



Claim Form (CPR Part 8)

In the
Hertford County Court

Claim no.

M01ED346

Fee Account no.

PBA0087217

Help with Fees -
Ref no. (if appli-
cable)

H W F - - - -

Claimant

Borough of Broxbourne Council
Borough Offices
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ



Defendant(s)

1) Persons Unknown occupying any part of the Land for residential purposes(temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia and/or bringing on to any part of the Land (as defined below) or stationing on any part of the Land any caravans/mobile homes.

2) Lee Valley Regional Park Authority, Myddelton House, Bulls Cross, Enfield, EN2 9HG

Does your claim include any issues under the Human Rights Act 1998? ☐ Yes ☒ No

Details of claim (see also overleaf)

Injunctive relief pursuant to section 187B of the Town and Country Planning Act 1990 and as attached.

Defendant's
name and
address

1) Persons Unknown

2) Lee Valley Regional Park
Authority, Myddelton House, Bulls Cross,
Enfield, EN2 9HG

£

Court fee

£377.00

Legal representative's
costs

TBC

Issue date

12 MAY 2025

For further details of the courts www.gov.uk/find-court-tribunal

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Claim no.

Details of claim (continued)

Borough of Broxbourne Council- Legal Services
Borough Offices
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ

Ref: IB/2039168

Claimant's or claimant's legal representative's
address to which documents should be sent if
different from overleaf. If you are prepared to
accept service by DX, fax or e-mail, please
add details.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ I **believe** that the facts stated in these particulars of claim are true.

☒ **The Claimant believes** that the facts stated in these particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature



☐ Claimant

☐ Litigation friend (where claimant is a child or a Protected Party)

☒ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

16

Month

04

Year

2025

Full name

Ibrahim Balta

Name of claimant's legal representative's firm

Borough of Broxbourne Council- Legal Services

If signing on behalf of firm or company give position or office held

Senior Litigation Solicitor

IN THE COUNTY COURT AT HERTFORD

Claim No.:

**IN AN APPLICATION MADE PURSUANT TO S.187B OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN

[more fully described in claim form]

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

DETAILS OF CLAIM

1. This is a claim to which Part 8 applies.
2. This is an application by Broxbourne Borough Council ("the Council") for an ex parte injunction. The Council is the local planning authority for the land shown at exhibit LW2 of the witness statement of Laura White ("the Land"). The Land is within the Lea Valley Park, as managed by the Lee Valley Regional Park Authority ("LVRPA"), within the Borough of Broxbourne. It is adjacent to the River Lea.
3. The names of all the persons threatening to engage in the apprehended breach of planning control is not known with certainty as at this date. In these circumstances it remains necessary to identify as the First Defendant a category of "Persons Unknown."

4. The Council considers that there is unauthorised development taking place which includes land inside and outside of an area allocated in the Local Plan for Gypsy and Traveller development in its Local Plan. The land outside of the allocation remains in the Green Belt. It is all undeveloped land, or land not in use for the stationing of caravans that the Council seeks to protect with this proposed action.
5. The scale and rapid pace of unauthorised development, particularly on previously undeveloped land, whether in private ownership or owned by LVRPA, means that the scale of potential planning enforcement action is significant. There is no sign that the increase in development of the site will slow down or cease, with areas of land already cleared in apparent anticipation of further expansion.
6. It is these multiple encroachments that demonstrate the need to protect the remaining undeveloped land. The ongoing development of the site, with a particular increase in activity over the last 12 months gives the Council legitimate concern regarding future unauthorised development. In particular, areas of land clearance provide an indication that the pattern of unauthorised development will continue.
7. The Claimant's position is that the land is clearly unsuitable for residential use. The purpose of the proposed pre-emptive injunction is to prevent further expansion of the site while the Council explore a number of options regarding the existing unauthorised development.
8. Under section 187B of the Town and Country Planning Act 1990 ("the 1990 Act"), where a local planning authority considers it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, it may apply for such an injunction to the court, whether or not it has exercised or is proposing to exercise any of its powers under Part 7 of the 1990 Act. On such an application, the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach. The substantive relief in the claim issued by the Claimant in this case is for such an injunction.
9. The Claimant's claim for appropriate injunctive relief, in essence forbidding the Defendants whether by themselves, or by instructing or encouraging any other person,

from siting any caravans/mobile home on the site and using any vehicle or other structure for residential purposes without the express grant of planning permission from the Claimant and undertaking any operational development as defined in section 55 of the Town and Country Planning Act 1990 on the Site without the express grant of planning permission from the Claimant.

10. The Claimant relies on the facts and matters as set out in the witness statement of Laura White. For the reasons set out therein, the Claimant considers it necessary and expedient to seek an injunction to restrain an apprehended breach of planning control.

11. Accordingly, the Claimant claims:

- (1) An order in the terms set out in the draft order filed with this claim;
- (2) Further or other relief;
- (3) Costs.

ANDREW PARKINSON
Landmark Chambers

STATEMENT OF TRUTH

The Claimant believes that the facts stated in these Details of Claim are true. The Claimant understand that proceedings for contempt of court may be brought against anyone who makes or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Full name: IBRAHIM BALTA

Position: SENIOR LITIGATION SOLICITOR

Dated: 16.04.2025

Application for Injunction (General Form)

Name of court Hertford County Court	Claim No. M01ED346
Claimant's Name and Ref. Borough of Broxbourne Council (IB/2039168)	
Defendant's Name and Ref. 1) Persons Unknown 2) Lee Valley Regional Park Authority	
Fee Account no. PBA0087217	

Notes on completion

Tick which boxes apply and specify the legislation where appropriate

- (1) Enter the full name of the person making the application
- (2) Enter the full name of the person the injunction is to be directed to
- (3) Set out any proposed orders requiring acts to be done. Delete if no mandatory order is sought.
- (4) Set out here the proposed terms of the injunction order (if the defendant is a limited company delete the wording in brackets and insert 'whether by its servants, agents, officers or otherwise').
- (5) Set out here any further terms asked for including provision for costs
- (6) Enter the names of all persons who have sworn affidavits or signed statements in support of this application
- (7) Enter the names and addresses of all persons upon whom it is intended to serve this application
- (8) Enter the full name and address for service and delete as required

- ☐ By application in pending proceedings
- ☒ Under Statutory provision s.187B of the Town and Country Planning Act 1990
- ☒ This application is made under Part 8 of the Civil Procedure Rules

Seal

This application raises issues under the Human Rights Act 1998

☐ Yes ☒ No

The Claimant⁽¹⁾ Borough of Broxbourne Council

applies to the court for an injunction order in the following terms:

The Defendant⁽²⁾ See Claim Form

must⁽³⁾ Please see attached attached draft injunction

The Defendant

be forbidden (whether by himself or by instructing or encouraging or permitting any other person)⁽⁴⁾

And that⁽⁵⁾

The grounds of this application are set out in the written evidence

of⁽⁶⁾ Laura White

sworn (signed) on 15/04/2025

This written evidence is served with this application.

This application is to be served upon⁽⁷⁾

Lee Valley Regional Park Authority

This application is filed by⁽⁸⁾ Borough of Broxbourne Council

(the Solicitors for) the Claimant (Applicant/Petitioner)

whose address for service is

Borough of Broxbourne Council- Legal Services, Borough Offices, Bishops' College, Churchgate, Cheshunt, Hertfordshire, EN8 9XQ

Signed

Dated 16/04/2025

This section to be completed by the court

* To*
Name and
address of
the person
application
is directed
to

This application will be heard by the (District) Judge

at

on

the

day of

20

at

o'clock

If you do not attend at the time shown the court may make an injunction order in your absence

If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The court office at

is open between 10am and 4pm Mon - Fri. When corresponding with the court, please address all forms and letters to the Court Manager and quote the claim number.

IN THE COUNTY COURT AT HERTFORD

Claim No.

BETWEEN

BROXBOURNE BOROUGH COUNCIL

Claimant

(1) PERSONS UNKNOWN (more fully described below)

(2) LEA VALLEY REGIONAL PARK AUTHORITY

Defendants

DRAFT ORDER

PENAL NOTICE

IF YOU, ANY OF THE ABOVE DEFENDANTS (INCLUDING PERSONS UNKNOWN), DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

THIS ORDER TAKES EFFECT IMMEDIATELY ON RECEIPT, WHETHER OR NOT SEALED BY THE COURT

UPON HEARING Counsel for the Claimant and the Defendants neither appearing or being represented.

AND UPON READING the Claim Form and Particulars of Claim and Application for an injunction order.

AND UPON READING the Witness Statements of Laura White and Ibrahim Balta.

AND UPON CONSIDERING section 222 of the Local Government Act 1972, Section 187B of the Town and Country Planning Act 1990 and Section 27 of the Police and Justice Act 2006.

AND UPON notice of this hearing having been notified to the Defendants by fixing the Notice of Hearing in prominent positions around the Land, as defined below and also publishing details on the Claimant's website.

IT IS ORDERED THAT:

A. INJUNCTION ORDER

1. It is ordered that the Defendants are forbidden from:
 - (1) Occupying any part of the Land (as defined below) for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia, save for where the Land is occupied in accordance with a lawful planning permission from the Council as Local Planning Authority, or the Secretary of State, or Written Permission from the Local Planning Authority (as defined below) or in accordance with statutory permitted development rights.
 - (2) Stationing on any part of the Land any vehicles, including caravans/mobile homes, save for where the Land is occupied in accordance with a lawful planning permission from the Council as Local Planning Authority, or the Secretary of State, or Written Permission from the Local Planning Authority (as defined below) or in accordance with statutory permitted development rights.
2. There shall be a power of arrest attached to paragraphs 1(i) to 1(ii) (inclusive) of this Order.
3. The “Land” in this Order means all land within the Borough of Broxbourne marked within the red line on the attached map in Schedule 1 to this Order.
4. This Order shall remain in force until the seventh day following the hearing of the Part 8 Claim or until further Order.

B. SERVICE

5. Personal Service of the Injunction is dispensed with in respect of the First Defendant, and the Claimant has permission pursuant to CPR 6.15(1) and CPR 6.27 to serve this injunction on the First Defendant by the alternative methods set out in paragraph (a)-(c) below:
 - a. Affixing copies (as opposed to originals) of this Order in a transparent envelope, or laminated copy, in a prominent position on or close to all adopted highway entry points within the area marked with the red line on the map attached at Schedule 1, and also posting copies of the same on the Land in a prominent way, with a notice that a copy of the supporting evidence can be obtained from Broxbourne Borough Council, Bishops College, Churchgate, Cheshunt, Waltham Cross EN8 9XQ.
 - b. Publishing a copy of this Order together with all the documentation before the Court on the Council’s website.
 - c. Making a copy of this Order together with all the documentation before the Court available at the front desks of the Claimant’s offices at Bishops College, Churchgate, Cheshunt, Waltham Cross EN8 9XQ.

6. The deemed date of service of any documents served in accordance with paragraph 4 above shall be the day on which service of the document or documents is completed in accordance with paragraph 4 above.

C. DIRECTIONS FOR HEARING OF PART 8 CLAIM

7. The Claimant shall file and serve upon any named Defendants, in accordance with section B above, any such further evidence in support of this Claim by no later than 21 days prior of the hearing of the Claim.
8. Any person other than the Claimants who would like to participate in the hearing of the Part 8 Claim must also file and serve on the Claimants any evidence upon which they intend to rely at the hearing by no later than 14 days prior to the hearing of the Claim.
9. The hearing of the Part 8 Claim, at which hearing his Order shall be reconsidered shall be listed on:

D. LIBERTY TO APPLY

10. The Defendants or anyone notified of this Order may each of them apply to the Court on 72 hours prior written notice (without prejudice to the right of that person to apply to shorten the time for service) to both the Court and the Claimants to vary or discharge this Order (or so much of it as affects that person).

E. INTERPRETATION OF THIS ORDER

11. In this Order, where there is more than one Defendant, unless otherwise stated, references to “the Defendants” means each or all of them.
12. A requirement to serve on “the Defendants” means on each of them, unless an Order of the Court specifies otherwise. The Order is, however, effective against any Defendant on whom it is served.
13. An Order requiring the Defendants to do or not to do anything applies to all Defendants.
14. “Occupying” means remaining in for the purposes of treating as a place of residence or as a dwelling.
15. A “Person Unknown” as defined in this Order is:
 - (1) A person occupying any part of the Land for residential purposes (temporary or otherwise) including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia.
 - (2) A person bringing on to any part of the Land (as defined below) or stationing on any part of the Land any caravans/mobile homes.
16. “Vehicles” includes cars, vans, trucks and motorbikes.

17. “Written Permission from the Local Planning Authority” includes, but is not limited to, written permission granted pursuant to any negotiated stopping agreement, policy or procedure.

GUIDANCE NOTES

DEFENDANTS - EFFECT OF THIS ORDER

18. A Defendant who is an individual who is ordered not to do something must not do it himself or herself or in any other way. He or she must not do it through others acting on his or her behalf or on his or her instructions or with his or her encouragement.
19. Any person may apply to the Court for this Order to be varied or discharged. You must obey this Order unless it is varied or discharged by the Court.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS - EFFECT OF THIS ORDER

20. It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined, or have their assets seized.

IN THE COUNTY COURT AT HERTFORD

Claim No.

BETWEEN

BROXBOURNE BOROUGH COUNCIL

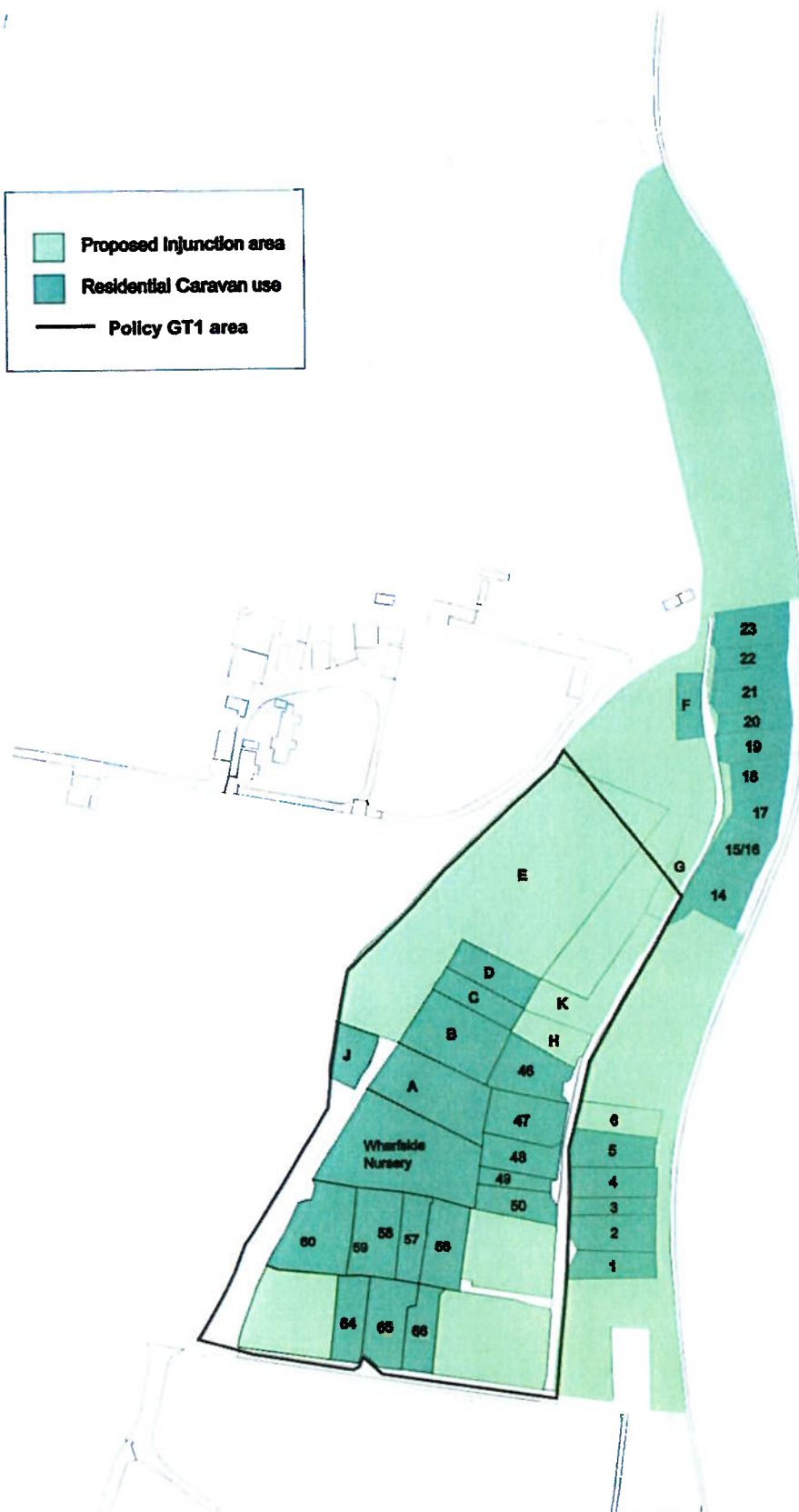
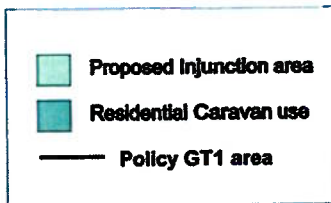
Claimant

(1)

(2) PERSONS UNKNOWN (more fully described in the Claim Form

Defendants

SCHEDULE 1: RED LINE PLAN



BROXBORNE BOROUGH COUNCIL
 CHURCHGATE
 CHESHUNT
 HERTS
 EN8 9QX

LOCATION : WHARF ROAD, WORMLEY

USER: CRM DATE:09/04/2025

Reproduced from the 1996 Ordnance Survey Mapping
 With the permission of the controller of Her Majesty's Stationery
 Office © Crown Copyright. Unauthorised reproduction infringes
 Crown Copyright and may lead to prosecution or civil proceedings

SCALE 1:2250

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEA VALLEY REGIONAL PARK AUTHORITY

Defendants

WITNESS STATEMENT OF LAURA WHITE

I, Laura White, of Broxbourne Borough Council, Bishops College, Churchgate, Cheshunt, Waltham Cross EN8 9XQ will say as follows:

Introduction

1. My name is Laura White, and I am a consultant in the role of Senior Planning Enforcement Officer on behalf of Broxbourne Borough Council (“the Council”).
2. I have over 15 years of experience in planning, primarily within planning enforcement roles.
3. I hold a BSC (Hons) in Environmental Studies and completed an RTPI-accredited Planning Foundation Course in 2010.
4. My development management experience consists of permanent roles at Broxbourne Borough Council (2007-2011), Welwyn Hatfield District Council (2011-2013) and Warwickshire County Council (2014-2019). In late 2019, I founded LW Planning, a consultancy aimed at assisting householders to navigate the planning system and

assisting Local Planning Authorities with resourcing issues. As a result of that consultancy, I have had planning or planning enforcement roles at the Canal & River Trust, New Forest District Council, South Staffordshire District Council and South Gloucestershire District Council. I have also worked with householders to resolve enforcement matters and submit planning and other applications.

5. In 2021, I began working at Broxbourne Borough Council within the planning enforcement team and remain in this role at present.
6. I am authorised by the Council to make this statement in support of its application for an injunction pursuant to s.187B of the Town and Country Planning Act 1990. The decision to seek an injunction was made in accordance with the Council's Constitution by Matthew Gallagher – Development Manager Place and the Chairman of the Council's Planning Committee. A copy of the report recommending this action is attached as **Exhibit LW1**.
7. I exhibit a map showing the proposed area of the injunction ("the Land") as **Exhibit LW2**.
8. The boundaries of the proposed injunction were chosen in accordance with the site's geography, namely a drainage ditch to the west, the River Lee and associated towpath to the east, and to the south Wharf Road itself.
9. The proposed area covers land which is at present undeveloped or used for the stationing of caravans surrounding the Wharf Road Gypsy and Traveller site both inside and outside the area allocated for such use. The intent of the injunction is to deter individuals from engaging in any further unauthorised incursion into Lee Valley Regional Park Authority ("LVRPA") land. The Council has separately identified areas, both inside and outside the proposed injunction area, which are currently in breach of planning control and is considering enforcement proceedings against these areas.
10. Plots which benefit from a certificate of lawfulness, planning permission or those which have are considered otherwise immune from formal enforcement action are *not*

included. The access tracks and tow path are not included as they are unlikely to be used for the stationing of caravans.

11. I make this statement from matters within my own knowledge, and from documents held on the planning enforcement file by the Council and from public records.

Background to the Claim

12. This Land falls within area of land within the Lea Valley Park, as managed by the LVRPA, within the Borough of Broxbourne, which is adjacent to the River Lea. The majority of the land is owned by LVRPA although there is significant third-party private ownership.
13. The area was divided into plots which were historically leased for use as leisure activities. Over time, some of the plots fell into private ownership and later sold on again to new owners.
14. The plots then began to be used by members of the Gypsy and Traveller community to create a permanent base. The wider site now consists of a mostly unauthorised encampment, although some plots do benefit from certificates of lawfulness and therefore immunity from enforcement action.
15. A full plot by plot assessment has been undertaken and is appended to this report (as **Exhibit LW3**).
16. The Council has previously taken enforcement action against a number of these plots which resulted in some temporary planning permissions, although these have now expired. Over the last few years there has been an expansion in activity on the land, including trespass onto land owned by LVRPA with this being particularly notable over the last 12 months.
17. The Council is working with the LVRPA and other relevant stakeholders to find a solution to the unauthorised development on the land but in the meantime seeks to prevent further development and encroachment from taking place.

18. Unfortunately, LVRPA have decided to dispose of the land as outlined in their briefing note attached as **Exhibit LW4**.
19. The Council has reviewed the lawful status of the plots in **Exhibit LW3**, and the proposed actions are summarised on the accompanying plan at **Exhibit LW5**. This shows the Council's intention to take action against all areas with unauthorised development.
20. Enforcement notices and similar actions cannot be taken on the remaining land as it is undeveloped. It is therefore proposed that an injunction is sought to prohibit further development.
21. Planning Contravention Notices were issued in June 2023 but not one response was received. Whilst individuals have occasionally been observed on the injunction area during site visits, the Council has been unable to specifically identify these persons. Moreover, it would be inappropriate to do so as no individual has been regularly observed on the site or could be reasonably construed as an occupant. As such, the proposed injunction is sought against Persons Unknown.

Policy Position

22. The Council has made provision for the authorisation and development of a formally designated Gypsy and Traveller site through the local plan process. Land has been released from the Green Belt for this purpose and Policy GT1 was adopted as part of the Local Plan in 2020. A copy of the policy is exhibited at **Exhibit LW6**. A Supplementary Planning Document for the Wharf Road site was published in November 2023.
23. The LVRPA has also been purchasing land with a view to returning the area to parkland, in line with their Park Development Framework. Within this Framework, there is an Area Proposal specifically for the improvements in the vicinity of Wharf Road.
24. However, there is unauthorised development taking place which includes both land inside and outside of the area allocated in the Local Plan. The land outside of the GT1

area remains in the Green Belt. It is all undeveloped land, or land not in use for the stationing of caravans that the Council seeks to protect with this proposed action.

25. The Council has engaged in an extensive programme of work towards the implementation policy GT1 to meet the needs of the Gypsy and Traveller community in the Borough. With regards part 3 of policy GT1 which specifically relates to the Wharf Road site the Council has undertaken the actions outlined below.
26. Site design and practical implementation plans were progressed through correspondence with various utility companies as well as research conducted with the assistance of Hertfordshire Gypsy and Traveller service. In March 2021 informal Cabinet reaffirmed support for progression of the Local Plan approach, subject to securing funding. In May 2021, officials at Homes England advised that funding would not be available for privately operated Gypsy and Traveller sites and that in any case, Homes England would only provide part funding.
27. In January 2022 the Department for Levelling Up, Housing and Communities (“DLUHC”) invited bids for a £10 million national Traveller Fund. A meeting with officials at DLUHC was held in April to scope out the potential for a successful bid for Wharf Road. DLUHC officials advised the following:
28. First, the bid criteria require that bids be accompanied by evidence of management of the project by either a local authority or a Registered Provider (RP or housing association) as an ‘affordable housing’ scheme. This would require public ownership of the land and below market rents to be charged. Even if a willing RP could be identified, many of the plots at Wharf Road are privately owned and there is anecdotal evidence that there is no appetite amongst residents to sell their plots.
29. Second, DLUHC officials were clear that bids that involved unauthorised pitches would not satisfy the criteria, even for proposals such as those set out in the Local Plan which seek to authorise pitches and improve the situation. Despite exhaustive efforts, no further funding sources have been identified.

30. Regular site visits were conducted to monitor the evolving situation on site and maintain open dialogue with residents. Additionally, several meetings with individual plot owners were held to discuss the evolving situation on site and various incidents of crime and anti-social behaviour.
31. In 2023, the Council's Informal Cabinet again reaffirmed support for progression of the Local Plan approach. Subsequently Planning Contravention Notices ("PCNs") (with associated explanatory cover letters) were issued to owners and occupiers of plots which were suspected of being in breach of planning. A copy of the PCN is exhibited at Exhibit **LW7**. Informal letters requesting the same information were issued to the remaining plots. This attempt to collect up-to-date information about sites demographics was intended to inform the project plans. The Council received zero responses to either PCN or informal letter. The LVRPA (as landowner of some plots) were not issued with PCNs.
32. Later that year the Council adopted the Wharf Road SPD in order to provide greater detail on the policy and consult residents with regards the project plans. On top of the regular consultation procedure a hardcopy of the SPD was hand delivered to all caravans on site (both inside and outside of GT1, unauthorised or authorised) as well as a supporting letter to residents outlining a dedicated point of contact within the council should they have any further questions or wish to make their representations orally (and be transcribed by the Council).
33. Only 2 responses were received. One from the LVRPA and the second from a resident stating they would be open to the proposed relocations. It should be noted that consultation responses were not published in order to protect the identity of respondents.
34. Since the Local Plans adoption in June 2020, the Council has worked closely with the LVRPA (the majority landowner within the GT1 area), to facilitate direct land transfers with individual river-front plot owners and relocate them to larger plots in the GT1 area. A project working group was established and regular stakeholder meetings were held. Attendees included representatives from various Council departments including Planning, Environmental Health, Community Safety as well as senior management, the

LVRPA and Hertfordshire Police Constabulary. Proposals to invite residents to speak at these meetings or hold a wider residents meeting were rejected by the LVRPA.

35. In March 2024, the LVRPA outlined that they *“Agreed in principle to exchange of land within the designated GT1 area which has in fact sterilised the land from the Park Authority’s perspective as the use is not compliant with the Authority’s remit. On that basis we would like to put up the land for sale that is no longer required for Park purposes. We have reflected on the cost of taking legal action and the challenge of how an action might be successful on land occupied within the GT1 area. Also, not sure how that would pan out via human rights within the GT1 area.”*
36. In December 2024 the LVRPA and the Council held a member-to-member meeting where the LVRPA again outlined their intention to sell their land holdings at Wharf Road. The Council considers that this will further delay and complicate the chances of successful implementation of the project.
37. All enforcement proceedings had been paused pending the progression of the project’s implementation. The Council is presently assessing whether to initiate enforcement proceedings against the owners and occupiers of all planning breaches at wharf road.
38. The Local Plan policy was framed to meet the immediate and longer-term accommodation needs of the residents at Wharf Road. Those needs were assessed through the Gypsy and Traveller Accommodation Assessment (“GTAA”) and are considered to remain current in respect of the gypsy and traveller community that was resident at the point of adoption of the Local Plan. As many of the residents at Wharf Road were settled, that need took into account the revised policy definition for gypsies and travellers.
39. There is uncertainty about the nature of the expansion of the community following adoption of the Local Plan and how many if any of those new residents represent a legitimate additional gypsy and traveller need that require to be accommodated. The Council believes there to be widespread abuse of the policy position but as above has to date been unable to ascertain the nature of the new residents. Through numerous discussions with residents at the site, it has been established as far as is reasonably

practicable that although the number of occupants who do not meet the (December 2024) Planning Policy for Traveller Sites (“PPTS”) definition has increased, the need for additional gypsy and traveller pitches (including transit pitches) has not increased since the previous needs assessment was undertaken.

40. For this reason, it is considered that the assessment in the plan remains up to date. There is no historic or current evidence of any periodic transitory use of Wharf Road or any other site within the Borough for which the Council would require to make provision.
41. The Council considers, that in accordance with the 2017 GTAA that there is no established need for transit sites within the local authority area. Additionally, according to Hertfordshire Gypsy and Traveller Service there is one official transit site in the County which provides 15 pitches. Information pertaining to this site is easily accessible through the County Council’s website.
42. Finally, it is pertinent to note that there is anecdotal evidence that, on plots adjacent to the injunction area (which may be subject to future enforcement action) unauthorised caravans are being sublet to individuals who are not members of the Gypsy and Traveller community. On various site visits Officers spoke with residents for who stated that they were subletting caravans. Some of these individuals stated that they did not identify as members of the community. Although it is relevant to state that income from privately renting these caravans is ultimately hindering the delivery of pitches for the Gypsy and Traveller community, for whom they are intended. The Council attributes limited weight to this point because no concrete evidence has been obtained and occupation of these caravans appears to change regularly.
43. The threatened breach of planning control is that of further Gypsy and Traveller encroachment, on land whereby the lawful use of the land concerned is as a regional park as set out in the 1966 Lee Valley Regional Park Act and subsequent Park Development Framework. Development in the form of the use of the land for primary living accommodation has been examined and found to be unacceptable in planning terms, as development in the form of the siting of caravans for primary residential use on this land is contrary to Local Plan policy GB1, NEB1, NEB3, ORC2, LV1, GT1,

Wharf Supplementary Planning Document. A copy of these policies is exhibited at **Exhibit LW8**.

44. It is the view of the Council that the potential use of the Site for primary residential purposes of a gypsy/traveller occupancy use would represent an unsustainable and unjustified form of development of significant harm. It is the view of the Council that the potential use of the Site for primary residential purposes of a gypsy/traveller occupancy use would represent an unsustainable and unjustified of development. The use would obstruct the implementation of policy GT1 as well as introduce additional built form into the Green Belt. This built form would also impact the openness, both visual and spatial, of the Green Belt. Additional physical development, in particular additional hard surfaces and boundary treatments would have a detrimental impact on biodiversity and result in a loss of open recreation space.
45. Paragraph 60 of the National Planning Policy Framework (“NPPF”) is relevant in these circumstances whereby effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. It is considered the securing the site through injunctive relief is consistent with the good enforcement principles of paragraph 60.

Basis for seeking an injunction

46. There has been significant unauthorised incursion of caravans into the Policy GT1 area and substantial incursion of unauthorised caravans into riverside plots outside the GT1 area.
47. The Council believes that the occupation of those caravans is not in accordance with the provisions of Policy GT1 and that many of the occupants do not fall within with the Gypsy and Traveller definition. The Council has issued notices requiring information on the identity of the occupants but has not received responses. In view of the level of unauthorised activity and in the absence of cooperation from those responsible for those activities, it is reasonable for the Council to conclude that further unauthorised incursions will occur into the areas covered by the injunction. This will exacerbate a potentially volatile situation and severely compromise the ability of the Council to

implement a sustainable future for legitimate gypsies and travellers at Wharf Road. A resolution to this obstacle is a pre-requisite for progression of the policy objectives.

48. The scale and rapid pace of unauthorised development, particularly on previously undeveloped land, whether in private ownership or owned by LVRPA, means that the scale of potential planning enforcement action is significant. There is no sign that the increase in development of the site will slow down or cease, with areas of land already cleared in apparent anticipation of further expansion.
49. The photographs exhibited at **Exhibit LW9** show the site development by comparing aerial photographs taken by Broxbourne Council in April 2020 and July 2024.
50. Photograph A shows an area of the site towards the southern end, with Plots 2-4 on the eastern boundary with the River Lea, as taken in April 2020.
51. When compared with Photograph B, which is the same area of the site as taken in July 2024, it is clear that the Plot north of Plots 2-4, Plot 5, has been fenced with a new hard surface created.
52. In addition, in the top left corner of the photograph, an area of land which is not marked with plot numbers but is broadly to the west of Plot B, has been cleared to a greater extent and laid to hard surface, consisting of loose gravel.
53. The land which formerly constituted Plot B is distinguishable by its yellow hard surface. The extent to which the site has expanded north of Plot B is clear when comparing Photographs A and B.
54. The number of caravans has also markedly increased between the two photographs providing further indication of the intensification of growth on site.
55. Photograph C shows Plots 19 -23 which are to the north of the site and adjacent to the River Lea. Photograph D shows the same plots as well as some plots to the south. When comparing Photograph C to Photograph D, it is clear that the previously undeveloped

plots, numbers 20 and 22, have since been cleared and laid to tarmac or similar hard surfacing.

56. In addition, the area opposite Plots 19 – 23 is being used for increasing amounts of vehicle parking and the access track has been significantly widened.
57. The three photographs at E show the area of land consisting of Plot 5 – Plot 16 in April 2020. In the third of these photographs plots 17 -21 can also be seen. Photograph F shows the same area as taken in July 2024.
58. The first thing visible is the incorporation of previously undeveloped plot at Plot 17 and the expansion of Plot 14 south to incorporate Plot 13.
59. The second aspect is the clearance of land opposite Plots 13-14 which has also been secured with some boundary treatments.
60. The two Photographs at G show the land surrounding Plots A and B as taken in April 2020. Whilst there is some expansion of Plot B to the north and some clearance to the west, it is comparatively limited. However, when compared to Photograph H, which shows the same area in July 2024, it can be seen that there is further expansion of the site to the north including additional hard surface and stationing of caravans.
61. Looking at the most recent changes, aerial photographs taken in October 2022 and April 2023 show the following:
62. Photographs H show the progression of development around Plot B. Particularly visible is the development of Plot J which was previously undeveloped, the hard surfacing of part of Plot E, and the creation of Plot D.
63. Photographs I show the progression around Plot B further and include the development of Plot H.
64. Photographs J show the progression of development around Plot 14 where the land opposite can be seen to be being encroached upon.

65. Photographs K show the encroachment onto Plots 1 and 5.
66. It is these multiple encroachments that demonstrate the need to protect the remaining undeveloped land at Wharf Road.
67. The ongoing development of the site, with a particular increase in activity over the last 12 months gives the Council legitimate concern regarding future unauthorised development. In particular, areas of land clearance, such as that shown in Photograph H, which shows clearance of and encroachment onto land that has previously been undeveloped north of Plot B, provide an indication that the pattern of unauthorised development will continue.
68. Continued expansion of unauthorised development within the GT1 area will further hinder the implementation of policy G1. The land is required to a) accommodate the relocated plots from the river front and b) meet the established accommodation needs of the Gypsy and Traveller community, specifically newly formed households (who grew up on the site and who are beginning families of their own).
69. The Council is extremely concerned that without injunctive relief, there will be further harmful development at the site. There is already clear evidence of previous incidents of the Defendants choosing, or permitting, development on the Land as defined under s.55 of the Town and Country Planning Act 1990, without first seeking planning approval, resulting in previous enforcement notices. It is therefore my view that restraining the Defendant by injunction is critical to protect the Land from further significant harm.
70. The purpose of the proposed pre-emptive injunction is to prevent further expansion of the site while the Council explore a number of options regarding the existing unauthorised development.
71. Further, the Council consider it to be expedient to restrain the Defendant(s) by way of injunction as if the intended breach is allowed to take place, it will be considerably more difficult and take even longer to remove the breach by way of formal enforcement

action, and thus likely to undermine public confidence in the planning system (contrary to para 60 of the NPPF) and the Council's ability to secure future compliance with planning control.

72. The Council is of the opinion that there is a strong public interest in taking these steps, as the Council have been in receipt of a number of complaints with regards to this most recent of developments, and previous developments and subsequent enforcement notices on the land.
73. The Council have opted to seek an injunction as the potential for a breach means there is currently no breach, so no tool or notice is currently open to the LPA to be used until a breach commences. However, because of the type of breach that could occur, the formation and development of the site could take a few hours or even less than this should no hard surface be laid. In this scenario the LPA would have no powers to stop the development occurring in literally minutes and not hours.


Other matters

74. There are no known issues affecting the Human Rights of any owner or occupier of the land. The relevant landowners are entitled to the peaceful enjoyment of their possessions (A1P1). However, the wording of Article 1 goes on to say that Its provisions shall not in any way impair the right a of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. In this case, the Council as an emanation of the state should enforce apprehended breaches of planning control.
75. Article 8 doesn't arise because there is nobody currently living on the Land. If the Council waits before taking enforcement action, then this will become an issue which is another reason to seek this action imminently.
76. As to proportionality, the Council is required to consider whether the action proposed strikes the right balance between the public interest in achieving these legitimate aims and the interference set out above. In my view, it does.

77. The right of the child is not relevant as the land affected by the proposed action is unoccupied by any person(s).
78. There are no known equality issues arising from the proposed action.
79. The Council have not yet put the Defendants on notice of its application.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: 

Name: LAURA WHITE

Date: 15TH APRIL 2025

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW1

Herewith attached is Exhibit LW1 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

Action under delegated authority of Director	
Action taken by Director in consultation with Chairman	✓
Urgent action under Part 3 of the Constitution	

Executive Committee(s) concerned: **Planning and Regulatory**

Site Location: **Land at Wharf Road, Wormley**

Contact Officer: **Laura White**

If using Part 3 please set out reason for urgency

Not Applicable

Background

This application relates to an area of land within the Lea Valley Park, as managed by the Lea Valley Regional Park Authority (LVRPA), within the Borough of Broxbourne, which is adjacent to the River Lea.

The area was divided into plots which were historically leased for use as leisure activities. Over time, some of the plots fell into private ownership and later sold on again to new owners.

The plots then began to be used by members of the Travelling community to create a permanent base. The wider site now consists of a mostly unauthorised encampment, although some plots do benefit from certificates of lawfulness and therefore immunity from enforcement action.

The Council has previously taken enforcement action against a number of these plots which resulted in some temporary planning permissions, although these have now expired. Over the last few years there has been an expansion in activity on the land, including trespass onto land owned by LVRPA with this being particularly notable over the last 12 months.

The Council is working with the LVRPA and other relevant stakeholders to find a solution to the unauthorised development on the land but in the meantime seeks to prevent further development and encroachment from taking place.

It is therefore proposed that an injunction is sought to prohibit further development.

Reasons for recommending direct action

Policy Position

The Council has made provision for the authorisation and development of a formally designate Gypsy and Traveller site through the local plan process. Land has been released from the Green Belt for this purpose and Policy GT1 was adopted as part of the Local Plan in 2020. A Supplementary Planning Document for the Wharf Road site was published in November 2023. The LVRPA has also been purchasing land with a view to returning the area to parkland, in line with their Park Development Framework. Within this Framework, there is an Area Proposal (see section 6.A.4.1) specifically for the improvements in the vicinity of Wharf Road.

However, the unauthorised development taking place includes land outside of the area allocated in the Local Plan. It is further land outside of this area, which remains in the Green Belt, that the Council seeks to protect with this proposed action.

Unauthorised development

The scale and rapid pace of unauthorised development, particularly on previously undeveloped land, whether in private ownership or owned by LVRPA, means that the scale of potential planning enforcement action is significant. There is no sign that the increase in development of the site will slow down or cease, with areas of land already cleared in apparent anticipation of further expansion.

The attached photographs show the site development by comparing aerial photographs taken by Broxbourne Council in April 2020 and July 2024.

Photograph A shows an area of the site towards the southern end, with Plots 2-4 on the eastern boundary with the River Lea, as taken in April 2020.

When compared with Photograph B, which is the same area of the site as taken in July 2024, it is clear that the Plot north of Plots 2-4, Plot 5, has been fenced with a new hard surface created.

In addition, in the top left corner of the photograph, an area of land which is not marked with plot numbers but is broadly to the west of Plot B, has been cleared to a greater extent and laid to hard surface, consisting of loose gravel.

The land which formerly constituted Plot B is distinguishable by its yellow hard surface. The extent to which the site has expanded north of Plot B is clear when comparing Photographs A and B.

The number of caravans has also markedly increased between the two photographs providing further indication of the intensification of growth on site.

Photograph C shows Plots 19 -23 which are to the north of the site and adjacent to the River Lea. Photograph D shows the same plots as well as some plots to the south. When comparing Photograph C to Photograph D, it is clear that the previously undeveloped plots, numbers 20 and 22, have since been cleared and laid to tarmac or similar hard surfacing.

In addition, the area opposite Plots 19 – 23 is being used for increasing amounts of vehicle parking and the access track has been significantly widened.

The three photographs at E show the area of land consisting of Plot 5 – Plot 16 in April 2020. In the third of these photographs plots 17 -21 can also be seen. Photograph F shows the same area as taken in July 2024.

The first thing visible is the incorporation of previously undeveloped plot at Plot 17 and the expansion of Plot 14 south to incorporate Plot 13.

The second aspect is the clearance of land opposite Plots 13-14 which has also been secured with some boundary treatments.

The two Photographs at G show the land surrounding Plots A and B as taken in April 2020. Whilst there is some expansion of Plot B to the north and some clearance to the west, it is comparatively limited. However, when compared to Photograph H, which shows the same area in July 2024, it can be seen that there is further expansion of the site to the north including additional hard surface and stationing of caravans.

There are no known issues affecting the Human Rights of any owner or occupier of the land.

The right of the child is not relevant as the land affected by the proposed action is unoccupied by any person(s).

Future concerns

The ongoing development of the site, with a particular increase in activity over the last 12 months gives the Council legitimate concern regarding future unauthorised development. In particular, areas of land clearance, such as that shown in Photograph H, which shows clearance of and encroachment onto land that has previously been undeveloped north of Plot B, provide an indication that the pattern of unauthorised development will continue.

The purpose of the proposed pre-emptive injunction is to prevent further expansion of the site while the Council explore a number of options regarding the existing unauthorised development.

There are no known equality issues arising from the proposed action.

There are no biodiversity or BNG issues arising from the proposed action.

Conclusion and Recommendation

Your agreement is now sought to authorise the seeking of an injunction to prohibit further development of the land.

Signature and designation of officer(s) authorising recommendation:



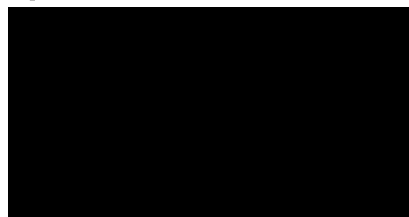
_____ Date: 11/10/2024
Matthew Gallagher
DM Manager – Place

Name of Chairman or Vice-Chairman
Consulted:

I have been consulted and concur
with the recommendations set out
below:

Councillor P Connolly
(Chairman)

Signature:



_____ Date: 11/10/2024

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW2

Herewith attached is Exhibit LW2 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168



BROXBOURNE BOROUGH COUNCIL
CHURCHGATE
CHESHUNT
HERTS
EN8 9QX

LOCATION : WHARF ROAD, WORMLEY

USER: CRM DATE:09/04/2025

Reproduced from the 1996 Ordnance Survey Mapping
With the permission of the controller of Her Majesty's Stationery
Office © Crown Copyright. Unauthorised reproduction infringes
Crown Copyright and may lead to prosecution or civil proceedings.

SCALE : 1/2250

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW3

Herewith attached is Exhibit LW3 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

Wharf Road – Plot Analysis and Next Steps

The purpose of this document is to set out the details of the status of each plot and their next steps. The plots have been grouped by status rather than in plot order. A summary table can be found at the end of this document.

Lawful – LDC or planning permission

Plot 2

Enforcement Notice ENF/13/0013 issued but quashed on appeal. Subsequently 07/18/0025/LDC Granted March 2018 for “existing use of land as a caravan site”. No reference to any particular occupier. So, regardless of occupation, no enforcement action can be taken.

Plot 15 & 16

These two plots have been combined and used as one large plot for a number of years until sometime between April and October 2022 when they were subdivided again resulting in 16 as an individual Plot with 15 being combined with Plot 14 as one large plot. Enforcement Notices ENF/13/0014 and ENF/13/0015 issued but quashed on appeal. Subsequently 07/18/0073/LDC Granted in March 2018 for “existing use of caravan site for residential use”. No reference to any particular occupier. So, regardless of occupation, no enforcement action can be taken.

Plot 46 (previously known as Plot 39)

07/16/1151/LDC granted January 2017 for “existing use of the bungalow and the stationing of a caravan for residential purposes, the retention of the shed, parking for two cars with associated hardstanding, boundary walls, gates, fencing, septic tank, gas tank and lighting”. This does not restrict occupation but allows for a single caravan with the bungalow.

07/19/0114/F: Demolition of existing bungalow and replacement with 1no. bungalow and 2no. mobile homes together with re-siting of cesspool. Granted April 2019. This is a personal permission and allows 2 caravans with the bungalow.

Plot 47 (previously known as Plot 41)

07/17/0046/LDC granted March 2017 for the “existing use of the stationing of a static caravan and touring caravan for residential purposes, also the retention of the utility blocks, parking for three vehicles with associated hardstanding, boundary fencing, gates, brick piers, septic tank, gas tank, electricity generator and lighting”. This does not restrict occupation but does limit occupation to a single static caravan and a single touring caravan.

Plot 49 and 50 (combined plot)

07/16/0947/LDC granted October 2016 “existing use for the stationing of caravans for residential purposes and retention of associated hardstanding, walls, fences, gate and septic tank”.

There is no limit on occupation or number of caravans.

Plot A (previously known as Plot 51 or Wharfside Nursery (partial))

Enforcement Notice issued in 2013 in relation to stationing of caravans (ENF/13/0019) but the subsequent appeal was allowed. The Notice covered part of the Plot A.

07/17/0438/LDC approved December 2017 for “existing use of the land as a caravan site”. There is no restriction on occupation or number of caravans.

Plot B (previously known as Plot 52)

07/17/0441/LDC approved December 2017 for “existing use of the land as a caravan site”. There is no restriction on occupation or number of caravans.

Wharfside Nursery (previously known as Plot 71)

Enforcement Notice ENF/13/0019 issued but quashed on appeal. Subsequently, 07/18/0074/LDC granted March 2018 for “existing use of caravan site for residential use”. There is no restriction on occupation or number of caravans. This includes part of Plot A.

Temporary Stop Notice ENF/16/0011 issued in relation to a building. Subsequently, 07/18/0437/F granted October 2018 for “demolition of existing single storey day room with laundry facilities. Construct new single storey day room with laundry, bathing, and washing facilities”.

Lawful via immunity

Plot 21

There is no formal planning history. Whilst authorisation to issue an Enforcement Notice was given in 2008, it does not appear that this was followed up. Authorisation was similarly granted to pursue an injunction to prevent unauthorised works but this was also not followed up.

Photographs and aerial photographs show the site has been in use for a period of more than 10 years and is, on the balance of probability, immune from formal enforcement action.

Plot 58

There is no formal planning or enforcement history.

Photographs and aerial photographs show the site has been in use for a period of more than 10 years and is, on the balance of probability, immune from formal enforcement action.

Plot 59 (previously known as Beverly)

Planning permission granted in 1994 (7/320/1994) caravan for recreational purposes; this permission was temporary until 1997.

Breach of Condition Notice ENF/13/07 issued and complied with in relation to removal of a chalet when the 1994 permission expired.

No planning or enforcement history in relation to the use of the site for permanent residential purposes.

Photographs and aerial photographs show the site has been in use for a period of more than 10 years and is, on the balance of probability, immune from formal enforcement action.

Plot 60 (also known as Ben)

There is no formal planning or enforcement history.

Photographs and aerial photographs show the site has been in use for a period of more than 10 years and is, on the balance of probability, immune from formal enforcement action.

Plot 64

There is no formal planning or enforcement history.

Photographs and aerial photographs show the site has been in use for a single caravan for a period of more than 10 years and is, on the balance of probability, immune from formal enforcement action.

Partially lawful

Plot 4

07/16/0606/LDC granted August 2016 for “existing use for the stationing of one caravan for residential purposes and retention of side/rear boundary fencing, front boundary wall and gate”. This does not restrict who may occupy the site, but does limit the site to one caravan and there are now 3 on site. An amount of enforcement action could be taken to reduce the number back to 1 should it be considered expedient to do so.

Unlawful – Outside GT1

Plot 1

This is LVRPA owned land which has no planning history. An Enforcement Notice was issued in February 2014. The appeal against the Notice was dismissed subject to variations. The Notice prevents the use for the stationing of caravans/mobile homes/structures for residential purposes. The Notice required cessation of the use, plus removal of mobile homes and operational development.

At the most recent site visit, at the end of November 2024, the land is being used for the stationing of three caravans and has been laid to hard surfacing in the form of a loose gravel/road planings surface, which provide some limited vehicle parking. There is no boundary between Plot 1 and Plot 2 but it is otherwise enclosed by a close board wooden fence which exceeds 2m in height.

The Council could seek to obtain an injunction to enforce the existing Notice although further advice is likely necessary first.

Plot 3

This is LVRPA owned land. Prior to LVRPA's ownership, an Enforcement Notice was issued in 1983 (DC8/1/41) in relation to permanent residential use. Temporary planning permission was granted for holiday and recreation purposes, until February 1988. The Plot became vacant over time and more recently it has been incorporated into Plot 2, in part, and Plot 4, in part, sometime between 2018 and April 2020. The plot has benefited from boundary treatments since at least 2011.

At the time of the last visit this plot was being used for the stationing of caravans and had been laid to hard surface.

The Council could seek to obtain an injunction to enforce the existing Notice although further advice is likely necessary first.

Alternatively, a new Enforcement Notice, in principle, could be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the stationing of caravans, including associated hardstanding”. The Notice could then require the cessation of the use, removal of all caravans, removal of the hardstanding, and reinstatement of a boundary treatment between Plot 2 and Plot 3, between Plot 3 and Plot 4 and between Plot 3 and the access road. Further advice should be taken on the most appropriate route.

Plot 5

This is LVRPA owned land which has no planning or enforcement history. Previously undeveloped until it was cleared and laid to tarmac between May and August 2024. The plot has benefited from boundary treatment to the front since at least 2011. It has been incorporated into Plot 4 and does not benefit from its own access.

At the most recent site visit, at the end of November 2024, the land is being used for the stationing of two caravans and has been laid to tarmac which also provides ancillary vehicle parking. There is also a trailer which appears to provide ancillary facilities, and a trampoline.

An Enforcement Notice, in principle, could be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the stationing of caravans, including associated hard surface”. The Notice could then require the cessation of the use, removal of all caravans, vehicles, trailers and domestic paraphernalia, removal of the hardstanding, reinstatement of the boundary between Plot 4 and Plot 5 and removal of the boundary treatment between Plot 5 and Plot 6.

Plot 6

This area of LVRPA land has been cleared to allow vehicle parking. There is no permission for this use so is in breach.

An Enforcement Notice, could, in principle be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the parking of vehicles”. The Notice could then require the cessation of the use and the removal of the vehicles.

Plot 14

In 2008, a pre-emptive injunction obtained to prevent development on this plot (ENF/26/07). Subsequently, two applications for lawful development certificates (existing use) have been submitted (references 07/16/1251/LDC & 07/18/1006/LDC) and due to be determined.

Regardless of the outcome of these, the Council holds historic aerial photographs which show the land was not being used, for seemingly any purpose, prior to 2018.

Based on this, it appears that the use of the site for permanent residential accommodation is not lawful. The site has benefited from boundary treatments since at least 2007.

Sometime between April and October 2022 the boundary between Plot 14 and Plot 15 was removed and the two plots were combined to form one large plot.

At the time of the last site visit, at the end of November 2024, it was laid to hardstanding and being used for the stationing of caravans.

An Enforcement Notice, in principle, could be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the stationing of caravans, including associated hardstanding”. The Notice could then require the cessation of the use, removal of all caravans and hardstanding and the replacement of the boundary treatment between Plot 14 and 15.

This will be reviewed following the outcome of the LDC applications.

Plot 17

This land is unregistered at Land Registry, and was undeveloped until it was partially cleared in 2016. Subsequently, this cleared part was laid to hard surfacing and incorporated into Plot 16 between April 2020 and September 2021. The rest of the Plot was cleared and laid to hard surface between April and October 2022. Between August 2023 and April 2024, it was separated from Plot 16 and became an individual plot.

At the time of the last site visit at the end of November 2024, it was being used for the stationing of 3 caravans and had been laid to hard surface. There is also a small wooden shed at the back of the plot.

An Enforcement Notice, in principle, could be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the stationing of caravans, with associated hard surfacing and building”. The Notice could then require the cessation of the use, removal of caravans, buildings, and hard surfacing. Boundary treatments could remain in place to avoid encroachment by either plot and to reduce the likelihood of fly tipping or similar activity.

Plot 18

This is LVRPA owned land which has no planning or enforcement history. Previously undeveloped until sometime between April and October 2022.

At the time of the last site visit, in November 2024, it was being used for the stationing of caravans, has been laid to a hard surface, which also provides for ancillary parking, and there are two wooden buildings on the plot.

An Enforcement Notice, in principle, could be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the stationing of caravans, with associated hard surfacing and buildings”. The Notice could then require the cessation of the use, removal of caravans, buildings, and hard surfacing. Boundary treatments could remain in place to avoid encroachment by either plot and to reduce the likelihood of fly tipping or similar activity.

Plot 19

This plot was subject to a pre-emptive injunction in 2008. Subsequently, planning permission was granted on appeal for the use of the land as a “caravan site for stationing of 2 caravans for residential occupation by singly gypsy-traveller and retention of shed. This was a time limited permission. A further permission was granted in 2014, to vary conditions attached to that first permission, allowing further occupation of the plot. This was time limited to 31 December 2020 and to three caravans. As the time limited permission has expired, this is in breach of planning control.

At the time of the most recent site visit, the plot consists of two caravans, an ancillary building and hard surfacing in the form of block paving.

As held in a recent appeal decision, a time limited permission does not result in the permission being lost:

“.....the judgment in Pioneer Aggregates UK v SSE [1985] 1 AC 132 which sets out the ways in which a planning permission, once implemented, can be lost. None of those mechanisms involved a use that continues beyond the time limit set by a condition imposed on a temporary planning permission. It follows that a planning permission for a material change of use that is granted subject to a time limiting condition does not expire at the end of that period but remains extant, albeit any continuing use would be in breach of that condition and the remedy for that breach is an application to vary or remove the time limiting condition”.

In respect of this plot, a Breach of Condition Notice, rather than an Enforcement Notice for a material change of use, would be the appropriate method of taking formal action. Alternatively, an Enforcement Notice for breach of conditions could be issued. In any event, the Notice could require the use to cease and the development consisting of ancillary buildings and hardsurfacing.

It should be noted that Council officers informally met with plot owners in 2020 and informally agreed to halt any enforcement proceedings subject to the progression of the implementation of Local Plan policy GT1.

Plot 20

This LVRPA owned plot was previously undeveloped until the vegetation was cleared between 2018 and April 2020. Sometime between April and October 2022 it was laid to tarmac and has since been used for vehicle parking, likely associated with plot 19 as boundary fence between the two plots has been removed.

At the last site visit, in November 2024, the development of the land had not changed.

An Enforcement Notice, in principle, could be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the

parking of vehicles and provision of associated hard surfacing”. The Notice could then require the cessation of the use, removal of all vehicles and removal of the hard surface.

Plot 22

This LVRPA owned plot was previously undeveloped. The front portion of the site was being used for vehicle parking in 2020; the land remained partially cleared throughout 2021 before being laid to tarmac between April and October 2022. Between October 2022 and May 2023, the use for the stationing of caravans began.

At the time of the last site visit, in November 2024, two caravans are stationed on the land.

An Enforcement Notice, in principle, could be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the stationing of caravans and the provision of associated hard surfacing”. The Notice could then require the cessation of the use, removal of all caravans and the removal of the hard surface.

Plot 23

Enforcement Notice issued in 2007 for a single storey building and hard surfacing; the subsequent appeal was invalid.

Further Enforcement Notice issued in 2011; the appeal was allowed, and planning permission was granted for “stationing of caravans for residential purposes, including the erection of an ancillary wooden shed and installation of a hard surface”. The permission was subject to conditions making it both personal to the then owners and time limited for three years.

Subsequently permission 07/14/0941/F was granted to remove the personal element of the previous permission and to allow continued occupation of the plot. This permission was subject to conditions, including a time limit to the end of 2020 and a limit of 3 caravans. As the time limited permission has expired, this is in breach of planning control.

At the time of the most recent site visit, the plot consists of three caravans, two ancillary buildings and hard surfacing in the form of both block paving and loose gravel.

As held in a recent appeal decision, a time limited permission does not result in the permission being lost:

“....the judgment in Pioneer Aggregates UK v SSE [1985] 1 AC 132 which sets out the ways in which a planning permission, once implemented, can be lost. None of those mechanisms involved a use that continues beyond the time limit set by a condition imposed on a temporary planning permission. It follows that a planning permission for a material change of use that is granted subject to a time limiting condition does not

expire at the end of that period but remains extant, albeit any continuing use would be in breach of that condition and the remedy for that breach is an application to vary or remove the time limiting condition”.

In respect of this plot, a Breach of Condition Notice, rather than an Enforcement Notice for a material change of use, would be the appropriate method of taking formal action. Alternatively, an Enforcement Notice for breach of conditions could be issued. In any event, the Notice could require the use to cease and the development consisting of ancillary buildings and hardsurfacing.

It should be noted that Council officers informally met with plot owners in 2020 and informally agreed to halt any enforcement proceedings subject to the progression of the implementation of Local Plan policy GT1.

Land opposite Plots 22-21 (now referred to as Plot F)

This area of LVRPA land has been cleared to allow vehicle parking. There is not permission for this use so is in breach.

An Enforcement Notice, could, in principle be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the parking of vehicles”. The Notice could then require the cessation of the use and the removal of the vehicles.

Unlawful – Inside GT1

Land North of Plot 46 (now referred to as Plot H)

This LVRPA owned land was previously undeveloped until the land was cleared between September 2021 and April 2022. Between April and October 2022 the use for vehicle parking and storage of materials, akin to a builder’s yard, began. A minimal hard surface of some loose gravel has been applied to the land.

This use is contrary to GT1 and, if it became lawful or gained permission, would prevent implementation of GT1 in full.

An Enforcement Notice could, in principle, be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the storage of building materials and associated vehicle parking”. The Notice could then require the cessation of the use, removal of vehicles and all materials e.g. bricks and fence panels as well as the removal of boundary treatments to the north and east boundaries and removal of any hard surface.

Land North of Plot B(now referred to as Plots C and D)

This LVRPA owned land was previously undeveloped until sometime between 2018 and April 2020 when the land was cleared, laid to hard surface, and used for the stationing of caravans. This has happened twice, leading to two new Plots being created.

Part of the land is included within the area covered by an Enforcement Notice issued in 1977 (21.1.5.120) in relation to motor vehicle breaking (Buryholme Nursery).

Whilst these plots are in breach, as they are within GT1, no action is proposed at this time although this may be revisited in the future.

Land further North of Plot B (now referred to as Plot E)

Part of the land is included within the area covered by an Enforcement Notice issued in 1977 (21.1.5.120) in relation to motor vehicle breaking (Buryholme Nursery).

This area has been fenced off and a bund has been created around its eastern perimeter. The land is being used to station vehicles and housing dogs in small sheds being used as kennels. It is partially laid to gravel whilst the remainder is still laid to grass.

This use is contrary to GT1 and, if it became lawful or gained permission, would prevent implementation of GT1 in full.

This area also forms part of the proposed injunction area.

An Enforcement Notice could, in principle, be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for vehicle parking and the provision of hard surfacing”. The Notice could then require the cessation of the use, removal of all vehicles and removal of the hard surface.

Western track and land to west of Plot B (now referred to as Plot J)

The western track is lawful insofar as it has existed for in excess of 10 years to the point of Plot B. However, the track has been extended beyond this point and the land to the west and north of it has been cleared. The cleared land has been laid to hard surface in the form of a loose gravel surface and is used for vehicle parking.

A small area to the west of the track was cleared in approximately 2009 although it is not clear for what purpose. This area was expanded between 2016 and 2018 and it was then used for vehicle parking. Further expansion took place opposite Plot A between April and October 2022.

The track length was extended between April 2020 and September 2021 in order to facilitate the development on the land north of Plot B.

This use is contrary to GT1 and, if it became lawful or gained permission, would prevent implementation of GT1 in full.

This area also forms part of the proposed injunction area.

An Enforcement Notice could, in principle, be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for vehicle parking and the provision of hard surfacing”. The Notice could then require the cessation of the use, removal of all vehicles and removal of the hard surface.

Plot 48

This land was historically used as an access to the land rear of plots 47, 48 etc. This was the case at least until 2016. It consisted of a hard surfaced access road and green area to the south along the boundary with Plot 48. It is partially privately owned and partially owned by LVRPA

Sometime between 2014 and 2016, this green area was cleared. Between April 2020 and September 2021, the former green area was laid to hard surfacing and by April 2022 this area was being used for vehicle parking/storage. Between August 2023 and April 2024, a number of structures, formed of storage containers and corrugated sheeting, had been erected on the land. At the time of the last visit in November 2024, these were being used, at least in part, for the storage of vehicles and vehicle parts.

This use is contrary to GT1 and, if it became lawful or gained permission, would prevent implementation of GT1 in full.

An Enforcement Notice could, in principle, be issued describing the breach of planning control along the lines of “without planning permission, the use of the land for the storage of vehicles, vehicle parts, and building materials”. The Notice could then require the cessation of the use of the land and the removal of vehicles, vehicle parts, containers, structures including the front access gates, and hardstanding.

Plot 56

Enforcement Notice issued in February 2014 for “without planning permission the material change of use of the land to use for the stationing and residential occupation of caravans/mobile homes/portable structures”.

As the plot remains unregistered, it is not known whether the current occupier(s) of the plot are aware of the extant Notice. Planning Contravention Notices were served to obtain the details of the occupier, but no responses were received.

The Council could seek to obtain an injunction to enforce the existing Notice although further advice is likely necessary first.

Plot 57

Enforcement Notice issued in February 2014 for “without planning permission the material changes of use of the land to use for the stationing and residential occupation of caravans/mobile homes/portable structures”. LVRPA obtained court order to take possession of the land, so no further action was taken.

As the plot remains in the ownership of the LVRPA they are aware of its existence. However, the occupation is unknown. Planning Contravention Notices were served to obtain the details of the occupier, but no responses were received.

The Council could seek to obtain an injunction to enforce the existing Notice although further advice is likely necessary first.

Plot 65 and 66

These two plots had been combined and used as one plot for a number of years; initially the use was a scrap yard/waste transfer/skip yard. The land was cleared in 2008, and a pre-emptive injunction was obtained in 2009, although it wasn't until 2010 that the Council observed caravans on the land. An Enforcement Notice was issued in 2014 for the use of the land for stationing of caravans. It appears that whilst no appeal was submitted, compliance with this Notice was not pursued. The land has recently been subdivided back into two plots, which does not change the use of the land.

The Council could seek to obtain an injunction to enforce the existing Notice although further advice is likely necessary first.

Other Action

It is proposed to issue a Section 215 Notice in respect of untidy land opposite Plot 14 (now referred to as Plot G) and land further north of plot 46 (now referred to as Plot K). This does not impact the use or status of the land as undeveloped, open land. This land is included in the Council's proposed pre-emptive injunction.

Summary

A table of summary actions is provided below for ease of reference

Action Type	No. of Plots	Plot Numbers
None (Lawful)	10	2, 15, 16, 21, 46, 47, 49, 50, A, B, Wharfside Nursery
None (Immune)	4	58, 59, 60, 64,
EN (caravan use)	5	5, 14, 17, 18, 22
EN (non-caravan use)	7	6, 20, 48, E, F, H, J

Breach of Condition	2	19, 23
Section 215	2	G, K
Extant EN	6	1, 3, 56, 57, 65, 66
Injunction	18 + unnumbered area	7-13, 51-55, 61-63, 67-69
Further advice required	1	4
None at this time (GT1)	2	C, D

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW4

Herewith attached is Exhibit LW4 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

LVRPA and Broxbourne Meeting on Wharf Road - 11 December 2024

Briefing Note

- Up to 2012 the Authority spent £2.37mill acquiring plots in the Wharf Road with the then long term aspiration to incorporate the area into the LVRP. In addition, sites in close proximity to the GT1 site were acquired by the Authority (see Appendix B), namely The Forge was acquired in 2013, the former Waverley Nursery in 2016 and 2 Bungalow Wharf Road in 2019, and cost the Authority £1.51mil.
- The Broxbourne Local Plan (adopted June 2020) created a designated Gypsy & Traveller site at Wharf Road, GT1, which resulted in the designated area of land being removed from the Green Belt. The Authority objected to the designation at the time but now as a result of the creation of GT1 the Authority can no longer deliver its statutory remit on this site. There is therefore a strong case that the Authority's land, circa 3.19 acres within the GT1 is no longer required for Park purposes.
- Extract from the 2020 Broxbourne Local Plan: "The Council is therefore seeking to work with the established community and the Lee Valley Regional Park Authority to create an authorised site at Wharf Road for that community. This will entail the relocation of the straggle of plots along the River Lee onto land currently owned by the Authority in the central area where most of the unauthorised plots are currently located. This will create a central integrated site that can then be authorised, licenced and properly serviced with roads, water, electricity and drainage. It will also entail the discontinuance of sub-letting...."
- The GT1 is circa 5.31 acres of which circa 60% (3.19 acres) is owned by the Authority, with the rest in the ownership of Gypsy & Travellers. Some of the Authority land in GT1 has been trespassed on and is unlawfully occupied by Gypsy & Travellers.
- The riverside plots 1-23 lie outside of the GT1 area.
- GT1: x3 of the plots have Lawful Development Certificates (LDC) with another x4 in occupation for more than 10 years and therefore eligible for a LDC.
- Riverside: x3 plots have LDCs with another going through the application process and another eligible based on the 10 year rule. The Authority owns the rest of the Riverside land with some land that has been encroached on and unlawfully occupied.
- Over the past 2-3 years i.e. after the adoption of the Local Plan, Broxbourne and LVRPA have attempted to find a mechanism which would facilitate the relocation of Riverside plot holders (both those that are occupying their plots lawfully and those that are unlawfully occupying Authority land) to the GT1 area. Broxbourne has proposed that the Authority be at the heart of the process i.e. dealing directly with Riverside plot owners. To date the Authority has indicated that it is not prepared to be directly involved in dealing with the Gypsy & Traveller plot owners but that it is amenable to the relocation of Riverside plot holders from the Riverside onto the Authority land in GT1 and will support the process in other ways. In addition to Broxbourne and the Authority, Herts Police are also intimately involved in matters at Wharf Road, as a result of major concerns around criminality in the Wharf Road area. A significant amount of time and energy has been devoted by all the agencies involved in trying to take this matter forward, but as of October 2024 an agreed and workable solution has not been found.

- Broxbourne is considering exercising its discretion to commence planning enforcement action against some occupiers of land and the Authority in GT1 and on the Riverside in respect of plots that do not have LDCs or planning permission.
 - It is not clear how successful this action is likely to be given that GT1 has its Gypsy & Traveller site designation and the Riverside area has a number of LDCs in place with more in the pipeline.
- In the summer of 2024, following a discussion with the Chair and other Members, Authority officers proposed a possible way forward which would see it divest itself of its land holding in GT1 to Broxbourne, thereby enabling the Council to directly lead and control the process and enabling it to liaise directly with the GT1 and Riverside plot holders. Officers also indicated that if Broxbourne did **not** wish to acquire the Authority land then the Authority would consider selling to other interested parties, from which there is known interest. In terms of the Riverside area the Authority could consider a mechanism which allows Broxbourne control over that area via a lease or land swap arrangement. This would again be with the aim of enabling Broxbourne control of the areas that are related to its Local Plan obligation of delivering a consolidated Gypsy & Traveller site

Appendices:

Appendix A – Wharf Road GT1 site

Appendix B – GT1 with LVRPA wider site context showing recent adjacent land acquisitions

Appendix C – Wharf Road extract from Local Plan policies map



Wharf Road GT1 site

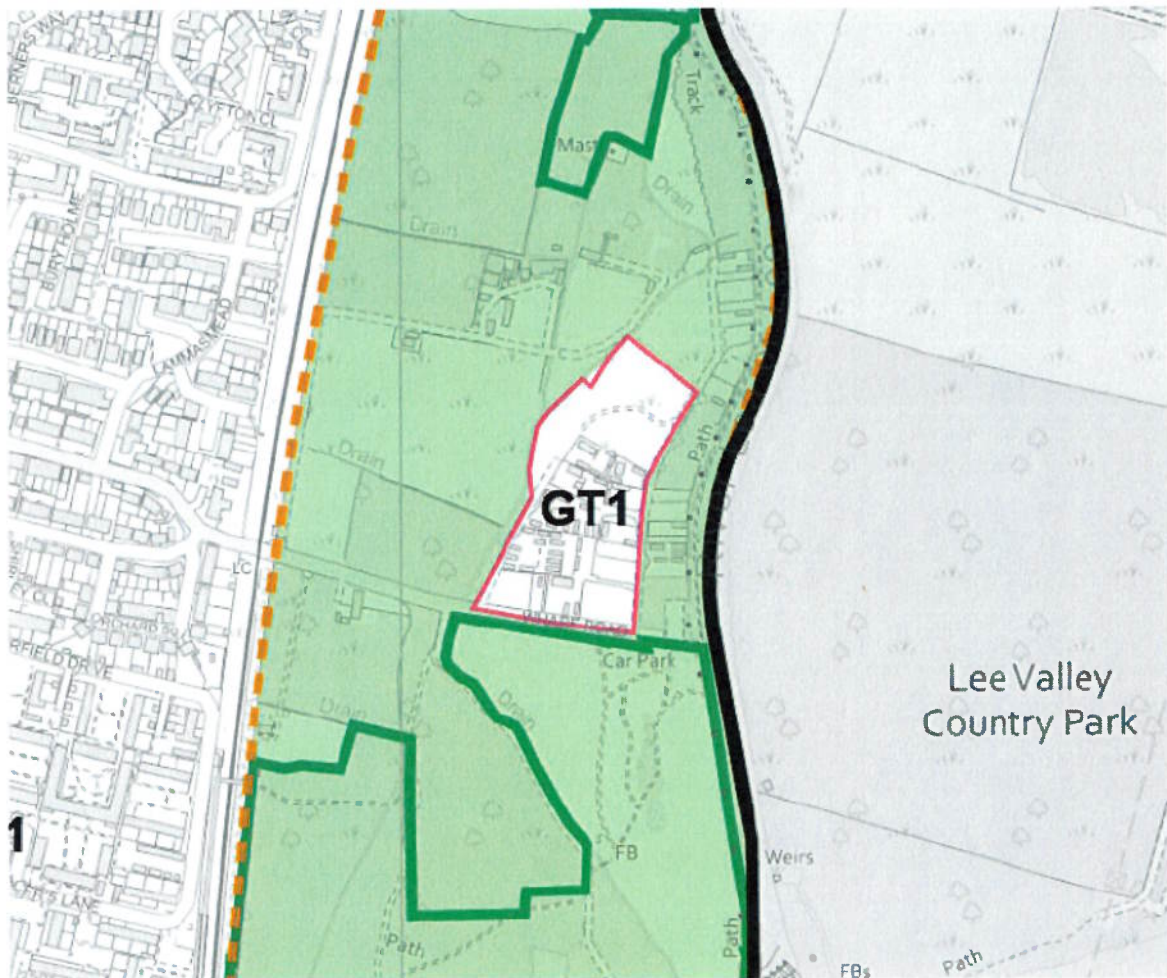
 GT1

1:2,000 @ A4
23/08/2024

Produced by Corporate GIS (HH)



Extract from Local Plan Policies Map – area removed from the Green Belt for Wharf Rd site: GT1.



**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW5

Herewith attached is Exhibit LW5 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

Proposed Actions:

- None (immune/lawful)
- Breach of condition
- Section 215 notice
- Further advice required
- None at this time (GT1)

Enforcement Notice:

- caravan use
- non-caravan use
- extant notice

Policy GT1 area



BROXBORNE BOROUGH COUNCIL
CHURCHGATE
CHESHUNT
HERTS
EN8 9QX

LOCATION : WHARF ROAD, WORMLEY

USER: CRM DATE:09/04/2025

Reproduced from the 1996 Ordnance Survey Mapping
 With the permission of the controller of Her Majesty's Stationery
 Office © Crown Copyright. Unauthorised reproduction infringes
 Crown Copyright and may lead to prosecution or civil proceedings.

SCALE: 1/2250

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW6

Herewith attached is Exhibit LW6 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

16 Gypsies, Travellers, and Travelling Showpeople

16.1 Broxbourne has three fully authorised gypsy and traveller sites: a family-owned site with eight caravans at Hertford Road, a family owned site with six caravans at St James Road and fifteen pitches (24 caravans) at Halfhide Lane that are owned and managed by Hertfordshire County Council. There is also an encampment at Wharf Road in the Lee Valley Regional Park which contains approximately 49 caravans on privately owned plots that have never been formally authorised.

16.2 The Council has undertaken a Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment. This concluded that there is a need to provide for 22 additional traveller pitches over the Plan period. As set out below, each of the four proposed gypsy and traveller sites has sufficient capacity to accommodate identified needs. Planning applications for new pitches will be considered on their merits.

Hertford Road

16.3 The Hertford Road site has scope for limited expansion to meet the needs of that community on land to the immediate south which is in the ownership of the Council. This land is proposed to be allocated for that use. At Hertford Road, sufficient land is allocated to meet the accommodation needs of that community over the Plan period.

St James Road

16.4 The St James Road site has limited scope to accommodate additional pitches for defined travellers within that community. No further expansion of the site area is required. Most of the residents of the St. James Road site are not considered to meet the national definition of gypsies and travellers. However, there is space within the boundaries of the site for additional pitches.

Halfhide Lane

16.5 The Halfhide Lane site is proposed to be relocated within the Brookfield site allocation. Whilst most of the residents of this site are not considered to meet the national definition of gypsies and travellers, that relocation will provide for additional/expanded pitches to provide for the growth of those families over the Plan period.

Wharf Road

16.6 Most of the identified need for 22 pitches (see above) relates to the previously unauthorised Wharf Road site. The extent of the allocation of this site addresses the needs of all the resident gypsy and traveller families over the Plan period – both within existing pitches and through the creation of new pitches. The accommodation needs of the more long standing Wharf Road travelling community are recognised by

the Council. However, the situation at Wharf Road has become very complex with substantial sub-letting of caravans to individuals with no long term connection to the Borough. The Council is therefore seeking to work with the established community and the Lee Valley Regional Park Authority to create an authorised site at Wharf Road for that community. This will entail the relocation of the straggle of plots along the River Lee onto land currently owned by the Authority in the central area where most of the unauthorised plots are currently located. This will create a central integrated site that can then be authorised, licenced and properly serviced with roads, water, electricity and drainage. It will also entail the discontinuance of sub-letting.

16.7 The sites at Hertford Road, St James' Road and Wharf Road have all been removed from the Green Belt in order to enable the effective implementation of Policy GT1 as set out below.

Policy GT1: Gypsy and Traveller Sites

The Council will work with the travelling communities to allocate sites as follows as shown on the Policies Map:

1. Expansion of Hertford Road where additional appropriate needs cannot be accommodated within the existing site boundaries;
2. Accommodation of new pitches within the existing St James' Road site;
3. Authorised site at Wharf Road to accommodate the appropriate needs of the Wharf Road Community.

These sites are allocated for the specific needs of the resident travelling communities to which they relate and the future expansion of those communities through new household formation within those communities. They are not to meet the needs of extended family members not currently resident within the Borough of Broxbourne. The means for ensuring that these sites meet the immediate needs of those communities in perpetuity will be set out within planning permissions.

If demonstrated to be necessary in accordance with policy BR4, the Halfhide Lane Gypsy site will be relocated within Brookfield Garden Village to accommodate the appropriate needs of the Halfhide Lane gypsy community.

Travelling Showpeople

16.8 Broxbourne has one operating travelling showpeople site at the south-western corner of Goffs Lane and Lieutenant Ellis Way. The site has been removed from the Green Belt in order to enable the effective implementation of Policy GT2 as set out below. There is significant scope to accommodate the future needs of the resident community within the site boundaries. A master plan will be agreed with the site owner to secure this objective. Therefore no new travelling showpeople sites are allocated within this Local Plan.

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW7

Herewith attached is Exhibit LW7 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

Borough Offices, Bishops' College, Churchgate
Cheshunt, Hertfordshire EN8 9XB

Tel: 01992 785555
E-mail: planning@broxbourne.gov.uk
Internet: www.broxbourne.gov.uk



**BOROUGH OF
BROXBOURNE**
www.broxbourne.gov.uk

Date: 12th June 2023
My Ref: ENF/23/0050
Please ask for: Camille
Rantz Mc Donald
Email: Camille.rmcd@broxbourne.gov.uk

Dear [REDACTED]

Town and Country Planning Act 1990

Re: Without planning permission, the stationing of caravans and other vehicles at Land North and West of Plot B Leaside Caravan Park, Wormley, Hertfordshire, EN10 6HD

I enclose herewith a Planning Contravention Notice served upon you in view of your interest in the land.

This notice is being served because the Council requires information from residents of the Wharf Road Gypsy and Traveller site.

Why is this PCN being issued?

- 1) The Council is seeking to implement Local Plan Policy GT1 – the creation of a unified site by relocating existing plots away from the water front. Therefore, the Council requires information on number of residents, land ownership etc.
- 2) The Council is aware of multiple 'land-grabs' by residents of land owned by the Lee Valley Regional Park Authority. Formal enforcement action is being considered to deal with these breaches of planning.

You are therefore required to answer fully all the questions on the attached planning contravention notice. Please keep a copy of your responses for your own records.

Note: It is a criminal offence to fail to comply with any requirements of this notice within 21 days.

How to Respond:

- Fill out the online form by scanning the QR code:
- Respond in writing and post to: Planning Policy, Broxbourne Borough Council, Bishops' College, Churchgate, Cheshunt, EN8 9XQ
- By email and send to: planningpolicy@broxbourne.gov.uk
- If you require further assistance in responding please contact the Council's Planning department and ask to speak with Camille Rantz Mc Donald.



Yours Sincerely,

[REDACTED]

Camille Rantz Mc Donald
Senior Planner (Policy and Projects)

BOROUGH OF BROXBOURNE COUNCIL



**IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**PLANNING CONTRAVENTION
NOTICE**

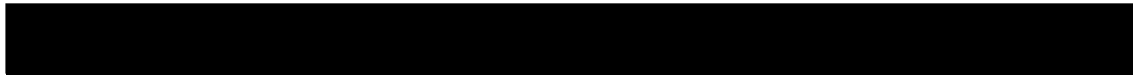
**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

This notice requires you to give the Borough Council information about a possible breach of planning control. If you do not reply to it within 21 days you could be taken to court.

You should consult a solicitor if you are in any doubt about what action to take.

Served by: Borough of Broxbourne Council

To:



1. **THIS NOTICE** is served by the Council because it appears to it that there may have been a breach of planning control, within Section 171A (1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council requires you, in exercise of its powers under Section 171C (2) and (3) as far as you are able, to provide certain information about your interest in, and activities on, the land to which this notice relates.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land Between Plot 47 and Plot 48, Leaside, Wharf Road, Wormley, Hertfordshire, EN10 6HD as shown edged red on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the use of the Land for residential use through the provision of a mobile home and associated operational development and engineering operations.

4. **WHAT YOU ARE REQUIRED TO DO**

Provide in writing (clearly handwritten in BLOCK CAPITALS) on the provided separate sheet the following information and answers:

- a) State your full name and contact details including address, telephone number and email address (where available).
- b) Are you the owner of the land?
- c) If you are not the owner of the land, provide details of the owner, including full name and contact information for them.
- d) If you do not know the owner of the land, provide details of what steps you have taken to identify the owner.
- e) If you are a tenant (if you are renting), who is the person collecting the rent from you? (provide their full name and contact information)
- f) Provide full contact information of any other person(s) with an interest in the Land (e.g. other tenants, mortgagee, owner(s) etc).
- g) Are there any other adults residing on this plot of land? If so please provide their full names.

- h) Are there any occupiers under the age of 18, if so how many?
- i) Who are the parents/legal guardians of each person under the age 18 as outlined above?
- j) How long has each person occupied this plot of land and when did their occupation start?
- k) Please provide full details of how the plot of land is used (e.g. for living in a caravan, for storing items, for parking vehicles, for running a business).
- l) Please state who uses the plot of land for the use(s) set out in answer to question (k) above. Include:
 - i. their full name
 - ii. their contact details
 - iii. details of how they use the land (e.g. for living in a caravan, for storing things, for parking vehicles, for running a business etc); and
 - iv. when they started to use the land for those purposes
- m) Are there any health, education or other personal circumstances which you would like the Council to take into consideration? If so, please outline below.
- n) How long have you lived on this plot of land?
- o) If you the answer to question g) is yes (there are other adults living on the land) please provided details, for each adult, of where they were residing prior. (Town and county is sufficient)
- p) Do you consider yourself to be a gypsy or traveller? If so, why?
- q) Have you previously led a nomadic habit of life?
- r) If you have stopped leading a nomadic habit of life, what was the reason you stopped?
- s) Do you have any intention to live a nomadic habit of life in the future? If so, how soon and for what reason?
- t) Provide details of services, such as water, foul drainage, electricity etc., supplied to this plot of land.
- u) For each service listed in answer to question r) above, provide details of how this is supplied along with details of any supplier, if appropriate.
- v) Do you pay council tax on this property?

- w) When was the fence, wall, gates or other boundary treatment erected in its current form?
- x) Who erected the fence, wall, gates or other boundary treatment stated above? Please provide their full name and contact details.
- y) When was the hard surfacing installed on the Land?
- z) Who laid that hard surfacing? Please provide their full name and contact details.

- aa) Do you have a valid caravan license? If so, please provide your license reference number.
- bb) Do you own or have any other legal interest in any other Plot/area of land on Wharf Road? If so, please state the Plot number and the nature of that interest.
- cc) Provide any information that you seek to rely on regarding permission to use the Land for this use or any details to demonstrate why permission is not required.
- dd) Provide any relevant information that you wish the Council to consider before any further action is considered.

Time within which the information must be provided: **within twenty-one (21) days**, beginning with the day on which this notice is served on you.

5. **OPPORTUNITY TO MAKE PRESENTATIONS IN RESPONSE TO NOTICE**

If you wish to apply for planning permission, or to make any representations about this notice, you must do so in writing using the details on the covering letter.

6. **WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is an unlimited fine.

7. **ADDITIONAL INFORMATION**

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, the Council may issue an enforcement notice, under Section 172 of the 1990 Act (as amended), requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serves a stop notice, under Section 183 of the 1990 Act, Section 186(5) (b) of the 1990 Act provides that should you otherwise become entitled (under Section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: 12th June 2023

Signed: 

Dr. Alison Knight

Director – Place

On behalf of: Borough of Broxbourne, Bishops College, Churchgate, Cheshunt, Herts, EN8 9XB

PLAN



Requirements of the Notice:

Provide in writing (clearly handwritten in BLOCK CAPITALS) in the spaces below (or on a separate sheet if necessary) the following information:

- a) State your full name and contact details including address, telephone number and email address (where available).
- b) Are you the owner of the land?
- c) If you are not the owner of the land, provide details of the owner, including full name and contact information.
- d) If you do not know the owner of the land, provide details of the steps you have taken to identify the owner.
- e) If you are a tenant, who is the person collecting the rent (provide full name and contact information)?
- f) Provide full contact information of any other person(s) with a legal interest in the Land e.g., tenant, mortgagee, owner(s).
- g) Are there any other adults residing on this plot of land? If so please provide their full names.
- h) Are there any occupiers under the age of 18, if so how many?
- i) Who are the parents/legal guardians of each person under the age 18 as outlined above?
- j) How long has each person occupied this plot of land and when did their occupation start?
- k) Any health, education or other personal circumstances which you would like the Council to take into consideration? If so, please outline below.
- l) Have you lived on this plot of land for less than 5 years?

- m) If you the answer to question l) is yes, please provided details, for each adult, of where they were residing prior. (Town and county is sufficient)
- n) Do you consider yourself to be a gypsy or traveller? Gypsy and Traveller are defined as
- o) *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- p) Have you previously led a nomadic habit of life?
- q) If you have stopped leading a nomadic habit of life, what was the reason you stopped?
- r) Do you have any intention to live a nomadic habit of life in the future? If so, how soon and for what reason?
- s) Provide details of services, such as water, foul drainage, electricity etc., supplied to this plot of land.
- t) For each service listed in answer to question r) above, provide details of how this is supplied along with details of any supplier, if appropriate.
- u) Do you pay council tax on this property?
- v) When was the fence, wall, gates or other boundary treatment erected in its current form?
- w) When was the hard surfacing installed on the Land?
- x) Do you have a valid caravan license? If so, please provide your license reference number.

- y) Do you own or have any other legal interest in any other Plot/area of land on Wharf Road? If so, please state the Plot number and the nature of that interest.
- z) Provide any information regarding permission to use the Land for this use or any details to demonstrate why permission is not required.
- aa) Provide any relevant information you wish the Council to consider before any further action is considered.

Time within which the information must be provided: **within twenty-one days**, beginning with the day on which this notice is served on you.

I hereby declare that the above information is correct to the best of my knowledge.

Dated:

Signed:

Print Name:

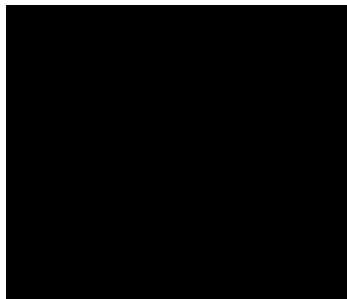
Borough Offices, Bishops' College, Churchgate
Cheshunt, Hertfordshire EN8 9XB

Tel: 01992 785555
E-mail: planning@broxbourne.gov.uk
Internet: www.broxbourne.gov.uk



**BOROUGH OF
BROXBOURNE**
www.broxbourne.gov.uk

Date: 12th June 2023
My Ref: ENF/23/0042
Please ask for: Camille
Rantz Mc Donald
Email: Camille.rmcd@broxbourne.gov.uk



Dear Sir/Madam

Town and Country Planning Act 1990

Re: Without planning permission, the stationing of caravans and other vehicles at Land North of Plot 46 Leaside Caravan Park, Wormley, Hertfordshire, EN10 6HD

I enclose herewith a Planning Contravention Notice served upon you in view of your interest in the land.

This notice is being served because the Council requires information from residents of the Wharf Road Gypsy and Traveller site.

Why is this PCN being issued?

- 1) The Council is seeking to implement Local Plan Policy GT1 – the creation of a unified site by relocating existing plots away from the water front. Therefore, the Council requires information on number of residents, land ownership etc.
- 2) The Council is aware of multiple 'land-grabs' by residents of land owned by the Lee Valley Regional Park Authority. Formal enforcement action is being considered to deal with these breaches of planning.

You are therefore required to answer fully all the questions on the attached planning contravention notice. Please keep a copy of your responses for your own records.

Note: It is a criminal offence to fail to comply with any requirements of this notice within 21 days.

How to Respond:

- Fill out the online form by scanning the QR code:
- Respond in writing and post to: Planning Policy, Broxbourne Borough Council, Bishops' College, Churchgate, Cheshunt, EN8 9XQ
- By email and send to: planningpolicy@broxbourne.gov.uk
- If you require further assistance in responding please contact the Council's Planning department and ask to speak with Camille Rantz Mc Donald.



Yours Sincerely,



Camille Rantz Mc Donald
Senior Planner (Policy and Projects)

BOROUGH OF BROXBOURNE COUNCIL



**IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**PLANNING CONTRAVENTION
NOTICE**

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

This notice requires you to give the Borough Council information about a possible breach of planning control. If you do not reply to it within 21 days you could be taken to court.

You should consult a solicitor if you are in any doubt about what action to take.

Served by: Borough of Broxbourne Council



1. **THIS NOTICE** is served by the Council because it appears to it that there may have been a breach of planning control, within Section 171A (1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council requires you, in exercise of its powers under Section 171C (2) and (3) as far as you are able, to provide certain information about your interest in, and activities on, the land to which this notice relates.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land North of Plot 46, Leaside, Wharf Road, Wormley, Hertfordshire, EN10 6HD as shown edged red on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the use of the Land for residential use through the provision of a mobile home and associated operational development and engineering operations.

4. **WHAT YOU ARE REQUIRED TO DO**

Provide in writing (clearly handwritten in BLOCK CAPITALS) on the provided separate sheet the following information and answers:

- a) State your full name and contact details including address, telephone number and email address (where available).
- b) Are you the owner of the land?
- c) If you are not the owner of the land, provide details of the owner, including full name and contact information for them.
- d) If you do not know the owner of the land, provide details of what steps you have taken to identify the owner.
- e) If you are a tenant (if you are renting), who is the person collecting the rent from you? (provide their full name and contact information)
- f) Provide full contact information of any other person(s) with an interest in the Land (e.g. other tenants, mortgagee, owner(s) etc).

- g) Are there any other adults residing on this plot of land? If so please provide their full names.
- h) Are there any occupiers under the age of 18, if so how many?
- i) Who are the parents/legal guardians of each person under the age 18 as outlined above?
- j) How long has each person occupied this plot of land and when did their occupation start?
- k) Please provide full details of how the plot of land is used (e.g. for living in a caravan, for storing items, for parking vehicles, for running a business).
- l) Please state who uses the plot of land for the use(s) set out in answer to question (k) above. Include:
 - i. their full name
 - ii. their contact details
 - iii. details of how they use the land (e.g. for living in a caravan, for storing things, for parking vehicles, for running a business etc); and
 - iv. when they started to use the land for those purposes
- m) Are there any health, education or other personal circumstances which you would like the Council to take into consideration? If so, please outline below.
- n) How long have you lived on this plot of land?
- o) If you the answer to question g) is yes (there are other adults living on the land) please provided details, for each adult, of where they were residing prior. (Town and county is sufficient)
- p) Do you consider yourself to be a gypsy or traveller? If so, why?
- q) Have you previously led a nomadic habit of life?
- r) If you have stopped leading a nomadic habit of life, what was the reason you stopped?
- s) Do you have any intention to live a nomadic habit of life in the future? If so, how soon and for what reason?
- t) Provide details of services, such as water, foul drainage, electricity etc., supplied to this plot of land.
- u) For each service listed in answer to question r) above, provide details of how this is supplied along with details of any supplier, if appropriate.

- v) Do you pay council tax on this property?
- w) When was the fence, wall, gates or other boundary treatment erected in its current form?
- x) Who erected the fence, wall, gates or other boundary treatment stated above? Please provide their full name and contact details.
- y) When was the hard surfacing installed on the Land?
- z) Who laid that hard surfacing? Please provide their full name and contact details.
- aa) Do you have a valid caravan license? If so, please provide your license reference number.
- bb) Do you own or have any other legal interest in any other Plot/area of land on Wharf Road? If so, please state the Plot number and the nature of that interest.
- cc) Provide any information that you seek to rely on regarding permission to use the Land for this use or any details to demonstrate why permission is not required.
- dd) Provide any relevant information that you wish the Council to consider before any further action is considered.

Time within which the information must be provided: **within twenty-one (21) days**, beginning with the day on which this notice is served on you.

5. **OPPORTUNITY TO MAKE PRESENTATIONS IN RESPONSE TO NOTICE**

If you wish to apply for planning permission, or to make any representations about this notice, you must do so in writing using the details on the covering letter.

6. **WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is an unlimited fine.

7. **ADDITIONAL INFORMATION**

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, the Council may issue an

enforcement notice, under Section 172 of the 1990 Act (as amended), requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serves a stop notice, under Section 183 of the 1990 Act, Section 186(5) (b) of the 1990 Act provides that should you otherwise become entitled (under Section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: 12th June 2023

Signed: 

Dr. Alison Knight

Director – Place

On behalf of: Borough of Broxbourne, Bishops College, Churchgate, Cheshunt, Herts, EN8 9XB

PLAN



Requirements of the Notice:

Provide in writing (clearly handwritten in BLOCK CAPITALS) in the spaces below (or on a separate sheet if necessary) the following information:

- a) State your full name and contact details including address, telephone number and email address (where available).
- b) Are you the owner of the land?
- c) If you are not the owner of the land, provide details of the owner, including full name and contact information.
- d) If you do not know the owner of the land, provide details of the steps you have taken to identify the owner.
- e) If you are a tenant, who is the person collecting the rent (provide full name and contact information)?
- f) Provide full contact information of any other person(s) with a legal interest in the Land e.g., tenant, mortgagee, owner(s).
- g) Are there any other adults residing on this plot of land? If so please provide their full names.
- h) Are there any occupiers under the age of 18, if so how many?
- i) Who are the parents/legal guardians of each person under the age 18 as outlined above?
- j) How long has each person occupied this plot of land and when did their occupation start?
- k) Any health, education or other personal circumstances which you would like the Council to take into consideration? If so, please outline below.
- l) Have you lived on this plot of land for less than 5 years?

- m) If you the answer to question l) is yes, please provided details, for each adult, of where they were residing prior. (Town and county is sufficient)
- n) Do you consider yourself to be a gypsy or traveller? Gypsy and Traveller are defined as
- o) *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- p) Have you previously led a nomadic habit of life?
- q) If you have stopped leading a nomadic habit of life, what was the reason you stopped?
- r) Do you have any intention to live a nomadic habit of life in the future? If so, how soon and for what reason?
- s) Provide details of services, such as water, foul drainage, electricity etc., supplied to this plot of land.
- t) For each service listed in answer to question r) above, provide details of how this is supplied along with details of any supplier, if appropriate.
- u) Do you pay council tax on this property?
- v) When was the fence, wall, gates or other boundary treatment erected in its current form?
- w) When was the hard surfacing installed on the Land?
- x) Do you have a valid caravan license? If so, please provide your license reference number.

- y) Do you own or have any other legal interest in any other Plot/area of land on Wharf Road? If so, please state the Plot number and the nature of that interest.
- z) Provide any information regarding permission to use the Land for this use or any details to demonstrate why permission is not required.
- aa) Provide any relevant information you wish the Council to consider before any further action is considered.

Time within which the information must be provided: **within twenty-one days**, beginning with the day on which this notice is served on you.

I hereby declare that the above information is correct to the best of my knowledge.

Dated:

Signed:

Print Name:

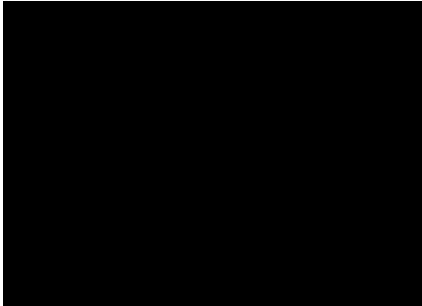
Borough Offices, Bishops' College, Churchgate
Cheshunt, Hertfordshire EN8 9XB

Tel: 01992 785555
E-mail: planning@broxbourne.gov.uk
Internet: www.broxbourne.gov.uk



**BOROUGH OF
BROXBOURNE**
www.broxbourne.gov.uk

Date: 12th June 2023
My Ref: ENF/23/0050
Please ask for: Camille
Rantz Mc Donald
Email: Camille.rmcd@broxbourne.gov.uk



Dear Sir/Madam

Town and Country Planning Act 1990

Re: Without planning permission, the stationing of caravans and other vehicles at Land North and West of Plot B Leaside Caravan Park, Wormley, Hertfordshire, EN10 6HD

I enclose herewith a Planning Contravention Notice served upon you in view of your interest in the land.

This notice is being served because the Council requires information from residents of the Wharf Road Gypsy and Traveller site.

Why is this PCN being issued?

- 1) The Council is seeking to implement Local Plan Policy GT1 – the creation of a unified site by relocating existing plots away from the water front. Therefore, the Council requires information on number of residents, land ownership etc.
- 2) The Council is aware of multiple 'land-grabs' by residents of land owned by the Lee Valley Regional Park Authority. Formal enforcement action is being considered to deal with these breaches of planning.

You are therefore required to answer fully all the questions on the attached planning contravention notice. Please keep a copy of your responses for your own records.

Note: It is a criminal offence to fail to comply with any requirements of this notice within 21 days.

How to Respond:

- Fill out the online form by scanning the QR code:
- Respond in writing and post to: Planning Policy, Broxbourne Borough Council, Bishops' College, Churchgate, Cheshunt, EN8 9XQ
- By email and send to: planningpolicy@broxbourne.gov.uk
- If you require further assistance in responding please contact the Council's Planning department and ask to speak with Camille Rantz Mc Donald.



Yours Sincerely,



Camille Rantz Mc Donald
Senior Planner (Policy and Projects)

BOROUGH OF BROXBOURNE COUNCIL



**IMPORTANT
THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**PLANNING CONTRAVENTION
NOTICE**

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

This notice requires you to give the Borough Council information about a possible breach of planning control. If you do not reply to it within 21 days you could be taken to court.

You should consult a solicitor if you are in any doubt about what action to take.

Served by: Borough of Broxbourne Council

1. **THIS NOTICE** is served by the Council because it appears to it that there may have been a breach of planning control, within Section 171A (1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council requires you, in exercise of its powers under Section 171C (2) and (3) as far as you are able, to provide certain information about your interest in, and activities on, the land to which this notice relates.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land Between Plot 47 and Plot 48, Leaside, Wharf Road, Wormley, Hertfordshire, EN10 6HD as shown edged red on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the use of the Land for residential use through the provision of a mobile home and associated operational development and engineering operations.

4. **WHAT YOU ARE REQUIRED TO DO**

Provide in writing (clearly handwritten in BLOCK CAPITALS) on the provided separate sheet the following information and answers:

- a) State your full name and contact details including address, telephone number and email address (where available).
- b) Are you the owner of the land?
- c) If you are not the owner of the land, provide details of the owner, including full name and contact information for them.
- d) If you do not know the owner of the land, provide details of what steps you have taken to identify the owner.
- e) If you are a tenant (if you are renting), who is the person collecting the rent from you? (provide their full name and contact information)
- f) Provide full contact information of any other person(s) with an interest in the Land (e.g. other tenants, mortgagee, owner(s) etc).

- g) Are there any other adults residing on this plot of land? If so please provide their full names.
- h) Are there any occupiers under the age of 18, if so how many?
- i) Who are the parents/legal guardians of each person under the age 18 as outlined above?
- j) How long has each person occupied this plot of land and when did their occupation start?
- k) Please provide full details of how the plot of land is used (e.g. for living in a caravan, for storing items, for parking vehicles, for running a business).
- l) Please state who uses the plot of land for the use(s) set out in answer to question (k) above. Include:
 - i. their full name
 - ii. their contact details
 - iii. details of how they use the land (e.g. for living in a caravan, for storing things, for parking vehicles, for running a business etc); and
 - iv. when they started to use the land for those purposes
- m) Are there any health, education or other personal circumstances which you would like the Council to take into consideration? If so, please outline below.
- n) How long have you lived on this plot of land?
- o) If you the answer to question g) is yes (there are other adults living on the land) please provided details, for each adult, of where they were residing prior. (Town and county is sufficient)
- p) Do you consider yourself to be a gypsy or traveller? If so, why?
- q) Have you previously led a nomadic habit of life?
- r) If you have stopped leading a nomadic habit of life, what was the reason you stopped?
- s) Do you have any intention to live a nomadic habit of life in the future? If so, how soon and for what reason?
- t) Provide details of services, such as water, foul drainage, electricity etc., supplied to this plot of land.
- u) For each service listed in answer to question r) above, provide details of how this is supplied along with details of any supplier, if appropriate.

- v) Do you pay council tax on this property?
- w) When was the fence, wall, gates or other boundary treatment erected in its current form?
- x) Who erected the fence, wall, gates or other boundary treatment stated above? Please provide their full name and contact details.
- y) When was the hard surfacing installed on the Land?
- z) Who laid that hard surfacing? Please provide their full name and contact details.
- aa) Do you have a valid caravan license? If so, please provide your license reference number.
- bb) Do you own or have any other legal interest in any other Plot/area of land on Wharf Road? If so, please state the Plot number and the nature of that interest.
- cc) Provide any information that you seek to rely on regarding permission to use the Land for this use or any details to demonstrate why permission is not required.
- dd) Provide any relevant information that you wish the Council to consider before any further action is considered.

Time within which the information must be provided: **within twenty-one (21) days**, beginning with the day on which this notice is served on you.

5. **OPPORTUNITY TO MAKE PRESENTATIONS IN RESPONSE TO NOTICE**

If you wish to apply for planning permission, or to make any representations about this notice, you must do so in writing using the details on the covering letter.

6. **WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is an unlimited fine.

7. **ADDITIONAL INFORMATION**

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, the Council may issue an

enforcement notice, under Section 172 of the 1990 Act (as amended), requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serves a stop notice, under Section 183 of the 1990 Act, Section 186(5) (b) of the 1990 Act provides that should you otherwise become entitled (under Section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: 12th June 2023

Signed: 

Dr. Alison Knight

Director – Place

On behalf of: Borough of Broxbourne, Bishops College, Churchgate, Cheshunt, Herts, EN8 9XB

PLAN



Requirements of the Notice:

Provide in writing (clearly handwritten in BLOCK CAPITALS) in the spaces below (or on a separate sheet if necessary) the following information:

- a) State your full name and contact details including address, telephone number and email address (where available).
- b) Are you the owner of the land?
- c) If you are not the owner of the land, provide details of the owner, including full name and contact information.
- d) If you do not know the owner of the land, provide details of the steps you have taken to identify the owner.
- e) If you are a tenant, who is the person collecting the rent (provide full name and contact information)?
- f) Provide full contact information of any other person(s) with a legal interest in the Land e.g., tenant, mortgagee, owner(s).
- g) Are there any other adults residing on this plot of land? If so please provide their full names.
- h) Are there any occupiers under the age of 18, if so how many?
- i) Who are the parents/legal guardians of each person under the age 18 as outlined above?
- j) How long has each person occupied this plot of land and when did their occupation start?
- k) Any health, education or other personal circumstances which you would like the Council to take into consideration? If so, please outline below.
- l) Have you lived on this plot of land for less than 5 years?

- m) If you the answer to question l) is yes, please provided details, for each adult, of where they were residing prior. (Town and county is sufficient)
- n) Do you consider yourself to be a gypsy or traveller? Gypsy and Traveller are defined as
- o) *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*
- p) Have you previously led a nomadic habit of life?
- q) If you have stopped leading a nomadic habit of life, what was the reason you stopped?
- r) Do you have any intention to live a nomadic habit of life in the future? If so, how soon and for what reason?
- s) Provide details of services, such as water, foul drainage, electricity etc., supplied to this plot of land.
- t) For each service listed in answer to question r) above, provide details of how this is supplied along with details of any supplier, if appropriate.
- u) Do you pay council tax on this property?
- v) When was the fence, wall, gates or other boundary treatment erected in its current form?
- w) When was the hard surfacing installed on the Land?
- x) Do you have a valid caravan license? If so, please provide your license reference number.

- y) Do you own or have any other legal interest in any other Plot/area of land on Wharf Road? If so, please state the Plot number and the nature of that interest.
- z) Provide any information regarding permission to use the Land for this use or any details to demonstrate why permission is not required.
- aa) Provide any relevant information you wish the Council to consider before any further action is considered.

Time within which the information must be provided: **within twenty-one days**, beginning with the day on which this notice is served on you.

I hereby declare that the above information is correct to the best of my knowledge.

Dated:

Signed:

Print Name:

**IN THE COUNTY COURT AT
HERTFORD**

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
[more fully described in claim form]**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW8

Herewith attached is Exhibit LW8 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

Policy GB1: Green Belt

Within the Green Belt, as defined on the Policies Map planning applications will be considered in line with the provisions of the National Planning Policy Framework.

Policy NEB1: General Strategy for Biodiversity

- I. Development proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation.
- II. Development proposals should result in net gains to biodiversity wherever possible.
- III. The Council will seek the creation of new networks of biodiversity, as well as the extension, enhancement and active management of existing sites.
- IV. Opportunities to connect habitat fragments through the creation of stepping stones, using built form, vegetation or green areas will be assessed as part of all relevant applications.
- V. When granting permission for any proposals that include measures to improve biodiversity, the Council will impose conditions or seek planning obligations that secure appropriate management regimes to deliver biodiversity gain in perpetuity.

Policy NEB3: Green Infrastructure

I. The Local Plan will create a diverse, linked network of multi-functional green infrastructure. The network will be protected and enhanced for its biodiversity, recreational, accessibility, health benefits and landscape value, and for the contribution it makes towards combating climate change.

II. Development proposals should:

(a) Avoid the loss, fragmentation or functionality of any component of the green infrastructure network, including within the built environment, such as access to urban waterways;

(b) Maximise opportunities for extensions, additions and improvements to the green infrastructure network;

(c) Maximise opportunities for urban greening through landscaping, the planting of street trees and restoration of channelised or culverted watercourses where possible;

(d) Consider opportunities to enhance connections and extensions to footpaths, bridleways or rights of way where appropriate opportunities exist.

III. Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development contribution, applicants should detail how it will be maintained in the long term.

See also policies on SuDS, Water and the New River Path

Policy ORC2: Loss of Open Space, Leisure, Sport and Recreational Facilities

I. Open spaces, sport, recreational and leisure facilities, including playing fields, allotments and children's play areas, including but not limited to open spaces listed in Appendix A, will be protected from development.

II. Exceptions to this will be considered if they meet the following criteria:

- (a) an assessment has been undertaken, which clearly shows the open space, facility, buildings or land to be surplus to requirements; and
- (b) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; or
- (c) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

Policy LV1: Lee Valley Regional Park

The Council will support the Lee Valley Regional Park Authority in the continuing improvement of the Regional Park.

Policy GT1: Gypsy and Traveller Sites

The Council will work with the travelling communities to allocate sites as follows as shown on the Policies Map:

- 1. Expansion of Hertford Road where additional appropriate needs cannot be accommodated within the existing site boundaries;**
- 2. Accommodation of new pitches within the existing St James' Road site;**
- 3. Authorised site at Wharf Road to accommodate the appropriate needs of the Wharf Road Community.**

These sites are allocated for the specific needs of the resident travelling communities to which they relate and the future expansion of those communities through new household formation within those communities. They are not to meet the needs of extended family members not currently resident within the Borough of Broxbourne. The means for ensuring that these sites meet the immediate needs of those communities in perpetuity will be set out within planning permissions.

If demonstrated to be necessary in accordance with policy BR4, the Halfhide Lane Gypsy site will be relocated within Brookfield Garden Village to accommodate the appropriate needs of the Halfhide Lane gypsy community.

26 Green Belt

26.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The permanence of Green Belts is fundamental to its effectiveness. The Green Belt in Broxbourne forms part of the London Metropolitan Green Belt, which limits the growth of London into the surrounding countryside.

26.2 The construction of new building within the Green Belt is generally inappropriate. Exceptions to this are set out in the National Planning Policy Framework (NPPF).

Policy GB1: Green Belt

Within the Green Belt, as defined on the Policies Map planning applications will be considered in line with the provisions of the National Planning Policy Framework.

Information for Applicants

Maintaining Openness

26.3 To be acceptable any development within the Green Belt will need to preserve the openness of the Green Belt. New buildings should normally form part of a group, rather than stand in isolation. Floodlighting, large areas of hard standing, car parking, and ancillary buildings together with associated structures, should be kept to a minimum.

Development to address Derelict Glass Houses

26.4 The Council commissioned a study into the glass house industry into 2013. The study found that the sector in Broxbourne had declined to cottage industry scale, although some of the larger sites would probably be viable with inward investment to make them more efficient. The study concluded that without investment, the glass houses would probably fall further behind UK and international competitors, and lead to applications for non-horticultural uses. It also found that the effect of 'hope value' attached to glass house sites (where the site has the possibility of obtaining permission for residential use) probably had a dampening effect on the vitality of the industry, and dis-incentivised investment.

26.5 A recent assessment of land around Goffs Oak concluded that development of glass house sites under the previous local plan had led to unsustainable patterns of development isolated from services and transport links. The assessment concluded that the development of further glass house sites would result in unsustainable urban sprawl, and that assessment of the majority of derelict sites have found them "... not to be preferable for development at conventional densities".

26.6 The Council proposes that on derelict former glasshouse sites, development for self-build and custom build housing at low densities, and also accommodation for



**BOROUGH OF
BROXBOURNE**
www.broxbourne.gov.uk

Wharf Road

Supplementary Planning Document

November 2023

Contents

Introduction	3
Site location and description	3
Flood Risk	5
The River Lee Country Park.....	5
Broxbourne Council's Approach to Wharf Road	8
The Masterplan	9
General principles	9
Appendix 1: Local Plan Inspector's report – extract	11
Appendix 2: Local Plan Policy GT1: Gypsy and Traveller Sites	12
Appendix 3: Adoption Statement	13

Introduction

The Council has sought the views of the residents of the Wharf Road Gypsy and Traveller site and relevant stakeholders including the Lee Valley Regional Park Authority and others on a draft masterplan for the site.

The purpose of the masterplan is to add detail to the existing Local Plan policy for the site, which seeks to provide for the needs of the existing community whilst also securing environmental benefits to the area and protecting the Green Belt.

The SPD is a material consideration in dealing with planning applications.

Site location and description

The Wharf Road gypsy and traveller site is situated within the Lee Valley Regional Park, approximately 2 km south of Broxbourne station and 3 km north of Cheshunt station. The site has grown in an ad-hoc fashion from a small number of privately owned caravans in 2003 with substantial expansions and growth in the community in the following years.

There are a two main areas of development. The first area is a cluster of caravans to the north of Wharf Road, which have to been fenced in to create pitches with parking for cars and private space. This area is set back from the riverfront, and was removed from the Green Belt in 2020 in order to provide scope for a fully authorised site with less impact on the River Lee and the enjoyment of Park visitors. The second area is a straggle of caravans fronting onto the River Lee on land designated as Green Belt.

The Wharf Road site includes a number of privately owned pitches that have been acquired by residents over a number of years.

Since the 1970s the Lee Valley Regional Park Authority (LVRPA) has been purchasing land as it comes onto the market for the purposes of achieving environmental enhancements to this part of the Park, which forms part of the Lee Valley Country Park. Some private development has encroached onto land owned by the Park Authority without permission.

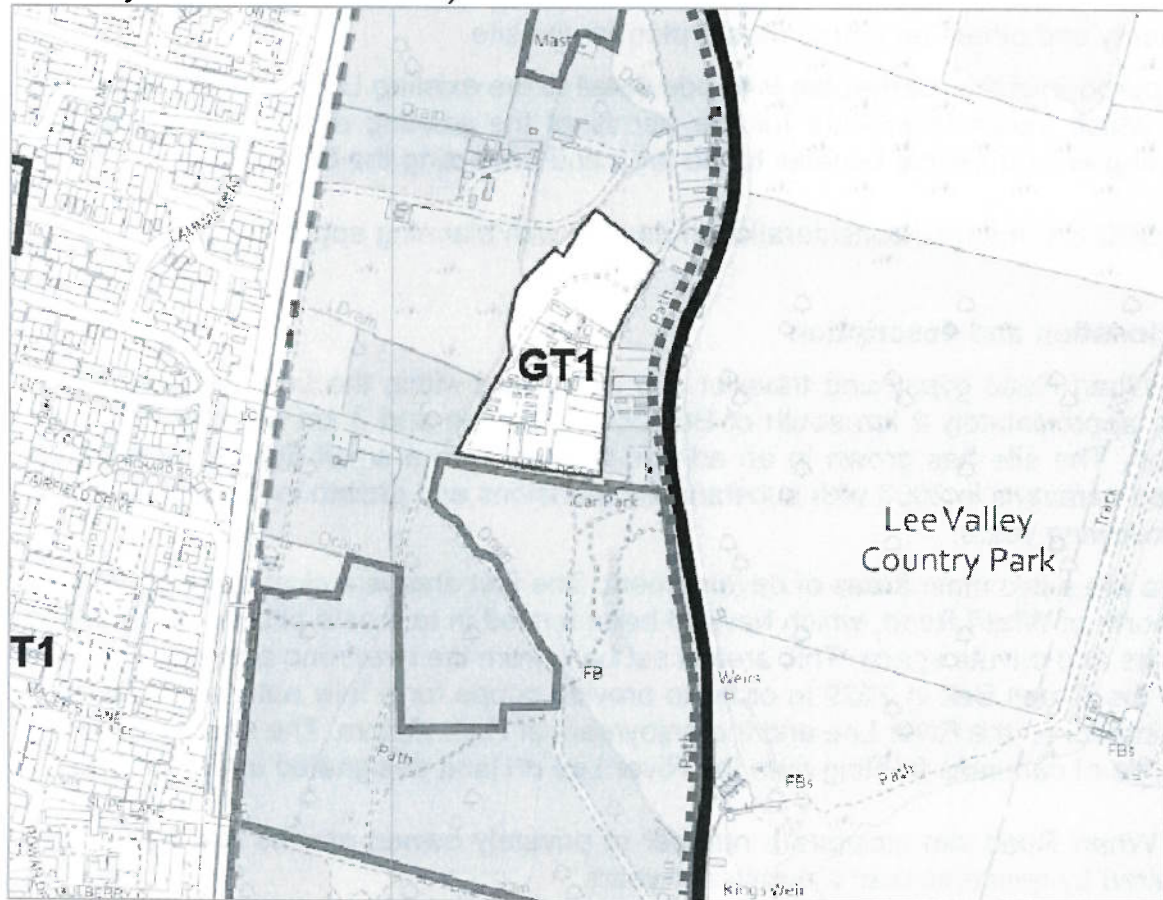
There is no management organisation for the site nor any representative body and so any changes have to be discussed directly with the affected residents.

Some of the caravans within both the main site area and along with waterfront have planning permission (through certificates of lawfulness) and a small number also have caravan licences. However there are a number that are not authorised.

Although there is a private water supply, the site is not serviced with mains gas or waste water. The site is not fully serviced by mains electricity. The facilities on site are very basic and there may be some risk to the safety and wellbeing of residents accordingly.

The site is located in an area at risk of flooding from the River Lee and there are no site-specific flood defences in place.

Figure 1: the site and the surrounding area including Green Belt land (borough boundary shown as a black line)



Source: Broxbourne Local Plan Policies Map

The River Lee towpath Public Right of Way passes along the eastern edge of the site (as shown by the blue dotted line). This is a main artery through the Park and is popular with visitors.

There is a small public car park owned and managed by the Park Authority adjacent to the towpath to the south-eastern edge of the site.

The 'Broxbourne Ditch' runs along the western edge of the site and has been identified by the Park Authority as having significant potential for ecological enhancement (see below).

There are problems with fly tipping and unauthorised expansion and erection of fencing.

Slip Lane Open Space Local Wildlife Site lies immediately adjacent to the south (encircled by a green line on the Policies Map extract in Figure 1 above) and there is also a Local Wildlife Site at Silvermeade a short distance to the north.

Flood Risk

Caravans are classed as ‘highly vulnerable’ to flood risk and riverfront caravans are at particular risk. The EA has advised that vehicles can start to float in flood depths of less than 60cm or less if water is fast-flowing. Residences should be designed so as to be resilient in the case of flood to ensure continued structural integrity.

The EA designates watercourses as Main Rivers those watercourses for which it carries out maintenance, improvements or construction works. A permit is required from the Environment Agency (EA) for activities within 8 metres of a Main River as shown on the EA’s statutory Flood Map. Adjacent to the Wharf Road site both the River Lee and the Broxbourne Ditch are designated as Main Rivers.

Further information about permits is available here:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Further information about flood warning and alerts is available here:

<https://www.gov.uk/sign-up-for-flood-warnings> (or call 0345 988 1188)

The River Lee Country Park

Wharf Road lies within the River Lee Country Park which includes the majority of the Park area between Nazeing New Road B194 to the north and the A121 Eleanor Cross Road and Abbey Road B194 to the south. It includes land in both the Borough of Broxbourne and in Epping Forest District which together forms Area 6 of the *Lee Valley Park Development Framework*¹.

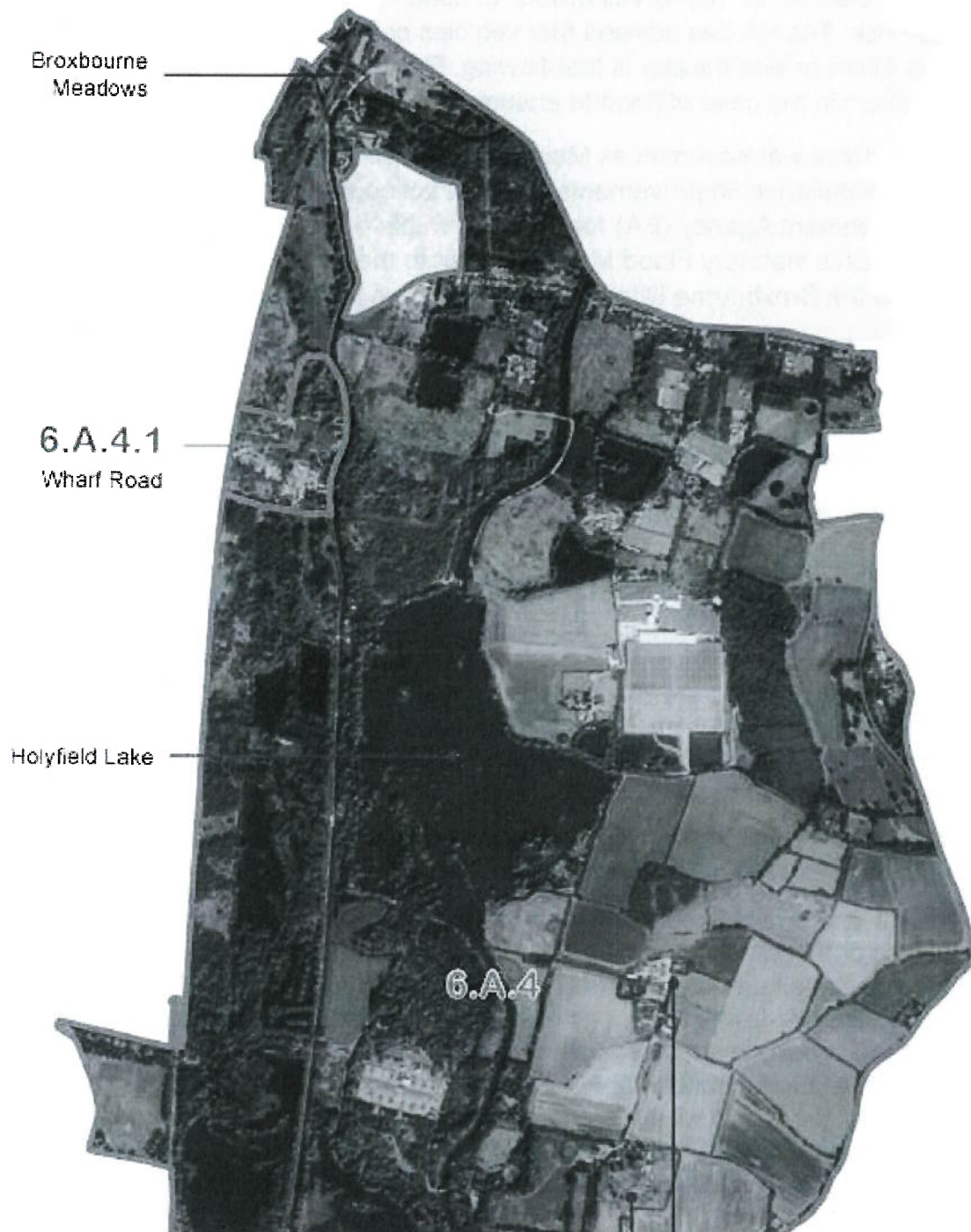
A summary of the Park Development Framework proposals for the ‘Wharf Road Inset’ (Area Proposal 6.A.4.1) is as follows:

- Protect and maintain the area as a tranquil space for informal recreation, walking and cycling forming part of the wider River Lee Country Park.
- Promote the site as an access to nature area. Extend the ecological qualities of Silvermeade to the north eastern part of the site and along the Broxbourne Ditch to encourage species such as Water Vole.
- Extend the positive landscape character of surrounding areas to the south and north into the site and strengthen existing landscape features including the Broxbourne ditch and the river edge.
- Work with Broxbourne Council and other stakeholders to develop a long term strategy of removing illegal, non-conforming and non-Park compatible uses within the area.

The northern part of the Country Park is shown in **Figure 2**.

¹<https://www.leevalleypark.org.uk/park-development-framework>

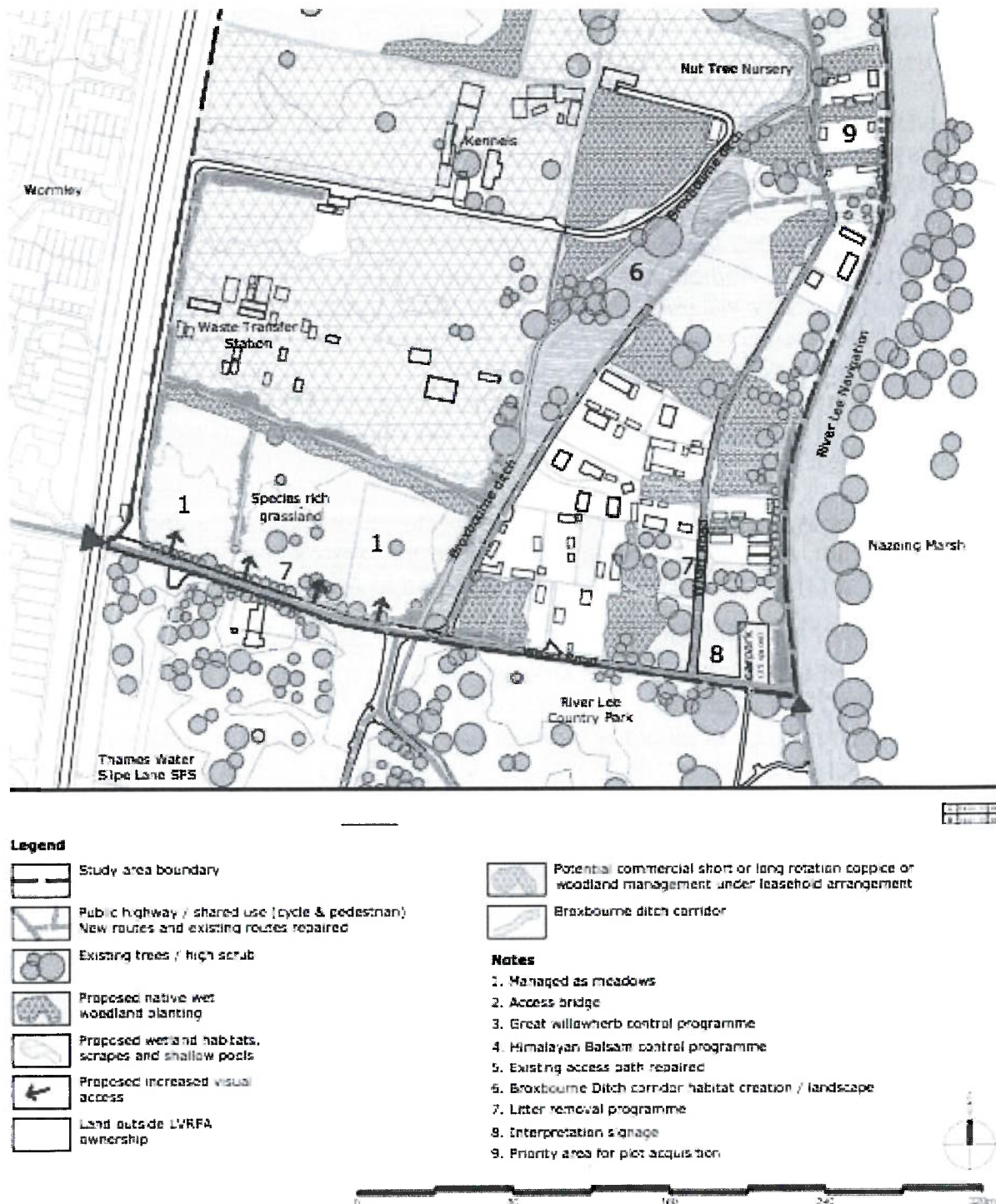
Figure 2: Northern part of the River Lee Country Park



Source: Park Development Framework

The Park Development Framework proposals for the area were in part based upon a more detailed Landscape Strategy for area, part of which is reproduced in **Figure 3**.

Figure 3: Extract from the masterplan within the Wharf Road Landscape Strategy 2013



Source: Wharf Road Environmental Strategy (LUC, 2013)

Broxbourne Council's Approach to Wharf Road

Paragraph 16.6 of the Local Plan sets out Broxbourne Council's approach to the site:

*"Most of the identified need for 22 pitches (see above) relates to the previously unauthorised Wharf Road site. The extent of the allocation of this site addresses the needs of all the resident gypsy and traveller families over the Plan period – both within existing pitches and through the creation of new pitches. The accommodation needs of the more long standing Wharf Road travelling community are recognised by the Council. However, the situation at Wharf Road has become very complex with substantial sub-letting of caravans to individuals with no long term connection to the Borough. The Council is therefore seeking to work with the established community and the Lee Valley Regional Park Authority to create an authorised site at Wharf Road for that community. This will entail the relocation of the straggle of plots along the River Lee onto land currently owned by the Authority in the central area where most of the unauthorised plots are currently located. This will create a central integrated site that can then be authorised, licenced and properly serviced with roads, water, electricity and drainage. It will also entail the discontinuance of sub-letting."*²

This approach was endorsed by a Planning Inspector following Examination in Public of the Local Plan. An extract from the Local Plan Inspector's Report (April 2020) in respect of the proposals for Wharf Road is contained at *Appendix 1*³.

In summary, the Planning Inspector's key findings were as follows:

- The current ad-hoc, unplanned arrangements are potentially a risk to the safety and amenity of residents (paragraphs 261-2)
- The consolidation of all of the traveller accommodation onto one defined area, away from the river, would provide an opportunity to create clear landscaped boundaries around it and allow the implementation of the LVRPA's environmental strategy on the surrounding land (paragraph 264-5)
- Provision of planned and formalised infrastructure and utilities, including relating to drainage, water supply, and waste management, would have further environmental as well as social benefits (paragraph 266)

In order to meet identified Gypsy and Traveller accommodation needs, three sites were released from the Green Belt through the Local Plan, including at Hertford Road (near Hoddesdon), St James' Road (near Goffs Oak) and at Wharf Road. The basis for these policies is Local Plan Policy GT1, which is reproduced in full in Appendix 2.

² Broxbourne Local Plan, Pages 95-6

³ The full report is on the Council's website at www.broxbourne.gov.uk/localplan

The Masterplan

The masterplan is set out in **Figure 4**. The masterplan indicates the following approach to consolidation of the site in accordance with the Local Plan:

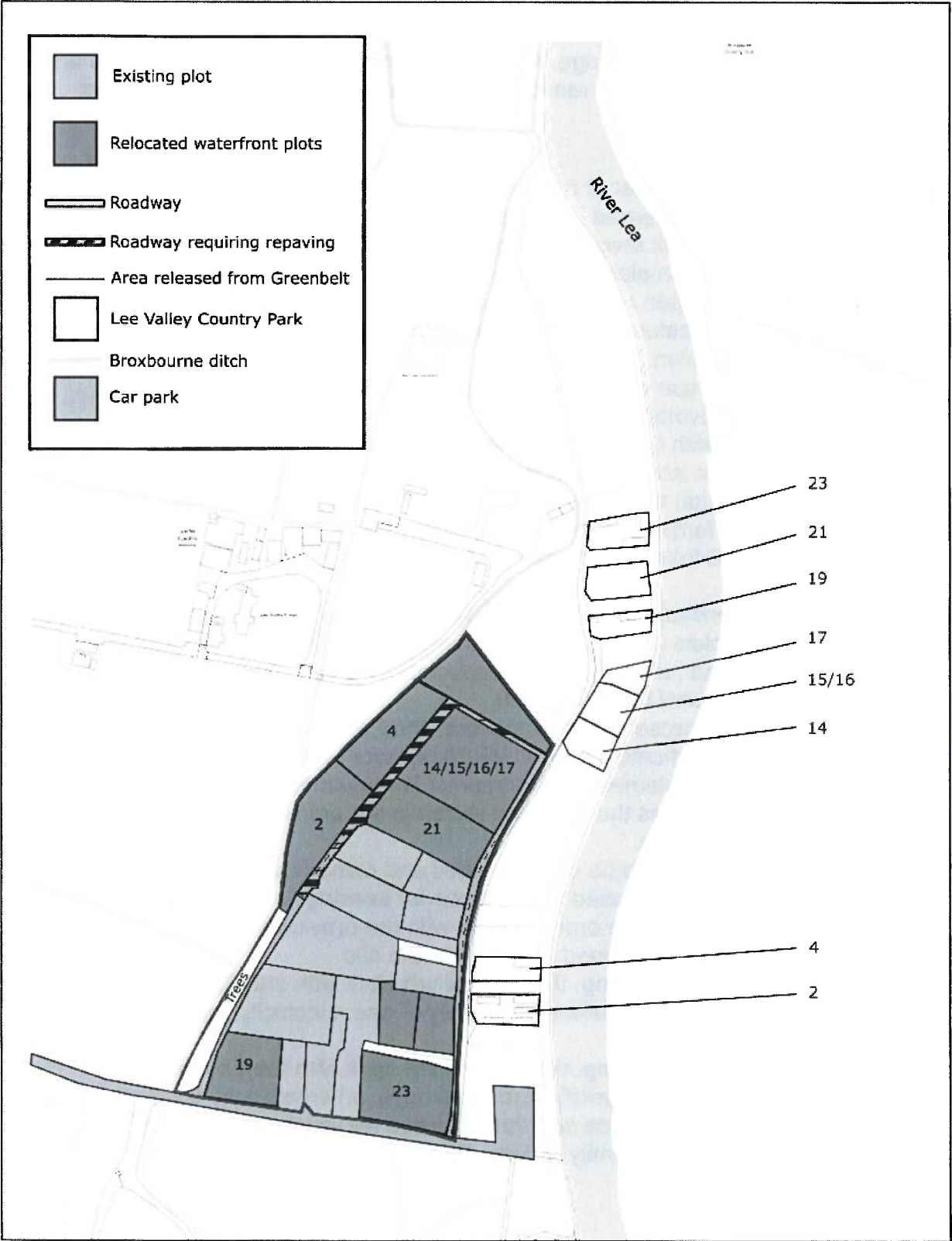
1. Existing plots within the consolidated site area (shown in green) will be retained without change.
2. Existing waterfront plots (numbers 2-23 inclusive) will be relocated over time to the areas shown in orange. At vacated plots all fences, hardstandings and other development will be removed and the environment of the waterfront enhanced.

General principles

The Council has had a number of meetings with the LVRPA and the following general principles have emerged in respect of the positions of both bodies:

- a. The Council will look favourably upon applications for planning permission for all developments on plots shaded in green or orange on the masterplan.
- b. The Council will upon request provide with free advice and assistance to any resident who indicates a desire to seek planning permission for pitches shown coloured on the plan.
- c. The Council will use all available statutory powers to enforce against unauthorised developments.
- d. In accordance with Local Plan Policy GT1, new or relocated pitches are to meet the specific accommodation needs of existing communities and expansion through their new household formation, not to meet the needs of their extended families or those of other families
- e. The LVRPA will take action against unlawful expansion onto land within its ownership.
- f. For both authorised and unauthorised development on the waterfront (including the plots shown and any others) the LVRPA may consider an exchange of land for Authority land shaded in orange. This is subject to the Lee Valley Regional Park Act 1966.
- g. Following the necessary plot relocations, the Park Development Framework Area Proposals indicate that the LVRPA will work with the Council and other stakeholders to implement environmental improvements and habitat enhancements across the area and increase the amount of space available for informal recreation.
- h. The site will continue to be self-managed and owned by the residents.
- i. The masterplan will be used as the basis for seeking funding opportunities as they become available in order to work with the providers of statutory utilities to seek to provide authorised provision to the site.
- j. Subject to securing funding, the Council will work with statutory utilities providers to provide an authorised supply of gas, electricity, waste water and water supply.
- k. Subject to securing funding, the Council will work with the Environment Agency to provide site-specific flood defences, an emergency flood plan, appropriate flood resilience and flood storage measures, and appropriate site layout in respect of proximity to Main Rivers.

Figure 4: Masterplan



Appendix 1: Local Plan Inspector's report – extract

261. *The site is within the functional flood plain and is at high risk of flooding. This categorisation is based on up to date and detailed analysis by the Environment Agency and assumes that all flood defences in the catchment are fully operational. National policy is clear that highly vulnerable uses, such as caravan accommodation, should not be accommodated in such areas. So clearly the proposal is contrary to national policy in this respect. The question is, therefore, whether there is robust justification in this case to depart from that national policy bearing in mind its ultimate purpose is to protect the health and safety of people and potentially save lives.*

262. *Significantly, there is clearly an established and growing traveller community in the area. Most of the land is owned by the occupants, and I am advised that they have no intention of selling their land or moving elsewhere. Both the Borough Council and Lee Valley Regional Park Authority ("LVRPA") advised that they have no resources or intentions to acquire the lawfully occupied plots. The fact is, therefore, that in the absence of a new approach the land is highly likely to continue to be used for caravan accommodation in the foreseeable future, including for sub-lets. As it is on an ad hoc and unplanned basis, this land use is likely to continue to be without satisfactory services and utilities, creating amenity and environmental problems. Furthermore, whilst properly designed and maintained flood defences are in place in the catchment, a large number of caravans are likely to remain on the functional flood plain with no effective site specific protection or arrangements in place to reduce the high risk that a flood would threaten the safety of residents.*

263. *On the other hand, the approach proposed in the Plan creates a positive opportunity to reduce the risks to health and safety of residents from flooding through the creation of a contained, authorised and licenced site properly serviced with roads, water, electricity and drainage.*

264. *The Lee Valley Regional Park Authority ("LVRPA"), who has a statutory duty to improve and manage the park as a place for leisure, recreation, sport and nature reserves, is opposed to the proposal. The LVRPA considers that it would prejudice the plans it has been pursuing for many years, through significant investment in land acquisition and the preparation of various strategies, to transform this part of the Park, which adjoins a public car park, wildlife site and popular parkland as well as the river and towpath, into an area of informal recreation and nature conservation.*

265. *However, it is clear from the evidence submitted during the examination that those aims are unlikely to be achieved with the continuation of the existing unplanned land uses in the area. The consolidation of all of the traveller accommodation onto one defined area, away from the river, would provide an opportunity to create clear landscaped boundaries around it and allow the implementation of the LVRPA's environmental strategy on the surrounding land.*

266. *Provision of planned and formalised infrastructure and utilities, including relating to drainage, water supply, and waste management, would have further environmental as well as social benefits.*

267. *The detailed arrangements for implementing the proposal and managing the site are not in place. However, it is clear from the Council's evidence that it is committed to delivering the proposal and I am, therefore, satisfied that it is likely to be taken forward.*

Appendix 2: Local Plan Policy GT1: Gypsy and Traveller Sites

Policy GT1: Gypsy and Traveller Sites

The Council will work with the travelling communities to allocate sites as follows as shown on the Policies Map:

1. Expansion of Hertford Road where additional appropriate needs cannot be accommodated within the existing site boundaries;
2. Accommodation of new pitches within the existing St James' Road site;
3. Authorised site at Wharf Road to accommodate the appropriate needs of the Wharf Road Community.

These sites are allocated for the specific needs of the resident travelling communities to which they relate and the future expansion of those communities through new household formation within those communities. They are not to meet the needs of extended family members not currently resident within the Borough of Broxbourne. The means for ensuring that these sites meet the immediate needs of those communities in perpetuity will be set out within planning permissions.

If demonstrated to be necessary in accordance with policy BR4, the Halfhide Lane Gypsy site will be relocated within Brookfield Garden Village to accommodate the appropriate needs of the Halfhide Lane gypsy community.

Source: *Broxbourne Local Plan* page 96
www.broxbourne.gov.uk/localplan

Appendix 3: Adoption Statement



In accordance with Regulation 14 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) this Adoption Statement hereby gives notice that on **7 November 2023** Broxbourne Borough Council adopted the Wharf Road Supplementary Planning Document (SPD) to the Broxbourne Local Plan 2018-2033.

The purpose of the SPD is to provide clear guidance on the relocations and the pattern of consolidated sites on land removed from the Green Belt for the purpose of implementing the Local Plan Policy. It also sets out general principles for the Wharf Road site.

A draft copy of the SPD was subject to public consultation between 12 July and 25 September 2023, in line with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision. Any such application must be made promptly and, in any event, not later than three months after the date on which the SPD was adopted.

The adopted SPD, an updated Consultation Statement (setting out the issues raised during the formal consultation period and those were addressed by the council) and this Adoption Statement can be viewed online at: www.broxbourne.gov.uk/localplan

Hard copies of the same documents are available for inspection during normal opening hours at the Council's offices: Bishops' College, Churchgate, Cheshunt, EN8 9XQ.

If you require further information, please email planningpolicy@broxbourne.gov.uk or phone 01992 785555.

IN THE COUNTY COURT AT
HERTFORD

Claim No.

BETWEEN:

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

(1) PERSONS UNKNOWN
[more fully described in claim form]

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

EXHIBIT LW9

Herewith attached is Exhibit LW9 referred to within witness statement of Laura White.

Borough of Broxbourne Council- Legal Services
Bishops' College
Churchgate
Cheshunt
Hertfordshire
EN8 9XQ
Ref: IB/2039168

Photograph A – April 2020



Photograph B – July 2024



Photograph C - April 2020



Photograph D – July 2024



Photograph E – April 2020







Photograph F – July 2024



Photograph G – April 2020





Photographs H







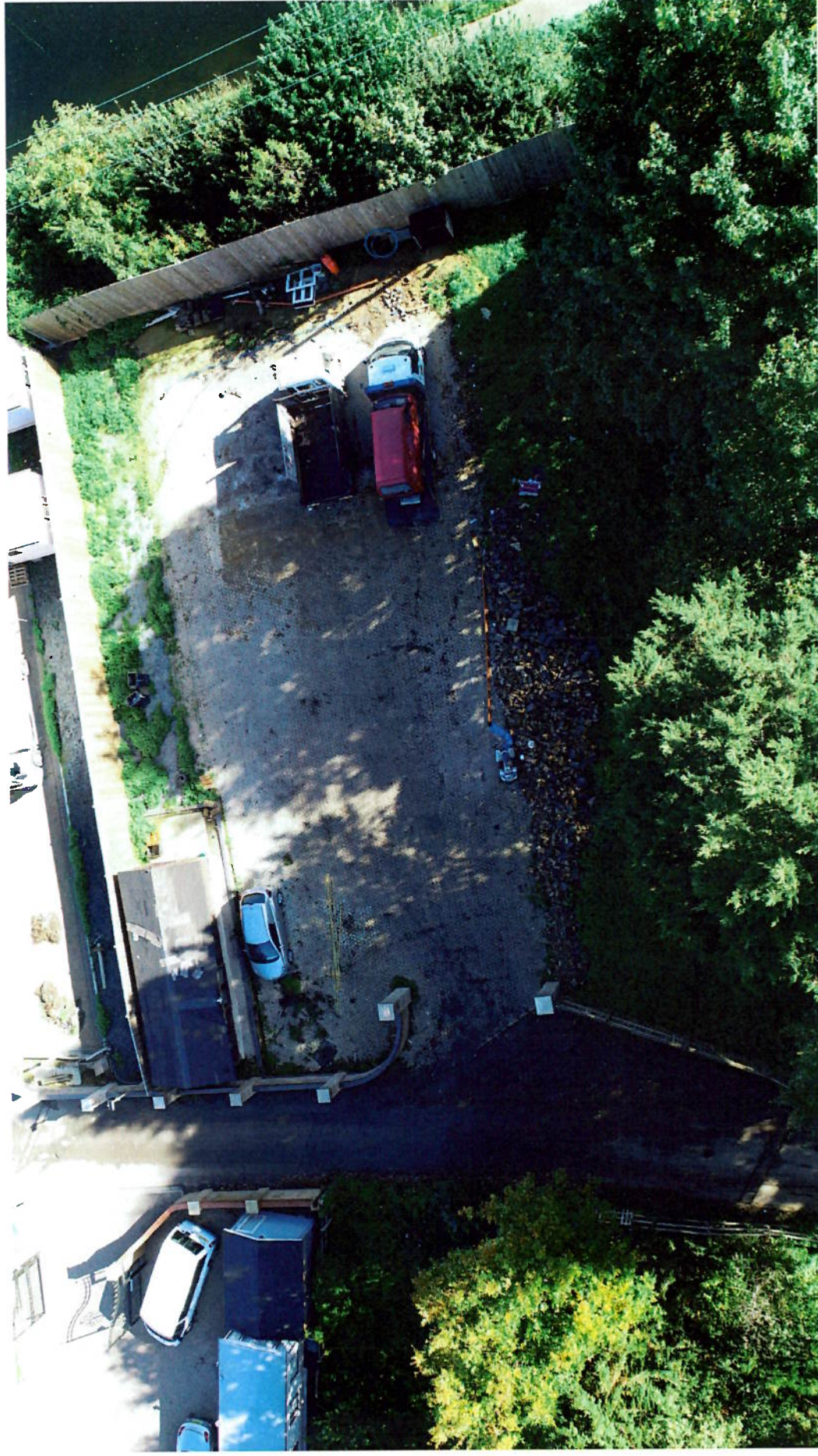


Photographs J





Photographs K





Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Name of court Hertford County Court		Claim no.	
Fee account no. (if applicable)		Help with Fees – Ref. no. (if applicable)	
PBA0087217		H W F - [] [] [] - [] [] []	
Warrant no. (if applicable)			
Claimant's name (including ref.) Borough of Broxbourne Council			
Defendant's name (including ref.) 1) Persons Unknown 2) Lee Valley Regional Park Authority			
Date		16/04/2025	

1. What is your name or, if you are a legal representative, the name of your firm?

Borough of Broxbourne Council- Legal Services

2. Are you a ☐ Claimant ☐ Defendant ☒ Legal Representative
☐ Other (please specify) []

If you are a legal representative whom do you represent?

Claimant

3. What order are you asking the court to make and why?

The Applicant seeks permission for alternative service of the Claim Form, any order granted and ancillary documents, pursuant to CPR 6.15 and 6.27.

4. Have you attached a draft of the order you are applying for? ☒ Yes ☐ No

5. How do you want to have this application dealt with? ☒ at a hearing ☐ without a hearing
☐ at a remote hearing

6. How long do you think the hearing will last? 2 Hours 0 Minutes
 Is this time estimate agreed by all parties? ☐ Yes ☒ No

7. Give details of any fixed trial date or period

n/a

8. What level of Judge does your hearing need?

District Judge

9. Who should be served with this application?

Claimant to serve

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

1) Unknown Persons
 2) Lee Valley Regional Park Authority, Myddelton House, Bulls Cross, Enfield, EN2 9HG

10. What information will you be relying on, in support of your application?

- ☒ the attached witness statement
- ☐ the statement of case
- ☐ the evidence set out in the box below

If necessary, please continue on a separate sheet.

Please see attached witness statement.

11. Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

☐ Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

☒ No

Statement of Truth

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- ☒ I **believe** that the facts stated in section 10 (and any continuation sheets) are true.
- ☐ **The applicant believes** that the facts stated in section 10 (and any continuation sheets) are true. I **am authorised** by the applicant to sign this statement.

Signature



- ☒ Applicant
- ☐ Litigation friend (where applicant is a child or a Protected Party)
- ☒ Applicant's legal representative (as defined by CPR 2.3(1))

Date

Day

1 6

Month

0 4

Year

2 0 2 5

Full name

Ibrahim Balta

Name of applicant's legal representative's firm

Borough of Broxbourne Council- Legal Services

If signing on behalf of firm or company give position or office held

Senior Litigation Solicitor

Applicant's address to which documents should be sent.

Building and street

Borough Offices- Legal Services, Bishops' College

Second line of address

Churchgate

Town or city

Cheshunt

County (optional)

Hertfordshire

Postcode

E	N	8		9	X	Q
---	---	---	--	---	---	---

If applicable

Phone number

01992 785 555 ext 5658

Fax phone number

n/a

DX number

n/a

Your Ref.

IB/2039168

Email

ibrahim.balta@broxbourne.gov.uk

legal@broxbourne.gov.uk

1. Witness statement on behalf of the Claimant.
2. Ibrahim Balta
3. 16/04/2025

Claim no.

IN THE COUNTRY COURT AT HERTFORD

B E T W E E N

BROXBOURNE BOROUGH COUNCIL

Claimant

-and-

**(1) PERSONS UNKNOWN
(DESCRIBED BELOW)**

(2) LEE VALLEY REGIONAL PARK AUTHORITY

Defendants

WITNESS STATEMENT OF IBRAHIM BALTA

I, Ibrahim Balta, of the Legal Department, Broxbourne Borough Council, Bishops College, Churchgate, Cheshunt, Waltham Cross EN8 9XQ will say as follows:

1. I am the lawyer with conduct of this matter on behalf of the Claimant. I make this statement in support of the Claimant's applications that:

(1) An injunction be granted to prohibit the occupation of the land known as ("the Land") for residential purposes by the Defendants.

(2) The requirement for personal service of the injunction in reference to the First Defendant be dispensed with, and alternative service be permitted.

Background

2. The factual background to this matter is set out in detail in the witness statement of Laura White ("LW"). The Land is outlined on the plan exhibited as LW2 in LW.

3. This application has been made without notifying the Defendants because it is feared that by notifying the Defendants the Defendants may pre-empt the injunction by prior occupation. Prior occupation of the land would make the enforcement of any injunctive relief granted extremely problematic.
4. In order to serve all parties who may have an interest in the Land the First Defendant must be served by alternative service to prevent a breach of planning control.

Alternative service

5. As the First Defendant consist of 'Persons Unknown,' it is not possible to serve them personally. The Court is respectfully requested to allow alternative service of the claim form, injunction and ancillary documents pursuant to CPR r.6.15 and r.6.27.


Conclusion on service

6. The Court is respectfully requested to grant an order permitting alternative service by one or more of the following means:
 - (1) Affixing copies (as opposed to originals) of this Order in a transparent envelope, or laminated copy, in a prominent position on or close to all adopted highway entry points within the area marked with the red line on the map attached at LW1 in LW, and also posting copies of the same on the Land in a prominent way, with a notice that a copy of the supporting evidence can be obtained from Broxbourne Borough Council, Bishops College, Churchgate, Cheshunt, Waltham Cross EN8 9XQ.
 - (2) Publishing a copy of the Order together with all the documentation before the Court on the Council's website.
 - (3) Making a copy of the Order together with all the documentation before the Court available at the front desks of the Claimant's offices at Bishops College, Churchgate, Cheshunt, Waltham Cross EN8 9XQ.

Statement of truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Full name: IBRAHIM BALTA

Signature 

Position: Senior Litigation Solicitor

Date: 16/04/2025

