

From: David Morren
Sent: 11 February 2025 15:48
To: Cllr Anna Bailey <Anna.Bailey@eastcambs.gov.uk>
Cc: [REDACTED] <[\[REDACTED\]@eastcambs.gov.uk](mailto:[REDACTED]@eastcambs.gov.uk)>
Subject: RE: Planning issues - Cannon Street, Little Downham

Afternoon Cllr Bailey

Thank you for your email and I have discussed the case with my colleagues in planning enforcement. The dwellings when they were granted had a tight red line and thus any land outside of this is not considered to be residential. I am unaware of the existence of any certificates of lawfulness to prove by the land owner that he has used the land for residential purposes and thus gained the use for a continuous period of ten years. The matter of curtilage (in respect to permitted development) cannot be considered without having a lawful use of the land as the permitted development right is for "Development within the residential curtilage", if the lawful use is not residential the land cannot be considered to be curtilage and thus permission would be required as stated by the enforcement team.

I note that the land is used as market garden which in planning terms is agricultural, the holding is small in size and for such holdings the permitted development rights are limited but also require prior approval and an agricultural justification to show that they are reasonably required.

The Council has not made a judgement as of yet as to the acceptability of the works in relation to the land and have advised the land owner to make a planning application should they wish to retain the building. I appreciate that the land owner appears to be reluctant to do so but I hope the above clarifies in simple terms why the Council considers that permission is required and permitted development rights do not currently exist for the works. The works were undertaken at the landowners own risk and should an application not be made then we will need to at some point consider the expediency of taking enforcement action as per the Councils adopted enforcement plan.

Happy to discuss this matter further and totally appreciate that the above will not be what the land owner wishes to hear.

Regards,



East Cambridgeshire
District Council

David Morren MRTPI
Strategic Planning & Development Management Manager
Planning

From: Cllr Anna Bailey <Anna.Bailey@eastcambs.gov.uk>
Sent: 11 February 2025 11:49

To: David Morren <David.Morren@eastcambs.gov.uk>
Subject: FW: Planning issues - Cannon Street, Little Downham

Hi David

I would appreciate your comments on this.

Many thanks
Anna

Anna Bailey
East Cambs District Council
Member for the Downham Ward
Leader of the Council

From: [REDACTED]
Sent: 01 February 2025 08:04
To: Cllr Anna Bailey <Anna.Bailey@eastcambs.gov.uk>
Subject: Re: Planning issues - Cannon Street, Little Downham

Dear Anna,

Thank you for your previous help with the ECDC Planning Enforcement Team. Unfortunately, we are again facing challenges with this Team. As you saw in person, we are putting in a few essential buildings in our garden to allow us to use the land as a productive and enjoyable market garden. These buildings are required for water capture, storage, and general horticultural activities. The market garden provides eggs and vegetables for the village, as well as an opportunity to teach our children how to run a micro-business selling their hens' eggs at our 'egg and veg stall'.

The most recent of these buildings, a shed in the southeast corner of our land, was apparently referenced to ECDC Planning Enforcement Team. The Team wanted to understand if this structure was built within permitted development.

We discussed this in person with the Team at our house on 4 December 2024. At this meeting, we highlighted that the essential building we are constructing was designed and developed with strict alignment to Class E, as outlined in '*Permitted development rights for householders: technical guidance, Updated 10 September 2019*'. The reason for this is that we have permitted rights on all our land, based directly on the case law of England and Wales related to the definition of curtilage. Following the early December meeting, we received on 29 January 2025 the attached letter. As you can see the ECDC Planning Enforcement Team think that we do have permitted rights on this land, for unstated reasons. Whatever these reasons, they are not based on the case law of England and Wales, as required, as this case law confirms our permitted rights.

We replied to ECDC Planning Enforcement Team on 1 February, with the attached letter, citing relevant case law.

If you can help the ECDC Planning Enforcement Team to revise their thinking, and to have this based on case law, that would be wonderful.

Yours Sincerely,

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

From: Cllr Anna Bailey <Anna.Bailey@eastcambs.gov.uk>

Sent: 25 October 2023 11:21

To: [REDACTED]

Subject: RE: Planning issues - Cannon Street, Little Downham

Hi [REDACTED]

I have asked to be kept up to date on progress with the application. Please do feel free to contact me again if you have any concerns about the process.

Regards
Anna

Anna Bailey

East Cambs District Council

Member for the Downham Ward

Leader of the Council

From: [REDACTED]

Sent: Tuesday, October 24, 2023 8:58 PM

To: Cllr Anna Bailey <Anna.Bailey@eastcambs.gov.uk>

Subject: [EXTERNAL] Re: Planning issues - Cannon Street, Little Downham

Hi Anna,

Thank you for your support with this issue.

Hopefully, the ECDC Planning will approve our existing driveway, as outlined on the submission, developed in alignment with their original direction.

Yours,

[REDACTED]

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[REDACTED]

[REDACTED]
[REDACTED]

From: Cllr Anna Bailey <Anna.Bailey@eastcambs.gov.uk>

Sent: 24 October 2023 13:37

To: [REDACTED]

Subject: RE: Planning issues - Cannon Street, Little Downham

Hi [REDACTED]

So sorry to hear you are having issues. I will investigate what is going on.

Many thanks
Anna

Anna Bailey

East Cambs District Council
Member for the Downham Ward
Leader of the Council

From: [REDACTED]

Sent: Monday, October 23, 2023 4:37 PM

To: Cllr Anna Bailey <Anna.Bailey@eastcambs.gov.uk>

Subject: [EXTERNAL] Fw: Planning issues - Cannon Street, Little Downham

Good afternoon Anna,

Thanks for the notification of your council email address.

Hopefully, you are able to help with our ongoing discussions with ECDC Planning, see below.

Yours,

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]

Sent: 23 October 2023 16:34

To: Anna Bailey <annabailey@hotmail.co.uk>

Subject: Re: Planning issues - Cannon Street, Little Downham

Good afternoon Anna,

I hope you are doing well.

We are still, unfortunately, struggling with ECDC Planning. Following the submission of our retrospective planning application, which we had communicated we were going to submit, and several weeks of a lack of communication, we were informed we needed to submit an alternative variation of condition application.

We have just submitted this new variation of condition application.

During the extended discussion with ECDC Planning, we recalled the attached email from April 2021, in which an ECDC Senior Planning Officer stated that we have permitted development rights up to the kerb stones on Cannon Street. This informed our thinking when we installed the shingle driveway, as we noted that '*You will not need planning permission if a new or replacement driveway of any size uses permeable (or porous) surfacing which allows water to drain through, such as gravel*', <https://www.planningportal.co.uk/permission/common-projects/paving-your-front-garden/planning-permission>.

Based on this, we have included within the variation of condition application a variation to retain the existing driveway.

Hopefully, the Case Officer allocated to our application will understand the previous guidance from ECDC Planning, the financial position we are in, with regards to the driveway.

Yours,

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

From: Anna Bailey <annabailey@hotmail.co.uk>

Sent: 03 July 2023 11:02

To: [REDACTED]

Subject: Re: Planning issues - Cannon Street, Little Downham

Thank you for letting me know Tony.

Kind regards
Anna

Anna Bailey
East Cambs District Councillor - Downham Ward, Leader of the Council

From: [REDACTED]
Sent: 01 July 2023 20:05
To: Anna Bailey <annabailey@hotmail.co.uk>
Subject: Re: Planning issues - Cannon Street, Little Downham

Hi Anna,

I hope you are having a good weekend.

Just to let you know, yesterday we submitted our retrospective planning application (Application Type: Householder planning permission, Reference number: PP-12247081), including the modification of the driveway.

Hopefully, this will progress via ECDC Planning without any further issues.

Yours,

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

From: Anna Bailey <annabailey@hotmail.co.uk>
Sent: 24 May 2023 13:43
To: [REDACTED]
Subject: Re: Planning issues - Cannon Street, Little Downham

Thanks for the update and the good wishes Tony.

Regards
Anna

Anna Bailey
East Cambs District Councillor - Downham Ward, Leader of the Council

From: [REDACTED]
Sent: 23 May 2023 11:20

To: Anna Bailey <annabailey@hotmail.co.uk>
Subject: Re: Planning issues - Cannon Street, Little Downham

Hi Anna,

Congratulations on your success in the recent election!

We are progressing discussions with Highways and ECDC Planning regarding our driveway. We do need to modify the first c4m of the driveway, which is on Cambridgeshire County Council land. These driveway modifications will be included in a retrospective planning application, which I'll highlight to you when we submit it.

Thanks again for all your help with these issues.

Yours,

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

From: Anna Bailey <annabailey@hotmail.co.uk>
Sent: 29 April 2023 11:45
To: [REDACTED]
Subject: Re: Planning issues - Cannon Street, Little Downham

Apologies for the slow response!

Thank you so much for this feedback and for your support.

Anything else I can do, please do let me know.

Kind regards
Anna

Anna Bailey
East Cambs District Councillor - Downham Villages, Leader of the Council

From: [REDACTED]
Sent: 24 April 2023 17:16
To: Anna Bailey <annabailey@hotmail.co.uk>
Subject: Re: Planning issues - Cannon Street, Little Downham

Hi Anna,

Thanks for your helpful input to our situation with ECDC Planning.

Since your email, we have received a more positive letter from ECDC Planning Enforcement, where they have noted that we no longer need to install any fences. I'm still working with local Highways re the driveway, and am making slow progress. Hopefully, I'll be able to obtain some useful input from them, and we'll be able to wrap this all up soon.

I hope next week goes well for you!

Yours,

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

From: Anna Bailey <annabailey@hotmail.co.uk>

Sent: 05 April 2023 11:16

To: [REDACTED]

Subject: Re: Planning issues - Cannon Street, Little Downham

Hi [REDACTED]

Thanks for this! I have had a chat and feel reassured that there will be a pragmatic approach to this now, but keep in touch if you have any issues at all.

Kind regards
Anna

Anna Bailey
East Cambs District Councillor - Downham Villages, Leader of the Council

From: [REDACTED]

Sent: 04 April 2023 12:16

To: annabailey@hotmail.co.uk <annabailey@hotmail.co.uk>

Subject: Planning issues - Cannon Street, Little Downham

Dear Anna,

It was a pleasure to meet you on Cannon Street on Saturday morning.
Thank you for your email address, and telephone number. We are still drawing up options for retrospective planning permission, focussed on the driveway at the moment, seeing if there are any green options to gravel, etc. -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf. I'll make sure I contact you by phone before we submit anything.

Also, thanks for the reminder about photo ID to vote. I hope you are successful in the election!

Yours,

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]