

**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

**Peter Kevin Hore**

I, Peter Kevin Hore, of 31 Edies Lane, Leavenheath, Suffolk, STATE THAT:

1. I reside at 31 Edies Lane, Leavenheath and have lived in the vicinity of the appeal site for approximately 44 years.
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 knowledge or belief. Where matters are not within my own direct knowledge or belief, I state the source of the information upon which I rely.

**Background**

4. Throughout the period of my residence in Edies Lane I have been familiar with the land forming the appeal site and have regularly observed its use and maintenance. I was, and remain, acquainted with the previous owner, the Randalls, which has provided me with the opportunity to observe the use and maintenance of the land over a prolonged period.

5. We regularly ran errands for Mrs Randall, including collecting prescriptions and assisting with day-to-day matters, over a number of years. As a result, we became very familiar with the property and its surroundings. In addition, we use the adjacent public

footpath on a frequent basis (weather permitting), typically on a weekly basis unless away. Through these regular visits and use of the footpath, we have consistently observed the rear of the subject property and are therefore well acquainted with its appearance, maintenance and use over time.

### **The History of the use of the Land**

6. Throughout the period of my residence, the land to the rear of 30 Edies Lane, extending to the woodland boundary, has been maintained and used in the same manner as the domestic garden associated with the dwelling. The maintained garden area extended only to the point where the woodland began, which remained clearly visible and distinct from the maintained garden.

7. The area which, from my long-term observations, has formed the maintained residential garden is indicated on the plan at **Appendix PKH-1**, which I have signed to reflect the area as I recall it.

8. The area was regularly cut, maintained and visually formed part of the domestic garden associated with the dwelling.

9. To the best of my knowledge and observation, the land has continuously functioned as part of the residential garden associated with the dwelling for the entire period I have lived nearby. During the period of my observations, while some woodland clearance has occurred from time to time, the maintained residential garden area has remained limited to the same established extent and the adjoining woodland has continued to remain distinct from the garden land.

10. Over time, the woodland became more and more overgrown. My synopsis is that the Randalls, in their advancing years, were less mobile to commit to clearing scrub and self-seeded trees from the woodland area. Over time, the woodland area became progressively more overgrown and less actively managed. The maintained garden area, however, continued to be cut and maintained in the same manner as the domestic garden. The woodland and the garden remained clearly distinct in both appearance and use.

11. My wife and I remained in contact with Mrs Randall after Mr and Mrs Willis purchased the property. She referred to the woodland area as "Edna's Wood", which reinforced the clear distinction between the woodland and the maintained garden. On one occasion, Mrs Willis sent us photographs of works undertaken within the woodland area for us to forward to Mrs Randall. In response, Mrs Randall commented that she was "Happy now! It needed much more work than I could ever give it."

12. This confirmed to me that the woodland area had been separate from the maintained garden and had required different and more substantial management than the domestic garden area.

13. What is clear to me, is that the woodland was one thing and the garden another. I note that Mr and Mrs Willis have started to build an outbuilding and placed a shed on the area that I believe is part of the garden. In fact, it was a surprise to me when I was told that these structures were to be the subject of a planning Inquiry because they were not placed on "garden land" or within the curtilage.

14. From my observations and understanding, the maintained garden area forms part of the established residential curtilage associated with the dwelling. I say this because it was used by Mr and Mrs Randall as part of their garden and also maintained as part of that garden.

15. Lastly, if I have understood the issue correctly it is broadly whether or not a shed and outbuilding could be placed where they have been. For my part, I believe the answer to be "yes" on the basis that this area was part of the garden. I will also add that if I was asked if a shed/outbuilding could have been put in the woodland area I would have said "no" on the basis that that area was not part of the garden.

### **Conclusion / Summary**

14. For the reasons set out above, I consider that the land has long been used as part of the domestic garden associated with the dwelling.

### **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: FR Above

DATED: 24th February 2026

**EXHIBIT PKH-1**

Referred to in the Proof of Evidence of

**Peter Kevin Hore**

Appeal References: APP/D3505/C/25/3376611 & APP/D3505/C/25/3376612

Site: Land at 30 Edies Lane, Leavenheath, Suffolk

Plan identifying the maintained residential garden extent

Signed by Peter Kevin Hore

Dated: 24 February 2026

Edies Ln

30 Edies Ln

**30 EDIES LANE**  
NAME *PETER HOPE*  
SIGNATURE *Peter Hope*  
DATE *24th February 2026*

