



SUPPORTING STATEMENT

**FOR AN
APPLICATION FOR THE ISSUE OF A LAWFUL DEVELOPMENT
CERTIFICATE**

**FOR THE EXISTING USE OF
LAND AND BUILDINGS FOR DUAL PURPOSE USE**

IN CONNECTION WITH

**AGRICULTURE AND AVIATION ACTIVITIES
INCLUDING
THE STORAGE OF 4 NO LIGHT AIRCRAFT
AND
ASSOCIATED USE OF GRASS AIRSTRIP**

**AT
FOURWAYS FARM
NARROW LANE
WYMESWOLD
LEICESTERSHIRE**

APRIL 2018

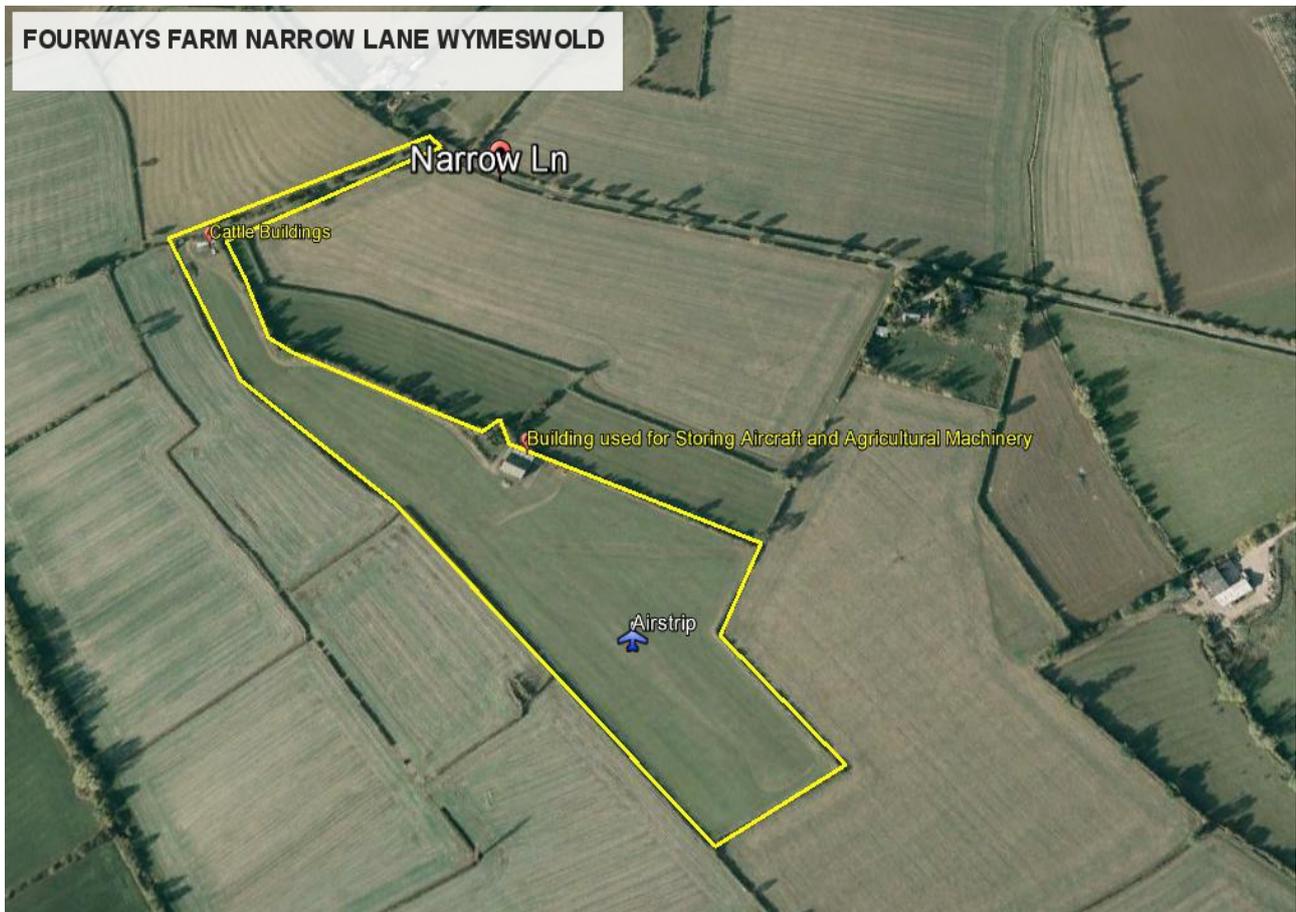
INTRODUCTION

The application seeks the issue of a lawful development certificate under section 191 of the Town and Country Planning Act 1990 for the existing dual purpose use of the site for agriculture and operations in association with the storage and use of the existing airstrip for light aircraft.

The substantial evidence submitted highlights that this dual purpose use significantly pre-dates the applicants ownership, with evidence submitted from 2002, that makes reference to the aircraft activity being in situ during the proceeding 10 years. Suffice to say the activities on site have been in use in excess of the statutory 10 year period and thus the issue of a lawful development certificate is justified in this case.

SITE

Fourways farm lies to the south east of the village of Wymeswold and is located on a remote block of 6.1 hectares of land, (as identified below), on Narrow Lane. Access to the property is via an existing well established access. Cattle buildings are located at the entrance to the site with a long driveway leading to the building used for storing up to 4 aircraft and agricultural machinery. The site allows for sufficient turning area and car parking for visitors. The grass airstrip is well maintained and runs the length of the site with a turning area for aircraft at one end.



The site shown above, is well maintained for the dual purpose use.

RELEVANT LEGISLATION

TOWN AND COUNTRY PLANNING ACT 1990

“Section 191- Certificate of Lawfulness of Existing Use or Development

1. *If any person wishes to ascertain whether:-*

- a. Any existing use of building is lawful;*
- b. Any operations which have been carried out in, on, over or under land are lawful; or*
- c. Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

He may make an application for the purpose to the local authority specifying the land and describing the use, operations or other matter.

2. *For the purposes of the act uses and operations are lawful at any time if-*

- a. No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- b. They do not constitute a contravention of any of the requirements of any enforcement notice then in force.*

3. *For the purposes of this act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if -*

- a. The time for taking enforcement action in respect of failure has then expired; and*
- b. It does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.*

3.a. *In determining for the purpose of this section whether the time for taking enforcement action has expired, that time is to be taken to not to have expired if -*

- a. The time for applying for an order under section. 171BA(1) (a planning enforcement order) in relation to the matter has expired,*
- b. An application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or*
- c. A planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.*

4. *If, on an application under this section, the local authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matters described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

5. *A certificate under this section shall-*

- a. Specify the land to which it relates;*
- b. Describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 52(2)(f), identifying it by reference to that class);*
- c. Give the reasons for determining the use, operations or other matter to be lawful; and*

- d. *Specify the date of the application for the certificate.*
6. *The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.*
7. *A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission -*
 - a. *Section 3(3) of the M1 Caravan Sites and Control of Development Act 1960*
 - b. *Section 5(2) of the M2 Control of Pollution Act 1974 and*
 - c. *Section 36(2)(a) of the M3 Environmental Protection Act 1990. “*

SUPPORTING EVIDENCE

In order to justify that the existing use is lawful in accordance with the legislation stated above, it is vital to provide the local authority with substantial evidence that proves that this dual purpose use for agricultural and aviation activities has been established in excess of the statutory 10 year period.

AVIATION USE

An exhaustive chronological list of of the evidence collated is attached to this document as an appendices. It should be noted that the flight log records held by the previous owners of the site date back to 2001. The ordnance survey images, as well as aerial photographs taken in 1999, 2006, 2010 and 2016 support this fact as they clearly identify the airstrip has been historically in-situ and continues to be active to date.

From 2009 it was no longer a requirement to maintain a flight log, however, the Fourways Farm movement log up to this time, along side copies of the pilot logs for the planes kept on site, provide a thorough record of the usage dating back to 2008 right up to the present time. Furthermore the applicant has provided their own overview of the number of days that the airfield has been in use between 2008 and 2018.

Several letters from Leicestershire Constabulary, a long term aircraft owner, the counter terrorism security adviser and security staff quotations have all been obtained, providing evidence of the activities, dating back as far as 2002.

The applicants have an agreement with East Midlands Airport dated 10/05/2017. This is a long standing agreement that has always been in place with all previous owners of the Fourways Farm Airstrip. A copy obtained by the applicant of the previous owners agreement is dated 2011, but in addition to this, reference to the agreement with East Midlands Airport is made in a letter to the previous owner in 2002.

One of the most significant pieces of evidence is from 2013, when the airstrip was thrust into the front page headlines when a plane crash tragically killed two people. The plane had just taken off from the airstrip when it encountered difficulty and crashed in to a nearby field as it tried to return to the airstrip.

AGRICULTURAL USE

The agricultural and airfield activities on site have operated in conjunction with each other in excess of 10 years, as the land and buildings have been used to accommodate livestock, by the current owner (the applicant) and the previous owner.

The cattle buildings on entering the site accommodate the applicants herd of cattle and are built for their agricultural purpose. The existing building known, as the hangar and identified as having a dual purpose use, has sufficient floor area to accommodate up to 4 aircraft within it, as well as provide storage for the agricultural machinery that is required to maintain the agricultural and aviation activities on the site.

Sheep graze the airstrip in the winter as they play an important role in maintaining the grass strip during the wetter times of the year, when the use of heavy machinery can inevitably cause damage to the surface. Failure to keep the grass short at all times prevents aircraft from using the airstrip. During this period, pilots notify the applicants in advance of their intentions to use the airstrip so that the sheep can be removed prior to use.

After the wetter conditions have subsided the ground is slit, sand spread and rolled in preparation for the intensification of use and the sheep are removed permanently on to other areas of the site. Any non-resident visiting pilots would be required to follow the usual practice of giving prior notification before visiting and landing on site, this is stipulated as a code of conduct on small private airstrips so that neither safety or function is compromised.

LOCAL RESIDENTS SUPPORT EXISTING USE FOR IN EXCESS OF 10 YEAR PERIOD

The applicant has sought the comments and support of the local residents, whose properties are adjacent to the site. All residents of the immediate properties have confirmed and signed a document stating that the airstrip has been in use at Fourways Farm in excess of 10 years and that it has not had any detrimental impact on their residential amenity.

Furthermore to the applicants knowledge the use of the site has not raised any issues by the local residents or the parish council in the village of Wymeswold. No complaints have been made directly or indirectly through authorities (i.e. the local council, environmental health etc) in relation to the use of the site.

ACCESS

Access to the site is via an established access. The dual purpose use of the site during the last 10 years has not raised any highways issues. The dual usage does not significantly intensify the traffic movements to the site.

CONCLUSION

The site provides a facility for private plane enthusiasts to accommodate and enjoy flying their planes across Leicestershire and beyond. It gives an established income to the applicants in addition to supporting the local economy.

The aviation activities on the site have no detrimental impact on the agricultural operations and as such can easily continue to co-exist.

The existing use has proven to be able to co-exist and operate within its surroundings and provides a diversification in the countryside that has shown throughout its existence to have no significant impact on the immediate or wider environment or on the local residents.

The aviation activities on site have been operated in accordance with Civil Aviation Procedures, as well as under the agreement of all of the relevant authorities, including the Police and East Midlands Airport. None of these authoritative bodies have shown cause for concern and have written several times over the last 10 years confirming their willingness to advise and assist when required.

The documentation submitted provides the local authority with substantial evidence that confirms that the dual purpose use of the site has been actively in use for in excess of the statutory 10 years period and therefore the justification of issuing a lawful development certificate in accordance with 191 of the Town and Country Planning Act 1990 has been proven in this case.

LIST OF SUPPORTING HISTORICAL EVIDENCE SUBMITTED

APPENDICES

APPENDIX 1 - AERIAL PHOTOGRAPH 1999

APPENDIX 2 - LETTER AIR TRAFFIC SERVICES MANAGER EAST MIDLANDS AIRPORT
DATED 03/09/2002

APPENDIX 3 - LETTER LEICESTERSHIRE CONSTABULARY DATED 22/12/2005

APPENDIX 4 - AERIAL PHOTOGRAPH 2006

APPENDIX 5 - SIGNED LETTER FROM IMMEDIATE NEIGHBOURS CONFIRMING USAGE IN
EXCESS OF 10 YEARS

APPENDIX 6 - LETTER FROM COUNTER TERRORISM SECURITY ADVISER DATED 04/2008

APPENDIX 7 - LETTER FROM AIRCRAFT OWNER CONFIRMING HIS USE OF SITE SINCE
2009

APPENDIX 8 - FOURWAYS FARM MOVEMENT LOG 2005-2009

APPENDIX 9 - PILOT LOGS (N7238X) 2008-2010

APPENDIX 10 - AERIAL PHOTOGRAPH 2010

APPENDIX 11 - LETTER OF AGREEMENT BETWEEN FOURWAYS FARM AND EAST
MIDLANDS AIRPORT WITH PREVIOUS OWNER MR ROWBOTHAM
DATED 2011.

APPENDIX 12 - NEWSPAPER CLIPPING FROM PLANE CRASH ON THE SITE DATED
22/08/2013

APPENDIX 13 - LETTER REGARDING QUOTE FOR SECURITY STAFF DATED 01/07/2013

APPENDIX 14 - STATEMENT FROM APPLICANTS CONFIRMING USE IN THEIR OWNERSHIP
SINCE 2013

APPENDIX 15 - PILOT LOG (G-BOLB) 2015 - 2017

APPENDIX 16 - AERIAL PHOTOGRAPH 2016

APPENDIX 17 - LETTER OF AGREEMENT BETWEEN FOURWAYS FARM AND EAST
MIDLANDS AIRPORT WITH CURRENT OWNERS DATED 10/05/2017

APPENDIX 18 - OVERVIEW SUPPLIED BY THE APPLICANT OF NUMBER OF DAYS AIRFIELD
AT FOURWAYS FARM HAS BEEN USED BETWEEN 2008 -2018.

APPENDIX 19 - ORDNANCE SURVEY IMAGES OF THE SITE

APPENDIX 20 - HISTORICAL AND CURRENT PHOTOGRAPHS OF THE AIRCRAFT IN THE
HANGAR

APPENDIX 21 - UK AIR SPACE CLASSIFICATIONS