

RE: Land at Damyns Hall Aerodrome, Aveley Road, Upminster (Café and Decking Use)

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

**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.

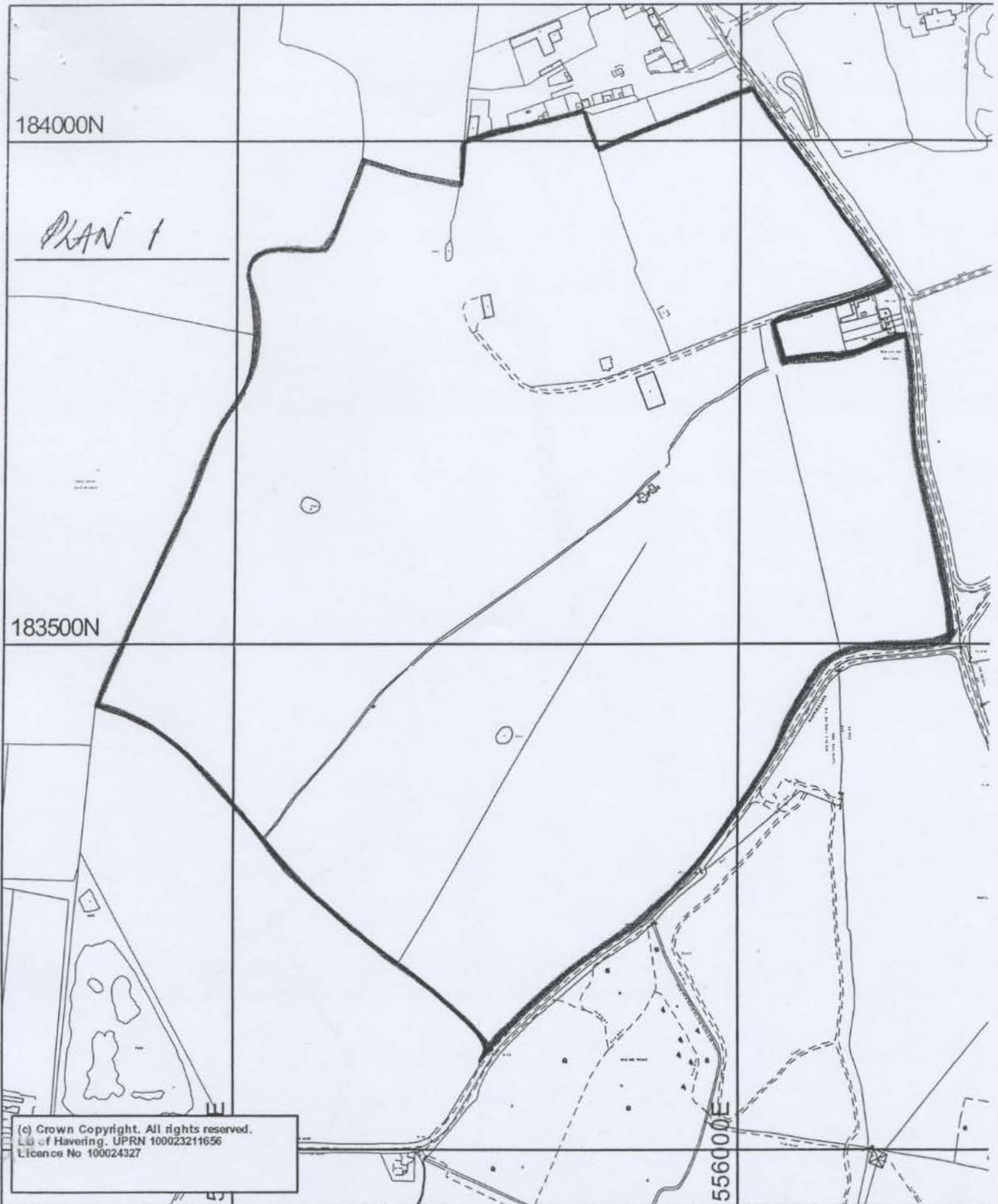
2. **THE LAND AFFECTED**

The land at Damyns Hall Aerodrome, Aveley Road, Upminster shown edged Black on the attached plan, Plan 1 ("The Land").

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

Without planning permission the unauthorised change of use of the clubhouse building ancillary to the aerodrome use and decking coloured black and indicated by arrow and labelled on the attached Plan 2 to café with associated decking falling within Use Class A3 used by visiting members of the public.

4. **REASONS FOR ISSUING THIS NOTICE**



184000N

PLAN 1

183500N

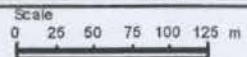
55600E

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Map Reference: TQ5583  
 Date: 31/10/2008

Scale: 1:5000



**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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184000N

*Plan 2*

183500N

*CLUBHOUSE AND DECKING*

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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It appears to the Council that the above breach of planning control has occurred within the last ten years. The unauthorised material change of use from clubhouse to café renders the unauthorised use no longer ancillary to the use of the site as aerodrome and results in unacceptable levels of traffic and intensification of the use of the site. The use causes an unacceptable increase in noise and disturbance for occupiers of adjoining residential properties and an unacceptable increase in traffic on a sub-standard drive and access to the highway at 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, DC55 and DC61.

#### 5. WHAT YOU ARE REQUIRED TO DO

- (i) Stop using that part of the Land coloured black and indicated by arrow and labelled on Plan 2 as a café with associated decking.

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

- (ii) Return that part of the Land coloured black and indicated by arrow and labelled on Plan 2 as ancillary clubhouse to the authorised private civil aerodrome.

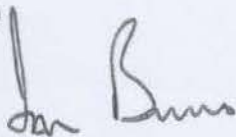
Time for compliance: 3 months from the effective date of this notice

#### 6. WHEN THIS NOTICE TAKES EFFECT

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

Dated: 24<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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 29<sup>th</sup> 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.

### **GROUND 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 £335.00 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
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