

## UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510, Fax (01799) 510550  
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Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

**Chief Executive: Dawn French**

Mr Greg King  
Clerk to Stebbing Parish Council



24 June 2020

Please ask for Joanna Hill on [REDACTED]  
email: [REDACTED]

Dear Mr King

**Andrewsfield Airfield, Stebbing (the "Site")  
Part 5 Chapter 3 Localism Act 2011 and Assets of Community Value (England)  
Regulations 2012 (the "Regulations")**

I am writing to inform you that both Uttlesford District Council and Braintree District Council (together the "Councils") have decided to list **part of** the Site as an Asset of Community Value. The Councils have decided that part of the Site (the agricultural fields) is not land of community value and accordingly, that part of the Site has been unsuccessful.

The Councils' Decision Notices setting out the reasons why the nomination has been part successful and part unsuccessful are enclosed with this letter. I would draw your attention to the plan in Schedule 1 of Braintree District Council's Decision Notice identifying the following areas on the plan:-

- the Site edged red, is the area nominated, which is part within the Braintree district and part within the Uttlesford district;
- the part of the Site edged yellow which was **ALREADY LISTED** as an ACV by BDC and UDC on 31 July 2018 (the Milibar Café, Clubhouse, car park and ancillary buildings);
- the part of the Site (airfield) edged in blue which is **NOW LISTED** as an ACV by BDC and UDC; **AND**
- the part of the Site edged in green (agricultural fields), which the Councils have decided is not land of community value, **HAS NOT BEEN LISTED** as an ACV.

The effect of inclusion of land in the Councils' List of Assets of Community Value is that the owner (the freehold owners in this case) may not dispose of the land otherwise than in accordance with section 95 of the Localism Act 2011. If the owner(s) decides to dispose of the land, either through a freehold sale or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years), the owner(s) will need to notify the Councils of his/her intention to do so.

The owner(s) will then be subject to a six week interim moratorium period which will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner will be free to sell the land at the end of the six weeks. If a community interest group, as defined in regulation 12 of the Regulations, does make a request during this interim period then the full six month moratorium, from the point the owner(s) notified the Councils of his/her intention to dispose, will operate. During this period the owner(s) may market the property or negotiate sales, but may not exchange contracts or

enter into a binding contract to do so later. However, the owner(s) may sell to a community interest group during the moratorium period.

After the moratorium period, either the six weeks if there has not been any community interest, or the full six months, the owner(s) will be free to sell to whomever he chooses and at whatever price. No further moratorium will apply for the remainder of a protected period lasting 18 months, running from the date the owner(s) notified the Councils of his/her intention to dispose.

Not all proposed sales need to be notified to the Councils. A range of disposals will be exempted from the provisions and these can be found in Schedule 3 to the Regulations. If the owner(s) is not sure whether a disposal is exempt he/she may wish to notify the Councils as a precaution.

A purported disposal otherwise than in accordance with section 95 is not effective.

An owner or former owner who incurs loss of expense in relation to the land which would not have been incurred if the land had not been listed may be entitled to compensation under regulation 14 of the Assets of Community Value (England) Regulations 2012.

Both Councils will register the inclusion of Part of Andrewsfield Airfield in their List of Assets of Community Value as a local land charge under the Local Land Charges Act 1975 and (if the title to the land is registered) at HM Land Registry. Both Councils will also list the agricultural fields in their list of unsuccessful nominations i.e. Not listed Assets of Community Value.

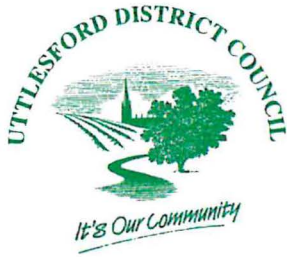
The owner(s) of the land may ask the Councils to review the decision to include part of the Site in the ACV lists. An application for a review must be in writing and made before the end of eight weeks beginning with the day upon which this notice is given although the Councils may agree in writing to allow a longer period. Details of the review procedure are available from the Council's offices or online at [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk) or [www.braintree.gov.uk](http://www.braintree.gov.uk).

You can view the Lists on the Councils' respective websites. If you have any queries, please feel free to contact me using the details above.

Yours sincerely



Gordon Glenday  
Assistant Director Planning



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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.

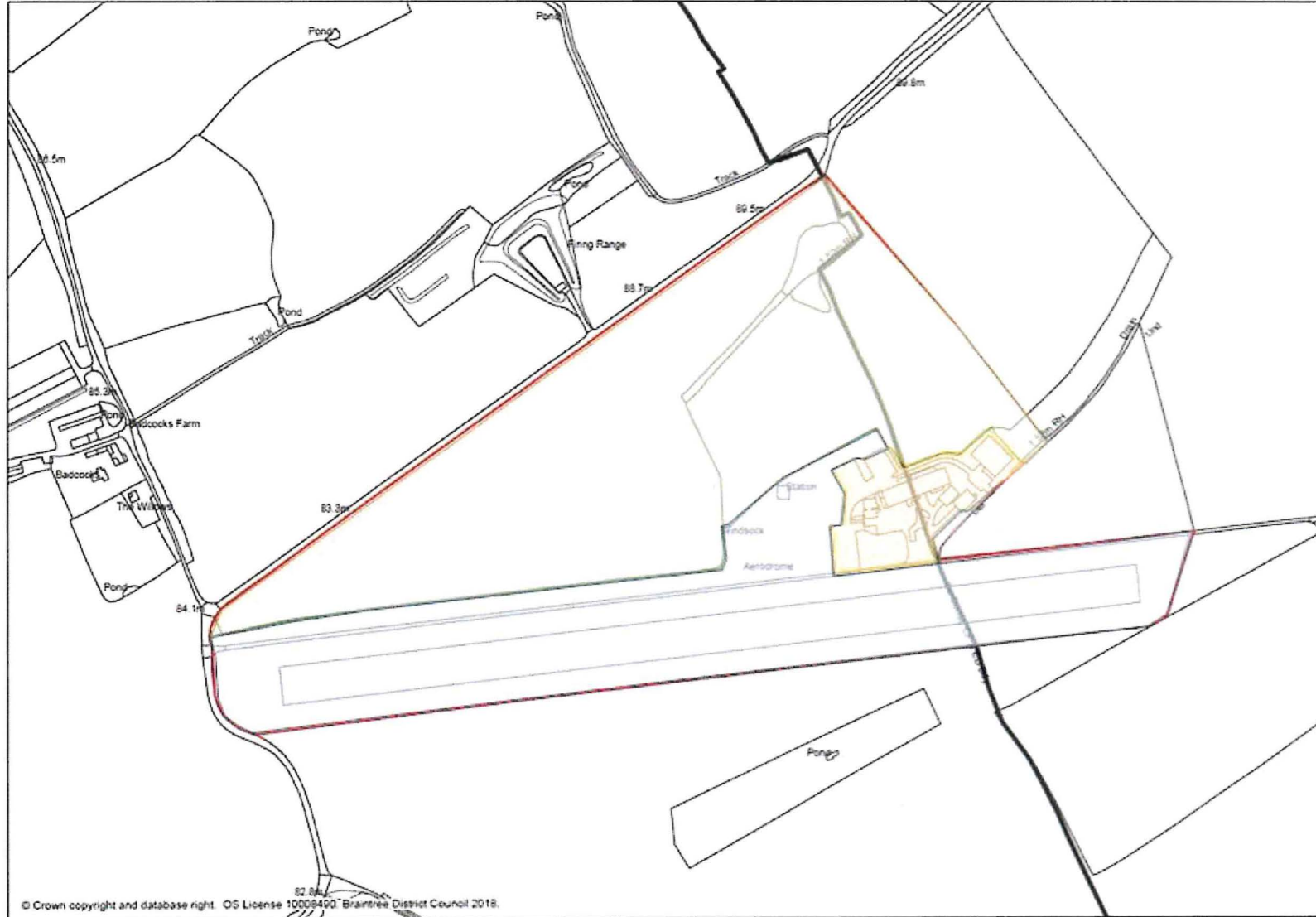
The Committee considered whether the whole of the site nominated should be listed. A large part of the nominated site consists of two private agricultural fields, without public access or footpath. These are to the north of the airfield and clubhouse. The Committee decided that these should not be listed. 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



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

## Decision Notice

**Site:** Andrewsfield Airfield, Sailing Road, Stebbing, Great Dunmow shown edged red on the Plan (in Schedule 1), excluding the area already listed showed edged yellow and shaded pink on the Plan

**Applicant:** Stebbing Parish Council

**Owners:** 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 list the whole of the Andrewsfield Airfield shown edged red on the Plan as an asset of community value from Great Saling Parish Council. This fell part within the Braintree district and part within the Uttlesford district. Both district councils decided not to list the airfield as an asset of community value.

On 14 June 2018 Uttlesford District Council (“UDC”) received a nomination from the Applicant to list the café, clubhouse, ancillary buildings and car park shown edged yellow and shaded pink on the Plan as an asset of community value. This fell partly within the Braintree district and partly within the Uttlesford district. Both district councils decided to list the land and buildings edged and yellow and shaded pink on the Plan as an asset of community value.

On 28 April 2020 UDC received a nomination to list the Site as an asset of community value. This nomination was made by the Applicant.

Part of the Site lies within the Braintree district and accordingly, UDC forwarded the nomination to BDC on 1 May 2020. The 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.

UDC, by a decision of its Assets of Community Value and Heritage Listing Committee of Uttlesford District Council’s Cabinet on 18 July 2020, has decided to include part of the Site, shown edged and shaded blue on the Plan in its List of Assets of Community Value.

### The Nomination

The Applicant is entitled to make a nomination 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

Schedule 2 of this decision notice contains the Applicant's reasons for nominating the Site as an asset of community value, the Applicant's consideration of future use/acquisition should the Owners wish to dispose of the Site and two marked-up plans showing use in relation to the different areas of the Site. The full nomination form can be found on UDC's website together with supporting documents.

### Other party submissions

Representations in support of the nomination have also been received by the following persons:-

- Councillors Sandi Merifield and John Evans, UDC Members for the Wards of Felstead and Stebbing - including in-depth considerations of the legal tests and details of flying club membership;
- Dr Michael Frost - including evidence on the local community interest and benefit together with photographs;
- Mr. John Gilder FRAeS, Vice Chairman of the General Aviation Awareness Council - including information on the relationship between the airfield and clubhouse usage; and
- Mr. Michael Derrett - including information on shared ownership of aircraft and usage by residents within 7 miles of the site.

### 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

*Local community* – BDC considers the local community to be slightly reduced in this context to the surrounding villages, which based on the extracts of the Club Visitors and Members Book submitted by Dr Frost, appears to be supported although it is noted family friends and family and other visitors and enthusiasts are likely to visit from further afield as well.

3. The agricultural fields, in the opinion of BDC, do not further the social interests or social wellbeing of the local community. Whilst it is noted that the fields are pleasant to look upon and may be part of a habitat for migrating birds the fields are private and not actually used by visitors to/users of the airfield. Visual amenity from the clubhouse or from a pathway is not an actual or physical use for the purposes of s.88.

'not an ancillary use' – in BDC's opinion, the use of the airfield by the aviation community and general local community, in conjunction with the already listed Milibar Café/clubhouse/car park and ancillary buildings, is not ancillary to any other use. However, the agricultural fields included within the Site are not used by the community and are not ancillary to the use of the airfield, they are a separate agricultural use. In view of this, BDC have decided to follow UDC's lead and separate the agricultural fields from the airfield and decide each nominated part separately.

'realistic that use can continue' – with regard to the airfield use, BDC has been presented with no evidence to suggest that this current use cannot continue. Future development possibilities are not at a stage that means continuing use is unrealistic.

In view of the above, BDC finds that:

1. in relation to the airfield shown edged and shaded blue on the Plan, Part 1 of the statutory test is met; and
2. in relation to the agricultural fields shown edged green and shaded purple on the Plan, 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 agricultural fields "in the recent past" differs and accordingly, Part 2 of the test also fails.

### Decision

Braintree District Council is of the opinion that:

1. part of the Site shown edged and shaded blue on the Plan is land of community value for the reasons stated above. The part of the Site shown edged and shaded blue on the Plan which lies in the Braintree district shall be included in BDC's List of Assets of Community Value; and
2. the remainder of the Site edged green and shaded purple on the Plan is not land of community value for the reasons stated above. The part of the Site edged green and shaded purple on the Plan which lies in the Braintree district shall be included in BDC's List of Land Nominated by Unsuccessful Community Nominations.

Braintree District Council  
19 June 2020

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 and third party representations identify three main uses of the Site:-

1. aviation community's use of the airfield (i.e. runway, taxi strip, hangars and hangarage);
2. local community's use of part of the runway, access to Millibar Café, and recreational activities such as birdwatching; and
3. private agricultural land.

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

1. Based on the Applicant's evidence and third party representations, BDC is satisfied that the use of the airfield by the aviation community furthers the social wellbeing or social interests of the local community.

*Social wellbeing/social interest* - BDC accepts that the flying of light non-commercial aircraft is a recreational sport/past-time (as recognised by Sport England) that involves social interaction and engagement between members and has other social benefits such as education through the provision of a flying school.

BDC accepts that the usage of the airfield/flying club is inextricably linked to the Clubhouse and Café, already listed.

*Local community* – BDC previously had concerns (in the original nomination in 2018) that there was not enough information provided to show that use of the airfield benefitted the local community, such as a local sports team might, as its membership/use was likely to be prohibitive to the majority of local residents. In consideration of the additional evidence submitted with this nomination, particularly from the third party submissions, BDC is satisfied that there is a collective body of local people benefitting from the use of the airfield. BDC accepts that the geographical locality of the users of such a facility are going to be from a wider area than, to use UDC's example, a local shop; and considers the districts of Braintree and Uttlesford to be local in this context. The submissions of Cllrs Merifield and Evans and Mr. Derrett gives plenty of support to this local usage. It is not necessary that an asset is equally valuable to all sectors of the local community before it can be listed.

2. In addition to the aviation community's use of the airfield, BDC is also satisfied that the use of parts of the airfield by the general public (non-members/flyers) furthers the social interests/wellbeing of the local community.

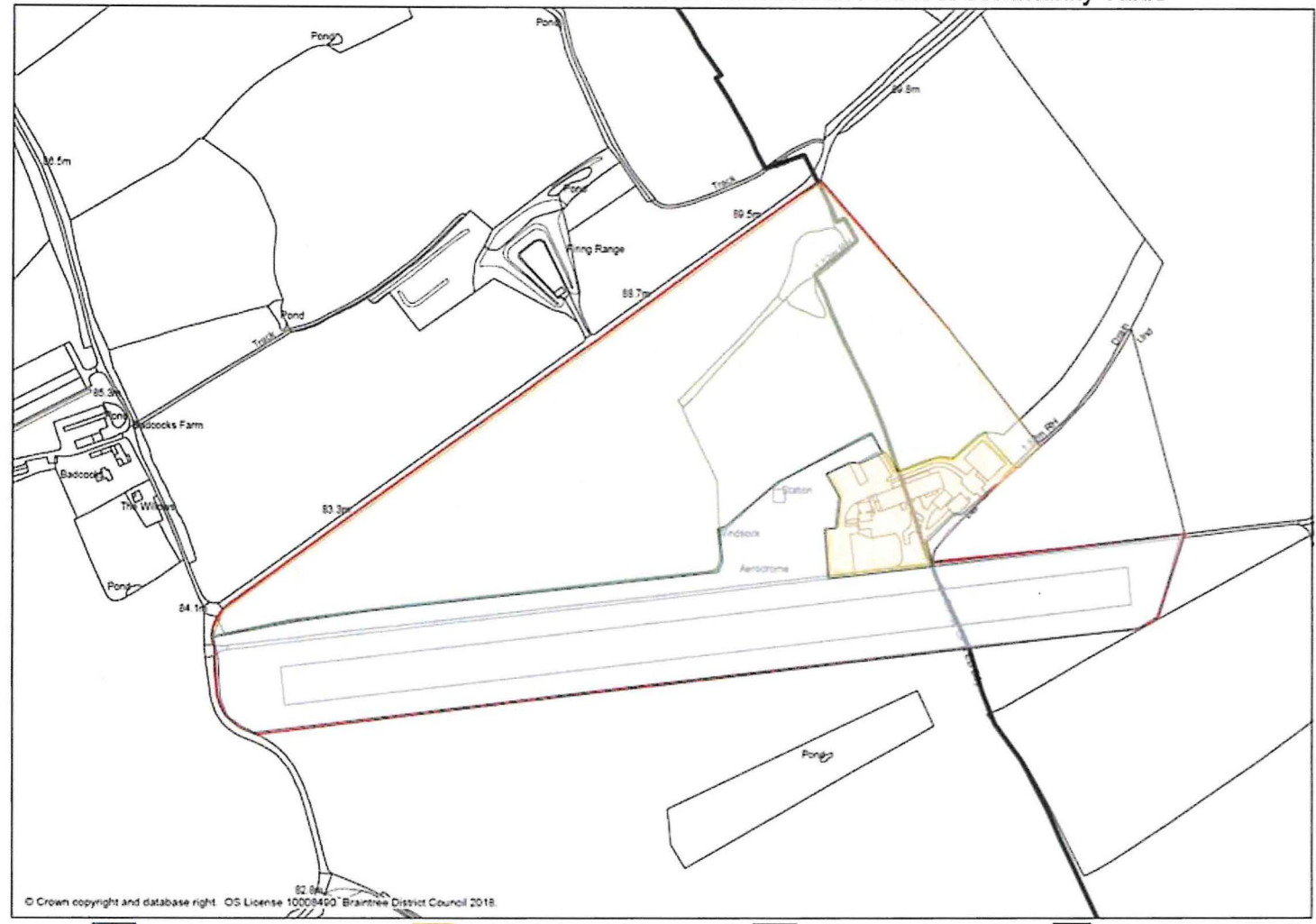
*Social wellbeing/social interest* – as well as the general public's use of the Millibar café and clubhouse which is already listed, it is accepted that members of the public and locals use parts of the airfield, including part of the strip and the access, for recreation. It is noted that friends and family of the club members come and watch the planes and walkers and birdwatchers use the outdoor space. It is noted that cyclists, motorcyclists and car enthusiasts also frequent and gather/socialise at the airfield.

BDC considers that the WWII history of the airfield would not in itself justify listing but it does further promote the social/cultural interests of visitors to the airfield.





BDC accepts that the usage of the airfield by the general public/community is inextricably linked to the use of the Clubhouse and Café by those visitors.

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

Schedule 1



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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
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## Schedule 2

### Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

#### Q5a Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance notes.

Andrewsfield Airfield Stebbing is an active local airfield that has been in use since the Second World War. The club and Flying school has been active since 1973. Currently there are 60 resident aircraft and 387 Club members. The site comprises of a number of buildings including the Club House Café, original grass runway and two original WW2 aircraft hangers which is open to the general public.(see photographs at Appendix A)

Currently the Café is listed as an Asset of Community Value but the remainder of the site is not. The actual airfield itself is an integral part of the site and is intrinsically linked to the Café and as such is not considered ancillary to the ACV that is the clubhouse Café.

The entirety of the site is a part of local life furthering the social wellbeing and social interests and history of the local community. The Airfield is a sports and recreation asset to the district which is well established and a vibrant economic one. The Airfield is a unique asset, unlike any other site in the District.

The runway has a physical and functional relationship with the Club house and Hangers, already protected by ACV. You cannot have one without the other. The Airfield is also a visual amenity enjoyed by members and the public when using the Club house Café, which enhances the experience.

The Airfield because of its open nature and maintenance regime provides a suitable habitat to act as an important staging post for migrant birds where they feed before moving north in the spring.

3 species that are recorded annually on the Airfield are Yellow Wag tail, Wheatear and Whinchat. Whinchat is now regarded as a globally threatened species.

The local bird watching community regularly watch the site to record the numbers of birds that are not found on other habitats in the local area. One such species is Grey Partridge which are present in very small numbers, often seen feeding on the edge of the Airfield.

Apart from the use by the local communities of Stebbing, the Salings, Rayne and Felsted the is also use and support of a much wider catchment of a significant aviation community who use the airfield for recreational purposes, including flying private aircraft, flight training and meeting in the Club House Café. It is one of the few airfields that provide training in Essex and the sub-region for both private and commercial pilots. This is generally a declining activity due to the closure of many private airfields.