

RUSHCLIFFE BOROUGH COUNCIL

APPEAL BY DR JULITA GEARY UNDER SECTION 174 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (as amended) AGAINST THE DECISION OF RUSHCLIFFE BOROUGH COUNCIL TO ISSUE A PLANNING ENFORCEMENT NOTICE RELATING TO THE ERECTION OF AN UNAUTHORISED BUILDING.

Riverside Farm

Fairham Brook Lane

Bunny

Nottingham

NG11 6SQ

SUMMARY PROOF OF EVIDENCE OF JAMES BATE; PLANNING TEAM MANAGER –
MONITORING AND IMPLEMENTATION

Planning Inspectorate Reference: 6005948

Local Planning Authority Reference: 23/00034/BUILD

Summary

- 2.1 This appeal by Dr Julita Geary ('the Appellant') is against the decision of Rushcliffe Borough Council ('the Council') to issue a planning Enforcement Notice for breach of planning control under Section 171A1(a) of the Town and Country Planning Act 1990 ('the 1990 Act'). The breach relates to the erection of an unauthorised building ('the building') on the land at Riverside Farm, Fairham Brook Lane, Bunny, Nottingham, NG11 6SQ ('the land'). This is within the Green Belt and nearby Grade I listed building, Bunny Hall.
- 2.2 The building has been described by the Appellant as an 'agricultural processing building' or 'forestry building'. The building consists of a timber framed pitched roof section and includes a porch area and a recycled domestic uPVC and double-glazed conservatory, which the Appellant states is an 'agricultural glasshouse' or 'solar kiln'. The Appellant claims the building is necessary for the development of their forestry business.
- 2.3 The Council's position in relation to this building is as follows:
- 2.3.1 No application for planning permission or prior approval has been submitted for this development, until an agricultural prior approval under Part 6 Class A submitted in January 2026 after construction was already well advanced.
 - 2.3.2 The building does not meet the requirements of any classification under Permitted Development without prior approval.
 - 2.3.3 The building adversely impacts a nearby Grade I listed building and is not an appropriate development meeting a functional need to justify the building within Greenbelt.
 - 2.3.4 The building is in an area of flood risk without safe egress.
 - 2.3.5 The building is an intentional unauthorised development by the Appellant.
- 2.4 As a result of the Enforcement Notice, dated 04.02.2026 and served by the Council on 10.02.2026, the Appellant is required to remove this structure from the land and return the land to its previous condition, removing any related materials or debris. The Appellant is also to refrain from constructing further buildings on the land without the benefit of planning permission.
- 2.5 The Appellant has appealed against the Enforcement Notice, initially under grounds (a) and (c), shortly adding ground (b) and later, as of the CMC, grounds (e) and (f). Each of these grounds are opposed by the Council, as briefly summarised below:
- 2.6 Ground A on various grounds, mostly covered in the evidence of Mr Reynolds, but also amongst other matters that the development results in harm to the significance of a Grade I Listed Building via its setting.
- 2.7 Ground B on the basis that operational development has taken place and is of the nature alleged in the notice, and that this is not affected or altered by subsequent third-party appeal notification letters which do not form part of the notice. Also that the building is

accurately described in the notice including through accurate dimensions, unless the building has been altered since the notice was served to change its dimensions.

2.8 Ground C on the basis that the claimed deemed consent from December 2023 arises from an alleged application which appears to never have been submitted and which also appears to have been put together sometime after May 2025.

2.9 Ground E on the basis that the notice was correctly served and that Ms Alexandra Geary has no lawful interest in the land as a shareholder of the company which owns it as an asset and that errors in an initial version of a third-party appeal notification letter , subsequently corrected, do not invalidate the notice itself.

2.10 Ground F on the basis that the building is accurately described in the notice, that its demolition is what is necessary to address the breach and that the demolition should apply to the whole building which the appellant has indicated was incomplete at the point at which the notice was served. Finally, that the reference to future development stands as an attempt to promote awareness of s181 of the Town and Country Planning Act 1990