

PLANNING DEPARTMENT		CHILTERN DISTRICT COUNCIL	
Ref.	Ack.	Admin.	File
C.P.O.			
14 JUN 1982			
TOWN and COUNTRY PLANNING ACT, 1971			
The Town and Country Planning General Development Orders 1977 to 1981			

FORM T.C.P.4B

Application No. CH/325/82

CHILTERN DISTRICT COUNCIL

*Please file on
Bovingdon Airport
access file*

Mr. & Mrs. K.B. Hobday,

The Old Workhouse,

Ducks Hill Road, RUISLIP, Middlesex.

IN pursuance of their powers under the above-mentioned Act and Orders the Chiltern District Council as Local Planning Authority HEREBY PERMIT Use of former runway for market with ancillary car parking on one day per week.
At: Land within the former Bovingdon Airfield, ASHLEY GREEN.

in accordance with your application dated 8th February, 1982.
and the plans and particulars accompanying it subject to the following conditions

- (1) The development shall not be carried out otherwise than in accordance with your said application and with the plans and particulars submitted therewith, apart from such variations as may have been agreed on behalf of the Local Planning Authority in writing, or as may be required by any other condition imposed hereon.
- (2) This permission is granted for a limited period which will expire on June 30th 1984 and at the expiration of this period the use shall cease and the land shall be returned to its former state.
- (3) Market trading shall only take place on one day per week and between the hours of 9.00 a.m. and 1.00 p.m. and there shall be four clear days between any two consecutive market days.
- (4) Market trading stalls and ancillary storage and equipment shall only be erected on the area edged in red on the approved plan. The areas edged in green on that plan shall be kept unobstructed and available for the parking of shoppers' cars at all times when the market is trading.

/continued.....

The reasons for imposing the above conditions are

- (1) To ensure that the development is carried out in accordance with the application considered and approved by the Council.
- (2) In order not to prejudice the construction of the Bovingdon By-Pass and to assess the suitability of this site for a continued market after land for the construction of this by-pass and the proposed Bovingdon Prison has been enclosed.
- (3) In order to minimise the impact of this market on traffic and residents in the vicinity of the site, and on shopping centres in the district.

/continued.....

Your attention is drawn to the notes printed on the back of this form.

DATED this

day of

19

DISTRICT PLANNING OFFICER

For and on behalf of the Council

NOTES

- (1) 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 Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ.) The Secretary of State has a 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 (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (2) 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 Council of the district 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.
- (3) 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.
 - (a) The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely, section 29(1), 30(1), 67 and 74 of the Act.



Department of the Environment

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Messrs Campbell Hooper and
Austin Wright
Solicitors
15 Jermyn Street
LONDON SW1Y 6LT

LA Refs:

Your ref: 598/76/JSS/doj

Decorum DC: TBJR/EDA/2447/74/1
Chiltern DC: TP/111 GJB/BJJ

Our reference

and APP/5134/C/76/3414-3419, 3420-2
Date APP/5252/C/76/3496

9.12.77

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971: SECTION 88
LAND AT BOVINGDON AIRFIELD
APPEALS BY STRAWBERRY FAYRE MARKET CLUB, WATERLOO
GALLERIES TRADING AS STRAWBERRY FAYRE, MESSRS W J AND M MASH LIMITED

DECISION

13 DEC 1977

Chief Executive

I am directed by the Secretary of State for the Environment to refer to the report of the Inspector Mr P J Wyatt, CBE DSC who held a local inquiry into appeals against enforcement notices:-

NOTICE A: served by Chiltern District Council, relating to the use of part of Bovington Airfield for the purpose of a market including the erection and/or stationing of stalls and delivery vehicles, mobile offices and mobile toilets, and ancillary uses including parking of vehicles, the erection and stationing of structures for the demarcation of traffic lanes and parking areas and the use of part or parts of the land as means of access and access roads;

NOTICE B: served by Chiltern District Council, relating to the erection of and/or construction of a structure containing a water supply unit, sewage collection or disposal units and structures for the demarcation of traffic lanes and parking areas at Bovington Airfield;

NOTICE C: served by Dacorum District Council alleging the same breach of planning control as in Notice A.

The appeals against notices A and C were on the grounds set out in section 88(1)(a) and (b) of the Town and Country Planning Acts 1971 but at the inquiry ground (b) was not pursued. The appeals against notice B were on grounds (a) and (f).

3. A copy of the Inspector's report of the inquiry, which was also concerned with the use of part of Bovington Airfield for racing of motor vehicles, is annexed to this letter. His conclusions are set out in paragraphs 114 to 140 and his recommendations at paragraph 141 of the report. The report has been considered.

SUMMARY OF THE DECISION

4. The formal decision is set out in paragraphs 8 and 9 below. The appeals against notices A, B and C succeed on ground (a) and the notices are being quashed. A temporary and conditional planning permission is being granted for the continuation of the market and for the retention of the water tower and septic tank.

REASONS FOR THE DECISION

NOTICES A AND C (GROUND (b))

5. No submissions were made in support of this ground of appeal. It is considered that the use of the appeal site for the purpose of a market with the various ancillary uses named in the enforcement notices without the grant of planning permission has resulted in a breach of planning control as alleged and the appeals fail on ground (b).

6. On the planning merits of the appeals on ground (a) the Inspector concluded:-

"GENERAL:

The appeal site as part of Bovington Airfield has been disused for that purpose for some 8 years or more, and has reverted to private ownership. In spite of the agricultural use of the land between the remaining runways and perimeter tracks, the whole airfield remains open, flat, and visually desolate and uninteresting.

While the return of the whole of the land to full agricultural use would not only put it to good use but enhance its appearance, there is little evidence that that situation is likely to come about in the foreseeable future, whatever the outcome of these appeals.

The use of the site for either a market or car racing is unlikely to inhibit the eventual development of the derelict land to the east as a prison. Such development would, perhaps, provide a form of barrier between the site and the residential developments of Bovington village, and so reduce the effect which either uses of the site may have on local residents.

The construction of the proposed by-pass would, however, introduce new factors which are likely to be prejudiced by those uses. For that reason, any planning permission given for their continuance should be limited in time so that, should the by-pass be proceeded with, the circumstances could be reviewed.

The use of the site for either an open air market or stock car racing is not so inappropriate to a green belt as the councils claim, providing they do not lead to any physical alteration to the land which could lead to an intrusion of urban activities into the countryside, and providing the uses remain occasional only and do not lead to a permanent change in the existing character of the rural area surrounding Bovington.

Both uses appear to provide a degree of social pleasure and relaxation or recreation in the countryside which is appreciated and taken advantage of by not only a significant proportion of local residents but also by a considerable number of residents of more distant towns. In this respect they appear to meet one of the aims of a green belt.

There is no evidence that either use has led or is likely to lead to a type of employment which would create any demand for more housing in the area.

So as not to prejudice green belt policies in this area, any planning permission given should therefore ensure that these uses do not take place more often than about one day a week, and that on all other days the site reverts to a virtually unused state.

Both uses create a significant amount of additional traffic on the sole approach road, B4505. There is, however, no evidence to show that up to now, except for

one early occasion, that it either overloads the B4505, or has caused any serious obstruction or created undue hazards to other users of this road. While such additional traffic is likely to affect adversely some residents of Bovington, many others appear to be prepared to accept it in order to enjoy the facilities offered at the site.

If, however, both uses were to coincide, that situation might be reached, to the serious detriment of other users of the road. Such an occurrence should therefore be prevented.

The present main access to the site is of ample width and fronts a reasonably straight portion of the B4505. There is no dispute that the present inadequacies of the vision splays are capable of satisfactory improvement. The secondary access is, however, both narrow and badly sited in relation to the alignment of the highway: while its blocking off cannot perhaps be demanded, prohibition of its use by vehicles connected with the 2 uses under review should be imposed.

Taking all those general considerations into account, I can find no good reasons for demanding the cessation of the uses alleged in the notices, providing the various limitations indicated are imposed. It seems to me that both uses provide enjoyment and plain fun to a very significant number of local and other people in a part of the countryside which, perhaps through the accident of history, is in many respects peculiarly appropriate for the purposes.

This disused airfield naturally lends itself to use for many other activities which can easily and economically be enjoyed on such an open area providentially equipped with runways. Perhaps one of its benefits is its location within easy reach of a large village. The fact that advantage is taken of the opportunities it affords is not a good reason for a multitude of minor activities precluding the more popular ones.

THE MARKET

From the evidence I am of the opinion that as at present conducted the market itself and parking of its customers' cars has no significant effect on the tranquility of Bovington village. The use of a public address or broadcasting system would, however, be likely to have such an effect, and would not appear to be necessary. While the present normal volume of traffic this use engenders on B4505 is to my mind acceptable, a large increase in the attractions offered could lead to a proportional increase in this traffic. It would be difficult to limit the number of cars arriving by denying entry to the access, and cars turned away might well create additional problems on the highway. Limiting the facilities offered by the number of market stalls would be easier to control and would be likely to have the desired effect, even if imprecisely. The maximum of 200 stalls suggested by the appellants would seem to be suitable for this purpose.

The competition which the market is likely to impose on other more permanent retailing tradesmen in the area is not to my mind a relevant factor in a planning context. In this respect the issue is solely whether this particular site is suitable for an occasional market. While I can find no reason to question the provisions made in relevant Development or Structure Plans for the distribution of permanent retail developments in the area, the factors and pressures which make them necessary are mainly absent in the case of an occasional market remote from urban development. There is

certainly no evidence that the market at the site has had a measurable effect on the general shopping pattern of the area. Should such evidence come to light in the future, the granting of permission for a limited time would allow the matter to be reviewed. The ethics of trading on Sundays is not in my opinion a matter that should be settled by planning law. Other statutes are available for that purpose, whatever their present shortcoming might be. There is strong evidence that this Sunday market does provide many people with a reason for making a relaxing visit to the countryside coupled with a perhaps pleasant change of shopping methods to that available in an urban centre.

Regarding the other matters alleged in these notices, they are all ancillary to and necessary for the orderly and hygienic conduct of the market. Being near the centre of the airfield the dismantled stalls, the 3 mobile vans and the water tower together with the traffic lane markers do not to my mind have any serious effect on the appearance of the area, and can be permitted to remain on the site on non-market days. To avoid any tendency for further similar development to become consolidated into more permanent developments, no increase in the present number of mobile structures should be allowed.

Taking all the above factors into account, I am of the opinion that planning permission should in this instance be given for the market to continue for a limited period of 4 years, but subject to conditions which would:-

1. limit the number of times the market is opened to mornings of Sundays or other days, and to only one day in any seven;
2. limit the number of market stalls at any one time to 200, and the times of opening to between 0830 and 1300;
3. forbid the erection of any permanent structure on the site, and limit any mobile structure to the stalls, 2 toilet vans, a control van and traffic lane markers;
4. require the market stalls to be dismantled and stacked near the mobile vans when not in use, and the site to be cleared of all rubbish within 2 hours of the market closing;
5. prohibit the use of any form of public address or broadcast system;
6. limit the means of access to that at the southern end of the north-east/south-west runway;
7. require the vision splay of that access to be improved in accordance with a scheme to be agreed with the local planning authority."

7. With regard to the possible effect of competition from the market on existing shops in the area the view is taken that, although competition as such is not a planning consideration, the over-provision of shopping facilities which could lead to existing shops in the area becoming unviable and empty would be a planning consideration. In all other respects the Inspector's conclusions are accepted. The market site is situated at some distance from the nearest residential development of Bovingdon so that the actual market can have little impact on the village itself. It is accordingly proposed to grant a temporary and conditional planning permission on the application deemed to have been made under the provisions of section 88(7) of the 1971 Act for the continuation of the market use. It is, however, proposed to restrict the permission to parts of the north-east/south-west and east/west runways where the use has been carried on. The appeals against notices A, B and C accordingly succeed on ground (a).

7346
83-756na
207-05

Airfield
cd)

Depot

Res
Labs

Department of the Environment.

This is the plan referred to in the
Secretary of State's decision letter
dated: - 9 DEC 77

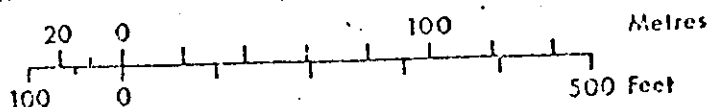
Reference: APP/5134/C/76/3414-3419
3420-2
APP/5252/C/76/3496

Extract from O.S. sheet no: TL 0004

National Grid Reference: 50068 20400

SCALE 1:2500

B YECLANS
Authorised by the Secretary of State
to sign, in that behalf.



FORMAL DECISION

3. For the reasons given in paragraphs 6 and 7 above, the Secretary of State hereby allows the appeals against notices A, B and C. In the exercise of his powers contained in section 88(5), (6) and (7) of the 1971 Act, he hereby grants planning permission for use of land at Bovington Airfield, shown edged in black on the attached plan, for the holding of markets for 4 years from the date of this letter and for the construction of a water tower and septic tank subject to the following conditions:-

- a. market trading shall not take place except between 0830 and 1300 hours and on not more than one day in every seven;
- b. no more than 200 market stalls shall be erected at any one time;
- c. no structures other than those hereby permitted shall be erected or brought onto the site apart from the market stalls, 2 toilet vans, a control van and traffic lane markers;
- d. the market stalls shall be dismantled and stacked near to the mobile vans when not in use and the site shall be cleared of all rubbish within 2 hours of the market closing;
- e. no public address, music amplification or broadcast system shall be used at any time;
- f. no access to the site shall be used in connection with the use hereby permitted except the access at the southern end of the north-east/south-west runway;
- g. the vision splay of the access at the southern end of the north-east/south-west runway shall be improved in accordance with a scheme to be agreed with the local planning authority or, in default of such agreement as shall be determined by the Secretary of State;
- h. details of the scheme referred to in condition (g) above shall be submitted to the local planning authority for approval within 3 months of the date of this letter; work on the scheme shall commence within 3 months of the agreement of the scheme by the local authority or the Secretary of State's determination as the case may be;
- i. at the expiration of a period of 4 years from the date of this permission the use of the land for the holding of markets shall cease, the water tower and septic tanks shall be removed and anything brought on to the land in connection with the said use shall be removed from the land.

9. The Secretary of State directs that notices A, B and C be quashed.

RIGHT OF APPEAL AGAINST THE DECISION

10. This letter is issued as the Secretary of State's determination of the appeals. Leaflet C enclosed for those concerned sets out the right of appeal to the High Court against the decision and the right to view documents appended to the Inspector's report.

11. This letter does not convey any approval or consent required under any enactment, byelaw, order or regulations other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

B YEOMANS
Authorised by the Secretary of State
to sign in that behalf