



# Doddinghurst Parish Council

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## **Water works Spring Farm Planning Application ref 20/00704/ful Doddinghurst Parish Council Response for Planning Committee**

The application to build domestic houses on the site at Waterworks Spring Farm, Dagwood Lane, Doddinghurst is controversial and would, in normal circumstances, be strongly opposed by Doddinghurst Parish Council on a number of grounds including: its Green Belt location, its environmental impact and its potential impact on traffic, local services and utilities. However, given the unfortunate history of Waterworks Spring Farm site the Parish Council, having visited the site and discussed the current development application, is, without prejudice to its usual practice, minded not to oppose this application, providing that it is viewed as 'exceptional' and does not form a precedent for any future planning applications.

The Waterworks Spring Farm site has been abused in its use over many years and the appropriate regulatory and enforcement authorities have singularly failed to prevent the illegal dumping of potentially hazardous waste and other misuse of this Green Belt location. In recent years the site has detrimentally impinged upon a vulnerable area of listed ancient woodland and, it is believed, created an area that is potentially hazardous to members of the local population and to wildlife. Left in its current state the loss of woodland continues and, although it is recognised that wildlife may adapt to new circumstances, the site continues to represent an area of environmental damage and risk to the well-being of the community. The Parish Council is informed, and accepts in good faith, that the cost of restoring the landscape significantly exceeds £1M which is a sum far beyond the resources of the village, or other public bodies, to commit. If this site is to be restored and the risk of further abuse to the site significantly reduced then the Parish Council accepts, however reluctantly, that a commercial alternative is probably the only reasonable way forward.

In considering this application Doddinghurst Parish Council asks that Brentwood District Council gives due regard to the sensitivity of this once beautiful and wooded site within the Green Belt and to the legitimate concerns of local people. Should the Borough Council be minded to approve this application then we ask that a number of conditions and considerations be applied to the whole site, as defined by the red line in the application, and not just to the area being developed for housing and that all conditions agreed are closely monitored and rigorously enforced by the Borough Council, and by any other appropriate authority, in order to secure the environmental integrity of the proposal and minimise its impact on the landscape, wildlife, water courses and other local services and infrastructure. If the application is approved then the Parish Council also requests that it is proactively consulted at all stages of this application through to its completion, particularly with regard to monitoring construction and any proposed adjustments to the plans.

Should Brentwood Borough Council approve this application then Doddinghurst Parish Council asks and requires that:

- The application is expressly identified as 'exceptional' in terms of development within the Green Belt.

- The development is expressly and specifically identified as NOT comprising an infill development and also not creating the opportunity for future infill development within neighbouring sites
- The application and development in no way creates a precedent for any future applications within this site, in neighbouring sites or for any application within the parish boundary.

There are concerns relating to the environmental and social impact of this development on the village and we recognise that steps have been identified within the application to address some of these. The Parish Council therefore asks that:-

- a) The area of woodland within the site be fully restored, as far as is reasonable, to the same level as in 2006 (see Aerial Photograph provided with application) using native trees consistent with those remaining nearby. Where this is not possible to achieve by expanding the current woodland, then additional trees etc. must be planted generally within the site in compensation. That all such trees are protected with appropriate 'protection orders'.
- b) There should be public access through the site from the existing village via a footpath to link to Dagwood Lane and that the right to use such a footpath by the general public be fully established and protected.
- c) The development should not be, and shall be prohibited from becoming, a gated community and result in exclusion from the village.
- d) The development shall be fully screened by trees, shrubs, hedging or similar vegetation from the current public footpath, path number 35, that runs from Dagwood Lane to the Village Hall and that this screening in maintained in perpetuity.
- e) The restored woodland area within the site, other than in private gardens or communal spaces between houses, shall be permanently protected and managed separately from the rest of the development - perhaps by gifting it to an independent local trust or to the Parish Council, and that funds are provided to support such on-going maintenance. The restored woodland should then receive a protected planning dedication, perhaps as an SSSI, so as to maintain its ecological importance for the village.
- f) Surface run-off and groundwater flow from the site into any of the adjacent water courses be actively controlled and restricted, by short term storage if necessary, so as not to detrimentally increase the risk of flooding, particularly in Brook Lane and downstream into the River Wid.
- g) Any arrangement levied on residents to support the maintenance of the communal areas within the site, ponds, lawns, trees etc., shall include an annual contribution to the costs of maintaining and operating parish services, such as the children's play equipment and other facilities provided by the Parish Council.
- h) Dagwood Lane be made one-way from the development to Days Lane and designated a 'Quiet Lane' with a reduced speed limit and/or other suitable traffic management system(s) and a weight limit that would prohibit its use by goods vehicles or similar. This will enhance provision in the area for walkers and cyclists by better connecting existing paths and lanes.

The speed limit of Stocks Lane and Church Lane, between Kelvedon Hatch and Doddinghurst be made 30mph and includes the two-way section of Dagwood Lane between Church Lane and the site entrance. The imposition of a weight limit that would prohibit its use by goods vehicles or similar should also be put in place

This exceptional situation has arisen because of the previous abuse of the Waterworks Spring Farm site. In agreeing this application it is imperative that Brentwood Borough Council and other regulatory and enforcement authorities, such as Essex County Council, now exercise due diligence and rigorously respond to any and all similar cases of abuse in future in order to prevent these circumstances re-occurring on other sites.

Doddinghurst Parish Council

4<sup>th</sup> September 2020

## Appendix 1

### **Waterworks Spring Farm – Dagwood Lane, Doddinghurst, Brentwood, Essex.**

#### **A Summary of the History of the site 1995 to 2020**

Doddinghurst Parish Council files on the farm open on the 4<sup>th</sup> Sept 1996 with a planning inspectorate dismissal of an appeal by the site owners, [REDACTED], against a decision of Brentwood Borough Council refusing an application BRW/725/95 for the retention of an agricultural building (which had been built without permission) on the site. The Inspector visited the site and found that the building was not in use for agricultural purposes and no exceptional circumstance existed for development in the Green Belt. At the time the owner had cleared some of the land and created sheds, buildings and shelters for a wide range of animals as a hobby rather than a business and expressed the view that children could visit the site for educational purposes.

21<sup>st</sup> May 1997: Enforcement Notice ENF/BRW/42/97 Removal of Trees in preserved woodland.

2<sup>nd</sup> Dec 1997: Enforcement Notice ENF/BRW/261/97 Formation of access road and hard standing.

4<sup>th</sup> Feb 1998: Enforcement Notice re: BRW/261/97 Erection of 32 buildings and residential use of mobile home.

May 1998 the Planning Inspectorate responded to an appeal by [REDACTED] against an enforcement order and refusal to grant planning permission relating to the land and buildings which now included a mobile home. The document reveals that the [REDACTED] had sold their house, a thirty-minute drive from Dagwood Lane, to pay for the draining of the site of its natural lakes and to buy the mobile home. The inspector dismissed all the appeals.

6<sup>th</sup> Jan 2000: Enforcement Notice: ENF/BRW/293/99: Advertisements

In June 2000 a notice to replace felled trees was raised by the Borough Council as it was protected by a Woodland Order.

Oct 2000: The site was fenced off with 1.8m high fencing, in breach of planning control.

1<sup>st</sup> Nov 2000: Enforcement Notice: ENF/BRW/300/2000; Erection of fence exceeding 1m in height.

In Dec 2000 the Head of Planning in Brentwood wrote to [REDACTED] complaining, inter alia, of the depositing of hardcore and tipping of other materials being the cause of the death of many trees and advising [REDACTED] to meet his requirement to plant replacement trees in the "planting season".

In April 2001 a Section 207 notice was issued requiring tree planning. Aug 2001, letter from the Essex Principle Countryside Officer to Brentwood reminding the Council of the fact that Waterworks Spring (WWS) "Farm" was included in the English nature Inventory as 5 Hectares of ancient semi-natural woodland, as verified in 1980, and is covered by a Tree preservation Order.

9<sup>th</sup> Aug 2001: BRW/716/2001: Application from [REDACTED] to retain a mobile home: Refused including permission for poultry buildings

In Nov 2001 Brentwood Borough Council started prosecution action in the magistrate's court against [REDACTED] on five charges arising from prior enforcement orders that had not been complied with. Hearings were delayed with Mr [REDACTED] electing for a jury trial in Feb 2002 with "Human Rights" issues being raised. However, this was subsequently switched to Gray's magistrates court on 10<sup>th</sup> April 2002.

In parallel, [REDACTED] appealed to the Planning Inspectorate in January 2002 against the decision on application BRW/716/2001 to refuse the retention of poultry buildings and mobile home. Brentwood Borough indicated that the prosecutions would proceed but it seems that the cases were dropped??

July 2002. The Planning Inspectorate allowed the appeal against a decision by Brentwood Borough Council to refuse a planning application for the retention of a mobile home and free range poultry buildings, on the basis that the owners had now developed the land, erected buildings and formed a poultry business and was therefore being used for the purposes of agriculture. The permission was for 3 years and to end July 2005. The Borough Council were expected to monitor the establishment/ viability of the agricultural unit. The Inspector dismissed observations about the dumping of waste material on site as he found no evidence of the activity. It was reported in the feedback to, and subsequent correspondence exchange with, the Planning Inspectorate that the poultry the inspector had seen on the site "hadn't been there a fortnight before".

January 2005 the Principle Planner for Brentwood Borough Council wrote to [REDACTED] the ECC Planning Enforcement Officer about dumping of concrete/brick/rubble on the site and asked that Essex CC investigate the matter as the County was the "waste authority". He also warned that [REDACTED] had "threatened and been violent" towards Council staff in the past. [REDACTED] reported that a site visit had taken place on the 21<sup>st</sup> Jan 2005 and that

“the development that is taking place does not constitute a County Matter. He stated that “the works “reasonably necessary” to prevent the land from becoming waterlogged in wet weather”. He maintained that it was Brentwood Borough Council’s responsibility to determine if the works were permitted by virtue of the GDPO for agricultural buildings and operations or whether express planning permission is required for engineering works to improve drainage of the land and that it was the District (the Borough Council) to determine if the fill is reasonable for its purpose.

In March 2005 further discussions were held and another site visit after which Essex County Council enforcement insisted that the deposition of material was for the improvement of the site and the matter was for the Borough Council to deal with.

May 2005; ECC re-enforced their view in that the importation of waste was a justified operation and classed as “engineering works”, so was for Brentwood Borough Council to act if needed.

In July 2005 the Principle planning officer for Brentwood wrote to [REDACTED] to express disagreement with the ECC viewpoint adding that brick and concrete with soil to a depth of up to 3.5m had been deposited over an area of 0.7 to 1 hectare (photos provided). There is a “Plateau of material which runs from the entrance to the site into the woodland at the rear”. The motive for the importation of waste was “alleged as being for receiving payment to dispose of the waste”. The tipping “goes well beyond infilling any pre-existing landform” and went on to ask for a review of ECC’s decision.

10 August 2005, [REDACTED] replied stating that he had not changed his view. He assessed that importation had been going on for 4 years but he met [REDACTED] on the 17<sup>th</sup> March who had explained the purpose of the work and had advised him that the importation of material would stop.

26<sup>th</sup> August 2005 the Brentwood Chief Planning Officer [REDACTED] wrote to [REDACTED], the ECC Development Control Officer expressing concern that the reasons given by the land owner were a mask for a tipping operation and asked for a reconsideration of the ECC view.

12 Sept 2005 [REDACTED] replied to [REDACTED] expressing frustration at the lack of promised information and suggesting a meeting.

23<sup>rd</sup> Nov 2005. The Parish Council wrote to [REDACTED], the then Leader of Brentwood Council expressing frustration at the stalemate and lack of action by either BBC or ECC to address the issues raised by this site.

January 2006, [REDACTED], Brentwood Planning, wrote to [REDACTED], Borough Councillor to say that the importation of waste would be dealt with by ECC, with the County Office monitoring the site and the other matters such as the trees and occupation of the site would be dealt with by BBC.

26<sup>th</sup> January 2006, The Parish Council wrote to [REDACTED] the Regional Director of the Environment Agency for Anglian Region asking about the environmental impact of the importation of material onto Waterworks Spring Farm, if any licenses for importation of waste existed etc, etc.

7<sup>th</sup> February 2006 [REDACTED] of ECC wrote to the Clerk of Doddinghurst PC stating that the importation of waste was an engineering operation and not tipping of waste. It was the responsibility of BBC although ECC were assisting on the matter of the TPO’s as some of the waste was in the area of remaining woodland. However, “no more waste would be brought onto the site”.

Feb 2006: [REDACTED] was reported as being very ill so site meetings were postponed as he said he wished to attend them.

14<sup>th</sup> February 2006; Doddinghurst Parish Council wrote to [REDACTED] complaining about the procrastinations of the County Council, their ready acceptance of the rationale of what was being done on the now decrepit site, informing him that lorries were rolling up near to midnight and of the letter from the Parish Council to the Environment Agency.

16<sup>th</sup> February 2006; A response was received from environment agency confirming that the site was not licensed for waste activity and therefore they haven’t tested anything but they would investigate and come back to us. [REDACTED] of the environmental agency planned to visit the site on the 2<sup>nd</sup> March 2006, however no Brentwood Planning Officer was available to attend (they thought their presence would be counterproductive) and [REDACTED] subsequently refused him entry to the site. Samples of water run-off from the site were taken and found to be OK.

7<sup>th</sup> March 2006: Enforcement Notice ENF/BRW/83/2005 re: Continued residential use of the land.

7<sup>th</sup> March 2006: Senior Planner ECC wrote to Doddinghurst PC saying they had looked into WWS and any action is down to BBC. There is no dumping of waste only legitimate engineering infill and they are keeping an eye on where the trees are but is has satisfied that no damage has been done to the trees due to land fill (caveated by referring to those at the rear of the site).

24<sup>th</sup> March 2006: [REDACTED] paper to ECC members seeking verification of their standpoint on Waterworks Spring Farm. It is noted that the fact that the whole site was once woodland and natural ponds is ignored and the tipping of waste in the remaining woodland areas is the focus of attention.

6<sup>th</sup> April 2006; BBC planners voice disappointment by the above document which they “found” on the ECC website and represents a reversal of what they believed to have been agreed.

20<sup>th</sup> April 2006; a meeting was held with Borough Councillors, Parish Councillors and officers of Brentwood Borough Council. The expiry of the temporary planning permission and the refusal of the site owner to provide information was discussed and BBC confirmed that it had commenced action to have the mobile home removed. Action on the tree damage was discussed but [REDACTED] (BBC arboriculturist) felt that the Borough Council position was undermined by the expressed view from ECC that the importation of waste wasn’t damaging to the trees.

11<sup>th</sup> Sept 2006: Enforcement notice issued regarding change of use from agricultural to residential and permanent removal of mobile home with cessation of use site for residential purposes

20<sup>th</sup> Dec 2006: Appeal against enforcement orders ENF/19/2006 and ENF/BRW/83/2005 was lost.

9<sup>th</sup> August 2007: BRW/767/07: Application to build a three-bedroom bungalow, made and then withdrawn.

11<sup>th</sup> Oct 2007: BBC Planning ([REDACTED] wrote to [REDACTED] and [REDACTED] of ECC. Both letters focus on the amount of waste material being imported to the site. The one to the site owners reminding them that they had said they would stop importing material but they hadn’t done so and strongly advised them to stop moving material around on the site and bringing more material onto the site. The one to ECC advising [REDACTED] that up to 15 lorry loads per day were arriving with at least 30 to 40 lorry loads a week, and asked them to reconsider the ECC view on the validity of this activity.

19<sup>th</sup> March 2008: Application BRW/242/2008: Erection of a 4 bedroomed workers bungalow, with rooms in the roofspace. The plans showed this to be an exceptionally large “workers bungalow” having two floors and with 2 of the bedrooms measuring 11m x 8m. (36 feet x 26 feet) each. Application refused.

January 2009: ENF/BRW/398/2008: Use of site to be discontinued and land restored to former condition.

7<sup>th</sup> April 2009: Breach of Condition Notice issued. The site is Green Belt and the mobile home has no permission. The land should be restored to its former condition, as pertaining to, on or before July 2005.

11<sup>th</sup> August 2009: BRW/501/2009 Application to retain mobile home and free-range poultry buildings. Weekly list 1417/17 Refused 18<sup>th</sup> December 2009.

1<sup>st</sup> June 2012: Parish Council writes to the Head of Planning [REDACTED] pointing out that large scale importation of waste onto Waterworks Spring farm is again in full swing and trees being buried in rubble.

February 2015: Email from the Parish Council to [REDACTED] ECC enforcement Officer about the importation of waste into Waterworks Spring Farm. Report back to Councillors on the 25<sup>th</sup> Feb 2015 showed that, despite different personnel, the approach that this was acceptable engineering works persisted by stating “the importation of material could “reasonably be considered necessary to achieve the purpose of this development” – despite the level of the land clearly being higher than the adjacent road by about a metre, and despite there being no legitimate planning permission for the business. Reply copied to Borough Councillors. At the time Borough Councillor [REDACTED] was the Chair of the Brentwood Planning Committee and promised to discuss the matter with Suzanne Armstrong.

1<sup>st</sup> March 2016: Letter from Parish Council to local resident asking about the damage occurring at Waterworks Spring Farm.

28<sup>th</sup> October 2016: Volte-face by ECC. [REDACTED] ECC enforcement officer, decides to issue an enforcement notice as effective from the 25<sup>th</sup> November 2016 on [REDACTED] “to cease importing and spreading material; to

remove from the land all waste materials including imported soils, rubble and other similar waste materials; to restore the land to its condition prior to commencement of the unauthorised development”.

1<sup>st</sup> June 2017: [REDACTED] advised by email that the ECC waste planning authority witnessed the unauthorised importation, deposition, and spreading of waste materials on the land. The Waste Planning Authority considered that the change of use of the land for the importation, deposition and spreading of waste materials, substantially raising the levels of the land has a harmful effect on the visual environment, is visually intrusive and detrimental to the local amenity and character of the countryside. She reported that on the 25<sup>th</sup> May 2017 [REDACTED] pleaded guilty at Colchester magistrates court to continuing to import waste onto his land in breach of an enforcement order. He was fined £800 with Costs of £1400 and a victim surcharge of £80 totalling £2280.

7<sup>th</sup> February 2018: Second site visit by ECC enforcement officer who found that the waste that was supposed to have been removed remained on the land and a second prosecution statement was prepared for the magistrate’s court.

7<sup>th</sup> March 2018: [REDACTED] the site owner, passed away.

12<sup>th</sup> July 2018: The ECC environmental officer advised that a site visit took place and that “The waste materials deposited since 2016 have been removed from the land and the enforcement complied with”. The enforcement remains on the land to prevent any future owners importing any further waste.

13<sup>th</sup> July 2018 Waterworks Spring Farm offered for sale by Tender @ 8.85 acres for offers over £575,000 by Kemsley LLP, Chelmsford.

16<sup>th</sup> June 2020: 20/00704/FUL: Application to build 15 residential dwellings with access roads and landscaping.

The current condition of the site may be seen on the Facebook page for “Waterworks Spring Farm – Dagwood Lane – Doddinghurst” as most of the buildings, caravans and bungalow remain on the site.

[REDACTED]

Clerk to Doddinghurst Parish Council (2005 to 2018)

14<sup>th</sup> August 2020