



APPELLANT'S FORMAL GROUNDS OF APPEAL

Town and Country Planning Act 1990 (As Amended)

Appeal Under Section 174 Against an Enforcement Notice

Planning Inspectorate (PINS) Ref: APP/P3040/C/26/3378910

LPA Enforcement Ref: 23/00034/BUILD

LPA Public Consultation Ref: 24/00569/ENAPP

LPA Prior Notification Ref: 23/02352/AGRIC

Appellant: Riverside Farm JK Limited

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

DATE: 6 October 2026

GROUND (b) – THAT THE MATTERS ALLEGED HAVE NOT OCCURRED AS A MATTER OF FACT

1.1 The Appellant completely rejects the Local Planning Authority's (LPA) factual description of the development as a "replacement dwelling," a "mixed-use agricultural processing building," or a "domestic conservatory." As demonstrated by the physical layout and internal equipment **[Appendix 12]**, the structure is designed, engineered, and exclusively utilised as an off-grid forestry storage facility and wood-conditioning unit featuring an integrated passive solar timber kiln [1.3, 2.1].

1.2 The LPA's allegation of widespread visual landscape contamination is factually incorrect. Historically, long-distance visual sight lines between the structural shell and the principal rooms of Bunny Hall were completely blocked by a dense natural evergreen and deciduous tree barrier **[Appendix 30]**.

1.3 Over the past two weeks, a severe ecological alteration occurred on the conservation boundary. The owners of Bunny Hall executed a major clear-felling operation utilising a cherry picker, cutting approximately **40 mature, 20-year-old Lime trees** down to bare trunks and heavily pruning highly protected specimens, including a listed **Atlas Cedar** and veteran **Oaks** [10.4].

1.4 No official planning consents or Conservation Area tree notifications for these works exist on the Rushcliffe Borough Council public planning register. The alleged baseline visual impact does not exist as an organic planning fact; any current visibility is the direct result of a calculated, un-notified, and destructive landscape modification executed by the objectors themselves solely to manufacture a false visual connection before the Inspector's site visit [10.4, 16.1].

GROUND (c) — THAT THE MATTERS ALLEGED DO NOT CONSTITUTE A BREACH OF PLANNING CONTROL

2.1 The structure benefits from full, permanent Deemed Consent under Schedule 2, Part 6, Class E (Forestry) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO 2015") [1.4, 2.4].

2.2 A valid Prior Approval application (Ref: 23/02352/AGRIC) and the correct statutory notification fee of £96.00 were physically delivered and hand-stamped by the Council on 7 December 2023 [**Appendix 1**]. The separate hardstanding file was fully settled on 4 December 2023 via automated payment [**Appendix 22**]. Under active regulations, private trackways carry zero independent fees, confirming that the standalone £96 payment legally validated the Class E forestry building submission [6.4].

2.3 A formal Extension of Time (EoT) was mutually executed until 31 January 2024. The LPA failed to serve a valid, lawful determination notice prior to the expiration of that deadline day [**Appendix 5**]. Consequently, **Deemed Consent fully and permanently vested in the land on 1 February 2024** [1.4, 2.4]. The LPA's subsequent late actions on 1 February 2024 [**Appendix 7**] and its forced fee refund on 7 February 2024 [**Appendix 8**] are *ultra vires* and legally void [2.5, 3.5].

2.4 Under Schedule 2, Part 6, Class E (Forestry operations), there is no statutory minimum land unit area threshold. The LPA's introduction of a 5-hectare land requirement strictly belongs to Class A (Agriculture) and represents a profound error of planning law [2.4, 12.1].

2.5 **The Live 2026 Class E Forestry Fall-Back Position:** Separately, full Class E Forestry Deemed Consent accrued to the holding in February 2026 under application reference **26/00111/AGRIC** [12.1]. This application was formally submitted using the Council's own official statutory form explicitly triggering the **Forestry-use line** on the document [**Appendix 3.5**]. Because the strict 28-day statutory determination clock expired in **February 2026** without any communication, written notice, or extension of time, **Deemed Consent permanently vested by default operation of law** [12.3].

2.6 The late Refusal Notice signed by Mr. Steve Cadman on **27 August 2026** is a complete legal nullity issued six months too late [12.3]. It holds no legal authority to strip the land of its accrued rights or defeat the retention of the current lower-profile forestry and welfare shells.

GROUND (e) – THAT COPIES OF THE NOTICE WERE NOT SERVED AS REQUIRED BY LAW / SEVERE PROCEDURAL DEFECTS

3.1 The LPA has uploaded two separate, conflicting versions of the Enforcement Notice onto the Planning Portal under reference 23/00034/BUILD [1.1, 1.2]. The LPA has failed to formally withdraw or legally amend these notices, creating an unlawful dual-notification framework that introduces material legal prejudice into what the Appellant is required to remedy [1.2, 11.4].

3.2 The LPA has systematically removed or hidden the interconnected submission reference numbers—23/02098/AGRIC, 23/02353/AGRIC, and 23/02352/AGRIC—from the public access planning register, breaching their statutory duty under Section 188 of the 1990 Act [2.1].

3.3 **The "Trial by Ambush" Execution:** On the absolute final statutory deadline day (5 May 2026), the LPA served 28 brand-new, highly complex appendices (Appendices A to W) containing hostile allegations and internal notes that the Appellant had never seen or possessed [11.1].

3.4 Rather than attempting to introduce late external attachments or prohibited technical reports, the Appellant formally **proffers the live, un-editable electronic source files hosted on the Council's portal for direct inspection by the Planning Inspector**. A native properties inspection reveals that these server-side cryptographic timestamps catch separate Council officers operating a synchronised production line session on the morning of 5 May 2026 to convert raw email text into a unified litigation package, confirming the active retrospective manufacture of a defence.

3.5 The Land Registry timestamps hardcoded into Council Appendices P, R, and S prove that the LPA did not request or possess property records until 23 April 2026 [11.3]. It is a legal certainty that the Council served a severe enforcement sanction on 4 February 2026 without ever verifying property records, constituting a clear case of *Wednesbury* unreasonableness [11.3].

GROUND (a) – THAT PLANNING PERMISSION OUGHT TO BE GRANTED (THE NPPF PLANNING MERITS)

4.1 Green Belt Exception Status (NPPF Policy GB7(1)(a) & Chapter 13): Under Policy GB7(1)(a) of the National Planning Policy Framework (NPPF) and Local Plan Policy 21, developments required for forestry constitute an absolute exception to inappropriate development in the Green Belt. In Appeal Decision *APP/P3040/C/24/33337651* (Paragraphs 41–44), which forms a vital material consideration on this land, Inspector Thomas Shields explicitly ruled that national policy sets out no limiting criteria relating to the scale of a rural operation, concluding: **"there is consequently no requirement to assess any impact on the openness of the Green Belt."** [Appendix 11]. Visual or spatial openness harm arguments are legally barred by established case history on this specific site.

4.2 Sustainable Economic Growth & Innovation (NPPF Paragraphs 88 & 114): Paragraph 88 mandates that planning decisions should enable the sustainable growth and expansion of land-based rural businesses [1.5, 15.1]. The structure serves as the high-security operational hub for a nationally significant environmental initiative funded directly by **Defra** and **Innovate UK** under Full ADOPT Grant Round 4 (Project ROOT, Application No: 10186208) [1.4, 13.1]. The building's physical scale is strictly dictated by the secure storage, thermal protection, and climate-control needs of sensitive autonomous robotics hardware, drones, and prototype automated mowers, satisfying national directives under Paragraph 114 to support advanced technology.

4.3 The Live Agroforestry "Master Plan Fall-Back Position": The Appellant holds an unassailable, permanent fall-back right to erect two separate forestry-use structures under application reference **26/00111/AGRIC** [12.1]. Because this overarching forestry-use notification permanently establishes the principle of larger, permanent structural assets on this holding, it represents an excessive waste of public and private resources to enforce the demolition of two lower-profile structural shells when the Appellant holds an accrued, un-expirable statutory right to immediately construct two larger, more visually prominent forestry-use buildings on the exact same holding [12.2].

4.4 Proactive Landscape Mitigation, Colour Adjustments, and Screening: Every square metre of the holding is operationally and biologically bound to an active forestry enterprise. The building will be entirely surrounded by **1 hectare of new woodland canopy** consisting of 2,112 deep-rooted trees planted under the active Forestry Commission EWCO Grant (Ref: 5587293) [1.5, 12.2]. To satisfy any residual design concerns under Chapter 12 of the NPPF, **the Appellant stands entirely willing to accept a planning condition to alter the external colour of the walls from white to any other dark, recessive countryside cladding specified by the Inspector** (e.g., Juniper Green or Anthracite Grey), alongside an active commitment to establish climbing plant species directly against the elevations to maximise immediate visual screening [16.4].

4.5 The Heritage Balancing Test under Section 66(1) and NPPF Paragraph 208: The Appellant acknowledges the statutory duty under Section 66(1) of the 1990 Act but soundly rejects the Council's framing of the setting of Grade I listed Bunny Hall. The site has fundamentally transformed since the separate 2025 appeal decision:

- **The Deceptive "Historic Parkland" Narrative Exposed:** As proven by **HM Land Registry Title Number: NT449626 (Charges Register, Entry 1)**, the appeal site was historically owned completely independently by the **University of Nottingham**

from 1971 [16.2]. Bunny Hall itself sat entirely abandoned, empty, and decaying for over 40 consecutive years as a near-ruin until 2000 [16.1]. The agricultural land was artificially appended to the Hall's history post-renovation; Riverside Farm is a separate, historical forestry holding containing an active **500-year-old ancient veteran Oak** [12.2, 16.2].

- **The True Character of the Setting:** The land sits outside the Bunny Conservation Area. Bounding visual contexts already contain extensive heavy industry, including a commercial **Jet Petrol Station, British Gypsum**, and the **Johnsons Aggregates & Recycling** industrial plant [16.3].
- **Severe Administrative Inconsistency (The Front-Garden Stables):** Under planning references 25/01818/FUL and 25/01819/LBC (Approved October 2025), the LPA approved permanent brick masonry stable blocks—**nearly 10 times larger than this 50 sqm forestry storage structure**—directly within the primary, formal front-curtilage of Bunny Hall itself [16.5]. The Council cannot legally maintain that heavy brick masonry in the immediate foreground of a Grade I asset causes zero harm, while a hidden forestry storage building 300 metres away within managed woodland is a heritage disaster [16.5].
- **The Decisive Planning Balance (The Missing Link Provided):** Inspector Shields explicitly noted in the 2025 decision that the notice was upheld solely because *"there are no public benefits advanced by the appellant."* The Appellant has fully answered this challenge [10.5]. The imminent physical planting commencing on 25 November 2026 introduces a massive level of ecological public benefit—comprising a 100-year woodland carbon capture project, extreme biodiversity net gain, and active **Natural Flood Management (NFM)** engineered via the EWCO grant to shield Bunny Village and the foundations of Bunny Hall itself from seasonal floodwaters [10.5, 16.1]. This state-sanctioned environmental infrastructure decisively outweighs the moderate, "less than substantial" heritage concerns regarding distant garden ornaments over 200m away, completely satisfying the statutory balance under Section 66(1).

4.6 Flood Risk Compliance (NPPF Paragraphs 167 & 173): The structural footprint sits entirely within **Flood Zone 1** (the lowest risk category) [Appendix 19], satisfying the Sequential Test by default under Paragraph 167. Under the statutory National Planning Practice Guidance (PPG), forestry storage is explicitly designated as a '*Less Vulnerable*' infrastructure use. Riverside Farm's corporate safety policy mandates that operations are suspended and no personnel remain on-site during any active severe weather or flood warnings, ensuring there is zero threat to human life and rendering dry-egress modifications across the 200m access track unnecessary.

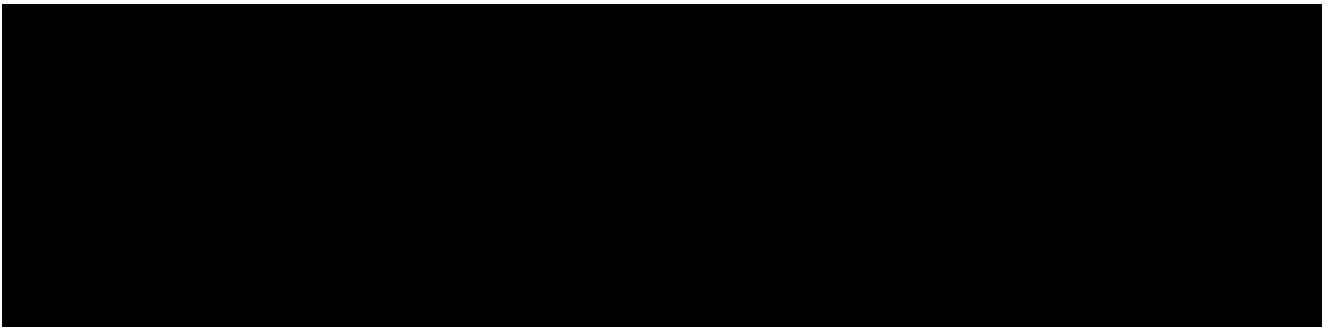
GROUND (f) – THAT THE STEPS REQUIRED BY THE NOTICE EXCEED WHAT IS NECESSARY

5.1 The Enforcement Notice's demand for total structural demolition is excessive and disproportionate to remedy any perceived planning breach, failing to respect national policy scaling under NPPF Paragraph 173.

5.2 Willingness for Operational Conditioning: Without prejudice to the primary case to quash the notice entirely under Grounds (b) and (c), **the Appellant stands entirely willing to accept a variation of requirements under Ground (f) to substitute demolition with strict operational conditions restricting use strictly to forestry storage and biosecurity management [17.2].**

5.3 The Appellant explicitly accepts conditions confirming that no residential, commercial retail, or commercial agricultural use shall occur within the asset without further planning authorisation. Furthermore, the Appellant welcomes an operational condition formalising the absolute closure of the site and access track during Environment Agency Flood Warning events [17.3]. This proactive commitment completely satisfies any genuine planning concerns without imposing excessive structural or engineering burdens on a low-intensity rural forestry enterprise.

5.4 The Absolute Ecological Bar (Wildlife and Countryside Act 1981): As detailed in the independent Arbtech Ecology Report **[Appendix 16]**, the structure currently hosts four active, protected roosting bats and nesting birds [18.1]. Under the *Wildlife and Countryside Act 1981 (as amended)* and the *Conservation of Habitats and Species Regulations 2017*, it is a strict criminal offence to deliberately disturb a bat or damage/destroy a breeding site or resting place. Demolition requirements are a factual and legal impossibility until a formal mitigation licence is applied for and granted by Natural England.



5.6 Extension of the Compliance Period: Alternatively, if the notice requirements are not quashed or substituted with conditions, the compliance window must be varied and extended to an absolute minimum of **24 months** to prevent direct criminal liability under protected species legislation and to facilitate alternative level-access accommodations for a disabled veteran [18.4].

STATEMENT OF TRUTH

I believe that the facts stated in these Formal Grounds of Appeal are true. I understand that this evidence will be submitted to the Planning Inspectorate and will form the basis of my formal testimony, which I stand fully prepared to verify under oath or solemn affirmation at the public inquiry.

Signed: _____
(For and on behalf of Riverside Farm JK Limited)

Print Name: _____

Position: Director / Appellant

Dated: 8 October 2026