

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 174

**THE TOWN AND COUNTRY PLANNING (ENFORCEMENT) (INQUIRIES
PROCEDURE) (ENGLAND) RULES 2002 (SI 2002/2686) (AS AMENDED)**

Riverside Farm, Fairham Brook Lane, Bunny, Nottingham NG11 6SQ

**Appeal by Dr Julita Geary / Riverside Farm JK Ltd against an enforcement notice
issued by Rushcliffe Borough Council on 4th February 2026 relating to the
erection of a building on the land.**

Planning Inspectorate reference: APP/P3040/C/26/3378910 (6005948)

Local Planning Authority reference: 23/00034/BUILD

PLANNING – GROUND (A)

**PROOF OF EVIDENCE OF MARK REYNOLDS ON BEHALF OF
RUSHCLIFFE BOROUGH COUNCIL**

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1. INTRODUCTION

Qualifications and experience

- 1.1. My name is Mark Reynolds. I am the Managing Director of Context Planning Ltd, a position I have held since November 2018. Context Planning is an independent town planning consultancy operating primarily in the South West.
- 1.2. Before setting up Context Planning, I had over 15 years' experience in the planning departments of Wiltshire Council and Bath and North East Somerset Council, as a Planning Officer, Senior Planning Officer, Team Leader and latterly as Group Manager for the Development Management service of Bath and North East Somerset Council. I was also formerly a Non-Salaried Planning Inspector.
- 1.3. I hold a BSc (Hons) in Physical and Human Geography from the University of Reading and an MSc in Spatial Planning from Oxford Brookes University, and I have been a chartered member of the Royal Town Planning Institute (MRTPI) since 2008. I have given evidence as an expert planning witness at more than 25 Public Inquiries.
- 1.4. I have been instructed by Rushcliffe Borough Council ("the Council") to give planning evidence at this inquiry.

Scope of my evidence and relationship with the evidence of Mr Bate

- 1.5. The Council is calling two witnesses. Mr James Bate, Planning Team Manager – Monitoring and Implementation, gives evidence on the planning and enforcement history, the chronology of the works, the authenticity of the documents relied upon by the appellant, the claimed Class E prior approval and forestry necessity (under ground (c)), and the grounds of appeal other than

ground (a). Mr Bate is also a conservation specialist (IHBC) and gives the Council's evidence on the effect of the building on the significance of Bunny Hall, a Grade I listed building.

- 1.6.** My evidence addresses the deemed application for planning permission under ground (a), other than the heritage assessment. I have read Mr Bate's proof. I agree with and adopt his assessment of the effect of the development on the significance of Bunny Hall, and I carry his conclusions into the planning balance in section 10. Where my evidence depends on matters of fact that are within Mr Bate's evidence (principally the chronology and the documents), I cross-refer to his proof rather than repeat it.
- 1.7.** In accordance with the Inspector's directions (Post-CMC Note, paragraphs 53-54), this proof introduces no new documentary evidence. It relies on the documents already before the Inspector, on the Framework published on 17th August 2026, and on the adopted development plan.
- 1.8.** References in this proof are to: "the Framework" – the National Planning Policy Framework published on 17th August 2026, whose policies are cited by their letter and number (for example, policy GB7(1)(a)); "the 2025 Decision" – appeal decision APP/P3040/C/24/3337651 dated 8th September 2025 concerning the separate welfare building on the same land (JB, Appendix AF); "the Council's Note" – the Council's note on ground (a), flood risk and intentional unauthorised development, dated 25th September 2026; "SoC" – the Council's statement of case; and "JB" – the proof of Mr Bate.

Declaration

- 1.9.** The evidence in this proof has been prepared, and is given, in accordance with the guidance of the Royal Town Planning Institute. I confirm that the opinions expressed are my true and professional opinions.

2. SUMMARY

- 2.1.** The deemed application is for a building of about 79 m² on open former parkland in the Nottingham–Derby Green Belt, some 250 metres south-east of Grade I listed Bunny Hall. It has a timber-framed pitched-roof section with an internal height of 4.52 metres, a porch, and a glazed uPVC conservatory. The deemed application relates only to the building as it stands. The 100 m² “machinery bay” on which the appellant’s need case depends has not been built and is not before the Inspector.
- 2.2. Green Belt.** The Council maintains its position that the activity on the land is too limited to show that the building is genuinely for forestry. I put that as evidence on the factual question that policy GB7(1)(a) poses, not as a minimum scale or necessity test, which the 2025 Decision held the Framework does not contain. The question under policy GB7(1)(a) is a factual one: is this development for forestry (or agriculture)? The appellant says the building serves “no agricultural ... function” and is “exclusively” for forestry. In my view the evidence does not show that, on the balance of probabilities:
- a. there was no forestry on the land when the building was begun;
 - b. its design and fit-out are laboratory-like rather than those of a forestry store;
 - c. the machinery it is said to house cannot enter it;
 - d. its observable use is for drying and extracting herbs; and
 - e. the appellant’s own descriptions of it have changed repeatedly.
- 2.3.** The building is therefore inappropriate development, harmful by definition. It causes a moderate level of harm to openness, in both spatial and visual terms, and conflicts with the purpose of safeguarding the countryside from encroachment. Substantial weight attaches to that harm (policy GB6(2)). The

grey belt route in policy GB7(1)(g) does not apply because there is no evidenced unmet need for the type of development proposed. It is therefore unnecessary to decide whether the land is grey belt, and I do not rely on the Council's previous conclusion that it is.

- 2.4. Character and appearance.** The building's domestic form, conservatory, porch and siting on open former parkland cause significant harm to the character and appearance of the area. It conflicts with Core Strategy Policy 10, Local Plan Part 2 Policy 1 and Framework policies DP3 and N2(1)(a) and (d). It neither conserves the landscape character of the former park nor is integrated into it by appropriate landscaping; the planting relied on is screening, which the Inspector in the 2025 Decision found would itself be harmful. No clear justification has been given for the conflict with DP3(1), so policy DP3(3) directs refusal. The 2025 Decision reached the same conclusions on closely comparable facts.
- 2.5. Heritage.** The site is part of the former parkland of Bunny Hall, a Grade I listed building, and lies within views from its principal south-facing rooms. Mr Bate's evidence, which I adopt, is that the building causes harm to the significance of the Hall through development within its setting, at the low to moderate end of that range, and that the harm has no clear and convincing justification (policy HE4(2)). Substantial weight must be given to the conservation of an asset of this importance (HE6(1)), and any harm is a matter of considerable importance and weight (HE6(3)), reflecting the duty in section 66(1) of the Listed Buildings Act. The claimed public benefits do not outweigh the harm (HE6(4)). The development conflicts with Core Strategy Policy 11 and Local Plan Part 2 Policies 1(9) and 28. The 2025 Decision found moderate less than substantial harm to the Hall from the welfare building on the same land.
- 2.6. Flood risk.** The building itself lies in Flood Zone 1, but the site exceeds one hectare and includes land in Flood Zones 2 and 3. The only access crosses Fairham Brook through Flood Zones 2 and 3. No flood risk assessment has
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been provided. The requirements of Framework policies F4, F5, F7 and CC3(1)(a), Core Strategy Policy 2 and Local Plan Part 2 Policy 17 are not met, and policy F7(2) directs refusal.

2.7. Intentional unauthorised development. On Mr Bate's evidence the building was begun knowingly without permission, while an enforcement appeal on the same land was pending. It has since been justified on shifting grounds, including documents the Council says are not genuine. Policy DM8(2) requires that finding to be given substantial weight against the grant of permission.

2.8. Planning balance. The development conflicts with Core Strategy Policies 2, 4, 10 and 11 and Local Plan Part 2 Policies 1, 17, 21 and 28, and with the development plan read as a whole. That conclusion does not depend on the Green Belt. If the building is found to be for forestry, the conflict with the Green Belt policies falls away, but the conflicts on design, heritage and flood risk remain. The development also conflicts with Framework policies DP3, N2, HE4, HE6, F4, F5, F7 and CC3.

2.9. If the building is inappropriate development, the harms are:

- a. the definitional harm to the Green Belt, a moderate level of harm to openness and conflict with a Green Belt purpose (substantial weight);
- b. significant harm to character and appearance (significant weight);
- c. harm to the significance of a Grade I listed building, without clear and convincing justification (considerable importance and weight);
- d. the failure to show that the development would be safe from flooding (significant weight); and
- e. intentional unauthorised development, if so found (substantial weight).

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- 2.10.** The claimed benefits are unevidenced or do not depend on this building, and carry limited or no weight. They do not come close to clearly outweighing the harm, and very special circumstances do not exist.
- 2.11.** If the Inspector finds the building is for forestry, the balance falls under policy S5(5). The proposal fails two national decision-making policies that direct refusal (DP3(3) and F7(2)), which engages policy S5(2), and it also conflicts with N2, HE4, HE6, F4, F5 and CC3. The adverse effects substantially outweigh the modest benefits. On either route, the heritage balance in HE6(4) is not met.
- 2.12.** The development therefore conflicts with the development plan, and material considerations, including the Framework, do not indicate that the decision should be made otherwise. Planning permission should not be granted on the deemed application.

3. THE SITE AND THE DEVELOPMENT

- 3.1.** Mr Bate describes the site and its surroundings (JB, paragraphs 4.1–4.5). I do not repeat that description. In summary, the land is an open field of about 3.5–3.8 hectares on the south-east side of Bunny (3.74 hectares on the appellant's Rural Payments Agency registration), bounded by Fairham Brook to the south. It lies within the Nottingham–Derby Green Belt, adjacent to the Bunny Conservation Area. It formed part of the historic parkland of Bunny Hall, which lies about 250 metres to the north-west (2025 Decision, paragraph 58). Access is from Fairham Brook Lane across the brook by a bridge for which the Council confirmed in 2022 that prior approval was not required (22/02001/AGRIC; JB, paragraph 3.1.1).
- 3.2.** The development subject to the deemed application is described in the enforcement notice. It is a building 15.1 metres long and 5.05 metres wide, comprising:

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- a. a pitched-roof timber-framed section of about 10.30 m by 5.05 m, with an internal height of 4.52 m;
 - b. a porch on the north side, described in the notice as “1.15m x 2.25m and 2.4m in height”; and
 - c. a glazed conservatory of 4.80 m by 5 m at its south-east end.
- 3.3.** Its footprint is about 79 m². It stands to the east of the separate welfare building that was the subject of the 2025 Decision. That building should have been removed by 8th March 2026 but remains in place (JB, paragraph 3.1.3).
- 3.4.** The deemed planning application under section 177(5) of the 1990 Act is for the matters stated in the notice, namely the building as it has been built. The appellant’s evidence on need and scale is written for a building of about 200 m² including a “Primary Machinery & Logistics Bay (100 m²)” (Appellant’s App 12). That bay has not been built; it is shown as “additional part not finished yet” (App 13). It is not part of the deemed application. Any permission would not authorise it, and the need case for it cannot be used to justify the building that exists. The deemed application must be judged on what is there.

4. STATUTORY DUTIES AND PLANNING POLICY

Statutory provisions

- 4.1.** In considering the deemed application the Inspector must have regard to the provisions of the development plan, so far as material, and to any other material considerations (section 177(2) of the 1990 Act, applying section 70(2)). The determination must be made in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the Planning and

Compulsory Purchase Act 2004). As the development affects the setting of a listed building, the duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. That duty requires special regard to be had to the desirability of preserving the building or its setting.

The development plan

- 4.2. The development plan comprises the Rushcliffe Local Plan Part 1: Core Strategy (adopted December 2014) (“CS”) and the Local Plan Part 2: Land and Planning Policies (adopted October 2019) (“LPP2”). I set out below the parts of the policies most relevant to the deemed application.

Core Strategy Policy 2 (Climate Change)

- 4.3. Parts 6 and 7 of CS Policy 2 deal with flood risk:

“6. Development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and where possible reduce flood risk, adopting the precautionary principle to development, will be supported.

7. Where no reasonable site within Flood Zone 1 is available, allocations and other development proposals in Flood Zone 2 and Flood Zone 3 will be considered on a sequential basis in accordance with national planning policy on flood risk and the Strategic Flood Risk Assessment.”

- 4.4. The Council’s statement of case attributes this policy to “Local Plan Part 2: Core Strategy” (SoC, paragraph 4.51). That was in error: Policy 2 is in the Core Strategy (Local Plan Part 1).

Core Strategy Policy 4 (Nottingham–Derby Green Belt)

- 4.5. CS Policy 4(1) provides that “the principle of the Nottingham Derby Green Belt within Rushcliffe will be retained”. Policy 4(4) provides for Bunny to be inset from the Green Belt, and its inset boundary is defined on the LPP2 Policies Map. The appeal site lies outside that boundary, within the Green Belt. Policy 4 is a strategic policy about the extent of the Green Belt. It does not itself set a test for individual proposals; that is done by LPP2 Policy 21, below.

Core Strategy Policy 10 (Design and Enhancing Local Identity)

- 4.6. CS Policy 10(2) provides that development will be assessed in terms of its treatment of a number of elements, including:

“f) massing, scale and proportion;

g) materials, architectural style and detailing;

h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views; and

i) setting of heritage assets.”

- 4.7. Parts 4 and 5 provide:

“4. Development must have regard to the local context including valued landscape/ townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.

5. Outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character. Proposals will be

assessed with reference to the Greater Nottingham Landscape Character Assessment.”

Core Strategy Policy 11 (Historic Environment)

4.8. CS Policy 11(1) provides:

“Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.”

4.9. Policy 11(2)(c) identifies “prominent listed buildings” among the elements of the historic environment of particular importance.

Local Plan Part 2 Policy 1 (Development Requirements)

4.10. LPP2 Policy 1 provides that planning permission for new development will be granted provided that, where relevant, a number of criteria are met. The relevant criteria are:

“4. the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.;

7. there is no significant adverse effects on landscape character;

9. there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens”.

Local Plan Part 2 Policy 17 (Managing Flood Risk)

4.11. LPP2 Policy 17(1) provides that planning permission will be granted for development in areas where a risk of flooding exists provided that:

“a. the sequential test and exception test are applied and satisfied in accordance with the National Planning Policy Framework and National Planning Policy Guidance; or

b. where the exception test is not required, for example change of use applications, it has been demonstrated that the development and future occupants will be safe from flood risk over the lifetime of the development.”

4.12. Policy 17(2) provides:

“Development proposals in areas of flood risk will only be considered when accompanied by a site specific flood risk assessment. Proposals will be expected to include mitigation measures which protect the site and manage any residual flood risk, such as flood resistance/resilience measures and the provision of safe access and escape routes.”

Local Plan Part 2 Policy 21 (Green Belt)

4.13. LPP2 Policy 21(2) provides:

“Applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework.”

4.14. LPP2 Policy 22 (Development within the Countryside) applies only to “land beyond the Green Belt” (Policy 22(1)) and is not engaged.

Local Plan Part 2 Policy 28 (Conserving and Enhancing Heritage Assets)

4.15. LPP2 Policy 28(1) requires proposals affecting heritage assets to:

“... demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals.”

4.16. Policy 28(2) sets out the criteria against which such proposals will be considered. They include:

“a) the significance of the asset

c) whether the proposals would conserve or enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail;

d) whether the proposals would respect the asset’s relationship with the historic street pattern, topography, urban spaces, landscape, views and landmarks”.

The Framework (August 2026)

4.17. The Framework was published on 17th August 2026, after the exchange of statements. The Council’s statement of case cites the December 2024 paragraph numbers, which are superseded; I use the new references throughout. Annex A provides:

“1. The policies in this Framework are material considerations which must be taken into account in decision-making from the day of its publication.

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- 2. Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. ... Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.”*
- 4.18.** The national decision-making policies most relevant to the deemed application are set out below. Policies HE4 to HE6 are addressed by Mr Bate; I include the parts that bear on the planning balance. Policy DM8(2) is quoted at paragraph 8.1.

Principle of development: policy S5

- 4.19.** Policy S5 sets out the forms of development that should be approved outside settlements. Policy S5(5) then provides:

“This policy does not apply to development proposals in the Green Belt or on land designated as Local Green Space, which should instead be determined in accordance with policies HC8, GB6, GB7 and/or GB8 (as appropriate). However, where development would not be inappropriate in these locations (through the application of policies HC8 and GB7), proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework, and applying paragraph 2 of this policy.”

- 4.20.** Policy S5(2) provides:

“In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with

one of the national decision-making policies which state that development proposals should be refused in specific circumstances.”

Green Belt: policies GB6 and GB7

- 4.21.** The introduction to chapter 13 of the Framework states that the objective of Green Belt policy is “to prevent urban sprawl by keeping land permanently open”, and that the essential features of Green Belts are “their openness and permanence”. One of the five purposes of the Green Belt is to “assist in safeguarding the countryside from encroachment” (GB2(1)(c)). Policy GB6 provides:

“1. Development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7.

2. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness.”

- 4.22.** Policy GB7(1) lists the categories of development that are not inappropriate. The two potentially relevant categories here are:

“a. Development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement; ...

g. Development where all of the following apply: i. The development would utilise grey belt land and would not fundamentally undermine the

purposes (taken together) of the remaining Green Belt across the area of the plan; ii. There is an evidenced unmet need for the type of development proposed; iii. The development would be in a sustainable location, with particular reference to policy TR3 of this Framework; ...”

Design: policy DP3

4.23. Policy DP3 provides:

“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.

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 ... Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.”

Natural environment: policy N2

4.24. Policy N2(1) provides that, to contribute positively to the natural environment, development proposals should (so far as relevant):

“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 ...; ...

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; ...

Flood risk: policies CC3, F4, F5 and F7

- 4.25.** Policy CC3(1)(a) provides that development proposals should, where relevant, *“be located where the risk of flooding is minimised, or can be managed and the development made safe without increasing risk elsewhere, in accordance with policies F4, F5, F6, F7 and F8”*. Policy F4 provides:

“1. ... a site-specific flood risk assessment should accompany all development proposals in Flood Zones 2, 3a, and 3b as defined in Annex F, table 1.

2. In Flood Zone 1, a site-specific flood risk assessment should inform and accompany all development proposals involving: a. Sites of one hectare or more; ...”

- 4.26.** Policy F5(2) requires the sequential test to be used in areas known to be at risk now or in the future from any form of flooding, other than (so far as relevant) for:

“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; ...

c. For the following types of development: ... ii. Small non-residential extensions (with a footprint of less than 250m²); ...”

- 4.27.** Policy F7(2) provides:
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“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: ... 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; ...”

Historic environment: policies HE4 and HE6

- 4.28.** Policy HE4(2) provides that any harm to the significance of a designated heritage asset, including from development within its setting, “should have a clear and convincing justification”. Policy HE6 provides:

“1. When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). ...

3. Any harm to a designated heritage asset will be a matter of considerable importance and weight ...

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. ...”

Conditions: policy DM6

- 4.29.** Policy DM6(1) provides that conditions should only be imposed where they are “a. Necessary to make the development acceptable in planning terms; b. Relevant to the development and to planning considerations generally; c. Sufficiently precise to make them capable of being complied with and enforced; and d. Reasonable in all other respects.” Policy DM6(2)(c) provides that

conditions should not be used to “restrict national permitted development rights unless there is clear justification to do so”.

Consistency of the development plan with the Framework

4.30. In my opinion the development plan policies set out above are consistent with the Framework and carry full weight under Annex A, paragraph 2, with one qualification:

- (a) LPP2 Policy 21(2) defers expressly to national Green Belt policy, and CS Policy 4(1) retains the principle of the Green Belt, consistent with chapter 13;
- (b) CS Policy 10 and LPP2 Policy 1(4) and (7) require development to respond to its context and landscape character, consistent with DP3(1);
- (c) CS Policy 2(6)–(7) and LPP2 Policy 17 require the sequential approach, a site-specific flood risk assessment and safe access and escape. Policy 17(1)(a) itself applies the sequential and exception tests “in accordance with the National Planning Policy Framework”. They are consistent with F4, F5 and F7; and
- (d) CS Policy 11, LPP2 Policy 1(9) and LPP2 Policy 28(2) are consistent with HE4 and HE6. The qualification is the final part of LPP2 Policy 28(1), which asks whether public benefits “decisively outweigh” any harm. HE6(4) requires harm to be weighed against public benefits, without the word “decisively”. To that extent Policy 28(1) is materially inconsistent with HE6(4), and under Annex A, paragraph 2, that element should be given very limited weight. I apply the HE6(4) balance, as Mr Bate does. Nothing in my conclusions depends on the stricter wording.

5. MAIN ISSUE: GREEN BELT

The policy test

- 5.1. Policy GB6(1) provides that development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. Those circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight is to be given to harm to the Green Belt, including harm to its openness (GB6(2)).
- 5.2. The relevant category is GB7(1)(a): “Development which is for agriculture, horticulture and forestry”. It is not disputed that, if the development falls within that category, it is not inappropriate. The enforcement notice itself records that “agricultural development is not ‘inappropriate’ within the greenbelt”.

The Council’s position

- 5.3. The Council’s statement of case contends that the activity on the land is so limited as to amount to “hobby farming”, so that the building is not genuinely for agriculture (SoC, paragraphs 4.15–4.19). The Council maintains that position. I recognise that in the 2025 Decision the Inspector held, in relation to the welfare building, that the Framework sets no limiting criteria relating to agricultural buildings or the scale of agriculture, and that the GPDO test of what is “reasonably necessary” is not relevant to whether planning permission should be granted (2025 Decision, paragraphs 42–44). The August 2026 wording of GB7(1)(a) is materially the same.
- 5.4. The scale and nature of the activity nonetheless remain relevant, as evidence on the factual question that GB7(1)(a) does pose: whether this building is

genuinely for forestry (or agriculture). That is consistent with the 2025 Decision, in which the Inspector decided the purpose of the welfare building on the evidence before him and his own observations (paragraphs 30–31 and 44). Where the activity said to justify a building is small, recent and largely undocumented, that bears directly on whether the building was designed and built for it. Here:

- a. the holding is about 3.74 hectares on the appellant's Rural Payments Agency registration, and her own Forestry Management Plan identifies 1.71 hectares of managed forest, of which only 0.51 hectares pre-dates the planting funded from late 2025 (App 11), and Mr Bate's evidence is that there has been no notable increase in tree cover from new planting on the land since 2024 (JB, paragraph 7.20(1)(v));
- b. the forestry work evidenced by the appellant's invoices is small-scale contract work in the Scottish Borders, not work on this land (Appellant's Apps 9.1–9.7; JB, paragraph 7.20(1)(ii));
- c. the machinery on which the need case depends cannot be housed in the building as built (paragraph 5.12); and
- d. the larger holding of 5.34 hectares that the appellant claims depends on a lease of land at Ash Lane, Costock, which the landowners say they never granted (JB, paragraph 7.19(i)–(iv)).

In my opinion the limited and recent scale of the activity is a further reason, alongside those at paragraphs 5.8 to 5.16, why it has not been shown that the building is for forestry. It is also why, if permission were granted, its use would need to be tied closely to forestry on this land (Appendix 1, condition 2).

- 5.5.** Whether a building is reasonably necessary for forestry is relevant to ground (c), because it is a condition of Class E of Part 6 of the GPDO. Mr Bate addresses that under ground (c) (JB, paragraphs 7.18–7.20). His evidence on

the absence of forestry on the land when the building was begun is relevant to my evidence for a different reason, explained below.

Is the development for forestry (or agriculture)?

- 5.6.** In the 2025 Decision the Inspector found, on the evidence before him and from his own observations, that the welfare building had been designed for use as a welfare facility for agricultural workers (paragraphs 30–31 and 44). The question here is the same factual one: is this building, as designed, built and used, development for forestry or agriculture? The evidence is materially different, and the burden of demonstrating the basis on which permission should be granted rests with the appellant as the party seeking permission.
- 5.7.** The appellant's case is clear and narrow. She says the building is “utilised exclusively for forestry management purposes; it serves no agricultural or residential function” (Appellant's Statement, paragraph 3.2; App 12, section 1). She must therefore show that it is for forestry. In my opinion the evidence does not show that, for the following reasons.
- 5.8.** First, there was no forestry on the land when the building was begun. Construction started in late October 2024 (JB, paragraphs 3.2 and 7.20(1)(v); the appellant's App 7 is captioned “Autumn of 2024”). Mr Bate's evidence is that the land then had around 10% tree canopy cover, confined to a small copse and a line of trees on the brook bund (JB, paragraph 7.20(1)(v)). He also records that sheep grazed on the land have stripped bark from the lower trunks of the trees in the north-west corner (ibid). The appellant's own Forestry Management Plan dates the woodland creation grant to an application in November 2025, verified by the Forestry Commission in February 2026. It dates the Innovate UK “ROOT” funding to September and December 2025 (App 11). The earliest dated entry in the EWCO application is 12th September 2025 (App 3; JB, paragraph

7.20(1)(vii)). The forestry project the building is now said to serve post-dates its construction by about a year.

5.9. Second, the design is not that of a forestry building. The Inspector described the welfare building as having “the distinctive appearance of a bungalow”, in contrast to local agricultural buildings that “appear in the landscape more appropriately as farm barns or other types of functional agricultural buildings” (2025 Decision, paragraph 49). This building has a domestic porch and a glazed uPVC conservatory, which Mr Bate describes as a recycled domestic conservatory (JB, paragraph 2.2). The appellant now calls the conservatory an “Integrated Energy Kiln” or “passive solar kiln” (App 12; App 8; request to add ground (b), 19th March 2026). However it is described, a domestic conservatory is not a form associated with forestry storage.

5.10. Third, the fit-out is not that of a forestry store. The appellant describes the building as “a windowless shell ... no water, no electricity, no sanitation, no internal heating system and no kitchen facilities” (Appellant’s Statement, paragraph 8.1; see also paragraph 9.5). Her own photograph of the interior at the Council’s visit on 28th October 2025 (App 4) shows otherwise. It shows:

- a. double power sockets;
- b. a stainless steel sink unit with taps and a worktop;
- c. an under-counter appliance;
- d. stainless steel apparatus;
- e. drying trays and scales; and
- f. a framed certificate on the wall.

5.11. The conservatory is glazed on all sides, and there are glazed doors (App 8). None of this is consistent with the appellant’s description, or with a building whose purpose is the secure storage of forestry machinery.

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- 5.12.** Fourth, the machinery the building is said to be for cannot enter it. The need case rests on the storage of tractors, an excavator, a mounted tree planter and quads (App 12, sections 2 and 3 and equipment schedule). As Mr Bate notes, the only openings larger than pedestrian doors are in the part of the building that has not been built (JB, paragraph 7.20(1)(iv)). Mr Bate is also aware of none of the forestry machinery listed in the appellant's grant application being on the site (JB, paragraph 7.20(1)(vi)). The building as it stands cannot perform the principal function claimed for it. It is no answer that the larger part has not been built because of the Council's enforcement action. That part has no planning permission either, it is not before the Inspector, and the need case must be judged against the building as it exists (paragraph 3.4).
- 5.13.** Fifth, the observable use is not forestry. The appellant's own evidence is that the glazed section is used "for the drying of medicinal herbs (lavender, mint, chamomile, linden, sage, rosemary and more)" and for "on-site processing of herbal extracts" (request to add ground (b), 19th March 2026). One of the six listed uses is a "Herbal Extracts Preparation, Extraction and Storage Room" (App 1). Mr Bate's evidence is that "seed preparation and herbal extracts" is not forestry work, and that Companies House records the appellant's company as engaged in plant propagation, mixed farming, post-harvest crop activities and seed processing for propagation, but not forestry (JB, paragraph 7.20(1)(iii)). Drying herbs and extracting essential oils is not forestry. On the appellant's own case it is not agriculture either, since she says the building has no agricultural function. The appellant's correspondence in the Council's appendices is signed by her as Managing Director of All Natural Cosmetics Limited (RBC App N).
- 5.14.** Sixth, the descriptions of the building have changed repeatedly. It has been described, in turn, as a caravan not requiring permission (until October 2025), an "agricultural processing building", a "forestry building", an "agricultural glasshouse" and a "solar kiln" (JB, paragraphs 2.2 and 3.3). It is now described as the "essential operational hub" for the woodland project, with its scale said to
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be dictated by the Innovate UK “ROOT” project (Appellant’s Statement, paragraphs 10.2, 10.4 and 12). In early 2026 the appellant made a further notification, 26/00111/AGRIC, for “two agroforestry buildings” under Class A of Part 6, which is the agricultural class, and she now relies on that notification as a further source of deemed consent (JB, paragraph 7.20(2)(ii)–(v); JB, Appendices AC–AE). That sits uneasily with her case on this appeal that the building has no agricultural function. In my view, those changes are not consistent with a building designed from the outset for forestry.

- 5.15.** Seventh, the appellant’s own forestry documents do not treat it as forestry infrastructure. The EWCO application records the GPDO consents said to have been obtained in January 2024 for the access track and hardstanding. It records no forestry building. In its infrastructure section the answer to “Are you applying for Woodland Infrastructure?” is “No”, and the infrastructure costs are entered as nil (App 3, section 8). The consents it records were not granted: both notifications were returned to the appellant as unnecessary (JB, paragraphs 3.1.2 and 7.20(1)(vi)).
- 5.16.** Taking these matters together, I do not consider it has been shown, on the balance of probabilities, that the development is “for” forestry, or for agriculture or horticulture, within policy GB7(1)(a). None of the other categories in GB7(1)(b)–(h) applies, subject to the grey belt point below. The building is therefore inappropriate development in the Green Belt. It is harmful by definition, and substantial weight must be given to that harm (GB6(2)).

Grey belt (policy GB7(1)(g))

- 5.17.** Development on grey belt land is not inappropriate only where all of the criteria in GB7(1)(g) apply. One of them is not met here:
- a. there is no evidenced unmet need for the type of development proposed (GB7(1)(g)(ii)). The need case put forward is for a building of twice the size,

housing machinery that the existing building cannot accommodate. There is in any event no evidence of an unmet need for forestry buildings in the area.

- 5.18.** It is therefore unnecessary to decide whether the land meets the Annex B definition of grey belt, and I do not rely on the Council's previous conclusion that it does.

Openness and purposes

- 5.19.** Openness is essentially the absence of built development. It has both spatial and visual aspects, and the visual impact of a development may be relevant to it (*Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466; *R (Samuel Smith Old Brewery (Tadcaster) Ltd) v North Yorkshire County Council* [2020] UKSC 3). Whether, and to what extent, openness is harmed is a matter of planning judgement. The Planning Practice Guidance identifies matters that may be taken into account: the spatial and visual aspects of openness; the duration of the development and its remediability; and the degree of activity likely to be generated (Green Belt, paragraph 013, reference ID 64-013-20250225). I consider each in turn, and then the Green Belt purposes.
- 5.20.** The comparison is with the land as it was before the building was begun in late October 2024, and as it would be if the notice were complied with. Mr Bate describes the land on which the building stands as previously void of built form and inherently open in nature (JB, paragraph 8.10). I have not treated the welfare building as part of that baseline. It is itself unauthorised, and the 2025 Decision required its removal by 8th March 2026. I deal with the two buildings together at paragraph 5.27.
- 5.21. Spatial aspect.** The building places permanent built form on previously open land. It is 15.1 metres long and 5.05 metres wide, with a footprint of about 79 m² (paragraphs 3.2 and 3.3). Its pitched-roof section has an internal height of

4.52 metres over a raised floor, as measured by the Council on 28th October 2025 (JB, paragraphs 3.3 and 6.3). It is taller externally. It therefore occupies a substantial volume above what was open pasture, to the height of a tall single-storey building.

5.22. The building does not sit within or against an existing group of buildings, a farmstead or the edge of the village, and it does not consolidate existing development. Apart from the welfare building, it stands on its own in the field. The building is modest in absolute terms, but that does not remove the harm. A building of this size on otherwise undeveloped land causes a real loss of openness, and policy GB6(2) requires substantial weight to be given to any harm to the Green Belt.

5.23. Visual aspect. The building is seen from Fairham Brook Lane through the access to the south, and it is orientated so that its longest elevation, about 15 metres, faces the lane (JB, paragraph 8.10). It is also seen from Bunny Hall, where it sits centrally within key views south from the principal rooms across the former parkland (JB, paragraph 8.7). Its white panel walls, uPVC joinery and a conservatory glazed on all sides make it stand out against the pasture, hedgerows and trees. As built, it has white panel walls beneath a steeply pitched dark metal roof with rooflights and a dark fascia band, with a uPVC conservatory with a tinted roof at one end. The dark mass of the roof and its ridge stand against the sky, and the white walls and glazing contrast with the grass, hedgerows and trees around it. It is read as a building, not as part of the landscape, and it interrupts the traditional open vistas across the fields that the Inspector identified in 2025 (2025 Decision, paragraph 50).

5.24. Screening would not overcome this. Planting might in time reduce how much of the building is seen, but it would not reduce its spatial effect, and planting dense enough to hide it would itself close the open views across the former park (2025 Decision, paragraph 50; JB, paragraph 8.6). The planting carried out so far

along the northern boundary is too small to be effective. The need to screen a building indicates its effect on the openness of the Green Belt.

5.25. Duration and remediability. The building is permanent. It is a timber-framed building, not a caravan or a temporary structure; the appellant no longer contends otherwise (JB, paragraphs 6.1 and 7.1). The deemed application is for permanent planning permission, and no temporary permission is sought. The openness of this part of the land can be restored only by removing the building, which is what the notice requires.

5.26. Degree of activity. The appellant says the building is for the storage of tractors, an excavator, a mounted tree planter and quads, for drying firewood, for tree nursery processing and for the preparation and storage of herbal extracts (App 1; App 12). Those uses would bring vehicle and machinery movements across the land from the lane, and external storage and working areas around the building. Because the machinery on which the need case relies cannot be housed in the building as built (paragraph 5.12), it would be kept in the open. There are already items stored around the buildings (SoC, paragraph 4.11). That spread of activity is already evident. At the Council's visit in October 2025, crates, ladders, timber and cladding panels, tarpaulin-covered items and other materials were stored in the open around the building, and nearby there were a gas tank, further sheds, bicycles, pallets, garden equipment and a gazebo. Activity of this kind would add to the loss of openness beyond the footprint of the building itself.

5.27. Cumulative effect. I have assessed the building on its own. While the welfare building remains in place, in breach of the notice upheld in the 2025 Decision, the two buildings, with the paraphernalia around them, read together as an incipient group of structures in the open former park (paragraph 6.7). The loss of openness would then be greater. The presence of one unauthorised building cannot be relied on to reduce the effect of another.

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- 5.28. Green Belt purposes.** The building extends built development into open countryside where there was none. That is encroachment in the ordinary sense of the word, and it conflicts with the purpose of assisting in safeguarding the countryside from encroachment (GB2(1)(c)).
- 5.29.** Taking these matters together, the building causes a permanent loss of openness in both spatial and visual terms. The activity associated with its claimed uses would increase that loss, and the building conflicts with one of the purposes of the Green Belt. In my judgement there would be a moderate level of harm to openness. Whatever its degree, policy GB6(2) requires substantial weight to be given to that identified harm.
- 5.30.** I give substantial weight to the harm by reason of inappropriateness and to the harm to openness. The development conflicts with Local Plan Part 2 Policy 21(2), read with policies GB6 and GB7, and with the principle of the Green Belt retained by Core Strategy Policy 4(1).

If the Inspector finds the development is for forestry

- 5.31.** If, contrary to my view, the Inspector finds that the building is for forestry, it is not inappropriate and there is no requirement to assess openness (as in the 2025 Decision, paragraph 45). In that event policy S5(5) of the Framework applies. The proposal should then be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, applying S5(2). Under S5(2), those circumstances include (not exhaustively) where a proposal would fail to comply with a national decision-making policy which states that development proposals should be refused in specific circumstances. I address that alternative balance in section 10.

6. MAIN ISSUE: CHARACTER AND APPEARANCE, INCLUDING THE SIGNIFICANCE OF BUNNY HALL

Character and appearance of the area

- 6.1.** The site is part of the former designed parkland of Bunny Hall, south of its formal gardens. It is an open, pastoral landscape of fields bounded by hedgerows and trees, falling towards Fairham Brook. The Inspector in the 2025 Decision described it as “a countryside field in a predominantly rural area outside of the village of Bunny”, which “still forms part of the visual and historic setting to the Hall” (paragraphs 47 and 58), and referred to “the predominant pattern and context of traditional open vistas across countryside fields” (paragraph 50).
- 6.2.** Core Strategy Policy 10(5) requires development outside settlements to be assessed with reference to the Greater Nottingham Landscape Character Assessment (2009) (“GNLCA”). The site lies within the South Nottinghamshire Farmlands Regional Character Area and, within it, Draft Policy Zone SN04 Cotgrave and Tollerton Village Farmlands. The Council’s Strategic Housing Land Availability Assessment (2024) places land in the former grounds of Bunny Hall, in the valley of Fairham Brook, within that zone and describes it as a “high quality setting” (site SHLAA/BUN/009). Across the zone as a whole, the GNLCA assesses landscape condition as moderate and character strength as moderate, and sets an overall landscape strategy of ‘Enhance’.
- 6.3.** The GNLCA’s guidelines for the South Nottinghamshire Farmlands include: to conserve and enhance the overall structure and traditional agricultural character of the landscape; to conserve the character and setting of village settlements; to conserve the character of areas of pasture, particularly along village fringes; to promote measures for achieving better integration of new and existing
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features in the countryside; and to conserve parkland where present and retain the character of parkland pasture with frequent individual specimen trees.

- 6.4.** Among the character area's key characteristics, it records that pockets of mature parkland are prominent features and that "there is a lack of built form on lower alluvium basins". The appeal site has the qualities those guidelines seek to conserve. It is pasture on the fringe of Bunny, within the former parkland and setting of the Hall, on lower ground falling to Fairham Brook. A strategy of enhancement is aimed at reinforcing those characteristic features where they have been eroded: hedged fields, parkland pasture and trees, and the setting of the village. It does not call for new built form in open parkland pasture. A domestic-style building with a conservatory and porch conserves or enhances none of those features. Instead it adds to the urbanising elements that the GNLCA already identifies as having a strong influence on the zone.
- 6.5.** The GNLCA does encourage new tree and woodland planting in this character area, but that planting does not depend on the appeal building. Planting to screen a building, as distinct from parkland trees, is not what the guidelines envisage (see below). The development therefore conflicts with Core Strategy Policy 10(5), and it has a significant adverse effect on landscape character, contrary to Local Plan Part 2 Policy 1(7).
- 6.6.** Into that landscape the development introduces a building of domestic character. Its principal elevation, about 15 metres long, faces the lane, with a porch on one side and a uPVC conservatory at its south-east end (JB, paragraph 8.10). Its white panel walls, domestic joinery and glazed conservatory give it a suburban, domestic appearance that is at odds with the open parkland and with the functional agricultural buildings in the locality. It stands on land that was previously free of built form, close to the unauthorised welfare building.

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- 6.7.** The two buildings, together with the items stored around them (SoC, paragraph 4.11), form an incipient group of domestic-looking structures in the former park. At the Council’s visit in October 2025 that group included further sheds, bicycles, garden equipment, a gazebo, a gas tank, pallets and building materials stored in the open. The building itself has neither the simple, functional form of a farm building nor any affinity with the parkland. It combines a tall, steeply pitched dark metal roof with white panel walls, a lean-to porch and a uPVC conservatory with a tinted roof, and it reads as a domestic-scale building in an open field.
- 6.8.** I have had regard to the appellant’s case that the colours were chosen to “recede into the landscape” and that climbing plants and planting will soften the building (Appellant’s Statement, paragraphs 6.2 and 10.3). The Inspector rejected the same approach in 2025 (paragraph 50). He found that the planting needed to screen a building of this kind “simply highlights its incongruous and unacceptable appearance” and would itself “appear unnatural and out of place”. Mr Bate reaches the same view (JB, paragraph 8.6). Screening cannot make an inappropriately designed building acceptable. The need for it indicates that there is harm.
- 6.9.** The appellant also relies on nearby agricultural and other buildings (App 5). The buildings shown are timber barns at Bunny Hall, a timber shed by the football pitch, a University of Nottingham outbuilding used for beekeeping and waste collection, and a barn on land to the south. They are simple, functional buildings. None has the domestic form of the appeal building, with its porch and uPVC conservatory. They do not provide a justification for the appeal scheme.
- 6.10.** In my opinion the development causes significant harm to the character and appearance of the area. It conflicts with:
- a. Core Strategy Policy 10, parts 2(f), (g) and (h), 4 and 5;
 - b. Local Plan Part 2 Policy 1, criteria 4 and 7;
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- c. Framework policy DP3(1); and
 - d. Framework policy N2(1)(a) and (d).

- 6.11.** Policy DP3(1) requires development to respond to its context, including the history, character and features of the site and its setting, so that it integrates with and enhances its surroundings. The development does neither. Policy DP3(3) provides that development proposals should be refused if, without clear justification, they conflict with paragraph 1 of that policy. No clear justification has been given for a domestic conservatory and porch on a building said to be for forestry storage, or for siting it in the most sensitive part of the land, closest to the Hall. DP3(3) is a national decision-making policy which states that proposals should be refused in specific circumstances, for the purposes of policy S5(2).
- 6.12.** Policy N2(1)(a) requires development proposals to consider the environmental qualities of the land, including its landscape character and the natural beauty of the countryside, and to identify opportunities for those qualities to be conserved or enhanced. Policy N2(1)(d) requires existing natural features of visual or historic value to be conserved and enhanced, and appropriate landscaping to be used to integrate development into its surroundings. The development does neither. It places a domestic building in open former parkland, without any assessment of the landscape it affects, in the setting of the Hall. The open, pastoral character of the former park, with its hedgerows, trees and views across the fields, is exactly the environmental quality that N2(1)(a) and (d) seek to conserve.
- 6.13.** The landscaping on which the appellant relies would screen the building rather than integrate it. The Inspector's findings in the 2025 Decision apply directly. He found that the welfare building on the same land was at odds with "the predominant pattern and context of traditional open vistas across countryside fields", and that the planting needed to screen it would itself "appear unnatural
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and out of place” (paragraph 50). Planting of that kind is not the “appropriate landscaping” that N2(1)(d) contemplates, and Mr Bate explains that in time it would sever the Hall from parts of its former parkland (JB, paragraph 8.6). The development therefore conflicts with N2(1)(a) and (d), consistently with the Inspector’s earlier findings. I do not suggest that N2(2), which concerns significant harm to biodiversity, is engaged.

- 6.14.** My conclusions on this issue are consistent with the 2025 Decision (paragraphs 47–51). That decision concerned a different building on the same land, but the site, landscape context, policy tests and design shortcomings are materially the same. In my opinion there is no good reason to reach a different conclusion.

The significance of Bunny Hall

- 6.15.** The heritage assessment is Mr Bate’s (JB, paragraphs 8.1–8.16). I agree with it and adopt it. In summary, he finds that the building:
- a. harms the significance of the Grade I listed Hall through development within its setting;
 - b. sits within the former parkland and within views from the principal south-facing rooms; and
 - c. causes harm, which he places at the low to moderate end of that range.
- 6.16.** From a planning and visual perspective, I note that the features that harm the character of the area are the same features that make the building conspicuous in the views south from the Hall that Mr Bate describes: the white walls, the glazed conservatory and the tall, dark roof, standing in open former parkland. The pale walls and glazing draw the eye in a green and open landscape, and the outside storage and paraphernalia around the building add to the cluttered, non-agricultural appearance of this part of the park. Those observations are consistent with, and support, Mr Bate’s assessment.
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- 6.17.** He further finds that the harm has no clear and convincing justification, as policy HE4(2) requires, given the obvious less harmful alternatives, and that no public benefits outweigh it (policy HE6(4)). The same conflict arises with Core Strategy Policy 11 and Local Plan Part 2 Policy 28.
- 6.18.** Two points bear on the weight in the balance. First, policy HE6(1) requires substantial weight to be given to the conservation of a designated heritage asset, and the more important the asset the greater the weight. Bunny Hall is Grade I. Second, policy HE6(3) provides that any harm to a designated heritage asset is a matter of considerable importance and weight. That reflects the statutory duty in section 66(1). The Inspector in 2025 found moderate less than substantial harm from the welfare building and attached great weight to the conservation of the Hall (paragraphs 59–62; JB, paragraphs 8.13–8.15). He also found that no conditions could mitigate the harm (paragraph 60). The Framework now refers to substantial weight, rather than great weight, being given to the asset’s conservation (HE6(1)). The Government’s response to the consultation on the Framework states that “this change does not reduce heritage protections” and that the revised wording in policy HE6 “maintains the existing level of protection” (response to question 189).

7. MAIN ISSUE: WHETHER THE LOCATION IS ACCEPTABLE, HAVING REGARD TO FLOODING

- 7.1.** The Council’s case on this issue is summarised in the Council’s Note on Ground (a)(paragraphs 4–12). I set out the planning assessment here.

The facts

- 7.2.** The building stands in Flood Zone 1. The Council accepts this, and it is the appellant’s case (App A to her 2024 costs application; SoC, paragraph 4.50). The land within the notice boundary, however:

- a. is about 3.5–3.8 hectares; and
- b. includes land in Flood Zones 2 and 3 on its southern side (Fig 1). Mr Bate estimates that about three-quarters of the site, including its only access, is in Flood Zone 3 (JB, paragraph 4.5).
- 7.3.** The only access to the building is from Fairham Brook Lane over the bridge across the brook. It then runs north through Flood Zones 2 and 3 (SoC, paragraph 4.50). The appellant's evidence is that Bunny and the land around the brook flood regularly (Appellant's Statement, sections 5 and 12; App 10). No site-specific flood risk assessment has been provided, in this appeal or the previous one (2025 Decision, paragraph 64; SoC, paragraph 4.50).

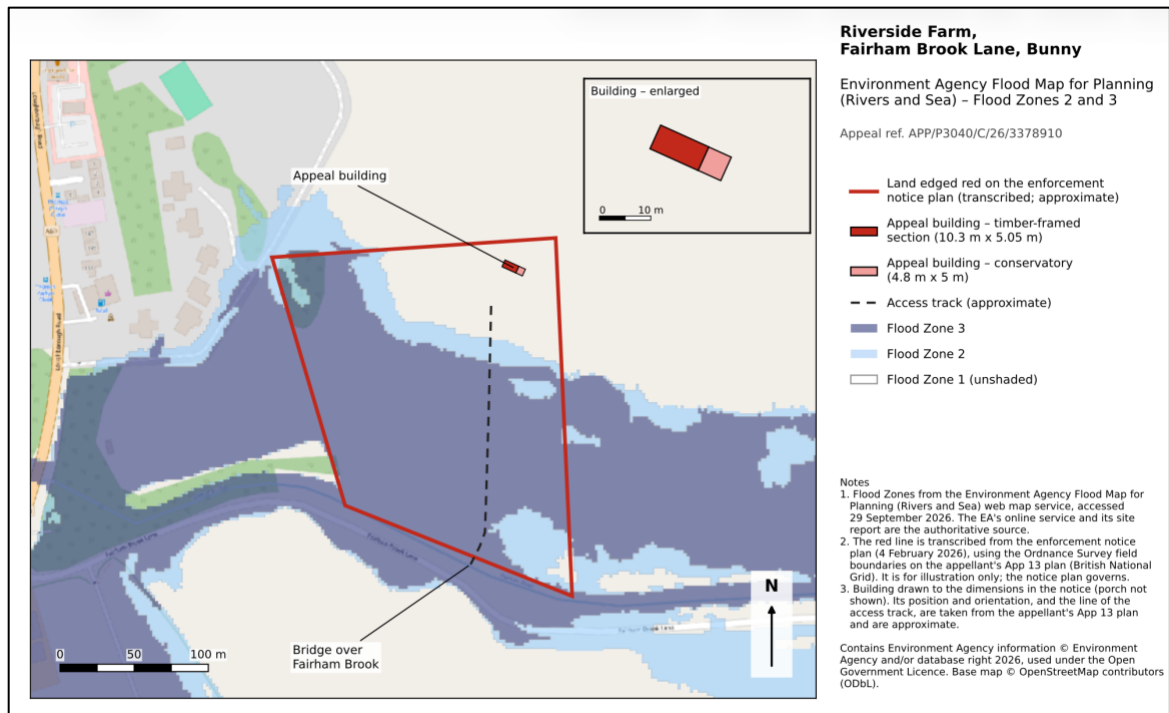


Fig 1 – Map depicting flood zones at the appeal site

Policy

- 7.4.** Framework policy F4 requires a site-specific flood risk assessment for all development proposals in Flood Zones 2, 3a and 3b. It also requires one, in

Flood Zone 1, for sites of one hectare or more. The requirement is engaged on both bases, because the site is well over one hectare and includes land in Flood Zones 2 and 3.

- 7.5.** Policy F5(2) requires the sequential test to be applied in areas known to be at risk of flooding. Under F5(2)(b)(i) the test is disapplied only where a site-specific flood risk assessment demonstrates clearly that no built development within the site boundary, “including access or escape routes”, would be located in an area at risk of flooding from any source. That cannot be shown here: there is no assessment, and the only access route lies in Flood Zones 2 and 3. No sequential test evidence has been provided.
- 7.6.** Policy F7(2) provides that where development is proposed in a location known to be at risk from any form of flooding, it “should be refused unless”, among other things:
- a. the development will be safe throughout its lifetime taking account of the vulnerability of its users; and
 - b. any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 7.7.** Policy CC3(1)(a) is to the same effect. Local Plan Part 2 Policy 17(2) provides that development proposals in areas of flood risk “will only be considered when accompanied by a site specific flood risk assessment”, with mitigation including “the provision of safe access and escape routes”. Core Strategy Policy 2(6) and (7) supports development that avoids areas of flood risk and applies the sequential approach.

Assessment

- 7.8.** I accept that a building genuinely used for forestry would be a “less vulnerable” use under Annex F. The Council does not say that the building itself is likely to

flood. The concern is that there is no evidence that people using the building, or the emergency services, could reach or leave it safely when the brook floods. The concern is greater because:

- a. the appellant's case is that the building is a daily operational base for workers and equipment; and
- b. the adjoining welfare building is a facility for people on site.

7.9. It is for the party seeking permission to provide the information that national and local policy require. In the absence of a flood risk assessment:

- a. the sequential test cannot be disapplied and has not been passed;
- b. it cannot be concluded that the development would be safe for its lifetime with safe access and escape; and
- c. the requirements of policies F4, F5, F7(2) and CC3(1)(a), Local Plan Part 2 Policy 17 and Core Strategy Policy 2 are not met.

7.10. Policy F7(2) directs refusal in these circumstances. It is a national decision-making policy which states that development proposals should be refused in specific circumstances, for the purposes of policy S5(2).

7.11. I have considered whether a condition could overcome the objection, for example one requiring a flood warning and evacuation plan. In my view it could not. A condition cannot supply the assessment on which the sequential test and the safety conclusions in F5 and F7 depend. Requiring an assessment after permission is granted would leave the principal question unresolved, contrary to the approach to conditions in policy DM6(1)(a). If the appellant submits an assessment with her proof, as the Council's Note (paragraph 24) anticipates she may, I will respond to it in a rebuttal or orally.

7.12. The appellant presents flood mitigation as a substantial public benefit, claiming that the woodland will protect Bunny and Bunny Hall from flooding (Appellant's

Statement, sections 5 and 12). No hydrological or other technical evidence supports that claim. The planned woodland is about 1.2 hectares (App 11), on land that the appellant's own evidence shows to be itself subject to flooding. In any event, the woodland does not depend on the appeal building (see section 9). I give the claimed flood benefit no weight.

- 7.13.** For completeness, the Council's 2024 statement on the first appeal said that the welfare building appeared to be in Flood Zone 2. That statement concerned a different building, and the 2025 Decision found the evidence on it inconclusive (paragraph 64). The Council's case now is that the appeal building is in Flood Zone 1, as the appellant contends, and that the objection arises from the access.

The appellant's points on flash flooding

- 7.14.** The appellant has indicated that she intends to question me on "the flash-flooding characteristics of Fairham Brook" (appellant's inquiry timetable form). I do not give hydrological evidence, and the Council's case, which rests on policy, does not depend on it. It is for the party seeking permission to show, through a site-specific flood risk assessment, that the development would be safe for its lifetime and that safe access and escape would be available (policies F4 and F7(2); Local Plan Part 2 Policy 17(2)). No such assessment has been provided, and no evidence on the behaviour of the brook, whether hydrological or otherwise, is before the Inspector beyond the appellant's photographs and descriptions of past flooding. Likewise no sequential test has been undertaken by the appellant.
- 7.15.** If the appellant's case is that the brook rises quickly, that strengthens the objection rather than weakening it. Her own evidence is that Bunny and the land around the brook flood regularly (Appellant's Statement, sections 5 and 12; App 10). The less warning there is of flooding, the less time there is to leave the

building, or for the emergency services to reach it, along an access that runs through Flood Zones 2 and 3. The need to show safe access and escape as part of an agreed emergency plan is correspondingly greater. It is also a further reason why a condition requiring a flood warning and evacuation plan could not stand in for the missing assessment (paragraph 7.11 and condition 3 in Appendix 1): such a plan depends on there being adequate warning.

- 7.16. If the appellant's case is instead that flooding is brief and recedes quickly, that is the kind of evidence that a flood risk assessment would test, covering depth, velocity, duration and the route of escape. It cannot be accepted on assertion. Whichever case the appellant advances, the absence of an assessment remains the difficulty.

8. MAIN ISSUE: WHETHER THE UNAUTHORISED DEVELOPMENT WAS INTENTIONAL (POLICY DM8(2))

The policy

- 8.1. Framework policy DM8(2) provides:

“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.”

- 8.2. Before 17th August 2026, intentional unauthorised development was a material consideration under the Government's policy on *Green Belt protection and*

intentional unauthorised development. That policy was introduced by the planning policy statement published with the Chief Planner's letter to local planning authorities of 31st August 2015, for applications and appeals received from that date, and was confirmed by Written Ministerial Statement of 17th December 2015. It made intentional unauthorised development "a material consideration that would be weighed in the determination of planning applications and appeals", but did not prescribe the weight to be given, which was a matter for the decision-maker. The Framework now lists that statement among those which have been incorporated or superseded (Annex A, paragraph 10). Policy DM8(2) applies expressly to enforcement appeals and prescribes substantial weight where the finding is made on evidence. The Inspector has identified it as a main issue (Post-CMC Note, paragraph 38).

The evidence

- 8.3. The factual evidence is given by Mr Bate. I do not repeat it, but draw on it for the planning judgement. I invite the Inspector to conclude that the development was intentional on either of two bases, each sufficient on its own (Council's Note, paragraphs 18–21).
- 8.4. The first basis concerns the claimed deemed consent. Mr Bate's evidence is that no Class E application was made in December 2023, and that the documents relied on could not have existed in that form at that date (JB, paragraphs 3.4 and 7.3–7.17). It includes:
- a. website text that was not published until after May 2025;
 - b. an aerial photograph showing features that post-date December 2023;
 - c. a receipt for a fee paid on a different application; and
 - d. an acknowledgement letter bearing a reference that belongs to another case.

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- 8.5.** The appellant's own contemporaneous email of 16th December 2023 refers to "two applications" – hardstanding and the private way – and to no forestry building (RBC App N). If the Inspector accepts that the documents are not genuine in the form presented, that is itself strong evidence that the appellant knew the building needed a permission it did not have. A person who believed in good faith that the building was lawful would have no need to create a permitted development history after the event.
- 8.6.** The second basis is the chronology, whatever the finding on the documents. The following matters are before the Inspector:
- a. The appellant was familiar with the Part 6 notification procedure. She had used it for the brook crossing in 2022 and for the hardstanding and private way in late 2023. The Council returned those notifications as unnecessary and advised her that a lawful development certificate was the route to establish whether works were permitted. None was sought (JB, paragraph 3.1.2; RBC App N).
 - b. She had been served with a planning contravention notice in June 2023 about the welfare building (2025 Decision, paragraph 11). An enforcement notice was issued against that building on 21st December 2023, stating that "the scale of the holding is such that no agricultural permitted development rights apply" (enforcement notice dated 21st December 2023).
 - c. From January 2024 she was professionally represented in the appeal against that notice, by Roythornes Solicitors (appeal form dated 26th January 2024).
 - d. She began the appeal building in late October 2024, while that appeal was undetermined, without any application for planning permission, prior approval or a lawful development certificate, and without seeking pre-application advice (JB, paragraphs 3.2 and 7.20(1)(v)).
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- e. Until the Council's visit on 28th October 2025, the appellant's position was that the building was a caravan not requiring permission. The claim to deemed consent was first made at that visit (JB, paragraphs 3.3 and 7.15(v)).
 - f. The welfare building, which the 2025 Decision required to be removed by 8th March 2026, remains in place.

Assessment

- 8.7. In my opinion those matters show, on the evidence, that the appellant:
 - a. knew that planning control applied to building on this land;
 - b. knew how to establish whether works were lawful; and
 - c. chose to build without doing so, at a time when she was contesting enforcement action against another building on the same land.
- 8.8. The building has since been justified on shifting and inconsistent grounds, most recently through the further notification 26/00111/AGRIC (paragraph 5.14). That is intentional unauthorised development within the meaning of DM8(2).
- 8.9. I recognise that a genuine and honestly held belief that the building benefited from deemed consent would bear on the DM8(2) question, even if ground (c) failed for another reason (Council's Note, paragraph 22). The appellant is entitled to say so in her evidence. However, the evidence summarised above, and set out fully by Mr Bate, does not support such a belief. The claim was not made until almost two years after the consent is said to have arisen, and after the caravan argument had failed.
- 8.10. If the Inspector reaches that conclusion, substantial weight must be given to it against the grant of permission. On the inappropriate development route, that weight adds to the harm that very special circumstances would have to clearly

outweigh. On the S5(5) route, it is an adverse effect of substantial weight to be set against the benefits.

The appellant's complaint about the Council's records

- 8.11. On 25th September 2026 the Council refused, under the Environmental Information Regulations 2004, the appellant's request for its enforcement file 23/00034/BUILD (EIR reference 4081492). The appellant says that the Council is therefore pursuing its case on evidence withheld from her (appellant's urgent addendum of 25th September 2026, Part 1). Her inquiry timetable form also questions the Council's handling of its records. How the Council has dealt with that request, and how its records were created, are matters for the Council and Mr Bate. I note only that the matters on which I rely in paragraphs 8.4 to 8.7 are taken from documents already before the Inspector, many of them the appellant's own, and from the 2025 Decision. In particular, the chronology in paragraph 8.6 does not depend on any document that is not already before the Inspector.
- 8.12. On the strength of that refusal, the appellant asks the Inspector to quash the enforcement notice immediately under section 176(2) of the 1990 Act or, alternatively, to stay the appeal and direct the Council to disclose the whole file within seven days (urgent addendum, Part 1, paragraph 4). That is a procedural matter for the Inspector and is outside my evidence but is resisted by the Council. It does not bear on the planning merits of the deemed application, which I address on the basis of the material before the Inquiry only.

9. THE APPELLANT'S CLAIMED BENEFITS AND OTHER CONSIDERATIONS

- 9.1. The appellant relies on the following considerations (Appellant's Statement, sections 4, 5, 10 and 12; App 11 and App 12). I assess each in turn:

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- a. the ROOT project and woodland creation;
 - b. natural flood management for Bunny and Bunny Hall;
 - c. biodiversity and carbon sequestration;
 - d. the security of high-value equipment; and
 - e. the operational need for the building.

Woodland creation, the ROOT project, biodiversity and carbon

- 9.2.** I recognise that woodland creation brings environmental benefits. Framework policy GB5 encourages Green Belt land to provide benefits for nature. However:
- a. the woodland is being delivered through the England Woodland Creation Offer. The application does not seek funding for any woodland infrastructure and records none (App 3, section 8);
 - b. the planting and its maintenance do not depend on the appeal building, and the benefits would be delivered whether or not it remains;
 - c. no evidence of the Innovate UK grant or its conditions has been provided. The appellant's index of appendices lists "App 3 & 3.1: EWCO Acceptance Letter (Ref: 5587293) & Innovate UK Grant Evidence", but no App 3.1 is on the file; and
 - d. the claimed quantities, such as 400 tonnes of carbon per hectare, are generic figures taken from published material, not site-specific evidence.
- 9.3.** As the benefits of the woodland do not flow from the building, I give them limited weight in the deemed application.

Flood mitigation

- 9.4. For the reasons in section 7, I give no weight to the claimed flood mitigation benefit.

Security of equipment and operational need

- 9.5. The security and need arguments are made for a 200 m² building with a 100 m² machinery bay (App 12). The building as built cannot house the tractors, excavator and planter listed. The appellant says tools are presently kept in caravans (Appellant's Statement, paragraph 4.2). A need for secure storage, if established, could be met by a building of functional agricultural design, sited with regard to the Green Belt and to the setting of Bunny Hall, through an application for planning permission. Mr Bate identifies obvious, less harmful alternatives (JB, paragraph 8.8). I give these considerations limited weight.

Development at Bunny Hall

- 9.6. The appellant refers to applications 25/01818/FUL and 25/01819/LBC at Bunny Hall, which concerned the replacement of existing timber structures with brick stables (Appellant's Statement, paragraphs 6.1 and 10.5). Every proposal must be judged on its own merits. The replacement of existing ancillary structures within the curtilage of the Hall, assessed through a listed building consent process, is not comparable to a new domestic-style building in the open former parkland south of the Hall. I attach no weight to these applications in support of the deemed application.

The relevance of the 2025 Decision

- 9.7. The appellant has raised the relevance of the 2025 Decision (Post-CMC Note, paragraph 39). A previous appeal decision on closely related facts is a material consideration. Like cases should be decided alike unless there is a good reason

for departing from the earlier decision, and any such reason should be explained. In my opinion the 2025 Decision is highly material on character and appearance, on the setting of Bunny Hall and on the effect of screening. It is also relevant to the approach to Green Belt policy. It is distinguishable on one point only: whether the building is for forestry or agriculture. That is because the evidence on the purpose and use of this building is different, as I explain in section 5.

10. PLANNING BALANCE

The approach

- 10.1.** The deemed application must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the 2004 Act; section 70(2), applied by section 177(2) of the 1990 Act). The Framework is an important material consideration. Its national decision-making policies also govern the weight to be given to development plan policies (Annex A, paragraph 2). The Framework balances do not replace the statutory test. I therefore consider, first, whether the development accords with the development plan read as a whole; secondly, the Framework balances; and thirdly, whether material considerations indicate that the decision should be made other than in accordance with the development plan.

The development plan

- 10.2.** For the reasons given in sections 5 to 7, the development conflicts with:
- a. Core Strategy Policy 4(1) and Local Plan Part 2 Policy 21(2), because it is inappropriate development in the Green Belt which harms openness (section 5);

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- b. Core Strategy Policy 10 (parts 2(f), (g) and (h), 4 and 5) and Local Plan Part 2 Policy 1 (criteria 4 and 7), because of its domestic form and its siting in open former parkland (section 6);
 - c. Core Strategy Policy 11 and Local Plan Part 2 Policies 1 (criterion 9) and 28, because it harms the significance of Grade I listed Bunny Hall without clear and convincing justification (section 6); and
 - d. Core Strategy Policy 2 (parts 6 and 7) and Local Plan Part 2 Policy 17, because no site-specific flood risk assessment has been provided and safe access and escape have not been shown (section 7).
- 10.3.** Those policies are consistent with the Framework and carry full weight, save for the final part of LPP2 Policy 28(1), for the reason given in section 4. The conflicts go to the plan's central objectives for this location: protecting the Green Belt, the countryside and the historic environment, and avoiding flood risk. In my view the development conflicts with the development plan read as a whole.
- 10.4.** That conclusion does not depend on the Green Belt. If the Inspector finds that the building is for forestry, the conflict with Core Strategy Policy 4 and LPP2 Policy 21 falls away. The conflicts with Core Strategy Policies 2, 10 and 11 and LPP2 Policies 1, 17 and 28 remain. On that basis too, the development conflicts with the development plan read as a whole.

National decision-making policies

- 10.5.** The development also conflicts with the following national decision-making policies in the Framework:
- a. GB6, as inappropriate development which harms the openness of the Green Belt and conflicts with the purpose in GB2(1)(c) (section 5). This applies only if the building is not for forestry;

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- b. DP3(1), because it does not respond to the history, character and features of the site and its setting, and DP3(3), which provides that proposals which conflict with DP3(1) without clear justification should be refused (section 6);
 - c. N2(1)(a) and (d), because it does not conserve the landscape character of the former parkland or its natural features of visual and historic value, and relies on screening rather than landscaping that integrates it (section 6);
 - d. HE4(2), because the harm to the significance of Bunny Hall has no clear and convincing justification, and HE6(4), because that harm is not outweighed by public benefits (section 6; JB, paragraphs 8.8–8.9); and
 - e. F4, F5(2), F7(2) and CC3(1)(a), because no site-specific flood risk assessment has been provided, the sequential test has not been passed, and it has not been shown that the development would be safe for its lifetime with safe access and escape. F7(2) provides that development should be refused in those circumstances (section 7).

If the building is inappropriate development: the Green Belt balance

10.6. I identify on the harm side of the balance:

- a. harm to the Green Belt by reason of inappropriateness, a moderate level of harm to openness, and conflict with the purpose of safeguarding the countryside from encroachment – substantial weight (GB6(2));
- b. significant harm to the character and appearance of the area, in conflict with DP3 and N2 – significant weight;
- c. harm to the significance of Grade I listed Bunny Hall, without clear and convincing justification (HE4(2)) – considerable importance and weight (HE6(3)), with substantial weight given to the asset's conservation (HE6(1)) and special regard to the desirability of preserving its setting (section 66(1));

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- d. failure to demonstrate that the development would be safe from flood risk, in conflict with F4, F5, F7(2) and CC3 – significant weight; and
 - e. if the Inspector so concludes, intentional unauthorised development – substantial weight (DM8(2)).
- 10.7.** On the other side, for the reasons in section 9, the woodland, biodiversity and carbon benefits carry limited weight because they do not depend on the building; the claimed flood mitigation benefit carries no weight; and the security and operational need arguments carry limited weight because they relate to a larger building that has not been built.
- 10.8.** Those considerations do not come close to clearly outweighing the harm to the Green Belt by reason of inappropriateness and the other harm. Very special circumstances do not exist. The development conflicts with GB6(2), and with Core Strategy Policy 4(1) and LPP2 Policy 21(2).

If the building is for forestry: the balance under policy S5(5)

- 10.9.** If the Inspector concludes that the development is not inappropriate, policy S5(5) applies: the proposal should be approved unless the benefits would be substantially outweighed by the adverse effects, when assessed against the national decision-making policies in the Framework and applying S5(2). That balance arises under the Framework. It is a material consideration in the section 38(6) exercise and does not displace the development plan. The adverse effects are assessed against all the national decision-making policies, not only those which direct refusal, so the conflicts at paragraph 10.5(b) to (e) are all relevant to it.
- 10.10.** In my opinion that threshold is met, for four reasons:
- a. the proposal fails two national decision-making policies which state that development proposals should be refused in specific circumstances: DP3(3)

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- (design conflict without clear justification) and F7(2) (flood risk without demonstrated safety and safe access and escape). Under S5(2), those are circumstances in which the benefits are likely to be substantially outweighed. Either would engage S5(2) on its own;
- b. the proposal also conflicts with N2(1)(a) and (d), HE4(2) and HE6(4), F4, F5(2) and CC3(1)(a). S5(2) is not exhaustive, and those conflicts add to the adverse effects;
 - c. the adverse effects are serious. They comprise significant harm to character and appearance; harm to the significance of a Grade I listed building, which is a matter of considerable importance and weight and to whose conservation substantial weight must be given; the failure to show that users would be safe from flooding; and, if found, intentional unauthorised development, which attracts substantial weight under DM8(2); and
 - d. the benefits are modest, carry at most limited weight, and largely do not depend on the building (section 9).
- 10.11.** The benefits are therefore substantially outweighed by the adverse effects, and S5(5) does not support the grant of permission.

The heritage balance

- 10.12.** On either route, the heritage balance in HE6(4) is not satisfied, because the harm to the significance of Bunny Hall is not outweighed by public benefits (JB, paragraph 8.9). The harm also lacks the clear and convincing justification that HE4(2) requires. Section 66(1) weighs against permission.

Overall conclusion under section 38(6)

- 10.13.** Whichever route the Inspector takes on the Green Belt, the development conflicts with the development plan read as a whole. The question is then

whether material considerations indicate that permission should nevertheless be granted.

10.14. In my opinion they do not. The Framework, the most important material consideration, points the same way as the development plan. If the building is inappropriate development, very special circumstances do not exist. If it is for forestry, the benefits are substantially outweighed under S5(5). On either route the heritage balance in HE6(4) is not met, and the development conflicts with DP3, N2, HE4, F4, F5, F7 and CC3. The 2025 Decision, on closely comparable facts, is consistent with these conclusions (section 9). If the Inspector finds that the development was intentional, that attracts substantial weight against permission (DM8(2)). The other considerations advanced by the appellant carry limited or no weight.

10.15. In my opinion the appeal on ground (a) should fail and planning permission should be refused on the deemed application.

11. CONCLUSIONS

11.1. For the reasons given in this proof, together with the evidence of Mr Bate which I adopt on heritage matters, I invite the Inspector to reach the following conclusions.

The main issues

- a. Green Belt: it has not been shown that the building is for forestry, or agriculture, within GB7(1)(a), and no other category in GB7, including the grey belt category in GB7(1)(g), applies. The building is inappropriate development, harmful by definition. It causes a moderate level of harm to openness, in both spatial and visual terms, and conflicts with the purpose of safeguarding the countryside from encroachment. Substantial weight

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- attaches to that harm (GB6(2)), and the development conflicts with Core Strategy Policy 4(1) and LPP2 Policy 21(2).
- b. Character and appearance: the building's domestic form and its siting in open former parkland cause significant harm to the character and appearance of the area. It conflicts with Core Strategy Policy 10, LPP2 Policy 1 and Framework policies DP3(1) and N2(1)(a) and (d). There is no clear justification for the conflict, so DP3(3) directs refusal. Screening would not overcome the harm and would itself cause harm, as the Inspector found in 2025.
 - c. Bunny Hall: the building harms the significance of the Grade I listed Hall through development within its setting. The harm has no clear and convincing justification (HE4(2)) and is not outweighed by public benefits (HE6(4)). It conflicts with Core Strategy Policy 11 and LPP2 Policies 1(9) and 28, and section 66(1) weighs against permission.
 - d. Flooding: no site-specific flood risk assessment has been provided, the sequential test has not been passed, and it has not been shown that users could reach or leave the building safely along an access that runs through Flood Zones 2 and 3. The development conflicts with F4, F5, F7(2) and CC3(1)(a), Core Strategy Policy 2 and LPP2 Policy 17. F7(2) directs refusal, and a condition could not overcome the objection.
 - e. Intentional unauthorised development: the development was intentional, and substantial weight should be given to that fact against the grant of permission (DM8(2)).
 - f. Other considerations: the woodland, biodiversity and carbon benefits do not depend on the building and carry limited weight; the claimed flood mitigation benefit carries no weight; and the security and need arguments relate to a larger building that has not been built and carry limited weight.
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The balances

- g. The development plan: the development conflicts with the development plan read as a whole, whether or not the building is found to be inappropriate development in the Green Belt.
- h. If the building is inappropriate development: the other considerations do not clearly outweigh the harm to the Green Belt and the other harm, and very special circumstances do not exist (GB6(2)).
- i. If the building is for forestry: under S5(5), the benefits would be substantially outweighed by the adverse effects. Applying S5(2), the proposal fails DP3(3) and F7(2), each of which directs refusal, and it also conflicts with N2, HE4, HE6, F4, F5 and CC3.
- j. Heritage: on either route, the heritage balance in HE6(4) is not satisfied.
- k. Section 38(6): material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. They support the same conclusion.
- l. The appeal on ground (a) should therefore fail, and planning permission should be refused on the deemed application.

Mark Reynolds BSc (Hons) MSc MRTPI (Chartered Town Planner)

Managing Director, Context Planning Ltd

October 2026

APPENDIX 1: SUGGESTED PLANNING CONDITIONS (WITHOUT PREJUDICE)

1. Scope of the permission

This permission relates only to the building described in the enforcement notice dated 4th February 2026, as it existed on that date, on the land edged red on the plan attached to that notice (“the land”). That building measures 15.1 metres by 5.05 metres and comprises a pitched-roof timber-framed section of about 10.30 metres by 5.05 metres, a porch of 1.15 metres by 2.25 metres and a conservatory of 4.80 metres by 5.0 metres. The permission does not authorise any extension or addition to the building, including the southern bay shown as “additional part not finished yet” in the appellant’s Appendix 13.

Reason: *For the avoidance of doubt, because the deemed application under section 177(5) of the 1990 Act is limited to the matters stated in the enforcement notice, and in the interests of the openness of the Green Belt, character and appearance of the area and the setting of Bunny Hall.*

2. Use: forestry only

The building shall be used for purposes of forestry (including afforestation) carried out on the land and for no other purpose. In particular, it shall not be used for:

- (a) any residential purpose or for overnight accommodation;
- (b) the drying, processing, extraction, preparation or storage of herbs, essential oils, herbal extracts or cosmetic products, or of any other produce not grown on the land; or
- (c) any trade or business other than forestry carried out on the land.

Reason: The development is acceptable in the Green Belt only if it is for forestry (policy GB7(1)(a)). The use is also classified as “less vulnerable” to flooding only because it is for forestry (Annex F).

3. Flood warning and evacuation plan

Unless within 3 months of the date of this decision a flood warning and evacuation plan is submitted in writing to the local planning authority for approval, and unless the approved plan is implemented within 1 month of the local planning authority's approval,

the use of the building shall cease until such time as a plan is approved and implemented. The plan shall include:

- (a) arrangements for registration with the Environment Agency's flood warning service;
- (b) the closure of the building, and the cessation of its use, whenever a flood alert or flood warning is in force for Fairham Brook; and
- (c) safe access and escape routes.

If no plan in accordance with this condition is approved within 6 months of the date of this decision, the use of the building shall cease until such time as a plan approved by the local planning authority is implemented.

Upon implementation of the approved plan specified in this condition, that plan shall thereafter be complied with at all times.

Reason: To ensure that users of the building remain safe from flooding, given that the only access and escape route passes through Flood Zones 2 and 3 (Framework policies F7 and CC3; LPP2 Policy 17).

4. Hard and soft landscaping

Within 3 months of the date of this decision, a scheme of hard and soft landscaping shall be submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The scheme shall include:

- (a) the species, size, number and position of all new planting;
- (b) the identification of any area to be used for the external storage of forestry equipment, machinery or materials, and its surfacing and enclosure; and
- (c) the removal from the land around the building of all other stored items, equipment and materials;

The approved scheme shall be carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for the lifetime of the development.

5. Replacement planting

If, within a period of 5 years from the date of planting, any tree or plant planted under the scheme approved under condition 4 (or any tree or plant planted in replacement for it) is removed, uprooted, destroyed or dies, or becomes seriously damaged or diseased, another of the same size and species as that originally planted shall be planted at the same place in the next planting season.

Reason: To protect the character and appearance of the area and the setting of Bunny Hall.

6. External storage

Other than within any area approved under condition 4(i)(b), no materials, equipment, machinery, vehicles, containers, caravans or other items shall be stored or placed outside the building on the land.

Reason: To protect the openness of the Green Belt, the character and appearance of the area and the setting of Bunny Hall.

7. External lighting

No external lighting shall be installed on the building or elsewhere on the land until details of its position, design, intensity and hours of operation have been submitted to

and approved in writing by the local planning authority. Any external lighting shall be installed and retained only in accordance with the approved details.

Reason: To protect the character of this dark, rural landscape, the setting of Bunny Hall, and to protect ecological interests.

8. Removal on cessation of forestry use

If the use of the building for the purposes of forestry on the land permanently ceases, or the building is not used for those purposes for a continuous period of 12 months, the building shall be removed from the land within 6 months of the end of that period, and the land shall, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been first submitted to and agreed in writing by the local planning authority.

Reason: The building is acceptable in the Green Belt only if it is required for forestry on the land. If it is no longer so required, its retention would harm openness and the setting of Bunny Hall without justification.

9. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building, structure, extension, hard surface or private way shall be erected, extended, formed or laid on the land under Classes A, B or E of Part 6 of Schedule 2 to that Order, other than those expressly authorised by this permission.

Reason: To allow the local planning authority to control further development in this sensitive location in the Green Belt and in the setting of a Grade I listed building. There is clear justification for this restriction (policy DM6(2)(c)). The land lies within the setting of Bunny Hall, where the Inspector in 2025 and Mr Bate each identified harm.