The Planning Inspectorate

Appeal Decision

Inquiry held on 31 January, 1, 2, 3 & 7 February 2012
Site visits made on 24 January & 08 February 2012

by R O Evans BA(Hons) Solicitor MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 April 2012

Appeal Ref: APP/R3650/X/11/2160100
Dunsfold Aerodrome, Dunsfold, Cranleigh, Surrey, GU6 8TB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Dunsfold Park Limited against the decision of Waverley Borough Council.
- The application Ref WA/2011/0520, registered on 4 April 2011, was refused by notice dated 6 July 2011.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the use of the application land as an aerodrome for aviation activities, including for the start up, taxiing, engine testing, ground running, take off and landing of aircraft, without condition, restriction or limitation as to:
  Number of aircraft
  Number of take offs
  Type of aircraft (whether fixed wing or rotary, civil or military, commercial or private, training or non-training and whatever the origin or destination of the flight)
  Size of aircraft
  Weight of aircraft
  Number of crew and passengers
  Type and amount of freight
  Duration
  Period of use (hours, days, nights, weeks, weekends etc)
  Surface traffic generation
  Number of employees employed on or off the application land or persons generally on or off the application land
  Noise, air quality other emissions and environmental effects
  Or otherwise
  (as amplified by additional information received by the Council 10/05/11, 02/06/11 and 23/06/11)

Decision

The appeal is dismissed.

Reasons – Preliminary Matters

1. I was assisted at the inquiry by Mr Lloyd Rodgers BENg CEng MICE MBA. Mr Rodgers was present throughout the inquiry and has contributed to the drafting of this decision. Save for that of one interested person, all the evidence heard at the inquiry was given under oath or affirmation. Numbered references

below are to the core document themselves (CD X) or to their page numbers (CD pX) or to other exhibits (eg WAV 1).

2. As Circular 10/97 advises, the burden of proof in a lawful development appeal lies with the appellant, the relevant test of the evidence being on the balance of probability. An appellant's evidence does not need to be corroborated by independent evidence in order to be accepted. If there is no evidence to contradict or otherwise make their version of events less than probable, there will be no good reason to dismiss the appeal, provided the appellant's evidence alone is sufficiently precise and unambiguous to meet the test of 'probability'.

The Application Site

3. The boundary to the application site is drawn around the outer edge of the perimeter road to an airfield ("the airfield"). It includes also an access road to the north and one to the south east, but excludes a small part of one of its three runways which is occupied by an air ambulance service. The site is shown on the plan associated with a planning permission granted in 1951, and many later such plans, as set within a larger area of land known historically as Dunsfold Aerodrome ("the aerodrome") but now known as Dunsfold Park. The aerodrome was described in an earlier appeal[1] as covering some 240 hectares. The three runways are set in an overlapping triangular formation, the longest of them being some 1.9km in length. Dunsfold Park also contains over 160 buildings with a total floorspace of some 45,000m^2. Most of them are arranged alongside the northern side of the airfield and are now in a variety of commercial and industrial uses.

4. Very little of the factual history is in dispute, the issues between the parties being more related to its implications. In briefest possible summary, the aerodrome was constructed for and was used by the Royal Canadian Air Force in the Second World War. From 1946 until about 1951, it was occupied by an air charter company known as Skyways. It was then taken over by Hawker Aircraft Limited ("Hawkers"), later British Aerospace ("BAe"). The Appellants have occupied and managed the aerodrome since 2002. The uses to which each occupier has put it are discussed below.

The Issues

5. The main, indeed sole issue can at one level be simply expressed as whether the use for which the certificate is sought was lawful at the time the application was made. Section 191(2) of the 1990 Act provides that a use of land is lawful if no enforcement action may be taken in respect of it, whether because it did not involve development or require planning permission or for any other reason. Section 57 of the 1990 Act sets out the requirement for planning permission for development, including the making of a material change of use as described in section 55. One of the ways in which a present use of land may thus be lawful is if there has been no material change of use of it since the 'appointed day' of 1 July 1948. To answer the above question will thus involve an examination of the site's planning history, including its normal use on that day.

6. The Appellants' case, again in briefest summary, is that there has been no material change of use of the airfield or the aerodrome arising either from their own occupation of the site or at all since the aerodrome's construction; that

[1] APP/R3650/C/04/1153471

even if there were a change of use as between Skyways and Hawkers, the 1951 permission authorised it, remains in force and placed no restrictions on aviation activities; that their use of the aerodrome and airfield falls within the scope of that permission so that temporary planning permissions granted to them in 2008 (and before then) were thus unnecessary (as they would also have been if the 1951 permission was itself unnecessary); that even if permission was needed in 2008[2], neither of those permissions has been implemented; that even if one of them has been implemented, the conditions attached to them which purport to regulate aviation activities do not fairly and reasonably relate to the development then permitted and are thus invalid and of no effect; and that the Appellants are therefore entitled to the certificate as sought in relation to the airfield.

7. Evidence was given in support of the Appellants' case by the author of a historical account of the aerodrome ("Mr McCue"); by two former chief test pilots for Hawkers and/or BAe ("Mr Roberts, Mr Simpson"), who had been based at Dunsfold; by the Appellants' Chief Executive and Projects Manager ("Mr McAllister, Mr Forristal"), both from their personal knowledge since becoming involved with the site; and by a planning consultant. It was further supported by a statutory declaration from BAe's former Head of Logistics and a considerable body of documentary evidence. The Council's evidence was given by a planning consultant. Other evidence and representations, including a third legal opinion, came from Parish Councils and local residents.

8. A conclusion on the 2008 permissions might be sufficient to determine the appeal if it was unfavourable to the Appellants. Because the Appellants now argue that they did not need those (and the preceding) permissions however, I would necessarily have to examine the effect of the 1951 permission; and then in turn, whether that permission was itself unnecessary, depending on the use of the land on the appointed day. The clearest and logical way to approach the case therefore is to examine the evidence chronologically, reaching conclusions as necessary on the way.

Use on the Appointed Day

9. **The Evidence.** That takes me first to consider and conclude upon the normal use of the site on 1 July 1948. None of the witnesses at the inquiry could give direct evidence of the 'Skyways era' but I have no reason to doubt the thrust of that given in particular by Mr McCue from his historical research. It was supported by copies of a number of contemporaneous documents. As indicated, most of it was undisputed, the summary of it below deriving initially from the Statement of Common Ground, which includes a more detailed, agreed account, as well as other evidence given at the inquiry.

10. Although RAF aircraft remained at the aerodrome until at least May 1946, in August of that year the RAF declared the site an 'inactive' military installation. By late 1946 Skyways Ltd ("Skyways") had been granted temporary loan of the aerodrome for the maintenance of its aircraft under contract to the British Overseas Airways Corporation (BOAC) and British European Airways (BEA) – albeit that the Air Ministry then maintained that the aerodrome would be required long-term for flying use by the RAF. It continued indeed to be regarded as a reserve military site for some time after that.

[2] Or more accurately, on the expiry of the preceding permission

11. As a preliminary point, the change in ownership or occupation of an airport or airfield from the Crown to a civilian operator may not of itself amount to a material change in its use. The decision in *R v Thanet DC ex parte Tapp [2001] 3 PLR 52, CA* cannot however be read as establishing a general principle that because flying took place under the outgoing occupier, whether military or civil, then a use for general aviation activities will necessarily be the lawful use to be 'passed on' to the incoming occupier. An examination of the facts in any given case will remain necessary to determine the issue.

12. Returning to the historical evidence, Skyways began operating at Dunsfold in 1946 using the aerodrome as a base for (the management of) its passenger and freight operations, for maintenance, repair and re-erection of its aircraft and crew changes. These aircraft were mostly however under charter to other carriers and flying from other airports, notably the new London airport (Heathrow) and Northolt (CD p705 and p290)[3]. The physical extent, general layout and basic components of the facilities at the aerodrome during the Skyways era were materially unchanged from those existing between 1942 and 1946. 'Flight' magazine, in an article dated 29 May 1947 entitled 'Skyways' First Anniversary' (CD p705), noted that although Dunsfold suffered the disadvantage of having a "dispersed type layout" it also had the advantages of a "full size airfield" with "good runways, hangars, control tower, living sites" and "all the workshops required". The same article spoke of some 1,300 staff at the Aerodrome – not including some 350 aircrew.

13. An article in "The Aeroplane" dated 30 May 1947 (CD p797/8) described Dunsfold as Skyways' headquarters, where they undertook all the major maintenance work of their fleet, including overhauls for the Certificate of Airworthiness. Two hangars were reported as being in use. It was noted that "Every piece of equipment that comes out of an aircraft is replaced by a similar item drawn from stores; no attempt is made to remedy a defective instrument, for example, while it is still in the aircraft….". Further, it was "not always possible to have every single part that is required, and so space is also given to a small forge and a few machine tools on which vital parts may be made if necessary." The site also included a pilot and air crew training facility.

14. Skyways had a 24-hour working schedule and a "large proportion" of the ground staff lived in the former wartime accommodation to the north of the aerodrome. About 1000 maintenance staff were responsible for repairing and overhauling all Skyways' aircraft. The range of maintenance services provided by Skyways at the aerodrome is illustrated by contemporary advertisements and illustrations (eg CD p715-717 and CD p799). That of 29 April 1948 (CD p715) is headed "Skyways Maintenance Organisation" and lists the services offered to others. Examples of contracts obtained include the maintenance of aircraft for the Argentinian airline F.A.M.A. and the ferrying of refurbished Spitfires and Hurricanes to the Portuguese Air Force. (CD p677). Training also took place at Dunsfold (CD p798).

15. The Aeronautical Information Publication (AIP) of 1 January 1949 (CD p619) states that the aerodrome was suitable for use by visiting aircraft on a 24H basis. Although, by the following January, a schedule of hours had been introduced (CD p621) the AIP nevertheless records that Dunsfold remained suitable for night use, and on occasion this led to complaints from local residents (CD p708). Although the AIP describes Dunsfold as a 'Public licensed

[3] And e.g. CD p718 where the aircraft was flown from Dunsfold to "London" before the main flight took place.

civil aerodrome operated by Skyways Ltd', customs facilities were noted to be 'on request for cargo and crew clearance only'. Mr McCue 'understood' there to have been some cargo flights, but other than items flown in for their own use, that does not suggest, nor is there evidence to support a wider general freight service being provided at Dunsfold. There is little evidence either of wider public usage, save perhaps by a few private individuals.

16. In May 1948, Skyways' operations grew when BOAC chartered its Skymasters for additional oil company traffic to and from the Persian Gulf. From 4 August 1948 Skyways aircraft based at Dunsfold also took part in the Berlin Airlift making over 2,700 sorties to (West) Germany during 1948-1949. Skyways' fortunes changed thereafter however and in March 1950 they went into voluntary liquidation. A re-launch with fewer aircraft proved short lived, the remaining aircraft being sold and operations ceasing at Dunsfold in January 1952 (CD p291).

17. **Assessment & Conclusion.** The Encyclopedia of Planning Law ("the EPL") advises[4] that the first step in ascertaining whether a proposed use of land or buildings would constitute a material change of use (for the purposes of section 55 of the 1990 Act) is to determine the existing primary use of the land and the uses which may be regarded as ancillary to it. I see no reason not to take a similar approach when seeking to determine the normal use of land as at 1 July 1948. To understand the extent of that use, and so both to complete the determination and later, to decide whether there has been any material change of use, it is also necessary to ascertain the area of land, or planning unit, to which that primary use is attached.

18. That is borne out by the leading case of *Burdle v SSE [1972] 1 WLR 1207*, where the question was posed "What then are the appropriate criteria to determine *the planning unit which should be considered in deciding whether there has been a material change of use?*" (my emphasis). While the concern there was primarily with the criteria themselves, it is implicit in the question posed that the planning unit has to be ascertained before any change of use determination can be made. The concept of the planning unit may not have been so formulated in 1948, but that does not mean I can or should ignore it in 2012. Rather, it is an essential and now long established 'tool' to the determination of an appeal of this kind. Further, as the EPL also opines[5], the questions involved in such a determination can often overlap.

19. It is clear from the evidence that Skyways were the principal if not the sole occupiers of the aerodrome as a whole in 1948, holding it by then under the terms of a lease. On the evidence available, the primary use to which they put it was not aviation for its own sake, whether by offering aviation services themselves or in its use by others, but as their managerial headquarters and maintenance base, with the latter service available also to others. It would be misleading therefore to describe Dunsfold as their operational base as that would suggest the provision of passenger and/or freight services from Dunsfold, which the evidence does not support. The singular nature of the planning unit however is borne out by the physical and functional arrangements and the interdependence of the activities involved. Some work on the aircraft might have been carried on within the airfield but the main hangars, workshops, emergency services and control tower were all within

[4] P55.35
[5] P55.34

what was previously known as the 'domestic' area alongside it to the north. Apart from the control tower, that remains largely the case today.

20. Indeed, then as now, vehicular access to the airfield was obtained via roads which also served the rest of the aerodrome. Aircraft of course had to be flown into and out of the airfield in order to be worked upon (or dismantled and 'cannibalised' for use as spares) and tested before being used elsewhere, but the reason for them being there was predominantly for maintenance, repair and refurbishment (see e.g. CD p718). In other words, save perhaps to some minimal extent, the flying of aircraft could not and would not have occurred without the facilities provided beyond the airfield itself, while equally, the maintenance and re-assembly of aircraft could not have taken place without the airfield. To regard them as separate entities for land use purposes would be to ignore this reality.

21. I do not doubt that the airfield was on occasion used by others or in other ways but there is no firm evidence that such activities were anything more than that – occasional and/or minimal. The use to which it was put during the Berlin airlift was clearly exceptional, and as it happens, occurred mostly if not entirely after the appointed day. Some limited manufacturing, in particular of testing equipment (CD p797-9), may also have been carried on but on the evidence available, this again was not on any significant scale and appears to have been mostly to facilitate the main purpose of aircraft maintenance. Similarly, with the 'thousands' (CD p789) of surplus aircraft available in the years after 1945, the sale of refurbished parts might for a time have been a useful by-product of Skyways operation (CD p802), but there is no evidence of it being anything more than that. Further, given the facilities available and the fact that Dunsfold was still a reserve military base, not to mention the state of aircraft technology in the late 1940s, it would have been surprising if the AIP had not shown it as available to visiting aircraft. That to my mind simply reflected its operational capacity and continued availability at night[6].

22. As above, ascertaining the appropriate planning unit and determining its primary use can involve overlapping questions, particularly as to functionality. The then existing use of the aerodrome was described in the 1951 application as "repair, re-erection and flight testing of aircraft." While that may be a useful overall description of the activities then taking place, then as in 1948, flight testing was a necessary constituent element of the use but only of overhauled aircraft, not of new ones or those undergoing development. It may also be, given its decline, that by 1951 the management of the company from Dunsfold had either ceased or at least become less significant. The flying of aircraft into and out of the airfield, and for testing, would have necessarily occurred but in my assessment, as ancillary or incidental activities to the primary use. So too no doubt would many other functions such as offices, staff canteens, storage and recreational facilities and the like which in a different context might have been primary uses on separate planning units.

23. As at 1 July 1948 however, I find there was no functional separation between the use of the airfield and the rest of the aerodrome, while physically, the one contained the other. I therefore find the normal use of the aerodrome on the appointed day to have been for the maintenance, repair and re-assembly of aircraft, with associated ancillary uses including offices and flying facilities. The

[6] Whereas, and purely in passing, Gatwick at that time, some 20 miles away, was "still a relatively small airfield with grass runways" (CD p690).

airfield however was simply a part of the larger planning unit without which it could not function. Had the airfield been sold separately, for example, with no separate planning permission being granted, its lawful use would have remained the same but in practical terms one that is very unlikely to have been able to be carried on.

Material Change of Use and the 1951 Permission

24. The next question therefore is whether there was a material change of use of the aerodrome and/or the airfield as a result of the occupation and use made of them by Hawkers, and if so, whether permission was granted for it by the 1951 planning permission.

25. As a preliminary matter, I record here that for many years, all concerned believed the 1951 permission to have been temporary. I address its terms further below but all are now agreed that it was and is a permanent permission, following the decision in *I'm Your Man Ltd v SSE 1999 77 P&CR 251*[7], as the permission itself contains no condition or other purported restriction limiting its duration. I share that opinion. Because of the mistaken belief however, a number of later 'continuing use' permissions were sought and obtained, discussed where necessary below.

26. **Material change of use.** The factual history is again largely undisputed. To give an overview, in December 1950 the Ministry of Supply suggested Dunsfold as a site for Hawker Aircraft Ltd ("Hawker"). A long lease of the aerodrome was duly granted to them in March 1951. Hawker was later to be rebranded as Hawker Siddeley Aviation Ltd before becoming part of the newly-formed British Aerospace – which was itself succeeded by BAe Systems plc ("BAe").

27. Hawkers' factory was in Kingston, Surrey with other facilities at Langley. For a number of operational reasons they needed new facilities for the testing, development and assembly of new jet aircraft. Hawker's operations at the Aerodrome began in late 1951, after the grant of planning permission. Mr McCue records (CD p687) that one of the very first uses of the aerodrome by Hawker was to take advantage of its relatively good security to display the results of recent delta wing development work to the aviation press. The first production Sea Hawk arrived at Dunsfold for assembly in October 1951 and Hawker aircraft assembly began on 25 October 1951. I have no reason to doubt Mr McCue's assessment (CD p690) that the "two war-time T2 hangars were clearly inadequate as production facilities" so that work began in 1952 to build a large three bay hangar complex to house the 'Hunter' production line. In contrast, those hangars had apparently been sufficient for Skyways' maintenance operation (CD p704 & elsewhere). Similarly, Flight Magazine reported in July 1952 that a new (or as Mr McCue clarified, an extended and modernised) control tower was built because "production flight-testing is likely to demand much greater flying intensity than has been common at Dunsfold in the past."

28. The intention and indeed practice for many years was for parts to be delivered by road to Dunsfold from Kingston before the aircraft were assembled, tested and sold to a variety of home and international customers, not least the RAF. As just two examples, the Indian Air Force contracted to buy 160 Hunter aircraft in 1956 and the first of 100 Hunters was sold to the Swiss Air Force in

[7] And others

1958. In August 1960 the first prototype vertical take-off and landing (VTOL) military jet aircraft was rolled out having been assembled at Dunsfold. This plane was to develop into the 'Harrier' (CD p694). In 1990 British Aerospace announced that the Kingston factory would close and in 1991 Dunsfold received some of the jigs from Kingston becoming responsible for construction as well as assembly. (CD p703 & book). In various guises the production and testing of new aircraft at Dunsfold was to continue until, in or about 2000, BAe ceased its aircraft assembly operations at the aerodrome. Work on the Harrier II aircraft transferred to Brough in 2000 (CD p652).

29. During the Hawker/BAe era a number of other companies came to Dunsfold. These included 'Airwork General Trading', a company involved in the overhaul and refurbishment of military aircraft who arrived in 1953. Airwork's flight test facility was located on the southern edges of the aerodrome and their activities matched the Ministry stipulation that Dunsfold only be used for test flying purposes (CD p690) (and thus incidentally, conformed with the planning permission). They remained there until 1958. In 1961, and following some rationalisation in the Hawker Siddeley Group, the Folland Aircraft Company also arrived at Dunsfold (CD p695); they too were involved in the assembly and test flying of aircraft. In the late 1980s, the DH Group Ltd, a company specialising in the design and installation of avionics systems for civil aircraft, leased some land from BAe and a local landowner and erected a new hangar facility on the southern side of the aerodrome. This was connected by taxi-way to the perimeter track (McCue p269). DH Group Ltd was subsequently purchased by RCR Holdings Ltd. RCR Holdings Ltd used the Dunsfold facility for the maintenance/customisation/ refurbishment and storage of aircraft with aircraft movements being controlled through Dunsfold's Air Traffic Control.

30. Mr McCue (at CD p654) summarised the Hawker/BAe era as "the intensive use of the aerodrome for aircraft design, development, flight testing, assembly, production and maintenance." I have no reason to doubt that. Indeed, the growth and expansion of activities throughout their occupation is amply illustrated by the record of over 100 planning permissions granted between 1951 and 2000, a good majority of them being for the erection of buildings or other operational development. The Appellants' schedule does not include, incidentally, any permission for the 3 bay hangar mentioned above, though it is shown on later plans as early as 1954. Also of note are the 'continuing use' permissions granted in 1958, 1965 and 1980, the last of them being for the "production, repair and flight testing of aircraft."

31. Returning however to the start of the 'Hawker era', the application made in 1951 was in relation to the whole aerodrome. The suggestion that it was made only to 'regularise' an existing position, and/or by way of reassurance (instead of seeking an established use certificate) is not however supported by the contemporaneous documents. Indeed, the letter accompanying it, from Hawkers themselves, (CD p271) stated:

"As you may well know we shall shortly be making a further application for an extension of approximately 90,000 sq ft on this site, but as the Ministry of Town Country Planning recommended our obtaining this approval first, we forward the documents as required."

32. The recommendation to make the application thus came not from the Air Ministry or some other department but from the Ministry responsible for planning legislation. If they had not considered any change of use was

involved, it is reasonable to assume they would have said so and advised accordingly, albeit with the ultimate decision to be taken locally. Furthermore, even if that is a rash assumption, from the letter and subsequent events, the '90,000 sq ft extension' can only sensibly be taken as a reference to the 3 bay hangar. Clearly, both were seen as integral to Hawkers' takeover of the site – as per Mr McCue, above, they needed the new building to go into production. If there was reassurance sought, on this evidence, it was that Hawkers should get their 'change of use' permission before pursuing their plans for (and no doubt investing heavily in) expansion of the facilities.

33. Many of the processes involved in the erection (or assembly) of new aircraft I acknowledge would have been similar to those involved in overhauling and re-erecting (or re-assembling) them (CD p793). Hawkers' intentions however, even from the early days, were clearly of an operation of a different type and scale but it is not the intensity of use that points to a change of use so much as its purpose, character and potential impact. Indeed, where Skyways employed up to 1300 people at the aerodrome, the 1965 'continuing use' permission purported to set a limit of 650 personnel. Other similarities between the two operations of course included flying to, from and over the airfield, together with no doubt many similar ancillary or incidental activities as noted above. The existence of similarities between them however does not of itself mean there was no material change of use from one to the other.

34. Further, whatever view may have been taken in 1951, I have the benefit of hindsight in assessing the materiality of any change. Not surprisingly, there is little if any reliable evidence as to vehicular traffic levels as between Skyways, (say) in 1949 and Hawkers (say) in 1952. The latter however necessarily involved regular deliveries from Kingston, described by Mr Roberts as a "constant flow" and no doubt from elsewhere, as he also confirmed. Combined with the expansion of facilities and a growth in production, the potential therefore existed for higher levels of commercial vehicle traffic than could have been expected from a pure maintenance operation. Hawkers' use also involved the development and testing of new products, including engines, with for example, 3 ground based "jet pipe mufflers" permitted in 1954, parts of which were still in place at the time of my visits. The potential impact on local residential amenity of such activities, indeed of the far more intensive flight testing involved with large numbers of new rather than overhauled aircraft, is obvious.

35. In asking the question of whether there was a material change as between Skyways' and Hawkers' operations, I have deliberately not added 'and if so, when did that take place?'. This is not an appeal involving the 10 year rule. Putting a precise date on any such change is thus far less important than deciding whether one occurred. The fact that Skyways' occupation may have overlapped with Hawkers' would be unsurprising and does not affect the principal question. In the present context, it would not matter if a material change could not be said definitively to have occurred until some years later, so long as it did so. Even if that determination could not be made until the jigs were brought to Dunsfold following closure of the Kingston factory, it would still have happened.

36. The essential question rather, is whether, given the normal use on the appointed day found above, the use carried on by Hawkers/BAe fell within the

"range of uses sufficiently similar in character"[8] to that use so as to be capable of replacing it without involving a material change. No analogy can be perfect but one might be made between on the one hand, a tourbus and transport operator with a large maintenance garage and operational centre, who happens to have a large vehicle testing circuit alongside it, but whose bus and freight services are run predominantly from and between other places, with on the other, a vehicle manufacturer, with larger and more extensive built facilities, who both imports and manufactures parts, designs and assembles the final products and who then demonstrates and sells them in large numbers to a wide variety of customers.

37. A layperson might not have been able to distinguish between some of the processes involved in the workshops and hangars from one occupier to the other but could certainly have seen the difference in the creation of a production line producing entirely new aircraft, with ancillary research, testing and development facilities contributing to that process. In neither case would the destinations and purpose of the aircraft (nor, on the above analogy, of the vehicles) matter once they had left the aerodrome, save perhaps when being tested in the vicinity, but the activities carried on at the site as between Skyways and Hawkers were on this basis of a very different character. In short, where before Dunsfold had been a former military aerodrome in use as an aircraft management and maintenance base, it became a large scale production and testing facility for new aircraft. Planning permission was therefore required from the outset as a prospective new use, not merely as confirmation of an existing use.

38. Before moving to the terms of the 1951 permission, and if only for the sake of clarity, the material change of use that took place was of the whole of the planning unit making up the aerodrome. Other organisations and individuals may have had access to it and/or its facilities but on the evidence before me, there remained for the most part a single leaseholder (and later, owner) with exclusive possession and control. Moreover, Hawker/BAe's activities may later have been many and varied, but were predominantly directed towards the singular purpose of development and production of new aircraft. The use of the airfield for flying was just as much part and parcel of that purpose and function as it had been part of the maintenance purpose and function in the Skyways era. I discuss these matters in more detail below.

39. **The permission granted on 13 April 1951** was for "Erection – Repair and flight testing of aircraft at Dunsfold Aerodrome". The only condition imposed was: "No variations from the deposited plans and particulars will be permitted unless previously authorised by the Hambledon Rural District Council." Its implementation was thus not time limited[9]. On the evidence before me, the only plan submitted was a site plan drawn around the wider aerodrome boundaries, while the only "particulars" were the application itself and the accompanying letter, though neither are cited specifically. The source of the belief that the permission was temporary was the answer given to a question on the type of permission sought in the application, namely: "Temporary by arrangement with the Ministry of Supply. Say seven years." Nothing was stated in the permission itself however, whether by condition or otherwise.

[8] Westminster CC v British Waterways Board [1985] 1 AC 676
[9] There being no statutory basis for 'duration' conditions until 1968 – cf EPL P91,04

40. Whether this 'keep it simple' approach is preferable to the 24 conditions imposed on the first 2008 permission I leave for others to ponder. It at least has the advantage of brevity when it comes to interpreting the effect of the permission and I find no need to look elsewhere in order to do so. Indeed, it is hard to see where else one might look. As above, the expression "erection … of aircraft" was later equated with their "production" and I see no reason to take a different view. At the least, it necessarily would include ancillary activities within the planning unit leading to the achievement of that purpose, so long as they retained their ancillary status and the ancillary link was maintained[10]. "Repair" largely speaks for itself, and again would have covered necessary ancillary activities.

41. "Flight testing" may have been specifically included, rather than some wider term, because of the Air Ministry's stipulation (CD p690) that, in aviation terms, Dunsfold should only be used for that purpose. It may also have been in recognition, as Mr McCue mentioned, of the greater intensity of flight activity anticipated, though there is nothing to confirm that. However the term came to be used, the fact remains that the permission could have referred to general aviation activities, or have contained some other description, if that had been the intention. On the face of it and on its plain meaning, it authorised flight testing and no more than that, though other aspects I address below.

42. Interpretation of the permission is potentially relevant also to the Appellants' use of the aerodrome and application site. Before going further with it, given the nature of Hawkers' operation outlined above, I find no reason for concluding that the permission did not cover the ensuing material change of use, nor therefore that it was not implemented. With a finding of a material change of use by Hawkers, that indeed is an agreed position.

Further Material Change of Use and Need for Further Permission(s)

43. **By way of background,** there is no dispute that BAe ceased aircraft assembly at Dunsfold in 2000. They acquired the freehold of the aerodrome in about 1980. The Appellants now hold most of it under a 999 year lease from 25 December 2001, with subsidiary companies owning the freehold to the former 'domestic' area on the northern side of the airfield. The date of BAe's final vacation of the site is less important than the fact that, since 2003, the land and buildings in the northern area (and indeed some other parts of the aerodrome land) have been occupied and used for a range of commercial and industrial activities. As the ATM records and other evidence indicates, the flying of aircraft has also continued to a greater or lesser extent throughout.

44. Since 2002, the Appellants have sought and obtained a series of temporary planning permissions covering the whole aerodrome. The first, WA/02/2046 (No 165) was granted in April 2003, expiring on 30 April 2005. It allowed a change of use by reference to Use Classes B1, B2 and B8, including 2.2ha of outdoor storage, as per a submitted Schedule, together with "air flight capability ancillary to those uses". Condition 2 further prescribed the uses and included "the assembly, repair and flight testing of aircraft."

45. The second permission, WA/04/0880 (No 168), varied the first one, effectively extending it to 30 April 2010 and re-imposing many of the previous conditions. The third and fourth, for present purposes, are WA/07/0372, granted on 11

[10] Emma Hotels Ltd v SSE [1981] JPL 283 & others

March 2008, and that granted on appeal (APP/R3650/A/7/2045619)[11] on 18 June 2008, there being duplicate applications. Of these, the former granted permission for a change of use, again by reference to the same Use Classes. It was also expressed to "co-exist with extant temporary and permanent permissions" and was subject to 24 conditions, one of them setting an 'expiry date' of 30 April 2018.

46. The appeal decision did not refer to any Use Classes or particular use but granted permission "in accordance with the terms of the application … and plans submitted with it", also stating that it was to co-exist with other extant permissions. The Inspector imposed 19 conditions, the second of which limited the use of the site to the uses set out in the application schedule, documents and submitted plans. Neither party made any submission about the form of the permission and I see no reason not to treat it as valid. Though not crucial for present purposes, a mixed use cannot by definition fall within one of the Use Classes so that I take the reference to them to be simply descriptive of the uses permitted. I return to the questions of implementation and the conditions below.

47. The supporting statement (WAV2) to application No 07/0373 referred to the "total of 170 buildings/structures with a combined floorspace of 44,722m^2" which in turn were identified in the accompanying schedule. At that time (February 2007) permission was sought for uses described as within Use Classes B1, B2, B8 or a combination of them for some 118 buildings, with 38 buildings in "uses ancillary to the site as a whole", 3 ancillary to air traffic control and 2 for sport and recreation. The exhibit at CD p304-377 provides the most recent breakdown of previous and (then) current uses. It is not disputed that there are currently some 100 mostly commercial occupiers across the aerodrome as a whole.

48. **The first question** in relation to the current temporary permissions, given the Appellants' case, is similar to that in relation to the 1951 permission, namely whether one or other was necessary at all. To explain further, with a finding first of a material change of use as between Skyways and Hawkers, second that permission was granted for it in 1951 and third, the now agreed permanent nature of that permission, the scope of use rights immediately before the Appellants obtained their first permission was thus limited to that specified in the 1951 permission[12]. Since the first two permissions are now time expired in any event, the question can be put in terms of whether the Appellants' use of the site immediately before the third and/or fourth permissions were obtained fell within the scope of the 1951 permission. If it did, then the current permissions were unnecessary and the Appellants can rely on it[13].

49. For immediate purposes therefore, the extent of activities under Hawker/BAe is of little consequence to the planning position in 2002/3. So too is the series of permissions obtained by BAe in 2000 removing or amending restrictions on the last of the 'continuing use' permissions (98/1013). The 1951 permission was not restrictive as to the number of occupiers but as above, was specific in the mix of uses it prescribed. That is not surprising given that it was granted in contemplation of occupation by a single manufacturer – but one of a very

[11] Application No WA/07/0373
[12] cf EPL P55.38
[13] Newbury DC v SSE [1981] AC 578

particular kind where it was felt necessary to describe the use specifically rather than as a general industrial permission.

50. It is not for me to attempt to classify the use to which each and every occupier in March 2008 (or in April 2011) put their individual part of the aerodrome, nor was such an analysis carried out by either party. The onus however remains with the Appellants. Mr McAlister put the number of occupiers not directly connected with aviation "in the order of 50". Even if correct – and it was a figure given only in cross-examination - that says nothing of the proportion of floorspace they take up, the extent of their activities, nor gives any details of what they actually do. What it does say is that about half the occupiers have or had no connection with aviation at all.

51. Mr Forristal (CD p262/3) described some of the actual uses to which buildings were put in BAe's time. Of the 'current uses' noted on CD p304-377, only one makes any mention at all of aircraft or aviation (hangar T2B at CD p362), though a great many are expressed in general terms such as 'storage'. Mr Forristal also acknowledged that by April 2011, none of the occupiers were engaged in the production of new aircraft. The impression - and it can be no more than that - I obtained from walking around the northern area is that, save for the other original hangar (T2A), only a small proportion of the built floorspace is now given over to activities that could genuinely be said to fall within the specific terms of the permission.

52. Whatever the status or effect of the Air Ministry stipulation (above), it did not amount to a condition or restriction in planning terms. The permission itself contained no restrictions, for example, on the number of Air Traffic Movements or on hours of operation, but it is too specific to amount to a permission for general aviation activities or for purposes other than flight testing. Rather, it authorised that as a necessary part of a composite or mixed use of the whole planning unit, whether that was of aircraft assembled at Dunsfold or brought in from elsewhere. That does not mean that no other flying could take place (subject to any non-planning restrictions). Given the nature of the undertaking and the very existence of the airfield, the flying of aircraft (not on test) to and from it would in my opinion generally have been lawful if ancillary or incidental to the primary use. As to air traffic unrelated to that use, it is unhelpful to ask whether this or that particular flight was or was not lawful within the terms of the permission. The question would have been whether any such activities being carried on at any given time amounted to a breach of planning control. As ever that would have been a question of fact and degree at that time.

53. It was not part of the Council's case that the development of the northern area into a business park had resulted in the creation of many different planning units. That might have been a difficult argument in the light of the approach taken to the temporary 'all encompassing' permissions. Equally, I doubt that would prevent the Council enforcing against a change of use say, of one of the buildings, to a use outside those specified. Both parties referred to a number of authorities on the questions of changes in occupation, the sub-division of a larger planning unit and the possible resulting material change of use – or lack of it. I entirely accept the propositions that neither a change in occupier nor in the number of them will necessarily result in such a change.

54. The immediate question however is as indicated, not one of fact and degree as between Hawker/BAe and the Appellants but whether the use in 2008 fell within the scope of the 1951 permission. Whatever has happened on the

airfield itself since BAe's departure, as a simple question of fact, there are now a great many independent and diverse occupiers of parts of the aerodrome whose business is wholly unrelated to the erection, repair or flight testing of aircraft. That in my judgment is sufficient of itself to hold that a new chapter in the planning history of the site has been opened with a range and type of uses now and in 2008 going far beyond the very specific terms of the 1951 permission. On that basis, and on the balance of probabilities, the Appellants needed planning permission in 2003 and continued to need it on the expiry of each of the first two temporary permissions.

55. If my first conclusion, of a change of use as between Skyways and Hawkers, is wrong (and thus of the need for the 1951 permission) then the argument might be made that the issue here should be based on a 'fact and degree' comparison between BAe's and the Appellants' use, rather than compliance with the 1951 permission. The proper assessment then however would in my view be whether the Appellants' use was materially different to the use (as I have found it) on the appointed day, since it was not part of the Appellants' case that there had been some intervening change of use which had become lawful through the passage of time.

56. Such comparisons are useful however, even if only to test further my last conclusion (at para 54.). I have already referred to some of the considerable body of evidence given at the inquiry about activities over the 50 or so years of Hawker/BAe's occupation, including some carried on by other companies. The thrust of it however, acknowledged in cross examination by both Mr McCue and Mr Roberts, was that non-production or flight testing activities undertaken were nevertheless mostly if not predominantly related to Hawker/BAe's wider operation. That included activities within the present application site such as flying operations, training, the transport of personnel, customers and other visitors, storage, external testing and assembly and the passage of inbound and outbound freight. Just as with Skyways however, those activities were for the most part inextricably associated with Hawker/BAe's occupation of the northern part of the aerodrome.

57. Particular reference was made to the 'RCR hangar', mentioned above at para 29. The building had a separate road access and is shown in a number of plans as outside the aerodrome boundaries. A specific permission was first granted for its erection and use for the development and installation of 'aviation electronics' under ref WA87/1875. This was later varied on appeal[14] in 1994, the permission being subject to a condition limiting the use to the "storing, maintaining and overhauling of aircraft and aircraft components and the manufacture of aircraft components ancillary to those uses and for no other purpose," with other industrial and storage uses specifically excluded. It is hard to imagine a use more consistent with BAe's or indeed the 1951 permission. Permission was granted on appeal in January 2002 for a change to Class B1(c) and B8 uses, the aviation use having by then apparently all but ceased. For the record, I attach no weight to the Inspector's observation that the "aerodrome to the north is no longer operational".

58. Personnel from other companies I do not doubt were often accommodated by Hawker/BAe. The evidence indicated that they too were largely engaged in research, development or testing of new aviation related equipment, even if for their own ends. That is hardly equivalent to the diverse multi-occupation seen

[14] APP/R3650/A/94/233906

today where, as Mr Roberts commented, the site was a secure one which the Ministry of Defence would not have allowed Hawkers/BAe to "open up" to uncontrolled commercial occupation. Other flying activities were also carried on, such as use by the Red Arrows aerobatic team, and some Ministry or private use when requested and authorised, but as Mr Roberts put it, the aerodrome was "not a commercial operation for the benefit of all comers." Nor was it, on the evidence, in the Skyways' era, despite the AIP descriptions.

59. The potential consequences or impact of changes in planning terms may not of themselves constitute a material change of use[15], but can certainly support a finding of one. Indeed, in borderline cases, the courts have accepted that it is proper to assess materiality in planning terms, having regard to the possible effect on local amenity[16]. In the present case, there are first, obvious potential consequences in the change from a 'single purpose occupier' to multi-occupation for the supply and take up of employment land in the District.

60. The potential impact of "the proposal" was also discussed in the 2008 appeal decision. The Inspector noted that the Appellants wanted to "alter the balance of the permitted uses" to allow for more B8 storage at the expense of B1 or B2 uses[17]. He recorded that "both main parties accepted … that B8 uses have a greater likelihood of producing HGV movements." There followed considerable discussion of that aspect and the need for conditions governing it. I too heard evidence from a local resident of the disturbance caused by such traffic. The Inspector then agreed that the "exact uses" should be set out and "other possible uses" should be restricted both to prevent excessive noise and disturbance and because of the unsustainable transport location[18]. Open storage was to be limited to specified areas on visual impact grounds[19].

61. A variety of other conditions were also imposed but the point for present purposes is not so much that they were often designed to prevent any greater impact than under BAe's occupation – which some undoubtedly were – but that the ones I have highlighted reflected a change in the primary use of the aerodrome as a whole, particularly storage and distribution. Where before storage especially would have been a necessary ancillary use, its elevation to part of a wider mixed use carried significant consequences. The fact that the change of use of a building in Class B1 or B2 use to a use within Class B8 is normally permitted under the 1995 General Permitted Development Order does not mean that the change from the specific use authorised in 1951 to the present range of uses, or from the use on the appointed day, was not material.

62. These comparative observations only serve to support and re-inforce my conclusion that the Appellants' use of the aerodrome in 2008 (or at any time since 2002) fell outside the scope of the 1951 permission. Whatever the starting point moreover, taking account of all these matters, I am in no doubt that the Appellants were correct in applying for planning permission in 2002, 2004 and 2007, even if their motive was only to provide "commercial comfort" to their clients. Further, while the level of use of the airfield may have varied, there is nothing to lead me to regard it as anything other than part of the wider planning unit at those times, as it had been throughout.

[15] Hertfordshire CC v SSCLG and Metal & Waste Recycling Ltd (2012) QBD
[16] EPL P55.52
[17] Para 22
[18] Para 42
[19] Para54

63. **Implementation.** Moving therefore to the 4 temporary permissions, it will be necessary to examine some aspects of the first two of them in order to determine whether either of the current permissions has been implemented.

64. As a preliminary point, agents acting for the Appellants in a previous appeal (involving possible re-development as a settlement) submitted a note dated 30 March 2009 setting out their then understanding of the position in relation to these and other permissions. WA04/0880 had not then expired. It was described as having been implemented and as "the permission under which Dunsfold Park currently operate the temporary use of most of the buildings on the site." Reference was made to 3 other specific permanent permissions affecting parts of the site and 10 other temporary permissions all said to have been implemented. The note was said to have been made in particular to support the Appellants' contention of a 'fallback' position at that time. Be that as it may, I know of nothing that precludes them now advancing a different argument in support of this appeal, whatever the reasons for that and however 'attractive' or otherwise that may appear.

65. I have already referred to some of the differences between the two 2008 permissions. Both contain a condition (Nos 24 and 19) requiring the Appellants to notify the Council of the "commencement and implementation" of the permission. Plainly, that cannot be a 'condition precedent'. The fact that no such notification has been given would amount to a breach of condition, nothing more, if either permission has in fact been implemented. Its absence might make enforcement more difficult but if duplicate notices were issued and appealed, it would not be the first time an Inspector has been asked to rule on which of them should be upheld, depending on the facts as he or she found them. I therefore see no insurmountable difficulty arising on this point.

66. Both permissions contained a similar condition (Nos 18 and 14) however, limiting the number of daily traffic movements. Both also included the clauses: "Before the implementation of this permission a management and monitoring agreement shall be agreed with the Local Planning Authority and thereafter adhered to for the duration of the planning permission" and "Copies of the monitoring data shall be submitted to the Local Planning Authority at a frequency or triggers to be agreed with the Local Planning Authority before the implementation of the permission." It was not disputed that no such 'management and monitoring agreement', nor the 'frequency or trigger' for submission of the data has been agreed.

67. A similar if shorter condition (No 22) had been imposed on permission No WA02/2046, the equivalent clause stating: "a management and monitoring agreement shall be made with the Local Planning Authority before implementation of this permission." This was repeated in permission No WA/04/0880 (Condition 19). The Council's committee report in February 2008 records that it was "technically correct" that the earlier conditions had been breached but that details of the monitoring arrangements had been notified to them. It was however still felt appropriate to ensure that vehicle movements were accurately recorded and monitored. The Inspector in 2008 clearly had some apparently limited statistical information available but did not record any particular views about the need for a 'management and monitoring' agreement when imposing effectively the same condition as the Council's. Indeed, as the Inspector recorded, the Appellants then already had a planning permission.[20]

[20] Para 8.

68. The Appellants' argument in short is that the failure to comply with the condition(s) means that neither permission has been implemented. The first point to make is that I have not a scintilla of doubt – nor in fairness, was there any dispute - that as a question of fact, the uses set out in the relevant schedules have commenced and if with the variations to be expected over time, are continuing. Further, that has been the case, if again with variations, since the grant of permission WA/02/2046.

69. I have taken account of the various authorities cited by the parties, in particular those noted below[21]. In the most recent *Greyfort* case, the relevant condition required agreement as to ground floor levels "before any work is commenced on the site." That however was a permission for operational development where the setting of the floor levels was seen as of "considerable importance" and the condition was held to be a clear and express prohibition on the carrying out of any work before the levels had been agreed.

70. The question of traffic levels has clearly also been of "considerable importance" in the consideration of these and earlier permissions. The failure to comply with the conditions has to be seen in the context not only of the Council's apparent attitude to it in 2007 however, but also the fact that the uses (or most of them) had by then been carried on for some time, the conditions imposed numerical traffic limits and the permissions are themselves temporary and overlap their predecessor.

71. The phrase "before implementation of this permission" I thus regard as intended merely to indicate the time by which the event should have happened and beyond which the Council would be entitled, if expedient, to take enforcement action for breach of condition. It does not amount to an express prohibition, as might clauses such as "no buildings shall be occupied until…." or even "this permission shall not be implemented until…". In fact, none of the conditions since 2003 have been complied with (at least in relation to management and monitoring) but the Council to date have not found it expedient to take enforcement action. That of itself may be seen as a measure of the importance the Council attaches to them. Looked at overall, the relevant parts of the conditions in my judgment are neither sufficiently fundamental to the permissions nor sufficiently prohibitive to amount to a 'condition precedent' within the *Whitley* principles. Put another way, common sense dictates that these permissions (or at least one of them) have been implemented, but there has been a breach of condition which can probably be enforced against.

72. **Validity of Conditions.** The permissions also contain conditions (Nos 7-12 and 6-11 respectively) which govern aviation activities. I am bound to say it is not clear to me, from previous legal opinions or otherwise, how it is said these do not fairly and reasonably relate to the uses for which permission was given. Condition 2 of WA/02/0372 expressly includes as lawful "use in connection with the assembly, repair and flight testing of aircraft" while Condition 2 to the appeal permission expressly limits the uses to those in the application schedule and accompanying documents. Given the aerodrome's history, the continued existence of the airfield and the potential impact of aviation activities, it would have been very surprising indeed if the Council and the Inspector had not imposed conditions in relation to them. They may not have been necessary on other temporary use permissions but I can find no grounds to question their

[21] Whitley & Sons v SSW (1992) 64 P&CR 296; R (oao Hart Aggregates Ltd) v Hartlepool BC [2005] EWHC 840 (Admin); Greyfort Properties Lts v SSCLG & Torbay Council [2011] EWCA Civ 908

validity on these 'principal' permissions. Moreover, the Appellants have had ample opportunity to challenge them directly but have not done so.

Additional Considerations

73. The effect of the phrase "to co-exist with other extant temporary and permanent permissions" was called into question elsewhere (CD 10) and discussed at the inquiry. It is, first, not a specific reference to the 1951 permission. If it has any effect at all, it can only sensibly be interpreted as meaning that, as temporary permissions, each of these is to 'run alongside' other extant permissions and probably, on 'first principles', that the latter continue to have effect insofar as they are not inconsistent with the later but temporary permission. Since, as above, the 2008 permissions were for a change or changes of use from that granted in 1951, they supersede that permission for at least as long they remain in force.

74. Whether the Appellants would be entitled to give up the benefit of the current permissions by giving notice to the Council is not for me to determine. Since that would necessarily mean ceasing the present use(s), it seems an unlikely proposition. Be that as it may, as a question of fact, no such notice has been given. The permissions thus remain in force and whichever of them has been implemented, aviation activity is governed by the conditions already mentioned. It is also not for me to determine to what 'normal' use the Appellants may be able to revert in 2018[22], not least because I cannot know what other permissions may or may not be granted between now and then and not even the Secretary of State has such powers of foresight. What can be said however is that, at present, reversion to the use permitted in 1951 appears the most likely candidate.

75. For the sake of certainty if nothing else, I accept that the flying of aircraft has continued at, to and from Dunsfold since it was first opened until the present. Even now however, and even if there is some independent flying from the airfield, its use on the evidence available is inextricably linked with that of the rest of the aerodrome, especially some of the buildings in the northern area. Again for clarity, the Appellants indeed do not argue their case on the basis of some further change of use of the airfield alone. The certificate they seek encompasses many if not all the elements of flying that would have occurred under previous occupiers. It would also however certify as lawful a use for unrestricted aviation activities which is simply not made out on the historical evidence.

Conclusions

76. To summarise my conclusions therefore:

- the normal use of the aerodrome on the appointed day was for the maintenance, repair and re-assembly of aircraft, with associated ancillary uses including offices, flight testing and flying facilities; that those facilities included the airfield as an integral and necessary part of the planning unit making up the aerodrome, but that this did not include a use for general aviation activities;

- that there was a definable and material difference between the use made of the aerodrome by Skyways on the one hand and Hawkers (and their successors) on the other, amounting to a material change of use requiring planning permission:

[22] Section 57(2)

- that a permanent permission was granted for that change of use (of the aerodrome as a whole) in 1951, which included flight testing as part of the primary mixed use;
- that a new chapter in the planning history of the aerodrome was opened, and a material change of use occurred to one outside the scope of the 1951 permission, and one materially different to that on the appointed day, on the cessation of the use by BAe and takeover of the aerodrome by the Appellants;
- that planning permission was required and was first granted for that change of use on 17 April 2003, and is now the subject of one or other of the permissions granted on 11 March 2008 and 18 June 2008;
- that for present purposes, it does not matter which of those permissions has been implemented but that as a question of fact, the uses authorised by them have commenced, and one or other of them has been implemented even if there has been a breach of condition(s);
- that whichever of those permissions has been implemented, each contains valid and enforceable conditions which govern aviation activities in such a way as presently to deny the Appellants entitlement to the certificate sought;
- that even if neither of those permissions is in force (for whatever reason), the 1951 permission does not include a use of the airfield, either by itself or as part of the wider aerodrome, for unrestricted aviation activities.

77. For the above reasons therefore, the Council's decision to refuse the application was well founded.

R O Evans

Inspector

APPEARANCES

FOR THE APPELLANTS:

Mr J Steele QC	Queen's Counsel instructed by Gerald Eve LLP
Assisted by Mr S Whale	of Counsel
He called:	
Mr P M McCue	Author, 'Dunsfold, Surrey's Most Secret Airfield'
Mr J McAllister	Chief Executive, Dunsfold Park Ltd
Mr C F Roberts	Former Test Pilot & Chief Test Pilot, Hawker/BAe 1979-1994
Mr D M Simpson OBE	Former Test Pilot & Chief Test Pilot, Hawkers, 1954-1978
Mr G M Forristal BSc	Project manager, Dunsfold Aerodrome
Mr P G W Dines MRTPI MRICS	Planning Consultant & Partner, Gerald Eve LLP

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Mould QC	Queen's Counsel instructed by the Borough Solicitor
He called:	
Mr I D J Ellis BA MRTPI	Planning Consultant & Director, Southern Planning Practice Ltd

INTERESTED PERSONS (in order of appearance):

Mrs Betty Ames	Local resident (& Parish Councillor)
Mrs P Ellis	on behalf of Cranleigh Parish Council
Ms L S Dadak	Local resident

ADDITIONAL DOCUMENTS PRESENTED AT THE INQUIRY

1 Large scale plan of 'northern area'
2 Council's additional documents WAV1-5
3 Appellants' additional documents re 'RCR hangar'
4 'Dunsfold, Surrey's Most Secret Airfield', Mr P J McCue