

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/W1905/C/26/3378144

DETAILS OF THE CASE

Appeal Reference APP/W1905/C/26/3378144

Appeal By MR JOHN CROKE

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

SENDER DETAILS

Name MR CRAIG MCKINLAY

Address
Falcon Hall Church Lane
BROXBOURNE
EN10 7QG

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Dear Sir/Madam,

I write in relation to the above enforcement appeal concerning land at Former Gravel Pit (Darcy's Place / Little Broomfield), Church Lane, Wormley.

Please find attached my Statement of Evidence, submitted as a third-party representation in advance of the Inquiry.

I have lived at [REDACTED], which forms the [REDACTED] to the appeal site, for over 20 years and therefore have detailed, first-hand knowledge of the site, its historic condition, and the changes that have occurred over time.

This submission is intended to assist the Inspector by:

- Providing factual evidence of site conditions and activities
- Responding directly to the Appellant's case
- Presenting photographic evidence of ongoing operations
- Highlighting the real-world impacts on neighbouring land and the local environment

In particular, the submission demonstrates that:

- The works undertaken are not restoration, but involve the importation, processing and redistribution of materials
- There has been a substantial and continuing increase in ground levels
- The activities give rise to environmental harm and highway safety concerns
- The current position represents a continuation and escalation of previously identified breaches, rather than compliance

The submission also includes a structured legal summary and clearly referenced photographic evidence for ease of review.

I respectfully request that this representation is taken into account in full when determining the appeal.

Please confirm receipt of this submission.

Yours faithfully,

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: LEGAL SUMMARY OF CASE PDF.pdf
File name: STATEMENT OF EVIDENCE PDF.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

LEGAL SUMMARY OF CASE (THIRD PARTY REPRESENTATION)

Appeal Reference: APP/W1905/C/26/3378144

Site: Former Gravel Pit (Darcy's Place / Little Broomfield), Church Lane, Wormley

Author: ([REDACTED])

1. Status of Representation

This submission is made as a third-party Statement of Evidence by a [REDACTED] with over 20 years' direct knowledge of the site.

It is intended to assist the Inspector by:

- Providing first-hand factual evidence
- Testing the accuracy of the Appellant's case
- Demonstrating actual site conditions and impacts

2. Core Position

The Appellant's case is fundamentally flawed.

The works undertaken at the site are not lawful restoration, but instead constitute:

Unauthorised operational development involving the importation, processing and redistribution of waste materials, resulting in material changes to ground levels and site character.

3. Response to Appellant's Grounds

Ground C (No breach of planning control)

The Appellant asserts that activities are undertaken to comply with historic restoration obligations.

This is not supported by the evidence.

Observed site activity demonstrates:

- Large-scale importation of mixed materials (not proven inert)
- Screening, sorting and processing using plant
- Significant and widespread raising of land levels
- Retention and burial of previous hardstanding rather than removal

These activities go materially beyond restoration and constitute:

- Engineering operations
- Waste treatment activity
- Change in landform and character

Accordingly, they represent a clear breach of planning control.

Ground F (Steps exceed what is necessary)

The requirements of the Enforcement Notice are reasonable and necessary.

The Appellant's position fails because:

The works undertaken are not limited to restoration

The presence of plant and machinery is linked to ongoing unauthorised activity

Partial compliance cannot justify continuation of unlawful operations

The steps required are proportionate to:

Remedy the breach

Prevent further harm

Restore the site to an appropriate condition

Ground G (Time for compliance)

The Appellant's argument on timing reflects the scale of the breach, not unreasonableness of the Notice.

The current position arises from:

Sustained and escalating activity

Continued importation and processing of material

Any extension of time must be balanced against:

Ongoing environmental harm

Public safety risks

Continued non-compliance with prior Inspector decisions

4. Key Contradictions in the Appellant's Case

The Appellant's position is internally inconsistent and contradicted by evidence:

Claims of "restoration" conflict with observed importation and processing

Claims of "inert material" are unsupported by testing or certification

Previous Inspector decisions have already rejected intensification and unlawful use

The site has not been restored, but instead further altered

5. Harm and Risk

The development has resulted in:

Highway hazard from mud and HGV movements

Noise, dust and disturbance over a prolonged period

Potential ground contamination risks (unverified materials)

Permanent landscape alteration

Loss of ecological value

6. Conclusion

The Appellant's case relies on a mischaracterisation of the works as restoration.

In reality, the evidence demonstrates:

A continuing and escalating breach of planning control, involving unauthorised engineering and waste-related operations.

The Inspector is therefore respectfully requested to:

Dismiss the appeal

Uphold the Enforcement Notice in full

STATEMENT OF EVIDENCE

Site: Little Broomfield, Church Lane, Wormley EN10 7QF

Address: [REDACTED]

Length of residence: Over 20 years

1. Introduction

1.1 I have lived at [REDACTED] and have direct, uninterrupted knowledge of the site's historic condition and its transformation.

1.2 The site forms the [REDACTED] and its impacts are directly experienced.

2. Historic Baseline Condition

2.1 Prior to approximately 2018, the site was:

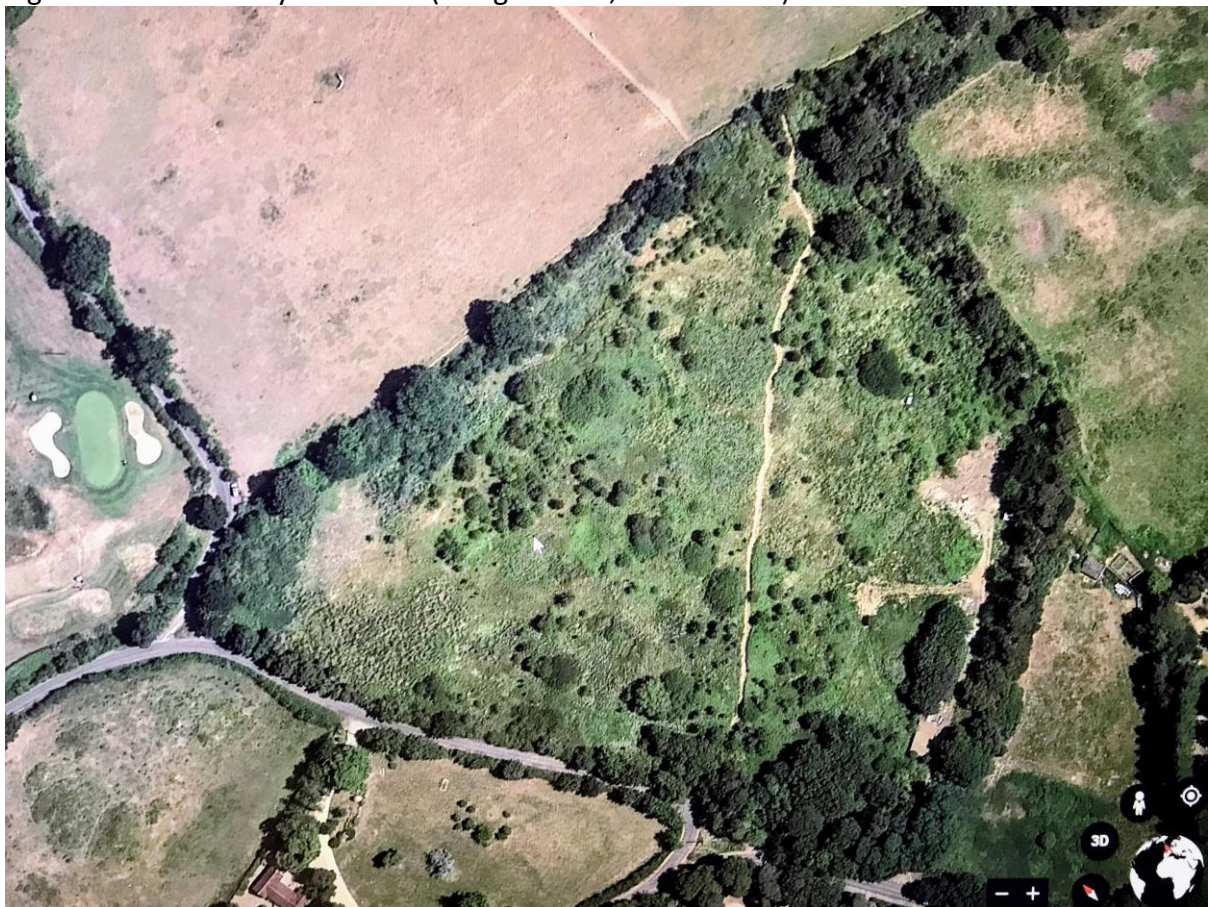
Undisturbed grassland / scrub

Ecologically mixed vegetation

No organised commercial use

No meaningful hardstanding

Figure 1 – Pre-Activity Condition (Google Earth, March 2020)



Purpose: Establishes baseline

Key Point:

No industrial yard

No widespread surfacing

Natural landscape clearly evident

3. False “Builder’s Yard” Narrative

3.1 The appellant claims long-standing use as a builder’s yard.

3.2 This is demonstrably incorrect:

Refused under Application 07/20/1100/LDC

Refusal upheld at appeal

Inspector rejected evidence of lawful use

3.3 Therefore:

☞ Any reliance on “historic yard use” is already discredited

4. Progressive Industrialisation of the Site

4.1 From approx. 2018 onwards, the site transitioned into:

Storage yard

Vehicle activity

Mixed commercial uses

Waste-related activity

Residential use in mobile homes fixed with electrical and water mains services

Figure 2 – Yard Storage / Pallets / Vehicles



Purpose: Shows unauthorised commercialisation and hard surfacing:

Key Point:

Organised storage confirms industrial use

Not incidental or agricultural

5. Highway Safety & Mud Deposition

5.1 The site entrance is:

Located on a bend

Historically identified as unsafe HCC Highways as sited in a failed application for 2 houses on the site.

5.2 Current activity has caused:

Significant mud deposition

Slippery road conditions

Risk to public safety

Figure 3 – Mud Deposited on Church Lane



Purpose: Demonstrates direct public safety risk

Key Point:

Material tracked from site

Extent exceeds normal rural conditions

6. Large-Scale Engineering and Importation

6.1 The site is now subject to:

Continuous HGV movements

Importation of thousands of tonnes of builders spoil

Mechanical spreading and levelling

Figure 4 – Heavy Machinery & Land Raising



Purpose: Demonstrates scale of operation

Key Point:

Excavator + articulated dump truck

Clear engineered land raising

7. Evidence of Non-Inert Material

7.1 The appellant claims imported material is inert.

7.2 Visual evidence contradicts this:

Figure 5 – Mixed Hardcore and Brick



Purpose: Challenges “inert soil” claim
Key Point:

Visible construction waste
Mixed material types
Suggests sorting / processing
8. Waste Processing Activity

8.1 Screening machinery is present and operational.

Figure 6 – Screening Plant & Stockpiles



Purpose: Demonstrates waste treatment

Key Point:

Material sorting underway

Not simple deposition

Likely regulated activity

9. Hardstanding Not Removed – Buried

9.1 Inspector required removal of hardstanding.

9.2 Instead:

It remains in situ

Covered with imported material

Figure 7 – Hardstanding Beneath Raised Levels



Purpose: Demonstrates non-compliance

Key Point:

Surface layer clearly visible

Overlaid by imported soil

Indicates burial, not removal

10. Land Raising and Permanent Change

10.1 The site has undergone:

Significant elevation increase 2-4m over much of the site

Redistribution of material

Irreversible landscape change

Figure 8 – Raised Landform / Material Mounds



Purpose: Shows final outcome of works top photo Sep2025 lower Apr 2026

Key Point:

Artificial landform created

Scale inconsistent with “minor engineering”

11. Environmental & Safety Concerns

11.1 There has been:

No verified material testing

No waste transfer documentation

No environmental control evidence

11.2 Risks include:

Contamination from historical landfill and more recent industrial activities

Methane gas build-up

Buried hazardous material (as raised by neighbours)

12. Failure to Comply with Enforcement Notice

12.1 Inspector required:

Removal of hardstanding

Removal of structures

Restoration of land

12.2 Instead:

Works have intensified

Material added

Mobile homes remained another added.

Shipping containers remain.

Plant remain and added to.

Breach worsened

13. Timeline (KEY STRUCTURE)

Pre-2018: Natural land

2018–2020: Initial unauthorised activity

2020: Ecology report (already disturbed state)

2023: Appeal dismissed

March 2024: Compliance deadline missed

2025: Large-scale escalation

14. Residential Impact

Over 6+ years residents have experienced:

Noise (early morning operations)

Dust and debris

Heavy vehicle traffic
Loss of rural amenity
15. Required Outcome

The only appropriate resolution is:

Immediate cessation of activity
Full investigation of materials
Removal (not burial) of hardstanding
Environmental remediation
Restoration to wild meadow condition
16. Conclusion

16.1 This is not:

a historic yard
a minor engineering exercise

16.2 It is:

a failed lawful use case
a breached Inspector's decision
a significantly escalated unauthorised development

16.3 Continued inaction will result in:

irreversible environmental harm
permanent loss of landscape
erosion of planning control