
Appeal Decisions

Inquiry held on 15 – 17 July 2014

Site visit made on 17 July 2014

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 October 2014

4 Appeals at Marlow, High Road, Thornwood, Epping CM16 6LU

- The appeals are made under section 174 (Appeals A & B) and section 78 (Appeals C & D) of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Timothy Evans.
- All evidence of matters of fact in support of the appellant on the enforcement appeal on ground (d) was given under oath.

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18 September 2014.

Appeal A: APP/J1535/C/13/2209407

- The appeal is made against an enforcement notice issued by Epping Forest District Council.
- The Council's reference is ENF/0021/13.
- The notice was issued on 18 October 2013.
- The breach of planning control as alleged in the notice is the change of use of the Land from agriculture for the purpose of storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste together with the stationing of related plant and machinery.
- The requirements of the notice are: 1. Cease the use of the Land for storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste. 2. Cease the use of the Land for the stationing of plant and machinery in connection with the recycling business. 3. Remove from the Land all concrete, hardcore, tarmac and screened waste, machinery and plant. 4. Restore the Land to its condition prior to the unauthorised development having been carried out.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal B: APP/J1535/C/13/2209409

Marlow, High Road, Thornwood, Epping CM16 6LU

- The appeal is made against an enforcement notice issued by Epping Forest District Council.
- The Council's reference is ENF/0021/13
- The notice was issued on 18 October 2013.
- The breach of planning control as alleged in the notice is the change of use of the Land from use as a *ménage (sic)* for the purpose of parking and storage of vehicles and the storage of plant and machinery in connection with the recycling business operating from the adjoining land.
- The requirements of the notice are: 1. Cease the use of the Land for the parking and storage of vehicles. 2. Cease the use of the Land for the storage of plant and

- machinery. 3. Remove from the Land all vehicles, plant and machinery. 4. Restore the Land to its condition prior to the unauthorised development having been carried out.
- The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal C: APP/J1535/A/13/2206035
Marlow, High Road, Thornwood, Epping CM16 6LU

- The appeal is made under of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Timothy Evans against the decision of Epping Forest District Council.
 - The application Ref EPF/0868/13, dated 29 April 2013, was refused by notice dated 18 September 2013.
 - The development proposed is use of land for storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste together with stationing of related plant and machinery.
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Appeal D: APP/J1535/A/13/2209276
Marlow, High Road, Thornwood, Epping CM16 6LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Timothy Evans against the decision of Epping Forest District Council.
 - The application Ref EPF/0877/13, dated 29 April 2013, was refused by notice dated 18 September 2013.
 - The development proposed is use of existing menage (*sic*) for the parking/storage of vehicles and plant and machinery in connection with established recycling business
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Decisions

Appeal A: APP/J1535/C/13/2209407

1. The enforcement notice is varied by the deletion of the words (*crushing and screening*) in the allegations and requirements and the substitution of the Plan A attached to this Decision for the Plan attached to the enforcement notice. Subject to these variations the appeal is dismissed and the enforcement notice is upheld in respect of the area hatched black on Plan A.

Appeal B: APP/J1535/C/13/2209407

2. The appeal is dismissed and the enforcement notice is upheld.

Appeal C: APP/J1535/A/13/2206035

3. The appeal is dismissed insofar as it relates to the crushing and screening operations on the land. The appeal is allowed insofar as it relates to the remaining operations and planning permission is granted for the use of the land for storage, sorting, distribution and recycling of concrete, hardcore, tarmac and screen waste together with stationing of related plant and machinery at Marlow, High Road, Thornwood, Epping CM16 6LU in accordance with the terms of the application, Ref EPF/0868/13, dated 29 April 2013, and the plans submitted with it, and subject to the conditions attached as Annex A to this Decision.

Appeal D: APP/J1535/A/13/2209276

4. The appeal is allowed and planning permission is granted for the use of existing manège for the parking/storage of vehicles and plant and machinery in connection with established recycling business at Marlow, High Road, Thornwood, Epping CM16 6LU in accordance with the terms of the application, Ref EPF/0877/13, dated 29 April 2013, and the plans submitted with it, subject to the conditions attached as Annexe A to this Decision.

Main Issues

5. I consider that the main issues in these cases are:

Appeals C & D

- (i) whether the development represents inappropriate development within the Green Belt and, if so, whether there are any material considerations that outweigh the harm caused by such development, and any other harm, and are sufficient to justify the proposal on the grounds of very special circumstances.
- (ii) the effect of the development on:
 - (a) the living conditions of occupiers of neighbouring properties with particular reference to noise and disturbance
 - (b) the character and appearance of the surrounding area

Appeal A, ground (d)

- (iii) whether the development is immune from enforcement action through the passage of time.

Procedural matters

6. At the opening of the Inquiry, the Council confirmed that it was not raising any objections to the grant of planning permission based on flood risk or highway safety, although both these issues had been referred to in the enforcement notices. Also, after updated evidence on noise had been presented, the Council's expert witness accepted that the latest attenuation measures carried out have reduced the noise coming from the site to acceptable levels and agreed that these measures could be maintained through conditions attached to any planning permission. The Council therefore formally withdrew its objections to the scheme on noise grounds.
7. Similarly, the Council's planning witness agreed that the landscape impact of the additional areas being used for the waste re-cycling business could be satisfactorily mitigated through the imposition of a landscaping scheme on surrounding land, which is in the ownership of the appellant. The Council nevertheless, maintained its objections on Green Belt grounds.

Appeal A - the 'land' enforcement notice

8. It was accepted at the Inquiry that although the Council believed that operations relating to crushing and screening of materials on the area of land marked on the plan attached to the enforcement notice that is the subject of appeal A had taken place at some point, it accepted that it could not show that this alleged use was taking place at the time the enforcement notice was issued. The appellant agreed that his appeal on ground (d) did not include evidence relating to this aspect of the allegations and both main parties invited me to delete this wording from the notice.

Site and surroundings

9. The site at Marlow lies in Green Belt countryside on the edge of the village of Thornwood. It has been used for many years as a recycling facility dealing with inert waste such as concrete, hardcore and tarmac but the wider site contains the appellant's dwelling, a stable block and land formerly used as an associated manège. Certificates of Lawful Use (CLUs) have been issued in respect of the operations on Marlow but the appellant has expanded his business into the adjacent property, known as 'Esperanza'. The 'land' enforcement notice seeks to prevent that use from continuing.
10. The former manège was granted planning permission some years ago but has also now been incorporated into the business and is used for the parking and storage of vehicles, plant and machinery. It is the 'manège' enforcement notice that is the subject of appeal B. The manège is located between the stable block and the area authorised for the waste recycling business within the Marlow land.
11. The Esperanza land was not bought by the appellant until 2009 but he had been using it informally since he purchased the Marlow site as a paddock for his horses. There was also an overgrown area of trees and scrub, referred to as the Orchard, part of which lies within the area enforced against in the 'land' notice. Much of this area has now been cleared of vegetation and part of it is being used for the business. The area enforced against is agreed to be about 20m wide, although the area for which planning permission is sought under appeal C is 10m wide where it abuts the former scrubland, reducing to 5m where it adjoins the paddock.

Reasons

Appeal A: Ground (d)

12. For the appeal on ground (d) to succeed, the uses enforced against must have been taking place on the land for at least 10 years before the issue of the enforcement notice, i.e. 18 October 2003. The appellant submits that he has been using the Esperanza land for the purposes alleged in the 'land' notice (apart from crushing and screening) for many more than the 10 years that would render them immune from enforcement action. To support this claim he has produced witnesses who confirmed how the land was used and photographs showing plant and machinery within that land. Both main parties have submitted aerial photographs, dated from between 1996 and 2013 which they consider support their cases.
13. In terms of the storage, sorting and recycling of the inert waste materials that have been imported into the Marlow site, the appellant submits that materials had gradually slipped into the Esperanza land as lumps of concrete etc. rolled off the top of the stock piles that were being processed on the Marlow land. It is clear from the photographs that, by 2009, the year in which the appellant purchased Esperanza, the stockpiled materials had extended into that land by about 20m along the length of its boundary with the area of the authorised waste business.
14. Earlier photographs certainly show some incursions of the piles into the treed area along the boundary of the Orchard and the appellant submits that there were further areas that are difficult to see from the air, as any material was hidden beneath the green canopy. However, the first photograph that shows

- any significant incursion is that taken in 2005; prior to that time I consider that there is little to indicate that an area 20m deep was being used as additional storage for materials from the piles in the Marlow site.
15. If some roll-off of concrete had occurred across all the relevant area, it does not appear to have been retrieved and pulled back into the main stockpiles on any significant scale. If this had been the case, there would, I consider, have been some visible disturbance to the tree cover but there is no perceptible difference between that immediately adjacent to the small areas of incursion and the rest of the Orchard.
 16. The site was visited twice in 2004 by an enforcement officer from the Council, following complaints about the incursion of stockpiles into the adjacent land. Photographs from that date certainly show that there was some roll off into the Esperanza land but this was said, at that time, to extend to an area about 5m wide. The enforcement officer marked what he considered to be the boundary of Marlow on one of these photographs but the appellant considers that he made a mistake and had actually shown the boundary some distance into the Esperanza land. If this is correct, then it would be the case that the stockpiles had encroached some distance over the Marlow boundary by that time.
 17. However, the claim that the boundary is wrong is based, in part, on the fact that there is a tree in the photograph that the appellant says must be on Esperanza land because by 2004 all the trees had been cleared from Marlow. Nevertheless, the 2007 and 2009 aerial photographs show shadows cast into the manège from trees which are on, or within, the boundary of the Marlow land.
 18. It is now virtually impossible to be clear about the locations from which some of the ground level photographs relied upon were taken, as there has been a wholesale clearance of the vegetation since then. The only remaining fixed point is 'tree 1' which is located on the western boundary of the Marlow land where it intersects with Esperanza and the adjacent rugby club. Whilst this helps to pinpoint some of the photographic locations, much of the interpretation must necessarily be speculation. I am therefore not persuaded that the relevant photograph is conclusive on this matter.
 19. I consider that the evidence of the use of the enforcement area for the storage of the inert waste materials brought onto the site for processing is not unambiguous enough for me to conclude, on the balance of probabilities, that it had spread 20m into the Esperanza land for a period of 10 years prior to the issue of the notice. There seems to have been what was referred to as a 'gentlemen's agreement' between the original enforcement officer and the appellant about the 5m 'buffer zone', and I conclude that this is the limit of the extent of the encroachment.
 20. Turning to the other uses of the enforcement notice land to which the appellant submits the land had been put, these include the storage of machinery, lorry parts and tyres that were previously used in his business and were placed on the land to be used for spare parts if needed. There are, indeed, photographs of various vehicle parts, disused machinery and tyres scattered amongst the vegetation on the land. The Inquiry heard that the appellant would allow business contacts to search through the Orchard area to salvage for parts for their own vehicles.

21. Again, there is no definitive evidence on the extent of the encroachment of these items into the Esperanza land but, in any event, I do not consider that the placing of them on it amounts to the material change of use enforced against, that is the '*stationing of plant and machinery in connection with the recycling business*'. This description, I consider, relates to the use of fully operational machinery from the Marlow site moving onto the Esperanza land in connection with the daily operation of the business. Although it has been agreed that the crushing and screening was not taking place at the time the enforcement notice was issued, the stock piles had encroached onto the Esperanza land by that time and were being moved with the equipment used in the business based on the Marlow land.
22. There is some evidence that vehicle and machinery parts may have been salvaged for spares for the business but the appellant's evidence was that this happened several years ago and there is little to show that this had been a regular occurrence over the requisite 10 years. Selling parts to others does not, to me, relate directly to the waste re-cycling business. Tyres were used to hold down covers on the soil heaps but the appellant confirmed that he had had to pay to have a large number of tyres removed from the land, indicating that they were of no further use to him.
23. The appellant notes that the machinery and parts would have had a scrap value and, if they were not being used for the business, he would have been better off selling them as such. This may be so, but it seems more likely that, while the items were scattered within the Orchard, it was less trouble to leave them there and allow others to salvage what they could from them.
24. I also note that the appellant confirmed that he was hoping to demonstrate a 10 year use of the land for his business and was advised to keep the items to support his case. In conclusion, I consider that even if the items deposited on the land were once used specifically in connection with the waste recycling business, by the time they had been, in effect, scrapped, their storage on the land was no longer connected to the operation of the waste business enforced against.
25. For all the above reasons, I find that it has not been demonstrated, on the balance of probabilities, that the use of all the area of Esperanza land enforced against has gained immunity from enforcement action through the passage of time. I will however, indicate on Plan A attached to this Decision, the 5m wide area of the '*gentlemen's*' agreement' on the Marlow boundary, which I consider has been in use by the waste business since the relevant date. The appeal on ground (d) succeeds to this limited extent.

Appeals C & D

Green Belt

26. The appellant seeks planning permission for the use of a 10m wide area adjacent to the Marlow boundary, reducing to 5m where it leaves the Orchard and runs within the paddock area, for the waste re-cycling business. He also wishes to use the former manège for parking and storing of vehicles and plant associated with the business. All the subject land lies within the Green Belt and there is no dispute between the parties that the change of use of the Esperanza land would be inappropriate and that harm by definition would be consequently associated with this.

27. The appellant however disagrees that the use of the manège would also be inappropriate in Green Belt terms. He refers to paragraph 89 of the National Planning Policy Framework (NPPF) where it states that redevelopment of previously developed sites may not be inappropriate provided that there would be no greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
28. However, this paragraph relates to the construction of new buildings on such land, not to changes of use. Changes of use are not included in the list of exceptions to inappropriate development and I therefore consider that the proposal to use the land in a different way to the open manège also amounts to inappropriate development.
29. However, any harmful impact on openness in this area would be caused only by the transitory stationing of the plant and machinery and would not be as permanent as the construction of a new building. The manège is already surrounded on 3 sides by authorised development and now that I have found that there is also a 5m wide strip of lawful development on the Esperanza land, it is consequently completely enclosed by other development. The contribution it makes to Green Belt openness is therefore minimal.
30. Similarly, the level of harm relating to loss of openness, through the creation of stockpiles up to about 6m high on the Esperanza land, and the harm due to the consequent encroachment into the countryside, would not be constant, as the piles would vary in height and ground coverage, depending on the status of the business. I also consider that there would be no encroachment into the countryside caused by the use of the manège land, as it is already falls outside the countryside and has done since the planning permission was granted that changed it from its previous agricultural use.
31. Nevertheless, the proposed developments will cause harm as noted above and planning permission could only be granted for them if there are any material considerations that are sufficient to outweigh that harm and amount to the very special circumstances needed to overcome the policy objection to the developments.

Living conditions and landscape impact

32. The Council has now withdrawn its reasons for refusal based on a possible increase in noise levels should planning permission be granted and accepts that this could be controlled by condition. Similarly, it has also agreed that landscaping conditions could satisfactorily mitigate the impact of the developments on the character and appearance of the surrounding area. I find no reason to disagree with these assessments and conclude that there would be no additional harm arising from these issues that would weigh against the proposed developments.

Very special circumstances

33. There have been a number of complaints about the noise and disturbance caused by the operations on the Marlow land and neighbouring occupiers have clearly experienced harm to their living conditions and residential amenity because of the operation of the business. At present there are no conditions that regulate the use of the site, as the authorised use was established through the passage of time, not the grant of a planning permission.

34. Recently, the appellant has put into place a number of noise attenuation measures that appear to be working, as third parties at the Inquiry were under the impression that the appellant had reduced the scope of his operations prior to the date of the Inquiry, to limit the noise levels and subsequent complaints. However, the expert witness on noise who reported on the current levels explained that the hours of use logged on the crushing machine, which is the greatest producer of noise, had not changed to any extent in recent months.
35. I also heard the machinery in use at my site inspection and noticed that the noise of the crusher was barely perceptible beyond the site boundary even when not masked by the intermittent noise of overflying planes associated with the nearby North Weald Airfield. I therefore accept that the modifications to the crusher and hopper and the use of localised screening have resulted in noise levels falling to an acceptable level and this is also agreed by the Council, as previously noted. It is also the case that there is no dispute that there is nothing at present to ensure that these noise levels remain at these lower levels.
36. The grant of planning permission could ensure that conditions are imposed that require the whole site, including all the areas that are within the control of the appellant but outside the areas enforced against, to be subject to regulation. Although environmental regulations, rather than planning conditions, could deal with any significant noise nuisance, it is telling that although there have apparently been complaints to the Council about the operation of the site, these have not been considered serious enough to result in any warnings being passed on to the appellant.
37. Third parties who attended the Inquiry nevertheless explained how they had been badly affected by noise from the site and it would be of great benefit to them to know that the levels of disturbance they have experienced in the past would not be permitted in the future. Similarly, landscaping conditions could be imposed to improve the appearance of all of the Marlow land, not just the manège, as well as providing screening to both the authorised and unauthorised parts of the Esperanza land. It would also be possible to limit the hours during which the business can operate, which are unregulated at present.
38. Further to my findings on the ground (d) appeal, the area of land that would fall outside the authorised areas would be the manège and a 5m wide strip in the former Orchard and paddock. The harm associated with this relatively small area would be limited and I consider that the considerable benefits of regulating the existing development would be a very strong material consideration weighing in favour of allowing the appeals. Although the appellant has stated that he intends to operate the business in as neighbourly a manner as possible, the site and business could change hands in the future and there is no guarantee that a future owner would operate in the same way.
39. I conclude that the benefits of regulating the existing development are sufficient to outweigh the conflict with Green Belt policy as set out in policies GB2A and CP2 of the Epping Forest District Local Plan Alterations 2006 and paragraph 89 of the National Planning Policy Framework and amount to the very special circumstances needed to outweigh the presumption against inappropriate development and the additional harm caused to Green Belt openness.

Conditions

40. In addition to those conditions already discussed in preceding paragraphs, a number of others have been suggested, should planning permission be granted for the applications. As the development has already commenced there is no need to attach the standard time limit condition for this but I will impose conditions to limit working hours on the site, including the use of the crusher.
41. When imposing conditions to limit the noise levels on site, I shall also include retention of the measures that have already been employed and ensure that the location of the crusher is restricted to the Marlow site, to protect the living conditions of occupiers of neighbouring properties.
42. Part of the package of benefits offered by the appellant includes the resurfacing of the access way and parking areas and the provision of wheelwashing facilities to prevent mud and debris being deposited on the highway, and the provision of loading/unloading areas and turning areas. These provisions, and the prevention of any other uses in these areas, will also be secured through a condition, in the interests of highway safety.
43. As noted above, the landscaping of the appeal sites and the land outside their boundaries, where it is in the ownership of the appellant, will be needed to ensure that the waste recycling business is acceptable in terms of its visibility in the countryside. The suggested condition limiting the use of the manège area to storage and parking is not required as it is only this use for which planning permission is to be granted.

Appeals A and B - grounds (f) and (g)

44. Planning permission is to be granted retrospectively for Appeals C and D and as the use has already commenced, this will, in the case of Appeal B, effectively override the enforcement notice. In respect of Appeal A, there will still be a strip of land, 10m wide, to which the enforcement notice applies. Although the appellant has suggested that lesser steps could render the use on this land acceptable, he has not indicated what these should be.
45. In any event, the land in question has been cleared of items related to the waste re-cycling business and, at the time of the site visit, was not being used for this purpose. Although vegetation has also been removed, this was not a matter covered by the enforcement notice and all that can be required is the land to be kept in an open condition and not used for the business. Therefore the enforcement notice has effectively been complied with. Similarly, there is no need to extend the time period for compliance with the notice, as this has already been done. The enforcement notices will not therefore be amended and the appeals on grounds (f) and (g) fail.

Conclusions

46. For the reasons given above, I find that that Appeal A should succeed on ground (d) in respect of a 5m wide strip of land adjacent to the Marlow land and an amended plan will be substituted for that originally attached to the enforcement notice. I will also remove the references to crushing and screening as it has been agreed that this was not occurring on the land at the time the notice was issued. Appeal B fails but the enforcement notice to which it relates will be superseded by the planning permission that will be granted under Appeal D.

47. Appeal C also succeeds in part and planning permission will be granted, with conditions, for the waste recycling business on a 10m wide strip of land on the border with Marlow on the Esperanza land. However, the processes of crushing and screening will not be permitted on this area.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Scott Lyness	Of Counsel, instructed by J Lovatt, Solicitor for appellant
He called	
Timothy Evans	Appellant
Nichola Sullivan	Witness for appellant
Darren Griffith	Witness for appellant
Stephen Parker	Witness for appellant
Justin Burling	Witness for appellant
Christopher Johnston-Ward BSc MIOA	Noise consultant
Trevor Dodkins BSc (Hons) DipTP MRTPI	Phase 2 Planning & Development Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Giles Atkinson	Of Counsel instructed by Epping Forest District Council
He called	
Richard Thomason Dip Acoustics & Noise Control (Institute of Acoustics)	Environment and Neighbourhoods Officer, Epping Forest District Council
Jeremy Godden MRTPI	Principal Planning Officer, Epping Forest District Council

INTERESTED PERSONS:

Barbara Waters	Local resident
Cllr. Baden Clegg	Ward Councillor
Claire Clegg	Local resident
Andrew MacPherson	Local resident
Alan Cherry	Local resident
Susan de Luca	Clerk to Parish Council

DOCUMENTS

- 1 Letter of notification and circulation list
- 2 Letter from (local Councillor)
- 3 Statement of Common Ground
- 4 Notes of Mr Lyness' opening statement
- 5 Notes of Mrs Clegg's statement
- 6 Letter from Ms de Luca
- 7 Notes of Mr Cherry's statement
- 8 Notes of Mr McPherson's statement
- 9 Notes of Mrs Waters' statement
- 10 Notes of Cllr. Clegg's opening statement
- 11 Revised list of suggested conditions
- 12 Notes of Mr Atkinson's closing submissions
- 13 Notes of Mr Lyness' closing submissions
- 14 Copy of TPO for Esperanza land

PLANS

- A Location of Mr Evans' photographs
- B Amended page 35 of Mr Evans' appendices showing Marlow boundary

PHOTOGRAPHS

- 1 Enlarged version of Mr Dodkins' Appendix 7
- Photo set 2 Scaled aerial photographs from 2002, 2007 and 2009

Annex A

Conditions to be attached to planning permissions EPF/0868/13 and EPF/0877/13

- 1) The use hereby permitted shall not operate outside the following times: 0630 – 1700 Monday to Friday and 0630 – 1300 on Saturday and not at all on Sundays or Bank Holidays, with the exception of the parking of vehicles.
- 2) Notwithstanding condition 1 above, the concrete crusher shall not operate or be loaded outside the hours of 0900 – 1700 Monday to Friday and 0900 – 1300 on Saturday and not at all on Sundays or Bank Holidays.
- 3) No development hereby approved shall take place until and unless the following Retained Noise Control Measures have been implemented and maintained, in accordance with the approved 'Specific Noise Measurements and Noise Limits For Crusher Operations at Marlow, Thornwood Common, Epping 140014: Crusher Noise Limits Rev 2' dated 5 August 2014 or as otherwise agreed in writing with the Local Planning Authority:
 - (a) The secondary silencer currently fitted to the engine exhaust is to be retained and maintained in good condition or replaced with an equivalent silencer.
 - (b) The acoustic screens currently located in front of the engine air vents are to be retained and maintained in good order or replaced with equivalent screens.
 - (c) The spoil heap to the north of the crusher which currently acts as a noise barrier is to be maintained at a height of not less than 5 metres and shall extend to a minimum distance of 5 metres from the rear end of the crusher and shall extend to a minimum distance level with the end of the conveyor at the front of the crusher.
 - (d) The base of the spoil heap to the north of the crusher which currently acts as a noise barrier shall, in addition to the minimum dimensions detailed in 3 above, be no further than 5 metres from the crusher.
 - (e) Regardless of the position or location of the crusher, the relationship of the positioning, height and length of the spoil heap/noise barrier to the crusher shall be maintained when crushing operations are carried out.
 - (f) There shall be no distinct features, as described in BS4142:1997, associated with noise emission from the crushing operations, including a distinguishable, discrete, continuous note or distinct impulses.
 - (g) The limits set out in (a) to (f) above shall apply to all future crushing operations on the Marlow site irrespective of the make, design or size of the existing crusher or any replacement crushers.
- 4) The location of any concrete crushing machinery shall be limited to the Marlow site area as defined in blue on Plan B attached to this Decision (reference C13032-Conditions), and not within the Esperanza area marked in green.

- 5) Within 3 months of the date of this Decision details of:
- (a) the parking areas and the surfacing thereof;
 - (b) the provision of loading/unloading areas;
 - (c) provision of turning space;
 - (d) provision of wheel washing facilities
- shall be submitted to and approved in writing by the local planning authority. The details shall include a timetable for implementation. The measures are to be implemented as approved in accordance with the timetable and thereafter retained. The parking/loading/unloading areas and turning space shall not be used for any other purpose.
- 6) Within 3 months of the date of this Decision, a landscaping scheme showing the treatment of all parts of the site not to be used for the waste recycling business, including the boundary treatments on both the Marlow and Esperanza land, is to be submitted to the local planning authority for approval. The scheme is to include details of trees and shrubs to be planted and a timetable for implementation. The approved scheme is to be implemented in accordance with the timetable therein and all planted material shall be maintained for a period of not less than 5 years from the date of planting. Any plants that die, are removed or become seriously diseased during this period shall be replaced in the next available planting season in accordance with the approved scheme.

Plan A

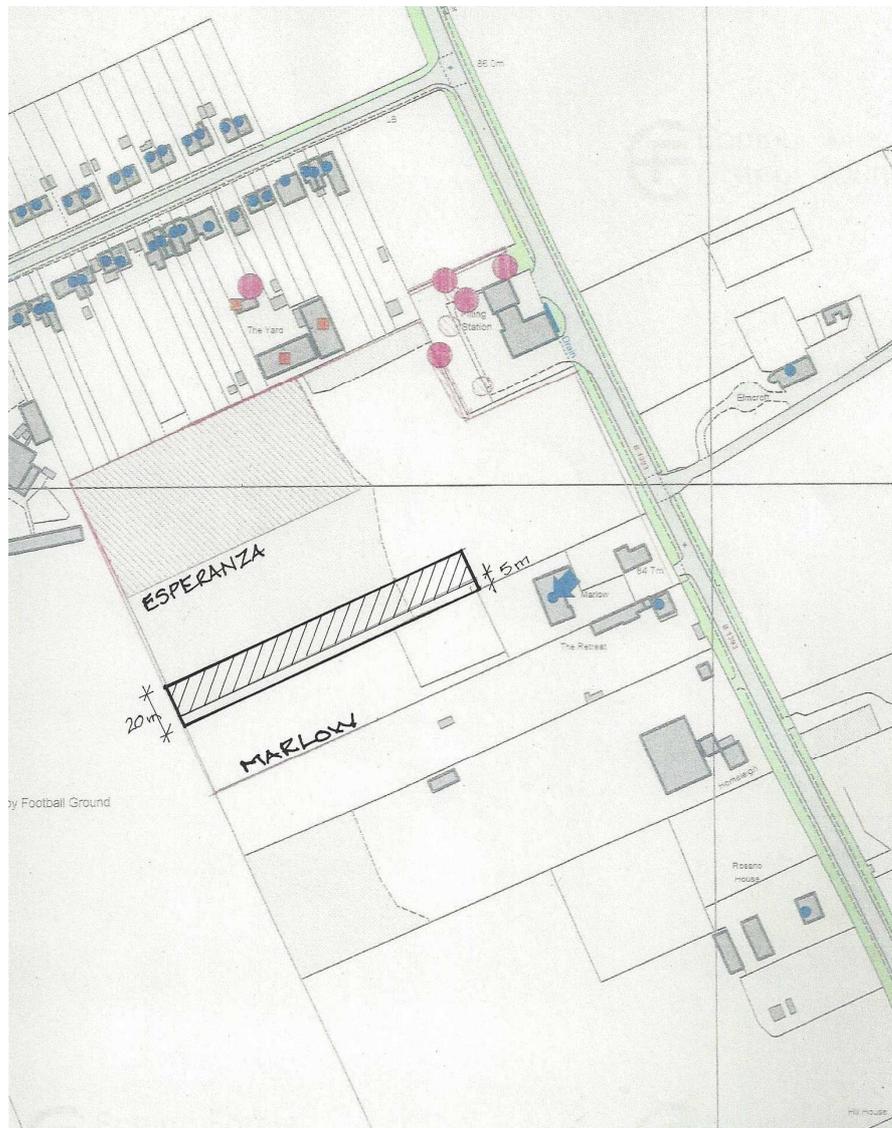
This is the plan referred to in my decision dated: 21.10.2014

by **Katie Peerless Dip Arch RIBA**

Land at: Marlow, High Road, Thornwood, Epping CM16 6LU

Reference: APP/J1535/C/13/2209407

Scale: NTS



The area hatched black adjacent to the Marlow land is the area to which the enforcement notice applies

Plan B

This is the plan referred to in my decision dated: 21.10.2014

by **Katie Peerless Dip Arch RIBA**

Land at: Marlow, High Road, Thornwood, Epping CM16 6LU

Reference: APP/J1535/A/13/2206035 & APP/J1535/A/13/2209276

Scale: NTS

