

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 16 November 2006

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 7.50 pm

Members Present: B Sandler (Chairman), M Colling, Mrs H Harding, D Kelly, P McMillan, D Stallan, P Turpin and K Wright

Other

Councillors: Mrs D Collins, R Frankel, Mrs A Grigg, S Metcalfe and Mrs P K Rush

Apologies: Mrs D Borton, Mrs R Gadsby, J Hart, J Markham, Mrs P Smith and Mrs L Wagland

Officers Present: R Rose (Senior Lawyer), S Solon (Principal Planning Officer) and S G Hill (Senior Democratic Services Officer)

25. WEBCASTING INTRODUCTION

The Committee noted that the meeting was to be webcast.

26. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor D Stallan was substituting for Councillor J Hart.

27. DECLARATIONS OF INTEREST

(a) Pursuant to the Councils Code of Member Conduct, Councillor D Stallan declared a personal interest in item 6 (Blunts Farm, Coopersale Lane, Theydon Bois) by virtue of being the Chairman of an Overview and Scrutiny Committee on Golf Course Development. The Councillor indicated that he proposed to stay in the meeting and take part in the debate on that item.

(b) Pursuant to the Councils Code of Member Conduct, Councillor D Collins declared a personal interest in item 6 (Blunts Farm, Coopersale Lane, Theydon Bois) by virtue of being a neighbour of the site. The Councillor indicated that she proposed to stay in the meeting as a non-member of the Committee and take part in the debate on that item.

28. ANY OTHER BUSINESS

It was noted that there was no further urgent business for consideration at the meeting.

29. BLUNTS FARM, COOPERSALE LANE, THEYDON BOIS - ENFORCEMENT ACTION

The Committee received a report regarding the current progress of an appeal against Enforcement Notices relating to land at Blunts Farm, Theydon Bois. The Committee,

at its meeting on 17 January 2006 had agreed to issue enforcement notices and stop notices in respect of operational development and a breach of condition 12 of the planning permission for the golf course on the Blunts farm site granted on 23 April 2002 under planning permission. EPF/765/99.

Enforcement Notices under section 172 of the Town & Country Planning Act 1990 had been issued by the Council on 25 January 2006. No stop notices were issued since the matters the Council wished to stop, (the importation of fill material), had already ceased following the withdrawal of an Exemption Certificate to import waste to the land by the Environment Agency.

The Planning inspectorate had confirmed that these notices were subject to appeal on 31 May 2006.

The Committee had considered the matter again on 13 June 2006 and had resolved to give authority to the Head of Planning Services and the Head of Legal, Administration and Estates Services to vary the 2 enforcement notices issued 25 January 2006 so as to require the site to be remodelled and landscaped in accordance with a draft methodology agreed by the Council which essentially sought to achieve a "best fit" landscape solution based on infilling voids on the site using material sourced from the site in order to minimise HGV movements to and from it.

At the same meeting the Committee had also resolved to authorise the issuing of two new enforcement notices as duplicates of the varied notices. The purpose being to cover the possibility that the Secretary of State found that the variation to the original notices was of too great a nature to be treated as a variation and subsequently quashed them.

The varied and duplicate enforcement notices were issued on 4 August 2006.

The Planning Inspectorate had confirmed they were aware of the duplicate notices because they had received appeals against them and had also commented that the duplicate notices appear to cover the alleged breaches in the original notices or perhaps even more so and had now requested confirmation of whether the Council would withdraw the varied original notices as to do otherwise would mean the applicant incurring two sets of application costs. If the council were to withdraw the first set of Enforcement Notices it would leave the second set of 'new' notices to form the basis of any appeal hearing.

The Planning Inspectorate had also indicated informally that they took the view that the issue of the duplicate notices would result in the appellant incurring 'unnecessary' costs because the appeals against them were duplicates of the appeals against the original notices.

The main issue for the Council was how to minimise the risk of having to pay a claim for costs whilst at the same time protecting its position in relation to the appeals, ensuring that they continued and securing the Council's position in relation to the land.

At the same time that discussions had been held about the appeal position, the Council had now received a revised planning application from the appellants proposing the completion of a golf course on the site with varied landscaping and contouring. Consultation on this application was now underway. The application would be presented to the Committee for a decision in due course.

The committee considered that, based upon the balance of the issues raised, it was in the Council's interest to withdraw the original enforcement notices issued on 25 January and varied on 4 August 2006. This would then leave the 'new' notices to be appealed and would safeguard the Council's interests at any forthcoming appeal.

The Committee sought a clarification in the proposed decision wording to reflect that the second set of notices issued in August 2006 would still be in force pending the appeal.

RESOLVED:

That authority be given to the Head of Planning Services, in consultation with the Head of Legal, Administration and Estates Services, to withdraw the original enforcement notices issued on 25 January 2006 and then varied on 4 August 2006 in respect of Land at Blunts farm, Coopersale Lane, Theydon Bois, Essex and that the new enforcement notices issued on 4 August 2006 remain in force.

CHAIRMAN