3 To the west of the application site, within Kilmarnock Farm, is an area in a range of uses including planning use class B1 (Business), B2 (General Industrial), and B8 (Storage & Distribution) uses, as well as stables (including for rescue horses), a sand school, mobile homes, and a residential property (former farmhouse) accessed directly from Charlwood Road. Some of these uses are unauthorised and, therefore, need to be disregarded in planning terms (see Section 3 – Relevant Planning History).
- 2.4 The wider farm site consists of open fields in use for equine purposes.
- 2.5 The site is located in a relatively flat, countryside location generally characterised by a pattern of fields and woodlands. A Public Right of Way (Footpath 1511) runs north-south, some 70m from the eastern site boundary. With the exception of the adjacent former farmhouse to the south, the nearest residential property lies some 130m to the south east on Charlwood Road. The wider area includes a number of commercial premises including kennels, hotels, a garden nursery, and an outreach centre providing support for people with learning disabilities (Ifield Hall - Outreach 3Way). Some 950m to the north-east is Gatwick Airport.
- 2.6 The application site is outside of the built-up area defined in the Horsham District Planning Framework and so is considered to be 'countryside'. It is not within an area designated for landscape, heritage or ecological reasons. However, it falls in close proximity to woodland south of Charlwood Road (Cophall Wood), and ancient woodland more distant at some 240m to the south. The site is in an area with a limited probability of flooding.
- 2.7 The site is shown on the Gatwick Airport Master Plan (2019) as being safeguarded by national policy for a potential additional runway at Gatwick Airport, though this has not been carried through to the Horsham District Planning Framework (2015).

3. **Relevant Planning History**

- 3.1 An application for the same development, but on a permanent basis, was submitted in May 2019 (WSCC/041/19). Following concerns being raised and requests for further information from officers and consultees, the application was withdrawn in November 2019. The current application seeks to address concerns raised, principally through seeking a temporary, rather than permanent permission, and the inclusion of a perimeter acoustic fence.
- 3.2 The site is also subject to an extensive planning and compliance related history with Horsham District Council, involving, amongst other things, unauthorised uses and the stationing of mobile homes at the site, as well as unauthorised development involving the laying of tracks and hard-standings (see **Appendix 3 – Existing Uses**). The following form the key decisions relevant to this application:
- DC/14/1161: Use of land for car valeting. Refused and subsequently appealed. Appeal dismissed (refused) June 2015.
 - DC/09/0168: Final phase of drainage improvements to fields by means of permeable soil importation and engineering works. Permitted September 2010.
 - DC/06/1632: Drainage improvements to fields including land drainage, soil importation, and creation of temporary access. Permitted November 2007.

4. **The Proposal**

- 4.1 Planning permission for a temporary five year period is sought for a soil recycling and concrete crushing facility at Kilmarnock Farm, Charlwood Road, Horsham.
- 4.2 The proposed facility would process up to 75,000 tonnes per annum (tpa) of inert construction and demolition waste, which would be sorted, graded and crushed to produce recycled soils and aggregates for export/sale.
- 4.3 If approved, all existing uses within the application site would cease and all buildings would be removed. The site would contain several stockpiles of up to 4m in height for processed and unprocessed construction and demolition waste, soils, and concrete. It would also contain five timber stock bays (10m x 6m and 3m in height) for the storage of processed materials. Waste would be processed in the open by a mobile screener (4m x 2.2m and 2.3m in height) and mobile crusher (12.7m x 2.5m and 3.2m in height). Materials would be moved around the site by typical heavy plant including a 360 degree excavator and loading shovel (see **Appendix 4 & 5 – Proposed Layout**).
- 4.4 Adjacent to the access, the site would contain a staff room/ticket office/toilet within a converted metal container (6.1m x 2.4m x 2.7m in height), a wheel washing facility (drive through bath), and parking bays for six staff vehicles.
- 4.5 Large parts of the site would be laid to concrete to form an internal haul route and turning bays, and a significantly widened and formalised access would be created onto Charlwood Road to accommodate HGV access.

- 4.6 A new 4.5m high acoustic fence would be erected around the entire site, with the exception of the entrance gate which would be 3.5m in height (set back from the highway). Two smaller sections of 1.8m fencing would be located adjacent to the sites access.
- 4.7 In addition to proposed hard landscaping and structures, the submitted details include an outline landscaping scheme primarily consisting of tree and hedge planting along the northern and eastern boundaries of the site, where it abuts open countryside, and a grassed area with drainage ponds adjacent to the access with Charlwood Road.
- 4.8 The proposed hours of operation are 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays. The applicant advises that the proposed use would employ five staff members.
- 4.9 The applicant advises the proposed development would result in an average of approximately 60 HGV movements per day (30 in and 30 out).

5 **Environmental Impact Assessment (EIA)**

- 5.1 The development falls within Part 11(b) of Schedule 2 to the EIA Regulations as it relates to an 'installation for the disposal of waste', and relates to a development area of more than 0.5 hectare. Accordingly, a Screening Opinion must be carried out to determine whether the development has the potential to result in 'significant environmental effects' which require an EIA'.
- 5.2 A Screening Opinion was undertaken in relation to the previously withdrawn proposals (WSCC/041/19) which are almost identical in nature, the key difference being a temporary, rather than permanent permission is now sought. The County Planning Authority issued a Screening Opinion dated 14th August 2019, confirming its view that the development would not be considered to have the potential for significant effects on the environment within the meaning of the EIA Regulations 2017, and that no EIA is required.
- 5.3 The current proposals are almost identical in nature to that the subject of the above screening opinion, and having reviewed the revised proposals, there would be no change to the conclusions reached, namely that an EIA is not required.

6. **Policy**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. For the purposes of this application, the statutory development plan is considered to comprise the West Sussex Waste Local Plan (2014) and the Horsham District Planning Framework (2015).
- 6.2 In terms of emerging development plan documents, both the Horsham District Local Plan 2019-2036, and the Ruser Neighbourhood Plan (2018-2031 Submission Plan) are at draft stages. As emerging plans that have not been subject to independent examination, they cannot be given any great weight.
- 6.3 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to

relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Waste Local Plan 2014

6.4 The following policies are of relevance to this planning application:

- Policy W1: Need for Waste Management Facilities;
- Policy W3: Location of Built Waste Management Facilities;
- Policy W4 – Inert Waste Recycling
- Policy W11: Character;
- Policy W12: High Quality Developments;
- Policy W14: Biodiversity and Geodiversity;
- Policy W16: Air, Soil and Water;
- Policy W17: Flooding;
- Policy W18: Transport;
- Policy W19: Public Health and Amenity;
- Policy W20: Restoration and Aftercare;
- Policy W21: Cumulative Impact; and
- Policy W22: Aviation

Horsham District Planning Framework 2015

6.5 The following policies are of relevance to this planning application:

- Policy 1: Sustainable Development;
- Policy 10: Rural Economic Development;
- Policy 24: Environmental Protection;
- Policy 25: Natural Environment and Landscape Character;
- Policy 26: Countryside Protection;
- Policy 31: Green Infrastructure and Biodiversity;
- Policy 32: The Quality of New Development;
- Policy 33: Development Principles;
- Policy 38: Flooding;
- Policy 40: Sustainable Transport; and
- Policy 41: Parking.

National Planning Policy Framework (2019)

6.6 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications.

6.7 The paragraphs of the NPPF of key relevance to this application are: 8 (roles of the planning system), 11 (presumption in favour of sustainable development),

47 (determining applications in accordance with the development plan), 80-84 (supporting economy), 102 (consideration of transport issues), 108-109 (unacceptable impact on the road safety or a severe impact on the road network), 117 (making effective use of land), 127-132 (achieving well-designed places in decision making), 163 (ensuring flood risk is not increased elsewhere), 170 (conserving and enhancing the natural environment), 175 (protection and enhancement of biodiversity and geodiversity), 178 (avoiding pollution and contamination), 180 (minimising impacts of noise, light and health), and 183 (assuming pollution control regimes operate effectively).

National Planning Policy for Waste (October 2014)

- 6.8 The NPPW sets out detailed waste planning policies to reflect the Waste Management Plan for England. The NPPF does not form part of the development plan but is a material consideration in determining planning applications. The NPPW seeks a sustainable and efficient approach to drive the management of waste up the waste hierarchy.
- 6.9 At paragraphs 3-5 the NPPW seeks waste planning authorities to meet the identified needs of their area for the management of waste streams, and identify suitable sites and areas for new or enhanced waste management facilities.
- 6.10 Paragraph 7 notes that in determining planning applications, waste planning authorities should, among other things; consider the likely impact on the environment and amenity against identified criteria; make sure facilities are well designed so they contribute positively to the character and quality of the area; and not control processes which are a matter for other pollution control authorities.

National Planning Practice Guidance: Waste

- 6.11 PPGs set out the Government's planning guidance to be read in conjunction with the NPPF. They do not form part of the development plan but are a material consideration in determining planning applications.
- 6.12 Paragraph 8 promotes the movement of waste up the hierarchy. Paragraph 46 relates to the use of unallocated sites. Applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement of waste up the Waste Hierarchy. Paragraphs 50 & 51 sets out the relationship between planning and other regulatory regimes.

The Future of Air Transport – Department of Transport (December 2003) – (ATWP)

- 6.13 This White Paper set out a strategic framework for the development of airport capacity in the United Kingdom over the next 30 years. This set out that land should be safeguarded for the potential future development of a wide spaced runway and associated facilities at Gatwick after 2019.

Aviation Policy Framework (March 2013) – (APF)

- 6.14 This sets out the Government's objectives and principles to guide plans and decisions at the local and regional level, to the extent that it is relevant to that area. At Paragraph 5.9 it sets out the need to safeguard future runaway land and

ensure it is protected against incompatible development which may be required for future airport needs.

Aviation 2050; The Future of Aviation Consultation (December 2018)

- 6.15 This sets out the Government's objectives which aim to achieve a safe, secure and sustainable aviation sector that meets the needs of consumers and a global, outward-looking Britain. With regard to the safeguarding of land for growth the draft Aviation Strategy states that "it is prudent to continue with a safeguarding policy to maintain a supply of land for future national requirements and to ensure that inappropriate developments do not hinder sustainable aviation growth".

EU Council Directive 2008/98/EC

- 6.16 By virtue of the Waste (England and Wales) Regulations 2011 when determining any application for planning permission that relates to waste management (article 18) the planning authority is required to take into account EU Council Directive 2008/98/EC which sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

7. Consultations

- 7.1 **Horsham District Council (Planning):** Objects. Significant increase in activity would contribute to significant and harmful visual erosion of the rural area; large area of hard-standing, high acoustic fences, commercial waste processing, and associated vehicular movements detrimental to landscape character, highly intrusive and harmful feature visible from the surrounding countryside, public right of way, and the highway; harmful impact neighbouring residents; major development in Gatwick Safeguarded Land area contrary to local and national planning policies.
- 7.2 **Horsham District Council (Environmental Health Officer):** Objection. Considers the noise report in support of this application is not appropriate as there are closer domestically-occupied premises at Kilmarnock Farm than have been considered.
- 7.3 **Crawley Borough Council:** Objection. Inappropriate location, and scale and nature would give rise to an unacceptable impact on the character and visual amenities of the countryside. Increased impacts on the residential amenity from increased HGV traffic on minor urban roads. Scale would add to the complexity of delivering an additional wide spaced runway at Gatwick Airport within the safeguarded area contrary to National Aviation Policy and the Crawley Borough Local Plan.
- 7.4 **Rusper Parish Council:** Objection. Potential for noise, dust and air pollution to impact upon the amenities and health of nearby receptors including Outreach Centre, residents, site staff and the Gatwick Flightpath. Air pollution and road verge degradation on a road not suitable for heavy traffic. Alternative site assessment is invalid.

- 7.5 **Environment Agency:** No objection. Note the proposals may require an Environmental Permit.
- 7.6 **National Air traffic Services (NATS) - en route safeguarding:** Does not conflict with safeguarding criteria.
- 7.7 **Gatwick Airport (Aerodrome Safeguarding):** Only acceptable subject to conditions to secure approval of a Bird Hazard Management Plan and landscaping/drainage schemes that avoid attracting birds.
- 7.8 **Gatwick Airport (Spatial Planning Policy Manager):** Objection. Development incompatible with proposals for an additional runway in the future and is contrary to the national aviation policy requirements to safeguard land at Gatwick for longer term airport capacity development.
- 7.9 **WSSC Highways:** Objection. Land required for the required visibility splay is outside of the applicant's control/ownership and a telegraph pole could lead to a visibility and physical obstruction of the access. The submitted Safety Audit is incomplete. Proposed traffic movements are not clear. It has not been demonstrated that the road network giving access to-and-from the site, is by reason of its width, horizontal alignment and lack of infrastructure for vulnerable road users, is suitable to accommodate the type of traffic proposed. By virtue of an inadequate access, the development would prejudice highway safety.
- 7.10 **WSSC Drainage & Flood Risk:** Consider the drainage strategy acceptable in principle, however, require additional information to evidence whether the proposed drainage strategy is adequate.
- 7.11 **WSSC Archaeology:** No objection. No expected archaeological impact.
- 7.12 **WSSC Ecology:** No objection. No ecological receptor likely to be significantly affected.
- 7.13 **WSSC Tree Officer:** No objection subject to conditions to secure tree protection and landscaping. Recommends fencing near Charlwood Road be countryside appropriate post and rail fencing.
- 7.14 **Councillor Liz Kitchen:** No response received.

8. Representations

- 8.1 The application was advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). This involved the erection of four site notices on land located at and around the application site, an advertisement in the local newspaper and the issue of six neighbour notification letters. In response, five representations were received, all objecting to the proposals. These include objections from the Ifield Village Conservation Area Advisory Committee.
- 8.2 The main reasons for objection can be summarised as follows:
- Impact upon amenity in terms of noise, dust, odour, and increased vehicle movements;
 - Impacts on human health and that of livestock;

- Impact on neighbouring guesthouse business;
- Impact on the well-being of patrons and visitors to the nearby day centre and associated garden nursery;
- Disturbance of nature and wildlife in the locality;
- Impact of noise and HGV movements on Ifield Conservation Area and its rural setting;
- Impact on valued walking routes;
- Impact upon Willoughby Fields green space (designated Crawley Green Space) and enjoyment of peaceful rural locations near the site;
- Local roads not suitable to accommodate further HGVs;
- Difficult to control routing of HGVs which will result in the use of inappropriate roads;
- Impact upon highway safety and upon non-motorised users such as cyclists and horse riders that frequently use the route (no footway noted);
- The extent of proposed works suggests not a temporary operation.

9. **Consideration of Key Issues**

9.1 The main planning considerations relevant to this planning application are the:

- need for the development;
- location of the development;
- landscape, character and visual impact;
- impact on local amenity;
- compatibility with safeguarded runway land; and
- impact on the highway capacity and road safety.

Need for the development

9.2 Planning permission is sought for a facility recycling up to 75,000tpa of inert construction and demolition waste on a site that is not allocated in the West Sussex Waste Local Plan (2014)(the WLP). Policy W1 of the WLP deals with the need for waste management facilities on unallocated sites. In relation to inert recycling facilities, policy W1(c) states that '*Proposals on unallocated sites for the recycling of inert waste will be permitted where it can be demonstrated that there is a market need, consistent with the principle of net self-sufficiency*'.

9.3 The applicant suggests that the proposed development would be a direct replacement for a similar facility they previously operated at Holmbush Farm, Faygate, which closed in 2014. The applicant suggests that the proposed development would enable them to manage waste in a single, sustainable location, and produce secondary aggregates to serve established markets, predominantly in the Horsham and Crawley area.

9.4 Although the applicant has provided limited detail regarding the origin of waste to be recycled, the site falls in close proximity to Crawley and Horsham, major sources of construction and demolition waste. Further, the most recent West Sussex Joint Minerals Local Plan and Waste Local Plan Annual Monitoring Report

(2017/2018)(AMR) identifies a continued and increasing demand for construction and demolition recycling capacity to deal with arisings within West Sussex, and thus to achieve net self-sufficiency.

- 9.5 The proposed concrete and soil recycling facility would process some 75,000tpa of inert construction and demolition waste (soils, rubble and concrete) to produce recycled materials/aggregates, and soils for re-use in the construction industry. The applicant has identified a market for this facility consistent with an increasing capacity demand reported in the most recent AMR. As a result the development would meet an identified need and is consistent with the principle of net self-sufficiency. Further, the development would promote the movement of waste up the waste hierarchy in accordance with National Planning Policy for Waste and West Sussex Waste Local Plan (2014).
- 9.6 *Policy W1 of the West Sussex Waste Local Plan (2014)(the WLP) supports inert waste recycling 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 for inert waste recycling in the County, which this development could address, particularly given its location in close proximity to the large urban areas of Crawley and Horsham.*

Location of the development

- 9.7 The application site is not allocated to meet identified shortfalls in waste transfer, recycling and recovery capacity, as identified by Policy W10 of the WLP.
- 9.8 It must, therefore, be assessed against Policy W4 that deals with the proposals for the processing and recycling of inert waste, which requires that any such facility be located in accordance with Policy W3.
- 9.9 Policy W3 sets out considerations for locating waste development on unallocated sites, as follows:
- "(a) Proposals for built waste management facilities, on unallocated sites, to enable the transfer, recycling, and recovery of waste will be permitted provided that:*
- (i) it can be demonstrated that they cannot be delivered on permitted sites for built waste management facilities or on the sites allocated for that purpose in Policy W10; and*
 - (ii) they are located in the Areas of Search along the coast and in the north and east of the County as identified on the Key Diagram; or*
 - (iii) outside the Areas of Search identified on the Key Diagram, they are only small-scale facilities to serve a local need.*
- (b) Proposals that accord with part (a) must:*
- (i) be located within built-up areas, or on suitable previously-developed land outside built-up areas; or*
 - (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or*
 - (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and*

(iv) where transportation by rail or water is not practicable or viable, be well-related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route.

(c) Proposals for new facilities within the boundaries of existing waste management sites to enable the transfer, recycling, and recovery of waste, will be permitted unless:

(i) the current use is temporary and the site is unsuitable for continued waste use; or

(ii) continued use of the site for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment."

9.10 With regard to W3(a)(i), the applicant notes that no suitable allocated sites are available and that the proposed facility would complement their existing business, which includes a vehicle and operations depot situated some 0.6 miles west along Charlwood Road (Burlands Farm).

9.11 However, the proximity to the applicant's depot is of limited material weight in consideration of the proposals because planning permission runs with the land, so another operator, without this link, could use the site.

9.12 Nonetheless, as identified in the latest AMR, Goddards Green, near Burgess Hill, is the only WLP allocated site where development proposals have yet to be proposed or come forward. The lack of suitable allocated sites is, therefore, acknowledged. Further, it is not considered there are any other waste sites in the locality with planning permission that would be suitable to accommodate the use, or be available to the applicant.

9.13 Taking into account the proximity of the site to the major waste sources and material destinations of Crawley and Horsham, and noting approved development proposals at other allocated sites would likely make them unavailable, it not considered likely that the proposed development could be delivered on an existing waste site or a site allocated in Policy W10. The proposed development is, therefore, considered consistent with Policy W3(a)(i) and W3(a)(ii) because the application site falls within an 'Area of Search'.

9.14 Proposals that accord with W3(a) must then meet the criteria set out in W3(b). The applicant considers that the site would accord with W3(b)(i) in that it would be on 'suitable previously-developed land outside built-up areas', because of extensive planning history and the existing range of uses at the farm which include light industrial, storage, and stables (**see Appendix 3 – Existing Uses**).

9.15 However, only a single mobile home ('Mobile Home 1') on the application site has been confirmed as a 'lawful' through the grant of planning permission (please note: this would be removed if the present application is granted). Other mobile homes on the site either do not benefit from planning permission or are required to be removed from the site by virtue of enforcement notices.

9.16 In terms of the existing hardstanding that covers approximately three quarters of the application site, the applicant considers this is lawful as it is excluded from an Enforcement Notice that sought the removal of areas of hardstanding on the wider site. The validity of this claim is somewhat unclear. However, aerial photography suggests hardstanding has been present on site to a broadly similar

extent since at least 2007. In contrast, the grassed area to the south of the existing hardstanding (approximately a quarter of the application site), is considered 'greenfield' agricultural land.

- 9.17 Overall, on balance, taking into account the established presence of a large area of hardstanding and a mobile home on the site, it is considered that the application site qualifies as 'previously developed land' for the purposes of Policy W3, albeit with an agricultural use (with the exception of the residential mobile home).
- 9.18 However, to accord with W3(b)(i), the proposed site must represent '*suitable previously developed land*'. Although the WLP gives priority to waste management facilities within built-up and industrial areas, the supporting text to Policy W3 recognises that previously developed land outside built-up areas may be acceptable, "*provided that it is not of high environmental value*" (paragraph 6.4.14). The paragraph also notes that such sites will be limited by the potential effects of operations on residential, commercial, recreational and other uses and on the environment.
- 9.19 The landscape, character, visual and amenity considerations are detailed in the following sections of this report. They conclude that, in summary, the proposed development would: result in a significant increase in the level of activity in the countryside; be of a scale, nature and design that would have a harmful and urbanising impact upon the rural countryside character and visual amenities of the locality; and have an unacceptable impact upon the amenities of occupiers of nearby property/land, and the amenity value of a public right of way. As a result, the proposed site is not considered to be deemed 'suitable' previously developed land for the scale and nature of development proposed, and the development does not accord with this criterion.
- 9.20 Finally, Policy W3(b)(iv) requires that sites are well-related to the Lorry Route Network. This is supplemented by Policy W18(c)(i) which also requires it be demonstrated that "*materials are capable of being transported using the Lorry Route Network with minimal use of local roads, unless special justification can be shown*". The site is located off Charlwood Road, approximately 1km to the northwest of Crawley. The nearest part of the Lorry Route Network is the A23, located at the junction of Crawley Avenue with Ifield Avenue, some 2 km to the south-east of the site. Charlwood Road is a 'C' Class road forming part of the local distributor road network between Crawley and Charlwood.
- 9.21 This part of Charlwood Road (which becomes Ifield Avenue to the east) has a rural character, is used by equestrians, cyclists and walkers accessing quieter lanes and PROW in the countryside to the north of Crawley. To the east it passes through densely populated residential areas in Crawley where dwellings and a school front the carriageway. The proposed development would require the use of a significant length of local roads with both a rural and residential character, well used by vulnerable users, and, in part, with no footway or street lighting. Further, with reference to highways considerations detailed in the following sections of this report, the development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate the road network that provides access to the site is suitable to accommodate the type and volume of traffic proposed. The development is not therefore considered well-located to the Lorry Route Network, and is contrary to Policy W3(b)(iv) and Policy W18(c)(i).

- 9.22 On the basis of the above, the development is not considered to accord with the criteria set out in Policy W3 for the location of waste management facilities on unallocated sites because the site is not considered 'suitable' previously developed land, and it is not well located to the Lorry Route Network. It also does not accord with Policy W18 which requires minimal use of local roads.
- 9.23 It would also, therefore, be contrary to Policy W4 relating to proposals for inert waste recycling which requires that such facilities are located in accordance with Policy W3.
- 9.24 *Policies W3 and W4 of the Waste Local Plan sets out criteria for locating waste facilities on unallocated sites. With reference to these criteria, the proposed development would be within an 'Area of Search,' as identified in the WLP, and could not likely be delivered on an existing waste site or a site allocated in Policy W10. By virtue of harmful impacts upon character, visual amenities, and amenities of occupiers of nearby property/land and a public right of way, the proposed site is not considered 'suitable' previously developed land for the scale and nature of development proposed. HGV movements resulting from the development would traverse a significant length of local road with both a rural and residential character, well used by vulnerable users. The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate the road network giving access to the site is suitable to accommodate the type and volume of traffic proposed. The proposed development is not considered well-located to the Lorry Route Network. The proposed development is, therefore, contrary to Policies W3, W4 and W18 of the WLP.*

Landscape, Character and Visual Impact

- 9.25 The application site is located within a generally rural area some 650m to the west of the built up area of Crawley. The landscape is relatively flat and characterised by a pattern of fields and woodlands.
- 9.26 The application site comprises a large area of hardstanding and part of a grassed field to the east of the main Kilmarnock Farm site. The wider Kilmarnock Farm site includes a residential dwelling, stables, and a range of single storey warehouse style buildings hosting various lawful uses including tyre fitters, motor mechanics, and other storage/distribution uses.
- 9.27 There are mature trees/vegetation along the highway edge, and following field boundaries in the locality, so the site is not readily visible from the public highway, nearby residential properties (with the exception of the neighbouring farm house), or the nearby Outreach Centre. However, a Public Right of Way (Footpath 1511) runs parallel to the eastern site boundary, separated by some 70m of open field, which provides open views of the site.
- 9.28 At a County level, the site is located in the Northern Vales landscape character area (WSCC Landscape Character Assessment - 2003). At a District level, the site is located in the Upper Mole Farmlands character area (Horsham District Landscape Character Assessment - October 2003). The application site exhibits the key characteristics of these areas, in particular being pasture farmland and having an enclosed rural character, albeit with tranquillity being impacted by proximity to Gatwick Airport. Key issues for these character areas are identified

in the Landscape Character Assessments as including the visual impact of urban fringe uses, such as small scale industrial uses, landscape/visual sensitivity to large scale commercial development, and small scale incremental changes eroding rural character. Accordingly, land management guidelines seek to 'conserve the mostly rural character of the area'.

- 9.29 The proposed development would result in the site being used for a temporary period of five years, for the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste in the open. This would require both a mobile screener and crusher, in addition to typical heavy plant such as a 360 degree excavator and loading shovel.
- 9.30 Large parts of the site would be laid to concrete to form an internal haul route and turning bays and it would include several stockpiles up to 4m in height, timber stock bays, an office/staff area within a converted metal container, and a wheel wash. A new 4.5m high acoustic barrier would be erected around the operational area of the site. Soft Landscaping proposals consist of tree and hedge planting along the northern and eastern boundaries of the site, and a grassed area with drainage ponds adjacent to the access with Charwood Road.
- 9.31 The impact of commercial development on the application site was considered in an appeal decision in 2015 dismissing an application to Horsham District Council for the use of the northern part of the site for car valeting (APP/Z3825/W/15/3004320). This relates to land that forms the northern part of the application site. In considering the impact on the character and appearance of the locality, the Inspector concluded that the use of land for parking of cars, the likely presence of other structures and paraphernalia, and outdoor nature of activities were such the development would result in a harmful effect on the character and appearance of the area.
- 9.32 Although any development must be considered on its own merits, it is considered these conclusions are relevant to the present proposal, which would also result in structures and associated paraphernalia, and outdoor operations.
- 9.33 The influence of Gatwick Airport and context of existing light industrial/business uses at Kilmarnock Farm does, to some extent, diminish the rural character and tranquillity of the locality. However, in contrast to the present proposal, it is of note that existing lawful activities largely remain contained within buildings.
- 9.34 The considerable throughput of waste proposed, outdoor nature of proposed activities, use of heavy machinery/plant, and HGV movements, would result in a significant increase in the overall level of activity in the countryside, resulting in a harmful effect on the rural character of the area. The proposed five year temporary duration would not effectively mitigate the level of immediate harm occurring during this period.
- 9.35 The proposed structures and stockpiles to be accommodated on site, and in particular the tall 4.5 acoustic perimeter fencing, would be intrusive, urbanising and unnatural features that would be highly visible in the surrounding countryside, in particular from the public footpath to the east. (**See Appendix 6 – Elevations**). Although the applicant proposes soft landscaping to soften the appearance of the proposed fencing, given its height, and noting the temporary permission sought, any such landscaping would unlikely achieve sufficient maturity, and would not afford any substantive mitigation of visual impacts.

- 9.36 Further, the proposals would result in a significantly widened and formalised access onto Charlwood Road. The access would be altered from an unmade crossover and field gate, typical of the countryside, to a formal priority junction with a hard surfaced bell-mouth some 37m in width. This would require the removal of semi-mature trees and associated understorey vegetation (as well as further trimming to lower branches of additional trees for visibility splays). (**See Appendix 7 – Proposed Access**). The scale and nature of the access, coupled with the required removal of boundary vegetation trees, would have an urbanising impact on the locality, further eroding the rural character of the area, and opening up views of the site to highway users, particularly when gates are opened to allow vehicular access.
- 9.37 Although temporary permission is sought, the proposed development involves significant construction works including a formalised access, drainage provision and ponds, tall acoustic barriers/fencing, hard surfacing, and stock bays. It would also require the removal of mature trees. Such development would not be readily or easily reversible, increasing the degree of permanence of the proposals, and further exacerbating the negative impacts upon the visual amenity and landscape/character of the locality.
- 9.38 The proposed development would result in a significant increase in the level of activity in the countryside and be of a scale, nature and design that would have a harmful impact upon the rural countryside character of the locality. The proposal would introduce intrusive and unnatural features readily visible in the surrounding countryside that would have a harmful and urbanising effect on visual amenities and landscape character. The proposed development is therefore inappropriate development in the countryside, contrary to policies W11 and W12 of the WLP and policies 25 and 26 of the Horsham District Planning Framework (2015).
- 9.39 *The application site is within a rural area, characterised by fields and woodlands, albeit affected by its close proximity to Gatwick Airport and the adjacent commercial uses. The proposed development would introduce outdoor operations, use of heavy plant, HGV movements, stockpiles, structures and a 4.5m high fence, as well as a widened access, all of which are considered intrusive and unnatural features that would be readily visible in the countryside. This would result in a harmful, urbanising effect on the visual amenity of the area and its landscape character. It would, therefore, be contrary to Policies W11 and W12 of the West Sussex Waste Local Plan (2014), Policies 25 and 26 of the Horsham District Planning Framework (2015), and paragraphs 127 and 170 of the National Planning Policy Framework (2019).*

Local Amenity

- 9.40 The proposed development has the potential to give rise to noise, light and dust impacts associated with the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste in the open. These activities would require the use of a mobile screener and crusher, typical heavy plant such as an excavator and loading shovel, and the delivery of waste/export of materials in HGVs. The applicant proposes hours of operation of 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 Saturday, with no operations on Sundays or Bank Holidays.

- 9.41 The nearest residential property to the proposed development is Kilmarnock Farmhouse, the rear façade of which is approximately 15m from site boundary. Beyond that, the residential property of Ifield Court Lodge is located approximately 130m to the south east, fronting Charlwood Road; Little Foxes Hotel is approximately 160 m to the south-west; and the Outreach Centre for people with learning difficulties is some 200m to the east. (**See Appendix 8 – receptors plan**).
- 9.42 Although the site is located in a rural area, the proximity to Gatwick Airport is such that noise from aircraft landing and taking off is a characteristic of the existing noise environment. However, this is intermittent and when aeroplanes are not taking off or landing, the background noise levels away from roads are consistent with those of a quiet rural area.
- 9.43 A Noise Assessment has been provided by the applicant that predicts operational noise arising from the site. This concludes that, without mitigation, the development would result in a significant adverse noise impact on the residential property at Kilmarnock Farm, and a discernible increase in noise levels at the Outreach Centre. To mitigate this, the proposals include a 4.5m acoustic barrier around the perimeter of the site. The Noise Assessment concludes that with this in place, noise emissions from the site would be in the order of the prevailing background noise level at the closest residential properties at Kilmarnock Farm, Little Foxes Hotel, and the Outreach Centre.
- 9.44 The Horsham District Council, Environmental Health Officer (EHO) considers that the locations used for the noise assessment are not appropriate as there are closer, domestically-occupied locations at Kilmarnock Farm. It is the case that, in addition to the Kilmarnock Farmhouse, the site does contain a number of additional residential mobile homes. However, these are either unlawful and in breach of planning control, or would be removed as a result of the proposed development. Accordingly, despite the comments of the EHO, it is considered that the proposed assessment is adequate in terms of considering impacts on the relevant residential receptors.
- 9.45 Taking into account the sound attenuation afforded by the proposed acoustic fence and operational controls that could be imposed by condition to minimise noise impacts (e.g. locating noisy plant away from neighbouring receptors, broadband reversing alarms, switching off plant when not in use, minimising drop heights), the submitted evidence suggests that the proposed development would not give rise to unacceptable noise impacts for the residents closest to the proposed development.
- 9.46 However, notwithstanding the findings of the Noise Assessment, noting the open nature of the activities that would include heavy plant, crushing, screening, and vehicles with reversing alarms, and taking into account the close proximity of the neighbouring farmhouse, it is considered that the proposed development would inevitably disturb neighbouring residents of the dwelling, and affect their use of associated external space, even with the proposed mitigation.
- 9.47 In addition to residential receptors, which are the focus of the submitted assessments, it is also important to consider potential for noise impacts upon the amenities of other land uses/property and public rights of way. It is of note that the adjacent Kilmarnock Farm site includes a number of other light industrial and storage/distribution uses, several stables, and various other equine

activities/uses (paddocks, sand school etc.). Further, a public footpath runs parallel to the site some 70m to the east.

- 9.48 Given their proximity to the proposed activities, and noting noise contours contained within the submitted assessment, it is considered that there would inevitably be a degree of negative noise impact upon these receptors. Although some receptors may be less sensitive, equine uses are not considered a particularly compatible neighbour to a concrete crushing and recycling facility, and the relatively quiet rural noise environment of the footpath is a key part of its amenity value. The impacts on the amenities of these receptors are considered unacceptable. The proposed five year temporary duration would not effectively mitigate the level of harm occurring during this period.
- 9.49 No details of the requirement for site lighting has been provided; however, taking into account the proposed working hours, conditions could be imposed to control the angle and intensity of lighting and require it to be switched off outside working hours. Therefore, potential light pollution impacts are not considered likely to warrant refusal of the proposals.
- 9.50 An Air Quality Assessment has been provided by the applicant that considers the potential impacts arising from both operational traffic, and dust impacts arising from operational activities. For operational traffic, this concludes that HGV numbers would be well below the thresholds where unacceptable air quality impacts would be likely. For dust, it concludes that impacts during operation could be effectively mitigated through typical dust suppression techniques (e.g. damping down, minimising drop heights, wheel wash and covered vehicles) to ensure off site impacts are negligible.
- 9.51 With the exception of receptors at Kilmarnock Farm, the distance from neighbouring properties/receptors, is such that the proposed development would not be likely to cause unacceptable dust impacts on amenity or health. For receptors at Kilmarnock Farm, although a degree of residual dust impact could reasonably be expected even after mitigation, in isolation such impacts are not considered likely to warrant refusal of the proposals, particularly given the direction of prevailing winds (from the south-west).
- 9.52 Overall, the proposed development would cause unacceptable harm to the amenities of occupiers of nearby property/land, and the amenity value of a public right of way. The proposed development is therefore contrary to policies W19 of the WLP, policy 33 of the Horsham District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework.
- 9.53 *The proposed development has the potential to give rise to noise, light and dust impacts associated with the sorting, grading and crushing of up to 75,000tpa of construction and demolition waste, and the delivery of waste/export of materials in HGVs. The proximity to Gatwick Airport, is such that noise from aircraft landing and taking off is a characteristic of the existing noise environment, however, this is intermittent. The open nature of the activities and proximity to the neighbouring farmhouse, adjacent land uses and a public footpath, is such that it is considered that the proposed development would give rise to unacceptable impacts upon the amenities of these receptors. The proposed development is therefore contrary to policy W19 of the West Sussex Waste Local Plan (2014), policy 33 of the Horsham District Planning Framework (2015) and paragraph 170 of the National Planning Policy Framework.*

Compatibility with safeguarded runway land

- 9.54 The application site is located on land which is safeguarded by national policy for a possible additional runway at Gatwick Airport. **(See Appendix 9 - Gatwick Airport Master Plan 2019)**.
- 9.55 Government's requirement to safeguard land at Gatwick derives from the Air Transport White Paper (ATWP) 2003. The ATWP required land to be safeguarded for the potential future development of a wide spaced runway and associated facilities at Gatwick after 2019. This safeguarding requirement has been further bolstered in the current government Aviation Policy Framework (APF) 2013, which sets out the need to safeguard future runway land and ensure it is protected against incompatible development.
- 9.56 In terms of accordance with the Development Plan, the application site is within Horsham District, wherein the Horsham District Planning Framework (2015)(HDPF), is applicable. Although the HDPF Policies Map does identify Gatwick Safeguarded Land, it does not contain any specific policies regarding development therein. However, although not within the administrative boundary of Crawley (that being some 0.5km to the east), the Crawley Local Plan (CLP) 2015-2030 (2015) contains Policy GAT2 which relates to development within the same safeguarded area. This provides useful planning guidance as to the acceptability of development within safeguarded runway land.
- 9.57 CLP, Policy GAT2 specifically safeguards land identified for a possible future runway from 'incompatible' development. It also states that *'Minor development within this area, such as changes of use and small scale building works, such as residential extensions, will normally be acceptable. Where appropriate, planning permission may be granted on a temporary basis'*.
- 9.58 Supporting text to the policy clarifies that *'Incompatible development within safeguarded land is regarded as development which would add constraints or increase the costs or complexity of the development or operation of an additional runway'*.
- 9.59 Gatwick Airport Limited objects to the proposed development on the basis that it is incompatible with the bringing forward of proposals for an additional runway in the future and is contrary to the national aviation policy requirements to safeguard land at Gatwick for longer term airport capacity development. Further, both Horsham District Council and the neighbouring authority of Crawley Borough Council also object to the proposals on aviation safeguarding grounds, considering the proposals to be 'major development' of a scale that would add to the complexity of delivering an additional runway at Gatwick Airport, and thus contrary to local and national planning policies.
- 9.60 The applicant considers that the temporary permission sought would render the development compatible with the potential future expansion of the airport.
- 9.61 The proposed development would be a medium /large waste facility processing up to 75,000tpa of construction, demolition and excavation waste. The extent of works to facilitate this use would include a formalised access, drainage provision and ponds, tall acoustic barriers/fencing, landscaping and hard surfacing. Such development, even if temporary, is not considered to be 'minor development' nor

would it be readily or easily reversible. The proposed development would, therefore, add constraints or increase the costs or complexity to the delivery or operation of an additional runway if it were to come forward.

- 9.62 *The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is major development of a scale, extent and nature that would be incompatible with the future expansion of Gatwick Airport to accommodate the construction of an additional runway if required by national policy. The proposed development is, therefore, contrary to the Aviation White Paper 2003, the Aviation Policy Framework 2013.*

Impact on Highway Capacity and Road Safety

- 9.63 Access to the application site would be taken through an upgraded and widened field access from Charlwood Road, a 'C' class road forming part of the local distributor road between Crawley and Charlwood. In the vicinity of the site Charlwood Road is subject to a 40mph speed limit.
- 9.64 The proposed site access would be a 6m wide, hard surfaced, priority junction with a bell-mouth onto Charlwood Road. Within the site, the development would provide six parking spaces for staff and a wheel washing facility to clean HGVs exiting the site.
- 9.65 The applicant's Transport Statement and Planning Statement present conflicting and confusing information on existing traffic generated by both the application site and the wider Kimarnock Farm site, and how this would change if the proposed development were permitted.
- 9.66 It is acknowledged that some vehicle movements may currently arise from the application site, and thus contribute to the vehicle movements to/from the Kilmarnock Farm site as a whole. However, taking into account the limited lawful development on the application site, it is considered that existing movements arising from lawful uses on the application site are minimal.
- 9.67 The proposed development would generate an average of approximately 60 HGV movements per day (30 HGVs entering/leaving the site). Taking into account the above, it is considered that all such movements would be in addition to any existing vehicular movements arising from authorised development on the wider Kilmarnock Farm site which would not change. However, it should be noted that this is an average number, and HGV movements could, in reality, be considerably greater than the 60 per day suggested, as they are likely to be influenced by the availability of waste arisings in the locality and buyer demand.
- 9.68 WLP Policy W18(c)(iii) requires that *'there is safe and adequate means of access to the highway network and vehicle movements associated with the development will not have an adverse impact on the safety of all road users'*.
- 9.69 Third party representations, Rusper Parish Council and Crawley Borough Council all object to the proposals, highlighting HGV traffic movements, highway safety, poor access, erosion of verges, and disruption to vulnerable users as cause for concern.
- 9.70 The Highway Authority also objects, concluding that by virtue of an inadequate access, the development would prejudice highway safety, and it has not been

demonstrated that the road network is suitable to accommodate the type of traffic proposed.

- 9.71 The Highway Authority note that land required for the required visibility splay is outside of the applicant's control/ownership, and that a telegraph pole could physically obstruct the access and reduce visibility. They also consider that the submitted Safety Audit is incomplete. Overall they conclude that the proposed access is inadequate and would prejudice highway safety.
- 9.72 Further, as also referenced by the Highway Authority, the conclusions of previous appeal decisions are relevant considerations in relation to this application. In 2014, the applicant was refused planning permission by WSCC for a similar soil recycling facility adjacent to their existing depot (Burlands Farm) some 600m further west on Charlwood Road (WSCC/029/13/RS). This, in part, was due to the potential impacts on Highway Safety on Charlwood Road. That development proposed a capacity of 50,000tpa for a temporary period of 12 months and would have resulted in 20 HGV movements a day (10 in and 10 out) routed to south east along Charlwood Road to the A23. That application was subject to an appeal (APP/P3800/A/14/2227993) in June 2015, which was dismissed by the Planning Inspectorate.
- 9.73 Importantly, the Inspector noted that Charlwood Road has a rural character west of Bonnetts Lane, with trees close to the carriageway in places, and no separate pedestrian or cycle facilities or street lighting. The Inspector also noted that the Charlwood Road is well-used by equestrians and cyclists accessing quieter lanes and PROW in the countryside, and that to the west of Kilmarnock Farm, Charlwood Road has a winding alignment that restricts forward visibility near bends. Overall, the Inspector concluded that the access to proposed site at Burlands Farm was poor, would pose a significant risk to the safety of vulnerable road users, and would not be well-located to the Lorry Route Network.
- 9.74 In contrast, when considering highways matters related to an appeal against a Horsham District Council refusal of land within the application site for 'car valeting' (APP/Z3825/W/15/3004320) in July 2015, the Inspector noted that the site has good access links to Crawley and the surrounding area, reinforced by the nature of the road as a bus route and other sporadic commercial uses in the locality.
- 9.75 The applicant highlights that the use of the Kilmarnock Farm site has previously been accepted, including being accessed by large volumes of HGVs movements associated with soil importation approved in relation to drainage improvements and infilling hollows (Horsham District Council references DC/09/0168 and DC/06/1632).
- 9.76 The planning history and appeal decisions relating to the vehicular movements on Charlwood Road are noted. It is accepted that Kilmarnock Farm has been used by HGVs in the past associated with soil importation, and that an Inspector (in relation to a car valeting use), considered the site had good access links to Crawley and the surrounding area.
- 9.77 However, any use of the site for car valeting is not directly comparable with the current proposals as it would not result in large HGV movements, and previous permissions for soil importation did not result in a sustained intensity of HGV movements for a five year period as now sought, and related to remediation

works on the site, which (unlike the current proposals) could not consider the use of alternative sites. They were also subject to a routing agreement directing HGVs to the east (which would not be enforceable in this case as set out in paragraph 9.78 below). Accordingly, the Inspector's decision in relation to the similar proposals at Burlands Farm is considered of most relevance to the proposed development.

- 9.78 Noting that no specific routing arrangements are proposed by the applicant, the Highway Authority echo the concerns of the Burlands Farm Inspector, concluding that the applicant has not demonstrated the road network giving access to the site, by reason of its width, horizontal alignment and lack of infrastructure for vulnerable road users, is suitable to accommodate the type of traffic proposed.
- 9.79 There are some differences however, in that the application site at Kilmarnock Farm would be located to the east of the winding section of Charlwood Road. Accordingly, if all HGVs could reasonably be routed to/from the east, highway safety concerns associated with HGVs using of the winding section of Charlwood Road would be avoided. However, noting that the applicant states the facility is intended to complement their existing business at Burlands Farm, where HGVs already return to at the end of each day, it would be difficult, if not impossible, to effectively control or restrict HGVs from travelling to/from the west of the site. Further, the Highway Authority confirm that even if vehicle routing to the east were secured, this would not wholly overcome their concerns, as would still rely on part of Charlwood Road between the site and Bonnets lane which is of concern.
- 9.80 In conclusion, the proposed development would result in an additional 60 HGV movements east of Kilmarnock Farm, and potentially increase in HGV movements on the winding section of Charlwood Road between the application site and Burlands Farm. By virtue of an inadequate access, the development would prejudice highway safety. Further, as highlighted by the Inspector in relation to the Burlands Farm appeal, and echoed by the Highway Authority, it is considered that access to site is poor, could pose a significant risk to the safety of vulnerable road users, and it has not been demonstrated that the road network is suitable to accommodate the type of traffic proposed. The proposed development is, therefore, contrary to Policy W18(c)(iii) of the West Sussex Waste Local Plan (2014) and Policy 40 of the Horsham District Planning Framework (2015).
- 9.81 *The development would prejudice highway safety, as the proposed access is inadequate and the applicant has failed to demonstrate that the access to the site via Charlwood Road/Ifield Avenue is suitable to accommodate the type and volume of HGV movements likely to result from the proposed development. The applicant has failed to demonstrate that HGV movements resulting from the development would not give rise to an adverse impact on the safety of all road users and would, therefore, be contrary to Policy W18 of the West Sussex Waste Local Plan (2014), Policy 40 of the Horsham District Planning Framework (2015), and paragraphs 108 and 109 of the National Planning Policy Framework (2019).*
- 9.82 **Other material considerations**
- 9.83 A third party has raised concerns regarding potential impacts on nature and wildlife. Although the proposed development is not located within an area designated for landscape or ecological reasons, mature hedgerows and woodland are present in the vicinity (including ancient woodland some 240m to the south).

- 9.84 The County Ecologist raises no objection to the proposals. Although tree removal is proposed, taking into account the lack of likely habitat within the application site, distance from potential ecological receptors, it not considered the proposed development would likely give rise to any unacceptable impact upon biodiversity.
- 9.85 The submitted information includes an outline drainage scheme that provides for the management of both surface water and foul water. In summary, this includes a linear swale or drain and detention pond for surface water, and, a separate detention pond and reed bed for foul water. Any outfall into a suitable ditch would be at greenfield rates.
- 9.86 The site is in an area with a limited probably of flooding. The WSCC Flood Risk and Drainage advisor has requested further detailed information/evidence to in respect of detailed design. However, noting that '*the proposed drainage strategy is acceptable in principle*' and would also be addressed under the terms of the Environmental Permitting regime (controlled by the Environment Agency), it is considered that a suitable drainage design could be adequately secured by pre-commencement condition.
- 9.87 The site falls in close proximity to Gatwick Airport and as such has the potential to impact upon aerodrome safeguarding. Both the National Air traffic Service (NATS) and Gatwick Airport raise no objection to the proposals, subject to the approval of a Brid Hazard Management Plan and landscaping/drainage schemes that avoid attracting birds. Such matters could be addressed by planning condition. As a result, the proposed development is not considered to give rise to any unacceptable impact upon aerodrome safeguarding.

10. **Overall Conclusion and Recommendation**

- 10.1 Planning permission is sought for a five year temporary planning permission for a soil recycling and concrete crushing facility at Kilmarnock Farm. The proposed facility would process up to 75,000tpa of inert construction and demolition waste which would be delivered to the site for sorting, grading and crushing to produce recycled soils and aggregates for export/sale and re-use in the construction industry.
- 10.2 The proposed development would meet an identified a market need consistent with an increasing demand for construction and demolition waste management capacity reported in the most recent AMR. The proposal is therefore consistent with the principle of net self- sufficiency. The development would promote the movement of waste up the waste hierarchy in accordance with both local and national policy, a benefit which must be considered in the planning balance.
- 9.88 Although the site is located within an 'Area of Search' identified in the WLP, it would result in a significant increase in the level of activity in the countryside and be of a scale, nature and design that would have a harmful impact upon the rural countryside character of the locality and the amenities of occupiers of nearby property/land and a public right of way. The proposal would introduce intrusive and unnatural features readily visible in the surrounding countryside that would have a harmful and urbanising effect upon the locality. The proposed development is not, therefore, considered appropriate to its countryside setting or to be located on 'suitable' previously developed land for the nature of the activities proposed.

- 9.89 The proposal would result in some 60 HGV movements per day (30 HGVs travelling to/from the site) on a significant length of local roads with both a rural and residential character, and well-used by vulnerable, non-vehicle users. The Highways Authority concludes that by virtue of an inadequate access, the development would prejudice highway safety, and it has not been demonstrated that the road network is suitable to accommodate the type of traffic proposed. The proposed development is not, therefore, considered well-located to the Lorry Route Network.
- 9.90 The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is of a scale, extent and nature that would be incompatible with the future expansion of the Airport to accommodate the construction of an additional runway contrary to national policy.
- 10.3 Overall, although the benefits of the development in terms of its contribution towards meeting identified shortfalls in waste management capacity and movement of waste up the waste hierarchy weigh favourably for the proposal, they are not considered to outweigh the impacts on the rural countryside character of the locality, amenities of occupiers of nearby property/land and a public right of way, the local highway network, or incompatibility with safeguarded runway land. Although temporary permission is sought, it would not be reasonable to allow a trial run to establish whether the operation would have an unacceptable adverse effect on the amenity of the area or highway safety. Further, the proposed development involves significant construction works that would not be readily or easily reversible, increasing the degree of permanence of the proposals, and further exacerbating the negative impacts upon the visual amenity and landscape/character of the locality.
- 10.4 The proposed development would conflict with the development plan when read as a whole and there are no other material considerations that would indicate determination other than in accordance with the development plan.
- 10.5 It is **recommended**, therefore, that planning permission be refused for the reasons set out in **Appendix 1**.

11. **Equality Act Implications**

- 11.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

12. **Crime and Disorder Act Implications**

- 12.1 There are no implications.

13. **Risk Management Implications**

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate

otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

14. Human Rights Act Implications

- 14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 14.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Michael Elkington

Head of Planning Services

Background Papers

As set out in Section 6.

List of Appendices

Appendix 1 – Reasons for refusal and Informatives

Appendix 2 – Site Location

Appendix 3 – Existing Uses

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Appendix 5 – Proposed Layout

Appendix 6 – Elevations

Appendix 7 – Proposed Access

Appendix 8 – Receptors Plan

Appendix 9 – Gatwick Airport Master Plan 2019

Appendix 10 – Site Photos

Contact: James Neave, ext. 25571

Appendix 1: Reasons for refusal

1. The proposed site would not constitute 'suitable' previously developed land for scale and nature of development proposed, and would not be well-located to the Lorry Route Network. The proposed development is, therefore, contrary to Policies W3, W4, and W18 of the West Sussex Waste Local Plan (2014).
2. The proposed development would result in a significant increase in the level of activity in the countryside and would be of a scale, nature and design that would have a harmful impact upon the rural character of the locality. The proposal would introduce intrusive and unnatural features readily visible in the surrounding countryside that would have a harmful and urbanising effect on visual amenities and landscape character. The proposed development would, therefore, be inappropriate development in the countryside, contrary to policies W11 and W12 of the West Sussex Waste Local Plan (2014), policies 25 and 26 of the Horsham District Planning Framework (2015), and paragraphs 127 and 170 of the National Planning Policy Framework (2019).
3. The proposed development would cause unacceptable harm to the amenities of occupiers of nearby property/land, and would harm the enjoyment of a public right of way. The proposed development is, therefore, contrary to policies W19 of the West Sussex Waste Local Plan (2014), policy 33 of the Horsham District Planning Framework (2015), and paragraph 127 and 180 of the National Planning Policy Framework (2019).
4. The proposed development is sited in an area of land safeguarded for the future expansion of Gatwick Airport. It is of a scale, extent and nature that would be incompatible with the future expansion of Gatwick Airport to accommodate the construction of an additional runway if required by national policy. The proposed development is, therefore, contrary to the Aviation White Paper 2003 and the Aviation Policy Framework 2013.
5. The proposed access is inadequate and the applicant has failed to demonstrate the road network giving access to the site, by reason of its width, horizontal alignment and lack of infrastructure for vulnerable road users, is suitable to accommodate the type and volume of traffic proposed. It has not been demonstrated that the development would not give rise to an adverse impact on the safety of all road users. The proposed development is, therefore, contrary to Policy W18 of the Waste Local Plan (2014), Policy 40 of the Horsham District Planning Framework (2015) and paragraphs 108 and 109 of the National Planning Policy Framework (2019).

INFORMATIVE

1. The County Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and consultee responses, and giving the applicant opportunities to overcome the concerns raised about the development. In general the Council will seek to approve applications and work proactively with applicants that will improve the economic, social and environmental conditions of the area. However in this case, the Council has found the development to be contrary to the Development Plan and National Policy.