

## UTTLESFORD DISTRICT COUNCIL

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**Chief Executive: Dawn French**

18 June 2020

### DECISION NOTICE - ASSET OF COMMUNITY VALUE

<b>Site:</b>	Andrewsfield Airfield, Saling Road, Stebbing, Great Dunmow CM6 3TH shown edged red on the attached plan
<b>Applicant:</b>	Stebbing Parish Council
<b>Owners:</b>	Sharon Harvey (estate of late John Alan Harvey), Robert Bucknell, Eric Bucknell, John Bucknell

#### Background:

On 28 April 2020 Uttlesford District Council (UDC) received a nomination to include the Site in its List of Assets of Community Value (ACV). This nomination was made by the Applicant.

The majority of the Site falls within the Uttlesford district, land on the eastward side of the site falls within Braintree District. The attached plan shows the nominated site in red and 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.

Previous to this application, in December 2017, Great Saling Parish Council nominated Andrewsfield Airfield as an ACV. The nomination was led by Braintree District Council (BDC). It was identified as a complex application, identifying three separate uses: the airfield, open space and the clubhouse. UDC and BDC decided that the site was not land of community value.

In 2018, Stebbing Parish Council nominated the Clubhouse and Millibar Cafe, ancillary buildings and car park at Andrewsfield Airfield as an ACV. UDC decided at Cabinet on 12 July 2018 to include the Site in its List of Assets of Community Value. Uttlesford and Braintree District Councils were both of the opinion that the Site is land 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 the nomination:**

The Applicant gave the following reasons for nominating the Site as an asset of community value:

- The only surviving Second World War airfield in operation
- An active local club and flying school. Currently there are 60 resident aircraft and 387 Club members
- The clubhouse and café is currently listed as an Asset of Community Value. The airfield runway and hangars are inextricably linked to the Clubhouse and café
- The airfield is a habitat for migrant birds and is used by the local birdwatching community
- Currently 1,500 signatories are held at the Airfield supporting the retention of the entire site as a valuable part of their community.
- Andrewsfield is a popular local amenity for families, cyclists, motorcycle clubs, walkers, historic aircraft enthusiasts and as a tourist point for visitors

### **Other submissions:**

Representations in favour of the listing were received from:

- Councillors Evans and Merifield for Felsted and Stebbing – including in-depth considerations and details of flying club members place of residence, across Essex County and further afield
- Michael Derrett – confirming shared ownership of aircraft and usage by residents within 7 miles of the site
- John Gilder (Vice Chair of the General Aviation Awareness Council) confirming that Andrewsfield is the home of a private flying club and anyone flying an aircraft must be either a pilot, trainee or supervised passenger to ensure the safe operation of the airfield for both pilots and public; that the facilities of the Clubhouse are accessible to the public; the relationship between the airfield and clubhouse usage.

### **The statutory criteria (s88(1) and (2) of the Act):**

The nomination referred to actual current uses of the land and did not identify any relevant uses “in the recent past”. Therefore UDC was obliged to consider the following:

#### **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 UDC considers that the answer to both of these questions is 'yes' then UDC 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.

### **Consideration of the application.**

The application was considered on 18 June 2018 by the Assets of Community Value and Heritage Listing Committee of Uttlesford District Council's Cabinet. This letter sets out its decision.

### **Application of the facts:**

The Site is part situated in the Uttlesford district and part situated in the Braintree district.

Members decided that the 'current use' of the airfield (i.e. runway, taxi strip, hangars and hangarage) is a use that furthers the social wellbeing and social interests of the local community. It was satisfied that the use as an airfield is a principal use of the airfield land and not an ancillary use.

In reaching this conclusion it identified the "local community" as being made up of residents of Uttlesford and Braintree Districts. The Committee recognised that the nature and extent of the "local community" is a finding of fact that is dependent on the nature of the use. In this context, the Committee was of the view that the relevant "local community" was wider than it would be for, say, a village shop. As with, for example, a golf club, an airfield and associated club will draw people from a wider area. There was evidence before the committee of significant usage by residents of Uttlesford and Braintree. Both were "local" to the site as it was on the border between the two districts.

The Committee based its view that the use furthers the social wellbeing and social interests of the local community because:

- The Localism Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests. The Committee was of the view that leisure flying is a clear recreational interest and that the airfield provides a local facility for residents of Uttlesford and Braintree to pursue this interest.
- The community nature of this interest was clear from the club structure of the use of the airfield and the associated use of the clubhouse. The Committee considered the usage of the airfield/flying club to be inextricably linked to the Clubhouse and Café.
- The airfield provides a great opportunity for people, including young people, to learn to fly as a recreational pursuit.

The Committee noted that the eastern end of the runway and triangular open area where the aeroplanes are parked, is not included in the nomination, yet integral to the working of the airfield. Ideally these would have been included in the nomination. This part of the land lies in the Braintree district. Any nomination in relation to this part of the site would need to be to Braintree District Council.

The Committee then considered whether it is realistic to think that there can continue to be non-ancillary use of the airfield which will further (whether or not in the same way) the social wellbeing or social interests of the local community. It concluded that it was realistic. There was no evidence before it to suggest that the current use is not viable and no reason to believe that it could not continue in its current form to further the social interests or social wellbeing of the local community. If there were future financial difficulties, there was evidence before the Committee that members would take steps to provide for continued use.

The Committee was aware that the site had been identified in the Braintree and Uttlesford proposed local plans for development. However, both local plans had been subject to strong criticism by planning inspectors and the Uttlesford local plan had been withdrawn. Future development possibilities were not at a stage that meant continuing use was unrealistic.

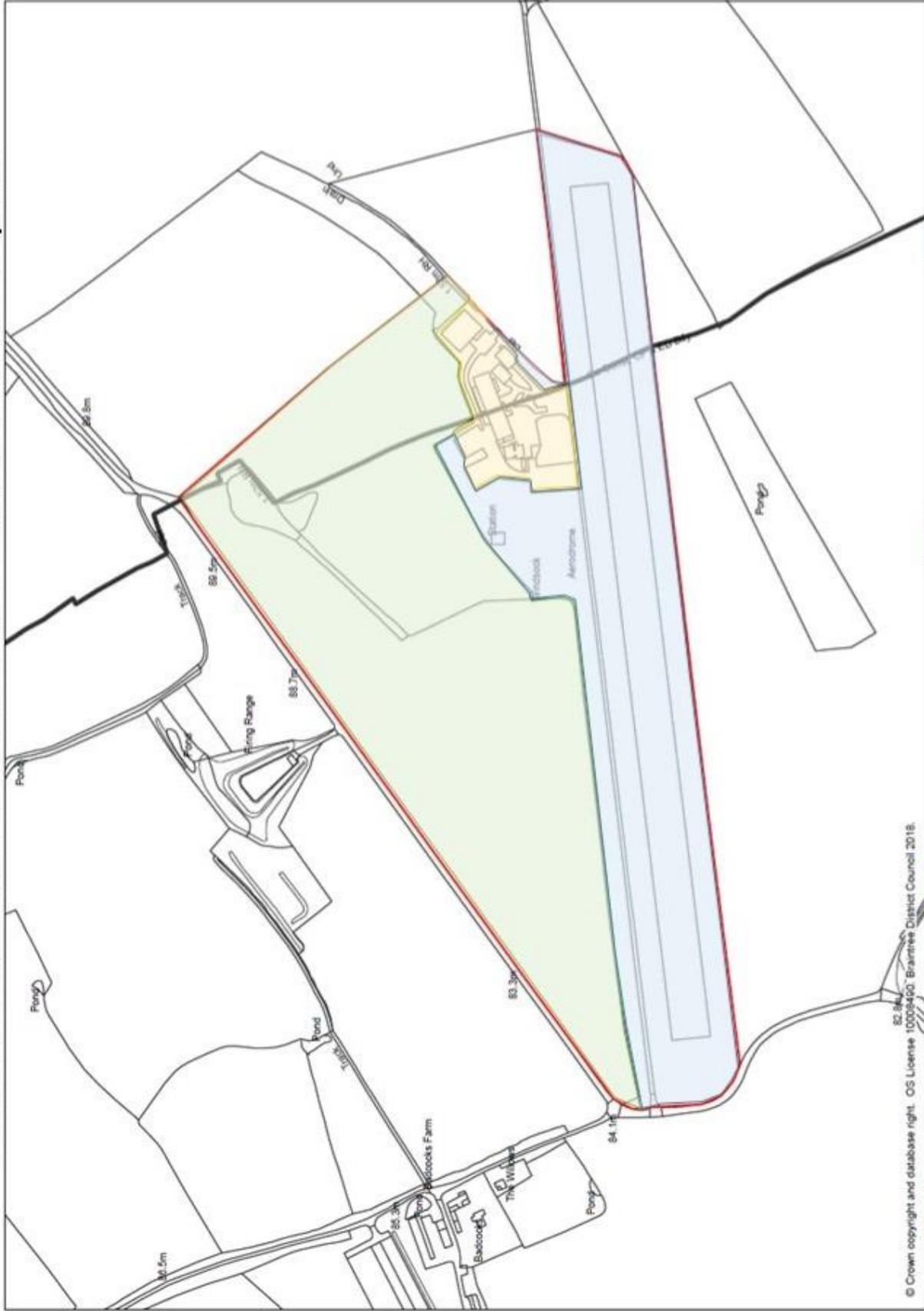
The Committee considered whether the whole of the site nominated should be listed. A large part of the nominated site consists of two private agricultural fields, without public access or footpath. These are to the north of the airfield and clubhouse. The Committee decided that these should not be listed. In themselves the use of the agricultural fields do not further the social wellbeing or social interests of the local community, and there is no functional relationship with the airfield part of the site. The Committee decided that the agricultural fields should be excluded from the listing.

**Decision:**

1. To list the nominated area of Andrewsfield Airfield falling within Uttlesford District Council, as shown in the Plan, as an asset of community value.
2. Not to list as an asset of community value the agricultural fields falling within the nomination and shown on the Plan.

Uttlesford District Council  
19 June 2020

**Plan: Areas of the site which are listed and not listed as an Asset of community Value**



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- KEY**
- Andrewsfield Airfield  
Listed as ACV June 2020
  - Clubhouse, café and carpark  
listed as ACV July 2018
  - Agricultural fields not  
listed as an ACV
  - Nominated site