

## **INSPECTOR'S PRE-CONFERENCE NOTE**

**APPEALS: APP/D3505/C/25/3376611 & 3376612**

**Land at: 30 Edies Lane, Leavenheath, Colchester, Suffolk, CO6 4PA.**

**APPEALS by Mr Adam Willis and Mrs Yasemin Willis.**

**LOCAL PLANNING AUTHORITY: Babergh District Council**

**The appeal is made against an enforcement notice alleging:**

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.

### **Introduction**

1. The case management conference will be led by Mr R Hitchcock, a chartered town planner and Planning Inspector. The forthcoming case management conference (CMC), to which this note refers, will be held virtually and will open at **12.00 on Wednesday 4 February 2026**. Instructions for joining the conference, the etiquette to be observed, and the conference agenda are contained in annexes 1-3 of this note.
2. There will be no discussion as part of the conference as to the merits of your respective cases and Mr Hitchcock will not hear any evidence. Rather, the purpose of the CMC is to set out a clear indication as to the ongoing management of these appeals and the presentation of the evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
3. The Inquiry itself is provisionally scheduled to open at **10:00 on 31 March 2026** at a venue to be confirmed.

### **The grounds of appeal**

4. The appeal is made on the following grounds:
  - Ground (c): That those matters stated in the Notice (if they occurred) do not constitute a breach of planning control.
  - Ground (d): That, at the date the notice was issued, no enforcement Action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice.

- Ground (a): that planning permission should be granted for what is alleged in the enforcement notice.

### **The main issues**

5. From those grounds of appeal and content of the Notice the Inspector considers the **main issues** to be:
  - Whether or not the whole, or part, of the Land benefits from established residential use.
  - Whether the erection of the buildings fall within the provisions and limitations of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), including, whether or not the area of land where the alleged buildings have been constructed lies within the curtilage of the dwelling at 30 Edies Lane.
  - Whether the development alleged in the Notice is consistent with the Council's adopted spatial strategy for new development.
  - The effect of the development on the character and appearance of the locality.
  - The effect of the development on nearby residents' living conditions.
6. The parties should highlight whether or not they consider this to encompass the relevant main issues.
7. It is essential that all parties communicate effectively with one another to seek to narrow the issues for consideration at the Inquiry or through any alternative procedure format. This should be an on-going conversation.

### **Procedure review**

8. The appeal must focus on areas where there is disagreement. We must avoid unnecessary repetition in the presentation of evidence. With that in mind, the CMC will explore how best to hear the evidence to ensure the appeal is conducted as efficiently as possible.
9. At the CMC the Inspector will explore the main parties' views on the merits of the inquiry format and whether it is the most appropriate in the case circumstances. The appellant's preference was for a hearing, while the Council stated a preference for the written representation procedure. The option of a hybrid event should also be considered.
10. In case types where appellants may wish to rely on evidence under oath, the Inspectorate will generally allocate the case as an Inquiry by default. However, we are aware that this may impose a time and/or financial burden on all parties involved.
11. To that end, the parties should consider the following matters:

- For appeals made on the legal grounds (c) and (d) it is the appellant's burden to prove their case on the balance of probability relying on sufficiently precise and unambiguous evidence.
  - The inquiry procedure does not require appellant's to be professionally represented – parties may either represent themselves or engage an advocate.
  - The inquiry procedure enables first- hand evidence to be taken under oath. You should consider whether you may wish to rely on this mechanism and if it would add to your case.
  - The written representations procedure does not allow for any interrogation of the evidence by the Inspector – it will be determined only on written evidence and any observations at a site visit if one is considered expedient (no further evidence can be taken on site).
12. Further advice on the appeal format procedures can be found at: [Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals - GOV.UK](#)
  13. If proceeding by way of Inquiry, the event is currently scheduled for **1 day**, which should be sufficient, however, this will be kept under review and the parties should 'reserve' the opportunity for a second day of sitting.
  14. At the CMC the Inspector will wish to explore the potential for any parts of this event to be held virtually should it be necessary. Regardless of the outcome of that discussion, the Council should make provision so that, if required, attendees can join the Inquiry virtually at short notice should changing circumstances dictate.

## **Dealing with the evidence (if by way of Inquiry)**

### **The Notice**

15. At an Inquiry the preference would be to first deal with the Inspector's duty to try to get notices in order distinct from the grounds of appeal. The Inspector will need to hear any representations on any concerns with the Notice and any points of clarification he may have. This will inform if any correction of the Notice is required. If so, the parties should be prepared to consider if any injustice would arise to any party in the appeal if the Inspector were to so amend the Notice.

### **Evidence**

16. Following that, evidence from each main party on a witness basis will be heard, starting with the appellant's witness/es. Evidence on grounds (c) and (d) is often best suited to formal presentation of evidence and cross examination given under oath or affirmation alongside any legal representations.

17. As set out above, it is the appellants burden to demonstrate on the balance of probability that what is alleged in the Notice isn't development requiring planning permission or that, on the date the Notice was served, no enforcement action could be taken in respect of any breach (in whole or part) of planning control.
18. Any third parties wishing to give evidence will also be heard.
19. The ground (a) appeal and the deemed application for planning permission are not matters requiring evidence on oath. The parties should consider whether there is merit on a hearing format for that purpose or whether the written representations would suffice.

### **Other matters**

20. To assist in setting the Inquiry programme, at the CMC the Inspector will seek provisional witness numbers and subject areas to be covered by those witnesses.
21. He will also be seeking views in respect of a site visit, the timing of this and any practical matters that need early consideration.
22. Annex 3 of this note contains the CMC agenda. Annex 4 sets out the preferred format and content of proofs of evidence and other material, which should be observed. Annex 5 sets out the preferred format for the core document list which the Council should compile and manage. Please note that all documents will be required to be submitted electronically and a public document library must be provided both online and in either a hard copy or accessible electronic form at the Inquiry venue.
23. In the interests of transparency, a copy of this note should be posted on the Council's website.

30 January 2026

Enclosures: Annex 1-5

### **Annex 1: Instructions for joining the Case Management Conference**

1. Please join the conference before the start time by using the link that will be provided by the Council.
2. Should you experience any connection difficulties either before or during the conference, please contact the Council direct.
3. Where a party experiences connection difficulties the Inspector will adjourn the conference until the matter is resolved.
4. Detailed instructions on the running of a virtual event will be provided during the conference.

## **Annex 2: Etiquette for Case Management Conference**

1. Before joining the conference, please ensure that:
  - all the necessary persons for your side are present in good time and that mobile phones and the like are turned off, or on silent mode during the conference;
  - any electronic devices/phones you will be relying on during the conference all are fully charged;
  - you know how to join the conference;
  - you have a copy of the agenda readily to hand; and
  - a single spokesperson is nominated to speak for each party.
2. Upon joining the conference, the Council will record the names of those present during the call for each party before the Inspector leading the case conference 'arrives'. The Inspector will 'arrive' last and leave first. As a matter of courtesy, please make the Council aware when joining if you intend to record the conference.
3. During the conference the Inspector will lead the conference. He will invite specific contributors to speak at particular times. Please use the 'raise hand' function to indicate when you wish to speak, but also remember to cancel this after you have spoken.
4. Please be conscious of when, and when not to speak – talking over people is unhelpful in any situation. No one likes being spoken over, so please make sure you take note of your cues to speak and don't speak over (or louder) than the other participants.
5. Background noise on a conference call can be an issue. Please remember to put yourself on mute and then un-mute yourself when you speak. Also, please make sure that other devices are kept away from the main speaker to avoid potential issues with feedback.

## **Annex 3: Case Management Conference Agenda**



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# **Case Management Conference Agenda**

Case Management Conference to be held at 12.00 on 4 February 2026

Inquiry to open at 10:00 on 31 March 2026

**by R Hitchcock BSc DipCD MRTPI**

**an Inspector appointed by the Secretary of State**

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**APPEALS APP/D3505/C/25/3376611 & 3376612**

**Land at: 30 Edies Lane, Leavenheath, Colchester, Suffolk, CO6 4PA**

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- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - Appeal A is made by Mr Adam Willis against an enforcement notice issued by Babergh District Council. Appeal B is made by Mrs Yasemin Willis
  - The notice was issued on 17 November 2025.
  - The breaches of planning control as alleged in the notice are:  
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.
  - The requirements of the notice are to: 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.
  - The period for compliance with the requirements is: Six months.
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## **AGENDA**

1. Introduction by the Inspector
2. The Grounds of Appeal
3. Likely Main Issues
4. Procedure Review
5. Dealing with the Evidence
6. Inquiry running order and duration
7. Format of and Timetable for Documents

8. Venue

9. Costs

10. CMC note and any other business

*R Hitchcock*      INSPECTOR



## **Annex 4: Preferred content and format of proofs and appendices**

### **Content of proofs**

Proofs of evidence **should**:

- focus on the main issues identified, in particular on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence; and
- where data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

Proofs of evidence **should not**:

- duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy; or
- recite the text of policies referred to elsewhere: the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposals' merits need be referred to.

### **Format of the proofs and appendices**

Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.

An electronic copy of each proof and any appendices are required. A hardcopy of each proof is also to be provided spiral bound or bound in such a way as to be easily opened and read. Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover. Pages and paragraphs should be numbered. Appendices are to be bound separately. Appendices are to be indexed using projecting tabs, labelled and paginated.

## **Annex 5: Template for Core Document List**

### **CORE DOCUMENT LIST**

#### **CD1 Enforcement / Application Documents and Plans**

- 1.1
- 1.2 etc

#### **CD2 Additional/Amended Reports and/or Plans submitted after validation**

- 2.1
- 2.2 etc

#### **CD3 Authority / Committee Report and Decision Notice**

- 3.1 Officer's Report and minute of committee meeting / delegated report
- 3.2 Decision Notice
- 3.3 etc

#### **CD4 The Development Plan**

- 4.1
- 4.2 etc

#### **CD5 Emerging Development Plan (where relevant)**

- 5.1
- 5.2 etc

#### **CD6 Relevant Appeal Decisions\***

- 6.1
- 6.2 etc

#### **CD7 Relevant Judgements\***

- 7.1
- 7.2 etc

#### **CD8 Other**

- 8.1
- 8.2 etc

\* Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.