

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 174

Site Address:	Redhill Marine Ltd, Ratcliffe on Soar,
Nottingham, NG11 0EB	
Alleged breach:	The hard surfacing and use of part of
the land as a car park	
Appellant's name:	Mr R Morley
Appeal reference:	APP/P3040/C/25/3376255
Appeal start date:	2 nd December 2025

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by Rushcliffe Borough Council on 28th October 2025.

The enforcement notice was issued for the following reasons:

The North East car park constitutes an engineering operation (as per limb h)ii) of para 154 of the NPPF) but it would not preserve the openness of the green belt and would therefore not consider to be an exception to inappropriate development. The development does not fall within any of the other exceptions to inappropriate development in the Green Belt listed under paragraph 154 of the NPPF. The development is on Grey Belt land but would fail to meet criteria (b) of paragraph 155 of the NPPF. The development constitutes an inappropriate and therefore harmful form of development for which 'very special circumstances' have not been demonstrated to clearly outweigh the harm arising. A refusal was issued in respect of an attempt to seek retrospective planning permission in accordance with paragraph 152 of the NPPF which states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Retention of the development is considered contrary to Policy 21 of the Rushcliffe Local Plan Part 2 (2019) and the National Planning Policy Framework Section 13, particularly paragraphs 142, and 152 through to 155 in that it would not preserve the openness of the greenbelt and no 'very special circumstances' have been demonstrated.

The land falls within a high flood risk area (Flood Zone 2 and 3), and the Flood Risk Assessment (FRA) supporting the retrospective application did not comply with the requirements for site-specific Flood Risk Assessments, as set out in paragraphs 20 and 21 of the Flood Risk and Coastal Change section of the planning practice guidance.

In the absence of an appropriate and acceptable site-specific FRA, it has not been possible to assess the flood risk to people and property, how residual risks would be safely managed, appropriate flood resistance/resilience measures and the provision of safe access and escape routes.

Development should only be allowed in areas at risk of flooding where, in the light of a site-specific flood risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

It has not been adequately demonstrated that the car parking area could not be located in a sequentially preferable location (e.g. Flood Zone 1). The FRA is therefore considered to be insufficient and would not comply with paras 173 and 174 of the NPPF.

The development is also contrary to Policy 2 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 17 of the Local Plan Part 2: Land and Planning Policies (2019).

Further, the site has a strong possibility of containing remains of archaeological importance given the proximity of the River Trent and nearby Scheduled Ancient Monument. No desk-based assessment or archaeological evaluation has been undertaken. Officers cannot be certain of the significance of any archaeology in the area and thus cannot assess how the retention and use of the car park would affect this significance. There is particular concern of damage through compaction of any archaeology which exists beneath the surfacing applied to the land.

This would be contrary to Policy 29 (Development affecting archaeological sites) of Rushcliffe Local Plan Part 2: Land and Planning Policies.

There has been no demonstration that the car park would not cause harm to archaeology associated with the Scheduled Ancient Monument. As such, the development conflicts with policy within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF, Policy 11 (Historic Environment) of Rushcliffe Local Plan Part 1: Core Strategy and Policies 28 (Conserving and enhancing heritage assets) and Policy 29 (Development affecting archaeological sites) of Rushcliffe Local Plan Part 2: Land and Planning Policies.

The enforcement notice requires the following steps to be taken:

1. Cease the use of the North East Car Park land indicated as a car park for the parking and/or storage of motor vehicles including ensuring all vehicles are removed from the car park.
2. Remove all stored/dumped material, rubble, debris and waste from the car park (land shaded red) and dispose of it appropriately away from the site.
3. Remove the hard surfacing within the North East Car Park area and reinstate a pasture/grass surface finish as was previously present. This work must be undertaken under the supervision of a qualified archaeologist or archaeological group as listed on the website of the Chartered Institute for Field Archaeologists

(<https://www.archaeologists.net/register/enquiries/looking>). Methodology must ensure that ground level is not reduced below the level necessary to remove the unauthorised hard surfacing. If, during the course of carrying out the removal of hard surfacing, any unexpected archaeological items or features are found they must be retained in-situ and reported to the Local Planning Authority in writing within two working days of being revealed. All work in the affected area of the site must cease immediately and must not re-commence until provision has been made for the investigation, recording and/or retention of the items or features by your appointed archaeologist. Before the removal work begins the Council must be notified of contact details for the appointed archaeological contractor and the start date for the surfacing removal works. For the duration of the works, access will be afforded at any reasonable time for inspection of works in progress by officers of the Council's Planning Team or Archaeologists from Nottinghamshire County Councils Planning Archaeology service.

4. Remove all materials, waste and debris arising from the removal of hard surfacing from the land and dispose of appropriately off-site.
5. Refrain from creating further car parks within your land without an express grant of planning permission.

The appellant has appealed against the notice on the following grounds:

Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002. If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk/>. If you do not have access to the internet, you can send your comments to:

Fredrica Rose
The Planning Inspectorate
c/o QUADIENT
69 Buckingham Avenue
Slough
SL1 4PN

All representations must be received by 13th January 2026. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available for inspection at Rushcliffe Customer Contact Point, West Bridgford Library, Bridgford Road, West Bridgford, Nottingham, NG2 6AT between 9:00am – 4:30pm.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk/>