



Planning Inspectorate

Appeal Ref: APP/P3040/C/26/3378910

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

The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) by Riverside Farm JK against an enforcement notice issued by Rushcliffe Borough Council on 4 February 2026.

PRE-CASE MANAGEMENT CONFERENCE NOTE

1. It is intended that the appeal is to be considered by way of a public inquiry scheduled to commence on 3 November 2026, sitting for 1 day.
2. The forthcoming case management conference (CMC) will open at **11:00 on Monday 21 September 2026**. Instructions for joining the conference, the etiquette to be observed, and the conference agenda are contained in annexes 2 to 4 of this note.
3. The purpose of this note and the CMC is to assist all in focusing on the main issues; clarifying the evidence to be submitted to the inquiry; and to reduce the inquiry time to that which is strictly necessary. There will be no discussion at the CMC about the merits of the parties' respective cases and no evidence will be presented.
4. I would ask that the Council pass on a copy of this note and the post CMC note I will prepare to any interested party for their information.

The Notice

5. Before considering the grounds of appeal, I have a duty to put the notice in order, if necessary. I would draw to the parties' attention the powers transferred to Inspectors under section 176(1)(a) of The Town and Country Planning Act 1990 as amended (the 1990 Act). These include to correct any defect, error or misdescription in the enforcement notice or, under section 176(1)(b), to vary the terms of the enforcement notice. In each case, the only test is whether the correction or variation would not cause any injustice to the appellant or the local planning authority.
6. The description in the notice of the alleged breach of planning control includes 'There is also a stated intent that the building is incomplete and will be further extended to the south of its current footprint'. I am concerned that this is a defect of the notice. The power to issue an enforcement notice under section 172(1)(a) of the 1990 Act is only where it appears to the local planning authority 'that there **has** been a breach of planning control' (my emphasis). This element of the allegation appears to target a potential breach of planning control and not a breach of planning control that has occurred.

7. In addition to the above, and although a minor point, the allegation refers to a 'large structure' and later to 'the building'. There is, therefore, a degree of inconsistency.
8. Furthermore, I would draw the parties' attention to section 173 of the 1990 Act, which sets out, amongst other matters, what an enforcement notice must contain. Requirement 5.3. of the notice is to 'Refrain from constructing any further buildings on your land (edged red), without the benefit of planning permission'. Assuming the purpose of the notice falls within section 173(4)(a) of the 1990 Act, which is to remedy the breach, I am concerned that requirement 5.3. exceeds this purpose and so does not comply with section 173.
9. At the CMC I will ask the parties if they have understood my concerns regarding the notice. I would ask the parties to address the following in evidence to be submitted:
 - Whether or not the above matters render the notice defective;
 - If so, whether or not the notice can be corrected;
 - What that correction might be; and
 - Whether or not any correction would cause injustice to any party.
10. In addition to this duty, I note that the appellant has raised concerns regarding the validity of the notice. The matter of the validity of the notice was raised in their email of 9 July 2026. At the CMC I will ask if the Council has received this correspondence. Although submitted after the deadline set in the appeal timetable, I intend to consider this at the inquiry, nonetheless. Their case, as I have understood it, is that evidence the Council relies on in this appeal did not exist at the time the notice was issued. At the CMC I will ask the appellant if I have understood this correctly.
11. If so, I would ask that, **no later than 25 September 2026**, the appellant provide to both the Council and to me, via the case officer, a list of the Council's evidence they refer to along with a brief explanation as to why they say this evidence renders the notice a nullity.
12. I would then ask that the parties address this matter in their proofs of evidence to be submitted.
13. The matter of the notice will be discussed at the start of the inquiry as a round table session, along with any other concerns regarding the notice that may come to light.

The Grounds of Appeal

14. The appeal was made on the grounds set out in section 174(2)(a), (b) and (c) of the 1990 Act. In the appellant's email of the 9 July 2026 the appellant requested that a ground (e) and (f) appeal be added. At the CMC I will ask if the Council are aware of this.

Ground (e)

15. An appeal on ground (e) is that copies of the enforcement notice were not served as required by section 172 of the 1990 Act.
16. In requesting that a ground (e) appeal is added in this case, the appellant has not indicated why they say that copies of the enforcement notice were not served as required by the 1990 Act.
17. At the CMC I will ask the appellant what their case is on ground (e). I also intend to discuss with the parties what possible main considerations might follow from this.

Ground (b)

18. An appeal on ground (b) is that the matters alleged in the enforcement notice, which appears to the Council to constitute the breach of planning control, have not occurred. In order to succeed on this ground, the appellant must demonstrate that the matters stated in the enforcement notice have not occurred.
19. The enforcement notice alleges, in short, the erection of a structure.
20. In their statement of case the appellant refers to the allegation of a replacement dwelling. A 'replacement dwelling' is not mentioned in the allegation or elsewhere in the notice. In light of this, at the CMC I will ask the appellant to clarify their case under ground (b) and will ask whether or not they dispute that what is alleged in the notice (i.e. the erection of a structure) has occurred.

Ground (c)

21. A ground (c) appeal is that the matters alleged in the notice do not constitute a breach of planning control.
22. In the first instance, I will ask the appellant to clarify whether or not they agree that what is alleged in the notice is development as defined by section 55(1) of the 1990 Act, and that planning permission is required for it by reason of section 57(1).
23. As I have understood it, the appellant's case is, in short, that the structure has the benefit of permission granted by reason of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 2015 Order). There is reference in evidence to Class E of Part 6, Article 3, Schedule 2 of the 2015 Order. There also appears to be reference to an agricultural use and the size of the agricultural unit, if there is one. This would be relevant to the permission granted by reason of Classes A or B of Part 6 of the 2015 Order.
24. Whilst there are some matters in dispute between the parties that are clear, the parties' respective position on other matters is not. I have,

therefore, drafted the following suggested main considerations in this case in the hope that this will clarify what is in dispute between the parties:

With regard to Classes A and B of Part 6 of the 2015 Order:

- Whether or not these classes of permitted development are relevant to this case;
- If so, which of these is relevant, including whether or not the structure has been constructed on an agricultural unit of 5 hectares or more;
- Whether or not the structure would benefit from the permission granted by the relevant Class (i.e. Class A or Class B), including whether it is reasonably necessary for the purposes of agriculture within that unit; and
- Whether or not prior approval has been sought and granted for the structure in accordance with the conditions of the relevant Class.

With regard to Class E of Part 6:

- Whether or not the structure would benefit from the permission granted by reason of Class E, including whether or not the structure is on land used for the purposes of forestry, including afforestation, and is development reasonably necessary for those purposes;
- If so, whether or not an application was validly made to the Council for its prior approval, in accordance with condition E.2.(1) of Class E;
- If so, whether the Council's failure to determine the application means that prior approval and, therefore, planning permission is granted for what was shown on the plans submitted with the application by reason of Class E; and
- If so, whether the structure that is the subject of the notice accords with the permission granted by reason of Class E.

Other Considerations:

- Whether or not permission has otherwise been granted for the structure.

25. At the CMC I will ask if the parties agree with these main considerations and whether they can identify any alternative or additional considerations under ground (c).

Ground (a)

26. The ground (a) appeal is made on the basis that planning permission should be granted for what is alleged in the notice.

27. Having had regard to the reasons for the issue of the notice, the main issues in the ground (a) appeal is:

- The effect of the structure on the character and appearance of the area, including the effect on the significance of Bunny Hall, a Grade I Listed Building;

- Whether or not the structure is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- If so, the effect of the structure on the openness and purposes of the Green Belt and whether other considerations clearly outweigh any harm to the Green Belt and any other harm so as to amount to very special circumstances.

28. At the CMC I will ask the parties' views on these. I will also ask if any party can identify any additional main issues.

Ground (f)

29. The ground (f) appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
30. It appears that the purpose of the notice is to remedy the breach. I will, however, ask the Council to confirm this at the CMC.
31. In requesting that a ground (f) appeal is added in this case, the appellant has not given an indication of their case on this ground.
32. At the CMC I will ask the appellant what their case is on ground (f). I also intend to discuss with the parties what possible main considerations might follow from this.

Witnesses and Inquiry Timetable

33. I have asked the case officer to send to the parties the inquiry timetable form. I would be grateful if these could be completed and emailed to the case officer no later than **Friday 25 September 2026**.
34. These should set out certain important details, including the parties' representative, the number of witnesses each party wishes to call, the time needed for each to give evidence and the time needed for the cross examination of the other party's witnesses. You will need to work collaboratively to complete these forms.
35. Once received, I will review these to consider whether a day's sitting will be adequate.
36. In addition to the round table session on the matter of the notice, I also intend to hold a round table discussion at the inquiry regarding conditions.
37. I propose to hear closing submissions and any costs applications virtually, in the day or so following the completion of formal evidence and the site visit. At the CMC I will ask for the parties' views on this, including whether the Council are able to make the necessary arrangements for the virtual

sitting session. I will also ask for the parties' availability on the days that follow the 3 November 2026

Venue Arrangements

38. At the CMC I will ask the Council to confirm the location of the venue for the inquiry to be held and whether this is available for the duration of any additional face to face sitting days.
39. I would ask that a retiring room be made available for me at the venue. I would also like to know about the parking arrangements at the venue and whether Wi-Fi is available for all attendees.

The Evidence

Proofs of Evidence and Appendices

40. I would ask that all witnesses to be called to the inquiry provide a proof of evidence in which they set out the evidence they intend to talk to at the inquiry.
41. I would ask that the evidence identify the policies and guidance that are relevant to the main issues and to my determination of the appeal. The evidence should explain the relevance of these policies and guidance, and take me to the particular part of the relevant policies and guidance that are relied upon.
42. The proofs should not contain any new evidence in addition to that set out in the parties' previous submissions (i.e. those submissions that have been accepted by the Planning Inspectorate).
43. I have noted the documentary evidence already submitted and accepted by the Planning Inspectorate. There is no need to resubmit this with the proofs of evidence. The proofs of evidence should not be submitted with any new documentary evidence.
44. The proofs of evidence should be submitted to the Planning Inspectorate no later than **6 October 2026**.
45. Where there is dispute between the parties with regard to the legitimacy of certain documents, I would ask that the parties bring to the inquiry the original version of that document.

Statement of Common Ground

46. The parties should work together to prepare a comprehensive statement of common ground. The purpose of this is to focus on the matters that are in dispute between the parties and the matters that are agreed. I would suggest the parties start by considering the main considerations and issues I have identified above.

47. In addition to any agreed matters, it would be helpful if the parties could identify the matters that are relevant in this case. Each party could then summarise their respective position on each of these matters. Again, this will assist in focusing on the main areas of dispute.
48. The statement of common ground should include a list of suggested conditions, in the event that I conclude that planning permission ought to be granted. The parties can indicate which conditions are agreed. If not agreed, the statement can identify the matters in dispute on each condition and suggest any alternative wording.
49. The statement of common ground must be submitted with the proofs of evidence on **6 October 2026**.

Evidence Given at the Inquiry

50. Before asking each witness to commence giving evidence at the inquiry, I will ask them to take the oath or affirm. Witnesses should ensure that they have the appropriate Holy Book in their possession if they wish to take the oath.

Costs

51. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance on Appeals (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
52. I have noted the application for costs already made by the appellant. I intend to give the appellant the opportunity to review this at the inquiry. The matter of costs, including the response to the costs application made, will be dealt with at the end of the inquiry. Any further costs applications should either be made in writing before the date of the inquiry or before the close of the inquiry.
53. You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, an Inspector has the power to initiate an award of costs in line with the PPG. Unreasonable behaviour may include not complying with the prescribed timetables.

Final Timings

54. I would ask that, following the submission of proofs of evidence, the parties review their respective inquiry timetable form and update these, where necessary. This update should be submitted no later than **20 October 2026**.
55. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of all advocates and witnesses.

Opening Statements

56. Please provide a hard copy of any opening statements, to be handed out to the inquiry before they are made.
57. Opening statements should be no more than 15 minutes.

Inquiry Notification

58. The Council is to make sure the inquiry notification letter is sent no later than 2 weeks prior to the opening of the inquiry. A copy of the letter, along with a list of those notified is to be sent to the Planning Inspectorate no later than **20 October 2026**.

J Moss

17 September 2026

INSPECTOR

Annex 1

Summary of timetable for submissions:

25 September 2026	Deadline for the submission of: • An explanation from the appellant as to why they say some of the Council's evidence renders the notice a nullity, along with a list of that evidence. • The completed inquiry timetable form from both parties.
6 October 2026	Deadline for submission of: • All proofs of evidence • Statement of common ground
20 October 2026	Deadline for submission of: • The inquiry notification letter • Final timings
3 November 2026	Inquiry opens 10.00 am

Annex 2

AGENDA

Appeal Ref: APP/P3040/C/26/3378910
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CASE MANAGEMENT CONFERENCE

Monday 21 September 2026 @ 11am

1. Introduction by Inspector
2. Purpose of the CMC
3. The Notice
4. The grounds of appeal
5. Ground (e)
6. Ground (b)
7. Ground (c)
8. Ground (a)
9. Ground (f)
10. Inquiry Timetable and Witnesses
11. Venue
12. The Evidence
13. Costs
14. Timetable for submission of documents
15. Any other procedural matters

Annex 3

Instructions for joining the Case Management Conference

1. Please join the conference before the start time by using the link that has been provided by the Council.
2. Should you experience any connection difficulties either before or during the conference, please contact the Council direct.
3. Where a party experiences connection difficulties the Inspector will adjourn the conference until the matter is resolved.

Annex 4

Etiquette for Case Management Conference

1. Before joining the conference, please ensure that:
 - all the necessary persons for your side are present in good time and that mobile phones and the like are turned off, or on silent mode during the conference;
 - any electronic devices/phones you will be relying on during the conference all are fully charged;
 - you know how to join the conference;
 - you have a copy of the agenda readily to hand; and
 - a single spokesperson is nominated to speak for each party.
2. Upon joining the conference, the Council will record the names of those present during the call for each party before the Inspector leading the case conference 'arrives'. The Inspector will 'arrive' last and leave first. As a matter of courtesy, please make the Council aware when joining if you intend to record the conference.
3. During the conference the Inspector will lead the conference. She will invite specific contributors to speak at particular times. Please use the 'raise hand' function to indicate when you wish to speak, but also remember to cancel this after you have spoken.
4. Please be conscious of when, and when not to speak – talking over people is rude in any situation. No one likes being spoken over, so please make sure you take note of your cues to speak and don't speak over (or louder) than the other participants.
5. Background noise on a conference call can be an issue. Please remember to put yourself on mute and then un-mute yourself when you speak. Also, please make sure that other devices are kept away from the main speaker to avoid potential issues with feedback.