



The Planning Inspectorate

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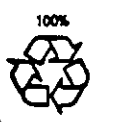
Your Ref:
Our Ref: T/APP/A1910/A/94/240341/P5

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| Ref: | |
| Date: | 02 NOV 1994 |
| Received | -3 NOV 1994 |
| Comments | |

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/0222/94 FL

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission to use part of the runway as a go kart race track at Bovington Airfield, Bovington, near Hemel Hempstead. I conducted a hearing into the appeal on 28 September 1994.
2. Prior to the determination of your application by the Council you submitted a plan showing the access route to serve the site as well as indicating the proposed siting of 2 portacabins. You say that these temporary buildings would be required for storage and sale of equipment, and to provide workshop and office facilities. At the hearing you confirmed that the proposal would involve two types of kart; the race kart, powered by a two stroke 100cc engine capable of speeds up to 70 mph, and the fun kart which runs on an adapted lawnmower engine and is capable of speeds up to 35 mph. Both types of kart would have proper silencing equipment in accordance with the RAC Motor Sports standards. The course would be defined by tyres and the track would be open 7 days a week from 10.00 hours to dusk, with use by race karts limited to between 10.00 and 16.00 hours. Whereas the fun karts would be available for hire, most race karts would be brought to the site by their owners for individual use. The maximum use would be 10-12 vehicles at any one time. The intention is to provide training and tuition of race craft with the emphasis on leisure use. There would be no public address system, floodlighting and no organised race meetings would be held. I have dealt with the proposal on the basis of this information.
3. The appeal site is situated towards the eastern boundary of the extensive area of flat and mainly open land that comprises the former Bovington airfield. The airfield, which is located to the north and west of Bovington village, remains



crossed by concrete runways dating from its wartime use and lies within the Metropolitan Green Belt. The site forms part of the east-west runway and adjoins a substantial section of the runway used for a Saturday market, the stalls for which are permanently stationed there. Much of the airfield has returned to agricultural use although other significant activities take place, including the excavation of clay and the use of part of a further former runway for stock car racing on some Sundays. Towards the south west part is a Civil Airports Authority navigation beacon and, to the north east, a reservoir. In addition, a Category "C" prison has been erected in recent years on former airfield land to the south and south west of the appeal site. There is also a concrete crushing plant and an area used for the external storage of vehicle trailers and plant, although the Council says that these uses are unauthorised.

4. From the discussion at the hearing, the written representations and my inspection of the site and its surroundings I consider that there are four main issues in this appeal. These are, firstly, whether or not the proposal would be appropriate development in the green belt, secondly, its impact on the living conditions and amenities of residents in the locality and users of the public rights of way in terms of noise and disturbance, thirdly its effect on the character and visual amenities of the area, and, finally, the suitability of the proposed access in terms of traffic safety.

5. Planning Policy Guidance Note 2 "Green Belts" states that within a green belt permission should not be given except in very special circumstances for the construction of new buildings or for the change of use of existing buildings for purposes other than, inter alia, outdoor sports. It also says that green belts have a positive role in providing access to the countryside for the urban population and that such access may be for active outdoor sports or passive recreation. This advice is repeated in PPG17 "Sport and Recreation" which says that outdoor sport is one of the uses which can often be appropriate in the green belt, and that proposals should be assessed on their merits bearing in mind the objectives of green belt policy.

6. Strategic and local policies in the Hertfordshire County Structure Plan Alterations 1990, the adopted Dacorum District Plan 1984, and the emerging Dacorum Local Plan adopt a similar approach, and impose strict control over development within the green belt. The enjoyment of the countryside for passive and active recreational use is, however, encouraged and, subject to green belt considerations, leisure uses will generally be permitted where they are acceptable in strategic and environmental terms. Further policies aim to protect and enhance existing settlements and the essential character of rural areas, and to avoid development which would cause harm through noise, disturbance and visual intrusion. The replacement Local Plan is now nearing adoption following a second inquiry into objections and, as no indication was given

to me that the relevant policies are likely to be subject to change, I attach considerable weight to them.

7. The Council contends that the permanence of the use, together with the type and scale of the activity amounts to an unacceptable form of development which would prejudice green belt objectives. Furthermore, it considers that the use could intensify and lead to more people being attracted than currently envisaged. While this may be so, the proposed use would fulfil an open recreation function and the proposed buildings would be limited in scale and ancillary to the recreational use. I consider later the amenity and environmental impacts of the scheme, including suggestions made that an acoustic bund could be provided. However, neither the use itself nor the related buildings would, I consider, compromise the open character of this part of the green belt and it seems to me that, in principle, the proposal would represent a positive and appropriate use in the green belt.

8. On the second issue, national guidance in PPG1 is that noise can have a direct impact on local amenity and PPG17 advises that noise from motor sports can cause concern in some locations. Policy 77 of the replacement plan deals with noisy countryside sports, stating that such uses will not generally be accepted unless, inter alia, they would cause no disturbance (including noise), and the scale of activity would respect the countryside setting. In the Council's view the proposal would not meet these particular criteria nor the requirements of Policy 8 to avoid harm through noise and disturbance.

9. The nearest houses to the appeal site are at a minimum distance of about 300m and lie to the south, on the outskirts of the village, with other dwellings slightly further distant to the north east where a ribbon of low density dwellings front Hempstead Road. In addition, there are 2 properties to the north at the end of Bourne End Lane, and a further residential unit at Runways Farm. Public footpaths 29 and 31 generally follow the airfield boundary around its eastern extremity, crossing part of the runway, and link with the village and other paths and bridleways in the surrounding countryside. At my visits, I found that, in certain locations, background noise from the A41 and nearby railway are discernable and, at times, the passage of overflying aircraft are clearly heard. However, away from the main Hempstead Road, I formed the impression that the countryside hereabouts has a generally tranquil environment. In so saying, however, I acknowledge that, in particular, when the market or the stock car racing is in operation, entirely different circumstances prevail.

10. There is broad agreement as to both the background noise levels at sensitive boundaries close to residential properties and the noise levels recorded when a single kart was tested. These figures indicate a considerable variation in the impact

of the noise of the kart according to location, ranging from small to significant increases over the ambient level. At the demonstration the noise from the kart was, in my opinion, loud in the immediate vicinity of the site and from the nearby footpaths, although it was not discernable from the locations to the south, close to the village. However, despite the distance and intervening wide belt of trees, I found the noise to be clearly audible, and significantly intrusive from the rear garden of the property I visited in Hempstead Road. I was able to appreciate the effect of topography on sound propagation and I acknowledge that the intrusiveness of the noise will vary from time to time, particularly depending on weather and wind conditions. The noise from the kart differs in tonal quality, form and character to the background traffic noise in locations where this can be heard. While the track would be most unlikely to be used at full capacity for much of the time and the resulting noise would not be constant, nevertheless it could continue over a lengthy period of every day of the week. Moreover, the evidence is that an increase in the numbers of karts on the track would result in a significant rise in noise levels.

11. In my opinion, the noise likely to be generated by race karts would, at times but on a regular and consistent basis, cause significant disruption and disturbance to local residents. This would diminish their level of amenities, more especially during the summer months when residents can reasonably expect to be able to relax and enjoy their gardens. At such levels I share the Council's view that the activity would give rise to complaints.

12. You argue that the noise impact of the use could be ameliorated by the construction of a bund or other acoustic barrier, a view supported by the Council's Environmental Health Officer. A range of heights for such a barrier are suggested, from 2-3m to 4-5m, and although no details are put forward as part of the scheme, you would accept a condition to achieve an agreed noise reduction. While I acknowledge that bunding would reduce the noise impact of the proposal, no specific evidence was presented to enable me to assess the degree of sound attenuation likely to be achieved and whether or not the noise environment at sensitive locations, including the nearby footpaths, would be unacceptably high at times of maximum use. Accordingly I am not convinced that a bund would so reduce the noise impact of the use to avoid an unacceptable deterioration of the noise environment at sensitive locations. I therefore consider that the proposal would not meet the Council's prevailing and emerging policy requirements for the control of noisy sports, and I conclude that it would unacceptably harm the living conditions and amenities of residents in the locality and users of the public footpaths.

13. Turning to the third issue, you point out the visual degradation of the former airfield, including the adjoining market land, and contend that the scheme would bring about an improvement in its appearance. The quality of the landscape

is not, however, a material factor in the designation of green belts, albeit that development within them should not prejudice their visual amenities. The site is not visible from public vantage points other than the nearby footpaths and the visual impact of the use, its parking area and portacabins would, in my judgement, be small in the context of other permanent structures hereabouts. However, the construction of a bund along the length of the track and enclosing it at either end, as was suggested by the Council as likely to be necessary, would create a significant landscape feature. On such a scale, even if planted as you suggest, it would, in my opinion, form an incongruous and artificial addition, noticeably alien to the open character of much of the surroundings. In reaching this view I have taken into account the circumstances leading to the provision of bunding to the prison, and that to the stock car track, as well as the Council's objections to other bund proposals on the airfield which have been supported on appeal. I conclude that while the scheme as submitted would not unduly harm the visual amenities of the area, the provision of extensive bunding would be visually intrusive and harm the character and appearance of this part of the green belt.

14. On the fourth issue, the Council's policies require traffic generated by a proposal to be accommodated without serious detriment to amenity, safety or traffic flow. I saw that Bourne End Lane is a well surfaced route which serves three residential properties as well as the reservoir and the uses currently taking place at Runway Farm. It is a very lightly used route which has a good access to and from the approach road off the new A41. For part of its length vehicles are able to pass with a degree of comfort although it reduces in width to between 3-3.5m for a good deal of its route. Given its general characteristics, I agree with the County Council that any significant increase in traffic use would be likely to cause safety difficulties.

15. You have predicted levels of traffic generation on the experience of a track at Hoddesdon, and you consider that up to about 10 vehicles would use the facility on an average weekday with up to 25 at weekends. While accepting that there could be occasions when conflicting movements could arise, these are likely to be limited. There are two informal passing places along the restricted width section and forward visibility is, for the most part, good. I consider that, at the scale of use proposed, the highway objections to the scheme are unconvincing and I conclude that the proposed access route would be suitable in terms of traffic safety.


16. Notwithstanding my findings that the proposal would represent an appropriate use in the green belt and would be served by an acceptable access, the use would, nevertheless, give rise to adverse amenity and environmental impacts. I have considered whether the imposition of conditions would overcome these objections to enable the proposal to proceed. However, you stated that the operational restrictions

suggested by the Council limiting the use to 14 days a year and/or limiting the use of the track to fun karts only would be unacceptable. In my view such restrictions would negate the benefit of any permission so limited and, as such, would not be reasonable having regard to the advice in Circular 1/85. A condition specifying the maximum number of karts in use would, I consider, be enforceable although the suggested requirement for a bund would be unacceptable for the reasons stated. I therefore conclude that the imposition of conditions would not overcome the objections to the scheme which are, in my judgement, of overriding importance in this case and lead me to conclude that the scheme would cause demonstrable harm to interests of acknowledged importance.

17. I have taken into account all other matters raised at the hearing and in the representations including your reputation in the karting world and your enthusiastic commitment to operate an efficient sporting and recreational facility of benefit to its participants, but neither these matters, nor any other matters are of such weight as to override the conclusion that the proposal on this particular site would be unacceptable.

18. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

Yours faithfully



D W HOWARD BA(Hons) DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mr R H Kiesa - The Appellant.

FOR THE LOCAL PLANNING AUTHORITY

Mrs J Custance BA(Hons) - Planning Officer, Dacorum
MRTPI Borough Council.

Mr R Brown BSc MSc AMIOA - Environmental Health Officer,
Dacorum Borough Council.

Mr J Burnett MICE - Highway Officer, Hertfordshire
County Council.

INTERESTED PERSONS

Mr N Bell - Silver Birches, Hempstead Road.

Mrs J Bell - Silver Birches, Hempstead Road.

Ms J Griffiths - representing the Honours Mead
Residents Association.

DOCUMENTS

Document 1 - List of persons present at the Hearing.

Document 2 - Council's letter of notification and
circulation list.

Document 3 - Bundle of 7 letters in response thereto.

Document 4 - Appendices to Mrs Custance's written
statement.

Document 5 - Appendices to Mr Brown's written statement.

Document 6 - Further statement by Mr Kiesa.

PLANS

Plan A - Application plan.

Plan B - Plan showing access route and siting of 2 portacabins.

PHOTOGRAPHS

Photographs 1-4 - The market stalls, the Saturday market and the concrete crusher, submitted by Mr Kiesa.

MEMORANDUM From:

DIRECTOR OF PLANNING

My Ref. 0222/94

Date. 3rd November 1994

To:

DIRECTOR OF LAW AND ADMINISTRATION

Your Ref.

Town and country Planning Acts 1971-1977

Planning Appeal by: *Mr. R.H. Keisa*


Appeal Site: *Bovingdon Airfield, Cheam Road, Bovingdon.*

Department of the Environment Reference: _____

1. I have been notified by the Department of the Environment of an Appeal concerning the above site and attach herewith:
 - (a) copy of application forms and relevant letters;
 - (b) copy of decision notice;
 - (c) facsimile of decision plan;
 - (d) the Department's notice of appeal;
 - (e) documents from appellant.
2. Please advise my planning information section (extensions 2576, 2577 or 2380) of your file reference number as soon as possible.
3. I have requested the Department to deal with this Appeal by:
 - (a) written representations;
 - (b) public inquiry

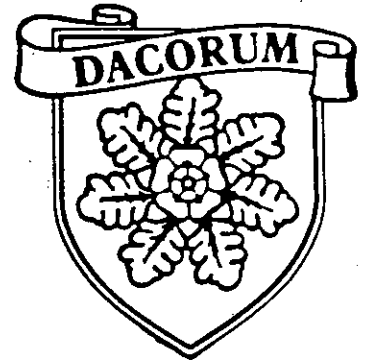
4. The Department has confirmed that the above appeal is to be dealt with by:
 - (a) written representations;
 - (b) public inquiry
5. I attach herewith, in respect of the above appeal:
 - (a) my written observations which have been forwarded to the Department;
 - (b) my Rule 6(2)/7(1) statement, or equivalent, which has been forwarded to the Department;
 - (c) a copy of the plan referred to in my observations/statement;
 - (d) a list of adjoining residents, amenity societies, etc. that have been notified;
 - (e) a draft proof of evidence;
 - (f) further comments from the Appellant/Secretary of State;
 - (g) other documents.
6. The Department has confirmed that the inquiry date in respect of the above appeal is _____ at _____

7. I attach herewith in respect of the above appeal a copy of the Secretary of State's decision.


DIRECTOR OF PLANNING

Enc.

P/D.38



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0222/94

Mr R Kiesa
19 Missden Drive
Hemel Hempstead
Herts
HP3 8QR

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Bovingdon Airfield, Chesham Road, Bovingdon, Herts

USE OF RUNWAY FOR GO-KART TRACK

Your undated application for *full planning permission* received on 16.02.94 has been *REFUSED*, for the reasons set out on the attached sheet(s).



Director of Planning

Date of Decision: 02.06.94

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0222/94

Date of Decision: 02.06.94



1. The proposed change of use to go-kart track is unacceptable in terms of Policy 77 of the Dacorum Borough Local Plan Deposit Draft (Criteria A and D) as it would cause significant noise and general disturbance to nearby residential properties. Furthermore the scale of the proposed use in terms of the numbers of karts to be operated and the permanent nature of the facility is inappropriate in this rural Green Belt location.
2. Bourne End Lane is a narrow single track rural road which is incapable of safely catering for the amount and type of traffic that would be generated by the development.