

STATEMENT OF CASE – ENFORCEMENT

Babergh District Council

Appeal reference: 6013250

Local Planning Authority reference: EN/26/00216

Appeal by Mr Guy Lennox under Section 174 of the Town and
Country Planning Act 1990 in respect of:

The Enforcement Notice issued on 24th June 2026 against the breach of planning control involving *“Without planning permission, the material change of use of agricultural land for vehicle parking and commercial activities for more than 28 days within a calendar year”*.

Site address:

Land on the east side of Dedham Road, Stratford St Mary, Suffolk, CO7 6DH

September 2026



1.0 INTRODUCTION

- 1.1 This statement is prepared as the statement of case of Babergh District Council for the appeal lodged under the above reference against the Enforcement Notice issued on 24th June 2026 taking effect on 22nd July 2026. The appeal is made by Mr Guy Lennox.
- 1.2 A copy of the Enforcement Notice, and the accompanying red line site plan are attached as **Appendix 1 and Appendix 1a**.

2.0 THE SITE

- 2.1 The site is located on land on the northern side of the River Stour and within the parish of Stratford St Mary.
- 2.2 The site comprises of agricultural land which is normally used for the grazing of cattle. It is understood that the Appellant has erected post and rail fencing in other parts of the agricultural field. This fencing appears to have been installed to provide some protection for the cattle by separating them from the area used as a temporary car park and commercial activities, as well as from visitors that frequent the area.
- 2.3 There is a Grade II listed building in the vicinity of the site known as Whalleys, Dedham Road, Stratford St Mary located in the north-west.
- 2.4 The site is not located within a Conservation Area but is located within the Dedham Vale National Landscape.
- 2.5 The site is located within functional flood zones 2 and 3.
- 2.6 A Public Right of Way follows the banks of the River Stour along the southern boundary of the site. This footpath is an important pedestrian link between Dedham and Flatford Mill, passing through the heart of the Dedham Vale National Landscape. The footpath provides publicly accessible views of the Stour Valley and the historic 'Constable Country' landscape associated with the works of John Constable.
- 2.7 The site is located within the countryside.

2.8 A copy of the location plan for the site is provided as **Appendix 1a**.

3.0 RELEVANT PLANNING HISTORY

3.1 No planning permissions have been granted for the change of use of agricultural land by the Local Planning Authority.

3.2 The Appellant claims to be exercising the permitted development right under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to use the land for any purpose for not more than 28 days in total in any calendar year.

4.0 PLANNING POLICIES AND GUIDANCE

4.1 National Planning Policy Framework (NPPF) (December 2024) and National Planning Policy Framework – Plan-making and national decision-making policies (NPPF) (August 2026)

4.2 Paragraph 60 of the NPPF refers to Enforcement, and states “*Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate*”.

4.3 This Paragraph has been superseded by Plan-making and national decision-making policy DM8 of the NPPF (August 2026). DM8 refers to Unauthorised development and enforcement, and states

“ 1. *Where there has been unauthorised development and local planning authorities are considering whether enforcement action is expedient, they should take account of*

their local enforcement plan, the impact of the breach of planning control, and the extent to which the breach would otherwise be acceptable.

2. In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission”.

4.4 Paragraph 135 of the NPPF refers to Achieving well-designed places, and states *“Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

...

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

4.5 This Paragraph has been superseded by Plan-making and national decision-making policy DP3 of the NPPF (August 2026). DP3 refers to Key principles for well-designed places, and states

“1. Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

2. To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location:

a. Liveability: support healthy, mixed, vibrant and integrated communities, which will function well over the lifetime of the development, by incorporating a range of uses and tenures, employing features which promote social interaction, and which are robust, durable and easy to look after;

b. Climate: contribute to climate change mitigation and adaptation and the transition to net zero by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources, and which minimise risks from the impacts of climate change including overheating;

c. Nature: incorporate and/or connect to a network of high quality, accessible, multi-functional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate change resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies N3 and F8;

d. Movement: provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport;

e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;

f. Public Space: include spaces that are safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls; and which facilitate and encourage social interaction, play and healthy lifestyles (for example by providing high quality, clear and legible pedestrian and cycle routes, a variety of recreational spaces and places to meet, integrating lighting and making building entrances and windows face onto streets and other public spaces to provide natural surveillance); and

g. Identity: create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

3. Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally-specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

4.6 The development is contrary to this Plan-making and national decision-making policy as it introduces an intrusive commercial activity that harms the rural character and appearance of the area, particularly within the designated National Landscape of Dedham Vale. The car parking use creates noise and disturbance that adversely affects the local amenity, and the parking of commercial vehicles within the access splay presents a highway safety risk due to visibility being restricted and conflict with passing traffic on the main Dedham Road (B1029).

4.7 Paragraphs 170 and 176 of the NPPF refers to Planning and Flood risk, and states “*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere*”.

“Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test set out below, but should still meet the requirements for site-specific flood risk assessments set out in footnote”.

4.8 These Paragraphs have been superseded by Plan-making and national decision-making policies F2, F5 – F7 of the NPPF (August 2026). F2 refers to Planning for Effective Flood Risk Management, and states

“ 1. Development plans should take a risk-based approach when identifying suitable locations for development, taking into account all sources of flood risk and the current and future impacts of climate change. They should do this, and manage any residual risk, by:

a. Applying the sequential test in policy F5 and, where relevant, policy F6;

b. Safeguarding land that is, or is likely to be, required for current or future flood management;

c. Using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and

d. Where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations”.

4.9 F5 refers to The sequential test, and states

“1. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users.

2. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, other than for:

a. Sites allocated in the development plan which were subject to the sequential test during plan preparation;

b. Sites where a site-specific flood risk assessment demonstrates clearly that:

i. No built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk); or

ii. Where the site would be at risk of surface water flooding only, the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere in accordance with policy F7.

c. For the following types of development:

i. Householder development;

ii. Small non-residential extensions (with a footprint of less than 250m²); and

iii. Changes of use, other than changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.

3. The strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test”.

4.10 F6 refers to Development in areas at risk of flooding from rivers or the sea, and states “1. In areas falling within flood zones 2, 3a, or 3b (as defined in Annex F, table 1):

a. Development proposals should be refused if the use is incompatible with the risk from river or sea flooding, as set out in Annex F, table 3; and

b. In certain other circumstances set out in Annex F, table 3, in addition to satisfying the sequential test in policy F5 where applicable, development will only be appropriate where an ‘exception test’ is satisfied. The exception test involves demonstrating that the development would meet all the following criteria:

i. Provide wider sustainability benefits to the community that outweigh the flood risk;

ii. Be safe for its anticipated lifetime in accordance with policy F7; and

iii. Not increase flood risk elsewhere and, where possible, reduce flood risk overall.

2. The application of the exception test should be informed by a site-specific flood risk assessment. The exception test does not need to be applied:

a. To those forms of development, or in those circumstances, where the sequential test is not required, as set out in policy F5; or

b. Where development is proposed on a site allocated in the development plan to which the exception test was applied at the plan-making stage, unless there has been a significant increase in the risk of flooding to the site subsequently, or the nature of the development itself has changed significantly from that which was allocated so as to introduce a more vulnerable use (having regard to Annex F, table 2)”.

4.11 F7 refers to Ensuring development is safe from flooding, and states

“1. Development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.

2. Where development is proposed in a location known to be at risk from any form of flooding, now or in the future, it should be refused unless:

a. Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons which justify a different arrangement;

b. The development will be safe throughout its lifetime taking account of the vulnerability of its users;

c. Any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan;

d. The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; and

e. It can be demonstrated that flood risk will not be increased elsewhere”.

4.12 The development is contrary to these Plan-making and national decision-making policies as it is located within the functional Flood Zones 2 and 3. It therefore requires a site-specific flood risk assessment demonstrating both how the use would be made safe for its duration and how it will avoid increasing flood risk elsewhere in the locality.

4.13 Paragraphs 187, 189 and 190 of the NPPF refers to Conserving and Enhancing the Natural Environment, and states “ *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

...”

And

- 4.14 *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.*

And

- 4.15 *“When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

- 4.16 These Paragraphs have been superseded by Plan-making and national decision-making policies N1, N2 and N4 of the NPPF (August 2026). N1 refers to Identifying environmental opportunities and safeguards, and states

“1. Development plans should safeguard and enhance the natural environment, and reflect the wider benefits from natural capital and ecosystem services, by using Local Nature Recovery Strategies, Protected Landscape Management Plans, River Basin

Management Plans, National Forest Strategies, Community Forest Plans and other relevant evidence at the most appropriate level to:

a. Set out the hierarchy of international, national and locally designated sites and areas of importance for their landscape, geodiversity or biodiversity value in the plan area, and identify other features which require particular consideration in managing development due to their environmental value such as chalk streams;

b. Identify opportunities for the conservation, enhancement and recovery of landscapes, sensitive waterbodies, habitats and priority or threatened species, including through habitat restoration, the use of nature-based solutions, and the creation and strengthening of ecological networks that are more resilient to current and future pressures (including opportunities which exist at a catchment or landscape scale across plan boundaries);

c. Steer the location of development, including through site allocations, in ways which utilise land of least environmental value where that would be consistent with other policies in this Framework. This should include limiting the scale and extent of development within Protected Landscapes, avoiding the use of higher quality agricultural land where land of poorer quality is available and avoiding and minimising harm to designated sites of importance for nature. Areas which could become of particular importance for nature identified in Local Nature Recovery Strategies should be taken into account as opportunities to integrate development with environmental restoration, but should not necessarily preclude the allocation of land for development; and

d. Set out standards for green infrastructure provision, in a way which complements and/or incorporates those for recreational land (as set out in policy HC1). These should draw upon Natural England's Green Infrastructure Standards for England, tailored as necessary to local circumstances.

2. Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable. Local standards should not extend to categories of development which are exempt from statutory biodiversity net gain”.

4.17 N2 refers to Improving the natural environment, and states

“1. To contribute positively to the natural environment, and support nature’s recovery, development proposals should:

a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply);

b. Take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible;

c. Take suitable opportunities to connect to and strengthen ecological networks that extend beyond the site, drawing on the measures proposed by Local Nature Recovery Strategies, National Forest Strategies and Community Forest Plans, where present, and other relevant assessments;

d. Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings;

e. Use green infrastructure provided as part of the scheme and nature-based solutions to secure multiple benefits: such as for biodiversity; surface water and pollution management (including maintaining flow rates and water quality); climate change mitigation and adaptation, and recreation;

f. Minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Development proposals should incorporate integrated nest boxes (commonly known as swift bricks) into their construction unless there are compelling technical reasons which prevent their use, or would make them ineffective; and

g. Ensure that green infrastructure and other features to support nature are located and designed to minimise risk of future failure, and that appropriate measures are in place for any necessary long-term management.

2. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.

3. Development proposals may incorporate biodiversity enhancements which exceed the statutory objective for biodiversity net gain, but this should only be a requirement where it is set out in up-to-date development plan policies for specific site allocations. Decision-makers should not give weight to other development plan policies which require biodiversity gains which go beyond the statutory framework, including where a policy requires gains for development proposals which are exempt”.

4.18 N4 refers to Protected Landscapes, and states

“1. Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas, and to conserving and enhancing wildlife and cultural heritage in National Parks and the Broads.

2. Proposals for major development within Protected Landscapes should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. To inform a decision about whether exceptional circumstances exist, consideration of such proposals should include an assessment of:

a. The need for the development, including in terms of any national considerations such as maintaining a sufficient supply of minerals, and the impact of permitting it, or refusing it, upon the local economy;

b. The cost of, and scope for, developing outside the Protected Landscape, or meeting the need for the development in some other way; and

c. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which it could be moderated.

3. Where, exceptionally, proposals for major development are approved within Protected Landscapes, steps should be taken to mitigate potential adverse impacts on their special qualities and statutory purposes, including on features such as tranquillity and dark skies.

4. Development proposals within the setting of Protected Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the Protected Landscape”.

4.19 The development is contrary to these Plan-making and national decision-making policies as it fails to recognise or safeguard the intrinsic character and beauty of its countryside location and is located within the designated National Landscape of Dedham Vale. It further fails to minimise impacts on biodiversity or provide any net gain as required by national policy.

4.20 Paragraph 193 of the NPPF refers to Habitats and Biodiversity, it states “*When determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

...”.

4.21 This Paragraph has been superseded by Plan-making and national decision-making policies N6 of the NPPF (August 2026). N6 refers to Areas of particular importance for biodiversity and geodiversity, and states

“1. To support the conservation of important habitats, species and sites of geodiversity value, development proposals affecting:

a. A site of international importance, which for the purpose of this policy is a habitats site, should be refused unless:

i. An appropriate assessment has concluded that the proposal will not adversely affect the integrity of the site (either individually or in combination with other developments), or the proposal can satisfy the derogation tests; and/or

ii. The impact of development on the relevant protected features of the protected site is being addressed through an Environmental Delivery Plan which has been made and the developer has committed to paying the nature restoration levy.

...

3. This policy applies to development on land inside or outside a designated area, if it would have an impact on the identified biodiversity or geodiversity value of the area concerned”.

4.22 The development is contrary to this Plan-making and national decision-making policy as it fails to demonstrate that harm to biodiversity cannot be avoided or can be adequately mitigated.

4.23 Babergh and Mid Suffolk Joint Local Plan (JLP), Part 1 (2023)

4.24 Planning policy **SP09** refers to Enhancement and Management of the Environment states “1) *The Councils will require development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes.*

4) Through biodiversity net gain, all development will be required to protect and enhance biodiversity ensuring the measures are resilient to climate change”.

4.25 The development is contrary to Policy SP09, Enhancement and Management of the Environment, as the use of land for vehicle parking and commercial activities results in harm to the countryside and rural setting, including the National Landscape of

Dedham Vale, through the introduction of noise, visual intrusion and disturbance that undermine the landscape qualities the policy seeks to conserve and enhance. Additionally, further information is required to enable a full and sufficient assessment of the ecological potential on site including any mitigation measures to limit disturbance to wildlife and loss of vegetation.

4.26 Planning policy **SP10** refers to Climate Change states “*The Councils will require all development to mitigate and adapt to climate change by:*

a. Adopting a sequential risk-based approach taking into account futureproofing measures for impacts of flooding;”.

4.27 The development is contrary to Policy SP10, Climate Change, due to an absence of information to demonstrate how the development will be resilient to climate change, including appropriate future proofing and mitigation measures for potential flood impacts.

4.28 Planning policy **LP16** refers to Biodiversity & Geodiversity states “*1) All development must follow the biodiversity mitigation hierarchy.*

2) Development must:

c) Conserve, restore and contribute to the enhancement of biodiversity and geological conservation interests including Priority habitats and species. Enhancement for biodiversity should be commensurate with the scale of development;

e) Identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity.

....

3) Development which would have an adverse impact on species protected by legislation, or subsequent legislation, will not be permitted unless there is no alternative and the LPA is satisfied that suitable measures have been taken to:

a. Reduce disturbance to a minimum;

b. Maintain the population identified on site; and

c. Provide adequate alternative habitats to sustain at least the current levels of population.

4) Where appropriate, the LPA will use planning obligations and/or planning conditions to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum”.

4.29 The development is contrary to Policy LP16, Biodiversity & Geodiversity, due to a lack of information to demonstrate how it avoids and minimises impacts from the use of the land caused by vehicle movements and increased human activity which will disturb local habitats. There is no provision for restoration or compensation measures relating to use of the land for the parking of vehicles and commercial activities. Furthermore, there has been no demonstration of the ecological potential for on-site biodiversity net gain.

4.30 Planning policy **LP18** refers to Area of Outstanding Natural Beauty states “1. *Proposals for major development within the AONBs will be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*

2. The Councils will support non-major development within the AONBs and development within the setting of the AONBs that:

a. Gives great weight to conserving and enhancing the landscape and scenic beauty;

b. Integrates positively with the character of the area and reinforces local distinctiveness of the AONBs;

c. Is sensitive to the natural and built landscape and visual impacts (including on dark skies and tranquil areas);

d. Supports the provision and maintenance of local services, facilities and assets (including affordable housing), so long as it is commensurate with the character and objectives of the AONBs;

e. Demonstrates special regard to conserving and enhancing landscape character, landscape values and heritage assets in the AONBs; and

f. Conserves the distinctiveness of the AONBs (including quality views), supports the public enjoyment of these areas and the wider social and economic objectives set out in the AONB Management Plans.

3. Development within the AONB Project Areas should have regard to the relevant Valued Landscape Assessment”.

4.31 The development is contrary to Policy LP18, Area of Outstanding Natural Beauty, as the development is located within the countryside and designated National Landscape of Dedham Vale and the temporary use of the land for vehicle parking and commercial activities fails to conserve or enhance the natural landscape setting and, instead, introduces visual and activity-based intrusion that is harmful to the scenic beauty, tranquillity and rural character of the area. As a result, the development is detrimental to the special qualities and landscape values that LP18 and the Dedham Vale National Landscape seeks to protect.

4.32 Furthermore, Local Planning Authorities are subject to a statutory duty in relation to the conservation and enhancement of Protected Landscapes. Section 245 (Protected Landscapes) of the Levelling up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions that may affect land within National Parks, National Landscapes and the Norfolk and Suffolk Broads (collectively referred to as Protected Landscapes) in England. As the appeal site is within or has the

potential to affect the Dedham Vale National Landscape, the Council is required to seek to further the purpose of conserving and enhancing the natural beauty of the designated landscape. This statutory duty is a material consideration that attracts significant weight of the development's effects on the character, appearance and scenic quality of the National Landscape.

4.33 Planning policy **LP27** refers to Flood risk and Vulnerability, states "*Proposals for new development can be approved where:*

1. The Strategic Flood Risk Assessment, as a starting point, has been used to assess whether the proposal is at risk of flooding and any impact of the proposal on flood risk. Other available flooding evidence should also be considered where it is relevant and/or is more up to date;

2. In areas at medium or high risk from flooding, it has been soundly demonstrated that the new development or intensification of development, can be made safe for its lifetime without increasing flooding elsewhere. This includes addressing the 'sequential test'; where needed the 'exception test' and also a site specific flood risk assessment;

3. Mitigation is provided against existing and potential flood risks throughout the life of the development (including fluvial, pluvial, tidal and sewer flooding) through application of a sequential approach to flood risk within the design and layout of the site, the implementation of Sustainable Drainage Systems (SuDS), and avoiding or mitigating risks to ground or surface water quality;

4. Above ground, appropriate SuDS are incorporated within new developments unless it can be demonstrated that ground conditions are unsuitable for such measures, and take these opportunities to provide multifunctional benefits, including biodiversity, landscape, amenity and water quality enhancement (but excluding public open space);

5. Details appropriate to the scale of development are provided regarding how on-site surface water drainage will be managed so as to not cause or increase flooding elsewhere. This includes taking account of the cumulative impact of minor developments;

6. Opportunities to provide betterment of greenfield runoff rates to reduce the overall risk of flooding, have been provided wherever possible;

7. In circumstances requiring surface water management measures (including rain water harvesting), adequate mitigation which removes any increased flood risks and/or detrimental impacts are provided to support any planning application to the satisfaction of the Lead Local Flood Authority;

8. Further indicative details of long-term maintenance, management and where appropriate adoption by an appropriate body are provided at application stage; and

9. There is no unacceptable impact upon areas identified as vulnerable to coastal erosion”.

- 4.34 The development is contrary to Policy LP27, Flood risk and Vulnerability, as no evidence has been provided to demonstrate that the temporary use of land for vehicle parking and commercial activities has been informed by the Strategic Flood Risk Assessment (SFRA) or other relevant flood risk data. The development is located within functional flood zones 2 and 3 where a sequential risk-based approach and robust mitigation are essential. No information has been provided to demonstrate how the use would be made safe for its duration or how it will avoid increasing flood risk elsewhere in the locality.

THE COUNCIL’S CASE (INCLUDING COMMENT ON THE APPELLANT’S GROUNDS OF APPEAL STATEMENT).

5.0 The Ground (a) Appeal –

- 5.1 The Appellant has appealed on Ground (a) that planning permission should be granted for the use of the Appeal Site for vehicle parking and commercial activities.

- 5.2 For the reasons set out in section 4.0 of this Statement, the development is contrary to national and local plan policies. The Appellant has failed to demonstrate that the use would preserve the character and appearance of the area or avoid unacceptable impacts on the rural landscape and the Dedham Vale National Landscape, therefore planning permission should not be granted and the Ground (a) of this enforcement appeal should not succeed.
- 5.3 The Appellant suggests that any planning permission would be acceptable if a condition was imposed restricting the use to a maximum period of 58 days in a calendar year. However, insufficient evidence has been provided to demonstrate that such a use would be acceptable in planning terms. No details have been provided as to the site layout, vehicle numbers, hours of operation, flood risk, biodiversity impacts, landscape mitigation, or measures to minimise harm to the character and appearance of the countryside and the Dedham Vale National Landscape.
- 5.4 Furthermore, the Appellant has not specified how the proposed 58 days would be used. No indication has been provided as to whether the days would be consecutive, seasonal, weekends and bank holidays etc. Without this information, the likely frequency, intensity and impacts of the use cannot be properly assessed.
- 5.5 In the absence of this information, the Council considers that the proposed condition would not overcome the principal planning objections to the development. The Appellant has not demonstrated that a temporary commercial use of the site for up to 58 days per calendar year would be consistent with the objectives of national policy or the Council's Joint Local Plan.
- 5.6 For reasons set out above, the Council respectfully requests that the appeal should be dismissed on Ground (a).

6.0 The Ground (b) Appeal –

- 6.1 The Ground (b) appeal is that the matters alleged in the Enforcement Notice have not occurred. The Council does not agree and maintains that the evidence in **Appendix 2** and **Appendix 3** demonstrates that the Land has been used for vehicle parking and commercial activities for a cumulative period exceeding the 28 day allowance permitted under Schedule 2, Part 4, Class B, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”).
- 6.2 Under Schedule 2, Part 4, Class B, of the Order, the temporary use of land is permitted for up to 28 days within a calendar year, subject to limitations. The Enforcement Notice alleges that the Land has been used for vehicle parking and commercial activities beyond this permitted period, resulting in a material change of use from agriculture.
- 6.3 The Appellant does not dispute that the Land has been used for temporary vehicle parking. The Council’s position is that the frequency and cumulative duration of the vehicle parking, together with the commercial activities, exceed the scope of the permitted development right afforded by the Order.
- 6.4 The Council understands that the Land has been used seasonally as an informal temporary car park by visitors to the area, particularly during periods of good weather when recreational and water activities with the River Stour attract a significant number of visitors. The Council also understands that the operation of the temporary car park is managed on site by the operator New Wave Paddleboards business, who also is regularly present at the entrance of the land offering its goods and services when the temporary car park is closed.
- 6.5 From the evidence provided by local residents, it is apparent that the cumulative use of the land for vehicle parking and commercial activities, including the presence of the New Wave Paddleboards business and ice cream vans parking in front of the gated access, exceeds the 28 day permitted development allowance. It has been alleged that these activities amount to 51 days of use between 3rd April 2026 and

23rd June 2026 prior to the date that the Enforcement Notice was served on 24th June 2026.

- 6.6 The Appellant insists that the presence of ice cream vans is outside his control and may not always occur on land within his ownership. However, the Council is aware that the appellant has an arrangement with the New Wave Paddleboards business which is permitted to park its vehicle in front of the gated access when the temporary car park is not in use and offer their goods and services to the visitors in the vicinity of and enjoying the River Stour.
- 6.7 This arrangement provides the Appellant with a degree of protection from vehicles obstructing access to the agricultural field, thereby enabling him to attend to his livestock when necessary. When access is required, the New Wave Paddleboards business moves their vehicle to allow the Appellant to enter the agricultural field. Accordingly, the Council considers that the Appellant is able to exercise a measure of control over activities taking place immediately in front of the gated access and that access to the Land is not obstructed by the presence of vehicles associated with visitors to the area.
- 6.8 The Appellant has also referred to the display of a “no parking” sign on the field gates. Whilst the Council notes the presence of this sign, the display of a sign does not demonstrate that the activities complained of did not occur. The evidence provided to the Council indicates that vehicles continued to park on the Land and its access splay notwithstanding the presence of the sign.
- 6.9 The Council recognises the importance of distinguishing between land that forms part of the appeal site and land that falls within the public highway. The Council consulted Charlotte Frost, Highway Enforcement Manager at Suffolk County Council. Following a site inspection, she confirmed that the highway boundary extends approximately 5 metres from the edge of the carriageway centre line towards the field entrance and that there is a distinction between land within the ownership of the Appellant and land maintained as public highway. She also advised that the Traffic Regulation Order applies to the highway area and that vehicles parked within that area would be liable

to enforcement action once the double yellow lines are refreshed. I now produce a copy of the Suffolk County Council Highway plan as **Appendix 4**.

- 6.10 On those occasions where a commercial vehicle is parked in front of the gated access, it appears that it is parked on land within the Appellant's ownership and within the area edged in red on the site plan attached to the Enforcement Notice. When this is considered along with the evidence that the Council has collected through photographs, observations and activity logs provided by local residents, this demonstrates the cumulative use of the appeal site for vehicle parking and commercial activities. The evidence indicates that the Land has been used for purposes other than agriculture and for a duration in exceedance of 28 days.
- 6.11 For the reasons set out above, the matters alleged do amount to a breach of planning control, and the appeal should be dismissed on Ground (b).

7.0 The Ground (c) Appeal –

- 7.1 The Council disputes the Ground (c) appeal. The matters alleged in the Enforcement Notice do constitute a breach of planning control because, as set out in Section 171A(1)(a) of the Town and Country Planning Act 1990, the breach comprises the material change of use of the Land from its lawful agricultural use for vehicle parking and commercial activities for more than 28 days within a calendar year, without planning permission.
- 7.2 The Council accepts that the use of the Land for any purpose is permitted under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the Order") for a temporary period not exceeding 28 days in total in any calendar year, subject to the limitations and conditions of that Class.
- 7.3 The matter in dispute is not whether the Appellant benefits from Class B permitted development rights, but whether the use undertaken on the Land remained within the limits of those rights. The Council's case is that the use exceeded those limits,

specifically the maximum temporary 28 day period that is permitted under Class B and was therefore not authorised by those permitted development rights.

- 7.4 The Council has been provided with evidence from local residents including activity log sheets, dated photographs and observations which demonstrate that the Land including the parking of the New Wave paddleboards business and ice cream vans in front of the gated access has been used on a significant number of occasions for purposes other than for agriculture. This evidence shows the Land being used for vehicle parking, together with the presence of commercial operators such as the New Wave paddleboards business, ice cream van and coffee van, signage, plastic traffic barriers and associated paraphernalia in conjunction with the unauthorised change of use occurring on the Land. I now produce a copy of that evidence as **Appendix 2** and **Appendix 3**.
- 7.5 The evidence provided in **Appendix 2** and **Appendix 3**, shows that these activities occurred on numerous occasions between 3rd April 2026 and 23rd June 2026. When these periods of use are combined, it identified a total of 51 days on which these unauthorised activities occurred on the Land. The Council's position is that the temporary use allowance provided by Class B was exceeded. Once the 28 day allowance is exceeded, the use falls outside the scope of permitted development and therefore planning permission is required.
- 7.6 The Appellant argues that the stationing of vehicles and commercial operators in the area immediately outside the field gate should be disregarded because that land is either outside his control or forms part of the public highway. The Council accepts that ownership and highway status are separate matters which must be carefully separated. However, the Council's case does not depend solely upon activities occurring outside the field gates as it is a cumulation of activities occurring within the entirety of the appeal site as shown edged red on the Enforcement Notice Site Plan.
- 7.7 The Council does not agree that the activities observed are de minimis. The frequency, duration and recurring nature of the use, together with the presence of commercial activities and associated paraphernalia, demonstrate a use which materially differs from the lawful agricultural use of the Land.

7.8 For the reasons set out above, the matters alleged do amount to a breach of planning control, and the appeal should be dismissed on Ground (c).

8.0 Conclusions

8.1 The Council contends that it is expedient to remedy the breach of planning control involving the unauthorised material change of use of agricultural land for vehicle parking and commercial activities beyond the temporary 28 day allowance permitted under Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The unauthorised use has introduced a commercial activity into the rural countryside which has materially altered the character of the Land and resulted in harm to the character and appearance of the surrounding area and to the Dedham Vale National Landscape.

8.2 The Council therefore considers that the requirements of the Enforcement Notice are both necessary and proportionate to remedy the planning harm identified. The cessation of the unauthorised vehicle parking and commercial activities, the removal of all associated paraphernalia, and the restoration of the Land to its former condition are required to safeguard the character and amenity of the countryside, secure compliance with planning control and maintain public confidence in a fair and effective planning system.

8.3 Accordingly, the Council respectfully requests that the appeal be dismissed and that the Enforcement Notice is upheld.

APPENDICES

- Appendix 1.** Enforcement Notice.
- Appendix 1a.** Enforcement Notice Plan.
- Appendix 2.** Activity log sheets provided by local residents.
- Appendix 3.** Dated photographic evidence provided by local residents.
- Appendix 4.** Suffolk County Council Highway plan.