

Appeal Decision

Hearing conducted on 3 October 2000

by **D W Howard** BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Date **25 OCT 2000**

Appeal Ref: APP/P0430/A/00/1046405

Land off Buckingham Road, Gawcott

- 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 A J Cox against the decision of Buckinghamshire County Council.
- The application ref: 99/2711/AWD, dated 16 November 1999, was refused by notice dated 19 January 2000.
- The development proposed is re-cycling of non-toxic waste.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. At the hearing it was clarified that the proposal relates solely to the recycling, storage, and transfer of construction and demolition wastes (excluding special wastes) and that an element of on-site sales may well be involved. Although the Council refers to the proposal as being an inert waste transfer and recycling station it was agreed that it would not be a waste transfer station in the conventional sense of a site for the bulking up of loads, rather the transfer of wastes would be limited to those 'left over' after processing. I deal with the proposal on this basis. Prior to the hearing revised details of the proposed access and landscaping arrangements were presented to the Council in an attempt to overcome specific objections raised. In my view no prejudice would be caused to interested persons by my consideration of the revised details. Accordingly, and as agreed by the Council, I assess the proposal on the basis of drawing 99:18:03:C.

The site and its surroundings

2. The appeal site is in the open countryside about 1km to the south west of Buckingham and a similar distance north east of the village of Gawcott. It lies about 150m to the south east of the unclassified Buckingham Road, which runs south from the Buckingham ring road (A421), and is served by an unmade farm track. The site excluding the access track has an area of about 0.18ha and contains a modern steel-framed barn of some 300m² partly enclosed with concrete blocks and timber and metal cladding. To the north of the barn is open land from which access to the barn is gained together with further open land on parts of which are small stockpiles of bricks, shingle and sand. An area of open grassland to the east of the barn is included within the site. A mature hedge forms the site boundary to the north of the access track and this continues around the west and north boundaries of the open land. Open farmland adjoins the site on all sides with the nearest buildings those at Gawcott Fields Farm 270m to the north-west. The closest housing is Gawcott Fields some 450m to the north. Public footpath 4 shares the farm access track for the first 50m or so before taking a south-east alignment through open fields.

Planning policy

3. The development plan for the purposes of Section 54A of the Act, as amended, includes the Buckinghamshire County Structure Plan 1991-2001(SP) adopted in 1996, the Waste Local Plan for Buckinghamshire 1994-2004 (WLP) adopted in 1997 and the Aylesbury Vale Rural Area Local Plan (LP) adopted in 1995. Development in the rural areas is normally restricted to that essential for agriculture, forestry or countryside recreation (LP Policy RC1) although LP Policy RC20, in line with national guidance in PPG7, provides for the conversion of non traditional buildings to alternative uses subject to criteria. SP Policy WM1 lends support to measures to reduce waste at source and the establishment of recycling and associated facilities in locations where no significant adverse environmental impacts would arise and where they would be consistent with other relevant policies. SP Policies TR1a and TR11 aim, among other things, to manage the movement of Heavy Goods Vehicles (HGVs) in the interests of minimising environmental damage, by such measures as diverting freight traffic away from rural lanes on to the strategic road network and the avoidance of development generating HGV movements in environmentally sensitive areas where there is no access to the main road network.
4. The WLP contains policies dealing with the locational requirements for the siting of waste transfer and recycling stations (Policies WLP4 and 11), while Policies WLP 16, 17 and 18 set out land use constraints, agricultural land quality and proximity principle considerations respectively. Under Policies WLP19 permission for waste management facilities will not be granted unless ready access can be gained to the strategic road network and WLP20 lists factors to be taken into account in determining such proposals including, inter alia, the need for the development and the environmental, amenity, access, landscape and pollution impacts.
5. The deposit version of the replacement Local Plan is currently at inquiry and includes Policy RA15 which largely repeats adopted Policy RC20. Other policy background is found in PPGs 7, 10 and 24, MPG1 and in the government's Waste Strategy 2000 for England and Wales.

The main issues

6. From the foregoing, the discussion at the hearing, the representations and my inspection of the site and its surroundings I consider that the main issues in this appeal are, firstly, the suitability of the site for the proposed use in locational and policy terms; secondly, the environmental and amenity effects of the proposal in terms of visual impact, noise, dust and general disturbance; and, thirdly, the implications for vehicular and pedestrian safety.

Reasoning

The suitability of the site in locational and policy terms

7. The WLP recognises the benefits of re-use and recycling of inert wastes by lengthening the life of suitable void space and lessening the demand for primary materials, and policies adopt a welcoming stance to such development. The Plan also comments that discussion with waste operators suggest that more small transfer facilities for the bulking up of construction waste are needed in Aylesbury Vale district (in which the site is situated) albeit as the primary purpose of this scheme is to re-cycle material rather than to transfer it, this is of limited relevance.

8. WLP Policy 11 favours the siting of recycling facilities for inert waste at construction, demolition and highway projects, on land allocated for industrial use and at existing waste management facilities provided the environmental impact is acceptable. This list of favoured locations generally accords with the guidance in Annex A to PPG10 *Planning and Waste Management* on the location of waste management facilities. While reference was made at the hearing to the inclusion of existing or redundant sites or buildings within the paragraph A51 list, paragraph A56 directs guidance on the location of recycling sites for construction and demolition waste to that contained in MPG1. In addition to the WLP Policy 11 sites, the MPG guidance suggests locations at the urban fringe close to sources and likely markets. While PPG7 advises that rural areas may be appropriate locations for waste management facilities, national advice in PPG10 stresses the importance of suitable sites being identified in development plans and for criteria to be drawn up to assess proposals for permanent and temporary sites. WLP Policy 11 provides a criteria based approach to the location of recycling sites and I find nothing in the national advice to suggest that the full weight of the most relevant development plan policy should not apply. Although the site lies reasonably proximate to Buckingham it does not lie in an urban fringe situation but in the open countryside which national and local policies seek to protect for its own sake. While no landscape designation applies to the land, the rural surroundings are of pleasant appearance and, in my opinion, is the sort of open rural area which Annex A to PPG10 advises should normally be avoided for most types of waste management facilities. The proposal would thus be in conflict with the locational criteria of WLP Policy 11.
 9. The scheme aims to serve the local market in Buckingham town and the surrounding rural area and farming community. The town has a population of just over 10,000 and, as I heard, significant further employment and housing development is continuing. The Council does not dispute that there is a need within the Buckingham area for facilities to recycle demolition and construction waste since no permanent site currently exists. The proposal would also accord with an aim of national policy to move up the waste hierarchy by increasing recycling rates, thereby contributing to more sustainable waste management. I further note that the scheme would accord with an aim of the national Waste Strategy 2000 to encourage the establishment of a network of facilities and a flexible and diverse range of services to business. However, I am not convinced by the evidence that the need for a suitable site for construction and demolition waste recycling could not be met in any other way, including by a site within the proposed expansion of the business park. There is already a civic amenity recycling site within the existing business park and I do not see why a facility for inert materials in the expanded business park in accordance with WLP Policy 11 criteria would be unacceptable.
 10. Given the relative proximity of the site to the town the proposal would accord in general terms with the proximity principle requirements of WLP Policy 18 and, although not directly served by the strategic road network, the ring road is a short distance away and most traffic movements would be from or to the town, thus meeting the general highway requirement of WLP Policy 19. I heard that inert wastes are transported to landfills elsewhere in the county and beyond and I accept that the transfer of even some of these loads for recycling here would reduce overall the distances and journey times of waste carriers, provided the resold recycled material is mainly used in the same geographical area. That said, there would, as now, be some traffic movements using the unclassified rural road network to the south and through sensitive settlements such as Gawcott, in conflict with general traffic and environmental objectives. However, I am unable to quantify the scale of
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such movements on the limited evidence available although it is unlikely, in my view, to be material.

11. In sum I find that there are a number of factors supportive of the scheme including the benefit that would accrue for the local business community and, in general terms, the site would be reasonably proximate to the market it is intended to serve and relatively close to the strategic road network. While the proposal would accord with aims of national and strategic policy and there is some support for the scheme in WLP policies, nonetheless it would be in clear conflict with WLP Policy 11 which is specific to the provision of recycling facilities for inert waste. I am also not convinced that the need could not be met in other ways. I conclude that the site would not be suitable in locational or policy terms.

Environmental and amenity considerations

12. The proposal is advanced on the basis that it would be a small scale operation employing two persons with traffic movements in the order of 20 a day. Grading and sorting would be mainly carried out by hand or by use of a JCB with a screening attachment. It is envisaged that use of mobile crushing or screening equipment would be on an occasional basis only. Material would be sorted within the barn with paper, cardboard and other light materials stored in that building and other materials stored in stockpiles up to a height of 3m on the open land north of the access road. The requirements of the Environment Agency would be met in details to be subsequently agreed. Some alterations to the barn would be necessary to enclose its gable ends and I am satisfied that, subject to the use of suitable external cladding, this would be acceptable in terms of the LP Policy RC20 c) requirement.
13. The site is generally visually contained in views from the north by the existing hedges to the north of the access road and around the hardstanding apron although the barn can be clearly seen from Buckingham Road to the north and from the junction of the access with that road. It is, however, less well screened in other views from the open countryside including from the public footpath although nearby new woodland plantings will, over time, further screen the site in certain longer distance views. However, the proposal would, to my mind, have some adverse environmental consequences. The scale of hedging loss to provide the necessary sight visibility splays, probably involving the loss of at least some semi-mature trees, and the construction of the improved access road would, in my opinion, considerably open up the visibility of the site at least in the interim prior to the establishment of replacement hedging. Moreover, the geometry and scale of the necessary junction improvement, including the wide bellmouth, would remain as a permanent feature of the rural scene that would, in my view, have a detrimental visual impact. The external stockpiles would generally be inoffensive visually provided they were contained to a height beneath the enclosing hedge to the north and west although they would be glimpsed by users of the footpath. Further enclosing planting along the east and south of the barn would, over time limit the visual impact from these directions. However, the scheme relies on an extension of the surfaced concrete yard to the east of the barn to provide for vehicular access to the barn and, to that extent, the proposed use would not be contained within existing site boundaries. Although this would be a relatively small area of land taken from the open field, nonetheless it would represent an intrusion of the use into open countryside and, in that regard, run counter to an aim of LP Policy RC20.
14. No detailed evidence on the noise implications of the scheme including the occasional use of mobile crushing and screening equipment is available. In my experience noise from such

equipment has the potential to create noise disturbance over a significant area. While the nearest dwellings lie some distance away the landscape hereabouts is flat and open interrupted only by field hedges and I am unable to firmly conclude that no disturbance would arise. Nonetheless the imposition of conditions to deal with potential noise and dust problems and to control the hours of operation could, in my opinion, adequately protect residential amenity.

15. I find that the proposal would generally accord with the criteria of LP Policy RC20 and its emerging successor for the re-use of non traditional buildings in the countryside and, at the scale of operations proposed, would be unlikely to have serious adverse environmental impacts through traffic movements or general activity. Nonetheless there would be some adverse visual consequences for the rural environment through the junction construction, the extension of the yard area and the interim loss of vegetation and some loss to the pleasant character of the area.

Road and pedestrian safety

16. The revised scheme provides for segregation of the public footpath from the improved access drive and I am satisfied that the proposed arrangements including the crossing point of the road would be acceptable and not lead to safety risks for users of the footpath. In terms of the effect of the scheme on traffic safety, Buckingham Road in the vicinity of the site has a generally straight alignment, is unlit and is subject only to the national speed limit. Evidence on traffic speeds indicates speeds within this limit with higher southbound speeds. Traffic flows at the times of my late afternoon and late morning visits were generally light. The now proposed junction improvements including sight visibility splays in both directions would be to an appropriate standard and I am content from the evidence that the neighbouring landowner over whose land the north splay would be provided would be agreeable to the scheme. The introduction of extra turning movements carries with it inherent safety risks although at the scale of the anticipated movements and the latest details of the width and construction of the access drive, I see no reason to disagree with the Highway Authority that the proposal would not threaten road safety.

Conclusions

17. There are a number of benefits that would arise from the scheme in terms of improving the potential for increased recycling rates of inert demolition and construction wastes generated in Buckingham and the local area at a site which is reasonably proximate to the town and reasonably served by road access. I am also satisfied that no significant risks to highway safety would arise and that some environmental impacts could be suitably controlled by the imposition of conditions. However, the proposal would be in clear conflict with the most relevant development plan policy on the location of such facilities and would have some adverse visual amenity impacts. I conclude that, on balance, the material considerations supportive of the proposal are insufficient in this case to justify a decision contrary to the development plan.
18. In reaching this conclusion I have considered, as discussed at the hearing, whether a temporary period permission would be appropriate to test the efficacy of the scheme and its environmental impacts. However, and in the light of the advice in Circular 11/95, I do not consider that such a permission would be reasonable having regard to the capital investment necessary to carry out the development which would be the same as for a permanent permission. Moreover, the detriment to visual amenity would arise whether or not the

scheme was made the subject of a temporary permission and in such circumstances the Circular advice is against such a course of action.


19. I have taken into account all other matters raised at the hearing and in the representations including the support for the proposal and the existing isolated commercial units in the wider countryside hereabouts but none lead me to alter my conclusion that the proposal is unacceptable.

Formal decision

20. For the reasons given and pursuant to the powers transferred to me I dismiss this appeal.

Information

21. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

A handwritten signature in cursive script, appearing to read "J. Stewart", with a long horizontal flourish extending to the right.

APPEARANCES

For the appellant

Mr T Lindley BA(Hons) MCD FRTPi MIMgt Head, Trevor Lindley Associates

Mr A J Cox Appellant

For the local planning authority

Mr D Sutherland BA(Hons) Dip TP MRTPI Senior Planning Officer, Minerals and
Development Control, Buckinghamshire
County Council

Mr J McCormack LLB (Hons) Solicitor, Buckinghamshire County Council

DOCUMENTS

Document 1 List of those present at the hearing

Document 2 Council's suggested conditions

Document 3 Environment Agency background notes
(WM500) – financial provision

PLANS AND PHOTOGRAPHS

Plans A Application drawings

Plan B Drawing 99:18:03/C

Plan C Map 1 to the Waste Local Plan – waste
management facilities in Buckinghamshire
1995

Photographs 2 photographs of recent highway related
planting schemes