



Appeal Decision

Site visit made on 25 February 2026

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2026

Appeal Ref: APP/X3540/C/24/3355669

Land at The Green, Saxtead IP13 9QE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Mia Hutchings against an enforcement notice issued by East Suffolk Council.
 - The notice was issued on 17 October 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the laying of a hard standing and associated groundworks ("the Unauthorised Development").
 - The requirements of the notice are to:
 1. Permanently remove the hardstanding and associated groundworks, including any pipes, structural works, and materials used to construct the Unauthorised Works.
 2. Restore the Land to its condition immediately prior to the laying of the Unauthorised Development taking place by reseeding with grass seed or turning the Land.
 - The period for compliance with the requirements is: 4 months after this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area including the Saxtead Green Conservation Area (CA) and on flood risk.

Reasons

Character and Appearance

3. The Saxsted Green Conservation Area appears to derive its significance, as a whole, from the historic buildings, spacious pattern of development and rural character of this settlement.
4. The Green includes large verges on both sides with properties set well back from the road. 12 The Green is part of a group of more closely spaced properties, which are nevertheless set back from the road behind generous front gardens and a green verge which includes a ditch and boundary planting. Although there is a dispute on this point, submissions indicate that previously vehicles have parked in this area, or driven across it to park in the front garden of no. 12. However, in general this group of properties have pedestrian access only with few narrow paths across the verge which preserves the green character in this location.

5. Elsewhere along The Green there are some properties which have driveways leading to the road, some of which are gravel. However, these are generally to larger plots which are set further back and therefore their characteristics are different to those at the appeal site. As such, overall, the undeveloped, soft landscaped character of the verge makes a positive contribution to the traditional spacious pattern of development, the green rural character and to the significance of the CA in these regards.
6. The appeal scheme is for works in the location of the drainage ditch which provide a level access across the verge to no. 12 finished in gravel. It connects to the road across an unmade part of the verge. This provides a permanent vehicle access to the front garden of no. 12.
7. This has resulted in the loss of an area of grass and planting and its replacement with an area of hard landscaping and an engineered appearance. Furthermore, these works enable parking to the front of this house on a regular and formalised basis, and therefore it increases the likelihood of cars being parked in this location. Although the scale of the development is small, it is in a prominent position highly visible in public views. It erodes the important undeveloped landscaped appearance of the verge which harmfully undermines the traditional green, rural character in this area. This does not preserve or enhance the character or appearance of the CA. Due to the size of the development, the harm is at the mid-lower end of the scale of less than substantial harm, but the proposed development is nevertheless harmful to the significance of the CA in this regard.
8. Therefore, the development is harmful to the character and appearance of the area, including the Saxtead Green Conservation Area. As such, it is contrary to policies SCLP10.4, SCLP11.1 and SCP11.5 of the East Suffolk Council – Suffolk Coastal Local Plan (2020) (LP). Together these require high quality design which enhances local character including distinctive landscape elements and preserves or enhances the character or appearance of the CA.

Flood Risk

9. The development includes works to a drainage ditch which the Lead Local Flood Authority identify required Land Drainage Consent.
10. The appellant states that previously there was a narrow pipe which had collapsed and access over the ditch across a bridge was in place in 1981. This has been replaced with a larger culvert pipe. I note the appellant's assertion that the works have improved the risk of flooding. However, I am not provided with detail as to construction, the gradient of the sides, length of the pipe, maintenance, or any other detail of the culvert. Based on the evidence in this appeal I am not satisfied that the culvert that has been implemented does not increase flood risk either on site or elsewhere in perpetuity, resulting in the associated risk to the safety of people and property. This remains the case notwithstanding who is responsible for the ditch.
11. Therefore, the proposed development has a harmful effect on flood risk. As such it is contrary to Policy SCLP11.2 of the LP which requires the development considers the impact on the safety of residents.

Other Matters

12. The development facilitates the occupant's vehicles to park on their land, and not on the verge. However, I am not satisfied that parking on street in this area would be unacceptably harmful to highway safety or the free flow of traffic. As such, this is mainly for the convenience of the occupiers. There is also little before me to indicate that these works are permitted development. Consequently, the benefits of the appeal scheme are limited.

Heritage Balance

13. The National Planning Policy Framework (2024) (Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA is less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 215 of the Framework requires me to weigh this harm against the public benefits of the scheme.
14. As set out above, the public benefits of the appeal scheme are limited. On the other hand, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Although there is a mid-low level of harm, I attribute considerable importance and weight to the harm identified. Accordingly taking all the above into account, the limited public benefits do not outweigh the harm to the CA.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. Therefore, for the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

H Miles

INSPECTOR