

Darcy's Place - Chronology

Date	Event	Notes
30 th June 1949	Planning Permission E/280/48 granted APPENDIX 3	Permission allows development of land for sand and gravel extraction
5 th January 1968	Application E/98-68 APPENDIX 3a	
27 th November 1979	Planning Application 7/594/79 refused APPENDIX 4	Continuation of use of gravel pit for preparation of soil for horticulture – refused and appeal dismissed.
4 th January 1980	Enforcement Notice served APPENDIX 5	EN required cessation of extraction use; compliance with Condition 5 of E/280/48 within 2 years.
9 th September 1980	Planning Application 7/768/80 refused APPENDIX 6	Application sought permission for restoration of gravel pit, construction of earth embankment, use of part of land for soil manufacture and processing.
4 th March 1981	Appeal Decision relating to appeals <ul style="list-style-type: none"> • APP/5059/C/80/441 • APP/5251/C/80/469 • APP/5251/A/80/01164 APPENDIX 7	The Appeal Decision upholds Enforcement Notice A and reinforces the need to comply with the planning conditions.
2 nd April 1986	Letter from HCC to former landowner APPENDIX 8	Seeking restoration in compliance with Condition 5 of E/280/48 Very informative document as it sets out the matters the County Planning Officer considered necessary to ensure compliance – considerably more than just spreading a layer of topsoil.
19 th May 1986	Letter from HCC to former landowner APPENDIX 9	Seeking restoration in compliance with Condition 5 of E/280/48
19 th January 1987	Letter from HCC to former landowner	Seeking restoration in compliance with Condition 5 of E/280/48

	APPENDIX 10	
3 rd September 1987	Internal Memo (received under FOIA) HCC APPENDIX 11	From County Secretary to County Planning & Statement Department (Minerals Section) <i>“Having considered the history of the site, I am of the opinion that a prosecution for failure to comply with the Enforcement Notice will be inappropriate in this case. The County’s position is not as good as it could be for a variety of reasons, including the fact that a considerable length of time has elapsed since works were completed at the site”</i> <i>I believe that if (REDACTED – but believed to refer to site owner) were forced to carry out the works which the County would like done at the site, this may well stir up a hornet’s nest with local residents, who I understand are quite happy for operations to have now ceased at the site and would not wish to see new activity and the resulting lorry movements in the locality”.</i>
16 th August 1993	Note of HCC Site Inspection APPENDIX 13	
11 th January 1996	HCC Display Site Notice confirming the site is “Dormant” APPENDIX 12	
27 th March 1996	Note of HCC Site Inspection APPENDIX 13	Page 2 confirms that there was <u>no</u> recent sign of landscaping/improvement. Less than 7 weeks prior the site was placed on the “dormant” register – meaning that it has not been restored/completed. It is inconceivable (particular in the context of comments above regarding ‘stirring up a hornets nest’ above, that this site was restored over this seven week period. Page 3 despite estimating 300mm coverage (no detail is provided on this measurement, or how it was taken in context that notes describe site as very overgrown with tall weeds and thistles) the notes also confirm the presence of “protruding metal in places” which contradicts suggestion it had been restored in compliance with the Planning Condition as otherwise the surface level would be a minimum 12 inches of soil.

		The note includes a plan of a plot of land edged pink/purple which is significantly larger than the Appeal site and goes beyond the Appellant and his predecessors ownership or any other interest/activity historically - notably the additional land to the east (along with further land to the north of the appeal site) is known to have been used historically and recently for equine purposes.
4 th May 2021	Planning Enforcement Notice APPENDIX 14	Ref. ENF/20/0006 – in respect of hard surfacing (Eastern Part of Site)
21 st December 2022	Enforcement Notice	ENF/22/0035 – against storage use on the main part of the site
27 th July 2023	Enforcement Notice	ENF/23/0056 - against the commercial use of the Eastern part of the site
31 st August 2023	Stop Notice	ENF/23/0059 – against the commercial use of the Eastern part of the site
14 th August 2024	PINS Appeal Decision APPENDIX 24	Against CLEUD and subsequent Enforcement Notice – recognises historic use pf land for informal builders storage, but due to a change to the planning unit dismisses appeal and finds use unlawful.
1 st November 2024	Advice from Darren Eyers APPENDIX 15	Expert advice regarding the minimum ground levels that can achieve restoration.
7 th April 2025	Site Visit	Attended by Appellant, Agent, Ground Works Consultant; BOB Enforcement Officer; HCC Planning Manager; HCC Planning Enforcement Officer and BOB/HCC Councillor.
29 th April 2025	Email from Brian Owen (HCC) to Appellant APPENDIX 16	<p>Confirms “<i>At the site meeting Mr Croke and others were saying that they considered that the 1981 Enforcement Notice in some way permitted the import and deposit of additional material on the site. This was said to be about capping the site. I had said that I did not consider that the 1981 enforcement notice did permit such activity to take place. The notice said that the site should be restored within a 2 year period in accordance with the planning permission. The two year period had elapsed many years ago and cannot now be relied upon to give any permission or authority to import and deposit waste</i>”.</p> <p>2nd attachment to email is a plot of land edged pink/purple which is significantly larger than the Appeal site and goes beyond the Appellant and his predecessors ownership or any other interest/activity historically - notably the additional land to the east (along with further land to the north of the appeal site) is known to have been used historically and recently for equine purposes.</p>

		The final attachment is an undated typed document which suggests that the site had been covered with soil to an excess of 12 inches – the date, authorship and purpose of this document is unknown.
29 th April 2025	Email obtained under FOIA. Redacted but believed to be from BOB to HCC (possibly Brian Owen) APPENDIX 17	
30 th April 2025	Email obtained under FOIA. Redacted but believed to be from HCC (possibly Brian Owen) to BOB APPENDIX 17	
8 th September 2025	Waste Exemption Registration issued APPENDIX 18	Ref. WEX472108 – valid for 3 years
13 th September 2025	Waste Exemption Registration issued APPENDIX 19	Ref. WEX472733 – valid for 3 years
23 rd September 2025	BOB issues PCN to Appellant	LPA ref. ENF/25/0040
12 th October 2025	Appellant responds to PCN issued by BOB APPENDIX 20	PCN response confirms site history with reference to historic correspondence with both councils
14 th November 2025	Site Visit	Attended by Appellant, Agent, BOB Planning Manager and BOB Enforcement Officer. Condition of and viewed. Discussion regarding visible waste content on unrestored parts of site. Appellant advises restoration has ceased due to no further material being approved under Cl'Aire following LPA intervention.
16 th December 2025	TSN Served ref. ENF/25/0057 APPENDIX 21	The allegation in the notice appears to accept that the works are of a waste/mineral nature, rather than a matter for which the Borough is the relevant LPA.

		<p>Allegation stated in TSN is “<i>The importation of deposit soils and inert waste , the separation/processing of that waste and the change in ground levels through the movement of that soil and inert waste material</i>”.</p> <p>TSN complied with – note that works had already ceased as following the intervention of the LPA there was no lawful source of material to continue the restoration.</p>
6 th February 2026	<p>Planning Enforcement and Stop Notices served</p> <p>APPENDICIES 1 & 2</p>	As above, the use was not continuing at that time.