



Appeal Decision

Site visit made on 3 August 2021

by **Helen B Hockenhull BA (Hons) B. PI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2021

Appeal Ref: APP/Y2736/W/21/3269844

Land west of Hungerhill Lane, Wombleton Airfield, Wombleton YO62 7RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gordon Herbert, Gracemax Ltd against Ryedale District Council.
 - The application Ref 20/01181/FUL, is dated 1 December 2020.
 - The development proposed is the change of use of part of airfield land to allow the siting of 6 No. timber clad static holiday units with decking together with formation of a site vehicular access, associated permeable gravel internal site road with car parking spaces for individual units, site landscaping and fencing with proposed low level site entrance lighting.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of airfield land to allow the siting of 6 No. timber clad static holiday units with decking together with formation of a site vehicular access, associated permeable gravel internal site road with car parking spaces for individual units, site landscaping and fencing with proposed low level site entrance lighting on land west of Hungerhill Lane, Wombleton Airfield, Wombleton YO62 7RY in accordance with the terms of the application, Ref 20/01181/FUL, dated 1 December 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Gordon Herbert, Gracemax Ltd against Ryedale Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. The appeal results from the Council's failure to determine the planning application within the statutory period. The Council have outlined that had they been in a position to determine the application they would have granted planning permission and have suggested a number of planning conditions for my consideration.

Main Issues

4. I consider the main issues in this case are:

- whether the proposed development would result in unacceptable safety risk for the operational use of the adjacent airfield and whether future occupants would be put at a safety risk;
- the effect of noise from adjacent land uses on the living conditions of the future occupants;
- the effect of the proposal on the character and appearance of the area.

Reasons

Aviation safety

5. Wombleton airfield forms a non-commercial, unlicensed airfield. There are 2 main runways in operation. The application site lies to the east of runway 17/35. I am advised that the runways ownership is split down the middle with the appellant owning the eastern half. It was evident at my site visit that the runway is not currently in use. Whilst it is hard surfaced, it is in need of some repair and various obstructions such as pallets would need to be removed. Despite its current condition, it would appear that it could be returned to its former use with some refurbishment.
6. I note that an Aviation Report which accompanied a previous application on the site for 43 holiday units, (Application ref 18/00580/MFUL), looked at safety issues in detail. It considered restrictions on access, vertical obstructions within close proximity to the airfield, boundary fencing to prevent unauthorised access and warning signage. The conclusions of this report led to the formulation of a planning condition on a subsequent permission for 5 holiday units on land immediately north of the current appeal site (Application ref 20/00230/MFUL).
7. The appeal submission in effect forms an extension of the approved 5 units. Whilst it would be sited closer to runway 17/35, I am satisfied that the operational safety requirements outlined in the previous Aviation Report can be complied with and secured through the imposition of a similar planning condition. The design parameters of the proposal ensure that units would be sited more than 55 metres from the edge of the runway and that Civil Aviation Authority guidance would be adhered to.
8. In light of the above, I conclude that the proposal would not result in an unacceptable risk to the use of the airfield or to the safety of future occupants of the scheme. The proposal would therefore comply with Policy SP20 of the Ryedale Plan Local Plan Strategy (RPLPS) which seeks to ensure no adverse impacts on the operation of adjacent land uses.

Noise

9. Occupants of the proposed development could be affected by noise from two sources, firstly from a potato store located to the north and secondly from the operation of the airfield itself.
10. I understand that the potato store operates for three months of the year from November to January. The appellant relies on a noise assessment submitted to accompany the approved 5-unit scheme which addressed noise from the potato store. This included a noise contour map which demonstrates that the holiday units proposed in the appeal scheme, would be beyond the 40 dB contour and therefore within acceptable limits for both daytime and night-time noise.

11. In terms of aviation noise, the operation of the runway would be of a frequency and duration which would lead to intermittent noise. I have no indication that flying would take place at night, a time when occupants of the proposed holiday units would be more sensitive to noise.
12. The potential noise impact from the airfield was considered in connection with the previous two applications on the site. In both cases it was found that it would have an acceptable noise impact. It is notable that the use proposed is not for permanent residential units but for holiday accommodation, the occupants of which would be aware of the site's location next to an airfield.
13. Given the above, I conclude that whilst there would be the potential for intermittent noise, bearing in mind its frequency and the nature of the use proposed, it would be unlikely to result in an unacceptable noise impact on future occupiers of the proposal.
14. Accordingly, the scheme would comply with Policy SP20 of the RPLPS which resists proposals which would result in an unacceptable risk to human life and health and safety.

Character and appearance

15. The area in the locality of the appeal site is agricultural and typically flat reflecting the topography of the low-lying Vale of Pickering.
16. Policy SP8 of the RPLPS permits new touring caravan and camp sites and static caravan and chalet self-catering accommodation provided that they can be accommodated without an unacceptable visual intrusion and impact on the character of the locality.
17. There are mature hedgerows and trees on the site boundary with Hungerhill Road which are to be retained. These are effective in reducing views into the site from the road. The potato store to the north is screened by an existing dense woodland so that the future occupants would not be able to view the store building. Native hedges and trees are proposed on the east and west boundaries of the site which would soften views of the proposed units.
18. On the southern, western and northern site boundaries a 1.8-metre-high post and mesh fence would be erected with warning signs. The proposed planting would assist to screen this feature and assimilate it within the landscape. Low level lighting at the site access is proposed. An appropriate condition could ensure it is not intrusive in this countryside location.
19. Accordingly, I conclude that the proposed scheme would not cause harm to the character and appearance of the area. It would comply with Policy SP8 cited above as well as Policies SP16, SP20 and SP13 of the RPLPS which seek to promote tourism uses whilst protecting local landscape character.

Conditions

20. I have had regard to the conditions suggested by the Council in light of the Framework and Planning Practice Guidance. I have amended the wording of conditions where I consider it to be necessary. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans for the avoidance of doubt.

21. To ensure that the holiday units are not occupied as permanent residential accommodation, which would be contrary to local plan policies for development in the countryside, condition 3 is required. Condition 4 is necessary in the interests of aviation safety and to ensure the operation of the runway is not prejudiced by obstacles including fences or trees. To ensure a suitable site access is provided, conditions 5 and 6 are required. In the interest of highway safety and amenity, condition 8 is necessary to require the submission of a construction management plan.
22. In order to protect the character and appearance of the area, conditions requiring the submission of a detailed landscaping scheme and ensuring its implementation and future maintenance are required (conditions 9 and 10). For the same reason I impose condition 19 to ensure that the proposed materials and colour of staining are appropriate to the character of this rural area. In the interest of aviation safety and local character, condition 14 is necessary to control external lighting.
23. I impose conditions 11, 12 and 13 to ensure that the site is properly drained and prevent the risk of flooding. Finally, conditions 15, 16, 17 and 18 are necessary to address any on site contamination and protect the health of future occupants.
24. The Council's Planning Committee have requested that should I allow this appeal, I give consideration to the imposition of a condition requiring a noise assessment to be undertaken with regard to noise from runway 17/35 and 04/22. As runway 17/35 is not currently in operation and needs repair work before it can be used, this would be difficult to achieve.
25. Nevertheless, the issue of noise is one which should be considered at application stage, as it is key to determining the acceptability of the proposal. I take account of the fact that there is an extant permission for 5 holiday units on an adjacent site and that noise impacts were considered when this scheme was determined. I also note the location of another caravan site close to the western boundary of the airfield. Given the above, I do not consider such a condition is necessary.

Conclusion

26. The principle of the development conforms with national and local plan policies for sustainable tourism and the rural economy. I have found that the proposal would not cause harm to aviation safety or the safety of future occupants, that there would not be an unacceptable noise impact from the operation of the airfield and the proposal would not cause harm to the character and appearance of the countryside. The material considerations in this case do not indicate that the scheme should be determined other than in accordance with the development plan.
27. Accordingly, for the reasons given above, and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhill

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing ref. WA-HL-P2 -1.1, Site Layout Plan; Drawing ref. WA-HL-P2-1.2, Lodge Plan (Plans & Elevations); Drawing ref. WA-HL-P2-1.3, Visibility Splays Proposed Access; Drawing ref. WA-HL-P2-1.5, Landscape Sections; Drawing ref. WA-HL-P2-1.6, Boundary Fence Details (including warning signs detailed and their positioning); Drawing ref. WA-HL-P2-1.7, Aviation Transitional Slope Contour Map.
- 3) The development hereby permitted shall ensure that:
 - i. The tourist accommodation (6 lodge units only) is occupied for holiday purposes only; and not as a person's sole, or main place of residence;
 - ii. It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days;
 - iii. The owners/operators shall maintain an up to date register of lettings/occupation and advertising which will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.
- 4) The land edged in Blue and the land edged in Red as shown in the Site Layout Plan, ref. WA-HL-P2 -1.1 is subject to the following requirements:
 - i. Within the Runway Strip as defined by CAA CAP 168 for a Code 1A non-instrument runway by there shall be no obstacles under any circumstances including fences and trees, positioned on or above the ground in accordance with Site Layout Plan, ref. WA-HL-P2 - 1.1.
 - ii. Within the extended 30-degree zones from the marked take off points 105 metres in from each end and which are sectors either side of the runway centre line identified as safety areas for the purposes of CAA CAP 793 (RESA CAP 168 3.68), there shall be no obstacles under any circumstances including fences and trees, positioned on or above the ground in accordance with Site Layout Plan, ref. WA-HL-P2 -1.1.
 - iii. No obstacles (including trees) shall penetrate or protrude through the Transitional Surface as identified in CAA CAP 168 for a Code 1A non-instrument runway.
 - iv. No obstacles (including trees) shall penetrate or protrude through the Approach Surface as identified in CAA CAP 168 for a Code 1A non-instrument runway.
 - v. In the event of cranes being required during construction they either do not penetrate the Transitional Surface or notice is provided to the owner of runway 17/35 of the timing and duration of such events.
- 5) The development must not be brought into use until the access to the site at Hungerhill Lane has been set out and constructed in accordance

with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and subject to the following requirements:

- i. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details shown on drawing number WA-HL-P2 -1.1.
- ii. Any gates or barriers must be erected a minimum distance of 18 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- iii. That part of the access extending 18 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30 and fall away from the carriageway.
- iv. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing number WA-HL-P2 -1.1, dated 30.09.2020 and in the submitted Design, Planning and Access Statement and maintained thereafter to prevent such discharges.
- v. The final surfacing of any private access within 18 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- vi. Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

- 6) There must be no access or egress by any vehicles between the highway and the application site at Hungerhill Lane until splays are provided giving clear visibility as shown on drawing number WA-HL-P2-1.3 dated 06.06.2018. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 7) No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the application site off Hungerhill Lane have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 8) No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the development hereby approved must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - i. Details of any temporary construction access to the site including measures for removal following completion of construction works.

- ii. Restriction on the use of Wombleton village access for construction purposes.
 - iii. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
 - iv. The parking of contractors' site operatives and visitor's vehicles.
 - v. areas for storage of plant and materials used in constructing the development clear of the highway.
 - vi. Details of site working hours.
 - vii. Details of the measures to be taken for the protection of trees.
 - viii. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 9) The Native Woodland Mix (NW) and Native Shrub Mix (NU), standard and feathered trees and native hedgerows shall be positioned in accordance with the approved Site Layout Plan, ref. WA-HL-P2 -1.1, dated 30.09.2020. A planting schedule comprising a list of species and the planting regime shall be submitted prior to the commencement of the development hereby approved. The scheme shall be implemented within the next available planting season post construction, or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.
- 10) Notwithstanding the submitted details, a detailed scheme for the internal landscaping and surface treatments of the identified paths, roads, 'peripheral bunding' including samples, shall be submitted to and approved in writing. This shall be provided prior to the lodges construction and implemented within the next available planting season post construction, or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.
- 11) No development shall take place until details of the proposed means of disposal of foul drainage, including details of any off-site works, have been submitted to and approved in writing by the Local Planning Authority.
- 12) No work shall commence until a detailed scheme / strategy for surface water disposal has been submitted and approved by the Local Planning Authority.
- 13) A complete operational drainage system shall be installed prior to any holiday lodge being occupied.
- 14) Details of all external lighting on the site shall be submitted to and approved in writing by the Local Planning Authority prior to their

implementation, and the so-approved lighting scheme shall be implemented in accordance with the submitted details.

- 15) Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.
- 16) Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.
- 17) None of the lodges shall be occupied until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.
- 18) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to Local Planning Authority, and work must cease until an appropriate investigation and risk assessment has been undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 19) Samples of the external finish of the lodges (walls and roof treatment) shall be submitted to and approved in writing by the Local Planning Authority prior to their construction. The approved finish shall be implemented in the development.