

Richard Phillips

From: Ian T Donaldson <iantdonaldson@aol.com>
Sent: 28 October 2020 15:14
To: Mandip Malhotra; Richard Phillips; Noel Kelly; Desmond Adumekwe
Cc: mborsberry@js-property.com; mborsberry@innovationstockley.com
Subject: Re: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Malhotta,

We were previously told that the Council's photograph was taken in May 2008 and even if it was taken in June 2010 it is now over 10 years since that date.

What was the point in writing letters to the inspector's clerk and earlier to the then tenant of Wall Garden Farm stating that the enforcement notices are no longer valid and that the Council would take no further action if that information was incorrect?

You seem to be quite determined to refuse this application by whatever means. I wonder why? Why cause a thriving local business to be shut down and put local people in jeopardy of unemployment at this difficult time.

This will put local people out of work and remove an important parking asset from London Airport. We note that London Airport has recently been overtaken by Charles De Gaulle Airport in Paris as Europe's busiest airport. Perhaps that is not surprising!

We have also written to local Councillors.

Regards

Ian T Donaldson

-----Original Message-----

From: Mandip Malhotra <MMalhotra@hillingdon.gov.uk>
To: Ian T Donaldson <iantdonaldson@aol.com>
CC: m.borsberry@js-property.com <m.borsberry@js-property.com>; m.borsberry@innovationstockley.com <m.borsberry@innovationstockley.com>; Richard Phillips <richardp@hillingdon.gov.uk>; Noel Kelly <NKelly@hillingdon.gov.uk>; Desmond Adumekwe <DAdumekwe@hillingdon.gov.uk>
Sent: Wed, 28 Oct 2020 13:32
Subject: RE: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Donaldson

Thank you for your email of 27/10/20.

I note the contents of your email referring to an officer's email being sent as part of the previous appeal process advising that they considered that the enforcement notices were no longer relevant, by virtue of time and therefore serve no purpose in the determination of the LDC appeal, but it is clear that this assertion was corrected by the Inspector in their decision letter and cannot now be relied upon as grounds for an appeal or judicial review.

Notwithstanding the above, you also claim that further to the Inspector's decision on the previous LDC appeal (and their view that the vehicle storage activity ceased at the site in or around 2008), the use recommenced and has now been continuous for at least a 10 year period. However, the Inspector did refer to an aerial photograph of June 2010 which has been re-submitted as part of this application which shows limited numbers of vehicles present at the site at that time. The previous Inspector advised that the aerial photographic evidence only suggested that vehicle storage was taking place from at least September 1999 to March 2005 and that it also occurred from at least July 2013 onwards up to the application date. As no compelling evidence has been submitted that deals with the June 2010 to

July 2013 period (you have not submitted and only 'list' a 2012 aerial photograph and a valuation office information request of 10/04/12, which in any event would not take us back to the beginning of the previous 10 year period), it has therefore not been established when the use re-commenced during this period and as a result whether it has been continuous for at least the last 10 years.

Accordingly on this basis Council Officers will proceed with refusal of the Certificate of Lawful Development application and you can expect to receive the decision shortly. You will of course have the opportunity to appeal against the decision.

Kind regards

Mrs Mandip Malhotra
Strategic and Major Applications Manager

Planning Department
Residents Services
3N, Civic Centre
London Borough of Hillingdon
Tel: 01895 558384

Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

From: Ian T Donaldson <iantdonaldson@aol.com>
Sent: 27 October 2020 14:56
To: Mandip Malhotra <MMalhotra@hillingsdon.gov.uk>
Cc: m.borsberry@js-property.com; m.borsberry@innovationstockley.com
Subject: Fwd: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Malhotra,

I understand that Mr Phillips is out of the office all this week so please read the below the email below and stop any refusal and prevent a great deal of unnecessary work before it is too late.

Regards

Ian T Donaldson

-----Original Message-----

From: Ian T Donaldson <iantdonaldson@aol.com>
To: richardp@hillingsdon.gov.uk <richardp@hillingsdon.gov.uk>; NKelly@hillingsdon.gov.uk <NKelly@hillingsdon.gov.uk>
CC: mborsberry@js-property.com <mborsberry@js-property.com>; m.borsberry@innovationstockley.com <m.borsberry@innovationstockley.com>
Sent: Tue, 27 Oct 2020 14:21
Subject: Re: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Phillips,

There has been copious correspondence concerning this application and previous appeal in the past.

The main points are:

1. That the LB of Hillingdon **confirmed** to the Appeals officer concerning the 3 enforcement notices that:

"The enforcement notices relevant to this site are listed below (see attached) Due to the historic nature of these notices no hard copies are available to send. It is the Council's view, that by virtue of time, these notices are no longer relevant and serve no purpose in the determination of this LDC appeal." An original letter was sent to the then tenant of Wall Garden farm also stating the above and confirm that the Council did not intend to take any further action.

What is the point of the above if you are now stating the opposite.

2. The second reason why the appeals inspector dismissed our application, that the Wall Garden Site has not been in continuous use for the storage of vehicles for a period exceeding 10 years was on the basis that the Council provided one aerial photograph showing the site almost empty

of vehicles. That photograph was dated right at the start of the 10 years (May 2008) but it is now well over 10 years from that date so at the present time there is no evidence that the Wall Garden site has not been continuously used for the storage of vehicles for a period exceeding 10 years.

It is, therefore, our opinion that:

A. The original notices are no longer valid as confirmed by the Council above.

B. The site has been in continuous use for a period exceeding 10 years and has therefore acquired permitted development rights.

We really do not understand why the Council is seeking to close this site down. JS Properties pay a substantial amount of rates to the Council every year. It is a valuable asset for business parking for Heathrow Airport. It provides local employment. If and when the third runway is built as the government intends then this land will be sequestered anyway. It will never be used as a farm again. I trust that someone or some organisation is not just trying to reduce the land value so that it can be acquired at a much lower price.

My client has stated that if it is refused then JS Property will go to appeal.

Regards

Ian T Donaldson

-----Original Message-----

From: Richard Phillips <richardp@hillingdon.gov.uk>

To: Ian T Donaldson <iantdonaldson@aol.com>

CC: Noel Kelly <NKelly@hillingdon.gov.uk>

Sent: Mon, 26 Oct 2020 18:09

Subject: RE: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Donaldson,

I have now had the chance to go through this certificate of lawfulness application.

The starting point for my consideration is the appeal decision on the previous application for a similar certificate of lawfulness which was dismissed on 23/10/19 (App. No. 3952/APP/2018/1283 refers).

In the Inspector's decision letter, he noted that a number of enforcement notices had been served in the 1970s and 1980s for the parking and storage of vehicles at the site and that no evidence had been provided to demonstrate that the notices were no longer in effect. Therefore the use was not lawful as it breached the requirements of the enforcement notice(s).

The Inspector then noted that it was not strictly necessary given these findings to consider whether the vehicular storage use had been continuous for more than 10 years prior to the application date but he choose to do so and reached the conclusion that on the evidence before him, it had not been demonstrated that the use had been continuous. The Inspector concluded:-

'Therefore, on the balance of probability and based on the evidence available I find that the use contravenes the requirements of enforcement notices which are in force. Even if that were not the case, it has not been shown that the use was continuous for more than ten years prior to the application date. It follows that the available evidence does not show that there was a subsisting lawful use at the site for the storage of vehicles at the time the application was made.'

The information submitted with this application does not deal with the enforcement notices and is mainly the same as that which the previous Inspector considered.

I will therefore recommend that the certificate of lawfulness is refused.

Regards,

Richard

From: Ian T Donaldson <iantdonaldson@aol.com>
Sent: 19 October 2020 14:21
To: rphillips@hillingdon.gov.uk
Cc: mborsberry@js-property.com
Subject: Re: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Phillips,
re your email below:

I attach the original application drawings WGF PLN 1A dated 05 April 2018. These show the red line on the Location Plan at a scale of 1:1250.

I also attach a later version that shows an updated plan of the London Airport 3rd runway proposal. (Sorry this attachment could not be attached as it apparently exceeds the 25Mb limit of your gateway) Please let me know if you do not have this drawing. I think it was handed to the previous planning officer by hand.

We have previously sent a series of 8 aerial photographs with dates over some 15 years. Please confirm that you have these.

Regards

Ian T Donaldson
Chartered Architect and planning agent
on behalf of JS-Properties

-----Original Message-----

From: Richard Phillips <rphillips@hillingdon.gov.uk>
To: Ian T Donaldson <iantdonaldson@aol.com>
Sent: Mon, 19 Oct 2020 13:40
Subject: Re: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Donaldson,

Thank you for your email and I am the new case officer who is dealing with this application and I do apologise for the delay in determining it.

I have only had a quick look at the application but I did notice that I could not see that a 1:1250 Location Plan had been submitted, with the extent of the application site outlined in red and any other land in your clients ownership outlined in blue. Can this be supplied please? Once I have this I will be able to review the application.

Regards,

Richard

On Mon, 19 Oct 2020 at 12:17, Ian T Donaldson <iantdonaldson@aol.com> wrote:

Dear Mr Phillips,
I understand that you are now dealing with this application.
Please update me with the latest status as per my email below.

I understand that Mr Lancaster had recommended it for approval but I have not had any communication from Hillingdon since.

Regards

Ian T Donaldson
Agent on behalf of JS Properties.

-----Original Message-----

From: Ian T Donaldson <iantdonaldson@aol.com>
To: clancaster@hillingdon.gov.uk <clancaster@hillingdon.gov.uk>
CC: mborsberry@jsproperty.com <mborsberry@jsproperty.com>
Sent: Wed, 16 Sep 2020 16:23
Subject: 3952/APP/2019/370 Wall Garden Farm

Dear Mr Lancaster,
Would you please update me with the current status of this application following my reply to your email of 23 July 2020.
Regards

Ian T Donaldson

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Richard Phillips
Planning Case Manager
Major Applications Team
Residents Services

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