



The Planning
Inspectorate

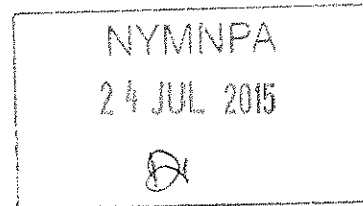
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North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref:
Our Ref: APP/W9500/W/15/3007950

24 July 2015



Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr R Walker
Site Address: South Moor Farm, Langdale End, SCARBOROUGH, North Yorkshire,
YO13 0LW

I enclose for your information a copy of the appellant's final comments on the above appeal(s). Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully,

Chris Nash
Chris Nash

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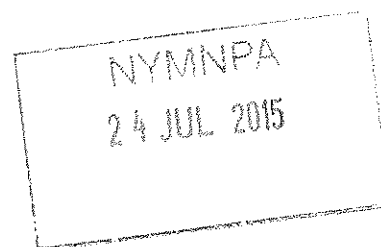
**MR R WALKER
SOUTH MOOR FARM
LANGDALE END
SCARBOROUGH
NORTH YORKSHIRE
YO13 0LW**

APPEAL REF: APP/W9500/W/15/30207950

RESPONSE TO THE LOCAL AUTHORITY STATEMENT OF CASE

SITE AT

**SOUTH MOOR FARM
LANGDALE END
SCARBOROUGH
NORTH YORKSHIRE
YO13 0LW**



Prepared by:-

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10 Risbygate Street
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June 2015

NYMNP
24 JUL 2015

Our comments on the various sections are as follows:-

- 2.3 The Planning Inspector did not consider the building to be of greater harm, he found it to be inappropriate and that the design failed against Development Policy 3 because its characteristics are not compatible with surrounding buildings and with Policy 12 as the site was not physically related to existing buildings. The proposed new building is similar to a much larger lambing shed on an adjacent farm as well as being similar to one illustrated in the North York Moors Planning Guide. It is also sited adjacent to existing buildings. The previous issues do not apply.
- 3.5 There was a mistake in the planning statement at Section 6.1 where 10 planes were mentioned. However all other references clearly stated 4 planes, in particular at Section 3, Proposals which mentioned 4 planes twice and later on in Section 6.1. If the Local Authority were confused with the anomaly they could have requested clarification during the application period.
- 5.2 National Parks are still part of the working environment with farms, quarries, roads and forestry operations.
- Dalby Forest hosts motor car rallies, motorcycle races and off road motor cycle events.
- 5.3 The national mapping of tranquillity was revised in 2008 and states on page 104 "*Light aircraft were also not flagged up as a major detractor from tranquillity in the original PA (Participatory Appraisal) work.*"
- 5.4 The area of the Moors including South Moor Farm is within a military Low Flying Area in which military aircraft are permitted to fly at speeds of up to 450 knots (390 miles per hour) and heights as low as 250 ft (100 ft for helicopters). Military aircraft will avoid routing over sites such as where other aircraft may be operating at low level, so South Moor Farm will in effect replace military low flying in the area, so there may in fact be an improvement.
- 5.5 There is no night flying proposed.
- 5.7 Landing at night requires significant investment in lighting systems, runway lights, taxi lights, start bars, stop bars and Precision Approach Path Indicators which are not proposed at South Moor Farm. Therefore there can be no night flying and no unacceptable light or noise pollution. Night flying does not add to any reasons for refusal.
- 5.9 Dalby Forest hosts motor car rallies, motorcycle races and off road motor cycle events.
- 5.10 New building to house 4 planes.
- 5.13 National Planning Policy Framework at Paragraph 28 states that local and neighbourhood plans should "*support the economic growth and expansion of all types of business and*

enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and promote the development and diversification of agricultural and other land based rural businesses." New buildings are not limited to agricultural use only. The proposed building is of the same design as a traditional agricultural building.

- 5.15 The footpath and bridleway is not used by the Tabular Hills Walk nor the Moors to Sea Cycle route.
- 5.16 There is no evidence that there would be an adverse effect on the enjoyment of users of the Public Rights of Way. In his appeal decision the Inspector stated that the likelihood of either a horse or rider being startled is fairly small and that the likelihood of an accident is very small.

There are several aerodromes throughout the UK with public footpaths and bridleways crossing the sites. There are no records of these being adversely affected by occasional use of the runway by light aircraft.

- 5.17 The Inspector concluded in the previous appeal that *the technical evidence shows no real likelihood of noise levels that would be harmful to residential amenity or the enjoyment of the area by visitors.*" The Local Authority have no evidence to back up their argument of the opposite.

Close neighbours who might be affected by the development were consulted and did not object to the application. The noise assessment states that noise levels of light aircraft taking off from the proposed site are insignificant when limited to the number of movements proposed. Residents of properties over one mile away would not be affected by the proposed airstrip.

- 5.18 An Assessment of the Impact of the Proposal on Archaeology was submitted during the application process.
- 5.19 The potential of unrecorded archaeology on the site is not high. The Archaeological Assessment concluded that *"the proposed aircraft storage building and wind turbine will have no impact on the significant and setting of the monuments. There is no known undesignated archaeology on or close to the footprint and it is too far east to be a likely location for undiscovered archaeology.*

The Local Authority have no evidence that this is not the case.

- 5.20 An archaeological assessment was prepared following English Heritage's concerns which concluded that any concerns could be mitigated.
- 5.21 Many airfields are very attractive to birds and mammals as they often have large undisturbed areas. Stowe Maries airfield has resident owls and kestrels and has been used of the BBC services "The Great British Year". The airfield operations have not affected local wildlife which is encouraged at the site.

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24 JUL 2015

5.22 There are no SPA's or SSSI's within 2 km of the closest boundary of the landing strip. The nearest boundary of designated nature conservation sites are at Troutdale and Rosekirk Dale Fens SSSI situated approximately 2.4 km to the south and Bride Stones SSSI situated approximately 2.6 km to the west. The closest boundary of the North York Moors SPA is approximately 6 km to the north west.

None of these sites are adjacent or close to the proposed development.

There is already low level military aircraft operating in the area which will provide considerable more disturbance than the proposed low level activity.

Flying can take place for up to 28 days per year under the General Permitted Development Order with no control from the Local Authority.

7. As part of the previous appeal process a screening opinion was sought as to whether the development could require an Environmental Impact Assessment. It was concluded that *in the opinion of the Secretary of State, having taken into account criteria in Section 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location..... to date, there is no evidence to suggest that there would be significant environmental impact as a result of the proposal."*

The Local Authority have failed to recognise the conclusions of the previous appeal which was based on evidence.

Suggested Conditions

These are acceptable apart from Condition 7.

There are several aerodromes throughout the UK with public footpaths and bridleways crossing the sites. There are no records of these being adversely affected by occasional use of the runway by light aircraft.

There is a licenced aerodrome at Shuttleworth (Old Warden) which has a bridleway adjacent to the sit and an equestrian centre located close to its runway. The horse racing courses at Haydock Park, Newbury and Newmarket Heath all have grass runways within the track, with Newmarket Heath also having a stud farm on site.

Should an order be refused to divert the footpath and bridleway then the development would not be able to proceed. It is unreasonable to impose a condition which means the appellants could not implement any permission, and does not form part of this application.

NYMNPA
24 JUL 2015

Public Letters of Objection

Mr A Wyatt and Ms C Bignell

- * Even if there was intensive farming, it would be permitted. National Parks are also working land.

M R Heap and J M Singleton

- * The have provided no technical evidence to support their view, with evidence showing the proposal will not be harmful to ecology, environment and peace and tranquillity.
- * 1). This was dealt with in the previous appeal, the Inspector dismissed the appeal on the proposed building.

2). The proposed building does not have a functional need for the purposes of agriculture, it has been designed as such to minimise impact on the landscape. Being designed as an agricultural building, should the airfield close then it could be used as a lambing shed in future.

3). No evidence has been provided by the objectors that there would be a harmful effect of the development. An Environmental Impact Assessment (EIA) screening opinion was sought with the previous appeal which concluded that an EIA was not required.

Joan Roberts and Brian Turner

- * A hearing is not necessary as the majority of the issues were dealt with at a previous appeal with technical evidence to back up the appellant's case. The only remaining issue was that of the agricultural building.
- * The appellant does not have unfair control of the process as the Local Authority and members of the public have equal opportunity to state their case.
- * The appellant is able to use the site as an airfield for up to 28 days per year as allowed in the General Permitted Development Order. There is no reason why he should not advertise this fact.
- * It is difficult to understand how the previous Inspector failed to fully investigate the noise impact on the topology of the area as an evidence based Technical Noise Assessment was submitted. There is nothing to contradict the findings submitted by any objector, nor the Local Planning Authority.

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24 JUL 2015

Mr John Cook

- * There are several aerodromes throughout the UK with public footpaths and Bridleways crossing the sites.
- * There is a licenced aerodrome at Shuttleworth (Old Warden) which has a bridleway adjacent to the sit and an equestrian centre located close to its runway. The horse racing courses at Haydock Park, Newbury and Newmarket Heath all have grass runways within the track, with Newmarket Heath also having a stud farm on site.
- * There are already low flying military aircraft in the area.

Mrs R C Dunmore

- * The storage building is for 4 planes. It is just heresay to state that "there would be more to this application than meets the eye." The appeal will be decided on the facts presented.

Councillor Janet Sanderson

- * There is no evidence provided to back up statements regarding noise.
- * There are already low flying military planes using the area.
- * There are several other aerodromes throughout the UK with public footpaths and bridleways crossing the site.
- * There cannot be any non professional pilots. All pilots have to undergo extensive tests to gain their licence, both commercial and private pilots.

Scarborough Birders

- * There are already military aircraft in the area and their have been no problems to date.
- * There is no evidence to back up the statement that Ebberston High Moor is a totally inappropriate place for aircraft take-off and landing.

Dr Julie Dixon and Mr Graham Dixon

- * There is no technical evidence provided by the objectors to back up that noise, or ecology would be an issue. Technical reports have been provided and the previous Inspector accepted that the proposal should not fail on these issues.

NYMNP
24 JUL 2015

A & H Prole

- * The hanger is for 4 planes.
- * Work on the runway amounts to cutting grass which the appellant is at liberty to do, only the building constitutes as operational development. The appellant has the right to use the airstrip up to 28 days per year without planning permission.

Lesley Keeton

- * Light aircraft are no noise, smelly or visually alarming.
- * There are already military aircraft flying in the area.

North Yorkshire Moors Association

- * The proposal is diversification of an agricultural holding. The definition of agricultural holding on ownership certificates for planning applications and appeals is for tenanted farms. The appellant does not occupy a tenanted farm, therefore the statement is correct.
- * The proposed location of the building has changed since the previous appeal and 365 m² is considered to be a modest sized building. Permitted development for up to 465 m² exists for agricultural buildings.

Miss Laura Charlton

- * There are several aerodromes throughout the UK with bridleways crossing the site.

Summary

The appeal submitted has been based on technical evidence which has already been accepted by a Planning Inspector and their conclusions have been ignored by the Local Authority.

It looks as if the Local Authority have approached the application by deciding they do not like it and are looking for reasons to refuse the proposal rather than objectively looking at the evidence before them. The previous Inspector found only the proposed building to be inappropriate which has been addressed in the resubmission.

The NPPF states that Local Planning Authorities should approach decision making in a positive way and look for solutions rather than problems. In this instance the LPA have provided no technical evidence to support their view, nor have they looked at any appropriate mitigation or recognised that this scheme offsets the only substantive issue with the previous application.