Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0293
Hadfold Airfield, Hadfold Farm, Stane Street, Adversane, Billingshurst, West Sussex, RH14 9JR

DESCRIPTION:
Application to confirm the continuous use of land as an airfield and the use of building used as an associated office for a period in excess of ten years (Lawful Development Certificate - Existing)

RELEVANT PLANNING HISTORY:

DC/22/0907	Prior Notification for the change of use of 2no. agricultural buildings to residential (Class C3) to form 3no. dwellinghouses.	Prior Approval Required and PERMITTED on 30.06.2022
DC/22/0434	Prior Notification for the change of use of 2no. agricultural buildings to residential (Class C3) to form 3no. dwellinghouses.	Prior Approval Required and REFUSED on 21.04.2022
DC/23/1914	Application to confirm the substantial completion of 3No. buildings containing 5No. hangars for the storage and maintenance of aircraft and associated equipment on 19/11/2017 (Lawful Development Certificate - Existing)	Application Permitted on 12.12.2023

PLANNING ASSESSMENT

The application relates to a Lawful Development Certificate Existing to confirm the continuous use of the land for Use Class E commercial purposes.

Article (2) of Section 191 of the Town and Country Planning Act 1990 states:

"For the purposes of this 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."

Applicant's Evidence

- *Planning Statement*
- *Location Plan*
- *Site Plan 1 and 2*
- *Plan Airfield Office*
- *Statutory Declaration*
- *Aircraft Logs*
- *UK Airfields and Airports Website*
- *Airfields of Britain Conservation Trust Website*
- *Aircraft Spotting at Sussex's Airfields and Airports Website*
- *British Isles Airfield Guide Website*
- *Google Earth Imagery*
- *Joining Instructions*
- *Photographic Evidence - Office*

Hadfold Airfield is located to the east of Haldfold Farm in Adversane. The site is approximately 1.95 hectares, it is noted that 0.15 of this area is the access. The site comprises a runway, the runway passes through two fields to the north-east and south-west direction. The site also includes an area which hosts aircraft hangers which were recently confirmed as lawful under application reference DC/23/1914. The area to the front of the hangars is used for car parking and the warming up of aircraft. Nearby there is also a small building used as the airfield office.

The UK Airfield Guide website includes details of Hadfold Airfield and provides Google Earth historical imagery covering the years 2001, 2005, 2012, 2015 and 2018. It also includes aerial photographs taken by the owner of the website in 2016. Google Earth Images included within the documents show the northern section of the runway and airfield office were in situ in 2001, and the southern section of the runway and hanger buildings being added from 2005.

Aircraft logs have been submitted dated from 05.10.2014, it is understood from the Planning Statement that the applicant is required to maintain a log of all aircraft taking off and landing at Hadfold Airfield.

Statutory Declaration of Peter Coleman

Mr Coleman has owned Hadfold Farm since 2000 but has farmed the land since September 1969. Hadfold Airfield is located immediately to the east of the Farmhouse, which comprises of a single private grass runway 650 meters long. The first part of the runway was created in 1996. A 230m length north of the track. Flying started from the site in March 1999. In the autumn of 1999, the runway was extended to the northern boundary of the field. The length of the runway was 350m, in 2003 the runway was extended by 300m to the south of the track, totalling of 650m.

Hadfold Airfield keeps a detailed log of all flights to and from the airfield. Log activity for the past 10 years have been included within the documents.

Council's Evidence

- Aerial photos dated 2001, 2007, 2012, 2018
- Lawful Development Certificate Questionnaire – 6 neighbours have provided response to the Questionnaire attesting to knowing the applicant and the activities within the airfield of in excess of 10 years.
- Compliance has no further comments to make concerning DC/24/0293
- HDC Revenues

Section 191(4) of the Town and Country Planning Act 1990 states that:

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

F W Gabbitas v SSE and Newham LBC [1985] JPL 630 held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the Local Planning Authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application; provided the Applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the "balance of probability".

Discussion

The application seeks a Certificate of Lawful Development Existing for the continuous use of land as an airfield and the use of building used as an associated office for a period in excess of ten years.

The application documents outline that the airfield has been in situ for a period in excess of 10 years from the date of the application, with the airfield being constructed in the late 1990s.

The application is supported by a Statutory Declaration by the owner, outlining when the airfield was constructed on the aforementioned dates and has been used as an airfield ever since.

The UK Airfield Guide website includes details of Hadfold Airfield and provides Google Earth historical imagery covering the years 2001, 2005, 2012, 2015 and 2018. It also includes aerial photographs taken by the owner of the website in 2016. Google Earth Images included within the documents show the northern section of the runway and airfield office were in situ in 2001, and the southern section of the runway and hanger buildings being added from 2005. The photographs indicate that the land has been managed to facilitate the runway for a period in excess of 10 years, with the logs provided showing that aircraft have used the site over the relevant period.

Aerial photographs of the overall site indicate that an outbuilding has been in place for over four years. It has been stated that this has been used in connection with the airfield, with the photographic evidence showing that the building houses radio equipment to communicate with the microlights. Additionally, the interior space is shown to be in use as an office, equipped with all necessary office-related equipment.

Questionnaire Responses have been received from 6 neighbouring properties confirming that the airfield has been in situ for a period in excess of 10 years.

The Council hold no other evidence to contradict these assertions. As such, it is considered on the balance of probability that the airfield has been in situ for the purpose of landing and take-off of aircraft for a period in excess of 10 years from the date of the application.

Conclusion

It has been demonstrated on the balance of probability that there has been a continuous use of land as an airfield and the use of building used as an associated office for a period in excess of ten years from the date of the application. A Certificate of Lawful Development Existing can be approved on this basis.

Recommendation: Application Permitted

Conditions:

1 It has been demonstrated on the balance of probability that the land outlined in red on the attached plan has been in continuous use an airfield for a period in excess of 10 years from the date of the application.

2 It has been demonstrated on the balance of probability that the building shaded in blue on the attached plan has been in situ and used as an office associated with the operation of the airfield for a period in excess of four years from the date of the application.

Plans list for: DC/24/0293
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

DELEGATED

Case Officer sign/initial Shazia Penne Date: 24.06.2024

Authorising Officer sign/initial Tamara Dale Date: 24.06.2024

PLAN

