

PLAN 1

184000N

183500N

556000E

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Licence No 100024327



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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PLAN 2.



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 No 100024327

00 Damyns Hall

Authorised Person

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 The National Land & Property Gazetteer

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OS Ordnance Survey

London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01706 434343

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 London Borough of Havering 100024327

It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised use through intensification and open storage of aircraft, additional buildings to accommodate the use with a large car park, constitutes inappropriate development in the Metropolitan Green Belt that has a detrimental impact on the open appearance of the Green Belt. The use by reason of its excessive scale (outside the scope of the Certificate of Lawfulness) results in unacceptable intensification of the use of the Land that would lead to unacceptable increase in noise and disturbance for occupiers of adjoining residential properties and unacceptable increase in traffic on a sub-standard drive and access to the highway, Aveley Road, to the detriment of the free and safe flow of traffic. The Council do not consider that planning permission should be given, because 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) Return that part of the Land shown hatched black on Plan 2 attached to private civil aerodrome in connection with the taking off and landing of only the following aircraft for the purpose of transport of passengers and/or flying instruction:

- (a) Light aircraft;
- (b) Micro-lights;
- (c) Hang gliding; and
- (d) Parascending parachutes

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

- (ii) Reduce the number of aircraft to be stationed at and operated from the private civil aerodrome (the area hatched black on Plan 2) at any time to 9 Light Aircraft and 6 Micro-lights.

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

- (iii) Store all aircraft which are not used either in taking off, landing, manoeuvring on the runway of the private civil aerodrome or being serviced or fuelled, in the lawful hanger building (cross-hatched black on Plan 2 annexed hereto).


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

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 29th May 2009, unless an appeal is made against it beforehand

Dated: 24th April 2009

Signed:



Authorised Officer

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

YOUR RIGHT OF APPEAL

You can appeal against this Enforcement Notice to the Secretary of State by the 29th May 2009. Further details are given on the information sheet from the Planning Inspectorate which accompanies this Notice. The enclosed booklet "Enforcement Appeals - A guide to Procedure" also sets out your rights.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 29th May 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 29th May 2009.

If you intend to appeal this Notice you should follow the instructions given on the information sheet from the Planning Inspectorate which accompanies this Notice.

GROUNDS OF APPEAL

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £335 is payable both to the Secretary of State and to the Council, the total fees payable would be £670.00. If the fees are not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal you should 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:

- 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
 6. COMPANY SECRETARY of FAIRMOUNT TRUSTEE SERVICES LIMITED (subsidiary of Brown Shipley) Leatherhead House, Station Road, Leatherhead, Surrey KT22 7FG.



TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192
(as amended by section 10 of the Planning and Compensation Act 1991)

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER 1995: ARTICLE 24**

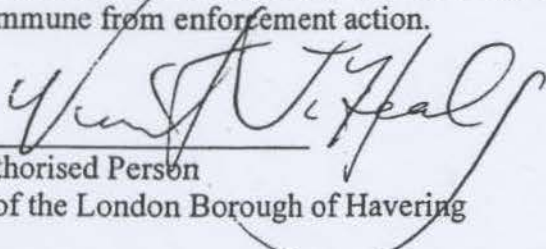
E0005.06

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Council of the London Borough of Havering hereby certify that on the 14th February 2006 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and hatched black on the plans attached to this certificate subject to the limitations set out in the Third Schedule, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use commenced more than 10 years before the date of the application and is therefore immune from enforcement action.

Signed


Authorised Person

On behalf of the London Borough of Havering

Date: 2nd March 2007

First Schedule

Use of the land described in the Second Schedule and hatched black on Plan A annexed hereto as a private civil aerodrome in connection with the taking off and landing of the following aircraft for the purpose of the transport of passengers and/or flying instruction:

- (a) Light aircraft;
- (b) Micro-lights;
- (c) Hang gliding; and
- (d) Parascending parachutes;

This use is associated with the ancillary storage of aircraft and associated apparatus, machinery and equipment in the buildings shown in plan on Plan B annexed hereto.

Second Schedule

The land hatched black on Plan A annexed hereto which includes for the avoidance of doubt the buildings hatched black on Plan B.



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 No. 100024327

00 Damyns Hall

Wendy Taylor
 Authored Person

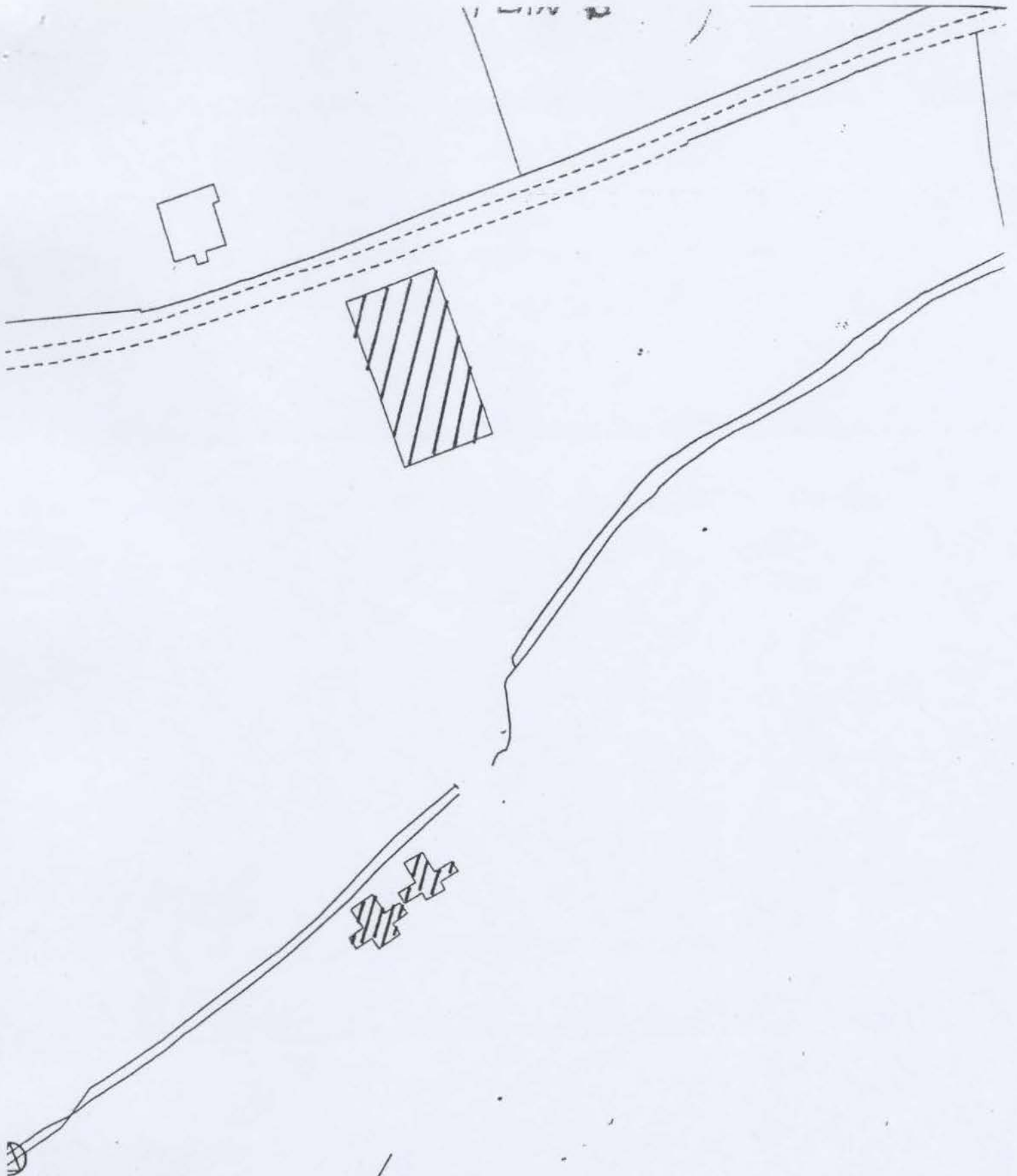
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OS Ordnance Survey

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 ence No 100024327

000 Damyns Hall, Aveley Road

W. A. T. Kelly
Authorised Person

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Third Schedule

Limitations:

- (a) The types of aircraft which shall take off from, land on, manoeuvre on, or be fuelled and/or stored at, the aerodrome (the land hatched black on Plan A annexed hereto) shall be restricted to the following types: Light aircraft and Micro-lights and for the avoidance of doubt no other aircraft of any kind with the exception of Parascending parachutes and Hang gliders (which the purposes of this certificate are categorised as aircraft) shall land, take off, manoeuvre on, or be fuelled or stored at the aerodrome at any time.
- (b) The maximum numbers of the following aircraft to be stationed at and operate from the aerodrome at any time is 9 Light Aircraft and 6 Micro-lights.
- (c) No aircraft shall take off from, land on and/or manoeuvre on the runway of the aerodrome after dusk and before dawn;
- (d) All aircraft which are not in use either taking off, landing, manoeuvring on the runway of the aerodrome or being serviced or fuelled shall be stored in the hanger shown as the largest area hatched black on Plan B annexed hereto.

Notes

1. This certificate is issued solely for the purposes of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act (as amended) which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the matters relevant to the determining such lawfulness.