

# Theydon Bois Action Group

PROTECTING THE VILLAGE OF THEYDON BOIS

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9th March 2011

EPF/2246/10, Erection of single and two storey buildings and retention of existing buildings in new locations on site in connection with the proposed use of the site for training and leisure purposes for children in foster care and carers.

Dear Mr Solon

This site known as the Old Foresters is within Metropolitan Green Belt and, since this application does not have any very special circumstances to recommend it and further would harm the openness of the area and enjoyment of the footpaths, we object in the strongest terms. These two reasons alone have formed the basis of refusal of planning applications on this site historically EPF/1734/87 and as the pertinent legislation has not altered materially, we consider this application to be frivolous and these reasons alone grounds for refusal.

We would also like to add our disappointment that so few residents have been informed of this application by letter from the Planning Department. We understand that over 200 letters were sent to neighbours for application EPF/1143/10 but that only one resident was informed of this application, no one in Forest Drive or Thrifts Mead received notification for this application that is on the same site. As this application is physically closer to existing residential properties than the car park application, we believe it must be an administrative oversight by the Planning Department in its obligations to consult with neighbours. We believe therefore that consultation has not been democratically executed and would call upon this Council to extend a further time and to write to all residents in Forest Drive and Thrifts Mead that overlook this site. Alternatively, we should like to hear the Council's reasons for not consulting with the residents of Forest Drive.

In further support our objection, we make the following comments:

We object for the following reasons;

- Inappropriate commercial development in the Metropolitan Green Belt that harms openness.
- No very special circumstances have been demonstrated. The training foster carers need is for the work they do in their own homes, mainly addressing Health & Safety. Of course, training may be required and foster parents may have to attend a class somewhere, but there is no national precedent for a dedicated training facility and it is not seen as particularly necessary. Any conference facilities, public halls, school facilities available after the working day could be used for this classroom based training and would not incur the overheads of eight full time members of staff, and a new development within the Green Belt.
- With regard to the plans there are insufficient details with regard to the proposed changing room structure.
- And insufficient details with regard to the final location of the sheds.
- Paragraph 3.5 (page 4) of the Design and Access Statement states; *".....former sports pavilion that had to be demolished under specific instruction from EFDC as it has become dilapidated & subject to vandalism & material theft."* Can we ask please if this statement is correct as TBAG were led to believe that no such instruction was given by EFDC? This statement would then be misleading and inaccurate.
- Existing use is listed as training and leisure facilities for children and their carers, any existing use is currently unlawful and two enforcement notices have been issued to that effect, there is therefore no existing use.
- Although the applicant may not specifically request D1 use in his application, D1 use is referred to; Question 18. *'Does the proposal involve the loss, gain or change of use of non-residential floor space?'* 'YES' box is ticked/checked with a cross. Against the printed line for D1 use 'Non residential institutions' they have entered a zero for existing floorspace and under 'total new floorspace' they have entered 799 sq metres. Question 20. *Hours of opening.* Under the 'Use' column, **they have written D1**. They put a 'X' under the column for *'unknown'* with respect to hours of opening!

The use is listed on the EFDC website as D2. The members of TBAG cannot pretend to be very familiar with current legislation with regard to the categorization of building land uses. However we feel that bearing in mind the apparent complexity and level of interpretation of the current and requested use the situation needs to be clarified. TBAG would like to register our concern that there should not be any confusion with regard to the land use that may lead to a charge of maladministration.

As far as our members are concerned there is a great deal of interpretation and or flexibility with the issue of use. D1 does not seem to include any sort of residential use; however the application contains quite a 'lavish' two bedroomed two bathroomed self contained penthouse flat with a large kitchen dining room, a separate utility room and roof terrace.

*D1 - Non-residential institutions - clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, Non-residential education and training centres.*

*D2 - Assembly and Leisure - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).*

- Local Plan and Alterations 5.6A states; *PPG2 make it clear that the quality of the rural landscape is not a material factor in Green Belt designations or in their continued protection. Neither should development be allowed in the Green Belt merely because the land has become derelict.* It could be argued that this land has become derelict, possibly due to the mismanagement of the current occupiers, and is the subject of enforcement, but this should not predispose its development.
- SP policy CS2, amongst other things, seeks to enhance and manage by appropriate land use in the Metropolitan Green Belt. SP policy C2 allows for the re-use of existing buildings in the Green Belt in accordance with the criteria in SP policy RE2. However this cannot be applied as the building has been previously demolished and there is therefore no reuse of the building.
- There is no policy that allows the replacement of a previously demolished building in the Green Belt. This has been the subject of Planning Inspectorate appeal. In the Chiltern District Local Plan - Adopted Sept 1997 and adopted alterations May 2001 and July 2004 Rebuilding Or Replacement Of A Derelict Dwelling Or Replacement Of A Caravan With A Dwelling In The Green Belt POLICY GB8; *'In the Green Belt, any proposal to rebuild or replace a derelict dwelling, or build on the site of a former dwelling that has already been demolished, will be considered on the same basis as a proposal to build a new dwelling on a new site. Planning permission will be refused unless there is justification for it in accordance with any of the other Policies in this Chapter. The Council will not permit the replacement of a caravan with a dwelling, except as provided for in Policy GB17 or Policy GB21 or in the Policy GB4 or GB5 areas on a site where the criteria for a new dwelling as set out in those Policies would be met.'*

- The application involves the inclusion of boundary fencing and extra car parking and hard standing that has a detrimental effect on the openness of the Green Belt and is damaging to the visual amenity contrary to policy GB7A as this site which is visually prominent from public rights of way; footpath TB4.
- This application also conflicts with PPG2 3.8 that also deals with boundary walling or fencing, car parking, external storage and hard standing. PPG2 states '*strict control is exercised.....boundary walling or fencing.*' The current visually intrusive fencing does not comply with PPG2 and harms openness.
- The car parking area proposed would add further built development in the Green Belt harming openness and be inappropriate development in the Green Belt contrary to the purposes of including land in it, and would be contrary to LP policy GB8A and the provisions of PPG2.
- There would also be the potential for domestic garden paraphernalia, reducing openness. A larger area of land would be enclosed within boundaries and there would be a longer length of enclosure. This would harm openness. The proposal would conflict with LP policy GB15A.'
- This site is significant site because it borders the urban edge PPG2 2.9 indicates that '*where practical boundaries should be clearly defined using readily recognisable features such as roads, streams, belts of trees or woodland edges where possible.*' The Central Line in this instance a clear and practical boundary that defines the border of the village and this should not be breached.
- In application EPF/1134/10 Mr Robin L Jones, the owner of the access road to the application confirms in his objection to the application dated 16<sup>th</sup> June 2010 that; '*The proposed electric taxi pick up points would utilise my land and while there is a deeded right of way to the sports ground where this development is planned there are certain covenants regarding its use. The use is for a track 12ft in width and was intended as an access to the playing fields. It is not intended for a commercial venture on the scale envisaged. Parkeng were well aware of these encumbrances when they purchased the site because they approached me on more than one occasion with a view to buying land for a fresh access. I declined their offer. This is a blatant change of use of green belt land.*' This is a commercial application and as such would be subject to the same limitations of access.
- This land is currently the subject of enforcement. EFDC have confirmed that our greatest fears are unfounded; that the leaseholders and landowners of this site have no grounds on which to claim the 4 OR 10 year rule for residential use. However we remain concerned that if the **change of use** of one of those buildings to a dwelling went undetected for 4 years, i.e. that the occupiers can prove residential use with utility bills etc than in this situation with a change of use we remain concerned that this situation could not be enforceable.

- We understand that EFDC currently believe Mr Harris to be using Riverfield Ongar Road for 'unauthorized residential purposes'. He told the court he was of "no fixed abode". We question the credentials of an applicant for this type of project who is of no fixed abode. Under his directorships his address is listed as 27 Birch Close, Canning Town. Which of these is correct? How can an application for such a significant development be considered by an applicant who seemingly finds difficulty with such detail as to where he resides?
- Theydon Bois has a 'Dark Skies Policy'. This application will detract from our intrinsically dark landscape.
- We would also like to reiterate that whilst she was Parliamentary Under Secretary of State Baroness Andrews confirmed to Eleanor Laing MP that *'It is for the LPA to decide whether or not to take into account a developer's previous conduct when considering a planning application.'*

This is a commercial and highly speculative application. It contains no business plan or business case and we regard this lavishly designed structure that includes eleven toilets on the ground floor totally unsustainable and inappropriate. If the building is granted with D2 use, there seems to be some confusion as to the current and requested use, these building could potentially be open to significantly less socially acceptable uses in the future as with D2 use.

This is a 'Trojan Horse' project attempting to hide behind the heart-warming and very serious subject of foster care for children. Once residential use is given to this Metropolitan Green Belt land, it could be lost to large scale residential development, which is probably the long term intention by the developer for this and the adjoining site.

TBAG ask that this application be rejected in the strongest terms.

Yours sincerely

Secretary Theydon Bois Action Group  
[www.theydonbois-actiongroup.co.uk](http://www.theydonbois-actiongroup.co.uk)