

RE: Land at Damyns Hall Aerodrome, Aveley Road, Upminster

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

- TO:**
1. The Owner of the said land
 2. The Occupier of the said land
 3. TIMOTHY LYONS of Crowhurst Oast, Neills Road, Lamberhurst, Kent TN3 8BL
 4. COMPANY SECRETARY of FAIRMOUNT TRUSTEE SERVICES LIMITED of Fairmount House, Bull Hill, Leatherhead, Surrey KT22 7RY
 5. Company Secretary, AIB Group (UK) PLC of 4 Queen's Square, Belfast BT1 3DJ

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

The land at Damyns Hall Aerodrome shown edged in black on the attached plan, (the "Land").

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the erection of aircraft hangar building and creation of a hardstanding on the Land, shown hatched in black on the attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. The aircraft Hangar building and hardstanding in question was substantially completed less than four years ago. The Land lies within the Metropolitan Green Belt where new buildings will only be permitted in the most exceptional circumstances. The development constitutes inappropriate development in the Metropolitan Green Belt that has a detrimental impact on the open appearance of the Green Belt. The building allows storage of additional aircraft that facilitates the intensification of the use and the additional aircraft movements are harmful to traffic safety and the residential amenity of nearby occupiers. It is contrary to development plan policies and harmful to the visual amenities of the area. The Council do not

consider that planning permission should be given, because there are no very special circumstances to warrant its retention and planning conditions could not overcome these problems.

In making its decision to issue this Notice the Council considered that the unauthorised use is contrary to the following policies of the Local Development Framework: policies DC32, DC33, DC45, DC55 and DC61.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the aircraft Hangar building and hardstanding.

Time for compliance: 3 months from the effective date of this notice.

- (ii) Remove from the Land all building materials and rubble arising from compliance with the first requirement above.

Time for compliance: 3 months from the effective date of this notice.

- (iii) Restore that part of the Land from which the Hangar building and hardstanding have been removed in compliance with steps (i) and (ii) above to its condition before the breach occurred by levelling the ground and laying to grass.

Time for compliance: 9 month from the effective date of this notice.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 5th February 2009, unless an appeal is made against it beforehand

Dated: 23rd December 2008

Signed:



Authorised Officer

on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

184000N

183500N

556000E

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Map Reference: TQ5583
Date: 31/10/2008

Scale: 1:5000

Scale
0 25 50 75 100 125 m

**Land at Damyns Hall Aerodrome, Aveley
Road, Upminster.**



London Borough of Havering
Planning Department
Mercury House, Mercury Gardens
Romford, RM1 3SL
Tel: 01708 434343

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YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 5th February 2009. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 5th February 2009 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the Notice.

FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A summary of Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) is enclosed with this Notice.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be in writing and received, or posted (with the postage paid and properly addressed) in time to be received in the ordinary course of the post, by the Secretary of State before 5th February 2009. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

GROUNDS OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1991 and are also set out on pages 2 - 5 the enclosed appeal forms.

PLANNING APPLICATION FEE

Should you wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £2,345.00 is payable both to the Secretary of State and to the Council. If the fees are not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

1. The Owner of the said land
2. The Occupier of the said land
3. TIMOTHY LYONS of Crowhurst Oast, Neills Road, Lamberhurst, Kent TN3 8BL
4. COMPANY SECRETARY of FAIRMOUNT TRUSTEE SERVICES LIMITED of Fairmount House, Bull Hill, Leatherhead, Surrey KT22 7RY
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