

Application Number: WNS/2022/0154/FUL

Location: Runway west of Forest Road, Piddington

Proposal: Change of use from Agricultural to grass runway with associated facilities for use as a microlight airfield (Retrospective)

Applicant: Mr Chambers

Agent: Mr Mark Carter

Case Officer: Samuel Dix

Ward: Hackleton and Grange Park

Reason for Referral: Called in by Cllr. Cole

Committee Date: 12th May 2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposed development is the retrospective change of use of an agricultural field for aviation purposes. This comprises a mown grass runway that is predominantly used by microlight aircraft, along with ancillary welfare/storage facilities and aviation paraphernalia such as a windsock that is erected adjacent to the runway.

Consultations

The following consultees have commented on the application:

- Hackleton Parish Council
- British Horse Society
- County archaeologist
- Civil Aviation Authority
- Environmental Health
- Local Highway Authority

Around 112 letters of objection have been received and around 157 letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of development (including residential amenity);
- Highway safety (including rights of way);
- Visual impact; • Ecology.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to strict conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site comprises an area of farmland to the south of Piddington, near the point at which Forest Road becomes a byway. It is flat and featureless although occupies relatively elevated ground, affording views of the surrounding open countryside and towards Northampton. Buildings in the immediate locality are agricultural in nature, with a pair of dwellings associated with the farm also located to the north. The wider farm is known as New Farm and the airstrip known as New Farm aerodrome accordingly (for the purposes of this report the terms airstrip, aerodrome, and airfield are used interchangeably).

2. CONSTRAINTS

- 2.1. The application site is within open countryside and is also subject to the following other constraints:
 - An area of archaeological interest;
 - Within 2km of 6no. Local Wildlife Sites;
 - Within a gas pipeline consultation zone.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development is retrospective and comprises the change of use of agricultural land to aviation purposes. In terms of physical operations, the application seeks to regularise the 550m long mown-grass runway on the site alongside ancillary development including the site of a mobile home for welfare facilities and a barn for storage. There is also a wind-sock immediately adjacent to the runway.
- 3.2. The applicant is seeking a permanent permission and, in negotiation during the course of the application, has indicated they would not welcome any conditions that significantly limit the aviation use of the site. 128 days of unrestricted use has been suggested as the

minimum that would be acceptable to the applicant, or up to 1,000 aircraft movements per year.

- 3.3. It is understood that the site is currently predominantly used for flying microlights although is occasionally also used by paramotors, helicopters, and vintage fixed-wing aircraft.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- E7 – Tourism, Visitor and Cultural Industries • R2 – Rural Economy

South Northamptonshire Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 – The Settlement Hierarchy
- SS2 – General Development and Design Principles
- EMP4 – The Visitor Economy

Hackleton Neighbourhood Development Plan (HNDP)

- 5.5. The relevant policies of the HNDP are:

- HNDP4 – Sustainable Design and Construction
- HNDP8 – Conserving and Enhancing the Landscape

Material Considerations

- 5.6. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Government's General Aviation Strategy

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

| Consultee Name | Position | Comment |
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| Environmental Health | Comment | Further information required in respect of noise, light, air and land quality. |
| Hackleton Parish Council | Comment | Concerns expressed with regards to the accuracy of information presented, the licensing of paramotors, suggest restriction of number of days of flying and hours of use, need to assess traffic generation, reports required regarding hazardous materials, noise, disturbance, ecology and nature conservation, "neighbour" comments are not all from local residents, suggest moving of airstrip away from the bridleway and byway. |
| Local Highway Authority | Comment | Request further information regarding events through the year, including anticipated vehicle numbers and type. Concerns regarding proximity of bridleway and suggest consulting British Horse Society. |
| County Archaeologist | Comment | Requests information regarding any groundworks likely to disturb subsurface remains. |

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| British Horse Society | Comment | <p>1. The runway is near many equestrian rights of way that provide popular access to and from Salcey Forest as well as valuable circular routes. Bridleways KM18, KM40 and Byway KM56 (Midshires Way) are particularly close to the airfield/runway (please see illustration below (bridleways are all marked in green, and Midshires Way is clearly labelled). Low flying-aircraft can potentially have fatal consequences for horses and riders ('Helicopter Horror', Horse and Hound, 1.6.2017).</p> <p>2. There are many local livery yards and horse riders in the area who rely on safe access to these networks for their livelihood, equestrian sport fitness training (endurance riding etc), recreation and physical and mental well-being. Many local riders have chosen to live close by to enjoy the large number of bridleways and woodland landscape. If planning were to be granted local livery businesses may be</p> |
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| | | <p>affected. According to BETA data (2019), the contribution of the economy per horse is £5,548. The horse population in the area stands at 1105 in the NN7 postcode alone, so this makes a total contribution to the economy of £6,130,540.</p> <p>3. The runway runs parallel with bridleway KM18, this is a real safety concern. Granting planning permission will mean an increase in air traffic, associated increase in noise and activity and potentially more horse-riding incidents. Any increase in the amount of road traffic driving to the airfield, would also need to cross the path of bridleway KM18 to gain access to the airfield, so priority should be given to rights of way users by way of appropriate signage etc. Local riders are concerned they may no longer be able to use the surrounding bridleways safely and without obstruction if planning permission is granted.</p> <p>4. The statements made in 'Supporting Statement V.5' (No.6 Aircraft Types and No.8 Movements) regarding types of aircraft, commercial training, and number of aircraft flights expected per annum, is quite vague and some restrictions on activity may be prudent and could be monitored accordingly. Further clarification regarding amount and type of daily activities and amount of road traffic expected (including during weekend events), would be useful to establish realistic impact on all rights of way users.</p> <p>5. Referring to the supporting documentation Appendix H – Circuit Plan. Light Aircraft will be taking off and landing from both directions dependent on runway used parallel to Bridleway KM18. Bridleways KM40, KM17, KY1, KM14, KM15 are also near or under this flight path circuit. All circuits will cross Byway (KM56) twice - there is no specification of the height at this point whilst taking off or landing. During landing any light aircraft/microlight could surprise a horse if it appears suddenly within its field of vision or if it approaches at speed. The British Microlight Aircraft Association BMAA 'Good Practice for Microlight Clubs' (2013) states under 'Surrounding Area' page 7.</p> |
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| | | <p>'We have learnt that engines do fail. Knowing that this can happen at any time, microlights should be operated so that a</p> |
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| | | <p>safe landing can be made when it does. A critical time for engine failure is when the aircraft is close to the ground usually just after take-off and into the climb to good surface height.' The potential for accidents to occur is also of concern so close to several public rights of way. There have been several light aircraft accidents/pilot fatalities recorded (UK approach to Recreational General Aviation Safety Report, Civil Aviation Authority (2020) - 652 fatalities due to light aircraft of which 196 fatalities due to helicopters and Microlights between 1980 and 2018 – this probably only represents a proportion of actual accidents recorded.</p> <p>6. Whilst no formal complaints have been made since the airfield has been operating, most incidents relayed by local riders appear to have coincided with the increased activity at the airfield over the last 12 months or so - 70 flights were recorded at one weekend event which was held last year. Whilst horses can adapt to many local circumstances, Salcey Forest also attracts horse riders from elsewhere. The forest and surrounding bridleways provide pleasant, safe, and stress-free off-road riding and it's important that this should be considered. According to latest DEFRA horse passport statistics there are 26116 horses in Northamptonshire.</p> <p>7. The council's latest Public Rights of Way improvement plan has identified the importance and need for further off-road riding and creation of more circular routes in Northamptonshire. Any activities close to Bridleways that could deter equestrian use would go against these objectives. Roads in the county are becoming increasingly busy leading to further fragmentation of bridleways due to development. As equestrians only have access to around 22% of the public rights of way network nationally it is important that current access is maintained.</p> |
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| Civil Aviation Authority | Comment | CAA do not monitor or oversee unlicensed aerodromes; only where training takes place or fuel is stored. |
| | | <p>New farm is a small, private unlicensed aerodrome in uncontrolled airspace. The owners are responsible for the safe operation of the site and the users of the site, as qualified pilots, are responsible for the safety of their respective flight when arriving and departing the site. This is normal practice at such sites. Microlights, can be considered very much part of the wider general aviation picture. They are safe, modern, quiet and efficient machines with similar performance characteristics to larger aircraft in the light aircraft category.</p> <p>We certainly support the retention of the aerodrome operation at New Farm. Such facilities are important to general aviation in the UK. The AAT would be delighted to support the local authority as required, should any conditions be put forward for the future use of the site. Our unlicensed aerodromes vary in the UK and so any conditions should be proportionate for this operation. New Farm aerodrome, is not a training environment and movement numbers are low. As such, any conditions should not degrade how it has operated under the 28 day rule to date.</p> |
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7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1. There have been around 269 letters received of support and objection raising the following comments:

- The aerodrome is a useful and well-located facility that does not cause disturbance;
- Too many aerodromes are becoming unavailable;
- The aerodrome is well-run and it is enjoyable to watch aircraft using the site;
- The development causes disturbance and prevents sleep and enjoyment of gardens and outdoor areas;
- It is not appropriate to take access through Piddington village;

- The development will evolve into accommodating other aircraft if permission is granted;
- The development is dangerous to horse-riders;
- The development is disruptive to peaceful enjoyment of the countryside;
- The development would have an adverse effect on local wildlife;
- The development is dangerous.

8. APPRAISAL

Principle of development (including amenity)

Policy context

- 8.1. There are no policies in LPP1, LPP2 or the HNBP that directly relate to aviation. Policy 106 of the NPPF explains though that planning policies should recognise the importance of maintaining a national network of general aviation airfields and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy. In turn, the General Aviation Strategy supports the deregulation of microlight flying and the encouragement of the planning system to support maintaining sufficient general aviation facilities in order for aviation to be viable.
- 8.2. There are development plan policies that are indirectly relevant to the proposed development. Policy E7 of LPP1 concerns tourism, visitor and cultural industries, and Policy R2 addresses the rural economy. E7 states that proposals will be supported where they contribute to regeneration; strengthen overall tourism offer; benefit local communities and business; and are of a use, form and scale which does not harm the quality of the natural or built environment. It specifically states rural visitor attractions should conform with Policy R2. In turn, R2 says that in the rural area small-scale tourism proposals, including visitor accommodation are acceptable.
- 8.3. Policy EMP4 of LPP2 expands on this and says proposals for the visitor economy will be acceptable outside of settlement confines where the location is essential to the business, and the vitality and viability of nearby settlements is not adversely affected, and where existing tourism service and facility provision is complemented. Proposals for caravans, chalets and camping development will be required to be located in an area with opportunities for informal countryside recreation; accessible to local services and utilities; not have an adverse effect on visual amenity or character of the countryside; not detract from the amenity presently enjoyed by local residents, have good access to the road network and not give rise to significant problems of traffic congestion or safety, and be sympathetic to the environment in terms of number, siting, colour and design.
- 8.4. Policy SS2 of LPP2 and Policy HNBP4 each contain criteria to ensure that the amenity of nearby residents is respected by development.

Assessment

- 8.5. In the case of this application, the principle of development is inextricably linked to its impact on residential and countryside amenity and, as such, both matters are considered collectively under the same assessment heading.

- 8.6. As outlined in the policy context above, there are no directly relevant development plan policies that may be applied to the proposed development, which is unusual and without much recent precedent in West Northamptonshire. In this instance the change-of-use of the land to aviation purposes is not commercial in nature but equally, based on the letters of support received, is clearly more intensive than simply a personal use. It is understood that the runway is made available to fellow microlight enthusiasts who arrange landings directly with the applicant. Furthermore, various organised events are held at the site for charitable purposes; these were said to number around 5 weekends per year prior to the pandemic. In this context the development may be regarded as a personal interest that has evolved and grown into a facility enjoyed by other hobbyists but is not run 'professionally' in the sense that income is derived from it.
- 8.7. Policies concerning employment development and farm diversification are therefore not relevant. However, given the nature by which the site is used by pilots purposefully arriving at it as a destination from all over the UK, it is considered by Officers that the principle of development may be at least partially assessed with reference to policies concerning tourism and the visitor economy.
- 8.8. As outlined above, Policy R2 of LPP1 explains that small-scale tourism proposals will be acceptable in the rural area. Policy E7 of LPP1 states proposals should respect the qualities of the natural environment. Policy EMP4 of LPP2 expands on this and explains that outside of settlement confines, proposals supporting the visitor economy will be acceptable where the location is essential to the business; does not affect the vitality and viability of nearby settlements, and complements existing tourism service and facility provision.
- 8.9. Officers consider that the proposed development only partially complies with these criteria. Whilst an aviation destination realistically cannot be located within settlement confines and therefore an open countryside location is technically essential (notwithstanding the fact the use is not a 'business' in this instance), there is significant doubt as to how it affects the vitality of nearby Piddington. The issue of residential amenity is considered in due course but, in summary, Officers consider that there is insufficient justification regarding noise and disturbance to allow the proposed use on a permanent unrestricted basis. In this context, it is highly questionable whether the proposed development, in an unrestricted form, is the type of 'small scale' proposal supported by Policy R2 that would not adversely affect the quality of the natural environment in accordance with Policy E7, particularly as 'respecting the quality of tranquillity' is an emphasis for development in rural areas according to Policy S1 of LPP1.
- 8.10. It is acknowledged that there would be some degree of complementary relationship with nearby facilities with the potential for pilots to use the nearby pub in Piddington. This is given limited weight though as that is just one criteria of Policy EMP4 (all of which must be satisfied). Furthermore, it runs counter to sustainable development principles to give significant weight to any situation where long distances are flown rather than travelled by public transport or non-motorised means.
- 8.11. There is ambiguity in the application as to what the mobile home is to be used for. On the submitted plans it is annotated as being for welfare (i.e hot drink preparation etc) although reference has also been made during pre-application discussions and the application itself to camping or overnight stays on occasion by microlight enthusiasts. Nevertheless, the mobile home does not appear inconsistent with any of the six criteria in Policy EMP4 concerning caravans/chalet homes. The possible exception is good access to road network, although this matter may be mitigated by a condition it is only used in association with aviation purposes and not as a general holiday facility for those

arriving by vehicle. Therefore, in principle, the mobile home itself is acceptable in its own right as an ancillary part of the wider development.

- 8.12. Notwithstanding the policy assessment outlined above, a fundamental consideration affecting the principle of development is the extent to which the use could be carried out using permitted development rights. Class B of Part 4 of the General Permitted Development Order allows up to 28 days use of land for any purpose (with certain exceptions and restrictions, none of which apply in this instance). In addition, Class BA of Part 4 allowed a further 28 days of temporary use throughout 2021 in response to the coronavirus pandemic. Therefore throughout 2021 the airstrip may have been lawfully

used for up to 56 days of the year. Class BA has now expired and therefore in 2022 and beyond, without the planning permission now sought, the airstrip may only lawfully be used for 28 days per year. This is henceforth referred to as 'the 28 day rule'.

- 8.13. Ordinarily the 28 day rule would apply to each calendar day with the annual 'allowance' depleted by one on each day the use occurred, i.e. two aircraft using the airstrip on a Tuesday would count as one day in the same way that fifty aircraft using it on a Saturday would count as one day. There is no distinction in planning terms between the type of aircraft that count towards the 28 days of use. However, in this instance, because paraphernalia such as the windsock are left permanently in place, the Council's enforcement team take the view that the 28 day allowance is depleted each day regardless of whether any flying takes place; i.e. the use has a physical presence that makes the development as a whole permanent rather than temporary.
- 8.14. It is accepted that the physical presence of the airstrip is almost entirely without visual harm. The windsock and mobile home/barn are not visually intrusive and the airstrip itself is simply mown grass that would not need permission if it was not used for flying purposes. Therefore the application before the Council now represents an opportunity to regularise the physical presence of the development whilst restricting the use itself to a level that is acceptable.
- 8.15. It would remain open to the applicant to remove paraphernalia from the land on each day that flying takes place and use the 28 day rule to achieve 28 days of flying to/from the land each year. This is given significant weight by Officers as a fallback position and establishes the principle of development. Instead, the relevant assessment is to establish how far beyond 28 days the principle of development would remain acceptable in terms of its scale and impact on the amenity of surrounding residents and countryside users. Material considerations affecting this assessment include the fact that flying is naturally restricted by weather conditions. Rainy, windy, and icy days are all likely to preclude flying from the site. However, it is equally true that clear, warm, dry days are likely to be the occasions that the development presents the greatest chance of conflict with the vitality and amenity of nearby Piddington, as residents will be more likely to be outside in such conditions and nearby rights of way are likely to be in more intensive use at such times.
- 8.16. The application is an archetypal example of the planning system having to resolve and arbitrate between competing interests. The proposal has generated a very large number of comments both for and against in roughly equal volume. On the one hand the facility is clearly of great value for the aviation community, with the Civil Aviation Authority in particular supporting its retention in accordance with the Government's General Aviation Strategy. The CAA indicate the site is no different to others around the country that operate without disturbance to nearby bridleways and settlements. The applicants themselves point to the fact only one complaint has been received in the years since

flying first took place from the site in 2015. However, on the other hand, the Council cannot simply disregard the large number of objections received from local residents who claim disturbance from aircraft is indeed harmful to their amenity. The point being that formal complaints are not the only measure of the development's impacts, and the Council must also consider potential additional impacts should the use intensify further.

- 8.17. In the case of potentially disruptive uses, Officers would ordinarily seek a noise assessment or a similar professionally prepared report to objectively assess the concerns raised. Indeed, this was requested of the applicant during both pre-application discussions and the application itself. However the application remains deficient and vague in respect of certain matters, including noise. The applicants' position is that, a noise assessment is not necessary despite the advice of Officers. It is claimed that 90% of modern microlights are properly silenced and designed for quiet operation. In terms of

how aircraft are actually flow in and around the site, the applicants rely heavily on 'good practice' for pilots and individual responsibility for considerate flying. They point to the fact that flying has taken place since 2015 with 3,500 aircraft movements in the five years to October 2020 with only one complaint being raised.

- 8.18. Extracts of movement logs have been provided to demonstrate that pilot details are recorded in order that any irresponsible flying could be identified as necessary. Officers requested full movement logs from the preceding years in order to establish how the use of the airstrip may have intensified since its inception. These could also have been crossreferenced with disturbance logs provided to the Council's enforcement team by complainants in order to confirm the accuracy of both sets of logs. The applicant declined to provide a full set of movement logs. They have, however, provided take-off and landing plans that show the circuit paths microlights take to/from the airstrip, avoiding properties in nearby Piddington. Whilst clearly material to the application, Officers have doubts as to the enforceability of such plans. It would be highly difficult to precisely monitor and prove unauthorised actions taking place above land and, in the event that an enforcement notice needed to be served, this would have to specify an area of land (NB. not air) where a breach had occurred with no ability to specify, for example, the height of any such breach.
- 8.19. The applicant has also acknowledged that objections on noise grounds are potentially the result of occasional use of the site by paramotors or helicopters, which whilst infrequent are noisier and would potentially have drawn attention to general activities at the site. The description of development as applied for refers specifically to microlights and therefore it would seem reasonable that a condition restricting the type of aircraft to microlights is used. This would eliminate the potential for noise from other aircraft.
- 8.20. To further assess the matter of amenity, discussions have been held between Officers and the Civil Aviation Authority (CAA) to establish respective responsibilities for this development. In summary the CAA would only actively oversee or regulate the proposed development if flight training were to take place, or if large quantities of aviation fuel were stored on the site. Neither of these circumstances apply in this instance and, as such, the CAA effectively agree with the applicant that the safe and considerate operation of the development is covered by the self-governing 'best practice' of microlight pilots and their individual licenses. Nevertheless, in the absence of any other regulatory body, it remains open to the Local Planning Authority to not accept this at face value and seek further assurances or restrictions to make the development acceptable in planning terms.
- 8.21. The most direct way of making the development acceptable in planning terms would be restrict the number of days flying may take place from the site. Negotiation with the

applicant has indicated that they would accept a minimum of 128 days flight per year from the site and/or 1,000 aircraft movements per year. The former is based principally on the two applicants' own flying from the site, with each flying approximately 50 hours per year. Assuming an average flight length of 30mins (and only one flight per day) then their personal activities would amount to 100 days of flying from the site. The additional 28 days would cater for other pilots and/or informal events being held. It is unclear how a figure of 1,000 movements per year has been derived but Officers note that this exceeds the 700 per year average that apparently took place in the 5 years to October 2020. A further ambiguity presents in the fact that allegedly only 5-10% of the movements would be generated by the applicants themselves, whereas under the number of days sought the proportion of personal use would be closer to 80%.

- 8.22. Regardless of these ambiguities, the preferred method of restriction in planning terms would be a time limit, as this is easier to monitor and enforce and gives greater assurances to the local community. However, an issue arises in that the Council would have no means of distinguishing how an annual allowance of days would be used. Whilst

it is quite feasible an allowance of 128 days of flying would be used in the manner described by the applicant, with the majority of days comprising just one or two aircraft movements for personal use, it is equally feasible that the majority of days of use could be put towards third parties or events with a much more intensive level of aircraft movements. For the avoidance of doubt, Officers have no evidence either way beyond the assurances of the applicant, but do need to be certain that any restrictive conditions are effective in achieving their purpose. In this instance, the purpose of limiting the number of days use of the site would be to ensure the development remains of a scale that is appropriate in this location (in accordance with Policies E7, R2, and EMP4) and to preserve the amenity of nearby residents (in accordance with Policies SS2 and HNDP4), as no objective evidence has been provided to support an unrestricted use.

- 8.23. Taking into account all of the following considerations: the baseline offered by the 28 day rule; the extended 56 days that were allowed in 2021; the fact the use has occurred in some form for 7 years; the applicant's request for 128 days of use; the support of the Civil Aviation Authority and the Government's General Aviation Strategy, but also; the relative paucity of information accompanying the application, the recommendation derived at by Officers is that permission be granted for 84 days of flying per year from the site. Further conditions will be used to limit the hours of flight and the type of aircraft using the site. Crucially, Members should note that this figure is a subjective compromise that may be adjusted up or down on the basis of different weight being given to relevant issues, as well as evidence that may be heard at the committee meeting itself.
- 8.24. It would also be open to Members to consider other more specific restrictions such as limiting activities on certain days or months (e.g. on Sundays) or potentially restricting the number of consecutive days of flying in addition to the overall total. None of these possibilities have been explored with the applicant because their position remains that restrictive conditions are not necessary.
- 8.25. For the avoidance of doubt, refusing planning permission would not prevent the applicant from using the 28 day rule to continue flying from the site. In the event that Members are not inclined to endorse the use beyond 28 days, it is still recommended that permission be granted in order that the physical aspects of the development (i.e. windsock, storage and welfare facilities) may be regularised, with flying itself restricted to 28 days by condition in a manner consistent with Class B of Part 4.

Conclusion

- 8.26. The acceptability in principle of development is difficult to conclusively establish with reference to development plan policies. In the absence of any objective evidence, a permanent unrestricted use of the site for aviation purposes is considered to represent a scale of development that is contrary to policies concerning the visitor economy in open countryside, and those seeking to preserve the amenity of nearby residents and countryside users. However, the use may take place for 28 days per year regardless of planning permission being granted, and is also supported in general terms by the Civil Aviation Authority and the Government's General Aviation Strategy. In summary, a compromise of 84 days per year of flying has been identified as a possible solution by Officers. Subject to this restriction and others concerning hours and types of aircraft, the proposed development is considered to be acceptable in principle.

Highway safety (including rights of way)

Policy context

- 8.27. Policy SS2 of LPP2 requires developments to be designed to provide an accessible, safe and inclusive environment which maximises opportunities to increase personal safety and security through preventative or mitigation measures. It also requires the inclusion of a safe and suitable means of access for all people, including pedestrians, cyclists, and those using vehicles.
- 8.28. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 8.29. The proposal's impacts on highway safety may be assessed in terms of both traffic generation and the impacts of microlights flying over the top of nearby rights of way, potentially at low height, and the implications of this on safety (particularly horses, given the nearest rights of way are bridleways and byways).
- 8.30. Taking traffic generation first, Piddington is served by a no-through road that terminates at the application site. Therefore the only way to/from the site by car is through the village. Nevertheless, access and traffic generation are not considered fundamental constraints to the proposed development because the principal means by which the airstrip is used is as a destination for incoming pilots rather than a facility in which aircraft are taken on trailers to and from the site for use.
- 8.31. The Council would not be able to ensure this manner of use continues in the future but it is understood that it is largely self-controlling as most microlights and other light aircraft are stored in hangars at dedicated airfield facilities, from where they also take off. Although it is understood trailers do visit the site, this is a relatively low proportion of its use as it is relatively cumbersome for pilots to transport their aircraft by road to the application site rather than fly-in from where they are stored. Nevertheless, to prevent the development becoming a hangarage facility as well as an airstrip, which would increase vehicle movements through Piddington, a condition is included in the recommendation that restricts the storage of aircraft at the site to those belonging to the applicant.

- 8.32. Subject to this condition, the proposed development is not considered to have an adverse impact on highway safety (in terms of the road network), and certainly not a 'severe' impact that would justify refusal under paragraph 111 of the NPPF. It should also be noted that the wider application site comprises an extensive agricultural holding with sizeable poultry facilities that are currently mothballed. These could be brought back into use at anytime without permission and would result in a significantly greater number and size of vehicles accessing the site through the village. Against this context the proposed development is not considered any more harmful.
- 8.33. The impact of the proposed development on the safety of bridleways may be largely assessed in the same manner the principle of development and residential amenity are assessed above. Again, key considerations are that the flying may take place for 28 days a year without permission and that the Civil Aviation Authority are content that bestpractice and individual responsibility are sufficient to mitigate any conflict. However, as referred to above, Officers have significant doubts as to the enforceability of flight approach plans and other mitigation (beyond signage) that may be put in place to limit conflict between pilots and users of the rights of way.
- 8.34. In respect of horses specifically, the British Horse Society were consulted and raise several concerns regarding the proposed development. They highlight the proliferation of equine uses locally as well as the fact the bridleway to the immediate east of the site leads to/from Salcey Forest, which is well-used by horse-riders. They also refer to the likelihood of accidents to occur with aircraft shortly after take-off or before landing, which
- in this instance could include failure over the rights of way, endangering users who are in the vicinity at the time.
- 8.35. The applicants and the CAA refer to general guidance that indicates mutual responsibility between pilots and rights of way users (including horse riders) to be aware of one another. The CAA's own guidance (in a document entitled "CAP 793") states:
- "If the aerodrome is accessible to the public or to livestock, aerodrome operators and pilots should always ensure that both are clear of the runway or operating surface before commencing operations. Public footpaths should be clearly marked with warning signs advising of flying operations."*
- 8.36. Officers consider that realistically there are few planning mechanisms available to further mitigate the potential for conflict between users of the rights of way and users of the airstrip. It is true that flying in one form or another has taken place for 7 years with only limited anecdotal concerns being raised by bridleway users. It is also true that flying could continue to take place for 28 days per year. In this context, the same judgement made in the assessment of principle above needs to be made as to the appropriate number of days to allow the use to take place. For the reasons given above, Officers have recommended 84 days as a compromise between the applicant's aspirations and material concerns that have been raised but, again, Members are entitled to adjust this upwards or downwards with reference to the relevant issues. Clearly, unrestricted use of the airstrip is likely to be more harmful to the safety of users of the rights of way than just 28 days a year. However, there is no policy, guidance or other evidence that indicates specifically at what point in between the frequency of use would become unacceptable. 84 days has therefore been derived as subjective compromise between the various considerations.

- 8.37. A condition is also included in the recommendation to ensure signage is in place on all nearby rights of way to account for the potential increase in aircraft movements from the site in the event permission is granted.

Conclusion

- 8.38. It is considered that the proposed development would have an acceptable impact on highway safety, subject to conditions restricting the frequency of its use and the ability for aircraft to be stored at the site, as well as details of further signage being provided.

Visual impact

Policy context

- 8.39. Policy SS2 of LPP2 requires development to use a design-led approach to demonstrate compatibility and integration with its surroundings and distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details.
- 8.40. Policy HNPD8 of the HNPD requires development to conserve or enhance the local landscape by way of eight separate criteria. These relate to enhancing landscape features, retaining natural features, native planting, preserving views, creating new views, high-quality design, minimising encroachment, and improving access.

Assessment

- 8.41. The application site is located in relatively isolated exposed open countryside. It is also visible from several nearby rights of way. However, the actual built form associated with the development is limited and is perceived in context with the nearby farm buildings that are larger and more visually dominant than the mobile home, storage barn, and windsock associated with the proposed development. The runway itself, comprising just mown grass is also not overtly apparent within the wider landscape. The proposed development does not affect any of the views identified on the Policies Map of the HNPD and protected by virtue of Policy HNPD8 and certainly not beyond the effects of the existing farm buildings.
- 8.42. Subject to conditions that restrict lighting on the site as well as open air storage and hard surfacing, it is considered that the proposed development would have an acceptable visual impact on the immediate area. The flying of aircraft is not considered to have a visual impact in its own right as it is relatively common to see microlights or similar across the skyline, which are passing objects rather than permanent features.

Conclusion

- 8.43. The proposed development is considered to have an acceptable visual impact and complies with the relevant policies outlined above.

Ecology

Legislative context

- 8.44. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.

8.45. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:

- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- b. That there is no satisfactory alternative.
- c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

8.46. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

8.47. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.

8.48. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

8.49. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.

- 8.50. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 8.51. The application is not supported by a protected species survey although the site itself is simply an arable field with no discernible habitat value. Furthermore, flying may take place from the site for up to 28 days per year and there is no restriction in planning terms for any light aircraft to fly around the area; it is only the land and take-off facility at New Farm that requires planning permission. Therefore it is not considered that the proposed development has any impact on protected species that would justify withholding permission.

Conclusion

- 8.52. Based on the Natural England advice outlined above and the circumstances of the site, it is not considered that the proposed development would have any impact on protected species.

9. FINANCIAL CONSIDERATIONS

- 9.1. CIL is not relevant to the application as no retail or residential development is proposed.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Matters weighing in favour of the proposed development may be summarised as:

- The proposed use may take place for up to 28 days per year (56 days in 2021 due to measures associated with the pandemic) regardless of whether or not planning permission is granted. This is given significant weight as it establishes the principle of development on the site;
- The proposed development does not have to be regarded on a permanent unrestricted basis. It may be effectively controlled by planning conditions controlling the nature and frequency of its use. This is given significant weight as the main means of mitigating the harmful matters outlined below;
- The site has been in use for aviation in some form since 2015. This is given moderate weight as insufficient information has been provided to ascertain how the use has intensified over time or may intensify further in the future;
- The Civil Aviation Authority and Government's General Aviation Strategy support the retention of small unlicensed aerodromes to offer appropriate facilities for the aviation community. This is given moderate weight as paragraph 106 of the NPPF requires only that the General Aviation Strategy is 'taken into account', whereas

paragraph 12 states the development plan remains the starting point for decisionmaking;

- The proposed use could theoretically support the local public house in Piddington through increased patronage from incoming pilots. This is given limited weight due to being an indirect benefit of just one facility and also running counter to sustainable development principles regarding transport modes;

10.2. Matters weighing against the proposed development may be summarised as:

- The application is not supported by a noise survey that indicates the likely level of audible disturbance to nearby residents and countryside users. This is given significant weight as the Council has received significant objections to existing noise from the site and without objective information the likelihood of disturbance cannot be properly assessed;
- Many of the mitigation measures identified by the applicant and in 'best practice' guidance to minimise conflict with users of nearby rights of way are unlikely to be enforceable in planning terms. The Local Planning Authority would have difficulty enforcing the height and direction of activities in the air as opposed to on land. This is given significant weight as there are only limited other means of controlling the development in planning terms (i.e. the conditions referred to in the second bullet point of paragraph 10.1);
- An unrestricted use is not considered to be an appropriate scale of development when considered against relevant policies regarding the visitor economy. This is given limited weight due to the fact the proposed development is not explicitly intended to serve the visitor economy, as well as the fact that conditions are being recommended to mitigate this very matter.

10.3. In conclusion, Officers consider that the planning balance lies in favour of granting permission subject to a strict set of conditions to mitigate those matters identified above that weigh against the proposed development. Subject to these conditions, it is considered those matters weighing in favour outweigh those weighing against. In particular, the number of days use of the proposed development has been given extensive consideration during the assessment sections of the report and is a key component of how the application should be determined. Officers have derived at a restriction of 84 days of flying activity at the site; Members may adjust this upwards or downwards should they consider that alternative weight be given to the matters in favour and against outlined above.

11. RECOMMENDATION / CONDITIONS AND REASONS

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Approved plans

1. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor

material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

Location Plan (drawing ref: 1052-04A), received 1st March 2022

Proposed Site Plan (drawing ref: 1052-01), received 24th January 2022

Storage Barn Plans & Elevations (drawing ref: 1052-06), received 26th April 2022

Mobile Home/Welfare Facility Plans & Elevations (drawing ref: 1052-05), received 26th April 2022

Reason : To clarify the permission and for the avoidance of doubt.

Signage

2. Within 3 months of the date of the permission hereby granted, details shall be submitted to and approved in writing by the Local Planning Authority of the type and location of signage in place to warn users of rights of way about aviation from the site. Signage shall be installed on byway KM56, footpath KM37, and bridleways KM18 and KM40 within 3 months of the date of this permission and retained in accordance with the details so approved at all times.

Reason : In the interests of the safety and amenity of nearby rights of way users in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Hangarage

3. No aircraft shall be stored or hangared at the site other than those belonging to the applicant, Mr Chambers, or his relatives and dependents.

Reason : To minimise vehicular movements to and from the site in the interests of highway safety in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Open air storage

4. The runway hereby granted permission shall remain unsurfaced at all times and no aircraft or aviation paraphernalia shall be permanently sited in the open at the site other than the existing windsock.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Policy HN8 of the Hackleton Neighbourhood Development Plan.

Lighting

5. No external lights/floodlights shall be erected on the land (or buildings) without the prior express planning permission of the Local Planning Authority.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework and Policy HNPD8 of the Hackleton Neighbourhood Development Plan.

Days and hours of use

6. Notwithstanding the provisions of Class B of Part 4 Schedule 2 of the General Permitted Development Order (England) 2015 (or any other Order or Statutory Instrument replacing or amending that Order), the use of the site and other land within the applicant's control (as defined by the blue line on the approved location plan) for the landing and taking-off of any aircraft shall be restricted to 84 days per calendar year, other than in the event of an emergency.

Reason : In order to safeguard the amenities of the area and the safety of rights of way users in accordance with Policy SS2 of the South Northamptonshire Local Plan and Policy HNPD4 of the Hackleton Neighbourhood Development Plan, and to ensure the development remains a scale appropriate to its location in accordance with Policies E7 and R2 of the West Northamptonshire Joint Core Strategy.

7. The site and other land within the applicant's control (as defined by the blue line on the approved location plan) shall not be used for the taking-off and landing of aircraft outside of the following hours (other than in the event of an emergency):

Monday to Saturday: 8am to 6pm

Sundays and public holidays: 9am to 5pm

Reason : To protect the amenities of nearby residents and to comply with Policy SS2 of the South Northamptonshire Local Plan and Policy HNPD4 of the Hackleton Neighbourhood Development Plan.

Type of aircraft

8. Other than in the event of an emergency, the site and other land within the applicant's control (as defined by the blue line on the approved location plan) shall be used only for the taking-off and landing of microlights (as defined by the Civil Aviation Authority). No paramotors, helicopters, or other fixed-wing aircraft shall take-off or land at the site or other land within the applicant's control unless otherwise agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt, to clarify the permission, and protect the amenities of nearby residents and to comply with Policy SS2 of the South Northamptonshire Local Plan and Policy HNPD4 of the Hackleton Neighbourhood Development Plan.

Mobile home

9. The mobile home hereby granted permission shall be used only in association with aviation activities on the site and shall not be used, sold, let or sub-let as an independent dwelling or as holiday accommodation.

Reason : To minimise vehicular movements to/from the site in the interests of highway safety and to comply with Policy SS2 of the South Northamptonshire Local Plan.

Restoration

10. All aviation paraphernalia and the structures hereby granted permission shall be removed from the land and the site restored to its original agricultural condition should the use of the site for aviation cease for longer than 12 months.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Policy HNPD8 of the Hackleton Neighbourhood Development Plan.