

Report to District Development Control Committee



**Epping Forest
District Council**

Date of meeting: 19 October 2011

Subject: Compliance with requirements of enforcement notices, Blunts Farm, Coopersale Lane/Abridge Road, Theydon Bois

Ref: ENF/0195/06

**Officer contact for further information: Chris Neilan (Ext 4117)
Stephan Solon (Ext 4018)**

Committee Secretary: Simon Hill (Ext 4249)

Recommendation(s):

- (1) That members agree that requirement (4) of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm, is complied with; and**
- (2) That, unless a further complaint is received, no further work be carried out to investigate and secure compliance with on-going requirements of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm.**

This item was deferred from the meeting held on 5 April 2011 in order that the developer had an opportunity to carry out further remedial works on the land and to allow for of Members this Committee to inspect the site. Such works have now been carried out and a site visit has subsequently been carried out by Members therefore this item is presented to this Committee again. The report previously presented to Members is set out below.

Report Detail:

1. *Summary:*
 - 1.1 This report relates to land at Blunts Farm, Theydon Bois. It advises Members of the planning enforcement position in respect of land the subject of enforcement notices issued on 4 August 2006. It explains that the landform achieved accords with the requirements of the notices and seeks Members agreement that the requirements of the enforcement notices are being complied with. Should Members agree that is the position, they are requested to agree Officers take no further action to investigate compliance with the notices unless a new complaint alleging failure to comply is received.
2. *Background:*

- 2.1 Enforcement notices alleging, in the alternative, the raising of land and the failure to comply with condition 12 of planning permission ref. EPF/765/99, (which controls levels and contours of land given permission to be developed as a golf course) were initially issued in respect of land at Blunts Farm on 25 January 2006. Those notices required, inter alia, removal of all unauthorised imported material to the land. In giving authority to issue the notices Members made it clear that authority for Officers to vary or withdraw the notices was not given.
- 2.2 On the advice of Counsel and the Planning Inspectorate and to prevent HGV movements arising with the requirement to remove all material from the land Members subsequently agreed new notices with a lesser requirement of remodelling and landscaping the land be issued and that the initial notices be withdrawn. The new notices were issued on 4 August 2006 and became effective on 17 October 2009 following the withdrawal of appeals against the notices. The requirements and respective compliance periods of the notices are:
- (1) Cease the importation of fill material of any description including waste and demolition waste.
Time for compliance: Seven days.
 - (2) Cease the carrying out of any excavations on the land other than those required to comply with the notices.
Time for compliance: Seven days.
 - (3) Cease the raising of levels on the land.
Time for compliance: Seven days.
 - (4) Remodel and landscape the land in accordance with the drawing and method statement contained within the Schedule to the notices.
Time for compliance: Two years.
 - (5) Not to complete the development permitted by planning permission EPF/765/99 other than in accordance with revised details to be approved by the local planning authority pursuant to Condition 12 of the planning permission EPF/765/99 and to submit the revised details to the local planning authority.
Time for Compliance: In respect of the submission of revised details, two years.
- 2.3 Prior to and following the issue of the notices issued on 4 August 2006 the land was inspected by the Councils Enforcement Officers and Tree and Landscape Officers. They found requirements 1, 2 and 3 (which were identical to those of the initial notices) were being complied with at the time the new notices were issued. They continue to be complied with.
- 2.4 In respect of the fifth requirement, no work to complete the golf course approved under planning permission EPF/765/99 has been carried out. Furthermore, no revised details pursuant to condition 12 of that permission were submitted within the two year timescale specified. Consequently no works to complete the approved golf course can now lawfully be carried out other than any that may be approved in a separate express planning permission. No application for such permission has been submitted. In

effect, requirement 5 now serves to negate the original planning permission to construct a golf course.

- 2.5 Requirement 4 to remodel and landscape the land is the matter that requires particular attention by Members. The drawing and method statement was designed primarily to serve the aim of ensuring that deep excavations are safely filled using material already on the land. It specified areas of the site where greater or lesser volumes of material could be taken to fill the excavations in order to avoid the creation of further deep excavations and create a broadly acceptable landscape. The drawing did not specify site contours, which compromised the ability of the notice to achieve an acceptable landform.

3. *Works to Achieve Compliance:*

- 3.1 In order to achieve an acceptable landform Officers required the landowners to produce a landscape contour plan in accordance with the drawing and method statement attached to the enforcement notices. Officers employed Stace LLP (surveyors) to advise on whether the landowners contour plan accorded with the notices. Once an appropriate contour plan had been agreed works to achieve it on the ground were carried out.
- 3.2 The landowner advised Officers they had achieved compliance with the agreed landscape contour plan in summer 2010. Following inspection of the site by the Council's Principal Tree and Landscape Officer the landowners were requested to carry out additional work to achieve full compliance. The landowner advised this had been completed in early autumn 2010. Officers then required the landowner to produce an "as built" contour plan for comparison with the agreed landscape contour plan. Once produced Stace LLP were employed to verify its validity and advise on whether compliance with requirement 4 of the enforcement notices had been complied with.
- 3.3 Following sample surveys of the site Stace LLP advised the "as built" plan formed a valid basis for comparison with the agreed contour plan. Stace LLP also advised that the "as built" plan showed some deviation from the agreed plan in localised areas of the site but demonstrated the over the site as a whole there was minimal deviation. The Council's Principal Tree and Landscape Officer has considered that advice in the context of his own inspections of Blunts Farm and is satisfied that requirement 4 of the enforcement notices had demonstrably been complied with.

4. *Conclusion:*

- 4.1 For the reasons set out in paragraph 3.3 of this report, it is concluded that requirement 4 of the notices is now complied with. Consequently, all the requirements of the enforcement notices are presently complied with. Members should be aware that requirements 1, 2, 3 and 5 place on-going obligations on the landowner as long as the notices remain effective. They make it an offence to import any fill material to the site, to carry out any further excavations, raise the levels of the land or complete the development of a golf course on the land. Accordingly, the only circumstances under which such activities could take place lawfully are in the event of a planning permission being granted for them. Since the District Council is the local planning authority it has control over this.

- 4.2 Having regard to the care taken to verify compliance with the requirements of the enforcement notices members are requested to agree the recommendations of this report. In doing so it should be understood that although planning enforcement investigation ENF/0195/06 would be closed, agreeing the recommendations would not prevent any new investigation into an alleged failure to comply with on-going requirements of the enforcement notices.