



Appeal Decision

Site visit made on 29 November 2006

by **Rodney Baker** BSc MA MRICS MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Appeal Ref: APP/X1545/A/06/2020940

Sheepcoates Farm Airstrip, Sheepcoates Lane, Great Totham, Maldon, CM9 8NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Joan Walsh against the decision of Maldon District Council.
- The application Ref FUL/MAL/05/01320, dated 14 November 2005, was refused by notice dated 7 February 2006.
- The development proposed is use of grass landing strip and store/hut for microlight flying school.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The use operated during 2005. An enforcement notice was served and I am told that the use has terminated. The hut/store has been dismantled and the materials appear to remain on the site.

Main Issues

2. The main issue is the effect on the character of the area and of its landscape caused by both general disturbance and disturbance to local residents by the noise of the microlight aircraft.

Reasons

3. The former airstrip is aligned east-west in a field and is about 100 m from a power line on pylons to which it runs parallel. The airstrip runs gently up from west to east where it levels out.
4. The surrounding countryside is flat or very gently rolling mixed or arable farmland, criss-cross by narrow lanes. The nearest residential properties include Sheepcoates Farm and Krallis Tan, both about 200m from the runway. The nearest settlements are Great Totham and Little Totham both about 2 km distant. In addition, there are several houses scattered along the lanes or in small groups. I was able to see the location of many objectors' homes when I visited the area.
5. The proposal is to operate one microlight, mainly for training flights, and to operate a small club. The aircraft would take off and land in fixed patterns depending on weather conditions and the experience of the pilot.
6. The site is subject to Policies S2 and CC6 of the Replacement Maldon Local Plan and CS2, C5, NR1 and BIW9 of the Essex & Southend Replacement Structure Plan. The aims of these policies include protection, conservation and enhancement of the character, beauty,

- tranquillity, amenity and traditional quality of the District's landscape. The policies seek to preserve the countryside for its own sake and to protect it from development. Policy BIW9 covers airport development and the hierarchy of "flying sites"; it includes criteria on general planning policies and pollution, including noise.
7. I visited the site on a clear winter's day. Although subject to the influence of some traffic and aircraft noise, I consider that this location is peaceful, open and generally quiet. The reasoned justification for Policy CC6 refers to Areas of Tranquillity and most of Maldon District is shown as a Tranquil Area on maps produced by the CPRE and former Countryside Commission. The policy applies to this locality whether or not it is in a Tranquil Area. Given the peaceful nature of the locality, it is vulnerable to disturbance. The country lanes are narrow and discourage heavy traffic except for that necessary to serve the agricultural and other uses.
 8. Most noise from the microlights takes place when they are being tested on the ground or during their take off periods. If the business were operating on a full-time basis for one day of 8 working hours, there would be 4 hours of actual flying, each flying hour followed by one hour for briefing and de-briefing the student pilots. During each one hour flying period, there would probably be 8 take-offs. The effect of take-off on an observer about 100m from the 'plane is said to be about 8 minutes of noise at 75dBA and 24 minutes of noise at 69dBA over the 8 hour period. Landing takes place under minimal power and the noise caused thereby is considerably less than on take-off. In addition, there may also be flights by qualified pilots, if the club were successful.
 9. The appellant would be agreeable to a limit of 100 take-offs per week. The Council officers report recommended limits of 50 take-offs per week and 10 per day. The appellant considers this to be unviable and tantamount to a refusal of permission. The appellant estimates that there were a maximum of about 65 flights per week and 28 flights per day when the runway was operating in the summer of 2005. Generally, the activity was well below these levels. The appellant may operate below the maximum level she suggests for much of the time. However, the application should be considered in the context of her suggested figures as she, or another operator, may find that there is sufficient demand to do so.
 10. Microlight noise has unusual characteristics in terms of its duration, tone and the movement of the source. Microlight flights tend to be short and relatively low and the main source of noise is on take-off only. The 'planes have a short range. Microlighting generally takes place during fine weather, that is, at times when people are most likely to want to enjoy the open air of their gardens or walking or riding on local paths or other outdoor activities.
 11. There have been complaints about the noise and disturbance caused when the school was operating and many letters of objection to the application. Many letters of support were also received. The appellant received only 2 complaints before she made the application. However, it appears to me from the histograms presented, that those complaints resulted from a level of activity well below that for which she now seeks permission.
 12. The appellant states that 2 or 3 properties are likely to be in the 190m slant range of the aeroplane at full power. That does not include possible walkers on the nearby footpath. At this range, the aeroplane would be climbing on full power, but peak noise would pass quickly. Even so, 8 or possibly more, such occurrences per hour for 4 hours per day is

- likely to have a significant effect on both the amenity of close residents and the tranquil nature of this part of the countryside near the runway.
13. At full circuit height of 1000ft the effects under or near the take off and landing flight paths would be less, but there would be a negative impact on the character of the countryside and landscape nonetheless from this source.
 14. An assessment has been produced by an acoustics expert employed by the objectors' agent. This is based on the use of BS4142 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas". This is designed to determine noise levels from factories or industrial premises, or fixed installations and background noise levels. No measurements were made of background levels, but I have no reason to suspect that they would not be between 30 and 40 dB L_{A90} as assumed. On the other hand, I am not convinced that BS4142 is the most appropriate means of assessing the impact of the noise. It is designed largely for fixed installations, not for moving sources. Also industrial noise usually takes the form of continuous or frequent noise, rather than intermittent or relatively infrequent noise such as is likely to be the case with this proposal. The assessment concludes, in part based on the complaints received, that "there is a strong likelihood that activities of the flying club may be detrimental to the amenity of nearest residents".
 15. The calculated noise levels measured as dB $L_{Aeq,16\text{ hours}}$, would be nearly 10 dB or more over background, at which level complaints would be likely according to BS4142. This would be a worst case situation. Given that this is an equivalent level for a long period based on a short noise, in my view, it underestimates the immediate and disturbing quality of such intermittent and loud sounds whose timing is unpredictable, despite the fact that an acoustic feature correction of +5 dB has been applied.
 16. I have considered the representations based on the application of Planning Policy Guidance 24 (Planning and Noise). This advice is not designed to assess the effect of intermittent noises in rural areas, but rather to indicate the effect of noise on proposed new housing.
 17. My conclusion, based on the relevant policies, the effect on residents and the nature of the area, is that the scheme does not accord with the Policies designed to protect and enhance the character of the countryside and landscape, especially its traditional nature and tranquillity.
 18. I appreciate that the appellant would try to accommodate the views and needs of residents and that the scheme would make some contribution to the economic well being of the area. However, there would, in my view, be a clear reduction in the quality of the countryside as a result of this scheme if it is to operate at a viable level. Consequently, the appeal fails on the central issue.

Other matters

19. I have taken account of the need for more such schools in Essex and of issues of safety and privacy. Microlights do have accidents, but they are relatively rare and harm to people on the ground is unlikely. Pilots over-flying residential areas are unlikely to spend time looking into private gardens as they would be concentrating on flying the aircraft. I am grateful for the background information supplied by the British Microlight Aircraft Association, which has informed by conclusions.

20. The club house and parking area may be acceptable if the scheme was acceptable in principle, because they would be small and well screened by the lie of the land and by bushes. In my view the increase vehicle traffic would be small if the use of the airstrip was limited in the manner proposed. Nevertheless these aspects of the scheme would tend to further undermine the policy objectives identified.
21. I have taken account of the appeal decisions submitted on behalf of objectors¹.
22. I have considered whether the conditions and restrictions suggested by the appellant and the Council would overcome the objections to the scheme. Most matters such as the number and type of aircraft would be covered by a restriction on the number of take-offs. Controls on displays and other activities would not overcome the fundamental objections to the intensity of flying proposed.
23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

24. I dismiss the appeal.

RH Baker

¹ T/APP/C/97/C1435/648663-648665/P6 and APP/H1515/A/02/1100740 & 1105923
