



**INQUIRY STATEMENT OF BOROUGH OF BROXBOURNE COUNCIL
(THE LOCAL PLANNING AUTHORITY)**

Appeal by Mr John Croke and Mr Ryann Croke

Against Enforcement Notice ENF/26/007 issued by the LPA on 6th February 2026 in relation to the following alleged breach of planning control: Without planning permission, the increase of ground levels through the importation and processing of inert waste.

Relating to Land adjacent to Darcy's Place, Little Broomfield, Church Lane, Wormley, EN10 7QF

PLANNING INSPECTORATE REFERENCES:

APP/W1905/C/26/3378144 (lead case)

APP/W1905/C/26/3378145 (linked case)

LOCAL PLANNING AUTHORITY REFERENCES:

ENF/26/0007

CONTENTS

Section	Title	Page
1	Introduction	4
2	Location and Description	6
3	Planning History	7
4	Planning Policy	9
5	The Council's Case - Ground (c)	11
	Comments on the Appellants' grounds of appeal	16
6	The Council's Case - Ground (f)	18
	Comments on the Appellants' grounds of appeal	20
7	The Council's Case - Ground (g)	21
	Comments on the Appellants' grounds of appeal	22
8	Conclusion	23

Appendices

1. Enforcement Notice ENF/26/0007	27. Undated site report
2. Stop Notice	28. MHLG Letter January 1968
3. Google Street View	29. Letter to HCC April 2010
4. Enforcement Notice (1980)	30. Site photographs 2 June 2020
5. Decision Notice E/280-48	31. Site photographs 19 June 2020
6. Decision Notice 7/584/79	32. Footpath closure request
7. Appeal Decision 7/584/79	33. Site photographs 8 April 2026
8. HCC letter 2 April 1986	34. Letter to HCC May 2025
9. HCC Memo 3 September 1987	35. Inspectors Report July 1980
10. HCC Site Visit Notes 27 March 1996	36. Proof of Evidence July 1980
11. Appellant email 7 February 2026	37. HCC Letter June 1983
12. HCC letter 17 March 2026	38. Solicitor letter October 1981
13. PCN response February 2025	39. Site visit note January 1983
14. Topographical survey	40. Site visit note August 1982
15. PCN response October 2025	41. Breeze & Wyles letter September 1982
16. HCC Planning History	42. Site visit notes October 1982
17. HCC email to Appellant April 2025	43. Site visit notes March 1983
18. HCC email to LPA August 2025	44. HCC memo October 1982
19. HCC email to LPA November 2025	45. HCC letter March 1983
20. Google Aerial images	46. HCC letter January 1984
21. LPA Aerial images	47. HCC letter May 1984
22. LPA Site images	48. Kenneth Shaw letter November 1984
23. 7/768/1980 Decision Notice	49. Site visit note August 1987
24. 7/768/1980 Appeal Decision	50. HCC letter April 1988
25. Enforcement Notice (2021)	51. Site visit note August 1993
26. Enforcement Notice (2021) Appeal Decision	

1. INTRODUCTION

1.1. The Enforcement Notice giving rise to these appeals was issued by Broxbourne Borough Council on 6 February 2026 and alleged “*without planning permission, the increase of ground levels through the importation and processing of inert waste*” at Land adjacent to Darcy’s Place, Little Broomfield, Church Lane, Wormley, EN10 7QF (‘the Site’) (Appendix 1).

1.2. The reason for issuing the Notice is:

It appears to the Council that the breach of planning control has taken place within the last 10 years.

The site is located within the Green Belt, and the use of the land constitutes inappropriate development which is, by definition, harmful to the Green Belt. The intensive use of the land results in noise and disturbance to the occupiers of nearby residential properties with no mitigation provided. The use increases vehicle movements in the vicinity without any assessment of the impact of these additional movements. There is also an adverse impact on the highway through the deposit of mud on the highway. The removal of almost all vegetation and trees in order to facilitate the development of the land results in a loss of biodiversity and a negative impact on the visual appearance of the site on the locality.

The operational development is contrary to Policies GB1: Green Belt, EQ1: Residential and Environmental Quality, EQ4: Noise, DSC1: General Design Principles, TM2: Transport and New Developments and NEB4: Landscaping and Biodiversity in New Developments of the Broxbourne Local Plan 2018-2033 and to the aims and objectives of the National Planning Policy Framework.

The Council do not consider that planning conditions could overcome the objections to the development.

1.3 On 6 March 2026, the Appellants submitted an appeal against the Notice on the following grounds:

(c) that those matters (if they occurred) do not constitute a breach of planning control

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters, or as the case may be, to remedy any injury to amenity which has been caused by any such breach

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed

1.3. The appeal is being dealt with by way of public inquiry.

1.4. A Stop Notice was issued alongside the Enforcement Notice and has not been challenged. It does not form part of this appeal. A copy is provided at Appendix 2.

2. LOCATION AND DESCRIPTION

- 2.1. The appeal site is located on the northern side of Church Lane in Wormley. It is bordered by Church Lane and Spring Walk to the south and west, the curtilage of a residential dwelling to the east, and to the north there is a public right of way and then Council owned land used for agricultural purposes.
- 2.2. Historically, it formed part of a wider holding used for sand and gravel extraction.
- 2.3. Until circa 2020 the land forming the site was uncultivated and there was only one main track into the site, which was not laid. However, unauthorised use of the land for commercial and industrial purposes including waste transfer and associated operational development took place and this was subject to formal enforcement action (see section 3 below).
- 2.4. The site falls within the Green Belt and there is a group TPO (reference LT6-326) on tree growth lining the south-east boundary of the site.
- 2.5. The site is also immediately adjacent to an Area of Archaeological Interest associated with the medieval settlement of Wormleybury and Wormleybury Historic Park and Garden site which also borders the site.
- 2.6. Public footpaths (Hoddesdon Footpaths Nos. 44 and 49) pass through the land.
- 2.7. There are no other planning constraints applicable at this site.

3. PLANNING HISTORY

- 3.1. This section details the relevant planning applications and enforcement actions taken by this Local Planning Authority (LPA) and the Mineral Planning Authority (MPA).
- 3.2. E/280-48 – Sand and gravel extraction – Approved 30 June 1949
- 3.3. E/98-68 – Enforcement Notice issued February 1967 – Appeal Allowed (APP/1219/C/10161 and 10464)
- 3.4. 7/509/1971 – Garden Centre and Caretakers Bungalow – Refused 2 June 1971
- 3.5. 7/193/1975 – Garden Centre and Car Park – Refused 20 May 1975
- 3.6. 7/520-79 – Continuation of use of gravel pit for the extraction of sand and gravel and continuation of filling and restoration – Refused 11 October 1979
- 3.7. 7/584-79 – Continuation of use of gravel pit for preparation of soil for horticulture, together with land – Refused 27 November 1979. Appeal dismissed (APP/5251/A/80/01164)
- 3.8. Enforcement Notice issued January 1980
- 3.9. 7/768/1980 - Restoration of gravel pit, construction of earth embankment, use of part of land for soil manufacture & processing – Refused 9 September 1980
- 3.10. 07/17/1228/LDC – Certificate of lawfulness for the existing use of covered and open builders' storage – Withdrawn 9 April 2018
- 3.11. 07/20/0175/LDC – Certificate of lawfulness for existing use as a builder's yard, storage open and cover – Withdrawn 27 February 2020
- 3.12. 07/20/1040/O - Outline permission for two detached dwellings – Refused 11 July 2023
- 3.13. 07/20/1100/LDC - Certificate of lawfulness for existing use as a builder's yard storage (open and covered) – Refused 13 July 2023. Appeal Dismissed (APP/W1905/X/23/3327096).
- 3.14. ENF/20/0005 Temporary Stop Notice issued June 2020.

- 3.15. ENF/21/0001 Enforcement Notice issued May 2021. Appeal dismissed (APP/W1905/C/21/3275809). (**NB:** The reference number of this Notice is also given as ENF/20/0006; this was an error made by the case officer at the time of issue. However, it must be made clear that ENF/20/0006 does not relate to this site and the reference ENF/21/0001 should be used going forward).
- 3.16. ENF/22/0036 Enforcement Notice issued December 2022.
- 3.17. ENF/23/00056 Enforcement Notice issued July 2023. Appeal dismissed (APP/W1905/C/23/3328124).
- 3.18. ENF/23/0059 Stop Notice associated with Enforcement Notice ENF/23/0056.
- 3.19. ENF/25/0057 Temporary Stop Notice issued December 2025.
- 3.20. ENF/26/0007 Enforcement Notice issued February 2026 (subject of this appeal).
- 3.21. ENF/26/0008 Stop Notice associated with ENF/26/0007.

4. RELEVANT PLANNING POLICIES

4.1 In this section the planning policies are provided for context. However, as there is not a Ground (a) appeal, these are of limited relevance to this appeal.

4.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires:

(1) A reference to the development plan in any enactment mentioned in subsection (7) must be construed in accordance with subsections (2A) to (5).

(2A) For the purposes of any area in England the development plan is—

(a) each spatial development strategy that is operative in relation to that area,

(b) each local plan which has effect in relation to that area,

(c) each minerals and waste plan which has effect in relation to that area,

(d) each supplementary plan which has effect in relation to that area,

(e) each neighbourhood development plan which has been made in relation to that area, and

(f) each policies map for that area.

4.3 The relevant document is The Borough of Broxbourne Local Plan (2018-2033) for the site subject of this appeal.

4.4 The relevant Policies within this document are:

GB1: Green Belt

EQ1: Residential and Environmental Quality

EQ4: Noise

DSC1: General Design Principles

TM2: Transport and New Developments

NEB4: Landscaping and Biodiversity in New Developments

4.5 The following documents relate to minerals development are Minerals Local Plan Review 2002-2016 (adopted March 2007) and Mineral Consultation Areas in Hertfordshire Supplementary Planning Document (SPD) (adopted November

2007). These do not apply to this appeal as the development is not minerals development.

4.6 The National Planning Policy Framework (2025) is also material consideration.

5 THE COUNCIL'S CASE – GROUND (C)

- 5.1 The starting point for determining whether any works are development is Section 55 of the Town and Country Planning Act 1990 (as amended).
- 5.2 Section 55(1) states:
- “Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.*
- 5.3 The breach of planning control subject of this appeal is *“the increase of ground levels through the importation and processing inert waste”*. The importation of material to increase ground levels is an engineering operation and therefore meets the above definition.
- 5.4 Section 55(3)(b) states that the deposit of refuse or waste materials involves a material change in its use if the area of deposit is extended or the height of the deposit is extended and exceeds the levels of the land adjoining the site.
- 5.5 In this case, waste materials were used to restore the site following sand and gravel extraction and the site is therefore already land used for that purpose. The area to which the Enforcement Notice relates does not exceed the area to which the permission for extraction relates. The height of the land, at its highest point, already exceeded adjoining land which can be seen in the Google Street View Image, taken in 2009, at Appendix 3. For these reasons it is the view of the LPA that the development is operational development rather than a material change of use.
- 5.6 In Paragraph 4 of the EN, there are 2 instances where the word “use” is used in error. The LPA is clear that the alleged breach of planning control is operational development, not a material change of use.
- 5.7 The Appellants, in their Statement (paragraph 6.24), clearly understand that the Notice relates to operational development and not a material change of use.

5.8 The Appellants do not claim that the works have not taken place but instead considers that the development is not in breach of planning control as per their Statement; paragraphs 6.2 and 6.25 in particular relate.

5.9 The crux of the Appellants' case is that an Enforcement Notice, issued in 1980 by Hertfordshire County Council ("HCC") (Appendix 4), was not complied with, in full, and the works referred to in this Enforcement Notice are to complete compliance with the 1980 Notice which refers to the conditions attached to a historic planning permission. (paragraphs 6.2 and 6.25 of the Appellants' Statement).

5.10 The historic permission referred to is permission E/280-48 (Appendix 5) which granted conditional permission, on 30th June 1949, for "*sand and gravel extraction*". The permission was subject to 12 conditions; the most relevant of which are conditions 5 and 6.

5.11 Condition 5 states:

"The complete refilling of the excavation of the level of the surrounding ground, covering with a surface later of soil not less than 12 inches deep capable of supporting plant life, and the initial cultivation of the site to the satisfaction of the Local Planning Authority".

5.12 Condition 6 states:

"The work of filling to proceed concurrently with that of excavation, and as closely behind as possible, and both excavation and restoration to be completed within a period of thirty years".

5.13 The period of thirty years after the grant of this permission expired on 30th June 1979.

5.14 Condition 5 contains some specific requirements but also requires a judgement to be made by the LPA as to compliance, through the inclusion of the words "to the satisfaction of the Local Planning Authority".

5.15 An application to continue the use beyond that period was submitted (reference 7/584/79) but this was refused and the subsequent appeal was dismissed (Appendices 6 and 7).

- 5.16 As there were no further permissions secured for the continued use, there are no planning permission or ongoing lawful use which permit sand and gravel extraction beyond June 1979.
- 5.17 As these works did continue, HCC issued an Enforcement Notice in January 1980 (Appendix 4) which required the cessation of sand and gravel extraction and for the site to be restored in line with condition 5 of the 1949 Permission.
- 5.18 Following the 1980 Enforcement Notice, HCC were in regular contact with the then landowners, the parents/grandparents of the Appellants, regarding compliance with that Notice.
- 5.19 The site was subsequently subject to trespass, which resulted in fly tipping on the land, as referenced in the letter from HCC dated 2 April 1986 (Appendix 8) and a letter from the parent/grandparent of the Appellant (Appendix 29).
- 5.20 In an HCC memo dated 3rd September 1987 (Appendix 9) the author considers a potential prosecution and determines that this would be “inappropriate”. A key, but not sole, reason for that conclusion is “*a considerable length of time has elapsed since works were completed at the site*”. The implication from this was that the 1980 Enforcement Notice had, by that time, been complied with to an extent.
- 5.21 The references to general improvements to the site within that memo do not demonstrate a contrary view but are likely referring to the overall condition of the land. The letter from HCC referred to in paragraph 5.18 above refers to a “general tidy up” and “fly tipped rubbish”. These are not matters that formed part of Condition 5 of E/280-48 or the 1980 Enforcement Notice and as such are not part of the restoration requirements sought by either.
- 5.22 In their Statement of Case, the Appellants state (paragraph 2.4 and 6.26b) that the land was used to store materials and machinery. It is possible that HCC was referring to this activity in seeking a “general tidy up”.
- 5.23 At a site visit on 27 March 1996, the HCC officer considered the site to be fully restored. The Appellants suggest that the officer was looking at the incorrect site, but the map attached to the officer’s site visit note (Appendix 10) demonstrates that this is not the case.

- 5.24 It is accepted that the site was subsequently listed as dormant in January 1996. However, the LPA does not accept that the site is a dormant site within the meaning of purposes of Schedule 13 and 14 of the Environment Act 1995.
- 5.25 The Appellants sent an email to HCC (Appendix 11) on 7 February 2026 in which he requested a review under Schedule 14. On 17 March 2026 HCC wrote to the Appellants (Appendix 12) stating that they do not consider the site to be dormant as no development could have lawfully been taken at that time as the permission required permanent cessation of sand and gravel extraction by July 1979.
- 5.26 On this basis, it does appear that the listing of the site as dormant was incorrect and the more recent view, provided at Appendix 12, represents the correct position.
- 5.27 Given HCC's position that the 1980 Notice was complied with and therefore does not provide a justification for the development subject of this appeal, it is the LPA's position that planning permission would be required. As none exists, the breach of planning control is clear.
- 5.28 Two Planning Contravention Notices were issued as part of the LPA's investigation and the responses to these are relevant considerations.
- 5.29 The response to the first PCN, from February 2025, states clearly that no importation has taken place (Appendix 13) and provides a topographical survey (Appendix 14) showing the land at that time.
- 5.30 The response to the second PCN, October 2025, states that importation began in September 2025 and sets out the reasoning for the importation in that it is in order to comply with the 1980 Enforcement Notice (Appendix 15).
- 5.31 HCC provided, to this LPA on 13 January 2026, a summary of the planning history (Appendix 16), including details of the 1980 Enforcement Notice, which clearly sets out that Notice was complied with and certainly in or around 1996.
- 5.32 HCC wrote to the Appellants on 29 April 2025 setting out this view with copies of the relevant file notes (Appendix 17).

- 5.33 HCC further wrote to the Council on 1 August 2025 and 19 November 2025 confirming this view and setting out the reasons that they consider the development appeared to them to be a matter for this Council to enforce, rather than a County Matter (Appendices 18 and 19).
- 5.34 Given HCC's involvement in the planning history leading up to the circumstances surrounding the LPA's issue of the Enforcement Notice in this matter, the LPA intends to call Sharon Threlfall, Principal Enforcement & Monitoring Officer at HCC, to give evidence in respect of the same. Laura White, Senior Planning Enforcement Officer at the LPA, will also give evidence in respect of the LPA's actions and consideration of the matter having reviewed the available documentation. For the avoidance of doubt, there is agreement between the councils.
- 5.35 The LPA's position is that the works required by the 1980 EN and Condition 5 of the 1949 permission had already been complied with prior to the breach alleged in the Enforcement Notice commencing and the works undertaken to date require planning permission.
- 5.36 In addition, there are works taking place which do not fit with compliance with either the 1980 EN or Condition 5, namely soil processing, which is specifically included in the description of the breach of planning control in the Enforcement Notice that is subject to this appeal.

Comments on the Appellants' grounds of appeal

- 5.37 At 6.4, the Appellants set out their position that Condition 5 was never fully complied with and that this is demonstrated, on the balance of probabilities, through the documents supplied by HCC, and the physical condition of the land.
- 5.38 Condition 5 of E/280-48 required *“the complete refilling of the excavation to the level of the surrounding ground, covering with a surface layer of soil not less than 12 inches deep capable of supporting plant life, and the initial cultivation of the site to the satisfaction of the Local Planning Authority”*.
- 5.39 In terms of the physical condition of the land, at paragraph 6.14, the Appellants suggest that the land was not sufficiently restored to support plant life. However, the LPA will explain how aerial and site photographs at Appendices 20, 21 and 22, demonstrate that the site was well vegetated indicating that there were sufficient soils in line with the requirements of Condition 5 and the 1980 EN.
- 5.40 As highlighted in paragraph 5.5 above, the site was infilled to a level which exceeded the height of surrounding ground and plant life was supported as described in paragraph 5.5.
- 5.41 The Appellants, at paragraph 6.14 of their Statement, states that in 1993 metal was protruding above the ground, indicating that that the required placement 12 inches of soil was not met. However, the LPA will point to evidence within the documentation from HCC that contradicts this view. In particular, see the site report at Appendix 27.
- 5.42 In terms of documentary evidence, the LPA will rely on the documents refer to throughout this Statement and those provided at Appendix 28 – 51.
- 5.43 The 2021 Enforcement Notice requires the removal of hard surfacing and restoration of land levels in the limited area to which the Notice applies. This does not conflict with the Notice subject of this appeal as the requirements of both Notices seek the restoration of the land.

- 5.44 The Appellants states that the 1980 EN has not been withdrawn and as such remains extant on the land, and the LPA agrees with this position.
- 5.45 The Appellants refers to communication between the LPA and MPA regarding which authority would lead on the matter. The Appellants label this “confusion” but this discussion simply highlights the overlap in investigations at early stages. County Matters are defined in Schedule 1 of the Town and Country Planning Act 1990 and the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003. The development the subject of this appeal does not fall under the definitions and therefore the Borough Council are the correct authority.
- 5.46 With reference to the area cross hatched on the plan attached to the Enforcement Notice, this was excluded for expediency reasons. The LPA accepts that this grants planning permission for this area. However, the works are acceptable and there is no benefit to undoing the works that have been done. This should not be taken as any indication that the works were necessary to comply with condition 5 or the 1980 Enforcement Notice.

6 THE COUNCIL'S CASE – GROUND (F)

6.1 The Enforcement Notice requires the following steps to be taken:

- (i) Cease the importation of inert soils and similar material to the land*
- (ii) Cease the processing, separation, screening of imported inert soils and similar material on the land*
- (iii) Remove all plant and machinery associated with the importation and processing, separation, or screening of inert soils and similar material from the land.*
- (iv) Return ground levels of the land to those shown in drawing RES/1240 (attached) with the exception of that area shown hatched black on the attached plan*
- (v) Remove all soils, inert waste, or other material arising from compliance with step (iv) from the land*
- (vi) Remove all stockpiles in the immediate vicinity of the Chieftain Power Screener (as shown in the attached photograph)*
- (vii) Remove all vehicles, plant, and machinery associated with the compliance with steps (v) and (vi) from the land*

6.2 It appears from the Appellant's Statement that the step in contention is step (iii).

6.3 The land does not have a lawful use. There has been no planning permission granted for any use of the land following the completion of the sand and gravel workings and subsequent restoration.

6.4 The LPA, therefore, does not agree that there is justification for permanent retention of plant or machinery in association with the use of the land.

6.5 It is further relevant for the Inspector to consider that the use of the land for soil processing was previously applied for and was refused by the LPA (application reference 7/768/1980) and the subsequent appeal being dismissed (Appendices 23 and 24 respectively). It is therefore appropriate for the LPA to seek to remove plant and machinery the facilitates this use from the land.

- 6.6 The Enforcement Notice allows for plant and machinery to be retained in order to comply with steps (v) and (vi). This means that the requirements of the 2021 Enforcement Notice, which are overdue for compliance, could be carried out alongside compliance with steps (v) and (vi).
- 6.7 In the event that the Appellants demonstrate to the satisfaction of the Inspector that works to comply with the 2021 Enforcement Notice would conflict with steps (ii) and (iii), the Inspector is able to amend the steps to allow for this work to take place. The LPA will revisit this further in its Proof of Evidence.

Comments on the Appellant's grounds of appeal

- 6.8 The Appellants refer to the requirements of the LPA's 2021 Enforcement Notice (Appendix 25) and the subsequent appeal (Appendix 26) as relevant considerations for this ground of appeal.
- 6.9 In particular, the Appellants refers to paragraph 15 of that Appeal Decision in which the Inspector states that the "appellant is in the best position to know the full extent of these works and therefore to know what needs to be done to restore the land".
- 6.10 The LPA draws the Inspector's attention to the following points:
- 6.10.1 The laying of hard surfacing, which was the breach of planning control identified in that Notice, took place between 2018 and 2020 when the Appellants were in full control of the land
 - 6.10.2 The Notice, and therefore the appeal, do not relate to the entirety of the site
 - 6.10.3 The Inspector was not considering the overall site or its restoration.
- 6.11 In comparison, the Inspector for this appeal is being asked to consider works that took place 30-40 years ago, over the entire site.
- 6.12 The observations from the 2021 appeal, therefore, have limited bearing on this appeal.

7 THE COUNCIL'S CASE – GROUND (G)

7.1 The timescales for the steps in the Notice are

Step (i) – One (1) day from the date this Notice takes effect

Step (ii) – One (1) day from the date this Notice takes effect

Step (iii) – One (1) week from the date this Notice takes effect

Step (iv) – One (1) calendar month from the date this Notice takes effect

Step (v) – Six (6) weeks from the date this Notice takes effect

Step (vi) – Six (6) weeks from the date this Notice takes effect

Step (vii) – Eight (8) weeks from the date this Notice takes effect

7.2 Starting with Steps (i) and (ii), the LPA considers such periods to remain appropriate. It is noted that the Stop Notice also, in effect, requires compliance with these steps.

7.3 Step (iii) relates to the removal of machinery for “*importation and processing, separation, or screening of inert soils and similar material*”. As the Notice seeks to remove material from the land, it is not accepted that machinery required for importation or separation of material is required in order to enact compliance with subsequent steps as suggested by the Appellants.

7.4 Step (iv) requires the reinstatement of previous ground levels within one month and Step (v) requires the removal of soils and inert waste within six weeks. These steps are those that are in contention. The LPA accepts, in principle, the comments from the Appellants regarding the potential for other regulatory controls which may impact appropriate timescales. The LPA, therefore, invites the Appellants to provide further details so that this can be considered. Subject to such further information being provided, the LPA may agree to a longer timescale.

7.5 Step (vi) requires the removal of stockpile of materials within 6 weeks. The Appellants has not put forward any suggestion that this timescale is unacceptable.

- 7.6 Step (vii) requires the removal of vehicles plant and machinery within 8 weeks. It follows that if further time is allowed for the compliance with Step (iv) and/or Step (v), it is both logical and reasonable that the compliance period with Step (vii) is also extended.

Comments on the Appellant's grounds of appeal

- 7.7 The Appellants references the dormant status of the land under the Environment Act 1995 and the Review of Old Mineral Permissions process as reasons why additional time should be allowed.
- 7.8 The LPA has, in paragraphs 5.24 – 5.26, explained the dormant status of the site.
- 7.9 On the basis of this view, the land is not a dormant mineral site, and the requirements of Schedule 14 are not relevant to the amount of time given to comply with the steps in the Notice.

8 CONCLUSION

- 8.1 In respect of the ground (c) appeal the fact that the development has taken place is not disputed by the Appellants.
- 8.2 It is demonstrated that compliance with the 1980 Enforcement Notice had previously taken place, and that no planning permission for the development as alleged in the Enforcement Notice the breach of planning control has occurred.
- 8.3 It has further demonstrated that the LPA has set out that the steps to comply with the Notice are reasonable and not excessive.
- 8.4 Finally, with regard to the time to comply with the requirements of the Notice, the LPA accepts that other regulatory controls may be relevant to whether further time should be given for steps (iv) and (v) and will review its position in upon receipt of further details from the Appellants. However, the LPA does not accept further time is appropriate for the other steps.
- 8.5 The appeals on grounds (c), (f), and (g) must therefore fail.
- 8.6 On that basis, the Inspector is respectfully requested to dismiss all grounds of appeal and uphold the Enforcement Notice.

Laura White

Senior Planning Enforcement Officer

For and on behalf of Broxbourne Borough Council

April 2026