

STATEMENT OF CASE

Site: Land at Bunny, Nottinghamshire

Appellant: Riverside Farm JK Limited

LPA: Rushcliffe Borough Council

Notice Effective Date: 12 March 2026

1. Introduction

This appeal is made under **Section 174 of the Town and Country Planning Act 1990** against an Enforcement Notice issued by Rushcliffe Borough Council regarding a forestry building at Riverside Farm JK. The appellant contends the building is **Lawful Permitted Development** under **Schedule 2, Part 6, Class E** of the GPDO 2015 (as amended). The appeal is pursued under **Ground (c)** and **Ground (a)**.

2. Ground (c): No Breach of Planning Control

The development is lawful as the appellant secured "deemed consent" via the statutory Prior Notification process:

- **Valid Submission:** On **7 December 2023 at 10:01:01**, the appellant hand-delivered the notification and paid the £96 fee (**Receipt ZZWS00098234, Exhibit 2**). Documents were date-stamped by a Council Officer (**Exhibit 1**).
- **Formal Validation:** The Council issued an **Acknowledgement of Receipt on 22 December 2023 (Exhibit 4)**. This confirms the LPA accepted the application as validly lodged.
- **Statutory Deadline:** Under Paragraph E.2(2)(ii) of the GPDO, the 28-day determination period expired on **4 January 2024**.
- **Deemed Consent:** No decision notice or requirement for Prior Approval was served by the LPA within the 28-day window.

Consequently, the right to proceed became absolute on 5 January 2024.

- **Administrative Error:** The Council's unilateral refund on 7 February 2024—issued 34 days after the statutory period lapsed—is legally irrelevant. A statutory right to develop cannot be retrospectively extinguished by an administrative refund.

3. Functional Necessity (Reasonably Necessary for Forestry)

The building satisfies the "reasonably necessary" test for the **5.34-hectare** forestry holding:

- **Operational Needs:** Essential for secure storage of high-value machinery (tractors, drones, cultivators) and silvicultural processing (seed preparation and herbal extracts).
- **Business Standing:** The site is a registered agroforestry business (incorporated May 2022, **Exhibit 8**) and is fully registered with the Rural Payments Agency (**Exhibit 9**).
- **Proportionality:** The building is commensurate with the management of 5.34 ha of active agroforestry business and replaces insecure, temporary caravan storage.

4. Ground (a): Planning Permission Should Be Granted

Alternatively, if the Inspector finds a procedural defect, permission should be granted on the merits:

- **Policy Support:** The building supports the rural economy and aligns with **NPPF Paragraph 88**.
- **Legislative Intent:** Recent 2024 updates to the GPDO, increasing forestry footprints to 1,500sqm, demonstrate clear Government support for rural infrastructure and timber security.

- **Fee Paid:** The appellant has paid the **£244 Deemed Planning Application fee** Receipt to ensure Ground (a) is fully considered.

5. Conclusion

The appellant followed every statutory requirement. The Council's own acknowledgement proves they were in possession of a valid application but failed to act within the 28-day limit. The appellant requests that the Enforcement Notice be **quashed**.

9 Exhibits:

- **Exhibit 1:** Stamped Application (7 Dec 23)
- **Exhibit 2:** £96 Receipt (**ZZWS00098234**)
- **Exhibit 3:** Michelle Dunn Email (22 Dec 23)
- **Exhibit 4: Acknowledgement of Receipt Letter (22 Dec 23)**
- **Exhibit 5:** Tenancy Agreement + Site Map for Ash Lane
- **Exhibit 6:** Land Registry/Ownership Proof Riverside Farm JK
- **Exhibit 7:** Site Map Riverside Farm JK
- **Exhibit 8:** Companies House Certificate
- **Exhibit 9:** RPA Parcel IDs/Maps