



Appeal Decisions

Site visit made on 25 February 2026

by **Elizabeth Pleasant BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th March 2026

Appeal A Ref: APP/W3520/C/24/3348273

Land at Cagmans Farm, High Road, Great Finborough, Suffolk IP14 3AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Lyn Boughton against an enforcement notice issued by Mid Suffolk District Council.
- The notice was issued on 24 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised formation, laying out and construction of an access to a highway which is a classified road.
- The requirements of the notice are to:
 - A) Remove the access and remove any materials arising from the demolition of the concrete surfacing.
 - B) Permanently stop up the new access by reinstating the ditch, and by planting a native hedgerow comprising a mixture of hawthorn, hazel, blackthorn, and field maple in a double staggered row at a minimum distance of 600mm between rows, with a maximum of 450mm between plants, protected with a spiral guard, supported with a bamboo cane, and planted through a mulch mat.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variation as set out in the Formal decision.

Appeal B Ref: APP/W3520/W/24/3356460

Cagmans Farm, High Road, Great Finborough, Stowmarket. Suffolk, IP14 3AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs Lyn Boughton against the decision of Mid Suffolk District Council.
- The application Ref is DC/24/04103.
- The development proposed is construction of access and hardstanding.

Summary Decision: The appeal is dismissed.

Formal Decisions

Decision on Appeal A

1. It is directed that the enforcement notice is corrected and varied by:
 - the deletion of the words “/Calman Farm” in paragraph 1.
 - the deletion of the words “reinstating the ditch, and by planting a native hedgerow comprising a mixture of hawthorn, hazel, blackthorn, and field maple in a double staggered row at minimum distance of 600mm between rows, with a maximum of 450mm between plants, protected with a spiral guard, supported with a bamboo cane, and planted through a mulch mat” and substitution with the words “restoring the land to its previous condition”.

- the deletion of 2 months and its substitution with 6 months as the time for compliance.
2. Subject to the correction and variations, the appeal is dismissed and the enforcement notice is upheld.

Decision on Appeal B

3. The appeal is dismissed.

Appeal B

Preliminary Matters

4. I have taken the description of the development from the application form. The proposed plans show the location and design of the new access and hardstanding area, and it was clear from my site visit that the access has been constructed and the area of hardstanding shown on the proposed Site Plan and Views, which formed part of the application, has been laid. The Council's Refusal Notice describes the proposal as, "*Change of use of agricultural land and construction of access and hardstanding (retention of).*" and the first reason for refusal relates to "new commercial development". However, the application was not for a change of use of the land. The development proposed was for engineering/other operations to construct an access and hardstanding and it was for that development that the requisite planning fee was paid. The appellant's statement makes it clear that the access and hardstanding would be used for the purposes of agriculture, storing agricultural vehicles and machinery. I have thus dealt with the appeal on that basis and the Council's first reason for refusal which related to a suggested change of use of agricultural land to commercial development is not relevant to the development the subject of this appeal.
5. The National Planning Policy Framework, December 2024 (NPPF) has been issued since the appeal was made and initial statements of case submitted. The main parties have had an opportunity to comment on that document and so have not been prejudiced.

Main Issues

6. The main issues in this case are the effect of the development on:
 - the character and appearance of the countryside; and
 - the effect on biodiversity.

Reasons

Character and appearance

7. The appeal site lies in an area of open countryside to the south of the village of Great Finborough. The area is characterised by small farmsteads, small groups of dwellings and agricultural fields bounded by trees and hedgerows.
8. It is understood that the access and hardstanding would serve Cagmans Farm, which from the evidence before me, including observations on my site visit, comprises a residential dwelling and a number of small fields that are situated to the south and west of the farmhouse. There is a modest modern agricultural

building with associated hardstanding within the northwestern corner of the appellant's land which is served by a long access track from the B1115 and also connects to the farmhouse. The hardstanding the subject of this appeal has been constructed within the southeastern corner of the holding, with the new vehicular access also taken from the B1115, approximately 200m to the south of the existing farm access.

9. The area of hardstanding is substantial and does not appear to be visually nor functionally related to either the farmhouse or existing agricultural buildings on the land. Moreover, the appearance of the development, by reason of its scale and extensive use of crushed aggregate, does not respond to, nor integrate with the existing landscape and rural character of the area. The proposed fencing and gates would reinforce the urbanising impact of the development and erode the natural environment. Whilst the presence of existing hedgerows and trees along the eastern and southern boundaries of the site provide some visual screening from the adjoining public highway, that screening would not mitigate the resultant harm to the natural landscape and rural qualities of the countryside. Furthermore, the wide vehicular access that has been constructed, increases the public visibility of the site and the hardstanding to views from neighbouring highway.
10. I appreciate that the existing vehicular access to Cagmans Farm is substandard in terms of its visibility and I recognise that the new vehicular access may therefore provide a safer means of access to the site. However, there are no proposals to close the existing substandard access. Furthermore, having regard to the size of the appellant's holding, it is not clear why the proposed hard surfaced area is so extensive and remote from existing built development on the site. The existence of the substandard access to Cagmans Farm does not outweigh the harm I have identified from the construction of the hardstanding on the character and appearance of the countryside.
11. I have had regard to other accesses and hardstanding which have been brought to my attention by the appellant, and which I saw on my visit to the area. However, I do not know the exact planning circumstances surrounding those developments and thus whether they are directly comparable to this case. In addition, none of those other examples appeared to include areas of hardstanding of the scale proposed in this development. I therefore give this consideration little weight.
12. I conclude that the development would have a harmful effect on the character and appearance of the countryside. There is conflict with the development plan, and in particular with Policies LP17 and LP24 of the Babergh District Council and Mid-Suffolk District Council Joint Local Plan, 2023 (JLP) which seek, amongst other things, to ensure that new development conserves and enhances landscape character, is high quality design and responds to and safeguards existing character/ context. I also find conflict with paragraph 187 of the NPPF which seeks to ensure that planning decisions contribute to and enhance the natural local environment.

Biodiversity

13. Policy SP09 of the JLP relates to the enhancement and management of the environment and advises, amongst other criteria, that development should through biodiversity net gain protect and enhance biodiversity, ensuring the measures are resilient to climate change. Policy LP16 (2.e) of the JLP advises that all

development must identify and pursue opportunities for securing measurable net gains, equivalent to a minimum 10% increase, for biodiversity.

14. The application the subject of this appeal is for development already carried out, made under section 73A of the Town and Country Planning Act, 1990, as amended (the Act) and for retrospective planning permission. Biodiversity net gain requirements introduced under the statutory framework¹ do not apply to retrospective planning permissions made under section 73A. Thus, the weight that can be given to the provisions of Policy LP16 (2.e), in so far as it conflicts with the statutory framework in its requirement for a minimum 10% increase for biodiversity net gain for all development, is limited.
15. Nevertheless, Section 15 of the NPPF advises that planning decisions should contribute to and enhance the natural environment by, amongst other things, minimising impacts on and providing net gains for biodiversity. Policy SP09 of the JLP is consistent with that objective.
16. From the evidence available, it is clear that the unauthorised development has resulted in a substantial loss of grassland habitat as well as a section of native hedgerow. Paragraph 193 of the NPPF advises that when determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, the planning permission should be refused. From observations on my site visit, considering the nature and condition of adjoining land within the appellant's ownership, there are opportunities for biodiversity enhancements to compensate for the loss of habitat resultant of the development carried out. This could include, for example, new hedgerow and wildflower planting as well as ecological enhancements. I am therefore satisfied that if the development had been acceptable in all other respects, then mitigation could be secured through the imposition of an appropriately worded condition, and such a condition would be reasonable and necessary to minimise impacts on biodiversity and the natural environment.
17. I conclude that subject to a condition to require a scheme of biodiversity enhancements, the identified harm to interests of biodiversity could be adequately mitigated and compensated for. There would thus be no conflict with Policy SP09 or Section 5 of the NPPF, the aims of which are set out above.

Conclusion on Appeal B

18. For the reasons given above, the construction of the access and hardstanding would conflict with the development plan and no considerations merit a decision otherwise in accordance with the development plan as a whole and the NPPF.
19. I conclude that the appeal should be dismissed.

Appeal A

The Enforcement Notice

20. The Land is described in paragraph 1 of the Notice as: Cagmans Farm/Calmans Farm. The appellant has confirmed that the correct address is Cagmans Farm. In the interests of clarity, I shall delete the reference to Calmans Farm.

¹ Schedule 7A of the Town and Country Planning Act 1990 (inserted by Environment Act 2021)

Appeal on ground (f)

21. The issue is whether the requirements are excessive to achieve the purpose(s) of the notice.
22. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to address. The first is to remedy the breach of planning control that has occurred and the second to remedy any injury to amenity which has been caused by the breach. In this case the purpose of the notice is to remedy the breach of planning control.
23. The appellant considers that the removal of the access and returning the land to its previous condition is not necessary to remedy any injury to amenity. She considers that the planting of the hedgerow would be sufficient to screen the access/hardstanding and remedy the visual harm alleged in the Notice.
24. As set out above, the purpose of the Notice is to remedy the breach of planning control. It can be seen by my decision on Appeal B that I have found harm to the character and appearance of the area and planning permission has been refused. Only the removal and stopping up of the access, including removal of materials arising from the demolition of the concrete surfacing would remedy the breach.
25. However, it is excessive to require a specific planting schedule for the replacement hedgerow and it is sufficient to require the access to be permanently stopped up by restoring the land to its previous condition. I shall vary the notice to that effect.
26. For the reasons given above, the appeal on ground (f) succeeds to the extent that the notice shall be varied to delete the specification for the hedgerow planting.

Appeal on ground (g)

27. The issue is whether the compliance period of two months is reasonable. The appellant considers this is an unreasonably short time period within which to employ contractors to carry out the works, remove the material and carryout any replanting. He suggests that a period of six months would be more reasonable.
28. Having regard to the requirement to restore the land to its previous condition, which would include reinstating landscape/hedgerow planting, I agree that a period of two months would be too short a time period and that a period of six months would be more reasonable.
29. The appeal on ground (g) succeeds to that extent.

Conclusion on Appeal A

30. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

Elizabeth Pleasant

INSPECTOR