



**FINAL COMMENTS 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 6<sup>th</sup> 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	3
2	Appellants' Addendum Statement	4
3	Interested Parties	7
4	Rule 6	8
5	Conclusion	9

## Appendices

- |   |
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| <p>52. Email thread 12 – 13 May 2026</p> <p>53. Letter 11 July 2025</p> <p>54. Email 12 August 2025</p> <p>55. Email 10 September 2025</p> <p>56. Email 12 September 2025</p> <p>57. Email 17 October 2025</p> <p>58. Email 7 November 2025</p> <p>59. Email 18 November 2025</p> <p>60. Email 6 January 2026</p> <p>61. Site photos 14 November 2025</p> |
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## **1. INTRODUCTION**

- 1.1. This document follows the case management conference on 7<sup>th</sup> May 2026, the Appellant's Addendum Statement of Case, and the comments of Interested Parties.
- 1.2. It also addresses the Statement of the Rule 6 Party.
- 1.3. This document does not repeat the LPA's Inquiry Statement.
- 1.4. Any lack of comment on any submission referred to, or document included in, such submission does not infer agreement to the same.

## 2. APPELLANTS' ADDENDUM STATEMENT

- 2.1. The Appellants submitted an addendum to their Statement of Case which was sent to the LPA on 1 May 2026.
- 2.2. At paragraph 1.1, the LPA is criticised for not providing additional information to the Appellants regarding their case. Reference is made to email correspondence attached. To be clear, Laura White had interpreted the request as a request for the provision of the LPA's Statement of Case ahead of the Inspector's deadline. The reply sent was on that basis. The Appellants' representative replied advising that they simply sought to discuss the Statement of Common Ground once the Inquiry Statements were submitted. This exchanged is provided with these Final Comments at **Appendix 52**.
- 2.3. In any event, the LPA does not consider that the Appellants had insufficient information to enable them to have a broad understanding of their case. In particular:
  - 2.3.1. The Enforcement Notice, at paragraph 4 states the reasons for issuing the Notice.
  - 2.3.2. The Appellants and LPA had correspondence prior to the issue of the Enforcement Notice which set out the LPA's position. As shown at **Appendices 53 – 60**, attached, the LPA advised, in writing, on 8 separate occasions, that the LPA considered the view of the CPA regarding the status of the 1980 Enforcement Notice to be correct and it was on this basis that planning permission was required and, subsequently, that formal enforcement action was being considered.
- 2.4. The Appellants point to the CPA's "inconsistency" as a reason for not knowing the LPA's case. However, the LPA had regularly advised the Appellant and their agent of the position as set out in Appendices 53 – 60.
- 2.5. The Appellants, at paragraphs 1.6 and 6.5, suggest that their case is prejudiced due to their assertion that the LPA's case has been unclear. As outlined above, the LPA disagrees with this assertion.

- 2.6. For the avoidance of doubt, at the CMC on 7 May 2026, it is the LPA's recollection that Counsel for the Appellants confirmed that the LPA's case was understood and did not suggest that there were any unforeseen grounds. Had there been lack of clarity at that point, or had there been unexpected grounds raised by the LPA, it would have been expected that this was raised and that the "further opportunity to provide a comprehensive response" would have been requested. It was not.
- 2.7. It is, therefore, not accepted that the Appellant did not have any awareness of the Council's case.
- 2.8. At paragraph 1.4 the Appellants refer to the exclusion of the hatched area from the requirements of the Enforcement Notice. This is addressed at paragraph 5.46 of the LPA's Inquiry Statement.
- 2.9. With reference to their paragraph 1.5, it is the LPA's case that the wording of the Enforcement Notice is correct and that the reasons for issuing the notice, at paragraph 4 of the EN, are also correct. The Stop Notice has not been challenged and does not form part of this appeal.
- 2.10. The LPA addresses the status of the land in its Inquiry Statement, at paragraphs 5.24 – 5.26 and its position that the site is not a dormant site so does not comment further at this stage.
- 2.11. The LPA understands that the site remains on the dormant sites list. This is a matter for the CPA to consider, factoring in matters of priority and resourcing.
- 2.12. The LPA notes at paragraph 2.2 that there is reference to 1981 Enforcement Notice. It is assumed that is reference to the 1980 Enforcement Notice.
- 2.13. At paragraph 3.1 the Appellants advise that there is a soil inspection report available. The LPA would be grateful for a copy of that document as soon as possible.
- 2.14. At section 4, the Appellants introduce the suggestion that the imported material is only situated with the hatched area shown on the plan accompanying the Enforcement Notice. The Appellants are put to proof on this point; both that it is, and has only been, in this location since it was first introduced to the site.

2.15. At Appendix 21 of the LPA's Statement of Case, an aerial photograph from February 2025 has been produced which shows the site before the importation commenced. It is noted that the site is relatively uniform in colour. This is also reflected in the site photographs at **Appendix 61** taken 14 November 2025, after importation had begun. In order to clarify this further, a site visit is to take place, as offered by the Appellants, prior to the submission of Proofs of Evidence and the LPA may respond further on this point in its Proof of Evidence.

### **3. INTERESTED PARTIES**

- 3.1. The LPA has received representations from 3 Interested Parties.
- 3.2. The first, a hand written letter dated 26<sup>th</sup> April 2026 and subsequently provided to the Inspector and Appellant, is from a resident who purchased their site, which is approximately 50m from the entrance to the appeal site, in 1986.
- 3.3. The second, a typed letter, refers to the impact of the development.
- 3.4. The third consists of a completed online form, document titled Statement of Evidence, and a further document titled Legal Summary of Case. This is provided by a resident who has lived in close proximity to the site for more than 20 years. The resident also provides observations regarding the impact the development has had on their amenity.
- 3.5. There is nothing set out in the representations that changes or otherwise alters the LPA's case.

#### **4. RULE 6**

- 4.1. The Rule 6 Party has provided commentary as to the impact of the development on the locality, with particular reference to their property.
- 4.2. There is nothing set out in the statement that changes or otherwise alters the LPA's case.

## **5. CONCLUSION**

- 5.1. The Appellants' Addendum Statement of Case suggests that the LPA's case has been unclear, but the LPA's evidence demonstrates otherwise.
- 5.2. In addition, the Appellants state that the imported materials have only been placed within the hatched area of the Enforcement Notice plan. It is for the Appellants to demonstrate that this is the case. The LPA request that a further site visit takes place as set out above.
- 5.3. The Rule 6 Statement and Interested Party representations do not alter the LPA's view.

Laura White

Senior Planning Enforcement Officer

For and on behalf of Broxbourne Borough Council

May 2026