



BEFORE THE PLANNING INSPECTORATE

Town and Country Planning Act 1990 – Section 174

Appeal by Dr Julita Geary / Riverside Farm JK Ltd

Site Address: Riverside Farm, Fairham Brook Lane, Bunny, Nottingham, NG11 6SQ

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

Local Planning Authority Reference: 23/00034/BUILD

APPELLANT'S INDEPENDENT STATEMENT OF FACTUAL GROUND

The following is the Appellant's independent statement of factual and procedural ground, submitted directly to the Planning Inspectorate in accordance with the procedural guidelines, following a fundamental breakdown in consensus regarding the Local Planning Authority's draft.

The Enforcement Notice and the land

Enforcement Notice and the Land: Appellant's Consolidated Response

Point 1: "The Enforcement Notice dated 4 February 2026 is the relevant Enforcement Notice for the purposes of this appeal."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant fundamentally rejects that this notice is valid, operative, or legally capable of forming an area of common ground. As set out by counsel Tom Carter on 21 September 2026, the Enforcement Notice is a **legal**

nullity on its face and under Ground (e) of Section 174 of the 1990 Act [Civic Response Attribution].

- The Local Planning Authority (LPA) committed a severe procedural defect by issuing a "bare" notice on 4 February 2026, and subsequently uploading two critical, fundamentally different "Appeal Notification Letters" to the Planning Inspectorate portal (dated 31 March 2026 and 8 April 2026) without ever formally serving them on the Appellant. These hidden documents post-date the notice and contain alleged breaches that are materially different from the original allegations, directly violating Section 172 service requirements.
- This structural defect is rendered entirely incurable by fresh evidence of active document suppression detailed in the Appellant's Urgent Addendum on 25 September 2026. On that afternoon, the LPA formally issued a refusal notice under the Environmental Information Regulations 2004 (EIR Reference 4081492), explicitly blocking the Appellant from accessing the core, foundational case file **23/00034/BUILD**. The Council justified this suppression by declaring that this specific file contains the live "evidential and legal material gathered during the investigation".
- The LPA cannot legally maintain an enforcement action while simultaneously locking away the primary evidence, internal logs, and officer determinations underpinning that exact charge. This active concealment of data deprives the Appellant of the principle of "Equality of Arms," forcing a highly unethical **"Trial by Ambush"** in direct breach of natural justice and **Article 6 of the Human Rights Act (Right to a Fair Trial)**. Because a formal application to completely **quash the notice as an absolute administrative nullity** is currently pending before the Appointed Inspector, J. Moss, this point is heavily contested and must be moved entirely to **Matters Not Agreed**

Point 2: "The land edged red in the map accompanying the Enforcement Notice is Riverside Farm... formed part of the historic parkland of Bunny Hall... adjoins land... visible from Bunny Hall..."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant fundamentally rejects the spatial, historical, and visual narrative fabricated by the LPA in this paragraph for the following critical reasons:
 - **Unlawful Spatial Over-Enforcement:** The operational building in question is a small, low-profile structure measuring approximately **50 square metres**, situated strictly in the far North-East corner of the holding. Despite this, the LPA has deliberately drawn the red line around the **entire 3.7-hectare land holding of Riverside Farm JK Ltd**. Enforcing against an entire 3.7-hectare holding for an isolated 50 sqm structure is a gross, disproportionate over-enforcement designed to paralyse the lawful forestry operations of the wider holding.
 - **Inaccurate Mapping of a Non-Existent Structure:** The plan accompanying the Enforcement Notice depicts a completed building marked in red. This structure **did not exist at the time the notice was issued and does not exist today**. The physical reality on-site is an **unfinished, timber-framed structure under active construction**. By drawing a fictionalised, completed building on their statutory map, the LPA has failed to comply with Section 173 of the Act, which requires an enforcement notice to precisely and accurately define the physical breach. The Inspector cannot correct a map that enforces against a "ghost" building without causing severe prejudice to the Appellant.

- **The Deceptive "Historic Parkland" Narrative Exposed:** The LPA's claim that this land has historically formed an unserved part of a functional Bunny Hall heritage estate is completely fraudulent. Historical records show that Bunny Hall was **left entirely abandoned, empty, and decaying for over 40 consecutive years** until it was bought as a near-ruin in **2000**. During those decades, the Hall did not function as an estate.
- **The True Title History:** As proven by **HM Land Registry Title Number: NT449626 (Charges Register, Entry 1)**, the appeal site was historically owned independently by the **University of Nottingham from 1971 year**. The developer who restored the Hall only purchased the agricultural parcel from the University in **2008**—long *after* the Hall's modern 2000 residential renovation. The agricultural land was artificially appended to the Hall's history post-renovation; Riverside Farm is fundamentally a separate, historical agroforestry holding.
- **The True Character of the Setting:** The land sits **completely outside the Bunny Conservation Area boundary**. The LPA's own Statement of Case (Paragraph 2.1) explicitly classifies the surrounding area as **"predominantly agricultural"**. This active agricultural landscape already contains numerous functional farm outbuildings—some situated as close as 100 metres to Bunny Hall—alongside modern residential dwellings and a commercial Jet Petrol Station to the south-west, British Gypsum and Johnsons Aggregates & Recycling - Bunny site on the south
- **Clustering and Operational Material Choices:** The building is a highly functional, specialised forestry asset constructed of white insulated metal panels with an anthracite grey roof. The material and colour choices are strictly dictated by operational and silvicultural necessity: the white finish is required for stringent biosecurity protocols, allowing the instant detection and isolation of invasive insects and fungal pathogens that threaten the holding, while providing vital thermal protection to keep young tree stocks and drone batteries at safe temperatures during summer. The anthracite grey roof ensures the building blends seamlessly into the surrounding countryside tree canopy. It sits completely outside the Bunny Conservation Area boundary, is situated 300 metres away, and creates zero material harm to the setting of Bunny Hall.

• **Severe Administrative Inconsistency (The Front-Garden Stables)**

It is a profound breach of administrative consistency for the LPA to claim that an isolated, windowless forestry building 300 metres away causes heritage harm, while simultaneously approving planning permissions 25/01818/FUL and 25/01819/LBC (October 2025). These consents permitted permanent brick masonry stable blocks (nearly 10 times bigger than actual 50 sqm Forestry Storage) to be built directly within the primary front-garden curtilage of the Grade I Listed Bunny Hall itself.

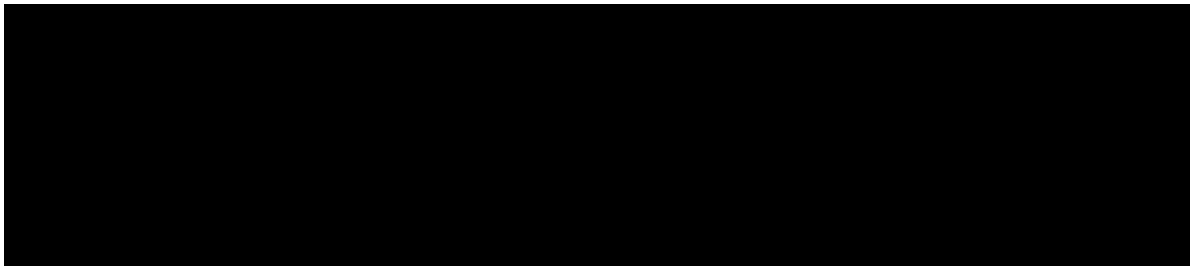
This point belongs entirely in **Matters Not Agreed**.

Point 3: "Appeal decision APP/P3040/C/24/3337651, dated 8 September 2025, concerned the separate welfare building... is a material consideration... That appeal was dismissed..."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant completely rejects the Council's attempt to use the 2025 decision as a weapon to imply new or worsening breaches. The physical, operational, and medical reality of the holding completely refutes their narrative:

- **No New Development Since 2025:** During the 2025 appeal, the previous Inspector, Thomas Shields (DipURP MA MRTPI), physically visited the site alongside James Bate from the Council. During that visit, Inspector Shields inspected **both structures together**—the health and safety welfare shelter and this specific unfinished forestry storage building footprint.



- **The Cumulative Harm Was Already Assessed as Moderate:** Crucially, when Inspector Shields looked at *both* buildings standing on the farm simultaneously in 2025, he explicitly assessed the total cumulative heritage harm to the setting as **"less than substantial" and moderate**. The Council cannot now claim that this single unfinished building causes catastrophic new harm when the total impact of both structures was already judged as moderate.
- **The Decisive Shift in the Planning Balance:** Inspector Shields explicitly noted in 2025 that the notice was upheld solely because *"there are no public benefits advanced by the appellant."* Today, the legal balance is entirely transformed. The holding is now bound by an official **Forestry Commission England Woodland Creation Offer (EWCO) grant to plant 2,000 native trees across 1 hectare commencing on 25 November 2026**.
- Unlike 2025, there is now an overwhelming, state-sanctioned **public benefit** (extreme biodiversity net gain and carbon capture). This massive environmental benefit, combined with the operational necessity of protecting high-value tools, drones, and young tree stocks in a biosecurity-compliant white metal facility, easily outweighs the moderate, "less than substantial" heritage concerns. This point belongs entirely in **Matters Not Agreed**.

Point 3: "The building stands in Flood Zone 1... access is in Flood Zones 2 and 3... No site-specific flood risk assessment has been submitted." Point 4: "No sequential test for flooding has been undertaken."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant fundamentally rejects the Council's claim that a site-specific Flood Risk Assessment (FRA) or a Sequential Test are required or relevant to this appeal for the following statutory and operational reasons:
 - **Deemed Consent and Statutory Time-Bar:** The Appellant submitted the initial Prior Approval application on **7 December 2023**, accompanied by official Environment Agency mapping proving the building sits entirely in **Flood Zone 1**. Under the Town and Country Planning (General Permitted Development) Order, the LPA had a strict **28-day statutory window** to request further information or refuse the application. They failed to do so, and **deemed consent legally arose** by default. The LPA cannot retrospectively demand new technical assessments years later to fix their own administrative failure.
 - **Zero Risk to Human Life:** The physical building sits safely in **Flood Zone 1**, which is completely free from flooding. While the access track near Fairham Brook

crosses sections of Flood Zones 2 and 3, the local reality is that water levels only rise by approximately **10 cm for a few hours** during peak downpours.

- **Unmanned Category 3 Storage:** The building is strictly a **Category 3 unmanned forestry storage facility**, which national planning policy (NPPF Annex F) explicitly classifies as a "**Less Vulnerable**" use. It serves no residential or commercial function. Furthermore, Riverside Farm operational policy strictly mandates that **no personnel are permitted on-site during any flood warning or extreme weather events**. Because there is no continuous human occupancy, expecting a complex FRA and sequential test for a safe storage shed protecting tools from 10cm of temporary brook-overflow is entirely disproportionate and unreasonable. These points belong entirely in **Matters Not Agreed**.

Point 5: "The land is in the Nottingham–Derby Green Belt, outside the inset boundary of Bunny defined on the Local Plan Part 2 Policies Map. It adjoins the Bunny Conservation Area."

✗ COMPLETELY REJECTED / NOT AGREED AS WRITTEN.

- **Appellant's Position:** While the Appellant agrees as a basic geographical fact that the land sits within the Green Belt, the paragraph is rejected as "Common Ground" because the LPA is attempting to sneakily revive an argument on Green Belt "openness" that has already been legally defeated on this very holding:
 - **The Binding Principle of the 2025 Inspector's Ruling:** In the previous appeal decision on this holding (**APP/P3040/C/24/3337651**), Inspector Thomas Shields laid down a definitive legal interpretation of Green Belt policy. In paragraphs 43–45, he ruled that national policy sets out **no limiting criteria relating to the scale of the rural operation**. He concluded that regardless of the scale of activity, a functional rural building falls squarely within the exceptions of **Paragraph 154(a) of the Framework**.
 - **No Openness Assessment Permitted:** Inspector Shields explicitly stated: "*Consequently, the structure is not inappropriate development in the Green Belt. Since it is not inappropriate development **there is consequently no requirement to assess any impact on the openness of the Green Belt.***" Because agriculture and forestry are treated identically under Paragraph 154(a), and because this holding is an active forestry enterprise backed by an official **Forestry Commission EWCO grant**, this building is not inappropriate development. The Council's attempt to argue "openness" under Point 33(b) directly conflicts with established case history on this land.
 - **Absolute Exclusion from the Conservation Area:** The Appellant strongly emphasises that Riverside Farm sits **entirely outside the Bunny Conservation Area boundary**. The strict, restrictive internal policies of the Conservation Area do not apply to this holding. The LPA's repetitive use of the word "adjoins" is a transparent attempt to artificially impose conservation restrictions onto an independent countryside parcel.
 - **No Public Rights of Way & Future Environmental Screening:** Crucially, there are absolutely no public rights of way, public footpaths, or bridleways crossing any part of Riverside Farm, meaning the building has zero visual impact on the general public. The structure is currently heavily screened from all external views by an established, 20-year-old mature broadleaved woodland canopy. Furthermore, it must be taken into consideration that this screening will be significantly enhanced and permanently secured by the imminent planting of the new 1-hectare native woodland block starting on 25 November 2026. The development is entirely

enclosed within an expanding forestry landscape, resulting in zero long-term visual harm to the wider countryside character.

Point 6: "Persons served with a copy of the Enforcement Notice were..."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant fundamentally rejects that the Enforcement Notice was lawfully or adequately served under the strict requirements of Section 172 of the Act for two reasons:
 - **Incurable Failure to Serve a Vital Landowner/Interest Holder:** The LPA completely failed to serve a copy of the Enforcement Notice on **Alexandra Victoria Geary**. Alexandra Victoria Geary is the outright owner and holds 100% of the corporate shares of Riverside Farm JK Ltd—the limited company that owns the land. As the ultimate beneficial owner and interest holder of the holding, she is legally entitled to statutory service under Section 172(2)(b). Failing to serve an owner with an instrument that carries criminal sanctions for non-compliance is an incurable, fatal statutory defect that cannot be corrected by the Inspector without causing severe prejudice.
 - **Unauthorised Portal Alterations:** Furthermore, as set out in the Appellant's Legal Note and Urgent Addendum dated 21 and 25 September 2026, the LPA secretly amended this notice twice on the Planning Portal without formally serving or notifying any of the parties. The LPA cannot claim valid service when they have suppressed information and failed to notify the actual, legal shareholders of the corporate landholding. This point represents a core constitutional dispute and belongs entirely in **Matters Not Agreed**.

Point 7: "The Enforcement Notice does not state that the building is a 'replacement dwelling'."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** While the Appellant agrees that the face of the formal notice from 4 February 2026 does not contain the words "replacement dwelling," this point is entirely rejected as Common Ground due to the LPA's bad-faith, highly contradictory conduct in their formal Rebuttal Statement (Paragraphs 1.1 and 1.2):
 - **Exposing the Back-Door Residential Accusations:** In Paragraph 1.2 of their Rebuttal, the LPA openly introduces highly prejudicial, unevidenced gossip from local residents, explicitly accusing the Appellant of using the secure nature of the site to "*allow for any evidence of residential use, most notably sleeping arrangements, to be hidden.*"
 - **Unlawful Use of an Interview Under Caution:** The LPA has crossed a severe ethical and legal line by introducing details from a highly confidential Interview Under Caution regarding the Appellant's lack of a fixed residential address. To weaponise a personal housing vulnerability in a forestry storage appeal—while simultaneously claiming "*residential use forms no part of the council's case*"—is malicious, contradictory, and designed purely to defame and prejudice the Appellant in front of the Inspector.

- **Admission of Portal Errors:** The LPA openly admits in Paragraph 1.1 that they sent out incorrect "Appeal Notification Letters" in error. This directly validates the Appellant's and Barrister Tom Carter's **Ground (e) Nullity argument**. The Council cannot confess to distributing error-ridden legal notices behind the Appellant's back on the portal, while simultaneously asking the Appellant to sign a document declaring their administrative process was clean and common ground. This entire matter is heavily contested and belongs under *Matters Not Agreed*.

The building and Permitted Development Rights

The Building and Permitted Development Rights: Appellant's Counter-Responses. Point 8 & 9: "The building consists of a timber framed pitched roof section and includes a porch area and a recycled domestic uPVC and double-glazed conservatory... requires planning permission [unless] permitted development rights... are met."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant completely rejects the LPA's deceptive domestic description of the building. The structure features no "porch area" and contains zero residential character. The glass attachment is a **highly functional passive solar kiln and thermal regulation zone**.
- Because this specialised storage building is entirely **off-grid**—featuring no grid electricity, no running water, no kitchen facilities, no toilet, and no sleeping space no windows—the glass structure acts as the sole source of natural passive solar heating. This thermal regulation is operationally vital to keep the storage temperature stable, protecting expensive, sensitive lithium-ion batteries for advanced forestry machinery and high-value **national forestry drone mapping equipment** from freezing and failing during winter. As an unfinished, unmanned trade facility constructed of biosecurity-compliant insulated metal panels, it is entirely designed for forestry storage.

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Points 10 & 11: "The building is not an agricultural development... Class B... could not apply because the building was erected, not an existing building altered or extended."

✗ REJECTED / NOT AGREED AS WRITTEN.

- **Appellant's Position:** The Appellant rejects this framing as Common Ground because it represents a narrow, restrictive legal interpretation designed to box the Appellant in.
- While the Appellant agrees as a matter of fact that this appeal is not being pursued under Class B (which relates to extensions), the Appellant strongly emphasises that **Class E of Part 6 explicitly permits the erection of completely brand-new buildings** for forestry operations.
- Therefore, the Council's focus on Class B is a redundant distraction. The structure was erected as a new, specialised, off-grid forestry storage and biosecurity facility under the

full statutory authority of **Class E Permitted Development rights**. This point belongs entirely in **Matters Not Agreed**.

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Points 12, 13, 14 & 15: "The Appellant seeks permitted development rights pursuant to Class E... a specific hectare size is not a relevant consideration... the development must be for the purpose of forestry and reasonably necessary..."

- **! PARTIALLY AGREED / AMENDED.**
- **Appellant's Position:** It is agreed that under Class E of Part 6, **no minimum hectare size is legally required** to claim Permitted Development rights. It is also agreed that the building must be reasonably necessary for forestry.
- However, the Appellant strongly rejects any insinuation by the LPA that the scale and nature of this holding fail to satisfy the "reasonably necessary" test. The holding is an established forestry footprint featuring an existing over **20-year-old broadleaved woodland canopy** and an ancient, 500-year-old veteran oak identified on the government's own **MAGIC Map (Wood-pasture Priority Habitat)**.
- The operational scale is actively expanding via an approved **Forestry Commission England Woodland Creation Offer (EWCO) grant**, legally binding the Appellant to plant **2,000 new native trees across 1 hectare commencing on 25 November 2026**.
- The reasonable necessity of a secure, thermal-regulated storage building to house drones, sawing gear, and tree stock for a state-sanctioned 2,000-tree planting project is clear. Any accusation to the contrary is an unreasonable misrepresentation of statutory forestry operations.

Common ground re prior approval applications

Common Ground Re: Prior Approval Applications (Points 16 & 17)

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant completely rejects the LPA's deceptive narrative regarding the applications and fee allocations submitted in November and December 2023. This text represents a fraudulent attempt to mask a systemic administrative collapse inside the Council:
 - **The Uncovered Internal Management Confession:** As proven by the Council's own internal memo, "**Note for File**" dated **22 December 2023**, the LPA's management team explicitly confessed in writing to a total procedural collapse. The memo directly admits that the Council's Business Support Unit (BSU) "*merged the two applications together*" without checking, issued a completely defective Decision Notice under reference 23/02098/AGRIC, and then attempted to illegally "withdraw" it outside of a court of law to avoid a non-determination planning appeal.

- **Unassailable Financial Ledger Proof:** A forensic audit of the Council's own live financial database completely disproves their claim that the Forestry Building application was invalid for a "lack of fee." The Civica ePay Notification records show **three distinct financial transactions**:
 1. *Transaction 1 (£90.00 - 16 Nov 2023):* Paid for hard surface permitting.
 2. *Transaction 2 (£6.00 - 4 Dec 2023):* Paid to complete the validation fee for the Hardstanding application.
 3. *Transaction 3 (£96.00 - 7 Dec 2023):* A completely separate, standalone card transaction executed at the council counter at **10:01:01 AM (Receipt: ZZWS00098234)** under reference 11612110.
 - **The £96 Building Fee vs. £0 Access Track:** This standalone £96.00 payment was processed at the exact hour that the primary Forestry Building application package was physically delivered and hand-stamped by the counter officer. **In December 2023, an access track prior notification carried a statutory fee of exactly £0**, whereas an application for a *New Forestry Building* carried a statutory fee of **exactly £96.00**.
 - **Retroactive Alteration of Public Records:** Forensic comparison between the Appellant's authentic receipts and the Council's internal Official Payment Register reveals that the LPA **retroactively altered system-generated descriptors** to custom text strings (changing it to "Rearrangement of privet way") to deliberately obscure the connection to the forestry building and mask the physical loss of your file.
 - **Unlawful Removal of the Public Register:** Compounding this dishonesty, the LPA has completely deleted references **23/02098/AGRIC, 23/02353/AGRIC, and 23/02352/AGRIC** from their online portal, emptying case file 23/00034/BUILD to hide their errors. This constitutes a severe, bad-faith breach of their statutory duty under Article 40 of the Development Management Procedure Order 2015. Deemed Consent fully vested on **31 January 2024**, and the Council's subsequent forced refund was a completely illegal attempt to cancel an accrued statutory right. This entire matter belongs under **Matters Not Agreed**.
- **✗ COMPLETELY REJECTED / NOT AGREED.**
- **Appellant's Position:** The Appellant completely rejects the LPA's framing of the October 2025 site visit as an innocent measurement exercise. This paragraph deliberately hides an ongoing pattern of targeted harassment and administrative opportunism:
 - **A Pattern of Systemic Harassment (11 Unreported Visits):** Between 2023 and 2026, the LPA conducted a staggering **11 separate enforcement site visits** at Riverside Farm. Every single one of these invasive inspections was launched under the false pretext of investigating "unauthorised residential use." On every occasion, the LPA failed completely to find a single shred of evidence of residential use. Highly irregularly, the LPA has strictly **suppressed and refused to publish any official reports, logs, or notes** from these 11 visits, falsely claiming they are "not public records" to hide their repeated lack of findings from the Inspector.
 - **The October 2025 Admission of Lost Paperwork:** The 28 October 2025 visit was not initiated due to a lack of satellite imagery or measurement data. It was the **first time the LPA explicitly admitted in person to the Appellant that they had completely lost, misplaced, or corrupted the December 2023 Prior Approval building files** within their internal indexing systems.

- **Good-Faith Cooperation Weaponised by the Council:** Acting in absolute good faith, the Appellant immediately provided the visiting officers with physical duplicates of the original **7 December 2023 counter-stamped application**, alongside freshly updated operational evidence (including the new November 2025 land rental agreement adding to the holding's footprint). Instead of using this data to correct their database errors, the LPA weaponised the Appellant's transparent cooperation to launch an aggressive, procedurally flawed Enforcement Notice just months later on 4 February 2026. The building has been entirely lawful under Deemed Consent since 4 January 2024, and this point belongs entirely under *Matters Not Agreed*.

Documents (Points 20 & 21)

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant completely rejects the LPA's fraudulent attempt to manipulate the documentation history. The true administrative timeline proves the LPA has twice accepted fee payments for this exact development while systematically destroying the public record:
 - **The Unilateral Post-Consent Refund Trick:** The Appellant paid the initial **£96 validation fee** at the counter on 7 December 2023. On 4 January 2024, the 28-day statutory window expired with no decision, and **Deemed Consent legally arose**. It was only on **8 February 2024**—more than a month *after* Deemed Consent had already vested by law—that the LPA unilaterally processed a forced fee refund without the Appellant's knowledge or consent. This was an illegal, *ultra vires* attempt to retrospectively strip away an accrued statutory right.
 - **The November 2024 Resubmission and Second Fee Payment:** In November 2024, to ensure total transparency, the Appellant physically delivered a complete, bound set of the forestry application documents to the Rushcliffe Contact Point in West Bridgford. These documents were formally received and processed by planning officer **Andrew Cullen**, who explicitly confirmed receipt via email.
 - **The Double-Payment Extortion:** Having been actively misled by the Council that their original files required re-validation, the Appellant was forced to pay a **second statutory fee of £96** for the exact same building footprint. The LPA is currently in custody of **two separate transaction fees totaling £192** for this single development, yet they have deliberately suppressed these files from the public register to falsely claim to the Inspector that "no application exists." This represents extreme bad faith and institutional dishonesty, and this point belongs entirely under *Matters Not Agreed*.

Documents (Points 22 & 23)

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant completely rejects these two paragraphs. Paragraph 23 represents an outright, provable falsehood, and Paragraph 22 shows a deliberate refusal by the LPA to understand rural enterprise operations:
 - **Exposing the Direct Companies House Falsehood:** The LPA's explicit assertion in Paragraph 23 that "*Forestry is not among the registered activities*" for Riverside Farm JK Ltd is **factually fraudulent**. A direct inspection of the public Companies House register confirms the company is formally registered under **SIC Code 02100 - Silviculture and other forestry activities**, alongside its plant propagation and mixed farming codes. For a public authority to present a easily disprovable lie to a

government Inspector to damage an appellant's character is a severe breach of professional standards.

- **The Legality of Rural Diversification:** National planning policy (**NPPF Chapter 6 / Policy DM6**) explicitly champions the sustainable **diversification of agricultural land** and rural businesses. It is entirely lawful, normal, and policy-supported to operate a mixed land holding. The Appellant submitted a comprehensive, long-term Rural Diversification Plan to both the LPA and the Inspectorate detailing this transition.
- **The Statutory Transition to Permanent Forestry:** Regardless of historic agricultural classifications, the statutory nature of the entire land holding has been permanently solidified. The holding is bound by a legally approved **Forestry Commission EWCO Grant**. The government's highest forestry authority has officially funded and designated the land for the planting of **2,000 new native trees across a 1-hectare area commencing on 25 November 2026**. This joins the existing **20-year-old established woodland canopy** on the southern boundary and the ancient, 500-year-old veteran oak block (**MAGIC Map Wood-pasture priority habitat**) on the north-west side. The entire holding operates cohesively as a permanent forestry and wildlife reserve.
- **Nationwide Forestry Logistics & Financial Interdependence:** The LPA's dismissal of Appendices 9.1–9.7 because the invoices show forestry works executed in Scotland demonstrates a total ignorance of modern agricultural and silvicultural business economics. Riverside Farm JK Ltd is a registered corporate entity headquartered and based at Riverside Farm, Bunny.
- The contract works performed by the business's operative in Scotland generate vital commercial revenue that is **billed through, received by, and paid directly into the business bank accounts at Riverside Farm**. Without this holding serving as the secure operational base, corporate headquarters, and equipment yard, these nationwide operations would be physically and legally impossible.
- Crucially, the capital generated from these external nationwide forestry contracts is the **exact revenue stream that directly funds the conservation of the ancient 500-year-old veteran oak, the management of the 20-year broadleaved canopy, and the upcoming planting of 2,000 new wildlife trees** on the Bunny holding. The storage building is therefore an essential infrastructural anchor for a unified, productive, and grant-backed forestry business. This point belongs entirely under **Matters Not Agreed**.
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Planning (ground (a))

Planning (Ground (a)) & Construction Timelines (Points 24–26)

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant fundamentally rejects the Council's attempt to artificially divide the structure and misrepresent the application history of the holding:
 - **The Building is a Single, Unified 200 sqm Development:** The Appellant completely rejects the claim that the unfinished southern section is "not part of the deemed application." The original Prior Approval application hand-delivered and counter-stamped on **7 December 2023** explicitly covered the complete **200 square metre forestry storage building**.

- **Phased Construction is Not a Separate Breach:** Starting with an initial 50 square metre section to immediately protect drones, tree stock, and sawing tools does not create two separate buildings. The entire 200 square metre footprint forms **one single, indivisible development**. The "additional part not finished yet" is an intrinsic part of the whole building covered under the original submission. The Council cannot legally slice an unfinished building into separate pieces to manufacture future enforcement actions.
- **Exposing the "No Application" Falsehood:** The LPA's reckless assertion in Paragraph 26 that "*no application... has been made for the building*" is an absolute administrative misrepresentation designed to mislead the Inspector. As forensically proven by the **Civica ePay counter-receipt (Receipt: ZZWS00098234) dated 7 December 2023 at 10:01:01 AM**, a valid application was physically hand-delivered, officially counter-stamped ('**RBC - Appendix C – 2032824**'), and hand-signed/dated by a Rushcliffe officer.
- **The Reality of Deemed Consent:** Because the LPA accepted the statutory £96 building fee and subsequently failed to issue an official determination within the mandatory 28-day window, **Deemed Consent legally arose for the entire building on 4 January 2024**. Construction commenced in Autumn 2024 in absolute good faith under that accrued statutory right. The Council's loss or internal "merging" of the file does not erase the fact that a valid application was legally lodged. These paragraphs are entirely rejected and belong under **Matters Not Agreed**.

Planning Policy Framework (Points 27 & 28)

- **✗ REJECTED / NOT AGREED AS FRAMED.**
- **Appellant's Position:** The Appellant agrees that the cited documents constitute the development plan and material considerations. However, the Appellant completely rejects the Council's interpretation of these policies, as the **17 August 2026 NPPF national decision-making codes** completely invalidate the Council's objections:
 - **The Primacy of National Policy Codes (Annex A):** Under Annex A of the 17 August 2026 NPPF, local plan policies (such as Rushcliffe Local Plan Part 2 Policies 1, 21, and 28) carry minimal weight if they conflict with or restrict the rules-based national codes.
 - **Absolute Compliance under Policy GB7(1)(a):** National **Policy GB7(1)(a)** explicitly excludes buildings required for forestry from being classified as inappropriate development in the Green Belt. Consequently, as established by the 2025 appeal inspector on this holding, there is no spatial or legal requirement to evaluate the development's impact on the openness of the Green Belt. The building is a fully compliant countryside structure.
 - **Proactive Support for Diversification under Policy DM6:** The Council's objection to the holding's mixed agricultural and forestry operations directly violates national **Policy DM6**, which mandates proactive support for **sustainable rural business diversification**. The business structure is fully lawful, and its silvicultural status is verified by a statutory **Forestry Commission EWCO grant**.
 - **The Overwhelming Public Benefit Balance (Policies HE4 & HE6):** While Local Plan Policy 28 seeks to conserve heritage settings, national **Policies HE4 and HE6**

dictate that "less than substantial harm" must be weighed against public benefits. The imminent creation of a **1-hectare wildlife woodland by planting 2,000 native trees commencing on 25 November 2026** introduces an immense level of ecological and environmental public benefit that easily outweighs any minor, moderate heritage setting concerns regarding Bunny Hall.

- **Vulnerability Compliance under Policy F4:** The building sits entirely within Flood Zone 1. Under national **Policy F4 and Annex F**, an unmanned forestry storage facility is classified as a "**Less Vulnerable**" use. The structure complies with all national flood safety frameworks, and the Council's retrospective demands for an FRA are entirely unreasonable. These points represent a fundamental legal dispute and belong under **Matters Not Agreed**

Statutory Duties 29-32 & Material Considerations: Appellant's Consolidated Response

- **Point 29:** "The duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to the deemed application, because of the effect on the setting of Bunny Hall."
- **Point 30:** "Appeal decision APP/P3040/C/24/3337651, dated 8 September 2025, concerned the separate welfare building on the same land and is a material consideration... That appeal was dismissed..."

✗ COMPLETELY REJECTED / NOT AGREED.

- **Appellant's Position:** The Appellant completely rejects the Council's biased, narrow framing of these statutory duties and the 2025 appeal decision. The evidentiary, landscape, and legal reality of the holding has fundamentally transformed since 2025, exposing a profound breach of administrative consistency and extreme bad faith by both the LPA and the objectors:
 - **Honest Rectification of the 2025 Case:** The Appellant openly acknowledges that the 2025 appeal regarding a separate welfare twin-unit was dismissed. As an inexperienced party at the time, the Appellant honestly believed a movable twin-unit would not be classified as a permanent building under planning law simply because it sat in one place for over a year. Furthermore, that case was mistakenly argued under general agriculture and agroforestry, failing to reflect the holding's true, long-term business design: **agroforestry and wildlife silviculture**. The Appellant has since corrected this by separating the operations and submitting a detailed Rural Diversification Plan.
 - **The Binding Green Belt Principle established by Inspector Shields:** Crucially, during his May 2025 site visit alongside James Bate, the previous Inspector, Thomas Shields (DipURP MA MRTPI), physically inspected **both structures standing simultaneously on the farm**. In paragraphs 43–45 of that decision, Inspector Shields established a binding legal principle for this land: he explicitly ruled that national policy sets out *no limiting criteria relating to the scale of a rural operation*, and because the buildings fall under the exceptions of **Paragraph 154(a) of the Framework**, *"there is consequently no requirement to assess any impact on the openness of the Green Belt."* Furthermore, Inspector Shields explicitly assessed the cumulative heritage harm of *both* structures combined as **"less than substantial" and moderate**. The Council cannot now claim this single, unfinished building causes catastrophic new harm when the total impact of both structures was already judged as moderate.
 - **Severe Administrative Inconsistency (The Front-Garden Stables):** It represents a profound breach of the principle of administrative consistency for the LPA to

argue that an isolated, windowless forestry storage building located over 300 metres away causes unacceptable heritage harm, while simultaneously granting planning permissions **25/01818/FUL and 25/01819/LBC (Approved October 2025)**. Under those consents, the LPA permitted the demolition of temporary structures and the erection of substantial, permanent brick masonry stable blocks directly within the primary, formal front-garden curtilage of the Grade I listed Bunny Hall itself. The Council cannot legally argue that heavy brickwork in the immediate foreground of a Grade I asset causes zero harm, while an off-grid forestry storage shed hidden 300 metres away in a wood is a heritage disaster.

- **The Shocking Destruction of the Boundary Screen by the Objector:** The LPA's claims regarding "visual impact" are rendered entirely fraudulent by recent events on the boundary. In a display of extreme environmental hypocrisy, the owners of Bunny Hall recently clear-felled **approximately 40 mature, 20-year-old Lime trees**, alongside highly protected specimens including a **listed Atlas Cedar**, sitting directly inside the Conservation Area boundary. These 40 trees formed a dense, permanent natural barrier that rendered the Appellant's low-profile forestry outbuildings completely invisible to Bunny Hall. The objectors have actively stripped away their own heritage screen, leaving bare trunks and zero foliage, yet seek to penalize the Appellant for a visual impact they intentionally created a week ago.
- **Exposing the Commercial Motive vs. True Public Benefit:** The objectors at Bunny Hall have already commercially benefited from clear-cutting a massive footprint of historic woodland to construct a luxury housing estate consisting of **6 substantial dwellings valued at approximately £1.8 million each**, alongside private access roads. Their aggressive objection to the Appellant's building is driven by a commercial desire to clear the area for future housing phases. The Appellant's state-backed **Forestry Commission EWCO grant to return 1 hectare of land to permanent native wildlife woodland** stands as an immense public benefit that directly restores the canopy destroyed by the neighbor's commercial development.
- **The Decisive Planning Balance (The Missing Link Provided):** Inspector Shields explicitly noted in 2025 that the notice was upheld solely because "*there are no public benefits advanced by the appellant.*" The Appellant has fully answered this challenge. The imminent physical planting of **2,000 native trees commencing on 25 November 2026** introduces a massive level of ecological public benefit (extreme biodiversity net gain and carbon capture) that did not exist in 2025. This state-sanctioned benefit, combined with the operational necessity of protecting high-value tools, drones, and young tree stocks in an off-grid, biosecurity-compliant white metal facility, easily outweighs the moderate, "less than substantial" heritage concerns under Section 66(1). This entire section is heavily contested and belongs under **Matters Not Agreed**.

MATTERS NOT AGREED: THE APPELLANT'S STATEMENT OF POSITION

The Appellant sets out the following positions on the unresolved matters identified by the Local Planning Authority (LPA). The Appellant submits that when evaluated against the true forensic, statutory, and physical evidence of the holding, the Council's case completely collapses:

- a. **Whether the building is development for forestry within policy GB7(1)(a), and so whether it is inappropriate development in the Green Belt**

- **Appellant's Position:** The building is strictly a forestry development. Under the new national decision-making **Policy GB7(1)(a) of the August 2026 Framework**, buildings required for forestry are explicitly **exempted from being inappropriate development** in the Green Belt.
- The holding's genuine forestry status is verified by two statutory authorities: (1) **Companies House**, where the business is explicitly registered under **SIC Code 02100 - Silviculture and other forestry activities**, and (2) **The Forestry Commission**, which has legally bound the holding under an active **England Woodland Creation Offer (EWCO) grant** to plant **2,000 new native trees across 1 hectare commencing on 25 November 2026**. Because forestry is the primary legal character of the land, the structure is an exception to Green Belt restrictions.

b. The effect on the openness of the Green Belt and on its purposes

- **Appellant's Position:** Because the building falls squarely within the statutory forestry exceptions of Policy GB7(1)(a), **there is zero requirement to assess any impact on the openness of the Green Belt**.
- This binding legal principle was formally established on this very holding by Inspector Thomas Shields in appeal decision **APP/P3040/C/24/3337651 (Paragraph 45)**: *"Since it is not inappropriate development there is consequently no requirement to assess any impact on the openness of the Green Belt."* The Council's attempt to argue spatial or visual openness harm is legally barred by established case history on this land.

c. The effect on the character and appearance of the area

- **Appellant's Position:** The building will be when will be finish a highly specialised, off-grid forestry storage facility constructed of insulated white metal panels and an anthracite grey roof. The materials are strictly dictated by operational and silvicultural necessity: the white finish fulfills **stringent biosecurity protocols**, allowing the instant visual tracking of invasive insects and pathogens (such as Ash Dieback) that threaten the ancient **500-year-old veteran oak** identified on the government's **MAGIC Map (Wood-pasture Priority Habitat)**. It also provides essential **thermal protection** to stop advanced mapping drones and sensitive young tree stocks from overheating.
- Furthermore, the temporary presence of grass on-site is not an agricultural use; it is **Timothy grass grown strictly as a green manure cover crop**, a mandatory soil-conditioning rotation required by the Forestry Commission to fix nitrogen before the 2,000 saplings are introduced. The character of the area has no public visibility, as **there are absolutely no public rights of way crossing the farm**.

d. The effect on the significance of Bunny Hall through development within its setting, and the level of any harm

- **Appellant's Position:** The building sits completely **outside the Bunny Conservation Area boundary** at a distance of over 300 metres from the asset. Any allegation of visual harm to the heritage setting is entirely fraudulent:
 2. **The Objector's Tree Destruction:** The owners of Bunny Hall recently clear-felled **approximately 40 mature, 20-year-old Lime trees** and a **listed Atlas Cedar** and other protected trees directly along the boundary. These trees formed the dense, permanent natural barrier that rendered the Appellant's low-profile outbuildings completely invisible to Bunny Hall. The objectors have intentionally stripped away

their own heritage screen, yet seek to penalise the Appellant for a visual impact they maliciously created.

3. **Gross Administrative Inconsistency:** Under planning references **25/01818/FUL and 25/01819/LBC (Approved October 2025)**, the Council permitted substantial, permanent brick masonry stable blocks to be built directly within the primary, formal front-garden curtilage of Bunny Hall itself. The Council cannot argue that heavy brickwork in the immediate foreground of a Grade I asset causes zero harm, while an off-grid forestry storage shed hidden 300 metres away in an establishing woodland canopy causes unacceptable harm.
4. **Commercial Motive:** The objectors have already clear-cut a vast area of local woodland to develop a housing estate of **6 luxury dwellings valued at £1.8 million each**. Their objection is driven by a desire to clear the area for future housing phases. The Appellant's project to return 1 hectare to native wildlife woodland stands as a massive environmental public benefit that directly restores the canopy destroyed by the neighbor's commercial greed.

e. Whether the development would be safe from flooding, with safe access and escape

- **Appellant's Position:** The building sits entirely within **Flood Zone 1** (the lowest possible risk category) on the Environment Agency's maps. As an unmanned, secure storage facility, national policy (**NPPF Policy F4 and Annex F**) explicitly classifies it as a "**Less Vulnerable**" **Category 3 building**.
- The access track near Fairham Brook only experiences temporary surface water of approximately **10 cm for a few hours** during peak downpours. Furthermore, Riverside Farm operational policy strictly mandates that **no personnel are permitted on-site during any flood warning or extreme weather events**. There is absolutely zero risk to human life, and the Council's retrospective demands for a high-level FRA are completely unreasonable.

f. Whether the unauthorised development was intentional (Framework policy DM8(2))

- **Appellant's Position:** The development was **absolutely not intentional**. The Appellant acted in total good faith and followed every step of statutory procedure. The Appellant physically hand-delivered a valid Prior Approval application on **7 December 2023** and paid the **statutory £96 building fee** at the counter.
- Construction only commenced in Autumn 2024—nearly a full year later—after the Council failed to respond within the 28-day limit. Any failure to record this application is entirely due to the Council's internal administrative chaos, where they mistakenly "merged" separate applications and retroactively altered payment registers to mask the loss of the physical file. The Appellant cannot be accused of "intentional" unauthorised development when the Council has accepted their money and lost their paperwork.

g. The weight to be given to the benefits claimed by the Appellant, and the planning balance

- **Appellant's Position:** Under **NPPF Policies HE4 and HE6**, less than substantial heritage harm must be weighed against public benefits. In the 2025 decision, Inspector Shields noted the appeal failed solely because "*there are no public benefits advanced by the appellant.*"
- The Appellant has completely answered this challenge. The state-sanctioned, grant-funded creation of a **1-hectare permanent native wildlife woodland by planting 2,000 trees** introduces immense public benefits regarding biodiversity net gain, carbon capture,

and ecosystem preservation. The revenue that finances this project is earned via Keith's nationwide forestry contracts in Scotland, which are processed directly through the Bunny business account. The immense environmental public benefit completely overwhelms the Council's minor administrative objections.

h. Whether the documents relied on to show a Class E notification on 7 December 2023 are genuine, and whether deemed consent arises from that notification or from application 26/00111/AGRIC

- **Appellant's Position:** The documents are 100% genuine. The Appellant holds the physical duplicate of the original Prior Notification form bearing the **official ink-stamped Rushcliffe Borough Council reception stamp and an officer's handwritten signature dated 7 December 2023 (Appendix 1)**.
- The Council's claim that this fee was for a free access track is **financially impossible**. Furthermore, in **November 2024**, the Appellant physically delivered a complete, bound set of the forestry application documents to planning officer **Andrew Cullen**, who formally confirmed receipt by email, forcing the Appellant to pay a **second statutory fee of £96**. The Council is currently in custody of **two separate validation fees (£192 total)** for the exact same building footprint. Because the Council accepted the fee and failed to issue a decision within 28 days of the original 7 December 2023 submission, **Deemed Consent legally arose by default on 4 January 2024**. The Council's subsequent unilateral refund on 8 February 2024—over a month after consent had vested—was an illegal, *ultra vires* attempt to delete an accrued statutory right.
- **Appellant's Position:** The Appellant formally maintains that an unassailable statutory right of **Deemed Consent has fully vested under reference 26/00111/AGRIC**. [1, 2]
- This prior notification for the erection of two agroforestry buildings was formally received by the LPA on **19 January 2026**. The LPA failed to issue a lawful determination notice within the strict **28-day statutory framework**. The subsequent "Refusal Notice" issued by Mr. Steve Cadman on **27 August 2026**—over six months after statutory deadlines expired—holds zero legal effect and represents a blatant, *ultra vires* attempt to retrospectively delete an accrued Permitted Development right. [1]

Establishing the Material Agroforestry "Fall-Back Position"

Accrued Statutory Rights Under Reference 26/00111/AGRIC

- The Appellant relies heavily upon a compelling material planning consideration: a fully established **fall-back position** to erect two operational agroforestry buildings on the holding under reference **26/00111/AGRIC**.
- This application was submitted utilising official forms provided by Rushcliffe Borough Council to cover the dual, integrated requirements of **agricultural diversification and active forestry operations (Class E)**. [1]

The Legal Invalidity of the 27 August 2026 Refusal Notice

- The Refusal Notice signed by Mr. Steve Cadman on **27 August 2026** is legally void for two fundamental reasons:
- **Statutory Time-Bar:** The application was formally validated on **19 January 2026**. The 28-day statutory determination clock expired in February 2026 without any communication or

extension of time. Deemed Consent vested by default operation of law. The LPA possesses no legal power to issue a retrospective refusal six months after a right has accrued.

- **Fundamental Error in Policy Application:** Mr. Cadman's refusal relies entirely on the premise that the holding lacks a "5-hectare area" required under Schedule 2, Part 6, Class A (Agriculture). This represents a severe administrative failure. The application was explicitly submitted as a mixed **Agroforestry and Class E Forestry notification**. As established by national frameworks and conceded by the Council in these proceedings, **Class E Forestry Permitted Development rights carry no minimum land hectare limitations.** [\[1\]](#)
- The LPA cannot use a refusal based on an incorrect planning class to strip a citizen of their accrued forestry rights. The fall-back position to build two separate agroforestry structures on the holding is live, lawful, and completely neutralises the Council's enforcement objectives.

i. The conditions that would be necessary if planning permission were granted

- **Appellant's Position:**

The Appellant is entirely willing to accept standard, reasonable planning conditions restricting the building's use strictly to **forestry storage and biosecurity management**, confirming that no residential or commercial agricultural use shall occur without further authorisation. This completely satisfies any genuine planning concerns.