

**Moreton, Bobbingworth and the Lavers Parish Council**

**MINUTES**

**Meeting:** Planning Meeting

**Date:** 1 February 2022

**Time:** 7.30 PM

**Venue:** Moreton Village Hall

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**PRESENT:**

**Councillors (10):** Cllr Collins (Chairman), Cllr Busch, Cllr Darken, Cllr Foulser, Cllr Hall, Cllr Leverich, Cllr Kessock-Philip, Cllr Padfield, Cllr Radbourne, Cllr Stuart

**Also in Attendance (2):** Gurdip Paddan – Clerk  
Cllr I Hadley – District Councillor

**Members of the Public: (3)** Mr Padfield and 2 residents

**Members of the Press (0)**

**P.01/22 APOLOGIES FOR ABSENCE**

Councillors Cooper, Crosbie, Dawson and Martin.

**P.02/22 OTHER ABSENCES**

None.

**P.03/22 DECLARATIONS OF INTEREST**

None received.

Members received presentations on the planning applications below. These were CONSIDERED and responses AGREED:

**P.04/22 TILEGATE FARM EPF/3231/21**

Site: Tilegate Farm Tilegate Road High Laver Ongar CM5 0EA

Proposal: Application for Variation of Condition 2 for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).

**P.05 TILEGATE FARM — EPF/3232/21 (2 HOUSES)**

Site: Tilegate Farm Tilegate Road High Laver Ongar CM5 0EA

Application for Approval of Details reserved by conditions 3 'types and colours of external finishes' & 5 "discoloured or odorous soils" for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).

Members received a presentation, which provided the history of the site and changes over the years and were advised that the applications above - **EPF/3231/21 and EPF/3232/21** which were two separate applications but referred to the same site and applicant. Mr Padfield who was present at the meeting had provided a substantial amount of documented evidence and photographs, which were very useful in illustrating that the current houses and the entire site have substantially changed and been enlarged by multiple Non -Material-Amendments , rather than by revised planning applications. This development encroaches into Green Belt land, as shown on the various drawings, which exposes the red lines having been moved to create a larger area for development. Google earth images starting from 2000 were viewed and it showed that a new hardstanding had been created around the periphery of the industrial site (see Google image 2017), which encroaches into Green Belt land. This hardstanding area had been created without planning permission and prior to any planning having been applied for this site. By 2020, the images show two houses having been constructed and area around the site having been cleared and extended to incorporate more of the Green Belt land.

The history of this site was outlined in a presentation:

**Application EPF/0637/01** was granted for change of use from agricultural machine workshop to light industrial (B1) use plus re-routing of access. It was granted with the condition that "The existing access into the road shall be closed as soon as the new access nearby becomes operational. This is in the interest of Highway safety. " The closed entrance has recently been reopened, as shown on the photographs and plans. Large gates have been erected.

EPF/0637/01 states that it was an agricultural machine workshop – which is disproven by the previous planning application EPF/1223/2000 (refused) where it clearly states that these agricultural units are a Piggery.

**EPF/1052/17 Planning Application Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus granny annexe and outbuilding together with reconfiguration of access road and landscaping.**

***Outcome/Impact:** Misleading or plain lies were submitted with this application. It was claimed that the Piggery was not on this site, but next door in the Listed Building garden 'apparently' under their kitchen window. The clear aim was to avoid having to provide a contamination report. Photographic evidence also shows that the height of the existing buildings were grossly exaggerated. The close proximity of the listed building was not considered – and permission was granted (under Delegated Power) for the main house (22m frontage – 10m high), an Annexe, a tractor shed/garage and two houses.*

*Approximate usable floor space approx. 1000sqm – re the planning officer's report.*

**EPF/0417/18 Non Material Amendment Adjustment of position of the building within the site**

*Outcome/Impact: Four of the five buildings have been moved to the edge of the site – positioned outside of the 'previously used land'.*

**EPF/2826/18 Non-Material Amendment Re-orientate approved buildings and alterations.**

*Outcome/Impact: The rectangular shape of the main house has been changed to T-shaped house – and a ‘new’ basement (main house) has appeared on these plans adding another 1/3<sup>rd</sup> to floorspace.*

*Internal, usable floorspace of the main house has increased from the approx. 417 sqm (granted EPF/1052/17) to approx. 747 sqm - 56% increase by Non Material Amendment.*

*Redesigned all houses on this site – the ‘two houses’ are now pretty well as tall as a 3 storey building.*

*Additionally - the old driveway has appeared again on the plans. When this site was given permission to change from agricultural workshop to light industrial (B1) use (EPF/0637/01 - a specific condition was that this entrance be closed “In the interest of highway safety”. This entrance is in on a bend with poor visibility – it has been re-instated - and approved as a Non Material Amendment.*

**EPF/3354/18 Non Material Amendment Adjustment to the position of ‘two houses’.**

*Outcome/Impact: This Non Material amendment moves the red boundary line to increase the footprint of the development. The alleged adjustment to the position is simply a ruse to hide the fact that the site is being increased. Passed as a Non Material Amendment under delegated power. A later Non Material Amendment moves the two houses yet again.*

**EPF/0307/19 Condition Application for Approval of Details Reserved by Conditions 4, 6, 7, 8 & 9 for EPF/1052/17. Condition 4:-"flood risk assessment and management and maintenance plan", 6:- "details of foul and surface water disposal", 7:-"wheel washing or other cleaning facilities", 8:-"full details of both hard and soft landscape works (including tree planting)", 9:-"details of screen walls, fences or such similar structures".**

*Outcome/Impact: Once again the red line boundary has moved to enlarge the residential site. Again, it is encroaching further into the Green Belt land from the previously developed land.*

*A tennis court outside the residential curtilage on Green Belt land has appeared on the drawings. No planning permission.*

*Huge gates – have appeared on these plans. These are gates to an entrance that was specifically closed for Highway safety reasons (EPF0637/01 detailed previously). All was approved under delegated powers.*

**EPF/0674/19 Non Material Amendment For the architectural detailing of annexe elevations to show a higher quality of detailing in line with the other buildings on site, sleeping indicated to a proposed first floor. Adjustment to the fenestration of the two houses to simplify glazing.**

*Outcome/Impact: This application – as a Non Material Amendment – adds an additional storey to the Annex – thereby doubling the internal floor area. The adjustment to the fenestrations to the other ‘two houses’ enables a third floor ‘in due course’.*

**EPF/1336/19 Non Material Amendment Adjustment to the positions of the main house, ‘two houses’, annex and tractor store Adjustment to the design of the ‘two houses’. Amending the floorplan to include a utility room whilst decreasing overall footprint size. Amendment of landscaping to suit and minor alterations.**

*Outcome/Impact: This adjustment to the position disguised yet another change/increase in the red boundary line. The changes to the 'two houses' and removal of the South East facing windows facilitates the planned extension (foundations have already been put down). This will undoubtedly be claimed under 'Permitted Development Rights' in future.*

*The Annexe has moved from the original site (industrial site) onto Green Belt Land. (It will be moved again – as will the garage/tractor house – under another **Non Material Amendment** - EPF/2526/19).*

**EPF/2526/19 Non Material Amendment Adjustments to the design & layout of the main house within a slightly reduced footprint. Adjustment to the design of the Annexe elevations & unify the overall design aesthetic. Adjustment to the position & design of proposed tractor store.**

*Outcome/Impact: In this 'Non Material Amendment' application, the main house has changed from a T-shape to an H-shape. The Annexe and the Garage/ Tractor house have had major architectural changes.*

*The Garage/Tractor house is now opposite the Granny Annexe and an exact carbon copy of each other.*

Both of these buildings and one of the 'two houses' are now outside the original industrial site and are encroaching into the Green Belt.

*The Tractor Shed/Garage has now 'grown' to the same size as the Annexe.*

*Photographs illustrate that alongside the Two Houses are some outbuildings and another one at the building stage. These building do not have planning permission.*

*And the side extensions look as if they are ready to have another storey to be added*

**EPF/3231/21 Variation of Condition 2 Application for Variation of Condition 2 for EPF/1052/17.**

*Outcome/Impact: The main house is now changing yet again from an H-shape to a Rectangular building. There is a claim of a 4 sqm decrease in foot print – and considering the total 58% increase of the internal floor space (all via Non Material Amendments) since the original planning consent (EPF/1052/17) – this 'claimed potential' decrease amounts to 4 sqm – on an approx. 747 usable floor space building.*

We cannot verify this reduction – we calculated a small increase of about 9 sqm.

This building, since, its original planning permission (EPF/1052/17) has been changed, by multiple Non Material Amendments, from a rectangle to a T shape to an H shape and now this planning application wants to change it back to a rectangle – and it has increased the usable floorspace of this house by 56 % - and the building is likely to be tall enough to add another 'mansard' 3rd floor.

**EPF/3232/21 Variation of condition 3 Application for Approval of Details reserved by conditions 3 'types and colours of external finishes' & 5"discoloured or odorous soils" for EPF/1052/17.**

*Outcome/Impact: This request is a 'retrospective' removal of condition 3 – and condition 5. (Retrospective by about 2 years and this is an experienced developer. He knows the rules). No contamination report was requested and the applicant/agent should not be able to confirm this simply by a letter. Not only should one consider the potential contamination from the piggery on site some*

*years ago – but also that a lot of soil was imported to this site without any examination. This is not acceptable and against planning policy.*

It is abundantly clear that the developer is not complying with conditions of the planning permissions.

The West side of Tilegate site was also discussed, which is connected by a strip of land behind two listed buildings and a Lodge House. It was a field and the Google images show a small open wooden stable building.

EPF/1794/17 Site Address Land adjacent to Tilegate Farm Tilegate Road Magdalen Laver Ongar Essex CM5 9HX. *Incorrect Post Code.*

**Application Lawful Development Certificate** - Existing Use Development Type Construction of new access. Proposal Certificate of lawful development for an access road.

Parish Council OBJECTED with historical Google earth shots that the road across the field never existed. Sworn Affidavit from Owner and 2 other people. Owner claimed that road had been there since 1998. Google images show otherwise.

The 'road' (not tarmac – but loose chippings) was created in 2016 and can clearly be seen on this Google Earth shot taken in March 2017.

EPF/1220/2000 (B&W plan) does not show any road. Land Registry documents/plans, which relate to January 2017 do not show a road either.

**EPF/1792/18 Replacement of two existing open stable building (total 68 sqm) with one closed stable block**

Having been granted planning permission this stable was built as a brick-build structure – and according to Jim Padfield's records and photographs - with insulated walls, a full sewerage system, provision for underfloor heating and revised window openings.

**EPF/0477/19 Site Address Land adjacent to Tilegate Farm Tilegate Road Magdalen Laver Ongar Essex CM5 9HX.**

**Planning Application** Development Type Proposed new feed store to serve existing approved stable block.

*Drawings detail the Hay store positioned on opposite side of the road (dissecting the site into 2 halves), to the stable block. Approx. 1/3<sup>rd</sup> closed storage with double doors and remainder open storage. Very similar to a 3 Bay Cart Lodge, 1 garage and 2 open bays .*

**EPF/1476/19** Officially this application made on 10 June 2019 was to **“alter the look of the store by adding a roof vent to match that on the stables”**.

*This vent was never added when the brick-build Hay Barn was erected. By granting this application (under Delegated Power) EFDC accepted without debate or consideration a wholesale change to a once agricultural grassland field.*

EPF/1502/19 Application for a Non- Material Amendment. Change of use from Stable to 3 bedroom Residential House. **Granted.**

These records are now missing on EFDC's website but screenshots of this application, listed on the EFDC portal at the time as Granted were shown in the presentation and are available.

A once open wooden stable seems to have morphed into planning permission for a three bedroom house – by a Non-Material Amendment.

The documentary evidence was shown but this record is now missing on EFDC's website – and this application number (EPF/1502/19), which coincidentally is also the postcode (CM5 9HX) quoted on all 'Land adjacent to Tilegate applications'. This postcode relates to a property in Ongar.

All these changes and fast tracking of planning permissions and Non-Material Amendments under delegated powers has caused disquiet.

Cllr Hadley, District Ward Councillor asked for the name of the case officer for these applications. It was confirmed that there had been a number of officers and some had moved on but Nigel Richardson was still at EFDC.

Mr Padfield stated: "that over the years there had been 17-18 changes and when a junior officer sought to query the situation they had been stopped by Nigel Richardson. Nigel Richardson had been dealing with the applicant for over 14 years. If one watched the EFDC's planning webcast it is obvious that District Councillors have colluded in this with Nigel Richardson who at the meeting clearly states that he was unaware - just excuses." It was felt that even when the Parish Council objected to this planning application the EFDC's officers stopped this going to Committee for detailed consideration.

Cllr Hadley confirmed that EFDC officers cannot stop it going to Committee and therefore he will call this application in.

Unfortunately, the Parish Council cannot do anything about what has already happened but if this planning application comes in front of a Committee, the Parish Council could present a document with the history to alert the District Councillors, as many may not know the history and this would be an educational exercise.

To avoid any misunderstanding, the two applications **EPF/3231/21** and **EPF/3232/21** were clarified as **EPF/3231/21** relating to the main house and **EPF/3232/21** to the two houses. These two houses were built over two years ago and the application was for approval of details reserved by conditions 3 'types of colours of external finishes' and 5 'discoloured or odorous soils' for EPF/1052/17; a retrospective approval of window, doors etc.

Mr Padfield advised that the real significance here was, whom EFDC have consulted. EFDC were consulting the Conservation officer and also consulting on contamination. Originally, they had stated that they did not need to consult in relation to the impact on listed buildings and the requirement for a contamination report. This is what is included within the application/variation.

On this occasion (EPF/3232/21), the Conservation Officer had commented "The level of information submitted is NOT CONSIDERED TO BE SUFFICIENT to approve Condition 3".

A question was raised if it would be possible to have an independent contamination report. It was clarified that it would be too expensive and a lengthy process. In any event a Parish Council is not entitled to obtain a contamination report on somebody else's land. It was noted that EFDC are now consulting the officers on the contamination aspect.

It was clarified that the application EPF/3231/21 (main house) was for an amendment in the form of a variation to Condition 2 of the original application EPF/1052/17, granted in 2017. This was for “Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus granny annexe and outbuilding together with reconfiguration of access road and landscaping”.

Members were advised that this was a totally different application, as it is a **Minor Material Amendment** and many others have been **Non Material Amendments**. It appears that the applicant has put in for a decrease in the size of the main house but it has increased over the years by 56%, which has not been taken into account. It was agreed that when the Parish Council objects to this application, that it is presented to the EFDC Planning Committee for consideration.

It was agreed with Cllr Hadley that in the first instance the Parish Council puts in a strong objection and that he will call this application in. He further added that what he has heard tonight were serious allegations and that he cannot ignore them. It was reiterated that in the presentation no allegations were made, but that it outlined the facts of the history relating to Tilegate.

It was unanimously **AGREED** to object to both applications and email a copy of the objection to all Councillors.

The following points were raised and discussed following the presentation:

1. This was a retrospective application for approval of condition 5 for the two buildings that had already been erected on the site of a previous piggery. The piggery was shown on the plans of EPF/1223/2000 and therefore Condition 5 of the original application EPF/1057/18 does require a contamination report.
2. The houses have been built on contaminated ground and will be a hazard to potential users and occupants and the environment.
3. The EFDC’s Conservation Officer, Fred Caillat had stated that ‘the level of information submitted is not considered to be sufficient to approve condition 3’.
4. It was noted that the EFDC’s Environmental Health Officer, Simon Bell, a consultee had not responded to the application.
5. It appears that there is a wrong message being sent out of ‘build first and get permission and authorisation afterwards’.
6. The impact on the adjacent listed buildings had not been taken into consideration by EFDC.
7. Overdevelopment in the Green Belt.
8. EFDC officers should have requested a wildlife, Environmental/Arborological report for this site.
9. EFDC Planning Officer’s errors have allowed the Non Material Amendments to go through and it was felt that proper planning procedures should have been followed.

Members unanimously **AGREED** to object to the planning application **EPF/3231/21** on the following grounds:

**We object to this application for a Minor Material Amendment, being Variation of Condition 2 for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).**

Grounds for our Objection:

Very significant difference from the original application granted (EPF/1052/17) to this Minor Material Amendment application. These changes relate to scale of the development, site coverage, building heights and involved tweaks to the application site (red line) boundary. Section 73 refers.

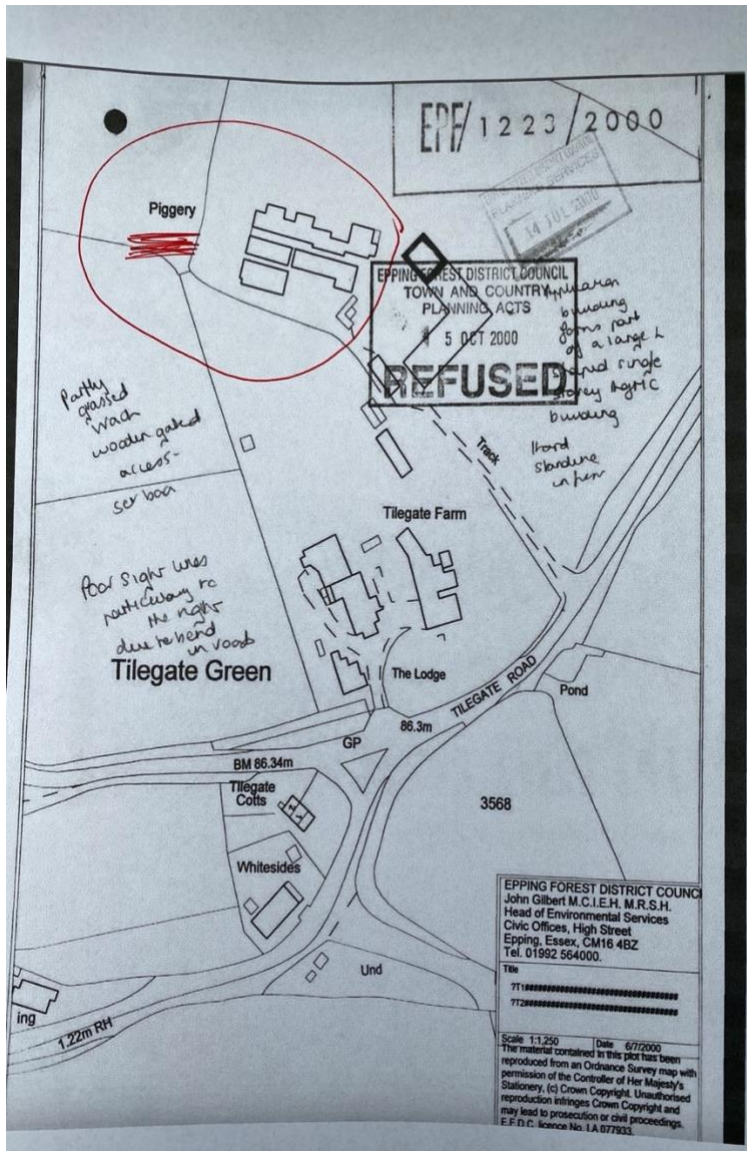
- **Incorrect Plan information is being provided in this application** In the original granted application  
- EPF/1052/17, the plans detailed by number in Condition 2 are: 3598\_SK: 01A, 02A, 03, 101A, 102A, 201.1A, 201.2A, 202.1A, 302A, 202.2A, 401A, 301A, 202.3A. This application (EPF/3231/21) refers to plan reference numbers which have been created within Non-Material Amendments. They do not relate to the plans in Condition 2, EPF/1052/17.
- **Agent Claims a 4 sqm reduction. The replacement plans show the main house with an overall floor area increase** of approx. 58 % over and above the original granted permission EPF/1052/17 and an increase of about 19% on the footprint of the main building. These increases are all Non-Material Amendments and progress from being a Rectangle (EPF/1052/17), changed to a “T” shape (EPF/2826/18), adding a basement thereby immediately increasing the overall floor area by 33%. This “T” shape changes to “H” shape (EPF/2526/19) and (EPF/3231/21) reverts to a Rectangle.
- **Overdevelopment in the Green Belt. This is a major incursion into Green Belt Land.** The original ‘brownfield’ site was about 20% of the field area, the remainder of the field being Green Belt land. Recent Non-Material Amendment plans show the entire development to have enlarged to about 70% of the original field area, Green Belt land. The already built or proposed houses are now 70% on Green Belt land and no longer on the original ‘previously developed’ land.
- The **Red Line** has progressively been moved. On recent plans, the position of the red line differs from that on EPF/1052/17 and furthermore now also shows development outside of the red line.
- **Highway Issue – EFDC Previously Closed Entrance - Unsafe.** Access to the highway EPF/3231/21 shows 2 highway access entrances to this development. The newly re-opened Highway access (created by a non-material amendment) was not on the original granted application EPF/1052/17. It is in an unsafe position and was closed as a condition on EPF/0637/01 for highway safety reasons.

**The impact of this development on the adjacent listed building has not been considered.**

We also believe that this new Full Planning Application is incomplete as it does not provide many of the reports generally required in a Green Belt application. We request that these be provided prior to this application being considered. This, in our opinion, should include a full Contamination Report as EPF/1223/2000 plans clearly show that there was a Piggery on this site (see attached image). Additionally, since EPF/1052/17 was granted, thousands of tonnes of waste material have been imported into this site (without planning permission or a license) to create bunds. (See attached photos)

We request that all **Permitted Development Rights are removed**, should the application be approved.





Members unanimously **AGREED** to object to the planning application **EPF/3232/21** on the following grounds:

Objection to EPF/3232/21—Approval of Conditions 3 and 5 of EPF/1057/18.

It is absolutely vital that this site is checked out for contamination and that EFDC are mindful that houses are being built on potential contaminated soil and may present a hazard to potential users of the land/house occupants or to the environment.

Condition (3) Retrospective Approval: The Agent admits in his letter dated 14 December 2021 that this extremely experienced developer did not comply with this condition in submitting samples of materials before the construction began at least 2 years ago and has only now asked for this condition to be approved retrospectively.

The EFDC Conservation Officer, Fred Caillat, stated “ The level of information submitted is NOT CONSIDERED TO BE SUFFICIENT to approve condition 3.”

Condition (5) The Agent states in his letter dated 14 December 2021 that “we can confirm that during the construction of the “two houses” no contamination was encountered”.

The EFDC Environmental Health- Contaminated Land Officer, Simon Bell Consultee appears not to have replied to the Planning Officer.

Therefore, the Agent’s statement of “no contamination was encountered” appears to have been accepted as evidence. However, there is submitted evidence that this industrial (previously agricultural) site contained a piggery (see attached image of EDF/1223/2000) and therefore Condition 5 of the original application EPF/1057/18 should have requested a Contamination Report.

See below for the photographic evidence of lorries entering the site with contaminated waste and photographs of ‘bunding’/importing of ‘material’. Bringing large amounts of imported, potentially contaminated, materials on to a site requires planning permission and a licence.

This unauthorised import of potentially contaminated soil was reported to **EFDC’s Enforcement team in March 2020**. Many thousands of tonnes – about 20 lorry loads per day - was being imported into the site. As there was no planning permission for the bund or the import of material, our Clerk requested that a stop notice be issued. No stop notice was issued and the Enforcement Officer emailed to say that she “had spoken to the applicant and he would apply for permission retrospectively.” The Enforcement Officers were advised that this was not acceptable, as it was in breach of planning regulations and sent out the wrong message of build first and get permission afterwards.





**The presentation for the following applications included the history and Ward Councillor comments:**

**P.06 PADDOCKS, LITTLE LAVER ROAD - EPF/3237/21**

Proposal: Alterations to existing front bays and construct of new entrance canopy. Alterations to existing windows.

The Council had No objection to the above application.

**P.07 PADDOCKS, LITTLE LAVER ROAD - EPF/3238/21**

Proposal: Application for a Lawful Development Certificate for a proposed construction of a rear flat roof dormer/ construction of 1m high walls to the front of the site as well as an entrance gate.

The Council had No objection to the above application.

**P.08 BUSH HALL FARM, THE MALTINGS, THRESHERS BUSH, MATCHING - EPF/2446/21**

Proposal: single storey garden room.

The Council had No objection to the above application.

Listed Building

**P.09 BUSH HALL FARM, THE MALTINGS, THRESHERS BUSH, MATCHING - EPF/2452/21**

Proposal: Grade II Listed Building application for a proposed single storey garden room.

The Council had No objection to the above application.

**P.10 PHOENIX EPPING HOTEL, EPPING ROAD, NORTH WEALD BASSETT – EPF/3241/21**

Application for Variation of condition 3 for EPF/2223/19, (Extension and alteration of the former Little Chef building associated with the Travelodge at Epping Road, North Weald Epping plus change of use to C1 use in the form of 6 serviced apartments).

The Council had No objection to the above application.

The meeting closed at 20.55hrs

Chairman .....

Date .....