



Appeal Decision

Site visit made on 7 January 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2020

Appeal Ref: APP/W1850/W/19/3240818

Brook Farm, Marden, HR1 3ET

- 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 S & A Produce (UK) Ltd against the decision of Herefordshire Council.
 - The application Ref 174269, dated 13 November 2017, was refused by notice dated 5 July 2019.
 - The development proposed is described as "*full planning application for modification to existing agricultural building to accommodate a biomass boiler, including flue, to facilitate heat production to be used within the existing poly tunnels on site*".
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Decision

1. The appeal is allowed, and planning permission is granted for a modification to the existing agricultural building to accommodate a biomass boiler including a flue at Brook Farm, Marden, HR1 3ET in accordance with the terms of the application, Ref 174269, dated 13 November 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250; Location Plan 1:2500; PL01 Rev A; PL02 Rev A; PL03 Rev 0; PL04 Rev 0.
 - 3) The approved biomass boiler shall not be operated until the stack height has been installed in accordance with the details in the submitted Air Quality Assessment by Syntegra Consulting (Ref:18-4034, dated October 2018).
 - 4) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The lighting shall thereafter be installed in accordance with the approved details.
 - 5) Deliveries of wood chip to the site shall only take place between 07:30 and 18:00 Monday to Friday, 08:00 to 13:00 on a Saturday, and at no time on a Sunday or Bank Holiday.
 - 6) At no time shall wood be chipped on the site.

Application for Costs

2. An application for costs was made by S & A Produce (UK) Ltd against Herefordshire Council. This application is the subject of a separate decision.

Procedural Matter

3. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposal would facilitate heat production to be used within the existing poly tunnels, and as such it does not describe acts of development.

Main Issue

4. The main issue is whether deliveries associated with the development would prejudice highway safety or significantly affect residential amenity.

Reasons

5. The appeal site consists of part of an agricultural building and an area of hardstanding within the Brook Farm complex. It is largely surrounded by existing structures, including silos, agricultural sheds, and a water tank.
6. The development would generate up to 4 additional deliveries per day, resulting in 8 two-way HGV movements. These movements would occur mostly during the winter months when the boiler is needed to heat poly tunnels at the farm. There are already a significant number of HGV movements in the surrounding area, as is detailed in the various appeal submissions. In this regard, a highways statement¹ has been submitted by the appellant that includes an Automatic Traffic Count survey for the C1120. This found that the C1120 accommodates 808 two-way daily movements (of which 180 are HGVs) during an average weekday. The 8 two-way daily movements associated with the development would therefore equate to an increase of just 4% in the number of HGVs, and less than 1% of all traffic. Moreover, deliveries would mostly occur in the winter months when overall traffic levels are typically lower. This level of increase would not result in 'severe' residual cumulative impacts on the surrounding road network in my view.
7. Personal Injury Accident records in Marden for the period 1 January 2014 to the 17 August 2019 have been submitted. These show that only one accident was reported in the vicinity of the appeal site during that time. This occurred approximately 1.1 kilometres away and was unrelated to HGV traffic. Given the number of HGVs currently passing through the village, this does not indicate that the existing situation is unsafe. Moreover, the limited number of movements that would be generated would not significantly exacerbate this. I further note that the Highway Authority has not objected to the development on either highway safety or network capacity grounds.
8. Similarly, the additional HGV movements associated with the development would not significantly alter the existing situation in relation to noise, vibration, and exhaust fumes. Moreover, traffic levels are typically lower at the times of year when these deliveries would take place. Accordingly, any effect on the living conditions of nearby residential occupiers would not be significant.

¹ Appeal Statement (Highways) (Bancroft Consulting, October 2019)

9. The Council state that the C1122 was closed 5 times in 2019, and 8 times in 2018, due to flooding. However, there are alternative routes to the appeal site, and given the low level of vehicle movements described above, I do not consider that this would result in any unduly harmful effects.
10. For the above reasons, I conclude that deliveries associated with the development would not prejudice highway safety or significantly harm residential amenity. The development would therefore accord with Policies RA6 and MT1 of the Herefordshire Local Plan Core Strategy (2015), and Policy M7 of the Marden Neighbourhood Development Plan (2016). These policies seek to ensure, amongst other things, that new development does not harm the amenity of nearby occupiers or generate traffic movements that cannot safely be accommodated within the local road network. The development would also be consistent with the Framework in this regard.

Other Matters

11. A Plant Noise Assessment² was submitted in support of the development. This concludes that significant adverse noise impacts are unlikely to arise from the biomass boiler and associated activities. I further note that the Council's Environmental Health section has not objected to the development on these grounds, and I see no reason to take a different view.
12. It is asserted that the proposal would increase the risk of damage to the Grade II* Leystone Bridge, which has been subject to vehicle collisions in the past. However, as set out above, the number of HGV movements associated with the proposal would be modest and any additional risk in this regard would not be significant.
13. The appeal building would be largely surrounded by existing agricultural structures of a similar height and appearance. It would be visually well contained and would not result in any significant harm to the character and appearance of the surrounding countryside.
14. It is asserted that the use of biomass is not sustainable. However, the Framework is supportive of renewable and low carbon energy, and associated infrastructure, including biomass.
15. Neither the Council's Planning Ecologist nor Natural England have objected to the development on ecological grounds. Based on the information before me, I see no reason to take a different view.

Conditions

16. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. A condition requiring the flue stack height to be installed as specified is also necessary in the interests of air quality. Further conditions relating to delivery hours, lighting details, and onsite wood chipping are necessary in the interests of amenity. In this regard, I consider that a condition restricting the delivery times would be enforceable, as it would be capable of being monitored.

² Ref 18-4034 Rev. C (Syntegra, October 2018)

17. A further condition was suggested that would have restricted the use of the biomass boiler between 15th May and 15th September in any calendar year. However, given that I have found that the proposal would not result in any significant harm, I do not consider this condition to be necessary. In any case, deliveries outside of these times would be occasional given that the boiler is needed only in colder weather.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR