

Theydon Bois Action Group

PROTECTING THE VILLAGE OF THEYDON BOIS

Theydon Bois Action Group

Councillor Wagland
Portfolio Holder for Legal and Estates
Epping Forest District Council
Civic Offices
High Street
Epping
CM16 4BZ

13 December 2010

Dear Councillor Wagland

Enforcement Notices at a site known as The Old Foresters, Theydon Bois

In 2001 a company of developers (Kytone Properties Limited represented by Mr Philip Newman) was granted planning permission by EFDC (EPF/0765/99), in highly suspicious circumstances, to build a golf course, on Metropolitan Green Belt land at Blunts Farm in Theydon Bois. EFDC imposed no limitations on the amount of spoil that could be imported into the site. The developer used loop holes in Planning and Environmental Legislation to avoid paying landfill tax for more than 2 ½ years profited from up to 300 lorries a day dumping on this site, as they had also done at Blakes Golf formerly Ongar Park, North Weald. They were finally forced to stop dumping on 11th January 2006 and shortly afterwards the developer's informed The Planning inspectorate that they no longer wished to complete a golf course. As of today's date the developer has still not completed the restoration of the land and has not yet complied with enforcement notices.

We now have another suspicious situation involving these developers and the green belt land that they own adjacent to Blunts Farm. We feel that EFDC have handled the issue badly and are alarmed to learn that they have made an agreement with developers who are proven to be 'unscrupulous' and have severely endangered and disadvantaged local residents.

Theydon Bois Action Group ("TBAG") has written to Cllr. Cohen in the past on this issue and Eleanor Laing is well aware of our concerns on this issue.

On 6th December Mr. Jim Harris of Diverse Care was due to appear at Chelmsford Crown Court to defend his non-compliance with two enforcement notices issued by EFDC. The notices are '*Without planning permission: the stationing of a portable building approximately 21m x 9 m in size and a caravan on the land*' and '*without planning permission: the construction of a new building measuring approximately 1.6m x 2.1m x 2.3m.*'

The portable buildings arrived on this site without the requisite legal permissions in May/June 2008 and TBAG, on behalf of residents, have been campaigning to rectify the situation since that date. Substantial fencing has also been erected and the entrance gates have been reinforced. It has also been brought to our attention that local residents have had cause to contact the police because of unusual behaviour and night time activities. We understand that the leaseholder has

been asserting to EFDC that he will be applying for planning permission, and to the Planning Inspectorate that he will be commencing an appeal against the enforcement notice. Unsurprisingly, neither has happened. Mr Harris is well known to the enforcement team and we understand he has also unlawfully stationed portable buildings on land in Abridge.

The hearing of these Enforcement Notices has been delayed on numerous occasions, 12th March, 16th April, 14th May, 11th June, 27th September and finally 6th December 2010.

The Enforcement Officer obtained a copy of the Lease between the Lessor and owner of the land Parkeng (previously known as MSK034 and whose directors are Rita Newman, Vanessa Bramley, Emma Joanne Dilloway, Kate Newman and Philip Roy Newman), and the Lessee, Mr Harris of Diverse Care.

You may be familiar with the name Mr Philip Newman as he is also a shareholder/director of Blakes Golf and Blunts Farm Estates Limited. The Old Foresters site is already the subject of a very contentious commuter car park application (EPF1134/10) that generated over 200 letters of objection and is the proposed location of an application that has yet to be validated for a 'training and leisure facility for foster children and their carers.

At the June hearing Mr Harris elected for a Crown Court trial which meant that EFDC had to serve new papers and instruct Counsel. We have been in constant communication with the enforcement officer and had in fact spoken to Mr Preston about the case and it seemed that the Planning Department were quite confident and hopeful of a positive result. You can therefore imagine our disappointment when on 7th December we learned that EFDC's counsel had stated that EFDC could not pursue the prosecution against Mr Harris/Diverse Care because they were not the land owner and therefore under planning law they cannot be held accountable to comply with the steps the notice required. TBAG were astonished to learn that EFDC had previously summonsed the directors of Parkeng Ltd on this matter, but that Parkeng Ltd had entered an agreement with the council that should a judgement be made against Mr Harris/Diverse Care and should Mr Harris/Diverse Care fail to comply with the judgement, that Parkeng Ltd would ensure compliance and remove the buildings and caravan from the land at their own expense. The decision by EFDC to enter into such an agreement with the Lessor was apparently taken between the Enforcement and Legal Departments.

We are further concerned that in the two and a half years it has taken to reach this impasse considerable sums of local taxpayers' money have been wasted. We are at a loss to understand how Enforcement Officers failed to serve these notices on the correct legally liable party and further, that EFDC's in-house legal advisers also failed from the start to identify such a fundamental, and ultimately expensive and fruitless, flaw in these proceedings.

EFDC must now pursue the case against the land owners Parkeng Ltd and will be issuing a summons this week. The enforcement officer has confirmed to TBAG that "basically we are back to square one."

Sir John Harman the Chairman of The Environment Agency said in May 2006 that; *"I wouldn't want to see the operator get away with this abuse without suffering substantial financial loss."* These 'unscrupulous' developers have, according to Sir John made approximately £18 million avoiding Landfill Tax polluting Blunts Farm, a green field Metropolitan Green Belt site associated

with the Old Foresters, and other neighbouring sites belonging to or in the control of these developers.

TBAG would like to know why officers at EFDC have considered it appropriate to enter into negotiations with these parties, taking into account their previous track record? Officers and Members are fully aware of the damage that has been caused by these 'unscrupulous' developers, and the extensive list of enforcement notices and breaches of planning law that have been recorded against these sites since in their ownership is testimony to the dubious character of the freeholders and their business associates. Your response to this specific question is awaited.

TBAG would remind EFDC that Essex Police recently found one of the largest cannabis factories in the county in a warehouse at Blunts Farm, also in the same ownership as Old Foresters.

Once again the people of Theydon Bois have been let down by EFDC. We seek your unreserved assurance that the council are resolved now to pursue these 'unscrupulous' developers with renewed vigour in the light of the above catastrophic failure of trust and administration. Lessons should be learned from this expensive scenario and we call for a full investigation to take place in order to allay the suspicions and serious concerns held by many of our members.

We would like to know how and or why this could have happened and your assurance that it will not be allowed to happen again. We must of course ensure that EFDC is open, transparent, and accountable in line with its declared objectives.

May we please hear from you with your full and detailed response to this letter and the matters raised in it. Your early response would we feel be appropriate in the circumstances.

Yours sincerely

David McKelvey
Chairman
Theydon Bois Action Group

Cc Cllr. Sue Jones
Cllr. John Philip
Theydon Bois Parish Council