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BOROUGH COUNCIL

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Mrs Stockley
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For: Mr J Barrett
Hayling Heli's

Ref No.: APP/13/00749

**Town and Country Planning Act 1990: Section 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**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Havant Borough Council, as Local Planning Authority, certifies that on 25 July 2013 the uses described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged red and black on the plans attached to this certificate were lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

It appears to the Local Planning Authority on the balance of probability that the uses described in the First Schedule on the land described in the Second Schedule, have taken place for a continuous period of at least ten years up to the date of the current application.

The Authority has considered evidence and additional information submitted by the applicant and representations received in response to the Certificate of Lawfulness application.

FIRST SCHEDULE:

This Certificate relates to the following uses:

(i) The taking off and landing of model helicopters

In association with (i) above, the use in the area edged red on the attached plan A is considered to have been demonstrated over the relevant 10 year period.

The use demonstrated is limited to daylight hours.

The use demonstrated excludes Bank Holiday Mondays.

The use demonstrated excludes fixed wing model aircraft.

(ii) The parking for members

In association with (ii) above, the use in the area edged black and annotated 'Parking' on the attached plan B is considered to have been demonstrated over the relevant 10 year period.

The use demonstrated is limited solely to the parking of cars by members of Hayling Heli's in association with their use of the land as set out in (i) above.

SECOND SCHEDULE:

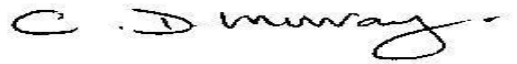
For the purposes of the first schedule (i) above, this relates to the land edged red on the attached plan A this relates to land at Verner Common, Copse Lane, Hayling Island.

For the purposes of the First Schedule (ii) above, this related to the land edged black and annotated 'parking' on the attached Plan B this relates to land at Verner Common, Copse Lane, Hayling Island.

Definitions:

The following definitions are applicable to the decision:

Daylight The natural light of the day



Service Manager (Planning Development)

24 January 2014

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) It certifies that the uses specified in the First Schedule taking place on land described in the Second Schedule were lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under section 172 of the 1990 Act on 25 July 2013.
- (3) The certificate only applies to the extent of the uses specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plans. Any uses which are materially different from that described or which relate to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate if you are aggrieved by the Council's decision.
- (5) The applicant is advised the granting of this Lawful Development Certificate does not confer consent under the Wildlife and Countryside Act 1981 (as amended). This consent will need to be applied for from Natural England. To discuss this requirement please contact Mr S Thompson 0600 030 4625.
- (6) The applicant is advised to ensure that all other statutory consents that may be required in relation to the use of the land are in place.
- (7) The applicant is requested to consider measures to minimise the impact of the use on the Special Protection Area for example a restriction to prevent the use of the site during the core winter period (November to February inclusive), or to prevent the activity taking place 1 hour either side of high tide, when the site will be most sensitive to disturbance. Such measures could be implemented via a voluntary Code of Conduct.

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