



Appeal Decision

Site visit made on 13 July 2020

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 28 July 2020

Appeal Ref: APP/Y2736/W/20/3247926

Land at Wombleton Airfield, Hungerhill Lane, Wombleton

- 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 Gracemax Ltd against the decision of Ryedale District Council.
 - The application Ref 18/00580/MFUL, dated 7 June 2018, was refused by notice dated 23 January 2020.
 - The development proposed is Change of use of part of airfield land to allow the siting of 43 no. timber clad static holiday units with decking, 1 no. static site managers accommodation unit/office together with formation of a site vehicular access, associated permeable gravel internal site road with car parking spaces for the individual units, site landscaping (both internal and peripheral) including the retrospective peripheral bund (identified area to be retained only), with proposed low level site entrance lighting, installation of a package treatment plant and siting of electricity substation with boundary fencing and the erection of a section of acoustic fencing with two reinforced soil barrier acoustic bunds of 9.5m and 7.5m in height.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development was altered during the consideration of the planning application. The amended plans included a reduction in the number of holiday units and additional development including acoustic barriers. It is on the basis of the description in the Council's decision notice and on the appeal form that I have made my decision.
3. The description refers to a peripheral bund, and the layout plan¹ indicates that a section of bund to the end of the runway is to be removed. It was evident on my site visit that this section of bund has since been removed. As such I do not consider this element of the development as part of the proposals.

Main Issues

4. The main issues are:
 - Whether the future occupants of the proposed development would be put at an unacceptable safety risk from use of the adjacent airfield; and
 - The effect of the proposed development on the character and appearance of the site and surrounding area.

¹ WA-HL 1.1 Rev I

Reasons

Aviation Safety

5. There is disagreement regarding the planning use and status of Wombleton Airfield, in particular runway 17/35 which runs immediately alongside the site. The centre of the runway is roped off, denoting the land ownership, half of which is controlled by the appellant. The runway has not been in use for some time for aviation purposes and the appellant suggests that it is no longer suitable as an active aerodrome for a number of reasons. A number of removable structures including water tanks, storage containers and pallets were in place at the time of my site visit.
6. The runway is fully hard surfaced, in varying condition. The evidence indicates that as an unlicensed airstrip repair works are not essential, and that with some modest investment it could be improved. I acknowledge that the airfield is mentioned in several aviation guides, and that the adjacent runway operator maintains that the runway could still be used by certain types of light aircraft. I have also been referred to a number of historical planning decisions relating to the airfield, but together with the other evidence presented this does not confirm to me either way the planning status of runway 17/35.
7. The lawful use of the runway is not for me to determine as part of this appeal. Nonetheless, from the evidence before me, there is a strong possibility that without the current temporary obstructions the runway could be put to aviation use again. As such it should be demonstrated that the neighbouring uses would be compatible in terms of safety in order to comply with Ryedale Plan Local Plan Strategy (RPLPS) Policy SP20.
8. Safety guidance for both licensed and unlicensed aerodromes is provided within guidance published by the Civil Aviation Authority (CAA)², but it is not mandatory for this type of airfield. CAP 793³ recommends a runway width of 18 metres to accommodate flying of light aircraft, and also includes guidance regarding nearby vertical obstacles. The submitted plan and documents indicate that the relevant recommendations could be achieved here. Clear grassed areas beyond the runway in the event of an aircraft overrunning the end of the runway are provided, and a 30 degree wing bank angle could be accommodated for in the event of engine failure soon after take-off⁴. CAP 168 guidance regarding a transitional slope would also be met. Conditions could effectively ensure that such areas within the control of the appellant are maintained free of obstructions including landscape features.
9. CAP 793 notes that when an aerodrome is being used privately by qualified pilots, who should be well aware of the performance characteristics of their aircraft, then the aerodrome dimensions and operating practices should be appropriate and proportionate to that private activity. The evidence indicates that the most recent aviation use of the airfield has been for low numbers of light aircraft, and that it could also be used for microlight flying. More intensive activity and use by larger aircraft is unlikely given the scale and location of the runway and lack of on-site facilities.

² CAP 793 'Safe Operating Practices at Unlicensed Aerodromes' (CAA, July 2010) and CAP 168 'Licencing of Aerodromes' (CAA, January 2019)

³ CAP 793 Appendix B section 3

⁴ CAP 793: Chapter 5, paragraphs 7-8

10. Whilst the holiday site would give rise to an increase in the number of people in relatively close proximity to runway 17/35, the potential risk to the safety of future occupants of the holiday units in the event of an unpredictable emergency aviation event is very low. To further assist in decreasing risk, conditions could be imposed to require appropriate signage and boundary features to assist in discouraging people from entering the area around the aerodrome. Adherence to the layout plan in restricting the holiday units to beyond 55 metres from the runway would also assist in minimising the risk.
11. I have had regard to the accident reports and examples of similar aerodromes which operate in close proximity to caravan development. These have no bearing on my decision as there are no other details relating to these sites including their planning history before me, and in any event I am dealing with the appeal site on its own merits.
12. Notwithstanding the unlicensed status of the airfield or its current lack of use, the location of the holiday units and associated landscaping would comply with the relevant CAA guidance. Should the use of runway 17/35 resume in the future, there would be adequate space for a light aircraft to land together with further clearance around the appeal site in the event of an unforeseen emergency. As such, the proposed development would be unlikely to prejudice the future operation of the adjacent runway 17/35, and the neighbouring uses would be able to co-exist without an unacceptable risk to the safety of future occupants of the holiday units.
13. In view of the above the proposed development would comply with RPLPS Policy SP20 which resists proposals which would result in an unacceptable risk to human life, health and safety or unacceptable risk to property. The proposal would also be in general compliance with paragraph 104(f) of the National Planning Policy Framework (the Framework) in relation to maintaining a national network of general aviation airfields and their need to adapt and change over time.

Character and Appearance

14. Policy SP8 of the RPLPS supports new caravan and chalet self-catering accommodation in the countryside which can be accommodated without an unacceptable visual intrusion and impact on the character of the locality. Policy SP13 seeks to protect and enhance the quality, character and value of the diverse landscapes of the district. It requires development proposals to contribute to the protection and enhancement of distinctive elements of landscape character.
15. I concur with the key landscape character features of the site and Vale of Pickering area as set out in sections 6.65 and 6.66 of the officer's report. The surrounding area is largely an open and flat arable landscape, with large field patterns interspersed with field hedgerows and sporadic areas of trees forming woodland blocks and shelter belts. The immediate area is sparsely populated and the road network comprises narrow unlit rural lanes. The more undulating landscapes of the Howardian Hills Area of Outstanding Natural Beauty and the North York Moors National Park are nearby, however there is no suggestion that the development would detract from the setting of these designated landscape areas.

16. The site benefits from existing and more recently planted vegetation which provides good screening from Hungerhill Lane and the nearby village of Wombleton, but the site is much more open and exposed around the aerodrome itself and towards Common Lane. The tree belts surrounding the adjacent potato shed are dense and mature, with heights of trees similar to the shed itself. These areas of woodland make a significant contribution to the character and appearance of the site and immediately surrounding area, as well as providing relief and shelter within the otherwise open landscape and screening of the potato shed. In turn, the trees would provide a benefit to future users of the holiday park both in recreational terms and in providing visual and acoustic screening of the potato shed.
17. A perimeter earth bund has already been completed and it was apparent at my site visit that planting is now establishing more effectively than is suggested in the evidence. Additional native planting is also proposed to form a denser landscape buffer. This could be adequately secured by condition and would assist in screening the proposed holiday units to an acceptable degree given that the units would be low level structures arranged at a low density.
18. The proposed 9.5 metre and 7.5 metre high acoustic barriers located within the tree belts were a later addition to the planning application submission. I have no reason to disagree with the conclusions of the noise report that such barriers would adequately protect future occupants from noise arising from the seasonal activities within the potato shed. I also note that these acoustic mitigation measures are supported by the Environmental Health Officer. Nonetheless, the desire to achieve a good standard of living conditions for the future occupants of the holiday units needs to be balanced against the visual impact of the barriers on the character and appearance of the site and the surrounding landscape. Together with any potential loss of trees, this impact has been considerably underestimated.
19. The acoustic barriers would be of significant height and scale. In particular, the 9.5m barrier would exceed the height of the potato shed itself and many of the trees surrounding it. The barriers would be located directly within the centre of each tree belt, however no information is provided in the Arboricultural Impact Assessment relating to any trees which would require removal. This raises doubts about how well screened the barriers would be.
20. A considerable amount of soil and plants are likely to be needed within the cage type structure of the barriers to achieve the attractive and natural appearance evident in the submitted marketing literature. Without dense and established planting, the bunds would have a stark appearance uncharacteristic of their surroundings. Even once planting is established the excessive height of the barriers would represent an incongruous feature, inconsistent with the landscape character of the area. This harmful visual effect could not be mitigated by a condition requiring further landscaping given the significant height of the barriers.
21. The 3 metre high acoustic fencing to the airfield side of the potato store would be set on a more conventional shaped bund some 4.5 metres high, resulting in a total height of 7.5 metres. Further planting to screen the elevated fencing could be secured by condition. However when viewed cumulatively, the oppressive and almost continuous 'wall' of acoustic barriers would be

incompatible with the landscape character of the area, being prominent and incongruous in this otherwise flat landscape.

22. There are alternative sound attenuation methods which have previously been put forward, and these include less intrusive works which could be carried out to the potato shed itself to reduce the noise emanating from the building. However, the potato shed is not within the control of the appellant and as such is not something that can be achieved by condition in this case. As a Section 106 agreement is not forthcoming as part of this appeal, I am unable to consider this possible course of mitigating action.
23. To conclude on this matter, whilst the holiday units alone would not result in any significant harm to the landscape (with additional planting secured by condition), the proposed acoustic barriers would result in unacceptable harm to the character and appearance of the site and the surrounding area. As such the proposed development would not fully comply with the provisions of RPLPS Policies SP8 and SP13 nor paragraph 127 of the Framework.

Other Matters

24. The proposed units are for holiday use only and this could be appropriately restricted by the conditions suggested by the Council and so prevent permanent residential occupation. A relatively small scale development of 43 units would be unlikely to result in any undue burdens on local infrastructure nor negatively affect the living conditions of nearby residents. The holiday use of the site is generally in compliance with the relevant RPLPS policies regarding development in the countryside and tourism.
25. Flood risk and drainage, construction management, contamination, ecology, and highway safety matters can all be suitably dealt with by the suggested conditions. I note there are no objections from the relevant consultees on such matters.
26. Rights of access are a civil matter, and any existing issues relating to the potato shed and other parts of the wider airfield are not within the application site so are not part of the appeal proposals before me.
27. I have had regard to the benefits of the proposals including economic benefits arising from increased spending in the area, a small level of employment and an addition to the local tourism offer. There would be environmental benefits relating to increased planting and biodiversity enhancements. I give such benefits moderate weight, nonetheless they do not outweigh the significant harm to the character and appearance of the area which would arise from the proposed acoustic barriers.

Conclusion

28. For the reasons above I conclude that the appeal should be dismissed.

S Hunt
Inspector