

Simon Bailey

From: David Steel
Sent: 02 July 2025 13:37
To: David Steel; Simon Bailey
Subject: EN/25/00366 SV Notes.

Hi, Simon.

FYI. As property owner / occupiers were not happy with visit. They took my details, and I would possibly anticipate a complaint or follow-up. I wanted to send as a contemporaneous record of the visit, I could not send immediately after departing the property as I did not want to sit outside in their view for too long, and additionally the signal in Leavenheath was not particularly strong so sending an email would have proved difficult.

Please let me know if I need to clarify anything or if there are any errors or mistakes in spelling, et cetera. The text to speak function and typing on the iPad can sometimes prove tricky. Though what I have written below is a true, and what I believe to be an accurate account of the visit

Thanks,

Dave.

Site visit approximately 11:55 am on the 2nd of July 2025.

I parked outside of the property on the public highway and proceeded on foot.

The house is a detached property with a large garden frontage and shingle driveway leading to the front door, parked at the front door was a Tesla and I believed I saw movement inside the house.

I knocked at the door and a young man appeared at one of the front windows, following this I heard a dog or some dogs barking, he approached the front door but did not answer and appeared to collect the dogs to remove them to another room. I then Anticipated that he might answer the front door, but there was no further movement from inside the house.

I knocked a second time, and the dog or dogs started barking again. A different person then approached the door, a woman who I believe to be one of the owners or occupiers. She did not open the door but shouted through asking who I was and why I was visiting, I said several times that I was from the council and was here to look at some alleged works around the property. She claimed she could not hear me a couple of times and then when I repeated myself again saying I was from the council planning enforcement team, she then Moved back away from the door and further into the property appearing a short while later at a window to the side of the front door, she then opened this window.

I introduced myself and showed her my ID badge, she asked why I was visiting, I explained that I was with the planning enforcement team from the district Council and was here to look into some alleged works around the property, namely works two or removal of trees and possible extension of the garden/residential curtilage without planning permission.

She replied "isn't it funny when we pay you to come out? You never do". She alluded to some previous contact or conversation with the council planning department around works to the property and she asked why we Didn't write to the property in the first instance advising our visit. I replied that planning enforcement do not generally write to a property ahead of a first visit and this was our usual working arrangement. She said that she would like to refuse me access to the property and land to which I replied that we do have a right of access under 196A TCPA 1990, However, if the visit needed to include a building being used as a dwelling house, then I could give 24 hours' notice and return at the same time tomorrow. She then moved from the window back to the front door and opened it, she then stepped outside and I asked if it would be possible to look at the land to the rear of the property to which she consented.

She asked what works I was investigating, I replied that it was an alleged removal of trees that may include a woodland to the rear of their property, and possible extension or changes to their curtilage of the garden and if any works were being undertaken that might amount to development requiring planning permission.

The lady stated that if I was "duping" her, that she would be making a formal complaint.

She asked where I received the allegation or report from, I advised that this is confidential and I could not reveal the source. She mentioned "fucking busy bodies", A phrase she repeated several times during my visit.

Proceeding through the garden which was accessed over a low wire fence separating the front and back gardens at the side of the property. I could see an open space which appeared to be the garden of the property which was intersected by a series of small white flags running parallel to the rear elevation of the property across the garden. Beyond these to the left and straight ahead was an area of trees (seemingly woodland or similar), And various piles of wood and material that appear to have been cleared from the land such as scrub and brush. There was also an area which may have been used for a bonfire. I raised my iPad to try and take some pictures of the land, and she said that she would not consent to me taking pictures as the council would only seek to use these against her and her family. I did reiterate that if she did not wish to grant me access that I could leave, but she said she was happy to show me around the land.

The area of trees which have been seemingly cleared of brush and scrub appeared to have been worked on by some plant machinery or similar.

I asked what works have been carried out and she said that it was land clearance but they were leaving the trees where they found them and they had also discovered some fruit trees during the works. She said that the land was unsafe due to dead and dying vegetation and bits of tree and other material falling and posing a danger to her children. She then asked if I had "heard about the tree in Southend" That had recently killed a child.

She asked me several times if I had found anything that might represent a breach of planning and I said that I would need to consider my observations and the information available to me on return To my desk and may need to consult with colleagues.

At the rear of the garden is an outbuilding made of corrugated material (possibly asbestos or metal) Disappeared to be quite an old structure and may have been agricultural or similar in use, although it appears to have fallen out of use.

She asked why works to trees would be a breach of planning, and I said that if the clearance of the land (Brush and scrub et cetera) And removal of any trees was to allow for further works, which require planning permission that they may need to apply Not only for any structures or buildings that they may build, but also For any change of use of land EG from Woodland or agricultural to garden/residential.

I explained that ownership including any boundaries does not necessarily relate to Curtilage of the dwelling house.

The young man who I originally saw when I approached the property then came outside holding an umbrella (as it had begun to rain) And he said that "dad said to give this to you" To the lady I was speaking with.

Shortly after she had been handed the umbrella, a car approached the property, and the lady said that this would be her husband and that I should speak to him further.

We walked back towards the side of the property where the chain wire fence was situated. On this walk back towards The property the lady again repeated the "fucking busybodies" remark And that in future she her husband would simply just undertake work without informing anyone, although she did say if it was something requiring planning permission that they would make the necessary applications. I did advise that works or alleged works out in the countryside and villages does often get noticed quite quickly, She asked again who the reporter or complainant was, and I said that I could not reveal this.

I re-explained to the gentleman the allegation of works that may require planning permission and how it was a concern to planning enforcement in case of any development taking place. He asked me to explain under what laws I was able to access the property, I advised about S196A. He claimed that he believed I was trespassing, his partner then cut across him and said that she had already discussed the right of access/entry with me.

The lady then addressed me again and said that she did not feel it was appropriate for planning enforcement to visit the property unannounced, she was not comfortable with the fact that her son was home "alone ", The gentleman then asked me if I was DBS checked.

I explained to the gentleman about the difference between boundary and cottage and where certain permitted development rights may apply and advised that if they did want to undertake any development including changes of views that they may want to seek professional advice before proceeding further. He said that he was as his partner advised just undertaking clearance of scrub and brush and dangerous tree branches, et cetera. And they were not planning on building any buildings or structures.

They asked if they were "doing anything wrong?", I replied that this might need further assessment and it will be very helpful if I could take some pictures to assist with my report. They refused again, repeating that they did not want anything being used against them. They then said that I should write to the property further if I wish to arrange a visit but they may get solicitors involved and that they have "legal people in the family", I said that whilst we might write to them to advise of the alleged breach, we could exercise our right of entry and that if we were further refused entry to the site subject to the provisions of 196A that we may need to seek a warrant though we would of course prefer to avoid this.

During my original walk through to the back of the property with the lady and subsequently in conversation with the gentleman who arrived I'd advise that any works that took place within certain definitions of a "Woodland "might require the involvement, permission or consent of the forestry commission. Lady did also refer to a "public footpath ", that they have had issue with previously and that "someone" from the council had visited possibly from the rights of way team. She also stated that she had spoken with some neighbours who were extremely pleased with the work they had undertaken as it had "improved" the visual appeal of the property / land.

I inquired about the white regularly spaced flags on the ground running parallel to the rear of the property. They advised that these were a line which demarked how far their dogs were allowed to go, and that they had "electric shock collars" Which prevented the dogs from going further than this line.

The lady wished to point out that she and her son did not answer the door originally as they believed I was a charity worker.

The gentleman reiterated his displeasure with planning enforcement attending unannounced, and said "we have dogs", I advised that this visit and investigation was being run along the same lines and process as per any other referral that planning enforcement receive. I explained that whilst I would make note of my observations taken on site that without supporting photographs, it may be difficult to progress this case further, or indeed to close it without these, I then advised that I would be on my way and departed the property.

Sent from [Outlook for iOS](#)