

committee DEVELOPMENT & REGULATION

date 26 June 2015

INFORMATION ITEM – APPEAL DECISION

Proposal: **Construction of an abattoir wash water storage tank and de-odorising ring apparatus including associated equipment and container.**

Location: **Little Warley Hall Farm, Ranks Green, Fairstead, Chelmsford, Essex CM3 2BG**

Ref: **ESS/60/13/BTE**

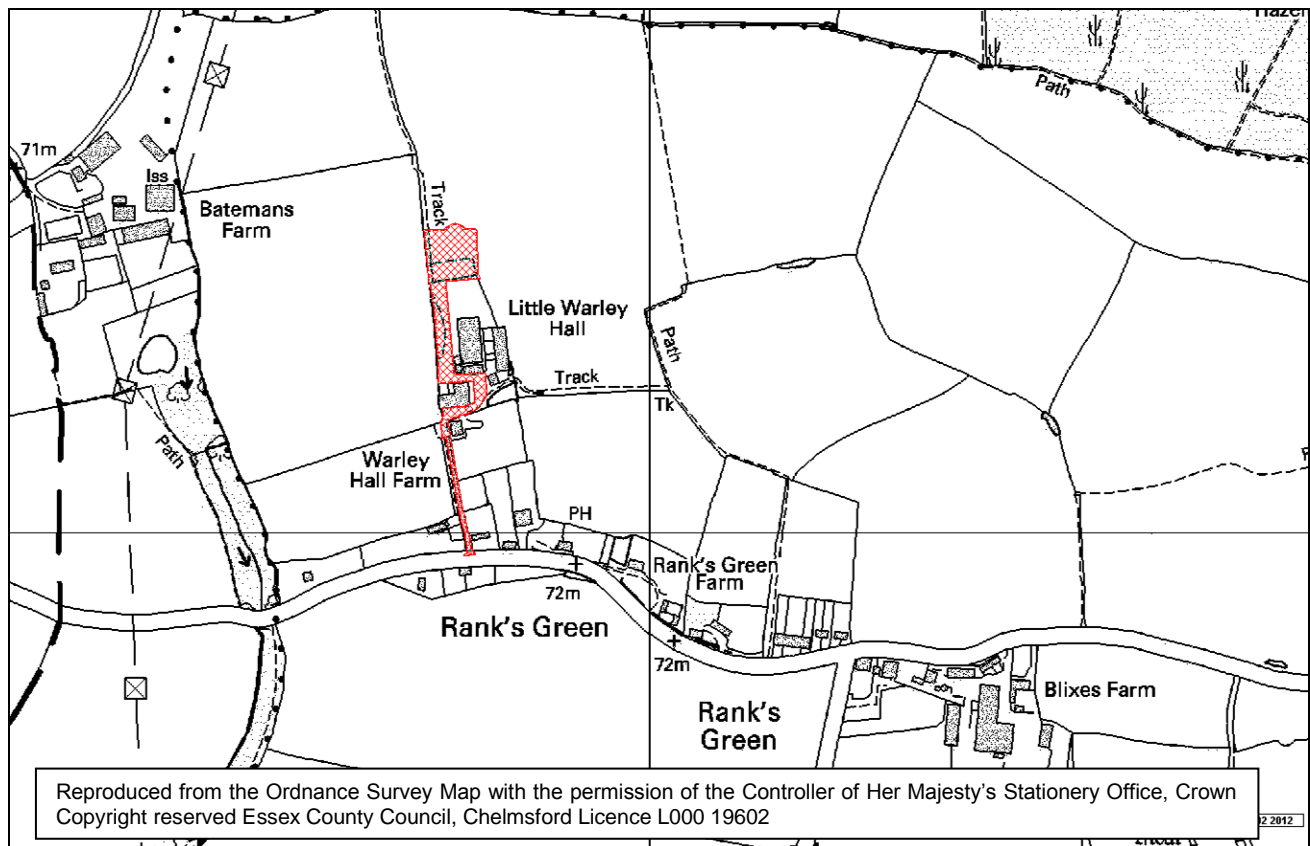
Planning Inspectorate reference: **APP/Z1585/C/14/2220003**

Applicant: **Mr Paul Humphreys**

Report by Director of Operations, Environment and Economy

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The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND AND SITE

At the March 2014 Development and Regulation committee meeting it was resolved that the application for the retention of the circular tank, de-odorising ring; equipment container; and associated hardstanding to facilitate the storage of abattoir wash water, together with the use of the existing agricultural access track to access the wash water tank be refused planning permission.

The site itself is located in Rank's Green, circa 2km north-west of Fairstead, in a largely rural area (in terms of development and majority land use). Accessed from a lane off Mill Lane, the site is situated at the northern end of the farmyard with arable fields to the north, east and west of the site.

Residential properties line the lane from which the farm is accessed. The closest residential property is approximately 150m south of the development (tank).

This application was retrospective and was previously submitted to Braintree District Council in August 2013. However during the course of determination it was decided that this application represented a County Matter application. The applicant therefore re-submitted it to Essex County Council (November 2013).

The application was refused planning permission for the following reasons;

1. This is an inappropriate location for the proposed development, which does not conform with the principles of sustainable development as defined within the Framework, due to the detrimental impact the provision would have on the locality and local residential amenity, contrary to Essex and Southend Waste Local Plan 2001 policy W3A (Sustainable Development, National Waste Hierarchy & Proximity Principle).
2. Insufficient and/or inadequate information has been provided to demonstrate that the development would not cause undue impacts within the environmental and social roles of planning by way of odour and/or in the event of structural damage/failure to the tank, contrary to Essex and Southend Waste Local Plan 2001 policy W10E (Material Considerations: Policy Compliance and Effects of the Development) and Braintree District Local Plan Review 2005 policies RLP36 (Industrial and Environmental Standards), RLP62 (Development Likely to Give Rise to Pollution, or the Risk of Pollution) and RLP90 (Layout and Design of Development).

In addition to the above an enforcement notice was issued, seeking the removal of the tank to prevent permanent harm to amenity and the locality.

2. CURRENT POSITION

An appeal was lodged, by the applicant, against the refusal of planning permission and the enforcement notice issued by Essex County Council, the case was determined by way of written representations. The Inspector appointed by the Secretary of State for Communities and Local Government to determine the case issued her decision on 19th May 2015 and this is attached at Appendix 1.

The Inspector considered that the main issues in this case were:

- a) whether the development is appropriately located having regard to the living conditions of local residents, and;
- b) whether sufficient information has been provided about the development.

The Inspector considered that, although it was found that there was sufficient information about the wash water tank, this did not outweigh the inappropriate location and the harmful effect on local residents' living conditions from the odour emanating from it.

The National Planning Policy Framework is a presumption in favour of sustainable development, which for decision makers means approving development proposals that accord with the development plan without delay. The Inspector considered although the construction of the storage tank may comply with some development plan policies, such as supporting the re-use of recycling of wash water, which in turn is beneficial to the appellants abattoir and farming businesses, these do not outweigh the significant harm that results to nearby residential. The Inspector furthermore considered that the storage tank is not appropriately located, being contrary to Policies W3A and W10E of the Essex and Southend Waste Local Plan 2001.

The appeal was therefore dismissed and the enforcement notice upheld

The appeal decision is dated the 19th May 2015 and the requirements and timescales of the enforcement notice are:

1. Cease and do not resume the transferring of abattoir wash water into the storage tank; within one day of the decision date;
2. Remove the abattoir wash water storage tank from the land; within 3 months;
3. Remove the container and all equipment and materials associated with the abattoir wash water tank from the land; within 3 months

The appellant has ceased transferring of abattoir wash water into the storage tank and full compliance with the enforcement notice is required by the 19th August 2015. A further update will be provided to members of the Development and Regulation committee in September 2015.