

The logo for Theydon Bois Action Group features the text 'Theydon Bois' in a green, sans-serif font above 'Action Group' in a larger, bold, orange, sans-serif font. The text is centered within a light green triangular shape that points downwards.

# Theydon Bois Action Group

PROTECTING THE VILLAGE OF THEYDON BOIS

## CHAIRMAN'S REPORT 2015

The most significant achievement in 2015 for Theydon Bois Action Group, and of great importance to the village itself, was our successful legal challenge against the development of a car park, by Transport for London (TfL), on Green Belt land to the east of the railway line, without express planning permission. Epping Forest District Council (EFDC) accepted TfL's assertion that it could construct the car park using permitted development rights based on Victorian Railway Acts. TBAG committee members carried out extensive research, including viewing the relevant Victorian Railway Acts at the Parliamentary Archives at Westminster and formed the view that the claimed permitted development rights did not exist in this case. We then sought professional legal advice from a barrister which confirmed our view and our Counsel's Advice was presented to EFDC in January 2015. Unfortunately EFDC continued to support TfL's stance and TBAG's Chairman was ultimately compelled to challenge the matter at the High Court of Justice by filing the claim for a Judicial Review against EFDC in May. As a result of this action, EFDC then approached TBAG's Chairman offering an out of court settlement that, if the Judicial Review was withdrawn, TfL would be required to submit a full planning application if they wished to pursue the development of a commuter car park. In addition, the legal costs of TBAG's Chairman and those of EFDC were to be paid by TfL. This agreement was formally sealed in a Consent Order at the High Court of Justice, Queen's Bench Division, Planning Court in July.

We do not know what future plans TfL may have, in relation to their land at Theydon Bois Station, but we do know that they have submitted the existing car park, which is brownfield land, to EFDC for consideration as a potential site for future development, along with the other TfL car parks in Epping Forest District.

I would like to take this opportunity to thank our many supporters who made donations in support of our fund raising drive so that we were able to take forward our legal challenge against EFDC. Without your help this would not have been possible. We are all volunteers who give our time freely but, without any annual income from subscriptions, we depend solely on the generosity and support of residents. All of our funds are used exclusively for the protection of Theydon Bois and its surrounding Green Belt.

During the last year, we have also raised a number of objections against inappropriate development which would affect our village, including making representations at the District Council's planning committee meetings. We have a good track record of successes and have made major contributions towards resisting a number of applications which would have compromised the Green Belt. Details of individual planning applications covered by TBAG are reported in our Quarterly Updates which can be found on our Website.

## **Theydon Bois Action Group Celebrates its Tenth Anniversary**

2015 also marked the tenth anniversary of the formation of Theydon Bois Action Group, which was originally set up at the behest of Theydon Bois Parish Council in order to prevent the ongoing dumping of waste on Blunts Farm by developers under the guise of constructing a golf course. TBAG gained the support of Eleanor Laing MP, who facilitated meetings with Sir John Harman, Chairman of the Environment Agency and Joan Ruddock Minister for Waste. Sir John visited the site and was quoted as saying that "It's an example of an unscrupulous operator looking to run a landfill site while avoiding the appropriate planning and environmental controls by claiming the so-called golf-course exemption". TBAG played a fundamental part in getting the dumping stopped after evidence was provided to the Environment Agency of a widespread abuse of various permits and permissions. EFDC were put under insurmountable pressure to issue Enforcement Notices; something they had resisted in the past, and the HGV activity and dumping came to a halt.

### Other important achievements over the past ten years include:

- \* Taking the lead in the village by preparing a response to the Gypsy and Traveller Consultation in 2008/9 which was endorsed by the Parish Council. TBAG held a highly successful fund raising auction and ploughman's supper in the Village Hall in support of our work on rebutting the proposed Travellers sites on Green Belt land in Theydon Bois. Gifts were all donated by our many supporters and the Village Hall was packed to capacity! A full house, fund raising dinner was also held in The Queen Victoria Public House which was supported by Eleanor Laing MP.
- \* Preventing the initial 'signing off' of Blunts Farm in 2011 until further remedial work had been carried out by the developer.
- \* Ensuring that the long standing, unlawful portacabins on the Old Foresters site were finally removed in 2012 by the process of 'Direct Action'. This followed a meeting with the Leader of EFDC, Councillor Lesley Wagland, at which TBAG was able to convince EFDC Officers that this action was both valid and achievable and that the costs could be recovered from the existing or subsequent landowners by placing a 'charge' on the land. EFDC subsequently recovered costs of around £20,000.
- \* Taking the lead in objecting to the construction of the proposed 'Telly Tubby' Eco House on Green Belt land at Coppice Farm in 2012/13. Permission was refused by EFDC and an appeal by the applicant was later dismissed by the Planning Inspector. This was a pivotal decision, as a precedent for further similar development in the Green Belt would have been set had the application succeeded.
- \* Taking the lead at the Public Hearing, held by the Planning Inspector in October 2013, regarding the appeal against refusal by EFDC for a development of 4 executive style houses in place of existing agricultural buildings on a prominent Green Belt site at Blunts Farm. The Planning Inspector subsequently dismissed the appeal.
- \* On 5th November 2015 the Chairman of TBAG spoke at the Planning Inspector's Public

Hearing on the Appeal by the developer against the refusal of their application to build 13 Flats on the site of the Sixteen String Jack Public House. He made a significant contribution to the Hearing and pointed out that insufficient parking space had been allocated in the appellant's cramped, development plans, at just one space per 2 Bedroomed Flat, particularly when bearing in mind that this edge of village location could not be considered as being a "Main urban area" which *may* allow a reduced parking provision below the Essex County Council Parking Requirement of 2 parking spaces per 2 Bedroomed Flat. Crucially, he drew the Inspector's attention to a very recent Appeal Decision at 47A Theydon Park Road where the Planning Inspector had dismissed the Appeal, citing that there was insufficient parking with only one space allocated per 2 Bedroomed Flat. The Planning Inspector at the Sixteen String Jack Public Hearing accepted that the Theydon Park Road Appeal Decision was "A material consideration" in the determination of the Sixteen String Jack site, which is of course even more remote from the village centre, shops and station. TBAG's Chairman also drew the Inspector's attention to the fact that some of the Sixteen String Jack site is Green Belt land and that the Government, in its National Planning Policy Framework, had indicated at Paragraph 14, Footnote 9, that there was no automatic "Presumption in favour of development" in the Green Belt.

We are currently awaiting the Planning Inspector's decision following the Public Hearing on the Sixteen String Jack site.

Throughout TBAG's first decade we have consistently received good coverage in both the local and national Press as well as on BBC Radio 4 and Radio Essex, in addition to securing a prime time TV slot on Channel 5 News over the Blunts Farm waste dumping saga.

As ever, we remain open and transparent, non-political and true to our Constitution, in Protecting the Village of Theydon Bois and its surrounding Green Belt, and in ensuring that Council(s) are held accountable for their decisions and actions.

I would like to again thank all of our many supporters as well as The Bull public house for hosting our meetings, Theydon Bois Balti House for generously hosting our highly successful fund raising evening, and Green's Traditional Butchers for placing our TBAG information Flyers on their notice board. Finally, my special thanks go to the TBAG Executive Committee for their continued commitment over the past year.

Dr John Warren  
Chairman

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