



Appeal Decision

Inquiry held 28 – 30 November 2006

by **John Whalley** CEng MICE

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Appeal A: our ref: APP/P0430/C/05/2002938

Appeal made by John Hopcroft

Land east of Oakley Road, Brissenden Farm, Worminghall, Bucks HP18 9UN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by John Hopcroft against an enforcement notice issued by Buckinghamshire County Council.
- The Council's reference is 05/20003/AC.
- The notice was issued on 25 May 2005.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from agricultural land to a mixed use for agriculture, waste deposit, transfer, processing and materials salvage.
- The requirements of the notice are
 - i) Cease the use of the land for waste deposit, transfer, processing and materials salvage.
 - ii) Remove all vehicles, skips, plant, machinery, waste and other materials associated with the unauthorised use.
- The period for compliance with requirement i) is one day. The period for compliance with requirement ii) is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (f) and (g) of the Town and Country Planning Act 1990 as amended. There was no ground (a) appeal and as the prescribed fees were not paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: the appeal was withdrawn during the inquiry. The upheld enforcement notice is corrected and varied

Appeal B: our ref: APP/P0430/A/05/1189443

Appeal made by Bucks Recycling Ltd

Land east of Oakley Road, Brissenden Farm, Worminghall, Bucks HP18 9UN

- 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 Bucks Recycling Ltd against the decision of Buckinghamshire County Council.
- The application, ref: 05/20003/ACC, dated 25 June 2005, was refused by notice dated 13 September 2005.
- The development proposed is the change of use of land and buildings from agriculture to waste transfer/recycling station.

Summary of Decision: the appeal is dismissed

Appeal C: our ref: APP/J0405/A/05/1183693

Appeal made by John Hopcroft

Land east of Oakley Road, Brissenden Farm, Worminghall, Bucks HP18 9UN

- 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 John Hopcroft against the decision of Aylesbury Vale District Council.
- The application, ref 05/00725/APP, dated 10 March 2005, was refused by notice dated 12 May 2005.
- The development proposed is the change of use of land to the storage of skips and lorry park.

Summary of Decision: the appeal is dismissed

Procedural matters

1. These appeals were to be dealt with at a hearing I opened on 31 May 2006. As there were 4 professionally represented parties, extensive evidence to be cross-questioned and a number of local people who wished to speak, I decided a hearing was inappropriate and that a public inquiry was necessary. I opened the subsequent inquiry on 28 November and closed it on 30 November 2006. I carried out an accompanied site inspection on 30 November.
2. During the inquiry, John Hopcroft withdrew his appeal against the enforcement notice issued by Buckinghamshire County Council, (appeal A above). He did that following agreement with the County Council that a correction should be made to the allegation and the notice's first requirement be varied. As drafted, the breach of planning control is described as: "*the material change of use of the land from agricultural land to a mixed use for agriculture, waste deposit, transfer, processing and materials salvage.*". It was accepted that wastes were, or had been, stored on the land, not finally deposited thereon. It was also agreed I should add a reference to the storing of waste skips and the parking of associated lorries. That second correction makes the enforcement notice more onerous. But as John Hopcroft, the appellant, was content, I consider it can be done without injustice to him. The land owners, Definite Finance Company Ltd., did not object to the change. There appear to be no other parties to whom injustice might be caused.
3. The agreed allegation will now read: "*Without planning permission the material change of use of the land from agricultural land to a mixed use for agriculture, waste storage, storage of skips, parking of skip lorries, waste transfer and processing.*". Requirement i) is to read: "*Cease the use of the land for waste storage, storage of skips, parking of skip lorries, waste transfer and processing.*".
4. The consequence of those agreements is that the notice's description of the alleged breach is corrected. It is also varied in respect of requirement i). The corrected and varied notice is upheld as set out in the Formal Decision below.

Appeal site and proposals

5. The 3 appeals concern the same site. The 0.4225ha site fronts Oakley Road, 1km north of the village of Worminghall, Buckinghamshire. Oakley village is 3km further north.
6. There are 3 large former agricultural buildings on the appeal site, a silage clamp with 2m high concrete walls fronting the road and a surfaced yard. According to the appellants, 2 of the buildings are old cattle sheds, perhaps built in the 1960s, measuring 20m x 18m by 3m high, (intended to be used for wood recycling – appeal B), and 17m x

- 16m by 5.4m to the roof ridge, (to store skips – appeal B). The third building is an open sided barn 18m x 12m with a ridge 10m high, (to be used for soils screening – appeal B).
7. The nearest dwelling is a new farmhouse 370m to the south. Catsbrain Farm is 370m to the north. There are 2 other houses just over ½km to the south. 220m north of the appeal site along Oakley Road are the Spinney scrapyards, (on the west side of Oakley Road), and the smaller Spinney East scrapyard sites, (directly opposite, on the east side of Oakley Road), described hereinafter as Spinney West and Spinney East. Spinney West is leased to a party unconnected with these appeals. It is not currently operational.
 8. The Spinney East site is owned by Definite Finance Company Ltd. The site is operated by Bucks Recycling Ltd for waste processing. They, Bucks Recycling Ltd., are the waste transfer station s.78 appeal B appellants.
 9. Spinney East is a roughly rectangular piece of land of some 650m². It has an open fronted building facing into the site at its northern end. There are portacabin type structures at the southern end. It is used by the appellants, Bucks Recycling Ltd., for the importation, sorting and export of wastes. Wastes are brought to the site in skips of varying sizes. They are mostly inert soils, with broken concrete and brick and some timber wastes. Almost all wastes are sorted for export to landfill sites, mostly to Finmere Quarry, some 30km away. Small quantities of wire and non-ferrous metals are sorted separately for recycling.
 10. Bucks Recycling Ltd want to use the appeal site by making use of its larger area, (4,000m²), to sort and screen wastes now brought to Spinney East so that much more can be recycled. There said no more wastes in total would be imported to the 2 sites than are now taken to Spinney East. They would not run more lorries than their present 5. So there would be no more vehicular movements using both sites than now use Spinney East. In the alternative, planning permission was sought to use the appeal site on its own for waste recycling.
 11. Appeal C concerns the proposal by John Hopcroft, the landowner, for Bucks Recycling Ltd to use the site for storing skips and parking their skip lorries as part of their waste operations at Spinney East. In the alternative, it was proposed to use the site on its own for storing skips and parking skip lorries.
 12. Oakley Road near these sites is fairly straight, with a 5m or so wide carriageway and grass verges. It is subject to the national speed limit of 60mph for single carriageway rural roads. Visibility along the road in both directions from the appeal site's access onto Oakley Road from a point 2.4m back from the nearside edge of the carriageway exceeds the recommended sight distance of 215m for such accesses.

Relevant planning history

13. Spinney West was granted a Certificate of Lawfulness for an Existing Use, (A/93/1490/ACL), by Aylesbury Vale District Council as a scrap yard in December 1993. Part of what is now called Spinney East was granted a Certificate of Lawfulness for an Existing Use, (A/96/1670/ACL), by Aylesbury Vale District Council for a recycling yard/scrap processing facility in November 1996. An LDC, (A/99/1964), was issued in October 1999 in respect of the entire site, (what is now Spinney East), for use as a recycling yard/scrap processing facility.

14. A planning application, ref: 04/20002/ACC, for the change of use of agricultural buildings and land to a waste transfer and recycling facility use at Brissenden Farm, (the current appeal site), was refused on 27 July 2004. Enforcement action was authorised. The subsequent enforcement notice is the subject of this s.174 appeal.
15. A planning application, ref: 05/20003/ACC, for the change of use of existing agricultural buildings and land for a waste transfer and recycling facility was refused on 13 September 2005. It is the subject of current appeal B.
16. Planning application 05/00725/APP for the change of use to storage of skips and lorry park was refused by Aylesbury Vale District Council on 12 May 2005. It is the subject of current appeal C.

Planning policy

National policy

17. National policy guidance in PPS1, PPS7, PPS10, PPG18 and PPS23 was referred to. Para. 17 to PPS7 says Government policy supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where it would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable. Account is to be taken, amongst others, of the potential impact on the countryside and landscape. Paras. 30 and 31 confirm the importance of the diversification into non-farming activities to the continuing viability of farm enterprises.
18. The Joint Ministerial Statement introducing PPS10 said the key aim of waste policy of moving waste management “up the waste hierarchy” had not changed. The principles of “proximity” of waste disposal and “self sufficiency” were now set out as objectives to be delivered through the framework provided by development plans and strategies. The role of the Best Practicable Environmental Option, (BPEO), was also reviewed, so its tenets would be delivered in spatial planning through plan-led strategies that drive waste management up the waste hierarchy.
19. Para. 21 to PPS10 says : In deciding which sites and areas to identify for waste management facilities, waste planning authorities should:
 - (i) assess their suitability for development against each of the following criteria:
 - the extent to which they support the policies in this PPS;
 - the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);
 - the cumulative effect of previous waste disposal facilities on the wellbeing of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;
 - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.
 - (ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages. Annex E sets out locational criteria, including the consideration of visual intrusion and traffic and access.

Development Plan

20. The Development Plan consists of:
 - Regional Planning Guidance Note 9 – Regional Planning Guidance for the South East March 2001 (RPG9); Ch 10, 11 Waste and Minerals;
 - The Buckinghamshire County Structure Plan 1991-2011, adopted March 1996;
 - The Aylesbury Vale District Local Plan, adopted January 2004;
 - The Buckinghamshire Minerals and Waste Local Plan 2004-2016, adopted April 2006.
21. Policy W5 to RPG9, Ch 10, says there should be a substantial increase in the recovery of wastes and a reduction in landfill. Policy W17 to RPG9, Location of Waste Management Facilities, says Waste Development Documents should, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics:
 - good accessibility from existing urban areas or major new or planned development;
 - good transport connections including, where possible, rail or water;
 - compatible land uses, namely
 - active mineral working sites,
 - previous or existing industrial land use,
 - contaminated or derelict land,
 - land on or adjoining sewage treatment works, or
 - redundant farm buildings and their curtilages; and
 - be capable of meeting a range of locally-based environmental and amenity criteria.
22. Structure Plan policy OC1, Control of Development in the Open Countryside, lists types of development which will be permitted in the open countryside outside the Green Belt and beyond the existing or planned limits of built up areas. Waste management operations in accordance with policies WM1-WM6 are included.
23. Structure Plan policy LS1, Protection and Enhancement of the Landscape, says any development in the open countryside should be located and designed to minimise adverse effects on its scenic beauty, nature conservation interest and amenity value.
24. Aylesbury Vale District Local Plan policy RA.1, Development in the Countryside, says in dealing with proposals for development in rural areas, priority will be given to the need to protect the countryside for its own sake. Development will not be permitted unless considered necessary for the purposes of agriculture or forestry or for enterprise, diversification or recreation that would benefit the rural economy without harming countryside interests.
25. The re-use of buildings outside the built-up area of settlements for non-residential purposes that fortify the rural economy is supported by policy RA.11, Conversion of Buildings in the Countryside.
26. Buckinghamshire Minerals and Waste Local Plan, (which superseded the Buckinghamshire Waste Local Plan referred to in the County Council's reason for refusal 1), policy 10, Overarching Waste Management Principles, says all new waste management facilities are expected to demonstrate conformity with the need to meet an identified waste management need, be consistent with policies for local and regional wastes set in the Plan, support the waste

hierarchy, and represent the Best Practicable Environmental Option, (BPEO), for the waste stream(s) it will serve, not inhibit or prevent the development of more sustainable waste management options further up the waste hierarchy, conform to the proximity principle, allow for the recovery of materials and/or energy from waste wherever practicable. Priority is to be given to proposals located at suitable sites with an existing waste management use. Where that is not possible, new facilities are to be located on sites with a previous waste use, industrial land or contaminated or derelict land.

27. The appellants pointed out that although this Minerals and Waste Local Plan was recently adopted, (April 2006), it was likely to have been drafted before the issue of PPS10.

Appeal B – s.78 the waste transfer/recycling station use

Main Issues

28. The County Council gave 4 reasons for refusing planning permission. They were:

- i) The application does not meet the proximity principle, which requires that waste management facilities be located as close as practicable to the origin of waste, and is therefore contrary to Policies WLP18 of the Buckinghamshire Waste Local Plan, and Policy 29 of the Minerals and Waste Second Deposit Draft Local Plan for Buckinghamshire.
- ii) The application is contrary to Policies RA.1 and RA.11 of the Aylesbury Vale District Local Plan and Policies OC1 and LS1 of the Buckinghamshire County Structure Plan in that it is not considered to constitute an appropriate development in the open countryside and that it would result in the loss of amenity value of the countryside and detriment to the landscape.
- iii) The application is contrary to Policy 34 of the Minerals and Waste Second Deposit Draft Local Plan in that it does not meet the Best Practicable Environmental Option (BPEO) for the waste stream.
- iv) The application is contrary to paragraph 21 part (i) of Planning Policy Statement 10: Planning for Sustainable Waste Management in that it would result in detrimental impacts on the well-being of the local community due to the cumulative effect of previous waste disposal facilities and no special circumstances have been demonstrated to warrant an exception to the Development Plan Policies being made.

29. The issues arise from those reasons for refusal. I look particularly at the effect of the proposed waste use on the mainly tranquil character and on the appearance of the area and on those who live nearby, when viewed against the policy background.

Considerations

Scope of the application

30. The Bucks Recycling Ltd planning application, with its accompanying letter, showed the intention to operate the appeal site in association with their leased site at Spinney East. At the inquiry, they also asked, in the alternative if thought necessary, that the proposed waste transfer station on the appeal site be granted permission to operate independently.
31. I deal with both; firstly, use of the appeal site in association with the Spinney East site, then as a standalone waste transfer and recycling station. I have some difficulty with the former. The planning application made the proposed operational link to Spinney East clear. But Spinney East was not part of the application site, nor was the proposal described as an extension to Spinney East. By asking for a planning condition on a permission for the

- application use restricting the appeal site use to a use ancillary to Spinney East, the appellants were effectively seeking to join the 2 sites into one planning unit. The problems that would cause was a concern to the landowners, Definite Finance Company Ltd. It was not, in my view, properly addressed by either the County Council nor the appellants. The objectors, Definite Finance Company Ltd., wanted to protect their LDC use of Spinney East from any act which might alter its unrestricted LDC waste use status. Although the appellants have a lease on Spinney East for another 6 years, Definite Finance Company Ltd said they will not renew that lease with Bucks Recycling Ltd., so the uses' link would, in any case, be short lived.
32. Definite Finance Company Ltd said there was no physical connection between the 2 sites. They were 350m apart, along a road with no footways. That suggested the 2 parts could not be in the same planning unit. They referred to the decision in *Yvonne Marguerite Duffy, Odette Ann Zetterlund and Lucille Yvonne Forsyth-Saunders v Secretary of State for the Environment and Westminster London Borough QBD Glidewell J., June 10 1981* in support.
 33. Definite Finance Company Ltd said there would be no genuine functional relationship between use of the appeal site and that at Spinney East. The appeal site would be used for waste processing. It would be self-contained. It would lack nothing needed to operate as a waste transfer station. The waste, of whatever kind, would be delivered to the site and processed. It would be a complete waste transfer station, 6 times the size of Spinney East. The appellants said Spinney East would retain the office/canteen and parking. But I agree with the objectors that would not be much of a functional link. It would not be necessary to the operation of the appeal site.
 34. If the appeal site could be said to function in a manner ancillary to Spinney East, that would create a new planning unit, to include Spinney East. Definite Finance Company Ltd said they would sue if there was a suggestion that use rights of Spinney East were threatened. That is a private matter. But it would be perverse to impose a condition the effect of which was to include land in separate ownership and which was not within the planning application land.
 35. Bucks Recycling Ltd acknowledged that linking the 2 sites would result in difficulties for both parties. They now preferred a standalone planning permission, although they saw no objection to a planning condition linking the 2 sites, if I thought that was the only acceptable method of operation.
 36. My view is that the arguments against linking Spinney East and the appeal site uses by condition made by Definite Finance Company Ltd are compelling. The 2 sites are a distance apart. More here, than found determinative in the *Duffy* case, (above). It would not be viable to attach a planning condition to the appeal site use to make it ancillary to the smaller Spinney East. Spinney East was not in the planning application boundary. If the link could be made, Spinney East would become part of a new planning unit. That could cause an injustice to the landowners, Definite Finance Company Ltd, who sought to resist. A condition linking the two sites would not address my reasons for dismissing the appeal. It would also be unreasonable and unduly onerous in the terms of paras. 35 and 36 of Circular 11/95.

37. Notwithstanding the above, the appellants did not identify any cogent land use advantage to joining the 2 sites that could be a benefit to the public interest rather than a private business gain to the appellants.

Acceptability of waste transfer station use of appeal site

38. National and local waste policy gives support in principle to proposals for facilities which recycle wastes. National policy in PPS 10 aims to move wastes “up the waste hierarchy”. One way to do that is to re-use or recycle wastes. That is repeated in RPG9 at para. 10.233, (preamble to policy W17). Para. 3.1.5 to the Minerals and Waste Local Plan 2004-2016 says, “*it is therefore essential that waste facilities are provided so as to re-use, recycle or have value recovered ..*”. Para. 3.1.6 re-emphasises that aspiration, as do policies 13 and 15 to that Plan. The intention to compost green wastes and to screen soils and site clearance materials to form secondary aggregates, usable soils and mulches on the appeal site would comply with those aims.
39. There must, of course, be an assessment as to the suitability of an individual site. Here, whilst the appeal site is previously developed land, (brownfield land), and is not in an area subject to special protection, the immediate locality already suffers the presence of 2 unplanned and unrestricted waste sites close by. I consider that the pleasant rural character of this part of the Upper Thames Clay Vales already suffers from the adverse effects of waste operations at Spinney East. Piles of wastes, partly hidden by uncompromisingly utilitarian walling, the use of associated machinery and the comings and goings of skip lorry traffic is inimical to the mostly quiet rural surroundings. It is intrusive by its nature and appearance. Spinney West is leased to another party, although is currently inactive. Neither it, nor Spinney East, are subject to any planning controls as to quantities, types of materials, hours nor days of operation. Their scope for intrusive activities is limited only by the size of the sites and their licence restrictions.
40. If operated in conjunction with the apparently over-used Spinney East site, a waste transfer and recycling station use of the appeal site would add a much larger area of land devoted to waste processing in this attractive rural spot; an area already burdened with unplanned waste processing sites which substantially intrude into the rural landscape. Although the appellants said there would be no more wastes imported to the combined sites than are now brought to Spinney East, it is hard to see how adding an area 6 times the size of Spinney East would not give the impression of a considerable increase in waste activities in the immediate locality. That would especially be the case if the appeal site was operated quite separately from Spinney East.
41. The appellants suggested a planning condition to limit the total number of vehicle movements to and from the 2 sites to the numbers which serve Spinney East now. But that would not only be difficult to control, (because of problems of keeping counts - the condition would apply to all vehicles, not just those which require a ticket for the movement of wastes which would be easier to check), it would also be hard to reasonably resist a future application to increase the limit, particularly as it might seem unduly restrictive on such a large extended site. Effectively adding the appeal site to Spinney East would beneficially allow a larger proportion of wastes to be recycled. But it would also spread waste processing over a much larger area and provide the opportunity to process considerably more wastes. That, in my view, would be to the detriment of local amenity. If the appellants operated the appeal site

separately from Spinney East, I expect the situation would be worse as, inevitably, it is likely there would be yet more activity and traffic.

42. Adding another waste processing site use in this quiet rural area between the villages of Worminghall and Oakely would give the impression of an unreasonable and incongruous concentration in a location remote from the larger urban areas where the major quantities of wastes might be expected to arise. There seems no reason other than an accident of history, (the LDC sites), why these sites should become the local waste processing centre for a wide area. There has been no identification in the development plan for this area to fulfil that role.
43. My conclusion is that the appeal proposal does not comply with PPS10 para. 21 and annex E because of its visual intrusion, (dealt with in more detail below), and because local roads are unsuited for waste traffic. Nor are the terms of RPG9 policy W17 met, particularly by not having the characteristic of good accessibility from existing urban areas, with Thame being some 6km from the site, Oxford 14km, Bicester 16km and Aylesbury at about 22km. Nor are there good transport connections. The local road system is suited only to its rural uses, rather than this widely sourced waste processing activity, with its reliance on lorry transport. Whatever the state of the proximity principle, it would be sensible to site waste recycling facilities close to the major waste generators, rather than in a rural spot between widely spread urban areas.
44. Examining the appeal scheme against the Buckinghamshire Minerals and Waste Local Plan 2004-2016, requires a look at possible conflict with contemporaneous national and regional waste policy. Although this is a recently adopted Local Plan, it has, to an extent, already been superseded by PPS10 and RPG9. Where there are conflicts, which have yet to be addressed by the County Council, recent national and regional policies are material considerations which could take precedence.
45. The Minerals and Waste Local Plan superseded the Buckinghamshire Waste Local Plan referred to in the County Council's reason for refusal 1. Policy 10 to the new plan is now most relevant. The County Council said that, whilst priority is to be given to proposals located at suitable sites with an existing waste management use, (part b) to policy 10), agricultural buildings were identified as an acceptable alternative. They said, however, that there should be a demonstrable need for the facility, it should be consistent with the proximity principle and it should be shown that no other suitable alternative sites exist.
46. There is policy inconsistency as to whether there is to be a requirement to show that agricultural buildings to be reused are redundant. Para. 21 to PPS10 says give priority to the re-use of previously-developed land and redundant agricultural buildings. Local policy does not set the test of redundancy. But whether or not a redundancy test is needed, this is brownfield land, so its re-development is supported. There is also policy support for farm diversification. That is, setting up other business enterprises to help sustain the farm business. I see little here which aids this project. There would be no connection between the farm business and the operation of a waste business on this part of the farm by another party. No evidence of any need for financial support for the existing farming activities was put in.

47. As to need, the County Council accepted that the continued level of activity at Spinney East and Bucks Recycling Ltd's need to find more land to expand into showed a demand. Also, the companion guide to PPS10 at para. 8.4 said if a proposal is consistent with PPS10 and the core strategy, there is no need to demonstrate "need". That approach is set out in para. 22 to PPS10. As to the proximity principle, PPS10 at paras. 17 – 19 set out how waste planning authorities should identify waste sites. That includes the allocation of sites to support the pattern of waste management facilities set out in the RSS. The appeal site is, however, unallocated. Para. 24 to PPS10 deals with unallocated sites which may come forward, saying they should be considered favourably where consistent with the waste core strategy and the criteria in para. 21 of the PPS. My conclusion above is that 2 of those criteria are not met. That is, by adding this large area of waste activity in this pleasant rural location there would be an unhappy cumulative effect on local community, a concern expressed by several people. There would also be a significant adverse impact on the quality of the local environment, in terms of harm to the appearance of the area. I am also concerned that the local road system is unsuited to carrying waste lorry traffic, particularly as there is no direct access to Class A roads.
48. In respect of BPEO, the guide to PPS10 says, (para. 8.6), it does not require BPEO and that there is no policy expectation for the application of BPEO, although it says in the absence of an Environmental Statement, something akin to a BPEO exercise may help gather necessary information. Consistency with PPS10 was to be the central policy concern.
49. Overall, my view is that Waste Local Plan policy 10 itself does not weigh as heavily against use of the appeal site for waste recycling as suggested by the County Council. But the environmental objections to the appeal proposals remain.
50. Structure Plan policy LS1 says development in the open countryside should be located and designed to minimise adverse effects, amongst others, on its scenic beauty and amenity value. Such harm as would be caused by intrusion in this attractive rural area is, to some extent, offset by the re-use of buildings, rather than using a greenfield site.
51. As much of the waste recycling activity would be within the buildings, perceived changes to the buildings would be limited. Also, the silage clamp walls along the road frontage look dismal. But the buildings cover only 20% of the site. The site access would be open to view as would the open sided building to the rear of the site to limited views from the north and south. The intended waste processing use of the site would look incongruous and poorly placed in the pleasant rural surroundings, contrary to Structure Plan policy LS1 and Aylesbury Vale District Local Plan policy RA.1, which seeks to protect the countryside for its own sake.
52. The local road system at and near the appeal site consists mostly of roads with narrow carriageways where damage to verges caused by lorry traffic is evident in many places. Waste lorries have to pass through small rural villages, including Oakley with its local school which fronts one of the more direct routes to and from the appeal site. These Class C or unclassified roads have to be used over considerable lengths before Class A or even Class B roads can be used. In my view, the appeal site is not suitable as a local centre for the importation and export of wastes. I know there was no objection from the Highway Authority. But they may have based their view on the expectation as set out in the planning application that they were dealing with a proposal which would bring no more lorry traffic

- to the area. As I said earlier, that would be difficult to ensure, especially if the appeal site was operated independently of Spinney East. Certainly a number of local people objected and expressed concern about the present situation, fearing a worsening problem caused by waste lorry traffic. The harm to the look of the area also fails to satisfy PPS10 para. 21 criterion 3 and the traffic and access considerations set out in Annex E to the PPS.
53. The appellants said they would accept a landscaping condition to overcome any perceived appearance harm. Some planting in front of the silage clamp walls could, in time, help. But there is doubt that land would be in the control of the appellants. Even if implemented, a planting scheme would take years to become effective.
54. The appellants further said they would not use a concrete crusher on the appeal site, thus avoiding generation of excessive noise at the closest affected houses. I think, though, that having no crusher to deal with larger pieces of concrete, brickwork and blockwork would limit the site's capability to produce useful secondary aggregates.
55. A planning condition to limit the types of waste brought to the appeal site was put forward. The appellants said only soils and inert wastes from, for example, site clearances, timber and green wastes would be imported. That would help. Putrescible waste should be dealt with by going straight to landfill, or be processed by specialised plant in suitable locations. I think the suggested condition would be difficult to adhere to, however. As the majority of Bucks Recycling Ltd's business is the hiring out of skips and the processing of the wastes customers put in those skips, it is hard to see how they can exercise control over the types of materials they collect and bring to the appeal site. There could be some sorting at Spinney East, at least until the lease runs out. But after that time, and if the appeal site was operated as a separate entity to Spinney East, I doubt there would be effective control.
56. My conclusion on the waste processing proposed use of the appeal site, either operated with Spinney East or independently, is that it is unacceptable in terms of the likely adverse effects on the locality and the conflicts with policy discussed above.

Appeal C - s.78 appeal - use for storage of skips and as a lorry park

57. The District Council gave 2 reasons for refusing planning permission. They were:
- i) The use of the site for the open storage of skips and lorries results in a visually intrusive form of development in this open countryside location, contrary to Aylesbury Vale District Local Plan policy RA.1 which seeks to protect the countryside for its own sake.
 - ii) Had the above overriding reason not applied this Authority, in accordance with Aylesbury Vale District Local Plan policy GP21, would have sought further details/information regarding traffic generation information and access arrangements/improvements as requested by Buckinghamshire County Council Highway Authority.
58. As for the Appeal B proposal, the appeal C site was said by the appellant, Mr Hopcroft, to be capable of operating in conjunction with Spinney East or as a separate and distinct use. That use would be a B8 storage use and a lorry park use.
59. I consider that the problems with ensuring the operation of Spinney East with the appeal site, effectively as one planning unit, would be similar to those discussed above in respect of the Appeal B waste transfer station use.

60. If the appeal site was used by the same operators in association with the waste use of Spinney East, it would become either ancillary to the waste use of Spinney East, or part of a mixed use as a waste transfer station and skip storage and lorry parking use. In either instance, the proposal would no longer be for the use applied for. It would not even be a District Council matter. So I do not see how I can consider the appeal on that basis. I therefore deal with the appeal application as a proposed self-contained use, having no link with the use of the Spinney East site. Waste recycling policy is thus inapplicable.
61. The Aylesbury Vale District Council's concern was that the storage of skips and lorries would be visually intrusive in the open countryside, contrary, in their view, to their Local Plan policy RA.1. That is my main issue. I also consider the effects of lorry traffic.
62. The District Council said the local landscape is characterised by low-lying undulating vales, with open rural views dominated by agriculture; typical of the Vale of Aylesbury.
63. I agree with the District Council that the appeal site buildings are prominent, and that stored skips and skip lorries, whilst partially hidden by the buildings and the silage clamp walls, would be seen from the road and, to a lesser extent, from public rights of way to the north and east. The skips and lorries would look incongruous and intrusive in this rural, agricultural landscape, out of place in this open countryside setting.
64. Skips, by law, have to be painted or finished so as to make them easier to see when placed in the road near customers' property. They cannot be painted so as to better blend in with the rural surroundings of the appeal site. Parked lorries on the site would add to the intrusive nature of the intended use, so conflicting with Local Plan policy RA.1, which seeks to protect the countryside for its own sake.
65. Whilst making use of existing buildings, the storage of skips and the parking of skip lorries would be better suited to an industrial or urban area. That is especially so where road access to more customers is likely to be better than the country roads which serve the appeal site and its surroundings.
66. I concur with the District Council's concern that associated activities, such as the maintenance, servicing and cleaning of lorries and painting skips could be carried out on the appeal land. Such ancillary activities would be difficult to limit by means of planning conditions. They would add to the harm caused.
67. There is policy support for farm diversification, although I am not much persuaded this proposed use would comply with the spirit of that guidance in the same way as, for example, a farmhouse bed and breakfast enterprise or a farm shop addition to a farm business. No information was put forward on the viability of the arable farm enterprise at Brissenden Farm. Para 30(ii) of PPS7, referring to the support for farm diversification, says such developments should be consistent in their scale with their rural locations. I consider the appeal project to be out of scale with its surroundings.
68. I am also concerned that a skip store and lorry park on the appeal site would bring unwelcome levels of lorry traffic to local roads, unrelated to and incompatible with nearby land uses. It was suggested that a resumption of agricultural uses of the appeal site could bring machinery of a not dissimilar type to that proposed to the land and its buildings. If that happened, it could, however, be a separate storage use requiring planning permission,

unless it was ancillary to Brissenden Farm. The storage of agricultural machinery would not produce the same incongruity as the storage of waste skips and parked skip lorries. The level of lorry traffic would also be different.

69. Of the suggested planning conditions, those which would tie the use to Spinney East are rejected as inapplicable as I consider this application incapable of linkage to Spinney East under the terms of the present application. Landscaping could help. But it would not overcome the traffic concern. A condition limiting storage to skips would clearly do nothing to overcome the above objections. A general storage use, again, would make any limitation on volumes of lorry or van traffic difficult to apply, especially in the absence of a specific proposal. My conclusion is that the storage of skips and lorry parking uses of the appeal site are unacceptable.

Formal decision

Appeal A - enforcement notice - our ref: APP/P0430/C/05/2002938

70. I correct the enforcement notice by the deletion of the words “waste deposit, transfer, processing and materials salvage” in line 3 to the allegation in Schedule 2 on page 1 of the notice and the substitution therefor of the words “waste storage, storage of skips, parking of skip lorries, waste transfer and processing”. I also vary the notice by the deletion of requirements i) and ii) in lines 2 – 4 on page 2 of the notice and the substitution therefor of new requirements 1 and 2 to read:

- “1. Cease the use of the land for waste storage, storage of skips, parking of skip lorries, waste transfer and processing.
2. Remove all skip lorries, skips, waste and other plant, machinery and materials associated with the unauthorised development.”

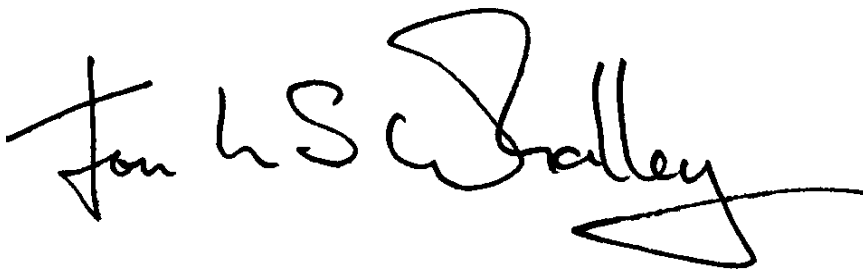
Subject to that, I uphold the enforcement notice.

Appeal B - s.78 appeal by Bucks Recycling Ltd - waste transfer/recycling station - our ref: APP/P0430/A/05/1189443

71. I dismiss this appeal and refuse to grant planning permission.

Appeal C - s.78 appeal by John Hopcroft - Skip storage and skip lorry parking - our ref: APP/J0405/A/05/1183693

72. I dismiss this appeal and refuse to grant planning permission.



INSPECTOR

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DOCUMENTS

Document 1 List of those who wished to receive a copy of this decision

Document 2 Proof of evidence, Neil Warner for the appellants

Document 3 Summary proof of evidence, Neil Warner for the appellants

Document 4 Opening statement, Richard Kimblin for the appellants

Document 5	Proof of evidence, Nigel Wicks for Buckinghamshire County Council
Document 6	Proof of evidence, appendices, Gemma Kay for Bucks County Council
Document 7	Proof of evidence, Mark Aughterlony for Aylesbury Vale District Council
Document 8	Appendices, Mark Aughterlony for Aylesbury Vale District Council
Document 9	Proof of evidence, Huw Mellor for Definite Finance Limited
Document 10	Appendices, Huw Mellor for Definite Finance Limited
Document 11	List of suggested planning conditions, (Bucks CC)
Document 12	Assessment, characteristics, Upper Thames Clay Vales
Document 13	Copy of extract, Highways Act 1980, s.139
Document 14	Letter, 30 May 2006 from John Bercow MP
Document 15	Letter, 20 June 2005, accompanying planning application 05/20003/ACC
Document 16	56 letters of objection from local persons
Document 17	Statement of Francoise Ashby
Document 18	Statement of Susan Anderson-Lewis
Document 19	Statement of Dr David Small
Document 20	Statement of Andrea Worley
Document 21	Notes of final submissions, Mr Howell Williams for Definite Finance Ltd
Document 22	Notes of final submissions, Richard Honey for Aylesbury Vale DC
Document 23	Notes of final submissions, Richard Kimblin for the appellants