
Appeal Decision

Site visit made on 22 October 2019

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/Z3825/W/19/3230652

Hoes Farm, Coolham Road, Shipley, Horsham, West Sussex RH13 8PF

- 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 Mrs S Burrell-Thompson against the decision of Horsham District Council.
 - The application Ref DC/18/2440, dated 8 November 2018, was refused by notice dated 26 February 2019.
 - The development proposed is the creation of acoustic bunds.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

3. The proposal involves the depositing of waste to create the acoustic bunds and considering this the main issues are:
 - (a) whether such deposition is justified in accordance with local policy;
 - (b) the effect of the proposed bunds on the rural character and appearance of the area;
 - (c) their effect on the setting of the Grade II listed Hoes Farmhouse;
 - (d) their effect on the living conditions of the occupiers of No 2 Hoes Farm Cottages; and
 - (e) their likely effect on the ecological interest of the site.

Reasons

4. This site spans across approximately 820m in length, 35m in depth and runs parallel to the Coolham Road (A272) located immediately adjacent to the south. It comprises the whole of the appellant's land that borders the A272 and is bounded on all remaining sides (north, east and west) by open land/fields, a large amount of which are used for grazing horses. To the north is the appellant's farmland and the listed farmhouse. The fields between the site and the farmhouse and to the south of the A272 are mainly flat and the character

and appearance of the area is one of generally lush open agricultural land with mature hedgerows.

5. The site area is interrupted by the existing access to Hoes Farm and Nos 1 and 2 Hoes Farm Cottages which front the Coolham Road. The river Adur also cuts through the site to the west where the land drops away to form steep embankments. Hoes Farmhouse is located some 300m from the Coolham Road and accessed via a private driveway. Public Right of Way (PROW) 2877 runs the length of this driveway and continues past Hoes Farm where it meets a network of other public rights of way.
6. The proposal is for an acoustic bund measuring approximately 750m in length across a continuous distance of 820m. The bund is proposed in three sections with the River Adur interrupting the bund to the west of the site and Hoes Farm Cottages and the access road to Hoes Farm interrupting the bund to the east. The bund would be 5m high. It is proposed to reduce road noise from the A272 for the occupants of Hoes Farm and its associated land. Some 71,900m³ (107,850 tonnes) of material is to be imported to create the three bunds and will be made up of soil/stones and demolition rubble – i.e. inert waste. The bunds are proposed to be constructed over a period of 12 months and would require approximately 5,143 lorry movements (equivalent to 30-40 a day) to bring the required material to site.

Waste Deposition

7. Policy W8 of the West Sussex Waste Local Plan (WLP) states that proposals involving the deposition of inert waste will be permitted provided that several criteria are complied with. Criterion A requires that a proposal results in clear benefits to the site and, where possible, the wider area.
8. The Council considers the proposal would not result in any benefits. First, because the appellant's noise survey point lies 116m closer to the A272 than the farmhouse, which means that the survey results are not representative of the noise to the farmhouse. Second, because the appellant's noise assessment establishes that inside noise levels at the farmhouse are already below the recommended maximum noise levels set out by the World Health Organisation (WHO) and are also being met at the survey monitoring position. Third, because the WHO Guidelines should relate to a continuous 8-hour period rather than the appellant's inappropriate 'worse case night hour'.
9. Fourth, because contrary to the appellant's stated case, there is no WHO noise Guideline for agricultural land, paddocks or fields. Fifth, because no justification as to alternative locations or methods for reducing noise impacts from the road (such as an acoustic fence) have been submitted to obviate the alleged need for the bunds. Sixth, because earth bunds are less effective than other barriers at blocking low frequency noise like traffic noise, and the methodology used in the appellant's noise assessment is likely to have led to unreliable conclusions.
10. For these convincing reasons I conclude that Criterion A of Policy W8 would not be met. I appreciate that the appellant may wish to minimise any traffic noise from the main road irrespective of WHO Guidelines. But there is no genuine need for noise reduction measures, let alone the importation of waste to form the bunds and so the proposal would also fail to comply with criteria C and E as well. Criterion F and Policy W9 of the WLP seeks to prevent the deposition of inert waste where there would be unacceptable impact on

natural resources or other environmental constraints. No ecological assessment of the site has been provided by the appellant and the bunds would be large engineered structures within the open countryside alien to its existing landscape character. As such I conclude that there is no justification for the deposition of such a large amount of waste, contrary to these development plan Policies.

Character and Appearance

11. As set out above, the 5m high, 35m deep bunds 750m in length would be large engineered features alien to the local countryside characterised by flat fields and hedgerows, notwithstanding they would be grassed over or contain hedges. They would be likely to be seen from the road in the winter, the occupiers of Hoes Farm Cottages and the users of the PROW.
12. Policies 25, 26 and 33 of the Horsham District Planning Framework (HPF) together require the protection of countryside character and landscape, and development to relate sympathetically to it. For the above reasons the proposal would not do so and would fail to comply with these Policies.

Setting of the Listed Building

13. Hoes Farmhouse is a 17th century or earlier timber-framed building, which has been restored, enlarged and refaced in brick. The land within the appellant's ownership is its setting, which is an important part of its significance given its relationship with the surrounding agricultural land.
14. The flatness of the fields to the south of the farmhouse mean that at this time of year, when leaves are on the trees and hedgerows, there is little visual perception of the appeal site. But this may well be different in the winter. It is possible that the bunds could be seen in winter from the farmhouse itself. In any case their height and size would be at odds with the flat character and appearance of the fields to the south of the farmhouse, which form part of its rural setting. As such there would be a 'less than substantial' impact on its setting. Given that there is no genuine need for the bunds I conclude that there would be no public benefits that would outweigh this harm to the listed building's setting.
15. HPF Policy 34 requires development to retain and improve the setting of heritage assets, including views, PROWs, trees and landscape features. The bunds would be alien to the setting of the listed farmhouse and would be contrary to this Policy, as well as to Chapter 16 of the National Planning Policy Framework (NPPF).

Living Conditions – 2 Hoes Farm Cottages

16. The eastern most bund is proposed approximately only 2m away from the boundary of this cottage. At present there is an open aspect from No 2 and its garden across the flat field bordering the A272. I agree with the Council that the bund would result in an oppressive and overbearing feeling of enclosure for occupiers of this cottage. This would be compounded by the fact that the bund would have no screening effect to either of the two cottages from the road's traffic noise, which is clearly much worse here than it is at the farmhouse 300m to the north. It is unsurprising that no objections were

raised by the occupiers of this property since it appears, from the submitted blue line land registry plan, to belong to the appellant.

17. HPF Policy 33 requires, amongst other things, that development avoids unacceptable harm to occupiers/users of nearby property or land. For the above reasons I conclude that the easterly bund would harm the living conditions of the occupiers of No 2 Hoes Farm Cottages and consequently fail to comply with this Policy.

Ecology

18. HPF Policy 31 states that where development is anticipated to have a direct or indirect adverse impact on sites or features of biodiversity, it will be refused unless it can demonstrate that the reason for development clearly outweighs the need to protect the value of the site and that appropriate mitigation and compensation measures are provided. The supporting text at HPF Para 9.33 states that development proposals must provide sufficient information to assess the effects of development on biodiversity and should provide any necessary ecological surveys together with any prevention, mitigation or compensation measures.
19. HPF Policy 25 states that development proposals must maintain and enhance biodiversity, ensure no net loss of wider biodiversity and provide net gains in biodiversity where possible. The appellant has not submitted any ecological information to support the proposal. The Council considers that it should be supported by a Preliminary Ecological Appraisal due to the presence of Priority Habitats and European Protected Species within the vicinity of, and on, the site which may be present and affected by the development. I agree that there is insufficient ecological information to determine the ecological integrity of the site and as such that the impact of the development might be contrary to the requirements of Policies 25 and 31.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR