

**7 DCSW2006/3762/F - USE OF LAND AS OCCASIONAL AIRSTRIP (RETROSPECTIVE APPLICATION), BYECROSS FARM, PRESTON-ON-WYE, HEREFORDSHIRE, HR2 9LJ.**

**For: Mr. A. Fenn, Byecross Farm, Preston-on-Wye, Herefordshire, HR2 9LJ.**

**Date Received: 29th November, 2006**  
**Expiry Date: 24th January, 2007**

**Ward: Golden Valley North**    **Grid Ref: 37877, 42558**

Local Member: Councillor P.D. Price

### **1. Site Description and Proposal**

- 1.1 Byecross Farm is located on the northern side of the Class III road (C1191) that links Moccas to the west and the northern fringes of Preston-on-Wye to the east. Byecross constitutes a small group of dwellings either side of the C1191 road. Byecross Farm is in close proximity to the River Wye.
- 1.2 The proposal is for the retention of an airstrip. The grassland used, also for grazing horses, is immediately to the east of the farmhouse. The runway is in a cross configuration, i.e. east-west and north-south. The River Wye is immediately on the northern end of the runway.

### **2. Policies**

#### **2.1 Planning Policy Statement**

PPS.7 - Sustainable Development in Rural Areas

#### **2.2 Herefordshire Unitary Development Plan 2007**

Policy DR.2 - Land Use and Activity  
 Policy DR.13 - Noise  
 Policy LA.2 - Landscape Character and Areas Least Resilient to Change  
 Policy NC.1 - Biodiversity and Development  
 Policy NC.3 - Siting of National Importance  
 Policy NC.8 - Habitat Creation, Restoration and Enhancement

### **3. Planning History**

- |     |                 |   |   |  |
|-----|-----------------|---|---|--|
| 3.1 | NW2001/2137/F   | Erection of polytunnel                    | - | Approved 02.10.01                          |
|     | DCSW2005/2867/S | Secure agricultural building for trailers | - | Determined 20.09.05                        |
|     | DCSW2006/3750/U | Use of field as a camp site               | - | Certificate of Lawfulness granted 25.01.06 |

DCSW2006/3763/F      Retrospective planning for - Approved 21.02.07  
toilet/shower block built in  
existing steel framed building

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 The Environment Agency raises no objections.

4.2 Natural England has no objections.

##### Internal Council Advice

4.3 Traffic Manager has no objections.

4.4 Environmental Health and Trading Standards Manager notes that they have not received any complaints, even though it is understood that the site has been in operation for 5 years. However, in order to safeguard the amenity of residents, conditions are recommended.

4.5 The Conservation Manager recommends, following the receipt of an ecological report submitted by the applicant, that if the application is approved it should be subject to the planting of a new 150 metres section of hedgerow as indicated.

#### **5. Representations**

5.1 In a letter that accompanied the application the applicant makes the following main points:

- have been operating for 5 years on my own
- avoided flying over neighbours houses. One complaint to multiple take-offs and landings, for friends, stopped doing that
- after receiving complaint put microlight up for sale, for a quicker and quieter aircraft (now sold it)
- will not replace until I know I can carry on flying
- last year (2005) flew for a total of 45 hours only time audible would be in taking off phase.

5.2 In a further letter, the applicant states:

- thought we were entitled to cut boundary hedge, have maintained it for six years we have been here
- new microlight would be indistinguishable from the microlight version, only paperwork changes
- runway not of sufficient length for a conventional aircraft
- no one in UK owns their airspace
- people have used my airstrip mistaking it for one half a mile away, which has since closed
- did receive noise complaint and have as a result put microlight up for sale
- Canadian geese concerns, has objector mentioned 50 per cent shot by his neighbours

- my horses do not bat an eyelid near the runway, objector's horses are half a mile away
- Shobdon full
- to have runway, dream come true - will fit in with locals and not upset them. Taken many flying
- locals say they like seeing me flying.

5.3 The Wyeseide Parish Council make the following observations:

"I write to represent the view of the Wyeseide Parish Council regarding the above planning application. This has been a change of use from permission for a polytunnel for agricultural purposes to a canvas covered aircraft store. A windsock has been set up and hedges trimmed and some removed. Since the runway was established and planes flown, livestock have been disturbed and the quiet nature of properties nearby and in the village have been affected by planes flying overhead as well as landing and taking off."

5.4 Six letters of objection received raising the following main issues:

- noise from airstrip intolerable
- scaring horses in our stud
- detrimental to wildlife and horses
- impact on river used by 'anglers', quiet enjoyment
- it is a SSSI, SAC in Europe
- lack of privacy under flight path, acceptable if no increase in use
- change of use of polytunnel to canvas covered aircraft store
- windsock erected, hedges trimmed and some removed
- east-west runway resulted in loss of hedgerow
- disaster environmentally and visually
- fly over our house
- whilst small microlight not a cause for concern, larger planes would be
- applicant not the only one flying in and out
- helicopters have landed on site
- use Shobdon
- multiple take-offs and landings.

5.5 19 letters of support have been received, the following main points are raised:

- no objections, does not cause a nuisance
- if on casual basis as it has been for last 5 years
- good possibly for scaring off foxes and buzzards
- used infrequently
- number of residents have been taken for flying trips by applicant
- applicant has sold aircraft for a quicker and quieter one
- enhances community
- no disturbance to myself or my animals.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The main issues are considered to be the impact of the use on the amenity of residents in the locality and secondly the impact on flora and fauna on this site adjacent to the River Wye.
- 6.2 It is evident from the advice of the Environmental Health Manager that the Council have not received noise complaints for the five years the applicant has been operating from the site. This is not the deciding factor in the determination of this retrospective application, it is though, indicative of the use of the site which has been limited previously and would need to be controlled to sole use of the applicant, as recommended by the Environmental Health Manager in the event that the proposal was supported. There are no microlights operating from the application site until such time as this application is determined.
- 6.3 The use of the site for sole use of the applicant and with some restricted landings and take-offs could be supported. It is considered that in the objections received, there is some tacit support for continued but limited use. The fear is that the use would grow as would the activity and associated noise. The type of aircraft proposed could not be reasonably conditioned, aircraft are though governed by the Civil Aviation Authority and that includes for the provision of a Noise Certificate.
- 6.4 Privacy is a difficult issue to quantify, this is given the fact that for a number of local residents the sight of the applicant flying over is welcomed. It is stated that privacy is an issue, however pilots landing or taking off should be more concerned with the operation of the aircraft than viewing below them.
- 6.5 The Conservation Manager requested an ecological appraisal partly for reasons of the representations received relating to herons nesting and given that a length of hedgerow had been removed. The Conservation Manager is satisfied that the commissioned report provides evidence that there are no nesting herons that would be affected. The provision of new hedgerow on a west-east axis is supported by the Conservation Manager subject to the species of plant being appropriate. Therefore, the Conservation Manager subject to the planting of new hedgerow does not feel that the continued use of the grassland for airstrip by the applicant would impinge upon biodiversity and ecological interest as set out in Unitary Development Plan Policies NC.1, NC.3 and NC.8.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

1. **Except in emergency, the use of the airstrip shall be restricted to that by microlight aircraft (as defined from time to time by the Civil Aviation Authority) first registered in the UK on or after 1st April, 1986.**

**Reason:** In order to define the terms to which the application relates.

2. **The number of aircraft movements (with take off and landing counting as separate movements) from the airstrip shall not exceed 8 per week.**

**Reason:** To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents.

- 3. Except in emergency no touch-and-go activity shall take place.

**Reason:** To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents.

- 4. This permission shall enure for the benefit of Mr. A. Fenn only and not for the benefit of the land or any other persons interested in the land, and only at such time as he occupies Byecross Farm.

**Reason:** The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

- 5. F32 (Details of floodlighting/external lighting ) (amended wording)

**Reason:** To safeguard local amenities.

- 6. The hedgerow planting set out in the FWAG Report received on 2nd May, 2007 shall be carried out to the satisfaction of the local planning authority in the first planting and seeding seasons following the first use of the runway, any trees/plants which within a period of 5 years from first planting are removed or seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 years defect period.

**Reason:** In order to protect the visual amenities of the area and provide mitigation for hedgerow removal previously.

**Informative(s):**

- 1. The siting or use of an existing building for storing an aircraft will require separate planning permission.
- 2. N19 - Avoidance of doubt
- 3. N15 - Reason(s) for the Grant of Planning Permission

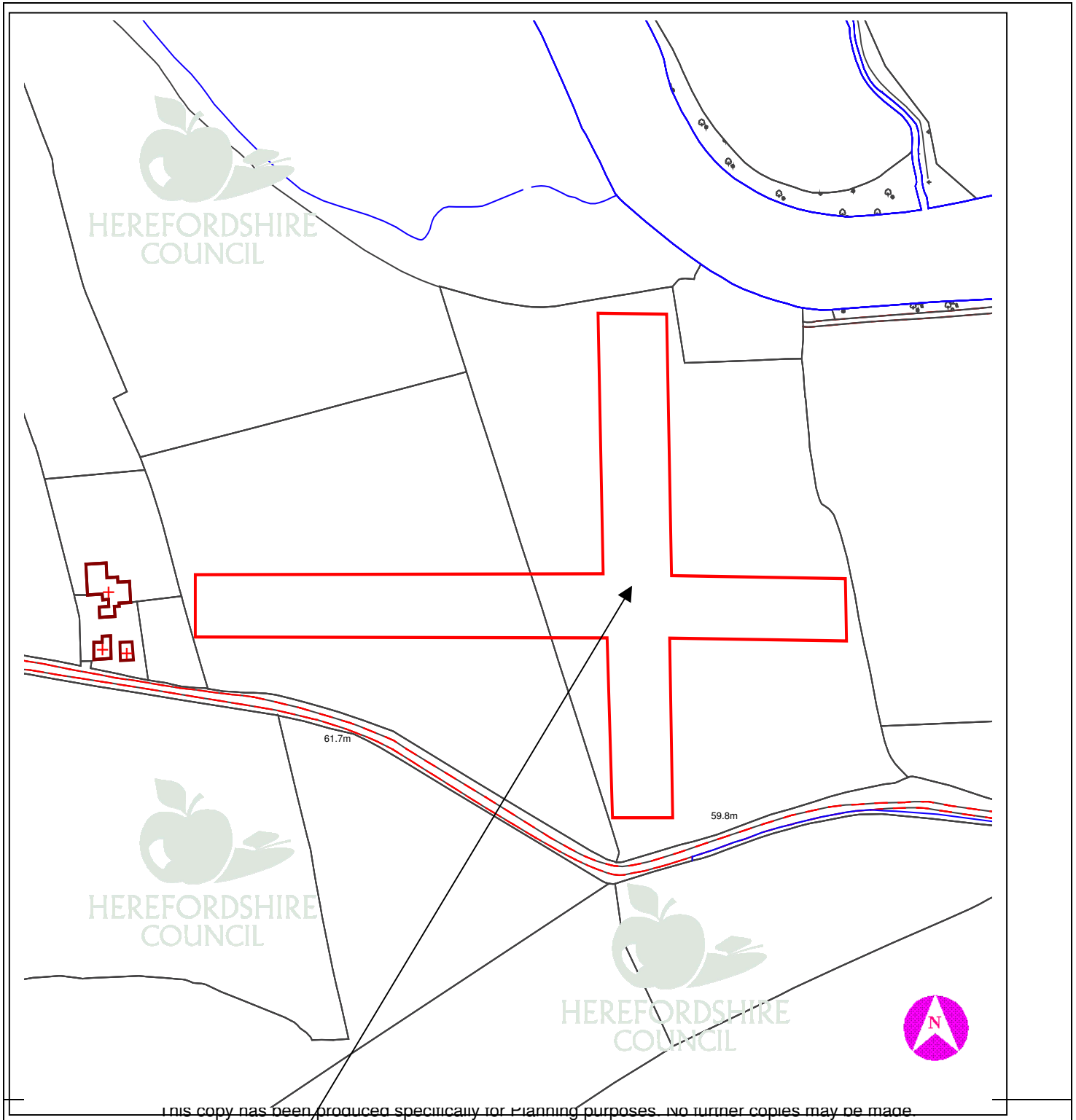
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCSW2006/3762/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Byecross Farm, Preston-on-Wye, Herefordshire, HR2 9LJ

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