

15 DCNW0009/1693/F - CHANGE OF USE OF LAND FROM AGRICULTURAL TO MIXED AGRICULTURAL AND AS A LANDING FIELD FOR A LIGHT AIRCRAFT, CHANGE OF USE OF A BARN FROM AGRICULTURAL AND EQUIPMENT STORAGE TO INCLUDE A VINTAGE LIGHT AIRCRAFT. (RETROSPECTIVE APPLICATION) AT CHAPEL STILE COTTAGE, WOONTON, HEREFORD, HEREFORDSHIRE, HR3 6QN

For: Mr M Hayes, 5 Mountain View, Almeley, Herefordshire, HR3 6NG

Date Received: 27 July 2009

Ward: Castle

Grid Ref: 335403,251952

Expiry Date: 21 September 2009

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The application site lies in an area of open countryside to the west of the A4111 adjacent to the hamlet of Woonton. The site comprises an area of agricultural land, linear in form, with an associated modern open fronted agricultural building to the North. The site has at certain times of the year a strip mowed into the grass which is used as a runway for light aircraft. There is a pole with a 'wind sock' erected to the south end of the field that accommodates the grass strip runway. A Public Right of Way crosses the site to the South.
- 1.2 The proposal is retrospective for the change of use of the land from agricultural to a mixed use, allowing for agricultural use and as a landing field for light aircraft and for the use of the agricultural barn as an equipment store, including the storage of a vintage light aircraft.
- 1.3 At the request of the officer, some more detailed information was received confirming details of how the site is used. These matters were the subject of further re-consultation.
- 1.4 The airstrip is a mown area 20m wide by 400m in length. The length is normally 250m but the additional length is required for safety reasons. Planes take off and land from the South and are generally between midday and 20.30 hours. Occasionally flights take place outside of these hours but never before 9am or after sunset. Figures on the number of flights which suggests that these enormously depending upon family, work, weather, field conditions and aircraft serviceability. Data has been taken from figures from the last 12 years but daily usage in the last three years varies from nothing to three flights in one day. Weekly usage in the last three years varies from nothing to five flights in one week. Monthly usage in the last three years varies from nothing to twelve flights in one month, with an overall average of four, leading to the annual total of around 50 flights.
- 1.5 The type of aircraft operated from the site is a 1944 former British Army Air Corps "Auster" which was designed to be operated unobtrusively and safely from unprepared fields. This is referred to by the UK Civil Aviation Authority (CAA) as a fixed wing landplane, commonly known as a light aircraft, and any visitors will be using similar aircraft. There are no microlights operated from the site but there have been up to two visits per year recently from people flying microlight aircraft. The maximum take off weight (MTOW) is listed by the CAA as 995 kg.

Anything much heavier than this would not be able to use the site because it is too small. The aircraft uses unleaded petrol and no aviation fuel is used.

- 1.6 The site is mainly for the applicant's own private use but historically there have been around 5 flights per annum by visitors to the area. Any visitors have to obtain prior permission to land at the site, and this would not be given without a comprehensive operational and safety briefing, with regard to local conditions. There are no parachuting, aerobatics or pilot training taking place at the site.

2. Policies

2.1 Unitary Development Plan Policies

S1	-	Sustainable Development
S8	-	Recreation, Sport & Tourism
DR2	-	Land Use & Activity
DR3	-	Movement
DR13	-	Noise

2.2 Government Policy

PPS4	-	Planning for Sustainable Economic Growth
PPS7	-	Sustainable Development in Rural Areas

3. Planning History

- 3.1 NW99/2793/F – Removal of existing barn and erection of a new barn for occasional stock shelter and storage of equipment / machinery – Approved 18 November 1999.
- 3.2 NW01/3129/F – Retention of agricultural shed – Approved 11 January 2001

4. Consultation Summary

Statutory Consultations

4.1 Ramblers Association

This development doesn't appear to have any impact upon the adjacent Public Rights of Way, Almeley AM20 and AM21. Our records from the surveying of all county footpaths show that the runway did at one point cross footpath AM21 although it now appears to be clear of the footpath according to the Block Plan and should remain so. It would be prudent to erect warning signs of possible light aircraft activities at strategic points at affected footpath area. The developer should be made aware of the legal requirement to keep the path open at all times.

Internal Council Consultees

4.2 Transportation Manager -

Has no objection subject to this being for occasional use only.

4.3 Public Rights of Way Manager -

The retrospective application for change of use to include a landing field for a light aircraft will have an effect on footpath AM21 which crosses the flightpath used for take off and landing. Because of the close proximity of this public footpath we are concerned for the safety of persons using it, particularly in the case of a possible overshoot on take off or landing. We have to object to this application on the grounds of public safety, and would suggest the applicant consults the Civil Aviation Authority on this matter for appropriate advice. If the Authority can give indication that there will be no significant risk to members of the public using the footpath at times of take off and landing or maybe suggest a means of adequate warning at these times which we think suitable, then we will reconsider our objections.

4.4 Environmental Health Manager -

This is a retrospective application and has been in use for a number of years. Noise from aircraft is specifically excluded from the powers made available to the local authority to deal with noise nuisance and as such any complaints would have been directed to the Civil Aviation Agency, having said that I am not aware of any ongoing problems.

The number of flights appear to be very limited and as such are unlikely to cause appreciable detriment to the amenity of neighbours however this would change if the use intensified. I have no objection to this proposal but would recommend that conditions to restrict its use are imposed e.g.

1. the permission is made personal to the applicant
2. flights are restricted between 9 a.m. and sunset eg lighting up time
3. aircraft size is restricted to a MAXIMUM TAKE OFF WEIGHT (MTOW) of 995kg
4. that except in emergencies there shall be no more than 1 take off and landing per day

5. Representations

5.1 Almeley Parish Council;

No objections were raised, subject to the land field being restricted to light aircraft and activity is not excessive.

5.2 The Civil Aviation Authority;

The CAA is no longer a statutory consultee for planning applications and therefore my first comment is that you will need to discharge any safeguarding obligations which may exist under the arrangements described in ODPM Circular 1/2003. In practical terms this means checking any safeguarding maps which may have been issued to you for that purpose.

5.3 Letters of objection / concern have been received from the following:

- Juliet Hibbert, Hall Mote, Woonton
- A J Beasley, 5 Baker Lea, Monkland
- J F Hibbert, 5 Eastfield, Eardisley
- Mr and Mrs Stinton, The Point, Woonton
- Iain Murdoch, Hall Mote, Woonton
- Ian Wadham, Wennetune House, Woonton
- Jeremy Plummer, Rose Cottage, Woonton

These letters raise the following issues:

- A Public Right of Way crosses the site / airstrip.
- There is no need for this landing strip when Shobdon is 15 minutes away.

- The site already causes noise and disturbance to local residents and livestock.
- There are noise pollution and safety concerns due to flying at low levels of neighbouring properties.
- The type of plane should be limited. Other types of planes, including microlights are used at the site.
- Concern that this could become a business.
- Concerns that 'events' could be held with 'stunts'.
- Any planning permission granted should restrict the use to personal / occasional use.
- Any planning permission granted should restrict storage of fuel.
- Concern about what this could become?

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

6. Officer's Appraisal

6.1 The proposed use has been operating from the site for approximately 12 years from the grass landing strip albeit the use appears to have intensified marginally over the years, and could be considered lawful. The main concern arising from this use is the impact upon the amenities currently enjoyed by local residents. This application offers the opportunity to ensure that the use does not intensify further and puts in place restrictions that will help to prevent disturbance to neighbouring properties.

6.2 At the officer's request the applicant has supplied some quite detailed information in relation to how the landing strip operates. It would appear that this is primarily for the flying of a light aircraft (995kg) for personal use with the occasional 'visitor' using the strip. A condition reflecting this is suggested as are conditions relating to the hours of operation, frequency of flights and restriction of uses such as parachuting, aerobatics or pilot training.

6.3 A condition restricting the storage of planes and equipment to that of the applicants own is also recommended to prevent the building becoming a storage facility.

6.4 The landing strip also crosses a Public Right of Way. Given the length of time that this site has been operating and given that you can clearly see the Public Right of Way crossing the site (or persons on it) it is considered appropriate to suggest that a scheme of signage is erected, warning users of the landing strip. The details of this can be agreed within 2 months of the date of permission being granted and should be maintained and retained in perpetuity. This should address concerns and comply with the requirements of policies S1 and DR3 of the Herefordshire Unitary Development Plan.

6.5 With regards to the CAA advice above. I am able to confirm that this site does not fall within any of the 'safeguarding maps' and as such the local planning authority has fulfilled its obligation. The Defence Estates have also been consulted but have not responded on this application.

6.6 Subject to the imposition of the recommended conditions, the continued use of the building and landing strip for the purposes discussed above would be acceptable having regard to policies DR1, DR2 and DR13 of the Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 F26 Personal condition

- 2 **A detailed log of all take-off and landings at the application site shall be kept and made available for inspection on reasonable request from the Local Planning Authority.**

Reason: To enable the planning authority to monitor the use in the interests of the residential amenity of local residents having regard to policies DR1, DR2 and DR13 of the Unitary Development Plan.

- 3 **Except in emergency, the use of the airstrip shall be restricted to use by light aircraft with a maximum take off weight of 995kg and shall not be used by microlights at any time unless otherwise agreed in writing by the local planning authority.**

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

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

Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents having regard to policies DR1, DR2 and DR13 of the Unitary Development Plan.

- 5 **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 having regard to policies DR1, DR2 and DR13 of the UDP.

- 6 **The airstrip shall be grassed and shall be no more than 400m in length and 20m in width.**

Reason: For the avoidance of doubt and to comply with the requirements of policy DR1 of the UDP.

- 7 **There shall be no take offs or landings between the hours of 9pm and 9am daily.**

Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents having regard to policies DR1, DR2 and DR13 of the UDP.

- 8 **There shall be no parachuting, aerobatics or pilot training taking place at or operating from the site.**

Reason: To enable the planning authority to retain control over the development in the interests of the residential amenity of local residents having regard to policies DR1, DR2 and DR13 of the UDP.

- 9 **Within 2 months of the date of this permission details of warning signs to be erected adjacent to the Public Right of Way shall be submitted to and approved in writing by the local planning authority. These signs shall be erected within 3 months of the date of this permission and shall be maintained and retained until such time that the use permanently ceases.**

Reason: To warn users of the Public Right of Way of the adjoining landing strip in the interest of safety having regard to policy DR3 of the Unitary Development Plan.

INFORMATIVES:

- 1 N15 Reason(s) for the Grant of Planning Permission**
- 2 N19 Avoidance of doubt - Approved Plans**

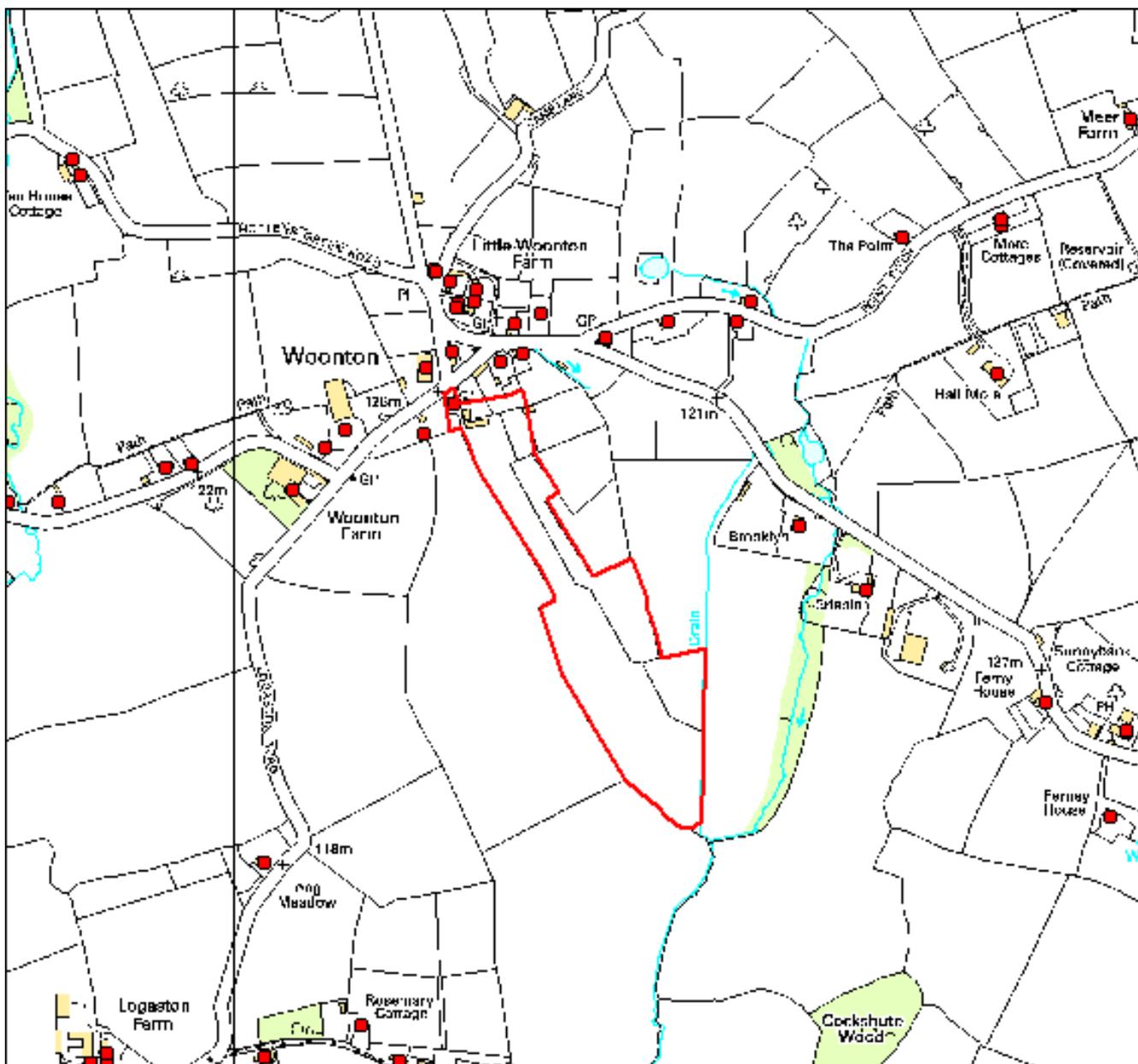
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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