

IN THE MATTER OF S174 TOWN & COUNTRY PLANNING ACT 1990
RE: APPEAL AGAINST THE ENFORCEMENT NOTICE DATED [17 November 2025]

APPELLANTS: Mr Adam Willis & Mrs Yasemin Leila Willis
APPEAL REF(S): APP/D3505/C/25/3376611 & APP/D3505/C/25/3376612
LOCAL PLANNING AUTHORITY: Babergh District Council
APPEAL SITE: Land at 30 Edies Lane, Leavenheath, Suffolk

PROOF OF EVIDENCE

OF

David Cobbold

I, **David Cobbold**, of 5 Church Road, Elmstead Market, Colchester, Essex, CO7 7AT,
STATE THAT:

- 1 I am a landscape gardener and director of EIB Landscaping Limited.
- 2 I make this statement in support of the appeals against the enforcement notice issued by Babergh District Council dated 17 November 2025 ("the EN").
- 3 I make this statement from matters within my own direct professional knowledge and involvement at the property.

Background

- 4 I was instructed by the previous owner of 30 Edies Lane, Mrs Randall, between approximately 2022 and 2024 to undertake garden maintenance at the property.
- 5 My workforce and I attended the property regularly to carry out domestic garden maintenance.

The History of the Use of the Land

- 6 When I first attended the property, the area forming the part of the appeal site was already established and functioning as part of the residential garden associated with the dwelling. I call this area the land.
- 7 The land was grassed and maintained in the same manner as the remainder of the domestic garden. This was obvious because the grass appeared to be of a similar mix/variety and condition.
- 8 The land/maintained garden area extended to the point where the woodland began, and the woodland itself was not maintained by my team as part of the domestic garden. Indeed, owing to its condition I would say that the woodland had not been actively managed and/or maintained for many years – to the point where owing to the existence of undergrowth (to include brambles and nettles) it would not have been easy to walk through without wellies or boots and probably overalls or some other clothing that you would not mind getting caught and/or snagged. I therefore believe that there was a very clear distinction between what land was used as part of the garden to the property, and what was the woodland beyond.
- 9 During the period my company worked at the property, the land was considered as, and in my opinion functioned as, part of the domestic garden associated with the dwelling.
- 10 Based on my professional involvement at the property, the land was already established and maintained as part of the domestic garden prior to the Appellants' ownership. In simple language, the land "reads" as part of the garden, with the woodland beyond it something completely different.

- 11 In my opinion, the maintained garden area formed part of the domestic garden associated with the dwelling. I say this because as landscape gardeners we are often asked about things that can be done to improve the amenity and/or appearance of a property and its garden. I know that manicured lawns, flower beds, vegetable patches, patios and driveways are typically within a domestic garden. I equally understand that paddocks, fields and woodlands are usually outside the curtilage.
12. The area which, during the period of my maintenance work at the property, was maintained as the domestic garden is shown on the plan attached at **Appendix DC-1**, which I have signed to confirm the area based on my professional involvement at the site.
- 13 I also believe that the domestic garden was within the curtilage to the property – but the woodland beyond outside of it.

Conclusion / Summary

- 14 For the reasons set out above, I consider that the land has long been maintained and used as part of the domestic garden associated with the dwelling.
- 15 I also believe and understand that this same area which has been used as part of the domestic garden is within the curtilage.

Statement of Truth

I believe that the facts and opinions stated in this Proof of Evidence are true to the best of my knowledge and belief.

SIGNED: 

DATED: 24.2.20

EXHIBIT DC-1

Referred to in the Proof of Evidence of
David Cobbold

IN THE MATTER OF S174 TOWN & COUNTRY PLANNING ACT 1990
RE: Appeal Against the Enforcement Notice dated 17 November 2025

APPEAL REF(S): APP/D3505/C/25/3376611 & APP/D3505/C/25/3376612

APPEAL SITE:
Land at 30 Edies Lane, Leavenheath, Suffolk

Plan identifying the maintained residential garden area
Signed by David Cobbold

Dated: 24 February 2026



- Legend**
-  30 Edies Ln
 -  David Mainite

30 Edies Lane, CO6 4PA

I David Cobbold, can confirm that the area within the red lines is where my company undertook gardening maintenance between the years of 2022 and 2024. The area appeared to me to be a domestic garden associated with the bungalow known as 30 Edies Lane.

DM
David Cobbold
 21/26

Google Earth

50 m