

Town and Country Planning Act 1990  
Section 191 (as amended by Section 10 of the Planning and Compensation Act 1991)  
Town and Country Planning (Development Management Procedure) (England) Order 2015:  
Article 39

## Refusal of Certificate of Lawful Use or Development

Applicant:	Leeds Bradford Airport Limited	Application Number:	23/07491/CLE
Agent:	Herbert Smith Freehills LLP C Howard Exchange House Primrose Street London EC2A 2EG	Date Accepted:	14 December 2023
		Date Issued:	21 March 2024

### First Schedule:

Regardless of the cap on movements in Condition 7, it is lawful for aircraft to take off and land at Leeds Bradford Airport during the hours of 23:00-07:00 where they fall within the definition of 'exempt aircraft' in NOTAM s45/1993 i.e (a) those aircraft with a maximum certified weight not exceeding 11,600 kg and (b) those propeller aircraft which on the basis of their noise data are classed as less than 87 EPNdB and which are indicated as exempt in part 2 of the schedule of NOTAM S45/1993 notice.

### Second Schedule:

The land and/or buildings situated at: Leeds And Bradford Airport Victoria Avenue Yeadon Leeds LS19 7TU as shown edged red on the submitted plan.

Leeds City Council with regard to the application submitted on 14 December 2023 for the use and/or development described in the First Schedule hereto in respect of the land and/or buildings specified in the Second Schedule hereto and shown edged red on the submitted plan, has **refused** the application for the following reason:

Leeds and Bradford Airport, Victoria Avenue, Yeadon

The evidence submitted with the application does not, on the balance of probabilities, support the applicants case.

Having regard to the purpose of and reasons for Condition 6 (a) - (e) together with Condition 7, the LPA consider that the relevant NOTAM by which the definition of exempt aircraft are currently based is AIP supplement 061/2023 (and thereafter any subsequent NOTAMs) which defines exempt aircraft as light propeller-driven with a max certified take-off weight not exceeding 8,618kg and that the aircraft is being utilised to undertake essential airport safety checks.

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Therefore aircraft with a maximum certified weight not exceeding 8,618kg and those propeller aircraft which on their noise data are classed as less than 87 EPNdB and which are indicated as exempt in part 2 of the schedule NOTAM s45/1993 are not defined as exempt by virtue of the updated NOTAM and do not therefore fall within Condition 6(e). They cannot fly during the night time period regardless of the cap on movements in Condition 7.

The Application is refused.

### **NOTES:**

1. This refusal does not preclude the submission of a further application in respect of the use and/or development if new or better evidence is available.

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse the application you can appeal to the Secretary of State under Sections 195 and 196 of the Town and Country Planning Act 1990. You should use a form which you can obtain from [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision) or by email from [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk) or by phoning 0303 444 5000.

You must send one copy of the completed form to [planning.appeals@leeds.gov.uk](mailto:planning.appeals@leeds.gov.uk) or Appeals Administration, Planning Services, Leeds City Council, Merrion House, 110 Merrion Centre, Leeds, LS2 8BB as well as to the Planning Inspectorate at the address on the form.

If you intend to submit an appeal that you would like examined by inquiry, you should notify the Local Planning Authority ([planning.appeals@leeds.gov.uk](mailto:planning.appeals@leeds.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) of your intention to appeal a minimum of 10 working days before the appeal is submitted to the Planning Inspectorate.

The notification form and further guidance is available at [www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal](http://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal)