



Case Management Conference Note

Case Management Conference held at 10.00 on Thursday 29 January 2026
Inquiry to open at 10:00 on 14 April 2026.

Appeal Ref: APP/P3040/C/25/3376255

Land at Redhill Marina, Ratcliffe on Soar NG11 0EB

APPELLANTS: Mr R Morley, Redhill Marina Ltd

LOCAL PLANNING AUTHORITY: Rushcliffe Borough Council

APPEAL: against an enforcement notice alleging: the hard surfacing and use of part of the land as a car park (area shaded in Red), the physical surfacing works have been undertaken sometime between the beginning of February and the end of April 2022. The work having been undertaken outside of permitted development rights and without the benefit of planning permission. An attempt to obtain planning permission retrospectively has resulted in planning permission being refused.

1. Introduction by the Inspector

Contributions made by

Appellant	Council
Ian Proctor, Solicitor	Sarah Vince, Counsel James Bate, Team Manager, Planning, Monitoring and Implementation. Andrew Cullen, Planning Manager.

2. Purpose of the conference

The purpose of this conference was to provide an opportunity for me to give a clear indication as to the ongoing management of the case and the presentation of evidence so that the forthcoming Inquiry is conducted in an efficient and effective manner.

3. Advocates and Witnesses

The advocates will be:

- For the appellant: Ian Proctor, Solicitor
- For the Council: Sarah Vince, of Counsel

The witnesses will be:

- For the appellant: Mr Richard Morley
Others to be confirmed?
- For the Council: Mr James Bate

4. Enforcement Notice

It was agreed that the alleged breach of planning control could be corrected to remove unnecessary narrative. Both parties agreed that the following correction would not cause them any injustice:

"Without the benefit of planning permission, the laying of a hardstanding and the material change of use of the land to a car park (area shaded Red)".

The Council accept that the requirements of the notice should not refer to storage, as use of the land for storage did not form part of the allegation. The Council confirmed that the notice relates to the laying of hardstanding on the area shaded red and use of that hardstanding for the parking of motor vehicles. They require the use of that car park to cease and the hardstanding to be removed. The intention of the blue line, which is the extent of the appellant's ownership, is to prevent the cars and material resultant from the removal of the hardstanding being moved to another part of the appellant's Land.

5. Appeal Procedure

I have set out in the numbered paragraphs below, the issues and procedure to be followed for the Inquiry. However, as discussed at the CMC, having regard to the Statements of Case submitted, which should have contained full details of the relevant facts and planning/legal arguments and all available evidence, it is no longer clear that an Inquiry is required.

The Council confirmed that they will be relying on the satellite images they have provided which are self-explanatory. They do not have a witness who will need to give evidence of fact which needs to be tested. It is the Council's opinion that the appeal could be dealt with by written representations.

The appellant has provided a Statement of Case and Witness Statement. He also appears to be relying on satellite images to make out his case. Again, those images would appear to be self-explanatory. However, Mr Procter, on behalf of the appellant, indicated that he may wish to call additional witnesses. Any evidence which a witness intends to rely on should already have been submitted as part of the appellant's Statement of Case.

It should also be remembered that in a ground (d) case, and where a material change of use is alleged, the question arises as to whether, from the time that unauthorised material change of use took place, that use has continued, substantially uninterrupted, for a ten-year period. The test is the balance of probability. All evidence from witnesses on matters of fact will need to be given on oath.

To enable a final determination to be made on the most suitable procedure for this appeal, I would therefore be grateful if Mr Procter could confirm to PINS, within the next 14 days, the names of the Witnesses he intends to call and the nature of their evidence.

6. Likely Main Issue

Based on the grounds of appeal so far, the Inspector considers that the main issues are:

That at the date the enforcement notice was issued, no enforcement action could have been taken in respect of any breach of planning control which may be constituted by the matters (ground d).

In other words, it is claimed that the development alleged is immune from enforcement action, having subsisted for a period of 10years (s171B).

7. How The Main Issues Will Be Dealt With

All the evidence with regard to the main issue should be heard by cross examination with evidence given under oath.

8. Site Visit

It was agreed that the site visit should take place at the end of the Inquiry unless any events during the Inquiry indicate otherwise. If the Inquiry has been closed there will be no discussion on site relating to the matters at appeal. The Inspector will need to be accompanied on the site by the Appellant (or his/her representative), and by the Council. Arrangements for the site visit will be made at the Inquiry.

9. Inquiry Running Order and Programme

The running order shall be as follows:

- Inspector's Opening Remarks
- Opening statements (no longer than 5-10 minutes) Appellant first followed by the Council.
- Any interested parties present who wish to speak.
- Appellant's Witnesses
- Representations of Interested Parties Supporting the appellant (if any – not heard already)
- Council's Witness
- Representations of Interested Parties objecting (if any – not heard already)
- Closing Submissions (Council, then Appellant, no more than 30 minutes)
- Costs Applications (if any) – could be done in writing again if time limited.

10. Inquiry Venue

The venue is the Council's Offices, Rugby Road, West Bridgeford NG2 7LF, and it has been booked for a one day Inquiry. The venue has all the required facilities. The Council will ensure that a Teams Meeting link and virtual attendance is possible for that day if required. A retiring room will need to be made available for the Inspector.

11. Timetable

- **Within 14 days of the date of this Note, Mr Procter, on behalf of the appellant, shall confirm the names of the witnesses he intends to call and the nature of their evidence.**
- **It was confirmed that the date for the submission of proofs of evidence is 17 March 2026. The signed Statement of Common Ground has already been agreed.**
- A copy of the **Inquiry notification letter** should be sent to the case officer by **31 March 2026**
- It is requested that printed copies of all photographs/images to be relied on by the parties should be made available for the Inspector at the Inquiry.

12. Costs

Neither party anticipates making an application for costs at this stage. If any application is to be made by either party, the Planning Practice Guidance makes it clear that, as a matter of good practice, they should be made in writing before the Inquiry, and in any event before the Inquiry closes.

Elizabeth Pleasant

INSPECTOR
29 January 2026.