

**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

**Yasemin Leila Willis**

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I, **Yasemin Leila Willis**, of 30 Edies Lane, Leavenheath, Suffolk, STATE THAT:

1. I am the owner and occupier of 30 Edies Lane, Leavenheath and therefore have direct knowledge of the appeal site.
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.

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## Background

4. In September 2024 my husband and I purchased the dwelling known as 30 Edies Lane together with the adjoining land forming the appeal site.
5. Prior to purchase, the previous owner, Mrs Randall, walked the land with us and identified the area outlined in red on the Enforcement Notice plan as comprising two distinct parts: an area forming part of the residential garden associated with the dwelling, extending up to the wooded area, and the woodland area beyond. The previous owner indicated that the woodland area had not received regular maintenance for some time.
6. I understand that when the property was originally marketed by Fenn Wright, the previous owner proposed the inclusion of a covenant relating to the woodland area to the south of the property which was intended to restrict residential or commercial development of that woodland area for a period of 20 years. My understanding is that this related specifically to the woodland area and reflected the distinction historically drawn between the woodland and the maintained residential garden associated with the dwelling. (see Appendix YW-1: Fenn Wright particulars, email correspondence and drone photographs)
7. At the time of purchase, the land appeared to be an established maintained garden area forming a continuous extension of the main domestic garden. The position looked as though it had existed for many years.
8. In October 2024 we instructed a gardener to assist in maintaining the garden associated with the dwelling. Note that this was limited only to the garden area and, at that stage, nothing at all to do with the woodland. Therefore, the woodland area was not touched.
9. In March 2025 we sought pre-application advice from the Council in order to understand the planning position relating to the site. (see Appendix YW-2)
10. In July 2025 the Council carried out an investigation following reports of site clearance works. The works at that time consisted of the removal of overgrown

scrub and routine maintenance. Following the site inspection, the Council confirmed that no breach of planning control had been identified at that stage. (see Appendix YW-3)

11. Following discussions with the Council's enforcement officer in October 2025, correspondence indicated that the planning position in relation to the outbuilding depended upon whether the structure was located within the dwellinghouse curtilage, rather than constituting a separate change of use of land (see Appendix YW-4).
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### **The History of the Use of the Land**

12. The maintained residential garden area referred to in this statement is shown shaded on the plan attached at Appendix YW-5, which I have signed to confirm the area to the best of my knowledge and understanding.
13. From what I was told by the previous owner, together with my own observations at the time of purchase, the land up to the established woodland had long been maintained and used as part of the domestic garden associated with the dwelling. Historic aerial imagery over a number of years (Appendices YW-6 to YW-17) shows the maintained garden area extending consistently to the same woodland boundary prior to our ownership.
14. The maintained garden area extended to the point where the woodland began, which remained visually and functionally distinct from the maintained garden.
15. Since purchasing the property, the same area has continued to be maintained as domestic garden land, including mowing grass, planting and routine domestic garden maintenance. Limited reseeding has occurred as part of normal garden maintenance within the established garden area and did not extend the maintained garden boundary into the adjoining woodland. Land where new grass seed has been sown is clearly obvious and distinct from the original garden/grassed areas. The old grass being dense and well-established. The

recently seeded grass being thinner and somewhat spindly/straggly in appearance.

16. A line of trees clearly provides a separation between the maintained residential garden area and the adjoining woodland.
17. Beyond this line of trees, areas of the adjoining woodland that had become heavily overgrown were selectively cleared and managed for general land maintenance purposes; however, those works did not alter the character or use of the woodland, which has remained woodland, while the maintained garden area has remained domestic garden land. At no time were the woodland management works undertaken for the purpose of extending the residential garden or altering the established garden boundary, which has remained unchanged.
18. Throughout the period of our ownership, we have continued to maintain the same established garden area only. While clearance works have been undertaken within the adjoining/adjacent woodland to remove overgrown scrub, fallen material and removal of some trees were removed that were identified as a structural concern (which would pose a foreseeable risk of falling), this was due to this area being neglected for a long period of time. Those works were limited to proactive woodland management and did not convert the woodland into residential garden land nor extend the maintained garden area beyond the long-established woodland boundary. The woodland has at all times remained visually, physically and functionally distinct from the maintained residential garden. At no time were the woodland management works undertaken for the purpose of extending the residential garden or altering the established garden boundary, which has remained unchanged.
19. Evidence from maintenance contractors who worked at the property both before and shortly after the Appellants' purchase, including Mr David Cobbold and Mr Chris Heard, together with dated maintenance photographs (Appendices YW-18 and CH-1), further confirms that the same grassed area had already been

established and maintained as part of the domestic garden prior to our ownership and that subsequent works did not extend the historic garden boundary

20. The maintained residential garden area is shown on the signed plan at Appendix YW-5. Identical copies of the same plan have been independently signed by the other factual witnesses to confirm the garden extent based on their understanding and own recollection.

21. The outbuilding referred to in the Enforcement Notice was constructed solely for purposes incidental to the enjoyment of the dwellinghouse and has never been intended for use as a commercial office or for any business activities. Any business activities undertaken by members of the household are carried out from separate commercial premises outside the appeal site (see Appendix YW-19), and the building has not been designed or used for commercial purposes. This has been the case since 13<sup>th</sup> June 2024. We have never intended or sought to introduce a commercial/business use onto the property/our garden.

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### **Enforcement Notice**

22. Following routine garden maintenance and the construction of the domestic outbuilding, the Council commenced a further investigation which ultimately resulted in the issuing of the Enforcement Notice.

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### **Ground (d) Appeal**

23. Based on what I was told by the previous owner, supported by the evidence of long-term neighbours and maintenance contractors (see Appendix YW-19), it is my understanding that the land has formed part of the domestic garden associated with the dwelling for many years prior to our ownership and that our use of the land has continued that established pattern of use.

24. The property was marketed and purchased by us as a dwellinghouse with an established residential garden extending to the woodland boundary, together with a separate adjoining woodland area.
25. It was and remains my understanding that the land formed part of the residential garden associated with the dwelling. For this reason, my husband and I understood that not only could we use this land as part of our garden but also place a shed and an outbuilding on it. This is what we have done (and hope to continue doing of course).
26. I will add that I am speaking for my husband but, of course, we speak regularly and both agree on this matter.
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### **Ground (c) Appeal**

27. My opinion and belief is that the maintained garden area formed and forms part of the established residential curtilage associated with the dwelling. My understanding being, albeit in not professional/technical terms, that the curtilage of/to a building is the land which is use for the regular (and private) enjoyment of the relevant building – which in this case is a family home.
28. I believe the above statement for a number of reasons, to include:
- a) Mrs Randall told us this was part of the garden;
  - b) It looked like part of the garden;
  - c) It was clearly being used as part of the garden;
  - d) It was sold to us as part of the garden;
  - e) The area was very different to the woodland in terms of its character and appearance;
  - f) The area was adjacent to neighbouring gardens (which also seem to be outside of the relevant "red line" planning areas for when planning permission was granted for those houses);

g) The above situation had existed for many years, certainly well over a decade; and

h) Other third parties, notably neighbours and former gardeners, have told us that this land was used and maintained as part of the garden also.

29. As I have outlined above, the outbuilding was constructed for purposes incidental to the enjoyment of that dwelling and not for any other purpose (i.e. not for a business and/or commercial use). I therefore understood and understand that the shed and (currently under construction) outbuilding could properly be placed within the maintained garden area..

30. I will add here that I was surprised at the suggestion that my husband and I had breached planning control. This has never been our intention and, as the evidence shows, we have worked with the Council in seeking pre-application advice for development for which we understood planning permission was required (i.e. within/on the woodland) and otherwise co-operated throughout this planning enforcement issue.

31. Again, whilst I speak for him, my husband and I agree on what we understood we could lawfully do – with us then acting in turn.

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### **Ground (a) Appeal**

32. If planning permission were considered necessary, the outbuilding is domestic in nature and incidental to the enjoyment of the dwellinghouse and does not adversely affect neighbouring amenity.

33. It is on garden land and “tucked behind” existing boundary treatments. In time, the vegetation that we have planted will grow and mature and further screen it.

34. It was placed where it was so that it was “tucked around the corner” as this felt the logical place to put it. Firstly, the area was open and easy to reach (i.e. we did not need to battle through overgrowth to get to it). Secondly, placing it here provided an element of security – i.e. not easily seen/visible from Edies Lane –

but also retained the open view down our drive onto/into the woodland. Third, it was well-screened from our neighbour's property – i.e. so that no one can see it when standing at their back door/on their patios.

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## **Other**

35. I have provided at Appendix YW-20 various documents that were produced and/or provided to us as part of the conveyancing process/purchase of our home. I note that included within here are some comments from Mrs Randall about her previous dealings with the Council and other third parties. Whilst I am less clear on the relevance of these but have included them on the basis of "fair and open disclosure" – I would not wish for there to be any suggestion that either my husband or I have sought to hide anything from the Council or any third party.

## **Conclusion / Summary**

36. For the reasons set out above, I consider that the land outlined in the Enforcement Notice has historically comprised two distinct areas: the maintained residential garden associated with the dwelling, extending up to the established woodland boundary, and the adjoining woodland area beyond. The maintained garden area has long formed part of the domestic garden associated with the dwelling, while the woodland area has remained distinct with its own separate character and use.
37. I therefore believe that the shed and outbuilding were lawfully placed on the land. Accordingly, I hope that the outbuilding can be completed once this appeal has been decided.
38. In the alternative, I believe that the shed and outbuilding should have planning permission. Of course, if planning permission is granted, my husband and I have

no objection to any reasonable planning condition that the Inspector considers it necessary to impose.

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**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:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, written over a horizontal line.

DATED: 24.2.26

**EXHIBIT YW-1**

Referred to in the Proof of Evidence of  
**Yasemin Leila Willis**

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

Fenn Wright marketing particulars, correspondence and drone imagery

Dated: 26 February 2026

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 Outlook

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**Fwd: 30 Edies Lane, Leavenheath marketing from 2023 to 2024**

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From Honest Joe <adamwillis363@gmail.com>

Date Thu 12/02/2026 2:54 PM

To willisglobalestates <willisglobalestates@gmail.com>

 6 attachments (18 MB)

image229244.png; image337624.jpg; image227860.png; DSC\_0688.JPG; KC-FW(COL)-30EdiesLane-14.jpg; KC-FW(COL)-30EdiesLane-10.jpg;

----- Forwarded message -----

From: **Jonathan Perry** <jdp@fennwright.co.uk>

Date: Thu, 12 Feb 2026 at 14:36

Subject: 30 Edies Lane, Leavenheath marketing from 2023 to 2024

To: [adamwillis363@gmail.com](mailto:adamwillis363@gmail.com) <[adamwillis363@gmail.com](mailto:adamwillis363@gmail.com)>

Dear Adam and Yasmin,

I can confirm from our records that I first visited the property on the 6<sup>th</sup> June 2023 on the instructions of Mrs Randall to provide her with my advice and was then instructed to commence the marketing from the 10<sup>th</sup> July 2023. The external photographs including drone photography was carried out on the 7<sup>th</sup> July 2023 and shows the extent of the property gardens and woodland area of the land and neighbouring properties that was evident during those visits and our time of marketing which concluded when the transaction to yourselves completed on the 3<sup>rd</sup> September 2024.

Kind regards

Jonathan

**Jonathan Perry FNAEA CPEA**  
**Partner. Signature Homes**

**Fenn Wright.**

Direct Dial: 01206 507642 Office: 01206 763388 Mobile: 07887 550707  
146 High Street Colchester CO1 1PW  
[jdp@fennwright.co.uk](mailto:jdp@fennwright.co.uk) [www.fennwright.co.uk](http://www.fennwright.co.uk)









**Fenn Wright**.  
Signature

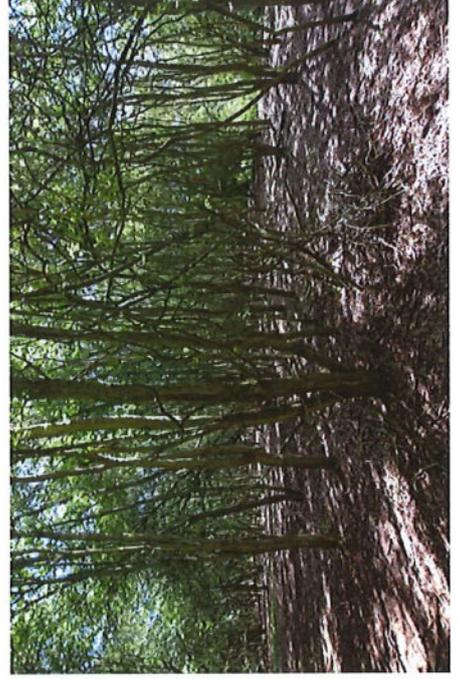
30 Edlies Lane, Leavenheath,  
Colchester, Essex, CO6 4PA

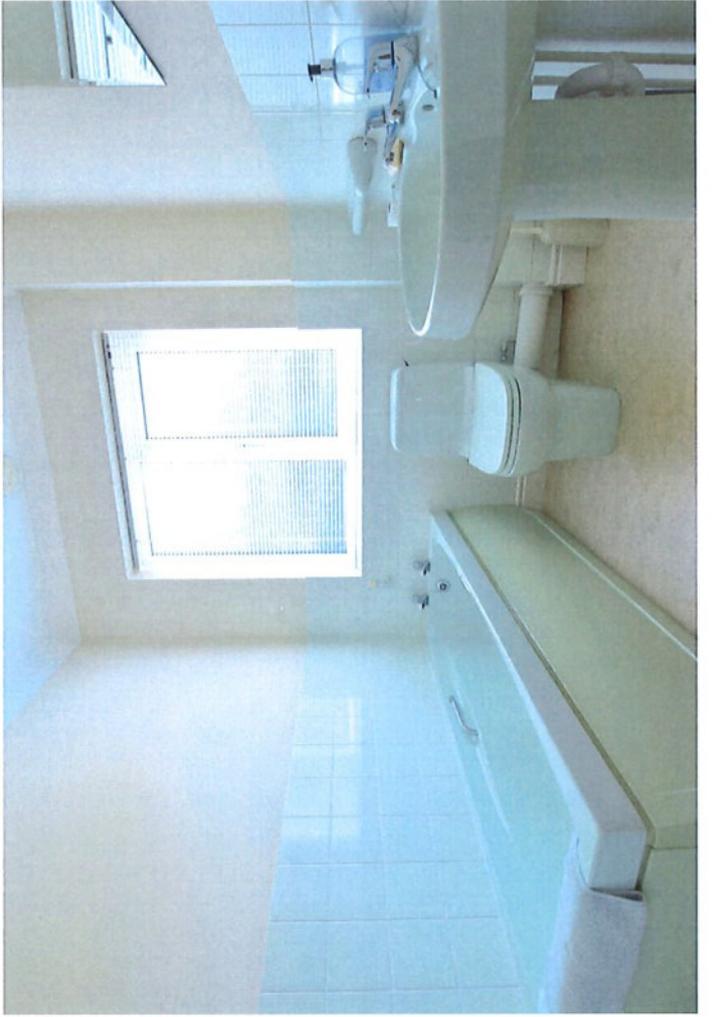
30 Edies Lane  
Leavenheath  
Colchester  
Essex  
CO6 4PA

This unique four bedroom detached bungalow with large loft space occupying a lightly wooded plot extending to 4.5 acres with oversized garaging and open store towards the end of the lane in this popular village between Colchester and Sudbury.

The property was built for the current owners in 1992 and benefits from gas central heating and UPVC double glazed windows and doors. The roof space was designed to create additional first floor accommodation, subject to any necessary consents and regulations. The grounds, which extend to just over 4.5 acres, back and side onto fields.

- Four bedrooms
- Bathroom and shower room
- Large living room
- Study
- Kitchen/breakfast room and utility
- Large entrance hall





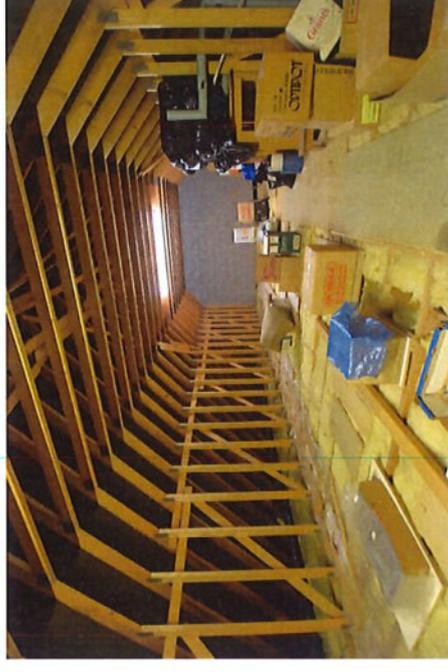
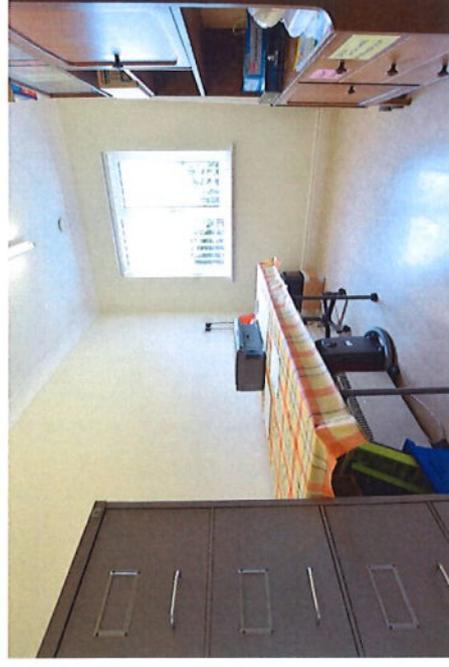
The entrance hall is a good welcoming space of around 13' by 10' and leads to the bedroom accommodation.

Double doors open to the large living room with a dual aspect overlooking the gardens. The study adjoins the room and has the access into the loft via a pull-down ladder.

Also off the entrance hall is a shower room.

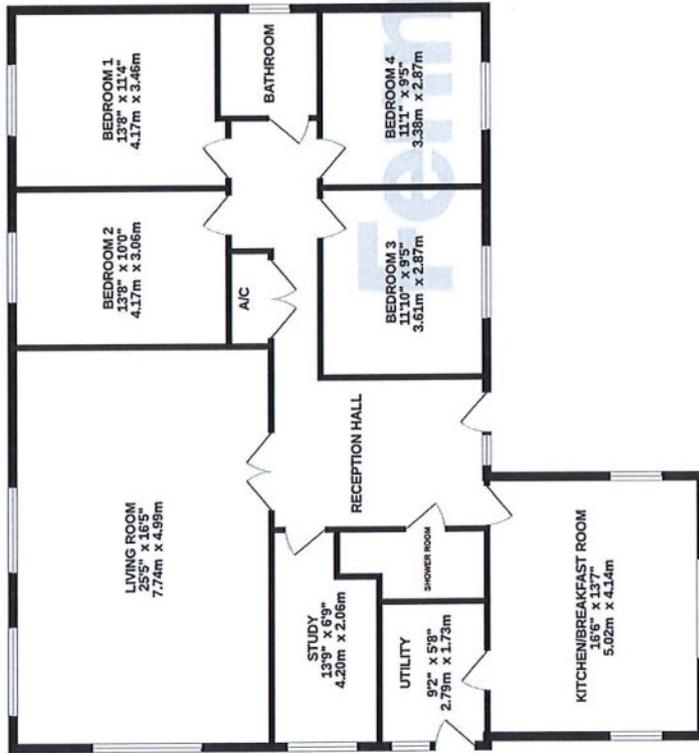
At the front is the kitchen/breakfast room with triple aspect and range of worksurfaces with ample storage cupboards, still allowing space for a table in the centre of the room. A cupboard conceals the gas fired boiler while there is space for a cooker and fridge/freezer. A door leads to the utility room with further storage, a sink and plumbing for a washing machine.

The bedroom accommodation is found at the other end of the property with four good sized bedrooms, two at the front and two at the back, whilst to the side is the bathroom.





**GROUND FLOOR**  
1626 sq.ft. (151.0 sq.m.) approx.



**1ST FLOOR**  
771 sq.ft. (71.6 sq.m.) approx.



30 EDIES LANE LEAVENHEATH

TOTAL FLOOR AREA : 2397 sq.ft. (222.7 sq.m.) approx.

Whilst every attempt has been made to ensure the accuracy of the floorplan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given.

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**Consumer Protection Regulations 2008**

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## Outside

The property is set back from Edies Lane with a white metal gate and shingle drive leading to the bungalow and the detached double garage 25'2" by 18'8" with two up and over doors, power and light connected, and eaves storage above. At the front of the bungalow is an attractive flower bed whilst lawns extend down the side.

To the rear is a pathway with shrub border leading out onto the lawns. Beyond that, the land opens behind the neighbouring properties and becomes woodland where there is an open store measuring 30'10" by 16'8". The woodland consists of a variety of trees of differing age and species. Along the western boundary is a public footpath which in the far corner leads out into fields. We also understand that in the south eastern corner of the land is a badger sett. In total the grounds extend to 4.577 acres.

## Location

The village of Leavenheath is found just over the border into Suffolk along the A134 which connects Colchester to Sudbury. The village has amenities including a public house, church, village hall, and borders the golf courses of the Stoke by Nayland resort which also includes a fitness centre with swimming pool. Within equal distance is the market town of Sudbury offering good shopping facilities and schooling, whilst in the opposite direction over the border into Essex is Colchester with wider facilities and education with a sixth form and university. Colchester also has a mainline railway station with services to London Liverpool Street and access to the A12 with road links to London and the Essex coast.

## Directions

Use postcode CO6 4PA for Edies Lane and the property will be found on the left hand bend where the tarmac road changes to the unmade road.

## Important Information

Services – Mains electricity, water, gas and drainage are connected to the property

Council tax band – F

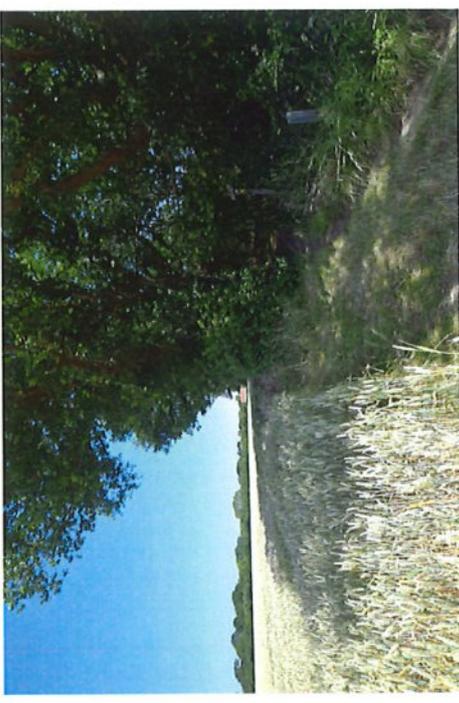
EPC rating –

Tenure – Freehold

Our ref - JDP

## Agents note

The current owner will be placing a covenant on future development of the land for either residential or commercial development for a period of 25 years. As previously mentioned, there is a public footpath along the western boundary.



**EXHIBIT YW-2**

Pre-application advice correspondence

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PRE-APPLICATION ENQUIRY DC/25/00813



30 Edies Lane, Leavenheath, Colchester, Suffolk CO6 4PA

## Pre-application Enquiry

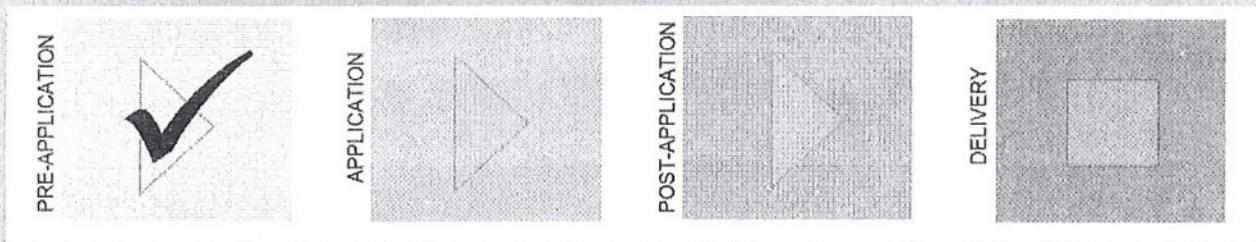
This advice is provided as part of the Council's pre-application advice service.

The advice provided here represents a professional officer opinion based on the material submitted and is given in good faith. The Council as Local Planning Authority must consider every planning application on its own merits after having regard to all material planning considerations. The advice provided here is not in respect of a planning application, has not been subject to public consultation or appropriate statutory consultations and is not necessarily accompanied by all the required supporting material and on that basis the advice is not binding on the Council as the Local Planning Authority.

This advice does not pre-determine the outcome of any subsequent planning application based on the submitted material and/or the Advice provided.

In providing this advice the Council is seeking to proactively and constructively provide support to potential applicants seeking to deliver sustainable development as encouraged by the Government within the National Planning Policy Framework [NPPF] and national Planning Practice Guidance [PPG].

The Council is permitted to charge for this advice under the provisions of the Local Government Act 2003. The intention is to recover the cost of providing the service and not to deter applicants and their agents from engaging in pre-application discussions.



## The Proposal

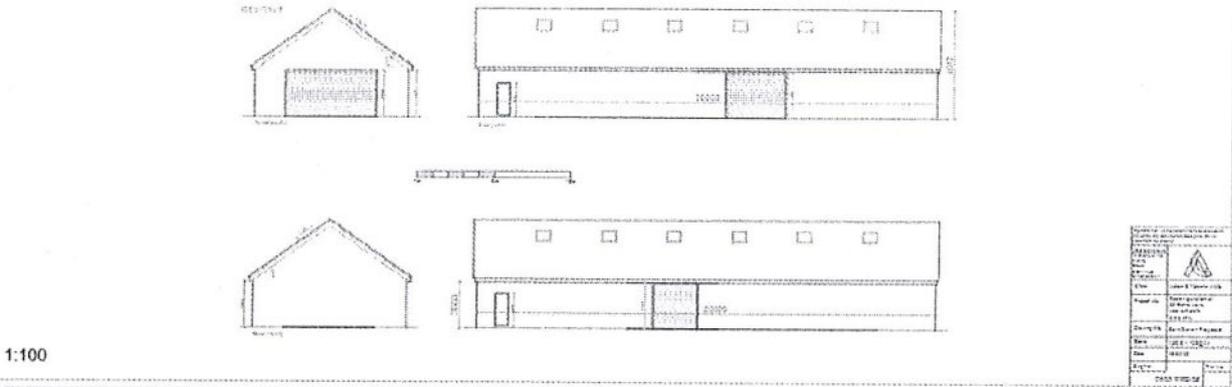
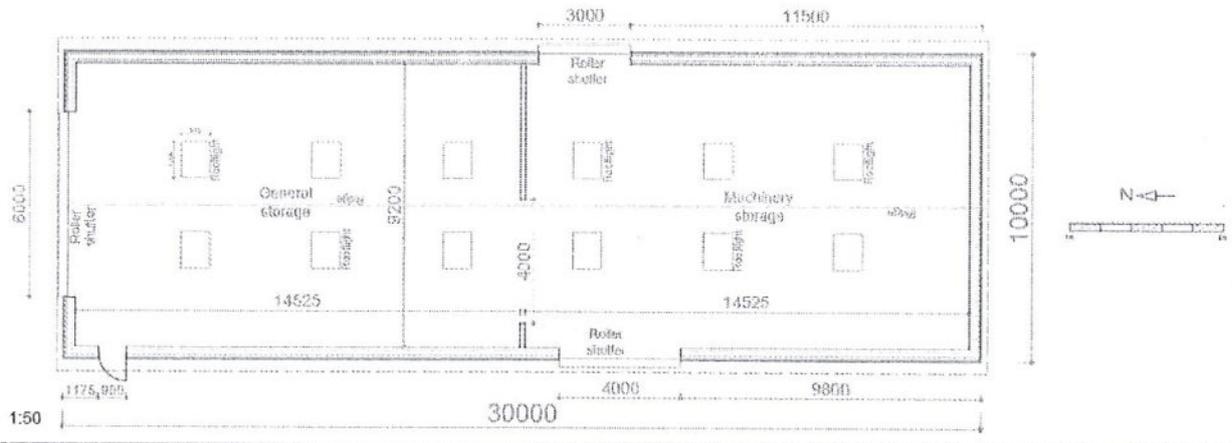
### The proposed development is for:

Written Response Only - Existing bungalow roof to be raised to allow a 'full' first-floor. Front, side & rear two-storey extensions with new cartlodge to front and storage barn to rear. Part of rear extension to be single storey with balcony above.

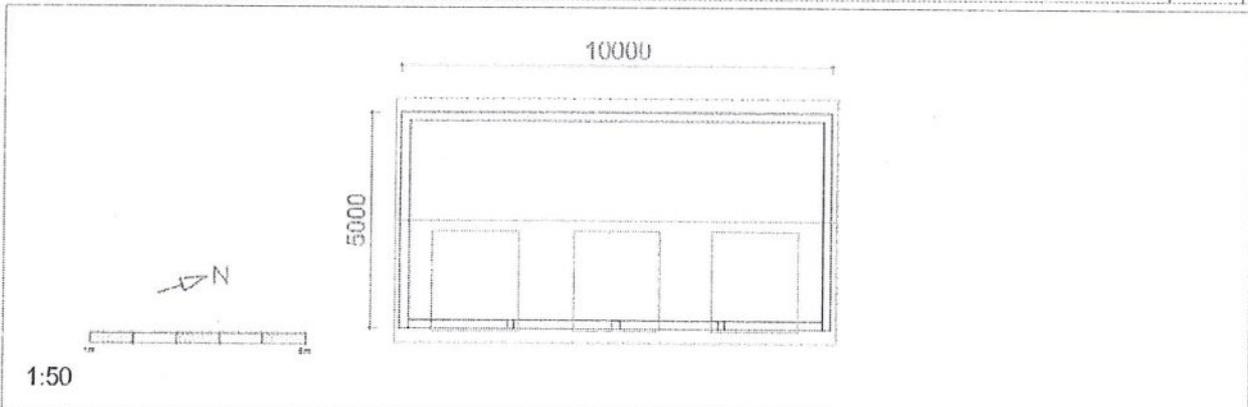
### The supporting material comprises:

Plans - Proposed 0503/PRE/06 - Received 21/02/2025  
 Plans - Proposed 0503/PRE/07 - Received 21/02/2025  
 Existing Site Plan 0503/PRE/08 - Received 21/02/2025  
 Elevations - Proposed 0503/PRE/05 - Received 21/02/2025  
 Proposed Site Plan 0503/PRE/09 - Received 21/02/2025  
 Design and Access Statement - Received 21/02/2025

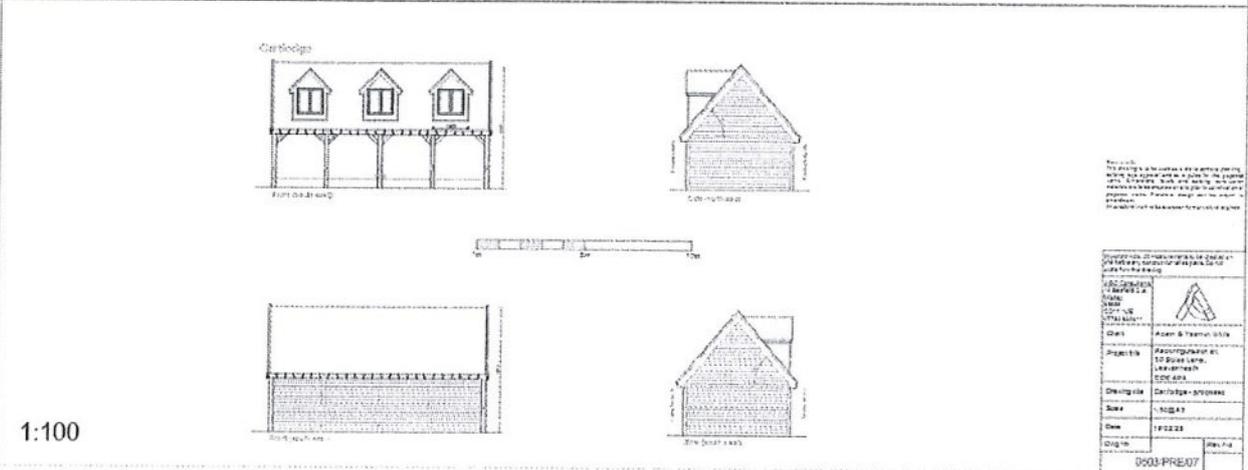
# The Proposed Development and Site



1:100



1:50



1:100

Project No	DC/25/00813
Client	DC/25/00813
Scale	1:100
Date	10/12/2025
Drawn by	DC/25/00813
Checked by	DC/25/00813
Project No	DC/25/00813
Client	DC/25/00813
Scale	1:100
Date	10/12/2025
Drawn by	DC/25/00813
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Project No	DC/25/00813
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Scale	1:100
Date	10/12/2025
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Project No	DC/25/00813
Client	DC/25/00813
Scale	1:100
Date	10/12/2025
Drawn by	DC/25/00813
Checked by	DC/25/00813





## Relevant Planning History

<b>REF:</b> B/1041/83/FUL	Erection of single storey side extension.	<b>DECISION:</b> GRA 23.01.1984
<b>REF:</b> B/0281/76/OUT	Erection of dwelling with garage and construction of vehicular access	<b>DECISION:</b> REF 07.05.1976
<b>REF:</b> B/0407/77/FUL	Use of land for siting of residential caravan.	<b>DECISION:</b> GRA 05.07.1977
<b>REF:</b> B//90/01219	PART SUBMISSION OF DETAILS UNDER OUTLINE PLANNING PERMISSION B/89/1855 - EXTERNAL APPEARANCE OF DETACHED BUNGALOW AND GARAGE, THE MEANS OF ACCESS TO AND LANDSCAPING OF THE SITE AS AMENDED BY THE APPLICANTS REVISED DRAWING NO 1147/A/5 RECEIVED ON 01.03.91 AND AMPLIFIED BY APPLICANTS LETTER DATED 28.02.91	<b>DECISION:</b> GRA 05.03.1991

## Planning Policy

### National Planning Policy Framework (NPPF)

The NPPF was revised in 2024, and includes, at its heart, a presumption in favour of sustainable development. However this does not affect the statutory status of the development plan (Local Plan) as the starting point for decision making.

The NPPF is a material planning consideration and you should have regard to this in the submission of any application. Particular paragraphs may be referenced in the advice below, but this does not exclude other paragraphs from being relevant to your proposal.

### **The Council's Adopted Development Plan: The Babergh and Mid Suffolk Joint Local Plan**

The Joint Local Plan replaces the previous Local Plan, for both Babergh and Mid Suffolk District Councils.

Part 1 of the Joint Local Plan was adopted in November 2023 by Babergh and Mid Suffolk. Part 1 policies set out development which is acceptable, and restrictions to development.

A review of the Joint Local Plan and its policies will now be undertaken following updates to the NPPF in late 2024.

The site is also within the Leavenheath Neighbourhood Plan area  
Neighbourhood planning - Babergh District Council - Babergh & Mid Suffolk District Councils - Working Together

Please see the below link for the Policies Maps, providing details on neighbourhood plans, Conservation Areas, Listed Buildings, Flood Mapping for example:

<https://baberghmidsuffolk.opus4.co.uk/planning/localplan/maps/bmsdc-joint-local-plan-part-1#>

#### **Relevant Policies include:**

##### **Babergh Mid Suffolk Joint Local Plan**

- SP03 - The sustainable location of new development
- SP09 - Enhancement and Management of the Environment
- SP10 - Climate Change
- LP03 - Residential Extensions and Conversions
- LP16 - Biodiversity & Geodiversity
- LP23 - Sustainable Construction and Design
- LP24 - Design and Residential Amenity
- LP24 - Design and Residential Amenity
- LP29 - Safe, Sustainable and Active Transport

##### **Leavenheath Neighbourhood Plan**

- LEAV3 – Landscape and biodiversity
- LEAV9 – Design principles
- LEAV10 – Walking and cycling

NPPF - National Planning Policy Framework

#### **Constraints**

The Leavenheath Settlement Boundary intersects the site with the dwelling and residential curtilage within, and the wooded area south outside of the boundary.  
Footpath W-362/013/0 runs along the northern and western boundary of the site.  
Property is not listed, however Grade II 'Stonicott' is approximately 70 metres to the north-west.  
Not located within a conservation area, nor National Landscape.  
No formally protected trees within the boundary nor immediate proximity.  
Within Flood Zone 1.

Varying degree of surface water flooding ranging from very low, to a high risk on the area between the dwelling and 30a.

## Consultation Responses

No consultation was undertaken as part of this pre-application.

### Advice:

#### Principle of Development

The principle of development is set out within policy SP03 of the Babergh Mid Suffolk Joint Local Plan which seeks to direct all new development to within existing settlement boundaries aside from where it accords with Table 5 to the policy which permits development outside of settlement boundaries under specific circumstances.

In this particular instance, the settlement boundary appears to intersect the site, with the dwelling and residential curtilage within the settlement boundary, and the larger wooded area to the south outside. As such, the acceptability of the principle of development is split.

The works proposed to the dwelling along with the detached cart lodge forward of the dwelling are acceptable in principle, whereas the principle for the large, detached storage building is unacceptable given where it lies in relation to the settlement boundary and that it is not supported by a Table 5 policy.

Furthermore, the red line plan submitted appears to encompass a significantly large area of woodland south of the property which is not garden land. Any development in this area would also require a change of use of land, which is unlikely to be granted.

#### Flood Risk and Surface Water Drainage

Whilst the property is located within Flood Zone 1, it has been identified that the site is at a varying degree of surface water flooding. Based upon GOV.UK surface water flood maps, it would appear that a small area forward of the property is at a low risk, whilst a larger area east of the dwelling between the property and 30a is at a high risk. When considering the projected 2040 and 2060 surface water flood layers, it appears the risk slightly expands but the severity does not worsen.

When considering the proposed development, it does not appear that any built form of the property would be built in the area at a highest risk of surface water flooding, however the access path to the southern storage barn would be directly through this area. As such and to mitigate any impact that may be caused, it would be requested that any surfacing material is porous to limit the implications on the areas at the highest risk of surface water flooding, this would be required to be set out within a site-specific flood risk assessment.

A site-specific Flood Risk Assessment would be required which must show the risk from all forms of flooding, be modelled with climate change, demonstrate that the development does not displace flood water and that any risk to the proposed development is mitigated.

## Heritage

A proposal that includes the curtilage or setting of a Listed Building or works to a Listed Building must respond to this significant consideration. The duty imposed by the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building must be given "considerable importance and weight". (\*Bath Society v Secretary of State for the Environment [1991] 1 W.L.R. 1303).

As identified, whilst the property itself is not listed, a Grade II Listed property 'Stonicott', is identified north-west of the property. Due to the separation between the designated asset and the application site it's unlikely that the proposal would cause a detriment to the asset, however a formal view would be taken from The Council's Heritage Team should an application be submitted.

## Design and Layout

Noting the number of features proposed under this pre-application, for ease and clarity each matter will be dealt with individually.

Firstly, a detached cart lodge is proposed north of the property, located in a similar position to that of the neighbouring cartlodge associated with No.28. Whilst in this regard the position of the cart lodge is appropriate, with note to the Neighbourhood Plan and the Leavenheath Design Guidelines and Codes (June 2021) in which LEAV9 refers to, the document states 'Garages should be in line or recessed from the main building line and not dominate the street.'. Due to the position of the property at the end of Edies Lane before the highway turns west, construction of a cart lodge in this position would likely block views of the property and therefore would be the dominant feature within the street scene. As such, whilst the principle of a detached cart lodge is not necessarily opposed, a more suitable location should be sought to minimise the dominance of the feature. Aside from this and noting the comments in regard to the parking capabilities of the structure, it is not clear if a first-floor element is proposed and how access would be achieved. More information would be required should an application be forthcoming, however presently the dormers result in a top heavy appearance of the structure, and the inclusion of roof lights instead of dormers would be encouraged.

In regard to the proposed storage barn to the rear of the property, strong discouragement would be given towards bringing this element to application stage. Whilst it is noted that the entire plot of No.30 is large and presently seems to be underutilised, concern is raised in regard to both the separation distance between the barn and the dwelling and also the scale of the barn and the dwelling in comparison. Under LP24 of the Joint Local Plan, all new development must be of a high-quality design, with a clear vision as to the positive contribution the development will make to its context, along with having an appropriate scale and nature. Considering that the storage barn is to have a length of approximately 30 metres, whilst the dwelling, once extended would have a total depth of 22 metres. Seeing as the storage barn is larger than the actual dwelling it is considered to fail LP24 and would be of an inappropriate scale. Within the accompanying planning statement, the justification for the barn is to allow the owners to house machinery required to upkeep the large garden. Whilst this is noted, perhaps a smaller scale barn would be more appropriate. Equally, the design of the barn is to be agricultural in appearance, finished in corrugated steel sheeting. Noting the residential nature of the area, concerns are raised that the siting of an agricultural building would be out of place, especially due to the prominence it may have from the highway. Alongside this, it is also not clear if the storage barn would be an ancillary use to the property, potentially requiring the submission of a full application depending on the use and location.

Finally, when considering the extensions proposed to the dwelling itself, the principle of extending the dwelling is acceptable, however the present design is looking to overdevelop the dwelling. Whilst the scheme would technically be conducted through the extension of the dwelling, the present identity and form of the existing dwelling is all but lost. As such the development is more akin to the complete demolition and reconstruction of a dwelling rather than the extension of the existing. Irrespective, in its current form prior to the submission of a formal planning application, it would be encouraged that the design be revisited. As part of this pre-application proposed floor plans have not been submitted, resultantly advice is offered purely on an elevational perspective. Presently the elevations of the proposed dwelling seem very glazing heavy and without the submission of floor plans no justification for this level of glazing is provided. The three large, rounded windows on the front of the property are intriguing. Whilst employing this type of glazing may create interest, having three of these windows on the front elevation begins to create a conflict of dominance of which is the most prominent. Along with this, ample glazing is proposed on both the eastern and western elevations along with the inclusion of a balcony at first floor level. Concerns are raised that this level of glazing on the side elevations may result in impact upon the neighbouring residential amenity, with multiple new aspects of view over their properties introduced. Along with this, the principle of extending the dwelling to this extent is also somewhat opposed. When considering the remainder of the dwellings on Edies Lane, whilst development is of a mixed scale, noting appears to be of this type of scale resulting in this dwelling likely appearing out of place. As such it is considered that a redesign of the scheme be undertaken taking into account LP24 and LEAV9 of the Development Plan to lessen the proposal.

### **Highways, Access and Parking**

Presently it has not been disclosed either the number of bedrooms as existing within the property nor the number of bedrooms as a result of the development. However, due to the sizable extension, it is assumed that the number of bedrooms would likely increase.

LP29 of the Joint Local Plan, which set out safe, sustainable and active transport, makes reference to applications complying with the relevant parking guidance, in this instance, Suffolk Guidance for Parking (2023). As contained within the document, the minimum requirement for off-street parking per number of bedrooms is laid out along with the minimum size requirement for garages to constitute parking spaces.

The guidance sets out that one-bedroom dwellings requires one off-street parking space, two- and three-bedroom dwellings require two off-street parking spaces and dwellings with four bedrooms or more require three parking spaces. Regardless of the resultant number of bedrooms, it would appear that there would be provision for at least three parking spaces and therefore no immediate concern would arise.

However, concern does arise when considering the proposed four bay cart lodge which would appear to fail Suffolk Guidance for Parking requirements. As set out, cart lodges are expected to provide the same internal space as a garage, this being 6.0m by 3.0m at minimum. As proposed, the cart lodge would only feature a width of 2.3 metres between the oak posts, along with having a depth of 5 metres. Therefore, the cart lodge as a feature would, in technical terms, be unusable. Based on proposed plans when measuring from the two external oak posts, the cart lodge would have a width of 9.5 metres and therefore would accord with the width for three parking spaces. Therefore, should an application be submitted, it would be suggested that the design and post placement be revised to lessen the cart lodge to a three-bay style, whilst also increasing the depth.

## **Landscaping**

Concerns arise notably in regard to the provision of the storage barn in what appears to be a heavily wooded area. Due to the dense appearance of the site, it would be reasonable to consider that in order to facilitate space for the large building that some trees and shrubs would require removal. Whilst none of the woodland is formally protected, The Council would wish to avoid any mature or notable trees being removed. Therefore, should an application be submitted an arboricultural report would be requested to assess the impacts the proposal could have on the woodland area.

## **Ecology**

Due to the southern portion of the site appearing to not be residential curtilage, the provision of the storage building would require the submission of a full planning application, which would trigger the requirement of demonstrating 10% biodiversity net gain. Noting the heavily wooded appearance of the area, sufficient mitigation would be required to be provided on the loss of any habitats. Should it be calculated that 10% net gain cannot be secured on site, the applicant would be required to explore off site options or purchasing credits to offset the development.

Alongside this, due to the impact upon the wooded area, the application would require the submission of ecological appraisals both in regard to the wooded area but also the works undertaken to the roof of the dwelling which may impact upon bats.

Notwithstanding this, the cart lodge and extension elements of this proposal could be achieved under a householder planning application which is exempt from providing biodiversity net gain. However, LP16 sets a local requirement for the provision for biodiversity enhancement measures. As such should an application be forthcoming, it would be reasonable to request that integrated biodiversity enhancement measures be provided. Should these elements not be included they would be secured via condition.

## **Residential Amenity, Safe and Secure Communities**

As briefly touched upon in the design section, concern is raised in regard to the potential impact upon the residential amenity of neighbouring dwellings. This is caused by the introduction of ample glazing on all elevations, along with the provision of a small balcony to the rear of the property. Whilst there is no set distance in regard to where infringements on residential amenity will or will not occur, concerns nonetheless persist. Efforts should be made to both eliminate some of the glazing most notably on the eastern elevation, along with also employing boundary treatments to limit the visibility cross boundary.

Whilst a separation distance between the application property and No.30a has been maintained through the proposal, the introduction of first floor elements and the balcony to the rear may have potential to harm neighbouring residential amenity. As such, it would be suggested that planting be employed along the eastern boundary as to aid No.30a in retaining the privacy of their rear garden.

## **Conclusions/ Planning Balance**

In conclusion, based on the current contents of the pre-application and the numerous issues identified, The Council would discourage this proposal moving to formal application. Whilst the principle of a small extension to the dwelling may be supported the current scheme is considered to

be a vast overdevelopment of the plot which loses any and all character of what is currently there. Further, the provision of the storage barn to the rear of the property is wholly unacceptable with note to both the location outside of the settlement boundary, likely biodiversity impacts and the inappropriate design both in terms of scale and appearance.

### Additional Pre-App

If you require further advice following the above, for example following design amendments, or as a design evolves prior to submitting an application, or if our advice is that you should take further pre-application advice, for design amendments or further heritage advice following revisions, you can request a follow-up pre-app.

Please see the details, and make a new enquiry using the following link:

<https://www.babergh.gov.uk/pre-application-advice>

### Planning Risk Assessment

Should an application be submitted, The Council consider that in its current form this proposal would be a high risk. Concerns are raised in regard most notably to SP03 and LP24 of the Joint Local Plan, along with LEAV9 of the Neighbourhood Plan. It is considered presently that the scale of development exceeds what is suitable for this site, and that the provision of the storage barn is wholly unacceptable. Should revisions be undertaken lessening the extensions to the dwelling, repositioning the cart lodge and eliminating the storage barn, there is potential that the application could be supported. Further, should an application be forthcoming including the storage barn, as this is not within residential curtilage a full planning application would be required.

### Expected Supporting Material in the Event of a Planning Application

Our Joint Local Validation Checklist sets out the details required for each application and this is available at:

[Validation requirements - Babergh District Council - Babergh & Mid Suffolk District Councils - Working Together](#)

However on the basis of the information provided I would particularly draw your attention to the need to provide:

- Defined red line site plan
- Existing and proposed site plan
- Existing and proposed block plan
- Existing and proposed elevations
- Design and access statement
- Flood risk assessment
- Biodiversity net gain metric
- Ecological appraisal/report (as required)

This is not an exhaustive list of all documents and information which need to support your application, as mentioned above please consult the Joint Local Validation Checklist.

- For Householder development (not suitable for joint Listed Building Application) you can submit electronically on our website

[Make a planning application - Babergh District Council - Babergh & Mid Suffolk District Councils - Working Together](#)

- For all types of development you can submit electronically via the Planning Portal [https://www.planningportal.co.uk/info/200232/planning\\_applications](https://www.planningportal.co.uk/info/200232/planning_applications) (please note that applying via this site may incur a submission charge)
- For all types of development you can download the relevant application form from the Planning Portal and send to us by email or post [https://www.planningportal.co.uk/info/200126/applications/61/paper\\_forms](https://www.planningportal.co.uk/info/200126/applications/61/paper_forms)

Please Note the Fee Regulations were updated on 6<sup>th</sup> December 2023, more information about the fees can be found here:

[A Guide to the Fees for Planning Applications in England \(planningportal.co.uk\)](#)

## **Application Progress**

If you submit a formal application we recommend you track its progress by searching using your application reference on our [Public Access webpage](#) and reviewing any comments received.

Technical Consultees are expected to provide formal comments within 21 days from the validation date but may do so sooner. By tracking the progress of your application this can allow you to review comments and provide any additional information during the course of the application.

Note: Pre-applications are not available to search online.

You can register and sign up to receive alerts for your application and any others in your area. Details of how to register can be found on our website via this link:

[babergh.gov.uk/documents/d/asset-library-54706/idox-user-guide-planning-](http://babergh.gov.uk/documents/d/asset-library-54706/idox-user-guide-planning-)

## **Contributions**

### **Community Infrastructure Levy**

Applications for development are subject to Community Infrastructure Levy (CIL).

All new build development over 100sqm (internal), including residential extensions and annexes and all new dwellings regardless of size must pay CIL.

CIL is payable on Permitted Development as well as Planning Permission development

CIL is payable when the development is commenced and you must notify of commencement using the appropriate forms

Failure to submit a Form 6 Commencement Notice and give a minimum of 1 days' notice of commencement will result in the loss of exemptions, relief and/or the right to pay CIL by instalments.

As part of any application you will need to submit the appropriate CIL form. Further information is available on our website:

<https://www.midsuffolk.gov.uk/planning/community-infrastructure-levy-and-section-106/community-infrastructure-levy-cil/>

The CIL forms are also available online:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)

The phasing of community infrastructure levy (CIL) payments may be very important to your cash flow and viability of a development, especially for major developments and any development with Self Build Housing aspirations. If it is intended at any time that your development will be phased then you will need to ensure such phasing is expressly detailed in the planning application prior to determination. You should ensure phasing is clear within the description of development, any conditions imposed and any planning obligations. You will need to also ensure the planning case officer is fully aware of the intention to phase the development and include a phasing plan that shows the relevant phases of the development as well as a clear linear sequence of such phases that would align with the phasing of CIL payments you would find acceptable.

## Building Control

Pre-application advice is also available from our Building Control Team. Find information online: <https://www.midsuffolk.gov.uk/building-control/> or contact the Building Control Manager, Paul Hughes, on 01449 724502. We can offer specialist support, local knowledge and a quality service with expert independent and impartial advice.

Charges include access to the surveyor appointed for any query that may arise before or during construction as well as a tailored inspection regime including inspections which only need to be booked by 10am on the day the inspection is required.

We can also provide carbon emission / fabric energy efficiency calculations at pre-application stage to support planning applications and the necessary Part L calculations and Energy Performance Certificates for Building Regulations compliance and our partners at LABC Warranty can offer a very competitive warranty for all new dwellings which we would be happy to provide further details for / liaise with on your behalf.

## NOTES

Please note that any advice provided by the Council's Officers is informal opinion only and is made without prejudice to any formal determination which may be given in the event of an application being submitted. In particular, it will not constitute a formal response or decision of the Council with regard to any future planning applications, which will be subject to wider consultation and publicity. Although the Case Officer may indicate the likely outcome of a subsequent planning application, no guarantees can or will be given about the decision.

This advice is based on the information provided, background details and constraints at the current time. These circumstances can change and this may affect the advice you have received. You may wish to seek confirmation that the circumstances have not changed if you are considering submitting an application and any substantial amount of time has passed since the date of this advice.

**Adam Lockwood**

Planning Officer

Tel:

Email: [adam.lockwood@baberghmidsuffolk.gov.uk](mailto:adam.lockwood@baberghmidsuffolk.gov.uk)

5th March 2025

Any questions please contact us



**EXHIBIT YW-3**

Council investigation correspondence confirming no breach identified (July 2025)

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**BMSDC PLANNING ENFORCEMENT CASE CLOSURE MEMO**

<b>Address of breach:</b>	Land To The Rear Of 30 Edies Lane Leavenheath Colchester Suffolk CO6 4PA	<b>Enforcement case no:</b> EN/25/00366 <b>Case Officer:</b> David Steel <b>Date received:</b> 01.07.2025
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**The Openness of Local Government Bodies Regulations 2014**

The national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

**Brief description of breach(es):**

Alleged unauthorised use of land as domestic garden curtilage.

**Constraints:**

Priority:	Q20
Parish:	Leavenheath
District:	BDC
LB Grade:	
Con Area:	
Other:	Mineral Consultation Area  CIL Charging Zone  Local Plan 2006 (BDC)  Airfield Safeguarding

**Relevant planning/enforcement history:**

**Planning History:**

<b>REF:</b> B/1041/83/FUL	Erection of single storey side extension.	<b>DECISION:</b> GRA
<b>REF:</b> B/0281/76/OUT REF	Erection of dwelling with garage and construction of vehicular access	<b>DECISION:</b>
<b>REF:</b> B/0407/77/FUL	Use of land for siting of residential caravan.	<b>DECISION:</b> GRA

**REF:** B//90/01219      PART SUBMISSION OF DETAILS UNDER OUTLINE PLANNING PERMISSION B/89/1855 - EXTERNAL APPEARANCE OF DETACHED BUNGALOW AND GARAGE, THE MEANS OF ACCESS TO AND LANDSCAPING OF THE SITE AS AMENDED BY THE APPLICANTS REVISED DRAWING NO 1147/A/5 RECEIVED ON 01.03.91 AND AMPLIFIED BY APPLICANTS LETTER DATED 28.02.91      **DECISION:** GRA

**Enforcement History:**

**REF:** EN/25/00366      Enforcement Enquiry      **DECISION:** PCO

**Summary of findings of investigation / complainant issues:**

Report / referral that some works to trees and an alleged expansion of the garden curtilage of the property was taking place,

The concern around trees was that there may be additional protections such as designated woodland or TPOs. I reviewed the relevant maps and Council records, and whilst the land is adjacent to a recognised "woodland", the area being worked within was not inside this. There were no TPOs.

A site visit was conducted and the owners met on site, they did not consent to pictures being taken but allowed me access to the land to the rear of the property.

The alleged works rather than tree "clearance" were the removal of scrub / brush and dead branches etc as the land had become overgrown. Though if any trees were felled or worked on, no breach would have occurred due to no additional protections.

The demarcation of the dwelling's curtilage is nuanced, as the property's garden extends naturally into the woodland to the rear of the property, though I had a discussion at length and supported by a follow-up letter with the owners about what the Council might consider "development" in need of Planning Permission, the letter was acknowledged with confirmation that only clearance as described above has occurred, currently they (the owners) have not built anything, not have appeared to act in such a way to change the "use" of the land, no breach is established.

**Alternative options considered:**

In making this decision there were no alternative options considered appropriate or applicable.

**Reason(s) for closure:**

No Breach Established

**Any declared conflict of interest in relation to the decision:**

None declared.

**Human Rights Act 1998 & Equality Act 2010:**

I have considered the Human Rights Act 1998 issues raised in relation to this Planning Enforcement investigation, including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security; Public Safety; Economic and well being of the Country; preventing Crime and Disorder; protection of Health and Morals; and, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

I have considered the Equality Act 2010 and the duty imposed under Section 149 to have regard to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and, foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

For the reasons specified above I recommend that the case is closed.

Case/Recommending Officer:	Date:
David Steel	21 July 2025

I agree the reasons stated by the above Officer and authorise closure of the case.

Authorising Officer:	Date:
Simon Bailey	21 July 2025

Response to Complainant?	Yes
If no, state reason:	

Complainant name	Response Method:		
	Email	Phone	Letter
██████████	X		