

BEFORE THE PLANNING INSPECTORATE

**Town and Country Planning Act 1990
Appeal by Redhill Marine Ltd
Site Address: Redhill Marina, Ratcliffe on Soar, NG11 0EB**

STATEMENT OF COMMON GROUND

It is common ground that the area which is subject to the Enforcement Notice under appeal:

1. Is used as a car park, and as such a change of use of the land has taken place, hence no ground b appeal is made.
2. Has a metalled surface, and as such operational development has taken place, hence no ground b appeal is made.
3. Without Rushcliffe Borough Council ('the LPA') accepting that the case put forward by the appellant is correct or accurate, it is common ground that the Appellant's case states that the area of land was used as a car park before October 2005 and was hard surfaced, initially in power station ash prior to 2005 and with road plannings from 2006 onwards.
4. That if planning permission is required for the car park use and hard surfacing that permission should not be granted, an application has previously been refused by the LPA and no appeal has been made on ground 'A' against the refusal of planning permission.
5. That the Notice was correctly served, hence no appeal has been made on ground 'E'.
6. That the LPA recently refused an application for retrospective planning permission and that the Notice itself makes reference to this fact twice.
7. That, were the notice to be upheld, the time period required for compliance with its requirements is sufficient for the requirements to be complied with, hence no appeal is made on ground 'G'.
8. That on the day the use commenced and the works associated with the use (hard surfacing) took place, regardless of when that might be, the works were

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a breach of planning control and were undertaken outside of permitted development rights and without the benefit of an express grant of planning permission . Hence no appeal has been made on ground 'C'.


9. That, should the development not be found to have been immune from enforcement action on the date on which the notice was served, the requirements of the notice are not excessive and do not go beyond what is necessary to remedy the breach of planning control.

The sole point of *uncommon ground* between the LPA and the Appellant is therefore:


- 1) The duration of time period during which the land was in use as a car park and hard surfaced for that purpose, prior to the Enforcement Notice being served.

It is the Appellant's position that this was significantly beyond the time period at which the work and the change of use would become immune from enforcement action, with both breaches stated to have commenced some 20 years ago c. October 2005, and the LPA's position being that neither the use nor the hard surfacing commenced more than 4 years before the notice was served.

Signed on behalf of the Appellant – Redhill Marine Limited


Name: Ian Procter
Position or office held: Solicitor
Dated: 14.01.2026

Signed on behalf of the LPA - Rushcliffe Borough Council


Name: Andrew Cullen
Position or office held: Planning Manager; Rushcliffe Borough Council
Dated: 14.01.2026