
Appeal Decision

Site visit made on 23 November 2016

by A Napier BA(Hons) MRTPI MIEMA CEnv

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2016

Appeal Ref: APP/P2114/W/16/3153839

Whitefield Woodyard, Brading Road, Ryde, Isle of Wight PO33 1QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Knight against the decision of Isle of Wight Council.
 - The application Ref P/01373/15, dated 9 November 2015, was refused by notice dated 21 January 2016.
 - The development proposed is change of use of part of Whitefield Woodyard to a transfer station.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - The local environment, with particular regard to noise; and
 - Highway safety and the convenience of other road users.

Reasons

Environment

3. The appeal site is situated in a rural location, outside any defined settlement, adjacent to a main road. It forms a small part of a larger site, which is separated from the adjacent road by a belt of established trees, which form part of the wider woodland setting of the surrounding area. The larger site is occupied by Whitefield Woodyard and contains a number of storage containers, timber and a barn, as well as a range of different types of plant and machinery. At the time of my visit, it was in use and the activities being undertaken, including the use of two saws, reflect the details submitted with the appeal.
 4. The larger site shares an access with an adjoining separate timber business and is adjacent to a camping and touring caravan site, which is accessed separately. The evidence provided indicates that, originally, the tourism and woodyard enterprises were in the same ownership, although I understand that this situation changed subsequently and they have operated as separate businesses for some years.
 5. The appeal site is situated to the rear of the larger site and is a relatively modestly sized open area which, at the time of my visit, was being used for storage. It is currently partly enclosed by fencing and partially hard surfaced.
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Both these elements would be extended as part of the proposed scheme. From the evidence provided, part of the larger site has been used for some time for the storage of skips, although not the transfer or treatment of waste on site.

6. Relatively limited information has been provided about the proposal. However, from the details available, the transfer station would be a fairly small-scale enterprise. It is intended that it would receive less than 5000 tonnes of waste per annum, collected by one vehicle, in up to ten loaded skips per day, which would contain a range of different types of waste. This waste would be unloaded and sorted on site, by hand and machinery, into a series of different skips, before being reloaded and removed from the site. The submitted details indicate that the facility would operate from 0800-1700 hours, Monday to Friday and 0800-1300 hours on Saturday, with no use on Sundays or public holidays.
7. The environmental sound assessment submitted in support of the proposal indicates that the noise level calculated to be generated by the proposed operations would be less than the existing residual noise level, including road traffic noise and noise associated with the woodyard operations. However, concerns have been expressed by the Council's Senior Environmental Health Practitioner about aspects of the methodology used for this assessment. In particular, it is contended that a 9 hour time period was used for the average noise level calculations, rather than the 1 hour daytime period required by BS4142:2014. This is not disputed by the appellant and, as a result, given the nature of the use proposed and the range of associated activities, I am not satisfied that the calculated noise levels accurately reflect the noise impacts that would be likely to result from the proposal.
8. Furthermore, even if this aspect of the assessment were considered to be appropriate and notwithstanding the impulsivity correction undertaken in these calculations, I am also not satisfied that the submitted noise report considers sufficiently the particular characteristics of the noise likely to be generated by the activities of the proposed use. From the details provided, the main noise sources would be associated with transporting, emptying and loading skips and sorting the different types of waste into different containers, whether by hand or equipment. Due to the frequent, intermittent and impulsive character of this noise, it appears to me that it would have very different characteristics to that associated with the existing noise generating activities on or near the site, even taking into account the existing use of machinery and traffic noise from the adjacent highway.
9. I understand that the operation of the existing woodyards is not restricted by planning condition. There is disagreement between the parties about the effect of these existing uses on the adjacent tourism site. From the evidence available to me, including my observations, I consider that some noise and disturbance from these uses is likely to occur. Nonetheless, to some extent, I also consider that the noise associated with the operation of a woodyard within a wooded environment has the potential to be less unwelcome than noise resulting from a use less closely related to its immediate surroundings.
10. The waste transfer activities are proposed to take place on an open site, in relatively close proximity to the neighbouring holiday site. It is not a matter of contention that this adjacent site can reasonably be considered to be a sensitive noise receptor. From the evidence provided, the setting and

environmental credentials of the adjacent tourism facility are particularly important to its operation and promotion and, in this context, it is not unreasonable for visitors to expect its local environment to reflect its rural woodland surroundings. Moreover, due to its nature, its users can reasonably be expected to spend much of their time outside.

11. Given this context, I am not satisfied that the evidence provided is sufficient to demonstrate that the acoustic fence proposed for the site would provide adequate mitigation to appropriately address the characteristic noise impacts of the proposal, even with the management of the site as proposed. Taking this into account, the proposed hours of operation of the proposal, which would enable waste transfer activities to take place relatively early in the morning, as well as into the early evening, would exacerbate its likely impact on users of the adjacent holiday site.
12. Consequently, overall, I find that the type and level of noise generated by the proposal would be likely to be materially more intrusive than the noise of the existing activities and, as a result, it would have a significant adverse effect on the enjoyment of users of the adjacent tourism facility. As such, I consider it very likely that the proposal would limit the use of some of the adjacent site, particularly those pitches closest to the appeal site. Therefore, whilst only limited information has been provided about the existing or potential viability of this adjacent enterprise, given these likely impacts, it is not unreasonable to consider that the proposal would have the real potential to have an adverse effect on the continued operation of the tourism facility in the long-term.
13. I have considered whether the pollution control regime would be likely to satisfactorily address the environmental impacts of the proposal. Given the relatively limited scale of the proposed development and its location within the larger site, I concur with the views of the main parties that potential issues of dust and odour could be adequately addressed by the appropriate management of the proposed facility. However, for the above reasons, I am not satisfied that this would be the case with the potential noise impact of the proposal.
14. Reference has been made to the possible need to erect a building on the site, to comply with environmental permitting requirements, as well as to other permit criteria for this type of operation. However, whether or not an Environmental Permit should be issued for the proposal is not a matter that is before me as part of this appeal. Moreover, whilst it may be possible to demonstrate that the containment of the proposed waste transfer operations within a building would address noise concerns about the scheme, there is no substantive evidence before me in this regard and nothing to indicate that the erection of a building forms part of the appeal proposal.
15. Accordingly, for the reasons given and with particular regard to its potential noise impact, I conclude that the proposal would have an unacceptable effect on the local environment, which would have the real potential to harm the continued operation of the adjacent tourism facility. It would be contrary to the *Isle of Wight Core Strategy 2012* (Island Plan) Policies DM2 and DM19, where they collectively seek to protect the quality of the existing environment and ensure that new development has appropriate regard to context, including in relation to noise impact. It would not meet the aims of paragraphs 17 and 123 of the National Planning Policy Framework (the Framework), to achieve a good standard of amenity for all existing and future occupants of land and

buildings, and avoid noise from new development giving rise to significant adverse effects on health and the quality of life. It would also not meet the aims of paragraph 7 of the National Planning Policy for Waste (NPPW), to consider the likely impact on the local environment, including in relation to noise, and ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located. Given the potential impact of the proposal on the neighbouring site and having regard to the policies of the development plan that seek to protect and support high quality tourism as part of the local economy, I give great weight to this harm.

Highway safety and convenience

16. The appeal site is accessed from a minor road, close to its junction with the main road, which is subject to a 50mph speed restriction for some distance either side of this junction. I observed from my visit to the area that advance warning signs for the crossroad junction and brown tourist signs, relating to the camping and caravan site, exist in both directions. It is not a matter of contention between the main parties that the junction and forward visibility achievable fall below the recommended standard. Whilst I recognise that circumstances may be different at other times, at the time of my visit the conditions generally reflected the submitted details, as the road was relatively busy, but with sizeable gaps in the traffic.
17. It is not disputed that the proposal would be likely to increase the use of this existing junction and to increase the number of slowing, stopping and turning movements on the main road. However, from the evidence provided, I consider it very likely that the existing woodyards and the camping and caravanning site generate a reasonable amount of traffic. Furthermore, given the nature and type of uses concerned, I am in no doubt that a significant proportion of these existing movements will relate to longer or heavier vehicles, such as vehicles towing touring caravans or those associated with the collection and distribution of timber.
18. Within this context and taking into account the relatively modest size of the appeal site and the limited scale of the proposed use, I am not satisfied that the evidence provided demonstrates that the resulting additional use of this junction as proposed would be materially significant, either in terms of the number of movements involved or the type of vehicles concerned. As such, considered either individually or cumulatively, I find that the appeal proposal would be very unlikely to result in material inconvenience to other road users, or be unacceptably harmful to highway safety through materially increasing the risk of an accident.
19. Although I understand that a traffic accident took place close to this junction within the last three years, this appears to have primarily related to overtaking manoeuvres associated with the use of a nearby bus stop, rather than solely to the use of the junction. As a result, whilst not seeking to diminish the consequences of this accident, I consider that it does not represent a compelling reason to find against this proposal or alter my findings above.
20. In addition to the vehicle movements referred to above, in support for the proposal reference has also been made to the use of the junction and the adjacent highway by construction traffic for a nearby golf course development.

However, given my findings in favour of the appellant on this issue, it is not necessary for me to consider this matter in detail.

21. Accordingly, for these reasons, I conclude that the proposal would not have a harmful effect on highway safety or cause unacceptable inconvenience to other road users. It would not be contrary to the Island Plan Policy DM2, where it seeks to ensure that new development provides an accessible and safe environment. It would also not conflict with the aims of paragraph 32 of the Framework, to only refuse development on transport grounds where the residual cumulative impacts would be severe.

Other matters

22. There is nothing before me to suggest that, in principle, the location of the appeal site, adjacent to the main road between Ryde and Brading, would be inappropriate and it is not disputed that there is a need for this type of facility within the local area. I acknowledge that the proposal would have some economic benefits and would contribute to the achievement of the aims of the Island Plan Policies SP8 and DM19, to reduce the level of waste sent to landfill and drive the management of waste further up the waste hierarchy. It would also meet the similar aims of the Waste Management Plan for England and the NPPW in these regards and contribute positively to the circular economy. Whilst these are matters that weigh in favour of the proposal, given the proposed scale of the enterprise, I consider that the likely benefits in these respects would be relatively limited. Nonetheless, having regard to the general encouragement for this type of development within national policy, I give them moderate weight.
23. It has also been suggested that the proposal would provide an opportunity to apply controls to the operation of the existing woodyard activities on the larger site. However, whilst this would also be a matter that weighs in favour of the proposal, for the reasons given above, I consider that the resulting benefits in this regard would be relatively modest and I give them limited weight.
24. In addition, I concur with the main parties that the visual impact of the proposal would not be harmful and that the drainage of the site could be appropriately controlled by condition. I have also found above that the proposal would not have an unacceptable impact on highway safety or the convenience of other road users. Furthermore, whilst the site is within an area that is subject to a Tree Preservation Order, there are no trees within the appeal site and, due to the details of the proposal, including the limited extent of built development proposed, I am satisfied that it would not have an adverse effect on the health or long-term retention of trees near the site.
25. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'. For the reasons given above, I conclude that the significant risk of harm to the use and enjoyment of the adjacent tourism facility, resulting from noise and disturbance from the proposal, would clearly outweigh the benefits of the scheme and its absence of harm in other respects. As such, the proposal would not represent sustainable development.

26. Local concerns have also been raised in respect of other issues, such as flood risk. However, given my findings above, it is not necessary for me to consider these matters further.
27. Concerns have been raised about aspects of the planning application process and the existing operations on site. However, the timing of specialist environmental health advice and whether or not the storage of skips on site requires planning permission are not issues that are primarily before me in this appeal, but are matters for the local planning authority in the first instance. In any event, these matters do not affect my conclusions in respect of the main issues or lead me to alter my findings above.
28. Furthermore, whilst a copy of an abatement notice has been provided, this would not appear to relate to the appeal proposal, but to a separate operator nearby. As such, I have not accorded this notice any significant weight in my assessment of the appeal proposal, which I have considered on its merits and in light of all representations made. Reference has also been made to health and safety matters concerning the operation of the proposal. However, as such matters are addressed by other legislation, it is not necessary for me to consider these issues further.

Conclusion

29. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Napier

INSPECTOR