

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 174

**THE TOWN AND COUNTRY PLANNING (ENFORCEMENT) (INQUIRIES
PROCEDURE) (ENGLAND) RULES 2002 (SI 2002/2686) (AS AMENDED)**

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

**Appeal by Dr Julita Geary / Riverside Farm JK Ltd against an enforcement notice
issued by Rushcliffe Borough Council on 4th February 2026 relating to the
erection of a building on the land.**

Planning Inspectorate reference: APP/P3040/C/26/3378910 (6005948)

Local Planning Authority reference: 23/00034/BUILD

PLANNING – GROUND (A)

**SUMMARY PROOF OF EVIDENCE OF MARK REYNOLDS ON
BEHALF OF RUSHCLIFFE BOROUGH COUNCIL**

1. INTRODUCTION

- 1.1. My name is Mark Reynolds. I am the Managing Director of Context Planning Ltd, a chartered town planner (MRTPI) and a former Non-Salaried Planning Inspector. This is a summary of my proof of evidence (“PoE”) on ground (a) for Rushcliffe Borough Council; references in brackets are to the PoE. Mr James Bate gives the Council’s evidence on the history, the documents, the other grounds of appeal and the effect on Grade I listed Bunny Hall. I adopt his heritage assessment (PoE 1.5–1.6). “The Framework” is the NPPF of 17th August 2026. “The 2025 Decision” is APP/P3040/C/24/3337651, on the welfare building on the same land.

2. THE DEVELOPMENT

- 2.1. The deemed application is for the building in the notice: about 79 m², with a timber-framed pitched-roof section 4.52 m high internally, a porch and a glazed uPVC conservatory. It stands on open former parkland in the Green Belt, about 250 m south-east of Bunny Hall (PoE 3.1–3.3). The 100 m² “machinery bay” on which the need case depends has not been built, is not before the Inspector and cannot justify the building that exists (PoE 3.4).

3. MAIN ISSUE: GREEN BELT

- 3.1. The question under policy GB7(1)(a) is factual: is the building for forestry (or agriculture)? The limited, recent forestry activity on the land is evidence on that factual question: of a 3.74 ha holding, only 0.51 ha of managed forest pre-dates late 2025 (PoE 5.4). The appellant says the building is “exclusively” for forestry (PoE 5.7). In my opinion that has not been shown (PoE 5.8–5.16):
- a. there was no forestry on the land when it was begun in late October 2024;

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- b. its porch and uPVC conservatory are domestic in character, not the design of a forestry building;
 - c. the appellant's own photograph shows sockets, a sink with taps, drying trays and scales;
 - d. the machinery it is said to house cannot enter it;
 - e. on her evidence it is used to dry herbs and process herbal extracts, which is not forestry; and
 - f. its description has changed repeatedly, from caravan to solar kiln to "operational hub", and a further notification was made under the agricultural class (26/00111/AGRIC).
- 3.2.** It is therefore inappropriate development, harmful by definition. GB7(1)(g) does not apply because there is no evidenced unmet need, so it is unnecessary to decide whether the land is grey belt (PoE 5.17–5.18). The building places permanent built form on open land, on its own and visible from the lane and from the Hall. Screening would not reduce its spatial effect, and the claimed uses would bring outside storage and activity. It encroaches into the countryside (GB2(1)(c)). The harm to openness is moderate (PoE 5.19–5.29). Substantial weight attaches to the Green Belt harm (GB6(2)), in conflict with Core Strategy ("CS") Policy 4(1) and Local Plan Part 2 ("LPP2") Policy 21(2) (PoE 5.30).

4. MAIN ISSUE: CHARACTER AND APPEARANCE

- 4.1.** The site is open pastoral parkland falling to Fairham Brook, where the landscape guidelines seek to conserve parkland pasture, not to add built form (PoE 6.1–6.5). The white walls, porch and conservatory give the building a domestic appearance at odds with the parkland and with nearby farm buildings (PoE 6.6–6.9). As the Inspector found in 2025, planting to screen it would itself be

“unnatural and out of place”; it is not the “appropriate landscaping” of policy N2(1)(d) (PoE 6.8, 6.13).

- 4.2.** There is significant harm, in conflict with CS Policy 10, LPP2 Policy 1(4) and (7), and policies DP3(1) and N2(1)(a) and (d). With no clear justification, DP3(3) directs refusal. This accords with the 2025 Decision (PoE 6.10–6.14).

5. MAIN ISSUE: SIGNIFICANCE OF BUNNY HALL

- 5.1.** Adopting Mr Bate’s evidence, the building causes harm at the low to moderate end of less than substantial to the significance of the Grade I Hall, through development in its setting and in views from its principal rooms. The harm has no clear and convincing justification (HE4(2)) and is not outweighed by public benefits (HE6(4)). Substantial weight is given to the asset’s conservation (HE6(1)) and the harm carries considerable importance and weight (HE6(3); section 66(1)). It conflicts with CS Policy 11 and LPP2 Policies 1(9) and 28 (PoE 6.15–6.18).

6. MAIN ISSUE: FLOODING

- 6.1.** The building is in Flood Zone 1, but the site is over one hectare and its only access crosses Fairham Brook through Flood Zones 2 and 3. No flood risk assessment has been provided (PoE 7.2–7.3). One is required by policy F4. The sequential test cannot be disapplied under F5(2)(b)(i), because the access is at risk. Safe access and escape have not been shown, so F7(2) directs refusal. There is also conflict with CC3(1)(a), CS Policy 2 and LPP2 Policy 17 (PoE 7.4–7.10). A condition cannot supply the missing assessment, and fast-rising flood water would strengthen the objection (PoE 7.11, 7.14–7.16).

7. MAIN ISSUE: INTENTIONAL UNAUTHORISED DEVELOPMENT

- 7.1.** Policy DM8(2) gives substantial weight to a finding, based on evidence, that unauthorised development was intentional (PoE 8.1–8.2). That finding is justified on either of two bases (PoE 8.3–8.7). First, if the deemed consent documents are not genuine, as Mr Bate’s evidence shows, the appellant knew permission was needed. Secondly, in any event, she knew the notification procedure and the route to a lawful development certificate, was facing enforcement over the welfare building with professional representation, and began this building in October 2024 without any application, calling it a caravan until October 2025. It has since been justified on shifting grounds (PoE 8.8–8.10).

8. CLAIMED BENEFITS

- 8.1.** The woodland, biodiversity and carbon benefits do not depend on the building and carry limited weight. The claimed flood mitigation benefit has no technical support and carries no weight. The security and need arguments relate to a larger, unbuilt building and carry at most limited weight (PoE 9.1–9.6). The 2025 Decision is highly material and is distinguishable only on whether the building is for forestry (PoE 9.7).

9. PLANNING BALANCE AND CONCLUSIONS

- 9.1.** The development conflicts with CS Policies 2, 4, 10 and 11 and LPP2 Policies 1, 17, 21 and 28, and with the development plan as a whole. That does not depend on the Green Belt: the design, heritage and flood conflicts remain even if the building is for forestry (PoE 10.2–10.4).

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- 9.2. If the building is inappropriate development**, the harm to the Green Belt and to the Hall, the harm to character and appearance, the flood risk failure and, if found, intentional unauthorised development are not clearly outweighed by benefits of limited or no weight. Very special circumstances do not exist (PoE 10.6–10.8).
- 9.3. If the building is for forestry**, under policy S5(5) the proposal fails DP3(3) and F7(2), each of which engages S5(2), and conflicts with N2, HE4, HE6, F4, F5 and CC3. The benefits are substantially outweighed (PoE 10.9–10.11). On either route the HE6(4) balance is not met (PoE 10.12).
- 9.4.** Material considerations, including the Framework, do not indicate a decision other than in accordance with the development plan. The appeal on ground (a) should fail and planning permission should be refused (PoE 10.13–10.15).

Mark Reynolds BSc (Hons) MSc MRTPI (Chartered Town Planner)

Managing Director, Context Planning Ltd

October 2026