

Telephone no : 0115 914 8483

Email: jb@rushcliffe.gov.uk

Our Reference : 23/00246/BUILD

Your Reference :

Date: 28 October 2025

Mr R S Morley
Redhill Marine LTD
Ratcliffe on Soar
NG11 0EB

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Mr Morley

**Town and Country Planning Act 1990 as amended
Enforcement Notice relating to Redhill Marina, Ratcliffe-on-Soar –
north-east car park**

This local planning authority, Rushcliffe Borough Council, has now issued an Enforcement Notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land. I would note that we understand that you allege that others have an interest in the land, however you have failed to provide complete and accurate responses to a planning contravention notice served upon you in November of 2024 and have never provided an accurate explanation of who you allege has an ownership interest in the land. The Council has little option but to serve notice based on the best of its knowledge and in accordance with land registry records of land ownership.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against this notice. Unless an appeal is made, as described below, the enforcement notice will take effect on **28th November 2025** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in this notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal and the relevant legislation.

If you decide that you want to appeal against this notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **28th November 2025**.

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice, and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.



Email:
customerservices@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

OFFICIAL

Yours sincerely,



James Bate
Team Manager – Planning, Monitoring and Implementation

Encs:

Enforcement Notice
Planning Inspectorate Information Sheet
s.171A,s.171B and s.172 to s.177 Town and Country Planning Act 1990

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: RUSHCLIFFE BOROUGH COUNCIL (the Council)

- 1. THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND AFFECTED

Land at Redhill Marina, Ratcliffe on Soar NG11 0EB (Outlined in blue and shaded in red on the attached plan and described herein as "the North East Car Park")

3. THE BREACH OF PLANNING CONTROL ALLEGED

The hard surfacing and use of part of the land as a car park (area shaded in Red), the physical surfacing works having been undertaken sometime between the beginning of February 2022 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.

4. REASONS FOR ISSUING THIS NOTICE

As stated above, it appears to the Council that the above breach of planning control has occurred within the last ten years.

The Council considers it necessary and expedient to take formal enforcement action for the following reasons:

The North East car park constitutes an engineering operation (as per limb h)ii) of para 154 of the NPPF) but it would not preserve the openness of the green belt and would therefore not be considered to be an exception to inappropriate development. The development does not

fall within any of the other exceptions to inappropriate development in the Green Belt listed under paragraph 154 of the NPPF. The development is on Grey Belt land but would fail to meet criteria (b) of paragraph 155 of the NPPF. The development constitutes an inappropriate and therefore harmful form of development for which 'very special circumstances' have not been demonstrated to clearly outweigh the harm arising. A refusal was issued in respect of an attempt to seek retrospective planning permission in accordance with paragraph 152 of the NPPF which states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Retention of the development is considered contrary to Policy 21 of the Rushcliffe Local Plan Part 2 (2019) and the National Planning Policy Framework Section 13, particularly paragraphs 142, and 152 through to 155 in that it would not preserve the openness of the greenbelt and no 'very special circumstances' have been demonstrated.

The land falls within a high flood risk area (Flood Zone 2 and 3), and the Flood Risk Assessment (FRA) supporting the retrospective application did not comply with the requirements for site-specific Flood Risk Assessments, as set out in paragraphs 20 and 21 of the Flood Risk and Coastal Change section of the planning practice guidance.

In the absence of an appropriate and acceptable site-specific FRA, it has not been possible to assess the flood risk to people and property, how residual risks would be safely managed, appropriate flood resistance/resilience measures and the provision of safe access and escape routes.

Development should only be allowed in areas at risk of flooding where, in the light of a site-specific flood risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

It has not been adequately demonstrated that the car parking area could not be located in a sequentially preferable location (e.g. Flood Zone 1). The FRA is therefore considered to be insufficient and would not comply with paras 173 and 174 of the NPPF.

The development is also contrary to Policy 2 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 17 of the Local Plan Part 2: Land and Planning Policies (2019).

Further, the site has a strong possibility of containing remains of archaeological importance given the proximity of the River Trent and nearby Scheduled Ancient Monument. No desk-based assessment or archaeological evaluation has been undertaken. Officers cannot be certain of the significance of any archaeology in the area, and thus cannot assess how the retention and use of the car park would affect this significance. There is particular concern of damage through compaction of any archaeology which exists beneath the surfacing applied to the land.

This would be contrary to Policy 29 (Development affecting archaeological sites) of Rushcliffe Local Plan Part 2: Land and Planning Policies.

There has been no demonstration that the car park would not cause harm to archaeology associated with the Scheduled Ancient Monument. As such, the development conflicts with policy within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF, Policy 11 (Historic Environment) of Rushcliffe Local Plan Part 1: Core Strategy and Policies 28 (Conserving and enhancing heritage assets) and Policy 29 (Development affecting archaeological sites) of Rushcliffe Local Plan Part 2: Land and Planning Policies.

5. WHAT YOU ARE REQUIRED TO DO

You must:

1. Cease the use of the North East Car Park land indicated (the land shaded red) as a car park for the parking and/or storage of motor vehicles including ensuring all vehicles are removed from the car park (the land shaded red).
2. Remove all stored/dumped material, rubble, debris and waste from the car park (land shaded red) and dispose of it appropriately away from the site (land outlined in blue).
3. Remove the hard surfacing within the North East Car Park area (the land shaded red) and reinstate a pasture/grass surface finish as was previously present. This work must be undertaken under the supervision of a qualified archaeologist or archaeological group as listed on the website of the Chartered Institute for Field Archaeologists (<https://www.archaeologists.net/register/enquiries/looking>). Methodology must ensure that ground level is not reduced below the level necessary to remove the unauthorised hard surfacing. If, during the course of carrying out the removal of hard surfacing, any unexpected archaeological items or features are found they must be retained in-situ and reported to the Local Planning Authority in writing within two working days of being revealed. All work in the affected area of the site must cease immediately and must not re-commence until provision has been made for the investigation, recording and/or retention of the items or features by your appointed archaeologist. Before the removal work begins the Council must be notified of contact details for the appointed archaeological contractor and the start date for the surfacing removal works. For the duration of the works, access will be afforded at any reasonable time for inspection of works in progress by officers of the Council's Planning Team or Archaeologists from Nottinghamshire County Council's Planning Archaeology service.
4. Remove all materials, waste and debris arising from the removal of hard surfacing from the land (shaded red) and dispose of appropriately off-site (the land outlined in blue).
5. Refrain from creating further car parks within your land (the land outlined blue) without an express grant of planning permission.

6. TIME FOR COMPLIANCE

For item 1 above the requirement will be to cease the use of the land for parking motor vehicles within 1 week of the date of effect of this notice.

For item 2, 3 and 4 the work to, remove materials, debris, and waste from the land (including that arising from the removal of the hard surfacing), remove the hard surfacing and restore the land must be undertaken within 9 months of the effective date of this notice.

Item 5 represents an ongoing obligation to refrain from the creation of further unauthorised carparks.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on Friday 28th November 2025 unless an appeal is made against it beforehand.

Dated: 28th October 2025

Signed: ... 

On behalf of: Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridford
Nottingham
NG2 7YG

ANNEX

Rushcliffe Borough Council has issued an enforcement notice relating to land at Redhill Marina, Ratcliffe on Soar, Nottingham NG11 0EB and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT TO APPEAL

You can appeal against this Notice in writing to the Secretary of State, but any appeal must be received, or posted in time to be **received** by the Secretary of State **before** the date this notice takes effect as specified in paragraph 7 of the notice. If you decide to appeal, you should follow the guidance provided in the attached note from the Planning Inspectorate.

GROUNDS OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may have been constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- 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 such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

FEE PAYABLE FOR THE DEEMED APPLICATION

If your ground of appeal includes ground (a) that planning permission should be granted, you must include with your appeal a fee, which is double that payable for a normal planning application. The fee payable is calculated at £596.00 This should be paid to Rushcliffe Borough Council, who will forward the other half to the Planning Inspectorate. If the fee is not paid, then that ground of appeal will not be valid.

NOTE: APPEALS UNDER GROUND A ARE NOT POSSIBLE UNDER THIS ENFORCEMENT NOTICE – YOU MUST INSTEAD APPEAL GROUND A ON THE RECENT REFUSAL OF RETROSPECTIVE PLANNING PERMISSION FOR THE RETENTION OF THIS CAR-PARK

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the grounds(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date the notice takes effect which is specified in paragraph 7 of the notice and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS NOTICE:

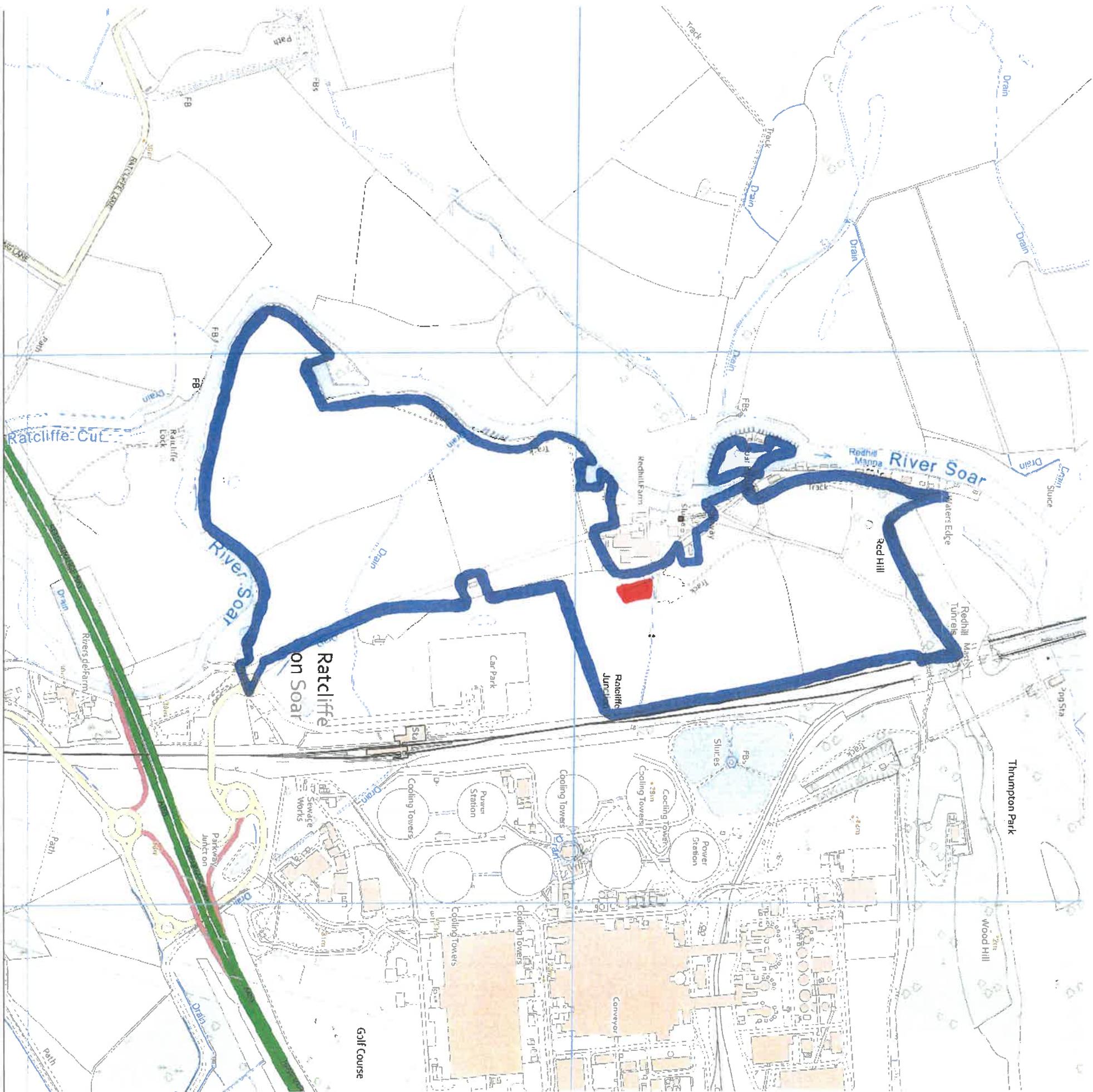
Mr Richard Morley, Redhill Marine Ltd, Redhill Farm, Ratcliffe on Soar, Nottingham NG11 0EB

Redhill Marina Ratcliffe on Soar

Not Set



GIS by ESRI (UK)



Scale : 1:10443

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