

Parish: Bagby
Ward: Bagby & Thorntons
3

Committee Date : 10th February 2022
Officer dealing : Mr Craig Allison
Target Date: 7th September 2021

21/01709/FUL

Retrospective application for hardstanding, associated drainage, door and walkway to Hangar C1 and proposed lean-to for office to Hangar B
At: Land to the North of the Airfield, Bagby, North Yorkshire
For: Mr M Scott

The proposal is presented to Planning Committee as the site is of significant public interest

1.0 Site, context and proposal

- 1.1 Bagby Airfield occupies a piece of land to the south and south west of the village of Bagby. The land lies east of the A19 and is currently accessed via a newly constructed access track that leaves the Main Street of Bagby to the west of the village. The site is about 500m from the southern edge of the village of Bagby.
- 1.2 The Airfield occupies 15.6 hectares. The land is in use for the purposes of operating an airfield. Some of the surrounding land is fallow and other parts of the application site continue to be used for arable agricultural purposes.
- 1.3 Boundaries to the land around the Airfield are formed by hedges of varied species and heights. The north, south and west boundaries have substantial hedges, the eastern end of the airfield is not fully bounded by hedgerows. Local landform allows some views of the central and western end of the airfield from viewpoints to the west but changes in ground levels, hedgerows and trees shield the remainder of the airfield from public view.
- 1.4 In addition to the relationship with Bagby, there are dwellings to the south west, south and south east of the application site and notably in the vicinity of the village of Great Thirkleby and Thirkleby Hall Caravan Park (630 metres to the south east) that are potentially affected by activities at the airfield (in particular noise).
- 1.5 Beyond the boundaries of the application site of the Airfield the land is in agricultural use except for the children's play area on Bagby Lane, which is located beyond the northern edge of the Airfield land.
- 1.6 Planning permission was granted on the 30 July 2019 under planning reference 16/02240/FUL for a range of developments on the Airfield. This planning permission included the approval of a new hangar, 'C1' located to the south of the Airfield, which is currently located in between the Maintenance Facility and Hangar E. New concrete hardstanding was also approved to the front of Hangar C1. However alterations have been made to the development and the applicant seeks retrospective planning permission for the siting of a door and raised walkway with railing which has been built to the western elevation, with the walkway wrapping around to the front of the Hangar. Furthermore the concrete hardstanding constructed to the front of Hangar varies from the approved plans and the applicant also seeks consent for the retention of the hardstanding.

- 1.7 A temporary office and document storage cabin has also been located on the site for the aircraft engineering office operating on the site. The temporary office is located close to the Maintenance Hangar, on the south side of the east-west runway. The office was granted planning permission as part of the planning permission dated 30 July 2019 (Planning Reference: 18/00524/FUL) in tandem with the application for the redevelopment of the Airfield. An application made under Section 73 of the Town and Country Planning Act to vary condition one to extend the date for which the planning permission is valid until was then approved on 5 June 2020 (Planning Reference: 20/00766/MRC) to remain in place until one year from the approval of the application or upon completion of Hangar B. It is therefore proposed that a lean to off the Maintenance Facility Hangar on the eastern elevation to be provided as a permanent solution for the re-location of the aircraft engineering office.
- 1.8 The development falls below the thresholds of Schedule 1 and 2 of the EIA Regulations (10(f) the area of the works does not exceed 1 hectare) and an Environmental Statement is not required.

2.0 Relevant planning history

- 2.1 16/02240/FUL - Change of use and external alterations of the engineering building to be used as a clubhouse and control tower, erection of a new tractor shed, erection of a new hangar, formation of a new access drive, the introduction of hard and soft landscaping and amended on 14 March 2018 to include the creation of a fixed fuel facility and the use of Hangar B for aircraft maintenance. Works include the demolition of the existing clubhouse, control tower, hangars and storage buildings and partial demolition of one other hangar. Air Movements to be capped at a maximum of 8,440 per annum. – Approved 30 July 2019.
- 2.2 18/00524/FUL - Retrospective application for the temporary siting of a portable aircraft engineer's office and document storage cabin – Approved 30 July 2019.
- 2.3 20/00766/MRC - Application for variation of condition 1 for approved application 18/00524/FUL - The condition to be varied to extend the date to which the planning permission is valid until for one year from the approval of this application, or upon completion of Hangar B. – Approved 5 June 2020. The temporary planning permission expired on the 5 June 2021.
- 2.4 21/00081/FUL - Retrospective application for an access road off Bagby lane to provide access to the airfield – Approved 7 June 2021.
- 2.5 21/01058/FUL - The retention of 2 temporary hangers on site for a use for aircraft storage and ancillary storage of airfield machinery and equipment for a period of 24 months – Refused on 22 October 2021 for the following reason:

“The proposal is contrary to the Local Development Framework Policies CP1 and DP25 as an appropriate business case has not been supplied. Any economic benefit arising from the increased capacity of the aircraft hangar cannot be properly assessed and the potential harm to the amenity of the local population arising from the proposal is not outweighed by any known economic or other benefit and is also contrary to the Local Development Framework Policy DP1.”

- 2.6 21/01243/FUL - Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage – Pending Consideration.
- 2.7 21/00668/FUL - Retrospective extension to Hangar A and proposed hard standing adjacent to Hangar A – Refused on 22 October for the following reasons:

“The proposal is contrary to the Local Development Framework Policies CP1 and DP1 as no noise control or mitigation measures have been provided to address the potential harm to the amenity of the local population arising from the use of the building for aeronautical engineering purposes identified in the Addendum to Business Case.

“The proposal is contrary to the Local Development Framework Policies CP1 and DP25 as an appropriate business case has not been supplied. Any economic benefit arising from the increased capacity of the aircraft hangar cannot be properly assessed and the potential harm to the amenity of the local population arising from the proposal is not outweighed by any known economic or other benefit”.

- 2.8 21/02087/FUL - Retrospective siting of fuel pump and fuel bund – Pending Consideration.
- 2.9 22/00117/SCR - Application for screening opinion – Pending Consideration

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.
- 3.2 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 – Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 – Rural Employment
Development Policies DP30 - Protecting the character and appearance of the countryside

- 3.3 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Bagby & Balk Parish Council have commented on the application, to which their comments have been attached as an appendix to this report.

4.2 Yorkshire Water and Natural England have no comments to make in regard to the application.

4.3 No comments were received from the following:

- Thirkleby Parish Council
- Yorkshire Wildlife Trust
- Woodland Trust

4.4 Public comments – A site notice has been displayed and neighbours consulted. No representations have been received.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of providing the additional walkway and hardstanding, along with the creation of a permanent office; (ii) the impact of the development on the character and appearance of the area and (iii) the impact of the development on the amenity of the area.

The Principle of Development

5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.

5.3 As the site is located outside of the settlement boundary of Bagby, within open countryside, Policies CP4 and DP9 are of relevance. Policies CP4 and DP9 state that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications. These relate to where:

- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy;
- It is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance;
- It would provide affordable housing or community facilities which meet a local need; where that need cannot be met in a settlement within the hierarchy;
- It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing;

- It would make provision for renewable energy generation, of a scale and design appropriate to its location;
- It would support the social and economic regeneration of rural areas.

- 5.4 The retrospective element consists of the door, walkway and railing to Hangar C1 and the concrete hardstanding to the front of Hangar C1. The proposed development is a proposed lean-to office for Fox's engineering businesses. The very nature of the development is small in scale in the context of the overall planning permission for the surrounding Airfield. The door and railing to Hangar C1 are minor additions to Hangar C1 to improve the safety of users and therefore are considered to be an enhancement to the Hangar. The concrete hardstanding to serve Hangar C1 is a smaller area than the approved hardstanding and therefore has less impact on the surrounding area.
- 5.5 The proposed lean-to office for Fox's Engineering Business would replace the existing temporary office located on the site. The proposed office measures a similar area to the existing temporary office on the site with a maximum height 0.6 metres higher than the existing office which currently benefits from a flat roof. The proposed lean-to office would benefit from a sloped roof with an eaves height approximately 0.6 metres higher than the flat roof height of the existing temporary office. The proposed office would also be located in a less obtrusive position and is proposed to be attached to the side elevation of the Maintenance Hangar in contrast to the existing location.
- 5.6 As such given the modest retrospective additions and changes to Hangar C1 alongside the replacement permanent office of Fox's business, the proposed development would not result in any harm to the natural or built environment. The proposals would also encourage efficient use of the Airfield and would complement the existing use of the Airfield. As such it is considered that the development would comply with Policy CP1 and is necessary to meet the needs of the rural employment site of Bagby Airfield and therefore would be supported under Policy CP4.

The permanent siting of the office

- 5.7 The Development Plan supports business development in the countryside where it complies with a series of criteria. The leading policy of the LDF is Policy CP15 which details how the social and economic needs of rural communities will be supported. The policy sets examples of proposals that will be supported. Pertinent to this proposal is the support for:
- i) Retention or expansion of appropriate businesses outside of the Service Centre and Service Villages;
 - ii) Appropriate tourism related initiatives, including schemes which improve the accessibility of tourist assets both within and outside the District; and
 - iii) Recreation uses appropriate to a countryside location.
- 5.8 In all cases development should be designed to be sustainable, consistent with the requirements of CP1 and CP17, should not conflict with environmental protection and nature conservation policies of the LDF but should seek to enhance the environment and should provide any necessary mitigating or compensatory measure to address harmful implication.

- 5.9 LDF Policy DP25 sets out support for rural employment proposals. All five criteria of Policy DP25 need to be met to enable the development to be supported by this Policy. This requires proposals to be i) small in scale, ii) comprise conversion or re-use or appropriate replacement or extensions; iii) be incapable of location within a settlement in the hierarchy at CP4; iv) be supported by a business case; and v) not harm the economy of the service centre. The proposal is to remove the existing temporary office and create a lean-to extension to the Maintenance Hangar. The office building would be the same floor size as previously approved by the Council and is considered to be small in scale. The proposal meets the first test of DP25.
- 5.10 The proposal would consist of an extension to the Maintenance Hangar to incorporate the office building. The proposal meets the second test of DP25.
- 5.11 The siting of a lean-to office is ancillary to the operation of the aircraft engineering business. It could not be located in a service centre due to the relationship to the Maintenance Hangar, testing of aircraft and movement of aircraft on the runway. The proposal meets the third test of DP25.
- 5.12 The business case is central to the consideration of the proposal. The justification for the relocation of the office as a lean-to in relation to Fox's engineering business is considered. Record keeping is essential to demonstrate the airworthiness of the aircraft that have been maintained by the aircraft engineer. The extent of records required to be maintained by the operator of the aircraft maintenance business is substantial and exceeds the space available within the former aircraft engineering office.
- 5.13 The operation of the aircraft engineering business requires staff. The employment of staff based locally contributes to the local economy. Purchases of office supplies and aviation supplies for the aircraft engineering business may provide other contributions to the local economy but these have not been quantified. From the evidence of history, without appropriate office and file storage space the Civil Aviation Authority license requirements would not be met and the permit to operate an aircraft engineering business may be withdrawn. The loss of CAA license would restrict the function of an aircraft engineer and would be expected to harm the local economy. It is considered that the proposal meets the fourth test of DP25.
- 5.14 The proposed office is to support the use of the Airfield. The development of an airfield due to its size and character cannot be accommodated in a service centre and therefore the development would not impact the economy of any service centres. The proposal meets the fifth test of DP25. It is therefore considered that the repositioning of the office as a lean-to, to the Maintenance Hangar is in accordance with Policy DP25.

The impact on the character of the surrounding area

- 5.15 Policy CP16 of the Core Strategy states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets, development or activities will not be supported which have a detrimental impact upon the interests of natural or man-made asset.

- 5.16 Policy CP17 of the Core Strategy states that support will be given for proposals that are consistent with the LDF's detailed design policies and meet all the following requirements: provide an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including urban design, landscape, social activities and historic environment, incorporate public art where appropriate; optimise the potential of the site; adopt sustainable construction principles.
- 5.17 Policy DP30 of the Development Management Policy states that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced.
- 5.18 The proposed alterations and the retrospective alterations made to Hangar C1 are very small in scale and are constructed within the main area of the Hangars on the Airfield. It is considered that due to the scale and position of the development, no harm is caused to the character and appearance of the openness of the countryside. Furthermore, removal of the existing temporary building, which can be considered slightly separate from the existing built form development of the Airfield, would result in a positive change on the Airfield and would subsequently be more visually attractive. It is therefore considered that the development is in accordance with the Council's Local Plan Policies and the overarching principles of the NPPF.

Impact on of amenity of the area

- 5.19 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.20 Both the retrospective element and proposed development are located a significant distance from any residential properties in the village of Bagby. As such the development would not result in any impacts to the residential properties in terms of affecting the amenity, privacy or increase in pollution or odour to impact residents in the village of Bagby. The proposal would also not increase any activity at the Airfield and therefore would not result in any further noise or disturbance from the Airfield. It is therefore considered that the development is in accordance with Policy DP1.

Conclusion

- 5.21 The retention of the door, walkway and hardstanding to Hangar C1 is considered to be modest in scale in the context of the overall wider grant of planning permission on the site in July 2019. The proposed office would replace the temporary office by creating a permanent structure to meet the business needs for Fox's engineering business. The proposals support an existing employment site and constitute sustainable development which accords with the development plan. It is therefore considered that the development is in accordance with the Council's Local Plan Policies and the overarching principles of the National Planning Policy Framework.

6.0 Recommendation

That subject to any outstanding consultations the application be **GRANTED** for the following reason(s):

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Site Location Plan (Drawing Number: 1452-59); Proposed Plan (Drawing Number: 1452-54); existing Plan (Drawing Number: 1452-53); Proposed Lean too (Drawing Number 1452-44); Proposed Hangar C1 Door Plan and Elevations (Drawing Number: 1452-42); received by Hambleton District Council on 2 July 2021; unless otherwise approved in writing by the Local Planning Authority.
3. Within three months of the date of completion of the Proposed Lean too (Drawing Number 1452-44), the temporary office shall be removed from the site.

Reasons:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP4, CP16 and DP30.
3. To ensure that the temporary office is removed from the site following completion of the works in order to improve the visual amenity of the area in accordance with Policies CP16 and DP30 of the Council's Local Plan Policies.

Dear Mr Allison,

Please find below the response of Bagby and Balk Parish Council (BBPC) to an invitation to comment on the two retrospective planning applications detailed below which are to be considered by officers at Hambleton District Council (HDC)

- **21/01243/FUL Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage**
- **21/01709/FUL Retrospective application for hardstanding, associated drainage, door and walkway to Hangar C1 and proposed lean-to for office to Hangar B**

Firstly, as there are multiple retrospective applications currently in the pipeline, why can they not all be considered at the same time to give a complete picture?

BBPC is now of the opinion that their views are not welcome, or actually considered important in the planning process at HDC. Councillors feel this regrettable as BBPC has been proved repeatedly right about the long-term intentions of the airfield.

BBPC was right when it explained it would be a mistake to imagine that granting permission would make any difference to the airfield's behaviour. The catalogue of breaches and further unauthorised developments shows what happens if you give the owner of the airfield an inch.

The failure to build the fence to protect children, which was insisted on by the Planning Committee but which was surprisingly not supported by officers of HDC is the latest non compliance which was predicted by the BBPC and duly came to pass.

Even those officers who have supported the airfield in the past have come to realise that the conditions are not being policed with any sort of authority or professionalism.

As you will recall BBPC was in opposition to the fuel facility, two planning inspectors agreed with BBPC but officers from the planning department at HDC granted permission. As a result of this decision the airfield can now run 24/7 with jet planes landing at all hours to pick up fuel.

HDC has failed to offer any evidence in support of its objections to the original installation of geo textile matting. The airfield has ruthlessly exploited this error by weighing down the matting with heavy planes which has ultimately destroyed it. How can this be called a repair when it is replaced with concrete reinforcement?

When you consider how much concrete has replaced grass over the last 14 years, the direction of travel is clear. It is not 'repair' as described but it is actually creeping development at an alarming increasing pace.

Whatever the 'new business plan' might say, the facts speak louder. The number of planes really resident at the airfield has dropped substantially and there is no way that the owner can make any money out of maintenance and therefore benefit the airfield – let alone the local community

The Business Plan should really state that the airfield intends to attract much larger, nosier planes all the year round to an airfield that is truly 'open all hours' just as the website claims. Grass has to be replaced by concrete for this to happen.

It is clear that HDC has no intention in issuing a stop notice, even with all the conditions not being fulfilled. Gradually the airfield will have more and more concreted runways and more concrete standing areas, it is only a matter of time till planners are faced with yet another retrospective application.

Once the larger runway is complete, larger, nosier planes will come in round the clock, BBPC feels HDC has no intention of stopping the owner by prosecuting over the continual breaches of out of hours conditions. The latest excuse for inaction is that a gate has not been installed correctly is very poor. The existence of a gate won't stop planes arriving out of hours if pilots and passengers just walk round it to enter or exit the airfield.

BBPC has bitter experience of conflict with the airfield, HDC has spent an extraordinary amount of money on external fees over the last 14 years. There has been no jobs bonanza or other development benefits to the local community as promised.

These applications should not even be before planners, A4R explains why. They should be refused and a serious attempt to regain planning control along HDC's reputation should be made.

Yours sincerely

Sandra Langthorne

Clerk and Responsible Officer for Bagby and Balk Parish Council