

PROOF OF EVIDENCE OF LAURA WHITE
ON BEHALF OF THE COUNCIL OF THE BOROUGH OF BROXBOURNE
(THE LOCAL PLANNING AUTHORITY)

Appeals 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

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1. WITNESS DETAILS

- 1.1. My name is Laura White, and I am employed in the role of Senior Planning Enforcement Officer by Broxbourne Borough Council.
- 1.2. I have over 15 years of experience in planning, primarily within planning enforcement roles.
- 1.3. I hold a BSC (Hons) in Environmental Studies and completed an RTPI-accredited Planning Foundation Course in 2010.
- 1.4. My development management experience consists of permanent roles at Broxbourne Borough Council (2007-2011), Welwyn Hatfield District Council (2011-2013) and Warwickshire County Council (2014-2019). In late 2019 I founded LW Planning, a consultancy aimed at assisting householders to navigate the planning system and assisting Local Planning Authorities with resourcing issues. As a result of that consultancy, I have had planning or planning enforcement roles at the Canal & River Trust, New Forest District Council, South Staffordshire District Council and South Gloucestershire District Council. I have also worked with householders to resolve enforcement matters and submit planning and other applications.
- 1.5. In September 2021 I began working at Broxbourne Borough Council within the planning enforcement team as a consultant and remained in this role until June 2026 when I became employed by the Council.
- 1.6. I have been a member of the RTPI since 2010. The membership class at that time was Technical Member. This classification was removed in 2017, at which time I became an Associate Member.
- 1.7. The evidence which I have prepared and provide for this appeal (in this Proof of Evidence) is true and I confirm the opinions expressed are my true and professional opinions. This was prepared in accordance with Royal Town Planning Institute guidance.

2. INTRODUCTION

- 2.1. The details of the Enforcement Notice giving rise to these appeals, site description and planning history has previously been provided in the LPA's Statement of Case (sections 1, 2, and 3 respectively).
- 2.2. As per the Inspector's pre-CMC note, this information is not repeated here.
- 2.3. However, for context, it is helpful to reiterate that the crux of the Appellants' case is that an Enforcement Notice, issued in 1980 by Hertfordshire County Council ("HCC") (**Core Document reference 1.1**), 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 of Case).
- 2.4. This LPA became involved in this matter following reports of tree/shrub clearance on the land in November 2024, and subsequent reports of the deposit of rubble. The Appellants advised that the deposit were in relation to the 1980 EN so the LPA contacted HCC to obtain their view. This is set out in detail in the Proof of Evidence of Sharon Threfall.
- 2.5. This Proof of Evidence relates to all grounds of appeal.

3. GROUND (C)

- 3.1. The Appellants' case is that an Enforcement Notice issued in 1980 by Hertfordshire County Council, the County Planning Authority (hereafter referred to as "the CPA"), was not complied with and, therefore, its requirements are outstanding. The Appellants state that this permits the development as described in the Enforcement Notice and therefore there is no breach of planning control.
- 3.2. That Enforcement Notice, issued on 4 January 1980, (**Core Document reference 1.1**) required the following steps to be completed:
 - (a) Within the period of twenty-eight days beginning with the date on which this Notice takes effect to cease the excavation of sand and gravel from the land,
 - (b) Within the period of twenty-eight days beginning with the date on which this Notice takes effect to cease the use of the land for the purpose of the preparation of soil for horticulture,
 - (c) Within the period of two years beginning with the date on which this Notice takes effect to restore the land in the manner required by the first planning permission, and
 - (d) Within the period of two years beginning with the date on which this Notice takes effect to restore and reinstate the footpath
- 3.3. The planning permission referenced in step (c) is detailed at paragraphs 5.10 – 5.14 of the LPA's Statement of Case.
- 3.4. It is the LPA's case that this Notice was complied with and, therefore, does not permit the development as specified in its Enforcement Notice.
- 3.5. The CPA, as detailed in the Proof of Evidence of Sharon Threlfall, determined that the 1980 EN was complied with significantly before the development subject of this appeal took place.
- 3.6. On 29 April 2025, the CPA provided the following documents to the agent for the Appellants, which was also copied to the LPA, to show why they had reached this conclusion:

1. Document titled Gravel Pit, Church Lane, Wormley, Follow Up to Plant Site Report 1979 (**Core Doc reference 5.30**)
 2. Letter April 1986 Mr Unthank (**Core Doc reference 5.17**)
 3. 27 March 1996 Site Visit Note (**Core Doc reference 5.23**)
 4. 19 January 1987 Letter (**Core Doc reference 5.19**)
- 3.7. I reviewed this evidence and agreed with the CPA's conclusion because the "Follow up to Plant Site Report 1979" states that "The site has been covered with soil to a depth in excess of the 12 inches required by the planning conditions".
- 3.8. In addition, the Site Visit Note dated 27 March 1996 states that the "site is fully restored".
- 3.9. It was therefore a reasonable conclusion that the 1980 Enforcement Notice had been complied with at least by 1996.
- 3.10. The LPA considered these documents initially, and as part of the later decision to issue this Enforcement Notice and has since considered the further documents provided as part of this appeal which support the previous conclusion.
- 3.11. s179(1) of the Town and Country Planning Act 1990 ('the TCPA 1990') states
- Where, at any time after the end of the period for compliance with an enforcement notice, any steps required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice*
- 3.12. s179(2) of the TCPA 1990 goes on to state
- Where the owner of the land is in breach of an enforcement notice he shall be guilty of an offence.*
- 3.13. Based on the CPA's records, the Enforcement Notice was complied with and therefore there is no offence for failure to comply with the Enforcement Notice so the provisions of s179 do not apply.
- 3.14. s181(1) of the TCPA 1990 states

Compliance with an enforcement notice, whether in respect of—(a) the completion, removal or alteration of any buildings or works;(b) the discontinuance of any use of land; or(c) any other requirements contained in the notice, shall not discharge the notice.

3.15. It is agreed that the 1980 Enforcement Notice has not been withdrawn or otherwise removed and is therefore extant on the land. However, the fact that the Notice is extant does not mean that compliance is outstanding.

3.16. s181(2) of the TCPA 1990 states

Without prejudice to subsection (1), any provision of an enforcement notice requiring a use of land to be discontinued shall operate as a requirement that it shall be discontinued permanently, to the extent that it is in contravention of Part III; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

3.17. This does not relate in this case as neither the use for sand and gravel extraction or the use for the preparation of soil for horticulture have resumed or are the subject of Enforcement Notice.

3.18. As set out in paragraph 2.3 of the LPA's Final Comments, the Appellants' Addendum Statement of Case referenced a soil inspection report. This was requested by the LPA and received on 8 June 2026. This is provided at **Appendix 62**.

3.19. The report, from July - August 2020, relates to the site where the Appellants say the soil imported into the site came from more than 5 years after the report.

3.20. The report does not demonstrate the location of any importation or establish any fact surrounding the matters to be considered as part of this appeal. Given the short timeframe between the provision of this report and the deadline for submitting this Proof of Evidence, the LPA has not had the opportunity to obtain any expert advice or opinion on this report.

3.21. In section 4 of the Appellants' Addendum Statement of Case, the Appellants purport that the importation of materials has only taken place in the area

hatched in the Enforcement Notice. An offer of a further site visit had been made to the LPA, as referred to in paragraph 2.15 of the LPA's Final Comments. This was undertaken on 4 June 2026. Ayesha Johnson, Principal Planning Enforcement Officer, attended on behalf of Broxbourne Borough Council in order to obtain updated photographs. These were provided to me on 8 June and are provided at **Appendix 63**.

- 3.22. I have reviewed these photographs together with the LPA's photographs at **Core Document references 4.3, 4.4, 4.5 and 4.6** and the CPA's photographs at **Core Document reference 4.7** taken previously, and in my opinion they do not show a differentiation between materials placed on the hatched area when compared to the rest of the site.
- 3.23. There are stockpiles of imported materials, including bricks/rubble, outside of the hatched area, indicating that importation takes place across the site rather than solely in this area.

4. GROUND (F)

- 4.1. The Appellant considers that the steps to comply with the Enforcement Notice are excessive.
- 4.2. Sections 173(3) and (4) of the TCPA 1990 require the notice to specify the steps required to be taken or the activities required to cease in order to achieve the remedying of the breach of planning control or the remedying of any injury to amenity caused by the breach.
- 4.3. The steps required by the Enforcement Notice are set out in the LPA's Statement of Case (paragraph 6.1) so are not repeated here.
- 4.4. The Appellants have not provided any further information in their Addendum Statement of Case to establish any reasons for the permanent retention of plant and machinery on the land. As the LPA's case on this point is set out in its Statement of Case (paragraphs 6.3 - 6.6), this is not repeated here.
- 4.5. With respect of steps (ii) and (iii), the Appellants suggest that works to comply with the 2021 Enforcement Notice would conflict with these steps.
- 4.6. The steps required by that Notice is:
 - (i) *To remove all deposited hard core materials laid to create the hard surfacing and return the site to its former condition.*
 - (ii) *Permanently remove from the land all rubble, rubbish or debris arising from compliance with point (i) above.*
 - (iii) *Restore the site to the condition that existed before the breach of planning control described above took place.*
 - (iv) *Grade the land with topsoil and sow the bare earth with grass seed*
- 4.7. These steps were not amended by the Inspector in the subsequent appeal decision (appeal reference APP/W1905/C/23/3328124, **Core Document reference 1.5**).
- 4.8. The steps do not relate to the whole site which is subject of this appeal. The plans for the two Notices (as shown in Figures 1 and 2 below) make this clear.

This means that any requirements or comments in the subsequent appeal decision relate only to the smaller site.



Figure 1: EN Plan (2021)

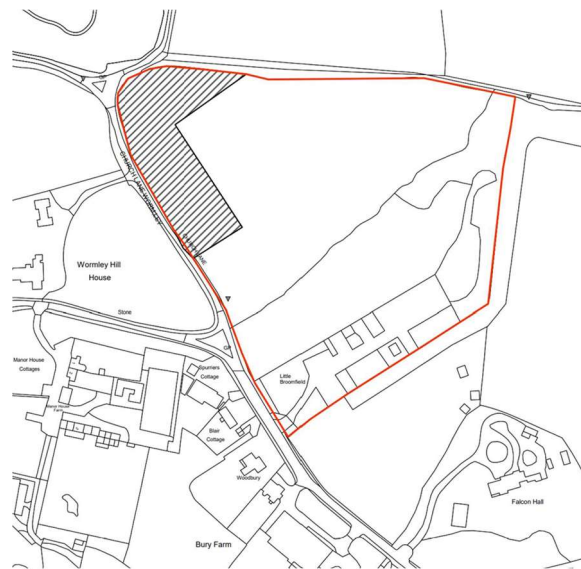


Figure 2: EN Plan (2026)

- 4.9. It is not clear from the Appellants' evidence which step(s) of the 2021 EN they consider to conflict with the 2026 EN, or vice versa.
- 4.10. Steps (i) and (ii) of the 2021 EN require the removal of the hard surface and associated debris. There is no conflict with the 2026 EN as there is no reference or requirement in respect of any hard surface.
- 4.11. Steps (iii) and (iv) of the 2021 EN relate to the restoration of the land following compliance with steps (i) and (ii).
- 4.12. The topographical survey, referred to in Step (iv) of the 2026 Enforcement Notice, or any similar survey, was not available at the time of the issuing of the 2021 EN or the determination of the subsequent appeal. This survey enabled the LPA to provide a more precise requirement of the 2026 EN.
- 4.13. In complying with step (iv) of the 2026 EN, the requirements of steps (iii) and (iv) of the 2021 EN would also be complied with. The LPA, therefore, does not agree that the steps are excessive.
- 4.14. Should they be so minded to, the Inspector is able to amend the steps to reflect the above as per s176(1)(b) of the TCPA 1990.

5. GROUND (G)

5.1. The Council's case is set out in its Statement of Case and is therefore not repeated here.

5.2. There has been no change in position following the recent site visit.

6. CONCLUSION

- 6.1. The CPA's evidence demonstrates that the 1980 EN was complied with a significant period of time before the development that is the subject of this appeal began. The LPA agrees with this conclusion and therefore is the appropriate authority to issue the Enforcement Notice for the operational development set out in the Notice.
- 6.2. The LPA's view is that, on the balance of probabilities, the development is not lawful and, therefore, the ground (c) appeal should fail.
- 6.3. The LPA disagree with the Appellants' ground (f) and (g) appeals for the reasons stated above but is clear that the Inspector is able to amend the steps and the timescale for compliance with those steps should it be considered appropriate to do so without prejudice to either party.

Laura White (Ms)

Senior Planning Enforcement Officer

Broxbourne Borough Council

June 2026