



Appeal Decision

Site visit made on 7 August 2023

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/Z3825/W/22/3302277

Woodmans Farm, London Road , Ashington, West Sussex, RH20 3AU

- 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 Anthony Skeet, Chanctonbury Game Ltd against the decision of Horsham District Council.
 - The application Ref DC/21/1756, dated 23 July 2021, was refused by notice dated 7 February 2022.
 - The development proposed is change of use from former stables to game processing workshop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out above is taken from the planning application form as this is what was applied for. The appeal form indicates a different address but I am satisfied the appeal relates to the above site.
3. Since the Decision Notice was issued the use has commenced. The Council has also resolved to grant conditional planning permission Ref DC/22/0695 for change of use of barn (stables/equestrian) to sui generis to form new game processing workshop subject to the completion of a deed under s106 of the Town and Country Planning Act 1990 for the appeal premises.
4. Whilst the resolution is a material consideration it appears this has arisen as a result of additional information submitted to address the reasons for refusal of the appeal proposal. Part 16 the Procedural Guide: Planning Appeals – England 13 June 2023 is quite clear that the appeal process should not be used to evolve a scheme. It states it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and interested parties at the relevant application stage. I will therefore determine the appeal on the basis of the evidence related to Ref DC/21/1756 only.

Background and Main Issues

5. Chanctonbury Game has operated as a business for over 20 years and had to vacate its former premises. The business has prospered and grown and is one of only two licensed and approved game processors in West Sussex.
6. The appeal building is part of a wider site formerly a dairy farm. The evidence indicates the appeal building was used as a racing stable in the past. However, that use may have been in breach of planning condition(s) and appears to have

ceased about 2004/05. The intensity of use of the appeal building appears to have diminished considerably since that time and relatively little information has been submitted by the appellant about subsequent use. Third parties indicate there were only two or three stables in recent use.

7. The main issues are the effect of the use on the living conditions of nearby residents; whether safe and suitable access would be provided for all; and the effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection Area, and Ramsar Site (the Arun Valley sites).

Reasons

Living conditions

8. There is a cluster of barn conversion dwellings some 30m from the western end of the appeal building. Near to the gated access point onto the A24 are Nos 1 and 2 Woodmans Cottage and a little further back is Woodmans House.
9. Chanctonbury Game Ltd process game meat from local farms and shoots. It is a fully licensed processing establishment selling fowl and venison to local wholesalers, restaurants and pubs. The firm exports produce and processes in excess of 40,000 birds and 1,000 venison carcasses per year.
10. The processing of game birds and venison fluctuates according to season with the more intensive activity in winter months. I observed condenser units and an extractor unit which are not shown on the plans. One of the units started during my visit and the sound of it could be clearly heard above the traffic noise from the A24. There is also a plucking machine extractor. Beyond the eastern end of the appeal site as depicted by the red line I observed what appears to be a refrigeration unit, (also not shown on the plans) together with two business delivery vehicles. It appears there may also be clanging of crates especially at night.
11. Whether or not there would be a statutory nuisance it seems to me there is significant potential for noise disturbance to nearby residents arising from the plant and equipment necessary for the use and this would be exacerbated by the relatively poorly insulated open fronted plant housings. This would be particularly the case at night-time and during evenings and early mornings when residents might reasonably expect peaceful enjoyment of their property. Notwithstanding the information on the application form I therefore consider operating hours are relevant.
12. The access road is in close proximity to a number of the dwellings. The use is likely to generate a high frequency of movements by different sized vehicles to accommodate delivery, dispatch, and waste removal. These have the potential to cause noise and disturbance to residents particularly at night-time and during evenings and early mornings. No overall hours of operation are specified but the Design and Access Statement indicates vehicle movements at 6am; between 8am and 7pm and at about 10pm and 3am on a Tuesday from August to December which could increase in the run up to Christmas; and an artic lorry each Saturday evening between September and December.
13. The Design and Access Statement describes bird and bone waste as stored in 240 litre bins and kept in the fridge until collection where it is moved outside for pick-up. Collection is usually on a Monday morning, and dependent on weather, the bins may be left outside from September onwards, but they are

sprayed down to prevent blow flies and odour. This waste is generally picked up by lorry at approximately 6am. Fur and guts are stored in 1100 litre bins and picked up twice a week. I observed some large bins outside the appeal building and no odour at the time of my visit. However, this was in the quieter season. The positions of waste storage and bins is not shown on any of the plans and in the absence of a detailed waste storage plan I cannot confidently conclude that the use would not have a harmful effect on the living conditions of nearby occupiers.

14. In the absence of a Noise Assessment or mitigation measures; a vehicle management plan; or a detailed waste management plan I cannot confidently conclude that the use would not have an unacceptable harmful effect on the living conditions of occupiers of nearby residential properties. Accordingly, I find conflict with those parts of Policy 33 of the Horsham District Planning Framework 2015 (the HDPF) which seeks to avoid unacceptable harm to the amenity of occupiers of nearby property and land including by way of noise, disturbance and odour.

Highway safety

15. Vehicles enter the single-track access which serves the appeal building, the farm and a number of dwellings from the busy A24 Basinghill Road dual carriageway. The national speed limit of 70mph applies. There is a security gate set well back from the edge of the A24 allowing room for standing vehicles.
16. Agricultural machinery can use the access at all times of the day and night and there are a number of dwellings who rely on it for associated vehicle trips. The track is also a Public Bridleway.
17. The Highway Authority summarises that vehicles travelling to or from the site mainly consist of rigid lorries and vans visiting a few times per week, depending on which game is being delivered; a couple of other van trips and approximately three cars for staff per day are also anticipated. This is considered not to give rise to a material intensification of movements to or from the site, compared with the potential of the existing agricultural use. This, combined with adequate turning and parking areas within the site and the lack of recorded injury accidents attributed to the highway layout, leads the Highway Authority to raise no objections on highway safety grounds.
18. However, I have some reservations as to whether the effect on highway safety has been fully assessed. This is because the Design and Access Statement indicates that exports are by artic lorry each Saturday evening from September to December which appears to contradict the Statement Of Case assertion that there would be no HGV movements associated with the business. Moreover, third Parties indicate a much larger volume of traffic, including individual customers collecting goods, and this is not addressed by the appellant. As the access is relatively narrow, I cannot confidently conclude there would be no potential conflict with other users of the access/bridleway even if there were no 'severe' cumulative impacts on the operation of the highway network.
19. For the above reasons I cannot confidently conclude that safe and suitable access would be provided for all. I therefore find conflict with Policy 40 of the HDPF in this respect. I find no material conflict with Policy 41 of the HDPF as adequate parking and turning has been demonstrated.

Effect on the Arun Valley Sites

20. The appeal site is within the Sussex North Water Supply Zone where Natural England (NE) have advised¹ that developments must not add to the impact of water abstraction on the Arun Valley Sites. These Sites are home to low-lying wetland areas that offer a variety of ecological conditions, providing internationally important habitats with rich flora, fauna and invertebrates and supporting important numbers of wintering birds. NE has identified that one way to mitigate the impact would be for development to achieve water neutrality which is ensuring that the use of water in the supply area before the development is the same or lower after the development takes place.
21. The appellant's Water Neutrality Statement (the WNS) compares the former racing stable with the use for the processing of game. This is based primarily on the water usage of operations at the former Chanctonbury Game Ltd premises, mainly employee usage, compared to the racing stables usage. The WNS concludes that the game processing use would be much lower than the previous use.
22. However, the racing stable use ceased many years ago, and for the reasons set out above, planning permission may be required before such a use could take place. Moreover, relatively little evidence has been provided about the likely water requirements for the game processing use in the appeal building. For example, even though water may not be used for the game processing itself, the extent of water required for washing down procedures may be very different if the size, layout and surface materials of the appeal building is significantly different from those of the previous premises. Some previous Water Utility Bills have been supplied but it is not entirely clear which premises are served by Meter number 000091028434 so I give these little weight. I also acknowledge the concerns raised by third parties about the water calculations.
23. I have insufficient information to carry out an Appropriate Assessment. In the absence of further information and without confirmation from NE that the calculations are appropriate and robust, and that water off-setting would not be required, I cannot confidently conclude that water neutrality has been demonstrated or that the use would not/does not contribute to adverse effects on the integrity of the Arun Valley Sites by way of water abstraction. Regulation 63 prevents me, as the competent authority for this appeal, from granting permission unless the proposal would not adversely affect the integrity of such sites.
24. The burden of proof is high and on the basis of the available evidence, I cannot conclude the integrity of the Arun Valley Sites would not be adversely affected. I therefore find conflict with Policy 31 of the HDPF, the environmental objectives of the National Planning Policy Framework (the Framework) and the Regulations in this respect.

Other Matters

25. Deer are an important part of the UK's woodland ecology. They can have a vital role to play in balanced woodland and wood-pasture ecosystems but require managing to prevent browsing and trampling from harming the health and resilience of woodlands. The processing of culled deer is an essential part of the

¹ Natural England's Position Statement for Applications within the Sussex North Water Supply Zone – September 2021 Interim Approach

management of the deer population and provides a sustainable nutritious food product.

26. As well as a directly employed labour force many others are employed on estates and shoots and the game business is therefore an important part of the rural economy in the southeast of England. Chanctonbury Game Ltd are one of only two licensed approved dealers in West Sussex. A significant level of support has been expressed for the retention of the business given its role in supporting the local economy, recreation and protecting woodland and wood pasture ecosystems. Supporters include the South Downs National Park and NE in terms of protecting Sites of Special Scientific Interest. Retention of the business would align with Policy 10 of the HDPF; Priority 2 of the Council's Economic Strategy; and the economic and social objectives of the Framework.
27. The appellant has indicated that some of the proposed conditions for planning Ref DC/22/0695 would be onerous and unnecessary. The appellant has also expressed dissatisfaction with the Council's handling of the case but neither of these are matters for me in this appeal. The Council refused the appeal application contrary to the recommendation set out by Officers in the Committee Reports. I have reached my own conclusions based on the evidence relating to this specific case. None of these matters lead me to any different conclusions in respect of the appeal before me.

Planning Balance and Conclusion

28. Planning objectives can pull in different directions. The retention of employment, the provision of a nutritious food supply and the environmental benefit to woodland of deer management are all substantial matters weighing in favour of allowing the appeal. However, these benefits may be attainable in other less harmful ways.
29. I have found that I cannot conclude there would be no harmful effects on the living conditions of occupiers of nearby residential properties or that safe and suitable access has been demonstrated for all. These matters weigh substantially against allowing the appeal. Moreover, I cannot conclude the integrity of the Arun Valley Sites would not be adversely affected and this carries very significant weight. Taken together these matters outweigh the identified benefits.
30. In failing to comply with Policies 31, 33 and 40 of the HDPF the proposal cannot be said to comply with the development plan as a whole. There are insufficient material consideration to outweigh the conflict with the development plan. The appeal should be dismissed.

S Harley

INSPECTOR