

# **APPEAL BY PJ BROWN (CIVIL ENGINEERING) LTD**

## **PROOF OF EVIDENCE OF**



**regarding the service of an enforcement notice by Mid Sussex District Council alleging that, Without Planning Permission:**

**3.1 The material change of use of the Land from agriculture to a Mixed Use of:**

**3.1.1 the importation, processing, storage and export of waste materials upon the Land;**

**3.1.2 the deposition of waste material upon the Land;**

**3.1.3 the storage of building materials upon the Land;**

**3.1.4 the storage of plant, machinery, and containers upon the Land;**

**3.2 Operational development comprising of the laying and construction of hardstanding upon the land**

**on Land East of Dan Tree Farm, London Road, Bolney, West Sussex, RH17 5QF**

**August 2024**

Appellant Ref:

J004451

PINS Ref:

APP/C3620/C/21/3269098

LPA Ref:

2020/0102/ENF



- 1.1 I am [REDACTED] of Rowgardenswood, Collendean Lane, Norwood Hill, Surrey, RH6 0HP.
- 1.2 I am the Director of PJ Brown (Civil Engineering) Ltd, and I am giving this declaration in support of the appeal at “Land east of Dan Tree Farm, A23, Bolney” (“the Site”), as shown on the plan attached at **Appendix 1**.
- 1.3 This statement serves to confirm that PJ Brown and associated Companies have continuously used the land east of A23 and north of Park Farm Cottage, Broxmead lane, Bolney, West Sussex, RH17 5RJ a mix of general open air storage (comprising of the storage and stationing of skips, shipping containers and onsite porta cabins, roll on roll off bins and the storage of Inert material as well as the storage and use of crushing and screening equipment for a period of well over 10 years prior to the service of the Enforcement Notice.
- 1.4 The site itself is a permitted Waste Facility (SR2008 No 11) and has now been permitted for several years. A brief description of that permit is relatively apt which is an *“inert and excavation waste transfer station with treatment”*. I attach a copy of the permit at **Appendix 2**.
- 1.5 The start of our involvement with the site was originally working on the site as contractors on the land reclamation works started by South East Tipping. The works carried out on part of the farm were to restore and level a bomb crater from the Second World War, and these were being carried out under agricultural permitted development rights which were permitted by 01/01232/AGDET.
- 1.6 It was following SE Tipping going into administration, around 2004, that Mr. Rawlins approached me and requested that we take over and complete the reclamation works. It was during our works that the benefits of the location became apparent, and Mr. Rawlins and myself later discussed the prospect of establishing a separate yard on the land for PJ Brown to use more permanently, after the reclamation works completed. We came to an agreement in roughly May of 2007, and the “Yard” became operational shortly thereafter.



- 1.7 We began using the yard for inert physical recycling works (Crushing, screening etc) not long after establishing the yard for storage in late 2007 and, whilst both our own records and Finning UK Ltd's were not well kept at the time, I can confirm that the repair and maintenance works to the plant which is referred to in those documents does indeed relate to the appeal site, and does not refer to any repair and maintenance works to the plant arising from our involvement with any works on the rest of the land at Bolney Park Farm, or the adjoining properties.
- 1.8 The start of our current activities on the site is most clearly evidenced by the invoice in mid-2007 for planings, aggregates and machinery which were stored on the relatively small area of land which I refer to as the compound, but is the appeal site under consideration. I attach the invoice at **Appendix 3**.
- 1.9 The compound was separate to the rest of the farm which was in agricultural use. The works we undertook were unrelated to any other activities on the farm, and the two areas were physically and functionally separate.
- 1.10 Aerial Photos dating back to 2005 clearly show that the compound was already in existence, although it was not until 2007 that we actually started using it for its current purpose for mixed waste and storage uses, as I have said.
- 1.11 It was around 2011/12 that we began operating from the site at the intensity that we do presently, and this was due to the sale of land, where we had previously been operating from, for development purposes (Recycling Yard at Holmbush which has now become Kilnwood Vale), which necessitated a full relocation and dependency on the appeal site.
- 1.12 Although the storage and waste uses were separate enterprises, they were both carried out in the same area and there were not separately occupied parts of the compound. Neither use was ancillary to the other. This continues to-date, and has done throughout our occupation of the site.
- 1.13 The sites overall usage from 2007 to the present day has, of course, grown with that of PJ Brown and its associated companies, with varying levels of activity having taken place on the site, such as our involvement with the A23 works and crushing of road planings in 2012 and 2014 being one of our most prominent



projects in the area, but the core premise of what the site has been used for has remained the same. As I have mentioned, the level of intensity of our activities on site would fluctuate, but the general character of the use has remained the same throughout our stay at the yard, namely the physical treatment/separation and storage of inert materials and aggregates.

- 1.14 The waste use we undertake involves the screening of mixed construction waste and the crushing of concrete and brick hardcore. Although there were times when the site would be busier, or quieter, there has been no significant change to the nature of how the compound has been used during the time since we began occupying the site.
- 1.15 The storage use relates to a wide range of materials and goods including shipping containers and skips, road planings, other road construction materials, and most predominantly recycled aggregates.
- 1.16 The site is ideally located, with direct access onto the A23 and causes no issues to any of the surrounding areas or immediate neighbours, who have all prepared statements to that effect. The fact that no issues have been identified during our operations on the site has been a major factor in our continued operations on the site for the 10-year period prior to the service of the Enforcement Notice.
- 1.17 The site benefits from an existing entrance, and tarmacked access road leading to the site, both of which have been in place from long before we started using the site. They can be seen on aerial photos taken in 2005. The access has been granted planning permission, notwithstanding the fact that it has been in use for more than 18 years. Mr. Rawlins, and by virtue ourselves, both benefit from a right of way over the land owned by Ms. S. Wright, Mr. Rawlins through his land ownership, and ourselves through our tenancy on the site.
- 1.18 This site not only enables a local small business to continue to be able to employ a multitude of people but provides a circular service to the economy through the sale and reuses of recyclable materials produced whilst at the same time helping the Council to meet its own recycling targets.



- 1.19 The County Authority have known that we have been struggling to find new sites for such works since the closure of our previous yard in Holmbush. We have received no help in finding any alternative sites despite being very active in our desire to do so, and the recent decision at Kilmarnock Farm, as I understand, place significant concern over the future of the business should the Bolney site be forced to cease operating.
- 1.20 The loss of the appeal site and its capabilities would be a major blow to P J Browns ability to carry on its operations and could possibly result in significant losses regarding employment. We currently employ roughly 80 people, but this number includes sub-contractors and those who are self-employed. The number of PAYE employees would be in the region of 60.
- 1.21 Whilst I won't comment on the turnover generated by the site itself and its contribution to the companies' profits, I will state that the appeal site forms an integral part of our operations, and is an important part to the functioning of the company itself. The site at Bolney allows us to remain competitive with our competitors who, instead of recycling the material they take from sites, deposit it to Landfill, and so the sites benefits are more ancillary to the companies' profits rather than driving the profits themselves.
- 1.22 We are continually and actively looking for other suitable existing or potential sites, most of which are unsuitable due to the proximity to existing or proposed housing, distance from any suitable road network, being outside our catchment area, or being owned and occupied by competitor companies. Being forced to relocate and settle for any other site would have major economical implications for the company and its future within the waste recycling and management industry. When put into context, the site at Bolney is the ideal site and by virtue of its location, has not, does not and will continue not to pose any of these problems. We have previously tried, among others, the only other viable option is our base of operations at Burlands where we were denied planning permission.



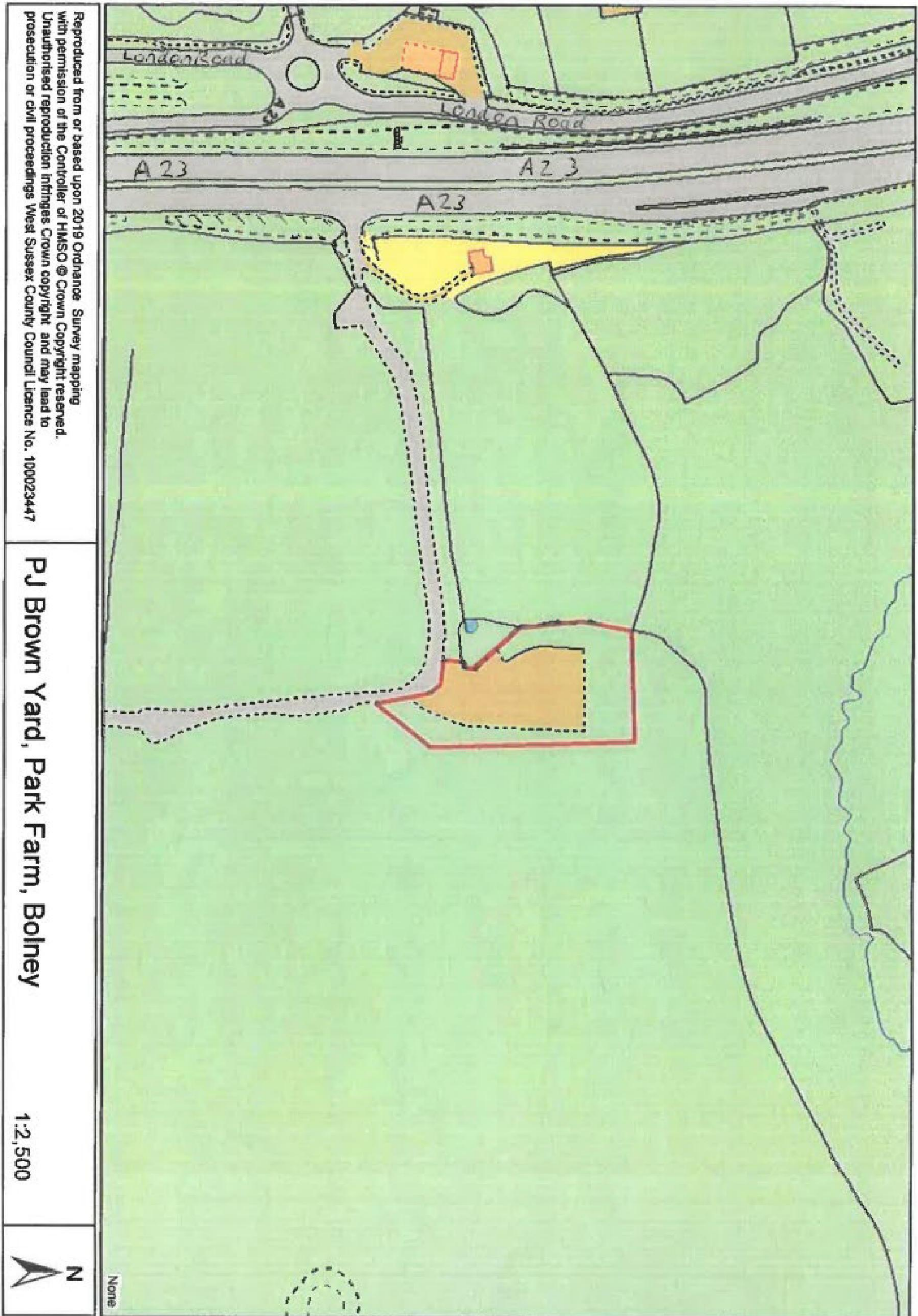
## **2.0 APPENDICES**

<b>Appendix 1</b>	<b>Site Plan</b>
<b>Appendix 2</b>	<b>Environmental Permit</b>
<b>Appendix 3</b>	<b>2007 Invoice</b>

# APPENDIX 1



**Exhibit PB1**





## **APPENDIX 2**



# Permit

## The Environmental Permitting (England & Wales) Regulations 2016

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P.J.Brown (Civil Engineering) Limited

Bolney Park Farm Recycling Facility

Bolney Park Farm

Broxmead Lane

Bolney

Haywards Heath

RH17 5RJ

### **Permit number**

EPR/JB3502UD



# Permit

## The Environmental Permitting (England and Wales) Regulations 2016

### Permit number

**EPR/JB3502UD**

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

**P.J.Brown (Civil Engineering) Limited** (“the operator”),

whose registered office is

**Burlands Charlwood Road**

**Ifield**

**Crawley**

**West Sussex**

**RH11 0JZ**

company registration number 07185077

to operate waste operations described in standard rules **SR2008 No 11** at

**Bolney Park Farm Recycling Facility**

**Bolney Park Farm**

**Broxmead Lane**

**Bolney**

**Haywards Heath**

**RH17 5RJ**

to the extent authorised by and subject to the conditions of this permit.

Under regulation 27(2) of the Regulations, standard rules **SR2008 No 11** are conditions of this permit.

Name	Date
[REDACTED]	20/10/2020

Authorised on behalf of the Environment Agency



# Schedule 1 – Site plan

This is the plan referred to in the standard rules SR2008 No. 11



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## **APPENDIX 3**



Bolney Park Farm  
Broxmead Lane  
Bolney  
West Sussex  
RH17 5RJ



**BOLNEY PARK FARM**

**INVOICE**

Attn PJ Brown ( ref B Pentecost)  
Burlands  
Charwood Road  
Ifield Wood  
Crawley  
West Sussex RH11 0JZ

2nd May 2007

**Description**

**Value**

Storage Advance payment

11,000.00

Planings Agregate and machinery

**Sub Total**

**11,000.00**

**VAT @ 17.5%**

**1,925.00**

**TOTAL**

**12,925.00**

Please note new VAT No and Bank Details

Vat No 787-8894-30

Bank details: Lloyds TSB High Street Burgess Hill West Sussex RH15 9AH  
sort code 30-91-44 Account No. 1187467