

Decision Notice

- Site:** Andrewsfield Airfield, Saling Airfield, Stebbing, Great Dunmow CM6 3TH shown edged red on the attached plan
- Applicant:** Great Saling Parish Council
- Owner:** Part of the Site is owned by Eric William Bucknell; part of the Site is owned by Robert William Bucknell and John Richard Bucknell; and part of the Site is owned by the Estate of John Alan Harvey

Background

On 7 December 2017 Braintree District Council (“BDC”) received a nomination to include the Site in its List of Assets of Community Value. This nomination was made by the Applicant.

The majority of the Site falls within the Uttlesford district and accordingly, the nomination was also submitted to Uttlesford District Council. The attached plan shows the district boundary as a thick black line. Section 102 of the Localism Act 2011 (the “Act”) provides that if different parts of the nominated land are in different local authority areas, the local authorities concerned must cooperate with each other in carrying out the functions under the Assets of Community Value Chapter in the Act in relation to that land or any part of it.

Uttlesford District Council, by a decision of its Cabinet’s Asset of Community Value Sub-Committee on 24 January 2018, has decided not to include the Site in its List of Assets of Community Value.

The Nomination

The Applicant is entitled to make a nomination to list an asset on BDC’s List of Assets of Community Value as parish councils are a “voluntary or community body” for the purposes of s89(2)(b)(i) of the Act.

The nomination was a valid community nomination as it contained a description of the nominated land including its proposed boundaries, it included information as to the names of the occupants and the name and address of the owner together with reasons why the applicant believed that the site should be listed as an asset of community value.

Reasons for nomination

The Applicant’s reasons for nominating the Site as an asset of community value are as follows:-

“Resident of Great Saling use the facilities at the airfield ie the pub and the café as a social place to meet as Great Saling doesn’t have a public house anymore. The Salings and surrounding area sees a lot of cycling and bike tours and the airfield is often a welcome stop off point for these visitors.

Andrewsfield is a very popular and valuable local community amenity and Open space. It is very well used by the local residents, as well as attracting visitors from far and wide. It is used by

walkers and cyclists, as well as by pilots who come from all around the country to fly over our attractive North Essex countryside. The bar at Andrewsfield is not only a popular local meeting place, esp for residents of Great Saling and Bardfield Saling who have no pub or bar in their villages, but also a meeting place for rambling and cycling groups. The airfield itself is well used by pilots from local towns and villages and is CAA Licensed for both Private and Commercial pilot training. It is in a category of airfield which accounts for ONLY 10% of all active airports in the UK. Andrewsfield is not only a leisure airport but plays a vital role in commercial pilot training, revalidation/licence renewal and forms a vital link in the network of small training fields in the UK. There is already a shortage of pilots in what is a rapidly expanding industry. It cannot make any sense to close down an important pilot training centre which is a source of local employment and is additive to the overall UK economy.

Andrewsfield has a major place in WWII aviation history, being the first "Type A" USAF airbase built during WWII. When the USAF vacated the base, the RAF took it back and it remained an active airforce base until the end of WWII. Andrewsfield is an unscheduled monument to WWII, with people still making the pilgrimage to visit it, even from the US. Andrewsfield was named in honour of US Lt. Gen. Frank Andrews who was killed in action in 1943 – he was due to succeed Gen Eisenhower but was killed before that could happen. After the closure of Andrewsfield in Essex at the end of WWII, an Air Force base named Pyles Field at Camp Springs, Maryland, near Washington, DC was renamed in honour of Lt Gen Andrews. This is the airfield where Airforce One, the US President's plane, is stationed.

Andrewsfield is also part of the UK Met Office weather station network.

We feel that Andrewsfield has a very high value to the community since it is a very special and important place – both for the local community and for the families of those who fought in WWII".

Future use/acquisition:

"The residents of the village would look into purchasing the land and buildings etc

And carry on using the airfield as it is"

Other party submissions

The following representations have been received on behalf of the Harvey family, Havair Limited a lessee of part of Site and Iconshield Limited a Special Purpose Vehicle which holds an option over part of the Site:

1. *"The actual current use does not, in our view, further the social wellbeing and interests of the local community. While no doubt the café/bar is used by some members of the local community, we believe rambling groups, cycling groups and particularly private pilots are by no means comprised of people who could be described as being from the 'local community'. Furthermore, flying cannot be described as a community activity, and is very much more individual and exclusive in nature, as opposed to say a local sports team.*
2. *Even if the café/bar is used by some local people, this does not justify designating the wider area indicated on the red-line plan attached to the application. This is private land and there is no entitlement for the public to use it.*
3. *Pilot training again cannot be considered in the interests of the local community. We accept that while there may be World War II history attached to the airfield, this can be recognised in other ways and the designation as an ACV is not an appropriate means for doing this. That would be a misuse of the provisions of the Localism Act. It cannot be argued that historical association furthers the wellbeing of the local community.*

4. *Andrewsfield forms part of the strategic site for the proposed West of Braintree Garden Community. This proposal is one of the principal means of achieving delivery of new homes in both the Braintree and Uttlesford Local Plans. Two of the principles of Garden Cities are:*

'A strong local jobs offer in the Garden City itself, with a variety of employment opportunities within an easy commuting distance of homes'

And

'Generous green space linked to the wider natural environment, including a mix of public and private networks of well-managed high quality gardens, tree-lined streets and open spaces.'

Using pilot training as an example of an employment opportunity is insignificant compared to the scale of employment the new garden community will create. The wide range of properly designed open spaces for community use in the garden community will far outweigh any unofficial recreational use of Andrewsfield that is carried out at present.

5. *The identification of Andrewsfield as a source of employment and open space that benefits the local community to the extent it should be recognised and protected is misdirected. The development of the new garden community will secure a far greater quantity and quality of both. Furthermore, it will create opportunities for commemorating the area's WWII heritage through appropriate memorials, public art, all of which can be designed with the input of the local community.*
6. *The new community will include several local centres, some or all of which can include cafes/bars that can provide enjoyment for not only the existing but the new community. These will genuinely be an asset for many rather than the present few with limited local community connections.*
7. *It is thus our view that the ACV application is opportunist and its approval would not meet the tests set in the Localism Act for such a proposal to be granted. We believe there is only very limited local community benefit from the site at present. In contrast the new West of Braintree Garden Community will be a widespread source of community well-being; indeed it will be designed with contributions from the local community. The Plan will be 'locally led' and its success should not be undermined by any uncertainty created by the approval of the ACV application".*

The Statutory Criteria (s88(1) and (2) of the Act)

BDC is obliged to consider the following questions:-

Part 1

1. Is there an actual current use of the building or land that is not an ancillary use which furthers the social wellbeing or social interests of the local community?; and
2. Is it realistic to think that the current non ancillary use of the building/land can continue (whether or not in the same way)?

If BDC considers that the answer to both of these questions is 'yes' then BDC must include the building/land in its List of Assets of Community Value.

If either of the answers is no, then the nomination will be unsuccessful UNLESS BDC considers that the answer to both of the following questions is 'yes':-

Part 2

1. Has there been a time in the recent past when an actual use of the building or land that was not an ancillary use furthered the social wellbeing or social interests of the local community?; and
2. Is it realistic to think that there will be a time in the next five years when there could be a non-ancillary use of the building/land that would further the social wellbeing or social interests of the local community (whether or not in the same way)?

Application to the facts

The Site is part situated in the Braintree district and part situated in the Uttlesford district. Whilst BDC can only list land in its own area, BDC will assess the whole of the Site.

BDC has considered whether the Site is 'operational land' as defined in section 263 of the Town and Country Planning Act 1990 which would be excluded from listing. In this context, an airport licensed under Part V of the Airports Act 1986 would be 'operational land'. As far as BDC is aware, the airfield does not hold a licence under part V of the Airports Act 1986 and accordingly would not be classed as 'operational land' for these purposes.

'Current use' of the Site – the nomination identifies four uses of the Site:-

- a. airfield;
- b. café/bar - Andrewsfield Milibar;
- c. weather station; and
- d. open space.

It also appears that a substantial part of the Site is agricultural land.

'Which furthers the social wellbeing or social interests of the local community' – taking the above uses:

- a. the Applicant's comments about the use of the airfield have been considered. Whilst it may be argued that the facilities and pilot training/courses advance the sporting and recreational interests of the individual users, in BDC's opinion the airfield and the associated commercial organisation does not further the social wellbeing or social interests of the wider local community, as for example a local sports team might. The benefits that the Applicant states relating to the economy and employment are not relevant to the tests which BDC has to take into account. The WWII history of the Site is noted with interest but BDC does not consider that enough evidence has been given to show that this furthers the cultural interests of the local community;
- b. the use of the café/bar by pilots and other users of the airfield and cyclists/bikers having a 'pit stop' does not, in BDC's view, meet the test. However, based on the information supplied, the café/bar is also open to and used by members of the local community. BDC is satisfied that this use could further the social interests and wellbeing of the local community although there is limited information supplied about the level to which this occurs as against the use which relates to the airfield;
- c. not enough information has been supplied for BDC to be able to conclude that the weather station furthers the social interests or social wellbeing of the local community; and

- d. the Applicant refers to visitors and the local community walking and cycling on the open space which forms part of the Site. No other information is supplied about the use of the open space. It appears to BDC that a large proportion of the Site is actually agricultural fields. BDC is unable to conclude that cyclists and walkers using the Site further the social interests of the local community as it is not clear where this activity takes place or the frequency. There is no public footpath which traverses the Site.

'not an ancillary use' – whilst the café/bar use discussed at point b. above furthers the social interests of the local community, in BDC's opinion, this use is ancillary to the airfield use. The café/bar forms part of the commercial airfield/aviation provision. But for the use of the Site as a commercial airfield, BDC is not persuaded that the café/bar would be available for use by the local community. In BDC's opinion, the café/bar is ancillary to the main use of the Site as an airfield.

In view of the above, it appears to BDC that the primary use of the Site is an airfield. It is accepted that the use of the café/bar has capacity to further the social interests of the local community but BDC considers this to be ancillary to the main use as an airfield. Accordingly, BDC finds that the first stage of Part 1 of the statutory test is not met and there is no need to consider the second stage regarding future use. No evidence has been provided to show that the use of the Site "in the recent past" differs and accordingly, Part 2 of the test also fails.

Whilst BDC has assessed the whole of the Site, it is noted that the café/bar falls solely within the Uttlesford district and this adds weight to BDC's decision regarding the portion of the Site it could consider listing within its area.

Decision

Braintree District Council is of the opinion that the Site is not land of community value for the reasons stated above. The Site shall be included in BDC's List of Land Nominated by Unsuccessful Community Nominations.

Braintree District Council
29 January 2018