

1. Introduction

I object to planning application DC/26/0955 because the proposed development would cause **significant odour nuisance**, **harm residential amenity**, and create a **credible pollution risk** to the adjacent watercourse. These impacts arise directly from the commercial bagging and handling of horse manure, an activity which the applicant confirms **had already commenced and was completed on 02/12/2024**.

The Council must therefore assess **actual and ongoing harm**, rather than hypothetical impacts.

2. Odour Nuisance – Statutory, Policy and Scientific Grounds for Refusal

2.1 Statutory Nuisance (Environmental Protection Act 1990, s.79)

Odour from manure handling and bagging is capable of constituting a statutory nuisance under s.79(1)(d):

“any... smell or other effluvia arising on industrial... premises and being prejudicial to health or a nuisance.”

The applicant confirms the activity involves:

“the bagging of any soil improver... using manure on the fields.”

2.2 DEFRA & Environment Agency Evidence

DEFRA manure-management guidance and Environment Agency odour-risk assessments identify manure handling as a **high-odour-risk activity**, particularly where manure is **disturbed, aerated or mechanically loaded**—all of which occur during the proposed bagging process.

Scientific studies show:

- **Ammonia emissions increase sharply** when manure is aerated (Atmospheric Environment Journal).
- **Odour intensity rises with moisture content**, typical of horse manure used as soil improver.
- Odours can travel **hundreds of metres** under light wind conditions.

Nearby homes, including Calcot Bungalow, and the well-known food business The Artisan Bakehouse, fall well within this range.

2.3 Policy 33 – Development Principles

Policy 33 requires development to:

“avoid unacceptable harm to the amenity of occupiers/users of nearby property... for example through... odour.”

The applicant asserts:

“The fact that the built environment will not change avoids unacceptable harm to the amenity...”

This is wrong. Odour impacts arise from **biological activity**, not from the form of the building. The proposal therefore **fails Policy 33**.

2.4 Case Law

The courts have confirmed that odour is a material planning consideration (*R (Milton Keynes) v Secretary of State*). Where odour harms residential amenity, permission must be refused unless robust mitigation is demonstrated. No such mitigation is proposed.

3. Pollution Risk to Adjacent Watercourse – Regulatory and Scientific Evidence

3.1 Proximity to Watercourse

The application form states:

“Is your proposal within 20 metres of a watercourse? – Yes.”

The Location Plan shows a stream running immediately alongside the farm.

3.2 Environmental Damage Regulations 2015

Horse manure contains:

- **High nitrogen and phosphorus levels**
- **Faecal coliforms and E. coli**
- **Organic matter that reduces dissolved oxygen in streams**

Runoff entering a watercourse constitutes **water damage** under the Environmental Damage Regulations 2015.

3.3 Scientific Evidence on Runoff

Peer-reviewed studies show:

- Hardstanding yards with vehicle movements increase **sediment and nutrient mobilisation**.
- Bagging operations create **fine particulates** that wash into adjacent watercourses.
- Unbundled manure storage significantly increases pollution risk.

The applicant proposes **no bunding, no impermeable containment and no drainage strategy**.

3.4 Policy 38 – Flooding & Water Quality

Policy 38 requires development to:

“maintain water quality... and ensure flood risk is not increased elsewhere.”

The Supporting Statement only refers to flood *risk*:

“Flood risk from surface water... not rated.”

This does not address water quality or pollution risk. The proposal therefore **fails Policy 38**.

3.5 Case Law

The courts have held that even a *credible risk* of pollution can justify refusal (*R (Loader) v Rother DC*). Given the manure-based nature of the material, the risk here is credible and unmitigated.

4. Vehicle Movements, Dust and Bioaerosols – Environmental Evidence

4.1 The Supporting Statement describes:

“one vehicle running three return trips per day... in busy periods two vehicles.”

Public Health England evidence shows that manure-handling operations can generate:

- **Bioaerosols**
- **Fine organic particulates**
- **Spores and bacteria**

These materials can travel up to 250 metres, affecting respiratory health and spreading odours.

Vehicle movements would further mobilise dust and spread pollutants.

This contradicts the applicant’s claim:

“There is no significant... increase in vehicle movements.”

4.2 The applicant also refers to a potential reduction in travel by laden lorries for a road-gritting service. This appears to relate to another proposed business, for which no permission has been granted.

The business behind this application, Sussex Manures, would use the manure produced by the proposed plant. Its trucks have regularly been seen bringing manure to nearby Northover Manor Farm, another unlicensed business, where it is stored before being moved to Calcot Farm for bagging. The Sussex Manures website states:

“We operate an equine waste collection service using a grab loader and a container system.

The waste is classified as agricultural and it's spread onto the land; this puts the goodness back into soil and improves crop quality and yield.

We also operate a paddock sweeping, harrowing and rolling service.

Our coverage at present stretches from East Hampshire to East Sussex, and into Surrey. We collect from large livery yards, racing stables and individual clients with one or two horses.”

Given the wide collection area described, the proposal is unlikely to reduce mileage since collections will presumably continue from both East Sussex and East Hampshire – so moving from Findon to Calcot Farm will make very little, if any, difference. On the contrary, it is likely to increase vehicle movements because large loads of horse manure would need to be moved between sites by tipper trucks, trailers or larger vehicles.

4.3 The intensification of activity supports refusal under **Policy 26** (Countryside Protection).

5. Misrepresentation and Contradictions in the Application

5.1 The applicant claims:

“There is no significant... increase in vehicle movements.”

Yet the Supporting Statement describes multiple daily commercial trips. Under *R (Kides) v South Cambridgeshire DC*, decision-makers may give reduced weight to applications that contain contradictory or misleading information.

5.2 The proposal would move an operation previously based just off the A24, a major dual carriageway, to a farm on a much narrower B road with inadequate access. Multiple daily manure-transport trips from Sussex and the wider area would damage the road surface and increase noise and traffic pollution for local residents.

5.3 The application also states that:

“visibility from the access to Calcot Farm is excellent”;

The submitted photographs do not show the mirror installed opposite the entrance to assist drivers leaving the site. Nor do they show that the road bends left not far north of the entrance, creating poor visibility.

6. Failure to Comply with Rural Protection Policies **Policy 26 – Countryside Protection**

Development must be:
“essential to its countryside location.”

The storage, processing, bagging and distribution of horse manure is **not essential** to this location. It would introduce industrial-type impacts that are incompatible with a rural residential setting.

Policy 10 – Rural Economic Development

Development must:
“maintain the quality and character of the area.”

Odour nuisance and pollution risk are incompatible with preserving the area’s rural character.

7. Policy 36 – Appropriate Energy Use: Why the Applicant Has Not Met the Requirement

7.1 Policy 36 requires all development, including change-of-use proposals, to demonstrate compliance with the Energy Hierarchy:

1. **Lean** – use less energy
2. **Clean** – supply energy efficiently
3. **Green** – use renewable energy sources

The applicant provides a single sentence as their “Energy Statement”:

“This proposal will use less energy than previous years’ of operations in and around Horsham District.”

This statement is unsupported, unquantified and unrelated to the Energy Hierarchy. It does not amount to a compliant Energy Statement under Policy 36.

7.2. No evidence of reduced energy use (Lean)

The applicant claims that the proposal “will use less energy” but provides:

- no baseline energy consumption
- no comparison with the previous agricultural use
- no calculation of energy demand from machinery (e.g., JCB Loadall, bagging plant)
- no assessment of vehicle movements, which the Supporting Statement admits may involve multiple daily trips
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In fact, the introduction of:

- a mechanised bagging plant,
- forklift/telehandler operations, and
- commercial vehicle movements

is likely to increase energy use compared with passive agricultural storage.

7.3. No demonstration of efficient energy supply (Clean)

Policy 36 requires development to show how energy will be supplied efficiently. The application contains no information on:

- energy source for the bagging plant
- efficiency measures
- on-site energy management
- any reduction in peak demand

Because this information is absent, the proposal fails the Clean stage of the Energy Hierarchy.

7.4. No renewable or low-carbon energy measures (Green)

The applicant provides no renewable energy measures, despite Policy 36 requiring development to:

“contribute to clean, efficient energy in Horsham based on the Energy Hierarchy.”

There is:

- no solar generation
- no battery storage
- no low-carbon heating
- no commitment to future renewable integration

The proposal therefore fails the Green stage entirely.

7.5. The applicant’s claim contradicts their own Supporting Statement

The Supporting Statement describes:

“one vehicle running three return trips per day... in busy periods two vehicles.”

Vehicle movements are a major source of energy use and emissions. The applicant’s claim of reduced energy use is therefore contradicted by its own evidence.

7.6. Policy 36 requires quantification – none is provided

Policy 36 explicitly requires:

“an Energy Statement demonstrating and quantifying how the development will comply with the Energy Hierarchy.”

The applicant provides no quantification. A single unsupported sentence does not satisfy the policy requirement.

7.7. Conclusion on Policy 36

The proposal:

- does not demonstrate reduced energy use
- does not demonstrate efficient energy supply
- does not include renewable energy
- does not quantify energy impacts
- does not meet the Energy Hierarchy
- does not provide a compliant Energy Statement

The applicant’s assertion that the proposal “will use less energy” is unsupported, contradicted by its own evidence and insufficient to satisfy Policy 36.

8. Conclusion – Legal, Policy and Environmental Grounds for Refusal

The proposal:

- creates **statutory nuisance** (EPA 1990)
- presents a **credible pollution risk** (Environmental Damage Regulations 2015)
- fails **Policies 10, 26, 33, 36 and 38** of the Horsham Local Plan
- contains **contradictory and misleading statements**
- represents an **inappropriate intensification** of activity in the countryside
- lacks any **mitigation strategy** for odour, pollution, or bioaerosols
- is already causing **real environmental harm**, not hypothetical impacts.

For these reasons, Horsham District Council should refuse the planning application.