

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time, we will not accept the appeal.

**Appeal Reference: APP/W9500/W/16/3144478**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name: Mr R Walker

Address: South Moor Farm  
Langdale End  
SCARBOROUGH  
YO13 0LW

12 FEB 2016

Preferred contact method: Email  Post

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes  No

Name: Mrs Louise Gregory

Company/Group Name: Acorus Rural Property Services Ltd

Address: Acorus Rural Property Services, Old Market Office  
10 Risbygate Street  
BURY ST. EDMUNDS  
Suffolk  
IP33 3AA

Phone number:

Email:

Preferred contact method: Email  Post

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority: North York Moors National Park Authority

LPA reference number: NYM/2015/0781/FL

Date of the application: 10/11/2015

Did the LPA validate and register your application? Yes  No

Did the LPA issue a decision? Yes  No

Date of LPA's decision 15/01/2016

**D. APPEAL SITE ADDRESS**

Is the address of the affected land the same as the appellant's address? Yes  No

Address South Moor Farm  
Langdale End  
SCARBOROUGH  
YO13 0LW

Is the appeal site within a Green Belt? Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes  No

**E. DESCRIPTION OF THE DEVELOPMENT**

Has the description of the development changed from that stated on the application form? Yes  No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Change of use of land to form 2 no grass runways and construction of pilot/restroom building (revised scheme to NYM/2014/0819FL)

Area (in hectares) of the whole appeal site [e.g. 1234.56] 8.3 hectare(s)

Area of floor space of proposed development (in square metres) 0 sq metre(s)

Does the proposal include demolition of non-listed buildings within a conservation area? Yes  No

**F. REASON FOR THE APPEAL**

The reason for the appeal is that the LPA has:

1. Refused planning permission.
2. Refused permission to vary a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

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**G. CHOICE OF PROCEDURE**

There are three different procedures that the appeal could follow. Please select one.

**1. Written Representations**

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes  No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

Please explain.

It is necessary for the Inspector to enter the land to fully check the impact of the development.

**2. Hearing**

**3. Inquiry**

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**H. FULL STATEMENT OF CASE**

The full statement of case is set out in

see 'Appeal Documents' section

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes  No

(b) Have you made a costs application with this appeal? Yes  No

see 'Appeal Documents' section

**I. (part one) SITE OWNERSHIP CERTIFICATES**

Which certificate applies?

**CERTIFICATE A**

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;

**CERTIFICATE B**

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

**CERTIFICATE C and D**

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

**I. (part two) AGRICULTURAL HOLDINGS**

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

## J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.
02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellants (if any) edged or shaded blue.
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
07. A copy of the design and access statement sent to the LPA (if required).
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

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## K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet Yes  No

been decided?

#### L. CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

<b>Signature</b>	Mrs Louise Gregory
<b>Date</b>	12/02/2016 15:30:10
<b>Name</b>	Mrs Louise Gregory
<b>On behalf of</b>	Mr R Walker

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

#### M. NOW SEND

##### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to [appeals@pins.gsi.gov.uk](mailto:appeals@pins.gsi.gov.uk). If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 3035, Bristol, BS1 9AY.

**You will not be sent any further reminders.**

Please ensure that anything you do send by post or email is clearly marked with the reference number.

**The documents listed below were uploaded with this form:**

**Relates to Section:** FULL STATEMENT OF CASE  
**Document Description:** A copy of the full statement of case.  
**File name:** Statement of Case.pdf  
**File name:** SofC Appendix 1.pdf  
**File name:** SofC Appendix 2.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 01. A copy of the original application sent to the LPA.  
**File name:** Application Form.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.  
**File name:** Refusal Notice.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.  
**File name:** 200-01 South Moor Farm - Location Plan.pdf  
**File name:** 200-02 South Moor Farm - Block Plan.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.  
**File name:** Planning Statement and Appendix 1.pdf  
**File name:** Appendix 2 - Noise Assessment.pdf  
**File name:** Appendix 3 - Archaeology Assessment.pdf  
**File name:** Archaeology Appendix 1.pdf  
**File name:** Archaeology Appendix 2.pdf  
**File name:** Archaeology Appendix 3.docx  
**File name:** Archaeology Appendix 3a.pdf  
**File name:** Shed plans and elevations.pdf

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.  
**File name:** Documents Submitted with Application.pdf

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**The documents listed below were already attached elsewhere with this form:**

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).  
**File name:** Application Form

**The documents listed below are to follow by post:**

**Relates to Section:** FULL STATEMENT OF CASE  
**Document Description:** A copy of the costs application.

**PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US**

**Completed by** MRS LOUISE GREGORY

**Date** 12/02/2016 15:30:10

12 FEB 2016

3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct Line:  
Customer Services:  
Fax No:  
e-mail:

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

Your Ref: NYM/2013/0435/FL  
Our Ref: APP/W9500/A/14/2212850  
Date: 30 April 2014

12 FEB 2016

Dear Mrs Farnell

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2011 (SI 2011/1824)  
Appeal by Mr R Walker  
Site at South Moor Farm, Langdale End, Scarborough, YO13 0LW**

I refer to the above appeal. The Secretary of State has considered the application in accordance with Regulation 4(8)a of the above Regulations.

The development proposed, namely Change of use of land to form 2 no grass runways, extension to existing access track and construction of storage building and pilot/restroom building, falls within the description at paragraph 10(e) of Schedule 2 to the above Regulations, and is in a sensitive area, but in the opinion of the Secretary of State, having taken into account the criteria in Schedule 3 to the above Regulations, would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location.

The site is currently agricultural and exceeds 1ha, it is not known what grade agricultural land would be affected, but the scale of the loss is not considered to be significant, and there would be no significant impact in terms of contamination, flooding, traffic or complex construction.

The site is located within a designated sensitive area, the National Park, and approximately 6km from the North Yorkshire SPA & SSSI which is designated for birds. Natural England have concluded that there would not be a significant visual effect as a result of the development but it is noted that there was concern regarding the proposal harming the sense of tranquillity, and that the increased flights could potentially cause disturbance to SPA birds using offsite feeding areas, however to date, there is no evidence to suggest that there would be significant environmental impact as a result of the proposal.





Accordingly, in exercise of the powers conferred on the Secretary of State by Regulations 4(8)a and 6(4) of the above Regulations, the Secretary of State hereby directs that this development is not EIA development.

Under regulation 23(1) of the above Regulations, you must take steps to secure that this screening direction is placed on the part of the Planning Register which relates to the application in question. I would be grateful if you could do so to ensure that the Secretary of State's view is publicly available.

Yours sincerely

Lucy Hicks  
Environmental Services

(Signed with the authority of the Secretary of State)

MODEL F (2011)

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp>  
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*

12 FEB 2016



Historic England

YORKSHIRE OFFICE

Mrs H Saunders  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley, York  
North Yorkshire  
YO62 5BP

Direct Dial:

Our ref:

3rd December 2015

12 FEB 2016

Dear Mrs Saunders

**Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015**

**SOUTH MOOR FARM, LANGDALE END, SCARBOROUGH**  
**Application No NYM/2015/0781/FL**

We have received amended proposals for the above scheme. The application is a Revised Scheme for change of use to form 2 no. grass runways, and the construction of a pilot restroom building. We have considered the application and offer the following advice.

**Summary**

The application is a Revised scheme for the creation of a grass airfield of 2 no. runways with a new pilot restroom building. Historic England (writing as English Heritage) previously provided advice on this application on 6th January 2015. At that time our recommendation was that the application should be withdrawn or refused because it did not include any detail of the heritage assets, their significance or the impact of the proposal on that significance. The current application now includes a Heritage Statement (Linda Smith, Feb 2015) but excludes a storage building, proposed in the original application, and these changes are to be welcomed. The applicant proposes that, should the application be approved, the existing overhead power cable will be buried, although this may directly impact on nationally important but undesignated heritage assets, and as a consequence para 135 of the National Planning Policy Framework (NPPF) applies. Historic England recommends that the application can be determined with a condition for an appropriate level of archaeological mitigation.

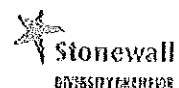
**Historic England Advice**

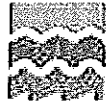
South Moor Farm site is located in an area of intense archaeological activity characterised by a complex variety of archaeological and earthwork forms.



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[HistoricEngland.org.uk](http://HistoricEngland.org.uk)





Historic England

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Approximately 135 metres to the north-west of the farm complex is the scheduled Bronze Age 'Three Howes Round Barrow cemetery' (National Heritage List for England no.1019936). This consists of the clearly visible earthwork remains of 3 no. burial monuments, dating to c2700-700BC. Less than 500 metres to the south of the farm complex is the extensive Scheduled Monument of 'Embanked pit alignments, linear earthworks, round barrows and cairns' (NHLE 1019601). This monument consists of a collection of standing earthwork and buried remains spanning the Neolithic to Iron Age periods.

Whilst these two named Scheduled Monuments are the largest (by area) in the vicinity of the application site, the South Moor Farm complex is surrounded by numerous other Scheduled sites, being discrete cairns (standing earthworks created by the clearance of fields and used as markers or burial sites) and barrows (burial monuments), all of which date to the Bronze Age (c. 2,500-4,000 years ago). The archaeological evaluation of Fylingdales Moor following the fire in 2003 demonstrated that in this landscape, extensive associated archaeological remains exist between the designated sites, all of which contribute to the significance of the monuments as well as being important in their own right. It should be assumed until demonstrated otherwise that the spaces between the designated sites around South Moor Farm have similar archaeological potential. In particular, south of the designated 'Three Howes Round Barrow cemetery' there are other undesignated barrows (identified from the Historic Environment Record - HER), which may be considered to be of national importance given the relationship with the designated barrows.

The sum value of the numerous designated sites and the potential of the spaces between the sites indicates that the application site is part of an extensive prehistoric cultural landscape, characterised by high visibility and good preservation levels. The relationship between the various sites and the archaeological potential of the spaces is part of the 'setting' of the designated sites and therefore a considerable part of their significance.

The proposed grassed runways and small pilot restroom building are not considered to significantly impact on the setting (and therefore the significance) of the scheduled sites, and we welcome the decision to omit the large storage building which would have doubled the footprint of the existing buildings. However, the suggested number of flight 'movements' (up to 20 per day) could have a negative impact on the public experience and enjoyment of, and thus the setting and significance of the designated heritage assets. This is identified in the Heritage Statement and as a consequence it is proposed that the number of flights is to be limited, to a maximum number per day.



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Stonewall  
DIVERSITY CRAMFLEX



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The heritage statement identifies that there will be no physical impact on designated heritage assets, which is agreed by Historic England. However, should the application be approved, the applicant intends to bury the overhead electricity cable. The implication of this is that the burial of the cable will have a physical impact on undesignated heritage assets - specifically barrows 6291 and 6290 (as identified on the HER). It is suggested in the Heritage Statement that a watching brief would be a suitable archaeological response to this proposal. We do not accept that there is justification for such an intervention in these unscheduled barrows which should be considered of national importance because of their relationship to the other prehistoric monuments in this wider prehistoric landscape. The barrows may also contain human remains. It would be far more appropriate, and potentially cheaper, to avoid the barrows completely, or failing this, it may be necessary to undertake additional evaluation survey in order to identify the best route for the electricity cable in order to minimise any physical impact on these and other archaeological remains.

Para 132 of the NPPF states that the more important the asset the greater the weight that should be given to the asset's conservation, whilst para 135 draws attention to the significance of non-designated heritage assets and the affect of direct or indirect impacts on those assets. The context of the application site is that it is surrounded by heritage assets of the highest importance, and has the potential for extensive non-designated archaeological remains to be encountered. The proposal to bury the electricity cable across the two undesignated Bronze Age barrows can be considered 'harm' to those heritage assets, but can be mitigated by re-routing of the cable, or failing this, archaeological evaluation in advance of the intervention.

**Recommendation**

Historic England recommends that the application can be determined with a condition for the alignment of the electricity cable away from the Bronze Age barrows and an appropriate level of archaeological mitigation.

It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely

**ANTHONY LINDSAY**  
Ancient Monuments Inspector



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Historic England

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cc: Graham Lee, Senior Archaeological Conservation Officer, NYMNP. *Louise Gregory, Acorus Rural Property Services.*

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*Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*

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

12 FEB 2016

**STATEMENT OF CASE**

**SITE AT**

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

**Prepared by:-**

**BRIAN BARROW BSc (Hons) MRICS  
Managing Director  
Acorus Rural Property Services  
Old Market Office  
10 Risbygate Street  
Bury St Edmunds  
Suffolk, IP33 3AA**

**February 2016**

## **1. BACKGROUND TO CASE**

The appeal has been submitted following the refusal by the North York Moors National Park Authority to allow the change of use of land to form 2 no grass runways, construction of pilot/restroom building (revised scheme to NYM/2013/0435/FL and NYM/2014/0819/FL) at South Moor Farm, Langdale End, Scarborough.

## **2. BACKGROUND**

This is an appeal against application NYM/2015/0781/FL. There is a comprehensive planning history as follows:-

NYM/2013/0435/FL – Change of use of land for the formation of an airstrip including 2 grass runways, storage building and pilot/restroom facilities, refused at appeal (APP/W9500/A/14/2212850) solely on the grounds that the Inspector considered the proposed storage building to be inappropriate.

NYM/2014/0819/FL – Change of use of land for the formation of an airstrip including 2 grass runways, storage building and pilot/restroom facilities, refused at appeal (APP/W9500/W/15/3007950) solely on the grounds that the Inspector considered the revised proposed storage building to be inappropriate.

The proposed building in the second appeal, although being agricultural in appearance was considered too large and the ridge height too high and would not visually assimilate into the environment.

The first application was refused on the grounds of noise, and activity, the proposed storage building, ecology and archaeology. The second application was refused on noise and activity, the proposed storage building and impact on heritage assets.

Both appeal Inspectors concluded that there would be no noise or safety issues from the proposed development.

Ecology was a reason for refusal of the first application and the Inspector accepted that there would be no ecology issues from the proposed development and that a watching brief condition could be attached to any permission.

The impact on heritage assets was a reason for refusal of the second application however the Inspector concluded there would be no harm to heritage assets.

Both Inspectors considered that the proposed storage building was inappropriate and ultimately both appeals failed on this point alone.

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Partial costs was awarded against the Local Authority on the second appeal due to the fact the Local Authority refused on the same reasons which the previous Inspector had already dealt with and felt were acceptable. Both Inspectors also considered that the proposed pilot's rest room was acceptable and no concerns were raised.

As part of the first 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 the criteria in Section 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the development would not be likely to have 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"* (contained at Appendix 1).

Following refusal of the second appeal an application was submitted to North Yorkshire Moors National Park Authority for a 'proposed airstrip including 2 grass runways and pilot/restroom facility at South Moor Farm, Langdale End, Scarborough, North Yorkshire, YO13 0LW (ref: NYM/2015/0781/FUL). The contentious issue of the storage building (the only reason the appeals were dismissed) being removed. This application was also refused and is now the subject of this appeal.

### **3. REASONS FOR REFUSAL**

There are 5 reasons for refusal, as follows:-

1. *The Local Planning Authority considers the proposal would not provide a type of recreational activity that would further the understanding and enjoyment of the National Park's special qualities, and would be likely to generate a level of noise and activity that would seriously harm the tranquillity of the area and be detrimental to local residents and the experience of visitors. The proposal would therefore be contrary to Core Policies A and H and Development Policy 14 of the NYM Local Development Framework.*
2. *In the view of the Local Planning Authority the proposed development would have an adverse impact on the enjoyment of users of the Public Rights of Way which run through the site, both in terms of noise and disturbance and public safety. The proposal is therefore contrary to Development Policy 23 of the NYM Local Development Framework.*
3. *The Local Planning Authority considered that the cumulative impact of the visible presence of standing aircraft, combined with the subsequent aircraft movements and the associated aircraft activity and noise on this exposed agricultural holding would chance the character of the site to an airfield rather than a farm holding, to the detriment of the tranquillity of the area. The*



*proposal would therefore be contrary to Core Policies A and H and Development Policy 14 of the NYM Local Development Plan.*

4. *It is considered that insufficient information has been submitted to determine whether the proposal will have a likely significant effect on the interest features of the North York Moors Special Protection Area (SPAs) because flights from the proposed airstrip could potentially cause disturbance to SPA birds, which may use offsite feeding areas closer to the proposal site, as well as the SPA itself. The proposal is therefore contrary to Core Policy C of the Local Development Plan.*
  
5. *The context of the application site is that it is surrounded by designated heritage assets of the highest importance. The activity generated by flight movements and the impact of stationary aircraft is likely to have a negative impact on the public experience and enjoyment of, and this the setting and significance of these designated heritage assets. Whilst the level of harm is considered to be "less than substantial", under Policy 134 of the NPPF such harm must be weighed against the public benefits of the proposal. In the case of this proposal the public benefits are insufficient to outweigh the resultant harm to these designated heritage assets of the highest importance.*

Four of these reasons for refusal have in the round, i.e. noise, safety, ecology and heritage, been considered at previous appeals and have already been deemed by 2 Inspectors to have no substance.

#### **4. PLANNING POLICY**

##### **4.1 Local Policy**

There are a number of policies from the North York Moors National Park Authority Local Development Framework 2008 outlined in the refusal notice, namely:-

Core Policies A, C and H  
Development Policies 14 and 23

##### **4.2 National Policy**

Relevant National Planning Policy is contained within the National Planning Policy Framework (NPPF), March 2012. At the heart of the NPPF is a presumption in favour of sustainable development.

Paragraph 28 Supporting a Prosperous Rural Economy states:-

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*"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:-*

- \* support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- \* promote the development and diversification of agricultural and other land based rural businesses;*
- \* support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres ...."*

Paragraph 33 – Promoting Sustainable Transport states:-

*"When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation."*

#### **4.3 Other Government Legislation**

The Government Framework for UK Aviation referred to in the NPPF was formally issued in March 2013 with the title Aviation Policy Framework, the following paragraphs are considered relevant:-

Chapter 1 Supporting growth and the benefits of aviation

##### ***"Value of business and general aviation***

**1.12** *The business and general aviation (GA) is important to the UK. Its contribution to the economy has been estimated at £1.4 billion per annum. The sector delivers vital services, including search and rescue, mail delivery, life-saving (organ) transport, law enforcement, aerial survey and environmental protection flights, as well as underpinning the training of future pilots, ground-based aircraft engineers and technicians. The sector also covers a wide range of activities, from corporate business jets and commercial helicopter operations through to recreational flying in small private aircraft, including gliders. A Civil Aviation Authority (CAA)-initiated and chaired strategic review of the sector has*

*acknowledged its growing economic importance, particularly for the British and European manufacturing industry.*

*Maintaining a viable network of business and general aviation*

**1.86** *Across the UK there is a network of aerodromes of varying sizes, from airports in Northern Ireland, Scotland, Wales and regional airports in England to small business and general aviation (GA) airfields into which GA aircraft can readily gain access. While almost all of these are privately owned and operated, maintaining access to such a national network is vital to the continuing success of the sector.*

**1.87** *Business and general aviation connects many UK and international destinations that do not have, and are unlikely to develop, scheduled air services or other direct transport links. GA aerodromes can also complement commercial air transport and provide increased connectivity at important hubs such as London. These links are particularly important for local businesses. Ninety-six per cent of city pairs served by business aviation have no scheduled connection.*

**1.88** *Given the importance of this GA network, while recognising that in congested airports this may not be appropriate, we encourage airport operators to ensure that GA aircraft are able to continue to enjoy equitable access to their airports and in doing so take account of the needs of all users, alongside other relevant considerations.*

**1.89** *We will also carefully consider any EU legislative proposals affecting the GA sector that may emerge in the future and will seek to ensure that they are based on the principles of proportionality and subsidiarity and appropriate for the type of aircraft to which they apply. In addition, we support the CAA's review of the regulatory approach to recreational aviation which is also aimed at ensuring that UK safety regulation is proportionate.*

**1.90** *The planning system also has a bearing on the operation of small and medium-sized aerodromes. The National Planning Policy Framework (NPPF) is intended to simplify the Government's overarching planning policy, but the underlying planning principles in respect of airfields remain unaltered. The NPPF states "when planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service need. Plans should take account of this framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation".*

Chapter 3 Noise and other local environmental impacts

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**"General aviation and helicopters**

**3.42** *The Government recognises that aviation noise is not confined to large commercial airports and that annoyance can also be caused by smaller aerodromes used for business and general aviation (GA) purposes, especially at times of intensive activity. However, it would not be appropriate for the Government to intervene by exercising powers under section 78 of the Civil Aviation Act 1982 to set noise controls at small aerodromes. Industry has developed codes of practice and the CAA has produced guidance. We would encourage the GA sector and the CAA to review their respective best practice and guidance to reflect the policy adopted in this Policy Framework. We would also encourage the sector to monitor compliance with its codes of practice."*

Chapter 5 Planning

**5.6** *In preparing their local plans, local authorities are required to have regard to policies and advice issued by the Secretary of State. This includes the Aviation Policy Framework, to the extent it is relevant to a particular local authority area, along with other relevant planning policy and guidance. The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application."*

**4.4 Fallback Position**

The application should be judged against the fallback position which would allow use of the land as an airstrip for 28 days as per the General Permitted Development Order with no control from the Local Authority.

**5. PROPOSAL**

The proposal is to change the use of the agricultural land at South Moor Farm to provide a General Aviation (GA) airstrip with 2 grass runways, and a flight planning/reporting office. There will not be a commercial maintenance facility at the site.

The use of the proposed facilities would be restricted to experienced pilots flying to and from the area. It is important to note that there will be no training flights, practice circuits or aerobatics overhead by pilots using Moor Farm.

Flights would be restricted to daylight hours only, and use of the airstrip will be by prior permission of the appellant. This permission will only be given to qualified licensed pilots with experience of operating from grass runways. A full briefing will be given on the procedures to be followed in using the airstrip with particular regard to environmental issues.

All aircraft will be asked to avoid flying directly over houses within one mile of South Moor Farm.

The flight planning/reporting office will in essence be similar to a garden shed which can also be used for tea and coffee making facilities. WC facilities will be provided by the main farmhouse.

There are power lines above the auxiliary runway, which will only be used when cross winds are too strong to use the main runway. If the appeal is allowed Mr Walker plans to put these cables underground.

The existing Bed and Breakfast enterprise at South Moor Farm will be enhanced with visiting pilots using the facilities.

## **6. PLANNING DISCUSSION**

### **6.1 National Park's Special Qualities and Noise**

This reason for refusal is worded practically the same as Reason 1 for refusal in the original application (NYM/2013/0435/FL) and Reason 1 for refusal in the second application (NYM/2014/0819/FL) and was considered at both appeals.

Although there are no military aerodromes in the National Park itself, Yorkshire has a number of well established military flying sites which conduct extensive flying training over the local area using fixed wing aircraft which has its own distinctive sound, and helicopters. The extent of this flying is such that aeronautical charts designate the airspace over the North Yorkshire Moors as an 'Area of Intense Aerial Activity'

The area of 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 mph) and heights as low as 250 ft (100 ft for helicopters). The use of the low flying areas is subject to a centralised pre booking procedure to ensure the safe separation of aircraft using each area. Military aircraft will avoid routing over sites such as where other aircraft may be operating at low level. Therefore the establishment of an airstrip at South Moor Farm will in effect replace military low flying in the area.

A basic Private Pilot Licence holder is limited to flying aircraft of 5,700 kg or less in Visual Meteorological Conditions. This weight limitation plus the physical size and grass surface of the proposed runways, restricts the airstrip's use to light aircraft only, and the VMC restriction means that the airstrip can only be used in reasonable weather conditions.

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Civil aircraft are subject to the noise legislation laid down in Aircraft Noise Regulations which in turns reflects both European Union and International Civil Aviation Organisation regulations on this topic. The regulations require civil aircraft types to have been tested under specified weather conditions and at prescribed points to ensure that their noise emissions are below set limits during take off with the aircraft engine at maximum power, landing (engine at idle power) and overflight (engine at cruise power). A Noise Certificate specific to a particular aircraft is then issued certifying compliance with the set limits. For the general aviation aircraft capable of using the airstrip proposed, a typical certificated noise level would be 67.8 dBA (similar to that of a shower, dishwasher or passing diesel truck). Military aircraft are exempt from any noise certification regulations.

The top three activities which cause the most enquiries to the Civil Aviation Authority are circuit training, aerobatics and parachute dropping/glider towing, all of which will not be permitted at the proposed airstrip. In addition no night time flying is proposed and so night time noise impact and sleep disturbance will not be an issue.

A Noise Assessment was been undertaken for and the summary conclusions are as follows:-

- \* The findings of a background noise survey indicate that the noise climate is typically rural with the soundscape consisting of natural sounds such as bird song and manmade sounds such as cars, farm machinery and vehicles, overlying aircraft and sounds related to recreational facilities such as motor sports.
- \* Noise levels of light aircraft taking off from the proposed site are insignificant when limited to the number of movements proposed. The actual duration of an aircraft movements lasts around one to two minutes and once in the air and flying away from the listener, the noise rapidly decreases in volume.
- \* Light aircraft are much less likely to result in an equine related incident compared to low flying military aircraft or other rural sounds such as bird scarers or clay pigeon shooting, however there is a bridleway that runs through the site. Aircraft engines will be clearly audible when preparing for take off or on approach to land and to give increased warning that flying is taking place, a flag or windsock will be flown, accompanied by signage on the bridleway.
- \* Risks to horses has been considered at other sites assessed by MAS Environmental, and even with dressage horses expert veterinary advice was that an adjacent light airfield, potentially overflying the dressage training area was acceptable.

- \* In view of the limited activity of the proposed development and the avoidance of risks to horse riders the development is considered to fall well within acceptable limits to impact. This also needs to be considered in the light of the fact 28 days a year can be used for flying activity without the need for planning permission and private domestic use is uncontrolled other than in relation to any structures on the ground.

The Inspector for appeal APP/W9500/A/14/2212850 concluded 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 Inspector for the second appeal (APP/W9500/15/3007950) concluded in Paragraphs 12 – 14 of the appeal decision on this issue:-

*Living Conditions, Visitor Experience and Public Safety*

12. *The second of the main issues covers those matters identified in the Authority's first and third reasons for refusing planning permission. These are two of the same reasons that the Authority used when it refused planning permission for the development considered under the previous appeal. I have taken into account all of the information that has been submitted along with what I observed when I conducted my site visit and also borne in mind that the proposed development is very similar to that of the previous appeal.*
13. *Having done so, I have not found any significant changes in planning circumstances in regard to these matters since the previous appeal was determined. Nor have I found any other reasons that lead me to a different conclusion to that made by the previous Inspector in respect to the development's effect on living conditions, visitor experience and public safety as set out in paragraphs 4 to 12 of his decision letter.*
14. *On this basis therefore, in terms of noise and activity, the development currently proposed would not have a significant effect on the living conditions of local residents or the experience of visitors to the area, including users of public rights of way, or on public safety. Consequently, in these respects there would be no undue conflict with Core Policies, A and H or Development Policies 3, 14 and 23 of the LDF."*

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## 6.2 Footpaths and Bridleways

This reason for refusal is also the same as No's 3 of application NYM/2013/0435/FL and NYM/2014/0819/FL and was dealt with by both Inspectors.

The British Horse Society has recorded many incidents between low flying aircraft and horses, the majority being caused by military aircraft or helicopters, with few incidents by light aircraft.

Pilots operating from South Moor Farm would be required to check there are no horses visible on the bridleway before starting engines.

There are one or two equestrian events per year in Dalby Forest and the appellant proposes to liaise with the organisers and not allow any take offs or landings whilst the events are close to South Moor Farm.

The footpath and bridleway are not generally used by visitors to Dalby Forest. The majority of the visiting parking at the Visitor Centre 5 miles away and rarely venture further than a mile or so away from the area.

There are several aerodromes throughout the UK with public footpaths and Bridleways crossing the sites are adjoining them including the following:-

Barra (licenced) - Western Isles  
Brimpton - Berkshire  
Chilbolton - Hampshire  
Clacton (Licenced) - Essex  
Cuckoo Tye Farm - Suffolk  
Currock Hill - Tyne and Wear  
Elstree (licenced) - Hertfordshire  
Garston Farm - Wiltshire  
Lands End/St Just (licenced) - Cornwall  
Little Gransden - Cambridgeshire  
Saltby - Leicestershire  
Sandown - Isle of Wight  
Shotteswell - Warwickshire  
Walton Wood - West Yorkshire  
Wharf Farm - Leicestershire

In addition to the above, a licenced aerodrome at Shuttleworth (Old Warden) has a bridleway adjacent to the site 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.

The Civil Aviation Authority, particularly in respect of licenced aerodromes, takes the necessary action to prevent public rights of way crossing runways or being in the proximity of aerodromes if this constituted a safety hazard either to the general public or the animals concerned. Irrespective of this the appellant has submitted in his application measures to enhance the safety of airstrip operations with respect to this issue.

The Inspector for the first appeal stated in his decision:-

*"With 10 take offs in a day, the likelihood of a walker or horse rider being on one of the rights of way at the same time is relatively small and, even if it occurred, the likelihood of either the horse or the rider being startled is also fairly small; and people or horses further afield would be still less likely to be startled.*

*In a similar vein, the likelihood of an accident is very small indeed. Anyone on the bridleway or public footpath would easily be able to see if there was an aircraft about the take off and could take action accordingly. An incoming aircraft would be more difficult to spot -- but appropriate warning signs would encourage walkers to look before crossing the auxiliary airstrip (which of course, would not be the one commonly used)."*

The Inspector for the second appeal covered this issue within his comments on Living Conditions, Visitor Experience and Public Safety as outlined in Section 6.1 of this Statement.

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### **6.3 Heritage Assets**

In terms of this reason the Inspector in the first appeal decision commented as follows:-

*"There are no obvious indications of any archaeological remains on the appeal site. Nor does the nature of the proposal raise any need for investigation other than, perhaps where the building would stand. Even then, it appears that the only excavations would be for stanchions (assuming that the floor of the building, would like the airstrips, remain as grass); on that basis, a 'watching brief' condition would suffice, were the appeal to succeed."*

Following an objection from English Heritage during the application consultation period for application NYM/2014/0819/FL an assessment of the impact of the proposal on the setting and the significance of the Scheduled Monuments was provided to the Local Planning Authority which concluded the following:-

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*"Aircraft movement and noise will affect their setting and significance but this may be mitigated by setting controls on numbers of aircraft movements. These effects will need to be weighed against the Inspector's appeal decision dated 28 August 2014 (Gray 2014, 3) for the previous application NYM/2013/0435/FL which states 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.*

*Resiting the power line underground across the auxiliary runway will have an impact on designated barrows HER 6289 and 6290 and others as yet unrecorded on the line. This can be mitigated with an archaeological watching brief during excavation of the trench.*

*The proposed aircraft storage building and wind turbine will have no impact on the significance 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."*

As shown above by conditioning the amount of take-off and landings (as per suggested conditions below) the risk to heritage assets can be mitigated.

The Inspector in appeal APP/9500/W/15/3007950 considered the impact of the development, including the storage building, on heritage assets and concluded the following:-

*"I broadly agree with the conclusions, impacts and mitigations identified in the Heritage Assessment, which I note are not directly challenged by the Authority. On this basis, subject to appropriate mitigation, including in respect to potential on site archaeological features, which could be secured via planning conditions, the proposed development would conserve or enhance the historic environment. Consequently, in this regard, the proposed development would not conflict with Development Policy 7 (Archaeological Assets) of the LDF or with the Framework."*

Planning permission for an application should not be refused if the reasons for refusal can be conditioned.

In addition to the above the Heritage Statement was submitted with the application subject to this appeal. English Heritage were consulted as part of the planning process, their recommendations are outlined below:-

*"Historic England recommends that the application be determined with a condition for the alignment of the electricity cable away from the Bronze Age barrows and an appropriate level of archaeological mitigation."*

They do not consider that the impact of the development would cause any harm to designated heritage assets of the highest importance. See letter at Appendix 2.

The heritage assets cannot be viewed at the same time as any parked aircraft as there are stone walls, buildings, trees and land obscuring views. The heritage assets can be viewed more easily from an aircraft and many were only discovered by the use of aerial photography.

This reason for refusal is therefore without foundation.

#### **6.4 Ecology**

This reason for refusal has been reintroduced from the refusal of application NYM/2013/0435/FL.

James Hodson of Eco Check Consultancy considered the ecological impact of the proposed development with that application, in particular the likely impact on birds in the adjacent North York Moors Special Protection Area (SPA) and the adjacent SSSI, and commented as follows:-

*"A site check was undertaken by Eco Check Ltd which shows that there are no SPA's or SSSI's within 2 km of the closest boundary of the proposed landing strip. The nearest boundary of designated nature conservation sites are 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. Furthermore the closest boundary of the North York Moors SPA is approximately 6 km to the north west.*

*It is in our opinion that neither of the sites could be described as adjacent to or even close to the proposed development as stated and the coniferous woodland surrounding the proposed landing strip is likely to attenuate the majority of the noise associated with plane taxiing, take-offs and landings. It is presumed that there will be no level flying across the above designated sites. To the contrary there is already low level military aircraft operating in the area and as such there is unlikely to be any significant increase in disturbance to birds as a result of the proposed development."*

The Inspector in his conclusions for appeal APP/W9500/A/14/2212850 stated:-

*"There are two SSSIs, about 2.4 km and 2.6 km from the appeal site – which hardly qualifies for the adjective "adjacent; and the nearest boundary of the SPA is some 6 km away."*

In the case between the Secretary of State for Communities and Local Government and the Secretary of State for Transport and Inspector, K D Barton

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BA(Hons) DipArch DipArb RIBA FCI Arb in respect of an application at London Ashford Airport Lydd, the effect on birds, peace and tranquillity for the proposed construction of a runway extension and a 'starter extension' to the north/south runway was considered – APP/L2250/V/10/2131934 and 2131936.

The proposed development at Lydd is a much bigger operation than the proposal at South Moor Farm, however the conclusions on effects on birds and peace and tranquillity are relevant as follows. Lydd is also a commercial airport, not a private aerodrome.

Paragraph 23, Ornithology states:-

*"The secretaries of State agree with the Inspector's reasoning and conclusions on ornithology at IR14.6.1-14.6.57 and IR15.1.9-15.1.13. They have carefully considered the formal advice of the NE and the case made by the RSPB to the Inquiry, but the Secretaries of State share the Inspector's conclusion (IR15.1.13) that there is little evidence that there would be any, never mind a significant decline in size, distribution, structure or function of the population such as to require an appropriate assessment (AA). Overall, having regard to the requirements on them as the competent authority in respect of the Conservation (Natural Habitats) Regulations 2010, the Secretaries of State are satisfied that they can proceed to grant permission of the applications before them without first being required to carry out an AA.*

Paragraph 32, Landscape, Tranquillity and Noise (Quality of Life) states:-

*"For the reasons given by the Inspector at IR14.10.1.1-14.10.28 and IR15.1.19-15.1.22 the Secretaries of State agree with his conclusion at IR14.10.29 that, given the limited harm to the wider population and the lack of significant harm to Greatstone School in terms of noise, there is no reason to refuse planning permission in terms of landscape and visual assessment, cultural heritage, noise or any combination of factors that contributes towards the concept of tranquillity and the quality of life. They also agree that there is little evidence that there would be any significant effect on the visitor experience along the western boundary of the RSPB Reserve (IR15.1.22).*

Airfields do not necessarily impact on birdlife, i.e. the extract below is from the Visit Britain Website about the aerodrome at Stowe Maries in Essex where part of the BBC series "The Great British Year" was filmed. The airfield operations which are still ongoing have not affected local wildlife, which is encouraged at the site, in particular owls.

*"Stow Maries Aerodrome is a Great War Aerodrome set in the rural Essex countryside.*

.....

*Established in 1916, it was home to 37 (Home Defence) Squadron, Royal Flying Corps. The Squadron was charged with the eastern aerial defence of the capital. Abandoned in 1919, the aerodrome has most of the original buildings still standing. The aerodrome hosts 'fly ins' giving you the opportunity to see these wonderful bi-planes in flight. In addition to its historical significance the site is a haven for wildlife and is currently featured on the BBC wildlife programme The Great British Year."*

The Inspector in his decision stated:-

*"If there would be no unduly harmful effects for human beings or horses, it seems highly unlikely that there would be such effects for goshawks or nightjars. In short, the proposal raises no material conflict with Core Strategy Policy 3."*

## **6.5 Visual Impact**

In summary under this reason the Local Planning Authority consider that the cumulative impact of the visible presence of aircraft together with the subsequent aircraft movements would change the character of the site from an agricultural holding to an airfield to the detriment of the tranquillity of the area.

Tranquillity has been considered under point 6.1 of this Statement of Case and has been dismissed as a reason for refusal by 2 previous Inspectors.

Regarding the visible presence of the aircraft, at most there will be 10 take offs and 10 landings per day, therefore no more than 10 aircraft on site at any particular time. This in reality is only likely to occur on a few days in any particular year.

Use is likely to be greater in the summer when daylight hours are longer. The use will be spread and some planes will be on site for only a short period for an average of one per hour.

It is relevant that permitted development exists for the use of the farm as an airfield for up to 28 days per year, with no restrictions, meaning there could potentially be many more than 10 aircraft visiting on any one of those days. By permitting the development the Local Authority would have control over the amount of aircraft visiting the site.

It is also relevant that neither of the previous Inspectors considered that take offs and landings would be detrimental to the area, either visually or with regard to tranquillity.

When on site aircraft will be parked in a corner of the field with existing stone walls and trees shielding the aircraft from view from the public rights of way.

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The appellant also proposes to plant trees and bushes to form an additional shelter belt.

It should also be considered that diversification of farms is appropriate in rural areas as outlined in the NPPF.

## **7. SUSTAINABLE DEVELOPMENT**

There are three dimensions to sustainable development which is at the heart of the NPPF as follows:-

### ***Economic***

South Moor Farm extends to 40 hectares (100 acres) with sheep and cows currently grazing the land. This is a small farm in modern terms. In order to make the holding viable as an agricultural unit, significant investment would need to be made in large agricultural buildings to house intensive livestock.

The proposal is for the diversification of the agricultural holding to an airstrip. There would be a fee for using the airstrip and it is considered the development would be economically viable.

It is envisaged that the proposed facilities will further enhance the bed and breakfast business currently run from South Moor Farm. It will provide economic growth in a rural area and assist in bringing tourists to the area with knock on benefits to local businesses.

### ***Social***

The proposal supports rural tourism and will provide an additional means for visitors to access the National Park. It will help support the local community by bringing in tourists as well as providing a service to aircraft owners in the locality.

Neighbours within a 1 mile radius have been consulted regarding the proposed development and to date there have been no adverse comments or concerns.

Residents living over one mile away will not be affected by this development.

### ***Environmental***

It is proposed, should permission be granted, that the power lines above the auxiliary runway be put underground which will have a positive impact on the visual impact of the site.

There are no landscape, noise or traffic issues with the proposed development.

## **8. CONCLUSIONS**

The granting of planning permission would be in accordance with national and local planning policies and with the proposed limit of 20 movements (representing 10 take-offs and 10 landings) on the busiest days and taking into account all of the points above it is considered that there is no reason why this appeal should not succeed.

### **8.1 Noise**

A noise assessment has been undertaken which concludes noise levels of light aircraft taking off from the proposed site would be insignificant when limited to the number of movements proposed.

There will be no circuit training, aerobatics or parachute dropping/glider towing or night time flying taking place from the airfield.

The appellant can use the site for up to 28 days per year for flying activity without the need for planning permission, and private domestic use is uncontrolled other than in relation to any structures on the ground.

Both Inspectors of the previous appeals concluded that noise levels would not be harmful, nor would the activity pose a serious threat to public safety, therefore there is no undue conflict with Core Policies A or H or Development Policies 3, 14 and 23.

### **8.2 Public Rights of Way**

There are several aerodromes throughout the UK with public footpaths and Bridleways crossing the sites.

The footpath and bridleway running through South Moor Farm is not generally used by visitors to nearby Dalby Forest, the majority parking at the Visitor Centre 5 miles away.

The appellant submitted within the application measures to enhance the safety of airstrip operations with respect to this issue and pilots operating from South Moor Farm would be required to check there are no horses visible on the bridleway before starting engines.

Both Inspectors determined that the likelihood of an accident is very small indeed.

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### **8.3 Heritage Assets**

An assessment of the impact of the proposal on the setting and the significance of the Scheduled Monuments was provided to the Local Planning Authority during the application phase which concluded the following:-

*"Aircraft movement and noise will affect their setting and significance but this may be mitigated by setting controls on numbers of aircraft movements. These effects will need to be weighed against the Inspector's appeal decision dated 28 August 2014 (Gray 2014, 3) for the previous application NYM/2013/0435/FL which states 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.*

*Resiting the power line underground across the auxiliary runway will have an impact on designated barrows HER 6289 and 6290 and others as yet unrecorded on the line. This can be mitigated with an archaeological watching brief during excavation of the trench.*

*The proposed aircraft storage building and wind turbine will have no impact on the significance 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 Inspector in the second appeal agreed with the Conclusions, Impacts and Mitigations identified in the Heritage Assessment and found not reasonable justification for the Authority to refuse on this issue. Furthermore Historic England were consulted on the application now at appeal and recommended that the application can be determined with a condition for the alignment of the electricity cable away from the Bronze Age barrows and an appropriate level of archaeological mitigation.

### **8.4 Ecology**

This reason for refusal has been reintroduced from the refusal of application NYM/2013/0435/FL and did not form part of the reasons for refusal of application NYM/14/0819/FUL.

James Hodson of Eco Check Consultancy was consulted regarding considered regarding the ecological impact of the proposed development with the original application, in particular the likely impact on birds in the adjacent North York Moors Special Protection Area (SPA) and the adjacent SSSI and concluded that there is unlikely to be any significant increase in disturbance to birds as a result of the proposed development.



This Inspector agreed with this view and dismissed this as a valid reason for refusal.

This reason for refusal is purely speculative. The SPA boundary is over 6 km to the north-west, the Local Planning Authority's use of the word 'potentially' is vague when discussing possible off-site impacts.

SPA birds are most likely not just confined to the SPA, but the transient nature of birds makes it impossible to say they will or will not use areas near to the airfield.

The Local Planning Authority's reasoning is based on speculative opinions rather than evidence. Natural England did not object to the application in 2013 and the Inspectorate did not have grounds to uphold refusal on ecology grounds in determining appeal APP/W9500/A/14/2212850.

#### **8.5 Visual Impact**

This reason for refusal has no substance. The farm can operate as an airfield for 28 days as per the General Permitted Development Order with potentially many more than 10 aircraft visiting the site on any particular day, and the Local Planning Authority will have no control of this.

In reality there will only be a few days per year whereby there will be the maximum amount of aircraft visiting and leaving the site.

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## 9. SUGGESTED CONDITIONS

The appellant is willing to accept the following conditions to mitigate the Local Authority's concerns should permission be granted:-

1. The airstrip to be used only for the operation of light aircraft.
2. No, circuit training flights, parachuting or aerobatic flights to take place at South Moor Farm.
3. No glider towing be allowed except after an emergency landing.
4. There will be no more than 20 aircraft movements on any one day, with a movement representing a take off or a landing. Log to be kept and made available.
5. No landing or taking off of aircraft at the site prior to 7 am or after sunset on any day (excepting emergencies).
7. Scheme to be submitted and approved indicating signage to be provided on the public footpath and bridleway crossing the site warning users that flying may be taking place.

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