

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Babergh District Council

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by The Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Babergh District Council ("the Council")

THIS NOTICE is issued by Babergh District Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

1. THE LAND TO WHICH THE NOTICE RELATES

Land and premises known as:

Land South of 30 Edies Lane, Leavenheath, Colchester, Suffolk, CO6 4PA,

and shown edged in red on the attached plan.

2. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, the unauthorised operational development involving the erection of a building and shed, in the approximate location marked X on the attached plan.

Without planning permission, the unauthorised material change of use of the land for residential purposes, on the land outlined in red on the attached plan.

3. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years. The above breach of planning control is considered to be contrary to the Babergh and Mid Suffolk Joint Local Plan, Part 1 (2023) with respect to Policy SP03, The Sustainable Location of New Development, because the building and land are located outside of the settlement boundary.

Further, the building under construction and the use of the land are considered to be contrary to Local Plan Policy LP02, 'Residential Annexes' because it is not so designed to be integrated later into the main building as a single dwellinghouse when it is no longer required.

Neither the buildings nor the use of the land benefit from planning permission, and the operational development and the change of use result in unacceptable harm to the character and nature of the surrounding area and give rise to harm to neighbouring residential amenity.

4. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the land edged in red on the attached plan, and buildings in the approximate location marked X, for residential purposes.
2. Demolish the buildings in the approximate location marked X on the attached plan, including footings, and remove any and all resultant materials from the site.
3. Disconnect and remove any and all utility and service connections to the buildings in the approximate location marked X on the attached plan, and remove any and all resultant materials from the site.

5. TIME FOR COMPLIANCE

The requirements detailed in Section 4 of this Notice must be completed within 6 months of the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 15th December 2025 unless an appeal is made against it beforehand.

Dated: 17th November 2025

Signed: David Steel, Senior Planning Enforcement Officer

On behalf of: Babergh District Council
Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

Supplementary Information relating to Enforcement Notice

Location: Land South of 30 Edies Lane, Leavenheath, Colchester, Suffolk, CO6 4PA

This local planning authority, Babergh District Council, has issued an Enforcement Notice relating to the above land and a copy of that notice has been served on you as you have an interest in the land. Copies of the Notice are also being served on the parties listed at the end of this document who, it is understood, also have an interest in the land.

YOUR RIGHT OF APPEAL

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Notice. Unless an appeal is made, as described below, the Notice will take effect on 15th December 2025 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 15th December 2025.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the Enforcement Notice were not served as required by section 172;
- (f) that the steps required to be taken by the Notice, or the activities required by the Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the Notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 the appeal is considered to constitute an application for planning permission for the development alleged

in the notice and you will have to pay a fee of £1176.00. You should pay the whole amount to the Council (made payable to Babergh District Council). Joint appellants need only pay one set of fees.

- Please note that if ground (a) is not pleaded at the very beginning the Inspectorate will not delay the processing of the appeal.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

- It is important that if you want the planning merits of the development to be considered – known as the “deemed planning application” – you must plead ground (a) and pay the fee for that application to the local planning authority when making your appeal. If this is not done, the planning merits and any subsequent ground (a) appeal – that planning permission should be granted (or that the condition or limitation referred to in the enforcement notice should be removed) – cannot be considered by the Inspector. The appeal will only be determined on the grounds of appeal as submitted on the appeal form.

IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in Section 6 of the Notice and you must then ensure that the steps required for complying with it, detailed in Section 4, for which you may be held responsible, are taken within the period specified in Section 5 of the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

Parties on whom the Enforcement Notice has been served:

THE OWNER / OCCUPIER, 30 Edies Lane, Leavenheath, Colchester CO6 4PA.

ADAM WILLIS, 30 Edies Lane, Leavenheath, Colchester CO6 4PA.

YASEMIN LEILA WILLIS, 30 Edies Lane, Leavenheath, Colchester CO6 4PA.

SANTANDER UK PLC, Deeds Services, 101 Midsummer Boulevard, Milton Keynes MK9 1AA.

WILLIS GLOBAL ESTATES LIMITED, ADAM WILLIS, 132 Communications House, St. Johns Street, Colchester, United Kingdom, CO2 7NN

WILLIS GLOBAL ESTATES LIMITED , YASEMIN LEILA WILLIS, 29 North Hill, Colchester, England, CO1 1EG