

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
56 Wheatlands
Stevenage
Herts
SG2 0JT

** please note, the above address is current and should replace the addressed used on the PCN for future correspondence.*

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

Owner of land within the eastern part of the site

- 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)

(western part of the site)
Mr Ryann Croke
4 Ravensdale Way
Hertford
SG14 2GZ

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

8th September 2025.

- e) Did any changes in ground levels take place prior to the importation of any inert material? If so, provide a plan showing these changes.

No changes have been undertaken recently. Following the approved mineral extraction and fill, ground levels were changed in line with planning approval and natural settlement

occurred over time since. The site was cleared of ground vegetation earlier in 2025 to facilitate the outstanding restoration required by the 1980 HCC Enforcement Notice – with the material proposed to be sourced through a Cl'air. That process stopped when the Councils asserted that there was a need for planning permission for the works (an assertion which is contended by the landowners). Officers subsequently visited the site (April 2025) and noted the uneven ground conditions which prevent maintenance or any beneficial use of the land for cultivation. Since then, the vegetation which had encroached over the cleared site was once again removed to facilitate the importation of the material permitted by the EA.

- f) Provide details of the depth of inert material expected across the site. If the depth is not consistent across the site, provide plans showing the different depths and their extent.

The 1980 HCC Enforcement notice requires compliance with Condition 5 of planning the planning permission which states “*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*”. To comply with this condition the material needs to be at least 12 inches deep. However, to be capable of supporting plant life and initial cultivation, the ground level across the site needs to be consistent, meaning that in lower ground levels the fill may significantly exceed 12 inches to comply with the condition. The landowners have also had regard to guidance issued by DEFRA on soil handling which indicates that for successful agriculture and profile of 300mm top soil over 600-900mm subsoil to provide total coverage of 1000-1200mm is usually required for sustainable rooting and drainage. This is the depth that the landowners believe to be required to facilitate compliance with Condition 5 and the associated Planning Enforcement Notice. Please note content of email from Darren Evers dated -1/11/2024, appended to this PCN response.

- g) Provide details of the amount of inert material imported to date (in cubic metres or tonnes). Specify the amount for each type of material imported e.g. top soil.

Without the Cl'air the maximum amount of material that can be brought onto the site is 2,000 tonnes and an EA permit has been secured for this amount. This amount is insufficient to fully comply with the HCC Enforcement Notice (as above) and a Cl'air will be required to complete the restoration. That process has been delayed to date by the Council's objection and its incorrect assertion that the EN has been fully complied with. As the Council is aware, there are CCTV cameras on the site entrance gates and the owners, in the interest of full transparency, are willing to share CCTV footage with Council officers, as previously, so that the movements may be viewed.

- h) Provide details of estimated amount of inert material required to complete the works (in cubic metres or tonnes). Specify the amount for each type of material to be used.

Please note content of email from Darren Evers dated -1/11/2024, appended to this PCN response. Approximately 19,500 cubic metres are anticipated being required, with some

flexibility depending on the larger items of waste and detritus removed from the site and the tonnage will vary depending on the density of imported materials.

- i) Provide an estimated schedule of works, including estimated timescales for completion.

This is also under review and depends on the outcome of discussions with the Councils (HCC and BBC). The Cl'air is by far the fastest route to restoring this site and completing the works, but has been stalled by the Council's assertion that planning permission is needed for the works.

- j) Provide details of the number of vehicle movements per day/week expected in order to import the required material, including movements that have already occurred.

Timescales are unknown. Each vehicle holds 15-18 tonnes of waste.

- k) Provide a copy of the topographical survey carried out before works commenced.

Please see attached files to email from Darren Evers dated 1st November 2024.

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

Please see attached files to email from Darren Evers dated 1st November 2024.

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

The works are required by the 1980 HCC Enforcement Notice which requires restoration as set out above in response to question (f). The landowners believe that the Council is incorrect in its assertion that the Notice was previously complied with. The basis of this disagreement includes the following points, which can be substantiated by evidence if needed for any formal appeal route:

- 1) The landowners are the second and third generation of family owners of this land. Mr John Croke had worked on the land alongside his father since he was a teenager and oversaw first land the fill that occurred. He knows that the restoration works were never completed with the site never having been finally topped with soil. He is now seeking to resolve this long-standing breach.
- 2) The site is registered by the County as a "**Dormant**" minerals site. Sites cannot be both dormant and restored. The County Council has clearly made a mistake with one of these assertions as they cannot both be correct. Historic site inspection notes and the condition of the land as viewed on site by officers from HCC and BOB indicate that the restoration did not take place. Therefore, there is an outstanding requirement within the 1980 HCC notice which can (and should) be complied with – without the need for express planning permission.

- 3) An HCC Officer note of an inspection dated 16/08/1993 which notes that there is metal protruding across parts of the site. This is followed by a brief note from an officer on 27/03/1996 which despite stating the site is “fully restored” fails to complete any of the proforma sheet confirmation details of the restoration works in terms of subsoil/top soil and notes the condition of the land as “disused scrubland” and containing some horse jumps and mounds of soil. Mr Croke confirms from his first hand knowledge that there have never been jumps on the site, which has not been unused for equine purposes. However, the adjacent land on Spring Walk is currently and has historically been in equine use and it is suggested that the 1996 visit might have occurred in the wrong parcel of land. As Officers of both Councils saw first hand in April 2025, despite the green covering across the site, it remains uneven (so as to prohibit access by maintenance machinery, or grazing by livestock) and contains waste materials and other detritus at the surface. It is contended that the officer in 1996 failed to probe beyond the green appearance of the site and failed to check that the requisite minimum 12 inches of soil had been imported and potentially, as above, may have assessed adjacent land which was in equine use at the time.
- 4) Further to point 4 above, there is no evidence that the specific requirements of the Council as set out by letter dated 2nd April 1986 were ever complied with – the works identified by the Council as being necessary to comply with the EN were:
- The removal of all stones and other debris in excess of 75mm in diameter from the surface layer of the subsoil.
 - The application of weed killer, deep cultivation and further stone picking.
 - The placement of topsoil/topsoil substitute, light cultivation and seeding with grass ley. Application of fertilizer and weed killer as appropriate.
 - The removal of the derelict site hut and redundant vehicles, plant and other machinery.
 - A general 'tidy up' of the site is required including fly tipped rubbish.
 - Replanting of the Hawthorn hedge on the northern boundary.

The above requirements were very clearly conveyed to Mr Croke (senior), with the enforcement officer stating “*If I do not hear from you, I will be requesting the County Planning Officer to carry out the site inspection in the near future in order that he may report back to me whereupon I will consider a prosecution for failure to comply with an Enforcement Notice under Section 89 of the Town and Country Planning Act 1971. Conviction under this Section can carry heavy penalties*”. The current landowners are seeking to fulfil this obligation through the restoration works underway at the site currently.

- 5) HCC’s position (as set out by Brian Owen, 29/04/2025) that “*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*” is disagreed with by the landowners’ Planning and Legal advisors – both of whom consider that whilst an express planning permission may lapse, there is no similar provision for the requirements of an enforcement notice to cease to take effect unless

they are either complied with or the Notice is withdrawn – with neither applying in this case.

- n) 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 works are required in order to comply with the requirements of HCC Enforcement Notice. The requirements of the Notice are therefore considered to provide deemed planning permission for the works.

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

1) Please refer to Points 1-5 provided in response to Question (m).

2) The landowners are conscious that this site has a complex planning history and its use has over time been unneighbourly and resulting in poor environmental conditions. Following the appeal and high court decisions relating to the lawful commercial use of the site, the landowner has instead sought to restore the land and resolve all outstanding Planning Enforcement obligations. The landowners wish to work with the Council to ensure a sustainable and beneficial use of this site moving forward.

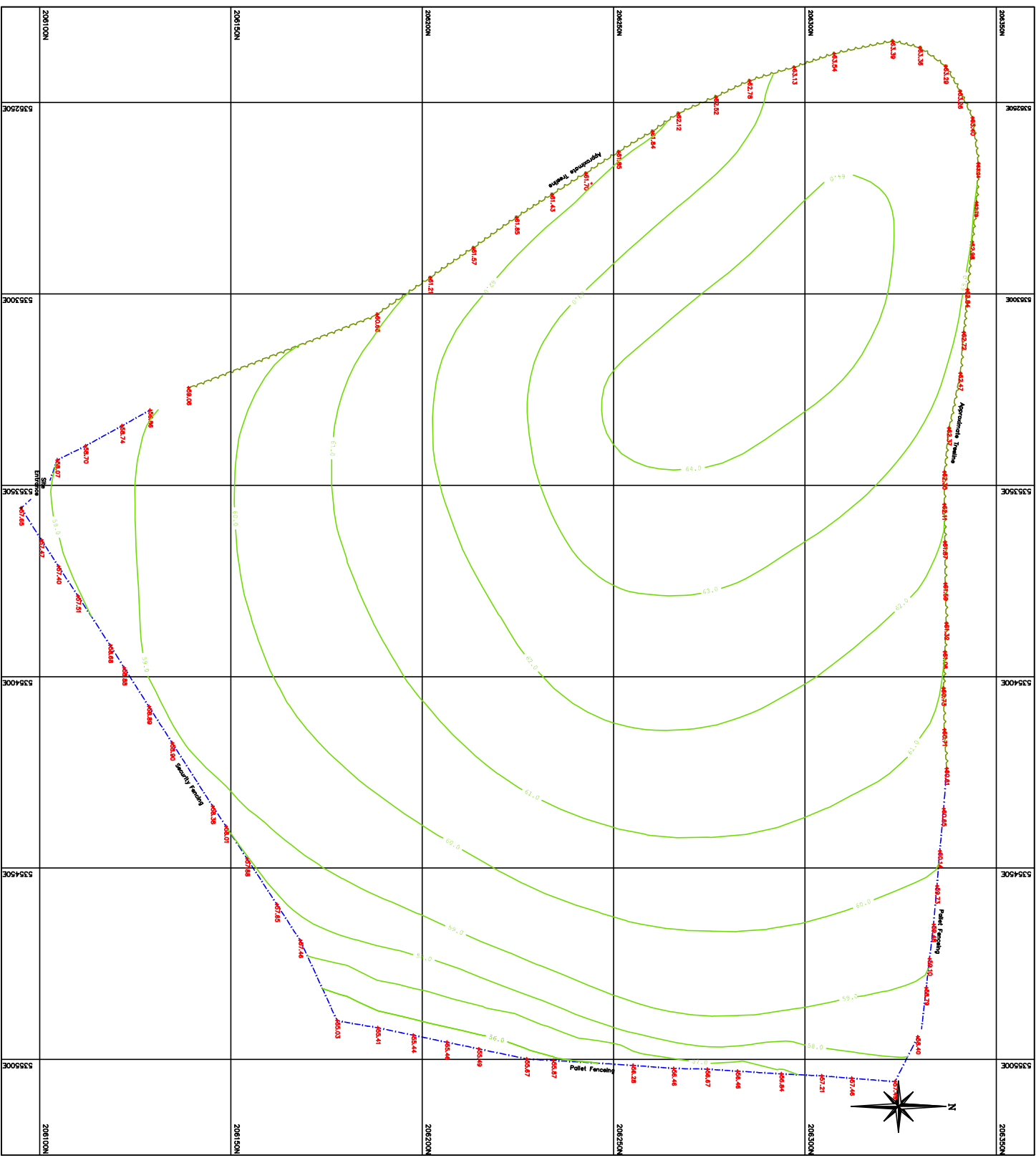
Time within which the information must be provided: within twenty-one days, beginning with the day on which this notice is served on you.

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

Dated: 12/10/2025

Signed: 

Print Name: Katie Smith (Agent acting on behalf of Mr John Croke)



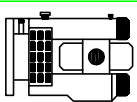
REVISIONS		
No	Description	Date

- ABBREVIATIONS**
- BH Borehole
 - BL Bullard
 - BT British Telecom
 - CA Camera
 - CL Cover Level
 - DR Drain
 - EB Electric Junction Box
 - EP Electricity Pole
 - ER Earth Road
 - FE Fire Extinguisher
 - FH Fire Hydrant
 - GL Ground Level
 - GY Gully
 - HO Hose
 - IC Inspection Chamber
 - IL Invert Level
 - LC Lighting Column
 - LB Letter Box
 - NH Manhole
 - MK Marker
 - NB Notice Board
 - RE Rodding Eye
 - SL Security Light
 - SP Sign Post
 - SV Stop Valve
 - TB Telephone Box
 - TL Traffic Light
 - TP Telegraph Pole
 - TS Traffic Signpost
 - WM Water Meter

This survey has been established by using Leica GPS Smartnet Equipment. WGS84 latitude and longitude co-ordinates have been transformed to OS93S National Grid Easting and Northing coordinates using the National Grid Transformation OSTN02. GPS ellipsoid heights have been transformed to orthometric (mean sea level) heights (Ordnance Datum Mean) using the National Geoid Model OS5M02 - Results are subject to GPS Accuracies

Project
LITTLE BROOMFIELD - WORMLEY

Title
PROPOSED RESTORATION CONTOURS

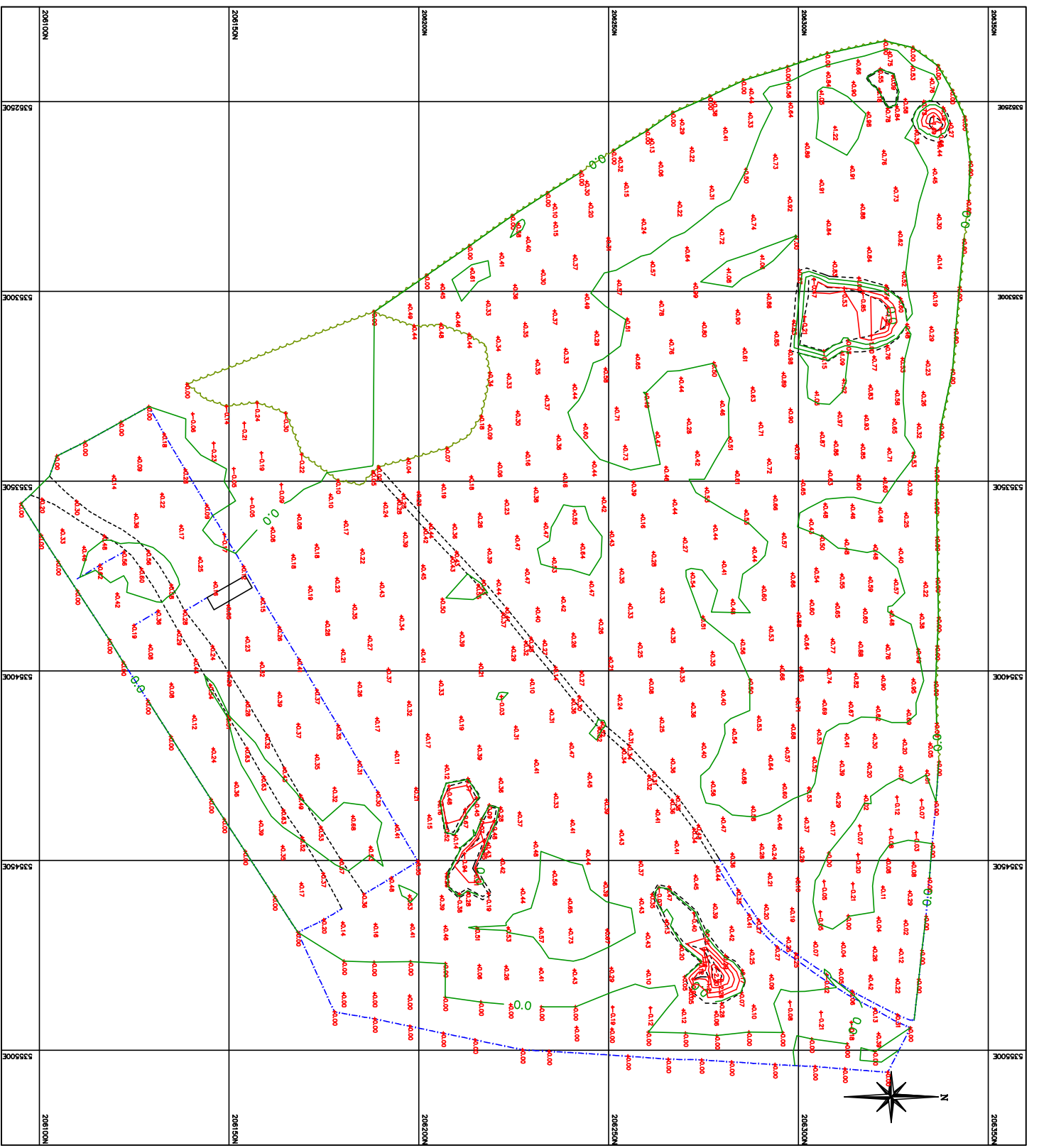


Welliden Land Surveys
 St Bernards House
 14 St Bernards Road
 Tonbridge
 Kent TN10 3NL
 Tel: 01732 359400
 Mob: 07831 283428

Date
 28-10-24

Scale
 1:1000 @ A3

Plan Ref
 RES/1240A



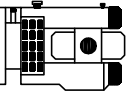
REVISIONS		
No	Description	Date

- ABBREVIATIONS**
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 - SL Security Light
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 - SV Stop Valve
 - TB Telephone Box
 - TL Traffic Light
 - TP Telegraph Pole
 - TS Traffic Signs
 - WM Water Meter

This survey has been established by using Leica GPS Smartnet Equipment. WGS84 latitude and longitude co-ordinates have been transformed to OS9363 National Grid coordinates using the National Grid Transformation OSTN02. GPS ellipsoid heights have been transformed to orthometric (mean sea level) heights (Ordnance Datum Mean) using the National Grid Model OSNM02 - Results are subject to GPS Accuracies

Project
LITTLE BROOMFIELD - WORMLEY

Title
PROPOSED DEPTH OF INFILL CONTOURS



Welliden Land Surveys
 St Bernards House
 14 St Bernards Road
 Tonbridge
 Kent TN10 3NL
 Tel: 01732 359400
 Mob: 07831 283428

Date: 24-10-24
 Scale: 1:1000 @ A3
 Plan Ref: RES/1240B

[REDACTED]

From: Darren Eyers [REDACTED] >
Sent: 01 November 2024 08:28
To: ks [REDACTED] john croke
Subject: Wormley
Attachments: RES1240.pdf; RES1240A.pdf; RES1240B.pdf

Good Morning Katie,

Hope you are keeping well?

We have carried out the initial site survey to establish the baseline of the site and potential fill requirements.

I have kept the potential material inputs to a minimum. We are just aiming to source and place sufficient materials to establish a uniformed level across the site whilst ensuring surface water is managed.

In regards to the surface water management, we may need to look at creating a swale around the perimeter of the site to direct surface water to the river. This would only require a minimal volume of material but something to be looked at once soils are being placed,

I have attached the following drawings:

- RES1240 - Site Survey
- RES 1240A - Proposed Restoration Contours
- RES 1240B - Proposed Depth of Infill Contours

As you can see from the RES1240B we have tried to keep the depths to an absolute minimum but sufficient to obtain the required falls for beneficial reuse, drainage, maintenance etc and allowance for the compaction of material during placement. The final surface can then be stone picked, and seeded with a DOT Verge mix or similar.

Based on the drawings we have the below volumes:

- Potential Fill - 19,940 m³
- Potential Cut - 470 m³
- Nett Fill - 19,470 m³

Initial thoughts on the proposed Restoration contours and volumes would be appreciated.

--

Kind Regards,

Darren Eyers BSc (Hons), MCIWEM, LCIWM, Tech IOSH

Director
D&K Business and Safety Solutions Ltd

[REDACTED]

[REDACTED]

[REDACTED]

From: [redacted] kst [redacted]
Sent: 12 October 2025 20:16
To: Laura White
Cc: 'john croke'
Subject: RE: PCN - Darcy's Place
Attachments: PCN October 2025 final signed copy .pdf; Wormley

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from [redacted]. [Learn why this is important](#)

Dear Laura

Please find attached a completed PCN on behalf of Mr Croke. As referred to within the PCN responses, I have also attached an email from the engineer who has planned the works including copies of the requested topo and levels drawings.

Mr Croke has sought to be as transparent and responsive as possible in regard to all questions as he hopes to share his reasoning for the belief that the works are proceeding in accordance with deemed planning permission arising from the 1980 HCC EN. It is understood that Broxbourne Council is in a difficult position as its decision regarding a breach of planning control is linked to the EN served by a separate Authority. Whilst it is noted that HCC have adopted a view that the Notice was complied with there is considerable evidence to the contrary, as referred to within the attached document and indeed witnessed by officers on site earlier this year. It is hoped that the Borough Council will undertake an independent of the evidence and facts of this case.

The cost and timescale for implementing the restoration have both been considerably exacerbated to date by the Council's current position that planning permission is required, which rendered the development ineligible for a Cl'air permit. It is hoped that any further unnecessary delays and costs can be avoided through communication and assessment of the relevant facts. It is noted that the Council had previously invited a CLEUD to confirm its position, but in the context of HCC's position that express planning permission was required and the associated potential for a subsequent appeal to take in excess of a year for determination (with PINS mean determination period around 67 weeks), this doesn't provide Mr Croke with an effective or expeditious resolution to the site – which after years of enforcement activity, he is now seeking to regularise.

If any further discussion would assist officers in their assessment, Mr Croke reiterates his willingness to meet and further co-operate – he is happy to host further meetings at the site or to attend meetings at the Council offices or via TEAMS.

Many thanks

Katie

Kathryn Smith MRTPI
Chartered Town Planner



RTPI
Chartered Town Planner



From: Laura White [redacted]
Sent: 30 September 2025 10:06
To: [redacted] ks [redacted]
Subject: RE: PCN - Darcy's Place

Hello Katie,

Please see attached as requested.

Kind regards

Laura White

Senior Planning Enforcement Officer | Broxbourne Borough Council
Bishops' College | Churchgate | Cheshunt | EN8 9XQ
Tel: 01992 785555 ext. 5405 | [redacted] **Web:** www.broxbourne.gov.uk |
X [@BroxbourneBC](#) | **Facebook:** [@BroxbourneBC](#)



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From: [redacted] @ks [redacted]
Sent: 29 September 2025 16:59
To: Laura White [redacted]
Subject: PCN - Darcy's Place

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Hi Laura,

John Croke has contacted me regarding the above requesting assistance. Would you mind forwarding me a copy of the PCN (as a Word Doc if possible, but otherwise a PDF will be fine)?

Many thanks

Katie

Kathryn Smith MRTPI
Chartered Town Planner



RTPI
Chartered Town Planner

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