D.C.4

Town Planning
Ref. No. 4/0303/83

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To

Mr. D.S. Simpson,
13 Portman Close,
Hitchin,
Herts.

Use of land for operation of "Microlight" aircraft

at Land at Bovingdon Airfield, Chesham Road, Bovingdon,

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 24th February 1983 and received with sufficient particulars on 7th March 1983 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

1. The site is in an area referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and the deposited Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purpose appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and in the opinion of the local planning authority the proposed development is unacceptable in the terms of this policy.

2. The proposed development would be contrary to Policy No.75 of the deposited Dacorum District Plan which states that planning permission for leisure purposes will not normally be granted in areas outside 'Amenity Corridors'.

Dated 14th day of June 19 83

.../cont'd

Signed

Chief Planning Officer

P/D:15

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

CONDITIONS

2. (Cont'd)
The application site lies outside the 'Amenity Corridor' as defined on the 'Proposals Map' of the aforementioned Plan.

3. The proposed development would be likely to lead to increased noise and disturbance to the detriment of the amenities of the locality.

Dated .....14th.....day of .....June.....1983

Signed: .....

Chief Planning Officer

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Departments of the Environment and Transport
Eastern *Regional Office*
Charles House 375 Kensington High Street London W14 8QH
Telephone 01-603 3444 ext 171

CHIEF EXECUTIVE OFFICER
17 DEC 1984
File Ref. .....
Refer to .....
Cleared .....

Mr P G Greenslade
London Ultralight Flying Club
77 London Road
MARKYATE
Hertfordshire

Your reference

PLANNING DEPARTMENT
Our reference
(a) APP/X0415/A/83/009764/L
(b) APP/A1910/A/83/009807

Date	Ack.
C.P.O. 12 DEC 1984	C. / Admin. / File
Received 17 DEC 1984	
Comments	

Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36
APPEALS BY THE LONDON ULTRALIGHT FLYING CLUB
APPLICATION NOS (a) CH/391/83 AND (b) 4/0303/83

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr A H T Clayton MA (OXON), who held a local inquiry into your club's appeals against the decisions of Chiltern and Dacorum District Councils to refuse to permit the use of land at the disused Bovingdon Airfield, Chesham Road, Bovingdon, for the operation of microlight aircraft A copy of the report is enclosed.

2. The Inspector said in his conclusions:

"Bearing in mind the above facts, it seems to me that provided microlight flying occurs for recreational, rather than for training or commercial purposes, it is a type of activity which in principle may take place in the Green Belt without any special need having to be established. However the 2 local authorities concerned in this particular area, for the purposes of protecting the peaceful and rural character of the Green Belt have found it necessary to apply more restrictive policies which in my opinion merit support in the general public interest since some types of recreation have an impact on the countryside out of proportion to the numbers of their participants.

The question in this case is therefore whether an exception to these policies would be justified. Although no detailed evidence of the levels of noise experienced by persons living in the area of Bovingdon airfield from earlier microlight flying has been given, the general information on the subject in the local authority's evidence has not been challenged. It indicates that in the conditions at Bovingdon, where there are several dwellings within 300 m of the southern end of the runway and others near the taxi-ing area, and where modern microlight aircraft capable of taking off within a distance of 60 m will be flown, it is a reasonable presumption that certainly during take off and probably at other times, some residents will experience annoyance from microlight aircraft noise. The short take off distance is significant inasmuch as in certain atmospheric conditions, aircraft might be able to take off diagonally across the runway, over dwellings on the east and west sides.

The next question is therefore whether, if planning permission were granted, the annoyance would occur so frequently that the residents and those enjoying the countryside at weekends ought not to be subjected to it. I have noted particularly the numbers of club members likely to fly, and the appellants' willingness to accept various restrictions on the club's activities. However, weather

conditions for microlight flying occur so irregularly and infrequently that I do not consider it would be practicable to limit flying to a certain number of days per month or to fix a limit for numbers of take offs. The matter could be complicated by aircraft from outside arriving literally on "flying visits" which would add to disturbance and to the difficulties of control. There have been certain problems in this respect in the past and I doubt whether under the arrangements suggested, in the event of a sudden emergency or urgent complaint, effective control could be exercised. I also doubt whether in practice it would be possible to prevent intensification of flying by club members and visitors, once planning permission was granted. This could cause the living conditions of residents especially those who came to the area since regular flying at Bovingdon ceased to deteriorate to a material extent.

The completion of HM Prison "The Mount" by 1987 close to the runway would also in my opinion rule out any but a temporary grant of permission for security reasons.

Taking all these factors into account, it seems to me that despite the assurances given and the obvious convenience of the existing airfield for club members in pursuing their chosen form of recreation, there are not sufficient reasons to make an exception to the policies in this particular location, and that permission ought therefore to be refused."

The Inspector recommended that the appeal be dismissed.

3. Note has been taken of your contention that planning permission for the proposed use is not required on the grounds that Bovingdon airfield has only been used for agriculture since flying last took place, and that since agriculture does not constitute development as defined in section 22 of the Town and Country Planning Act 1971 the original use subsists. In this context it is observed that in 1974 the Councils issued determinations under section 53 of the 1971 Act that the use of the airfield for the operation of light aircraft required planning consent, and that these determinations were not challenged. In the absence on this occasion of an application for a section 53 determination the Secretary of State does not propose to issue a formal decision on this point but the views put forward by the parties have been considered.

4. It is noted that no flying of any sort took place from the airfield between the cessation of full operational use in 1970 and the intermittent use by microlights in 1979. In the meantime most of the buildings have been demolished and, apart from the metalled surfaces of the main runways and part of the perimeter track, the airfield has been used for agriculture and various temporary uses. On the basis of these facts it is considered that there was a lack of intent ever to return the land to an operational flying role again, and that since the original use ceased with no intention for a resumption at a particular time that use has been abandoned. Furthermore, the use now proposed would seem to create a new planning unit in that the two applications between them do not relate to the whole of the former airfield but merely to part of one runway and an associated stretch of perimeter track. Having regard to these considerations the Secretary of State concludes that the proposed use of the airfield for the operation of a limited number of microlight aircraft for recreational purposes on relatively few days in the year would be substantially different in nature and scale to the former full time military and commercial operations, and that this would amount to a material change of use requiring planning permission.

5. As regards the planning merits of the proposal the primary issue is considered to be the effect which the operation of microlight aircraft would be likely to have on the amenity of local residents and on the character of the Green Belt. There is a conflict between the desire of the flying club members to take advantage of the opportunity provided by the disused airfield to pursue their chosen form of recreation and the wish of the local residents to preserve the high standard of amenity which they currently enjoy. This conflict is intensified by the fact that the weather conditions most suitable for microlight flying are equally conducive to other, more popular outdoor leisure