

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 address

**Mr John Croke
95 Shearwater Close
Stevenage
Herts
SG2 9RX**

- b) State the nature of your interest in the Land e.g. owner, occupier

Neighbouring Landowner. Father of the site owner.

- c) Provide full contact information of any other person(s) with a legal interest in the Land e.g., tenant, mortgagee, owner(s), occupier(s)

Mr Ryann Croke (owner)

- d) Provide the date the removal of trees and vegetation to facilitate these works commenced

November 2024

- e) Provide the date importation of soils and rubble commenced

No such works have taken place. Mr Croke has paid for the last 3 months (all that is stored on the system) of CCTV footage of the site to be downloaded so that this can be proven. This has been provided to the Council.

- f) Provide a copy of the topographical survey carried out prior to the commencement of the importation took place

See attached – drawing no. RES/1240 (dated 23/10/2024)

- g) Did any changes in ground levels take place prior to the importation of soils and rubble? If so, provide a plan showing these changes.

No importation of soils and rubble has taken place.

h) Provide details of the amount of soils imported to date

None

i) Provide details of the amount of rubble imported to date

None

j) Provide details of estimated amount of soils required to complete the works

TBC – finalisation of detailed plans has been delayed due to this Planning Enforcement investigation.

k) Provide details of estimated amount of rubble required to complete the works

None

l) Provide an estimated schedule of works, including estimated timescales for completion

TBC – finalisation of detailed plans has been delayed due to this Planning Enforcement investigation.

m) Provide a copy of the plan being worked to in order to determine expected land levels upon completion

TBC – finalisation of detailed plans has been delayed due to this Planning Enforcement investigation.

n) Provide details of any expected impact these works have on the compliance with any other extant Enforcement Notice.

The works are being undertaken to comply with the outstanding requirements of planning permission E/280-48, which are the subject of a Planning Enforcement Notice. There are no other Enforcement Notices within this red line area, as far as I am aware.

o) Provide any information regarding permission to the use the Land for this development or any details to demonstrate why planning permission is not required.

The extant Planning Enforcement Notice provides deemed planning permission for the works required in compliance. For this reason, Mr Croke does not

consider there to be a further need to secure the express planning permission of the LPA.

- p) Provide any relevant information you wish the Council to consider before any further action is considered.

Mr Croke has been trying to arrange a meeting with Council officers to discuss the land. The restoration works have not been kept secret. On 13th December he emailed Laura White and said *“I would like to have a meeting with the posse (person) so we can talk openly and honestly about there (their) concerns, I think they need to know the whole truth about all of the applications and all of the enforcements. Please can you arrange for this meeting asap, this way I can let you know about the works that are going on on the land”* and on 16th December *“One thing for certain nothing is being spread, nothing is being tipped, we are just clearing the land”*.

The works that are underway are to comply with the extant Enforcement Notice so that he can move forward, free of any planning enforcement action or land charges to seek a lawful development of the site. He is no longer able to use the land for the purpose that the Planning Inspector accepted it had been used for the last four decades following the previous enforcement action. Because of its unrestored condition, nor is he able to practically use it for lawful horticultural/agricultural use. He therefore needs to establish a new lawful use of the land.

Mr Croke has undertaken due diligence before commencing works, including discussion with Sharon Bates at Broxbourne Council regarding the trees which are protected by TPO within the land and also requesting all information from Hertfordshire County Council regarding the Enforcement Notice. They failed to disclose to him site inspections which they shared with Laura White – he now has those documents from them. Those documents do not change his view that the Enforcement Notice remains uncompiled with to date. He has spent his whole working life using this site and knows, firsthand, that the land was never restored. He believes that what HCC officers inspected in 1993 and 1996 was simply the site having become overgrown (as indicated by their notes – *“field surfaced with ‘rough’ grass”*; *“rough grassland – very overgrown (tall weeds and thistles etc)”*; *“protruding metal in places”*). The requirement in the Enforcement Notices was to add at least 12 inches of soil (he doesn’t believe any officer has dug trial holes to check this and to the contrary, he has commissions trial holes in preparation for his Cl’aire application which have not redeveloped the presence of soil) so that the land would be suitable for growing – it can’t possibly be ploughed when it is turned over and rubbish (including metal as noted by the HCC officer in 1996) immediately re-surfaces.

Please see separate sheet with Mr Croke’s responses to questions posed by Laura White but which do not form part of this PCN.

Mr Croke also wishes it to be noted that his CI'aire application sought to import soils necessary to comply with the EN on this site and the separate EN on his adjacent land parcel (Darcy's Place) which also requires restoration. The CI'aire process has been delayed by the Council's Planning Enforcement investigation which has now delayed his full compliance with that Notice.

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: 03/03/2025

Signed: 

Print Name: **John Croke**

Laura White

From: Laura White
Sent: 26 February 2025 13:51
To: [REDACTED]
Subject: RE: Land adjacent Darcy's Place, Church Lane, Wormley

Dear Katie

Thank you for your email.

I note your comments regarding the completion of the PCNs and look forward to receiving them in due course.

In addressing your first point, in relation to the importation of materials, this was based on not only complaints made to this team but also on comments made by your client during a site visit attended by three officers of the Council. If you have information to confirm that no material has been imported, I would be grateful if you could provide it to me. Given the likely size of the video files, I would recommend using the WeTransfer service, or similar, to provide these to me, rather than sending a large number of emails.

The comments I have provided in relation to HCC's Enforcement Notice, and compliance thereof, are based on information provided to me by their enforcement team.

I note that you request documents relating to HCC's Notice; this, in my view, is a matter for HCC. However, given that you have made the request to me, I am seeking advice on the extent to which I can assist.

It is appreciated that Mr Croke is seeking to comply with all Notices on the land but in respect of the HCC Notice I must recommend that no works are carried out until there is sufficient clarification.

Finally, in relation to a meeting, I have reiterated to Mr Croke that the Council intends to visit the site after mid-March in order to determine compliance with the Notices issued by this Council. No meetings are proposed before that date and, due to existing commitments, are unlikely to be feasible. I hope to have suggested dates for that site visit within the next few days.

I trust the above is of assistance.

Kind regards

Laura White

Senior Planning Enforcement Officer | Broxbourne Borough Council
Bishops' College | Churchgate | Cheshunt | EN8 9XQ

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From: [REDACTED] >
Sent: 24 February 2025 19:55
To: [REDACTED] >
Subject: Land adjacent Darcy's Place, Church Lane, Wormley

Dear Laura,

I am emailing to acknowledge receipt of the PCNs served on Mr John and Mr Ryann Croke regarding the above site and to confirm that they will be duly completed and returned.

However, there appears to be some misunderstanding regarding the extent of works undertaken to date and the lawfulness of the proposed intended remediation works, which Mr Croke would ideally like to address within a meeting with yourself and Planning colleagues.

Firstly, Mr Croke would like to confirm that **no** material has been brought on to the site. As you may be aware there are security cameras on the gates to the site and in the interest of transparency Mr Croke is willing to download the last three months of footage (all that is saved on the system) and share it with the Council to provide that no material has been brought onto the site.

What has happened within the site is that Mr Croke has cleared the land in preparation for environmental remediation This was undertaken cautiously after he checked the extent of the Tree Preservation Order within the land and ensured that those protected trees were retained. The site was quite overgrown and as it has been cleared this has resulted in the land being turned over. As an unrestored landfill site, this has resulting in the original fill becoming more visible on the surface – but it is not new material.

With regard to the remediation, as you are aware there is a live enforcement notice served on the site which was the subject of a public inquiry in the 1980s. At the time of that inquiry, the site was owned by Mr Croke's father, but he was employed working within the yard and was actively involved in the landfill operation. Mr Croke confirms from his own firsthand knowledge that the requirement to restore the site with a minimum of 12 inches of earth was never complied with. It is also evident from the site that the landfill material has simply 'greened over' without ever having been properly capped and restored, with items of rubbish regularly surfacing. Within your communication to Mr Croke you make reference to inspections by HCC in 1993 and 1996 which confirm that to the contrary, the notice was complied with. Mr Croke requests the following please in response to that assertion:

1. Copies of confirmation of the site inspections from HCC. Mr Croke has previously made enquiries to HCC under the FOIA and was not furnished with notes of these inspections within the disclosure, nor does he recall the inspections taking place from his own firsthand knowledge of the site.
2. Confirmation of what investigation was done on site on the dates of those alleged inspects to confirm compliance - i.e. did officers just note that the site appeared 'green' because vegetation had naturally grown over over time, or were trial holes dug to confirm the minimum 12 inch depth of the restoration?
3. Any communication between HCC or Broxbourne Borough and the landowner relating to those alleged site inspection in 1993 and 1996.

4. Confirmation as to why, once it was allegedly confirmed in 1993 that the notice had been complied with, a further site inspection was then undertaken in 1996? And why subsequent to those visits, the notice was not withdrawn and remained as a registered charge on the property?

As I understand he has made you aware, Mr Croke has spent considerable funds to date seeking to comply with the Enforcement notice, including the instructions of survey work, applications for Environment Agency and CL'AIRE permits, preparatory ground works and plant and machinery. All of this followed his investigation into the status of the Planning Enforcement Notice, including the response to his FOI request to HCC.

As you are aware it is Mr Croke's intent to bring in earth (not other material) to comply with the EN, which unless the information requested above proves to the contrary, he believes still remains uncompiled with. As he will be complying with the extant EN, Mr Croke therefore believes that there is no requirement for express planning permission for those works. Once he has restored the land in accordance with the requirements of the EN, Mr Croke intends to seek the withdrawal of the Notice and then request pre-application advice from your Planning colleagues regarding future development potential of the land parcel. As your current Planning Enforcement investigation and the associated uncertainty regarding the status of the EN is currently delaying the restoration and permit applications, he would welcome the Councils prompt response and transparent sharing of the information held so that he is able to move forwards with the works.

Many thanks



Kathryn Smith MRTPI
Chartered Town Planner



Question

Hedgerow - northern boundary

Hedgerow - northern boundary

It has been reported that this hedgerow, which runs alongside Public Rights of Way 48 and 49, has been subject to substantive removal. This matter is being investigated and whilst I have no conclusions to report at this stage, your comments are invited. In the meantime, you may note officers of the council, not necessarily from the planning team, using the public rights of way to inspect the hedge. Please be assured that this is part of this investigation.

Answer

The land was very overgrown to the point that brambles and Ivey had invaded the whole length of the hedgerow, we managed to save as much as possible, however a small amount was completely impossible to separate and had actually die off leaving dead wood covered in brambles and Ivey. I will be replacing hedgerows it is part of the restoration plan I have for the land along with new habitat friendly fencing around the entire 12 acre site.

Replacement tree planting

Question

The tree planting required by Tree Works Consent reference 07/23/0874/TW has taken place and I have no further comment to make on this point.

These works were requested by me as I was worried about the remaining dead trees that remained along the front of the yard area on the roadside, I contacted Sharon Bates Technical mapping and administrations officer Broxbourne council my concerns were that the remaining trees was leaning over the road and onto telephone lines, should they had fell then neighbours would loose there lines causing them loss of communication, Sharon attended the site with a tree surgeon who agreed the trees had ash dieback and that they was dangerous and needed felling. The permission was applied for and granted. I re – planted 11 new saplings as agreed in the permission

Question

Extant Enforcement Notices

Taking each Notice in turn:

ENF/21/0001 - Hardsurfacing

This Notice, upheld at appeal, requires the following steps to be taken:

Remove all deposited hard core materials to create the hard surfacing and return the site to

(1)

(ii)

(iii)

(iv)

its former condition

Permanently remove from the land all rubble, rubbish or debris arising from compliance with point (i) above

Restore the site to the condition that existed before the breach of planning control described above took place

Grade the land with topsoil and sow the bare earth with grass seed

Whilst the compliance for this Notice has expired, the Council previously agreed to tie this into the compliance period for Notice reference ENF/23/0056 (below). As per that Notice, a site visit to establish compliance with both Notices will take place in late March, at a date and time to be advised

Answer

The issues with complying with this enforcement are there are no detailed depths of hardstanding to be taken up from the planning inspectorate , the inspectorate details that “ I know best how to remedy this issue , after looking into the legality of covering the land in soil it has come to light that the only legal way to adhere to the enforcement is the same operation that is needed to address the enforcement dated 1980 that covers the whole of the land parcel (Broomfield) this is a CL:aire any soil being brought into the site that is not registered from a donor site using the CL:aire protocol is illegal and fly tipping , the Environment agency would take legal action against me. The company dealing with this have approached Laura white.

ENF/22/0036 - use of wider site

This Notice prohibited the use of the wider site for storage purposes; it appears that this Notice is being complied with and our records have been updated accordingly.

Answer

Once I was made aware that we could not use the land for storage purposes because it did not fall into the 10 year rule it was stopped immediately

ENF/23/0056 - use of Little Broomfield

This Notice was upheld at appeal with variations

The Enforcement Notice was varied in paragraph 3 to identify the breach of planning control as follows:

Without planning permission, the material change of use to a mixed use of land for open commercial storage, industrial and waste transfer purposes and associated operational development.

The requirements of the Notice were varied to read as follows:

Permanently remove from the land all items stored including, but not limited to, scaffolding, storage containers, vehicles, portable toilets, tyres, vehicle parts, traffic cones and signage,

(ii)

(iii)

(iv)

(v)

(vi)

Permanently remove from the land all structures, buildings and mobile homes

Permanently remove all skips, waste containers and ancillary paraphernalia from the land

Remove all internal fencing (HERAS style fencing or similar)

Cease the use of the land for open commercial storage, industrial and waste transfer

Remove all resultant debris, litter, and waste from the land

The time to comply with each step of the Notice were varied to read as follows:

Steps (i) to (v) - 6 months from the date this Notice takes effect

Step (vi) - 7 months from the date this Notice takes effect

In place of the words "from the date this Notice takes effect" the compliance periods now start from the follows;

date of the Inspector's decision of 14h August 2024. This means that the compliance periods end as

Steps (i) to (v): 14th February 2025

Step (vi): 14th March 2025

Answer

We are struggling to sell the containers on the land. The council will be pleased to know that there are no more tenants using the yard area now and I do not have a means of making a living as I have for the past 30 years or more using the yard areas

There will be 4 containers remains on the land & Darcys Caravan to comply with the F10 that will be in force shortly to carry out restoration works to the entire parcel of land as per 2 number enforcements that are on the land outstanding