

APPELLANT'S SUBMISSION TO THE PLANNING INSPECTORATE



PART 1: APPELLANT'S INTRODUCTORY URGENT ADDENDUM

FRESH EVIDENCE OF SYSTEMIC NON-DISCLOSURE ESTABLISHING ABSOLUTE ADMINISTRATIVE NULLITY

- **Appeal Ref:** APP/P3040/C/26/3378910
- **LPA Enforcement Ref:** 23/00034/BUILD
- **Date of Submission:** 25 September 2026

1. Purpose of this Addendum

The Appellant submits this urgent statement to alert the Appointed Inspector, J. Moss, to a critical, fatal procedural development that occurred this afternoon, **25 September 2026**. This development fundamentally invalidates the enforcement proceedings and establishes that the notice is an absolute administrative nullity that must be quashed immediately without further delay.

2. Fresh Evidence of Active Document Suppression

This afternoon, Rushcliffe Borough Council formally issued a Refusal Notice under the Environmental Information Regulations 2004 (**EIR Reference 4081492**). The Council has explicitly refused to disclose the core, foundational case file bearing the exact reference number of the notice under appeal: **23/00034/BUILD**.

The Council formally justified this suppression by declaring that this specific file contains the live *“evidential and legal material gathered during the investigation”* and that its release to the Appellant would *“prejudice the Council’s ability to investigate.”*

3. Substantive Impact: Incurable "Trial by Ambush" and Absolute Nullity

This afternoon's formal refusal provides irrefutable confirmation of the systemic procedural abuses raised by the Appellant during the Case Management Conference (CMC). It establishes the following fatal legal errors:

- **Prosecution via a Secret Dossier:** The Council is actively prosecuting the Appellant under reference **23/00034/BUILD** while simultaneously

locking away the primary evidence, internal logs, and officer determinations underpinning that exact reference.

- **Incurable Breach of Natural Justice and Article 6 Rights:** A citizen cannot legally defend themselves against a secret, hidden case. By blocking access to the foundational file, the LPA has completely destroyed the principle of "Equality of Arms," rendering a fair hearing impossible.
- **Conclusive Proof of the Barrister's Submissions:** This refusal directly proves the core argument set out by barrister Tom Carter in Part 2 below. It confirms that the Council does not possess a contemporaneous, legally sound, or transparent evidential baseline that was lawfully served on the Appellant at the time of issuance.

4. Primary Remedy Sought: Immediate Nullification

The Appellant submits that this structural defect is completely incurable. The Council cannot be permitted to maintain a prosecution while legally suppressing the evidence of the prosecution.

The Appellant respectfully requests that the Appointed Inspector exercises powers under **Section 176(2) of the Town and Country Planning Act 1990 to immediately quash Enforcement Notice 23/00034/BUILD as an absolute administrative nullity** and an abuse of the executive process. Alternatively, should the Inspector decline to quash the notice immediately, an **unconditional Stay of Proceedings** must be ordered, alongside a binding Procedural Direction compelling the LPA to disclose the entire, unredacted file within 7 days.

PART 2: LEGAL NOTE IN RESPONSE TO PARAGRAPH 11

Authored by Tom Carter (Instructed on 21 September 2026)

1. The enforcement notice was issued on 4 February 2026. Under ground (e) of section 174 of the Town and Country Planning Act 1990 ("the Act"), an appeal may be brought if copies of the enforcement notice were not served as required by section 172. Section 172(2) specifies service requirements for owners, occupiers, and materially affected interests, while section 173 sets out notice requirements, reflecting the strict procedural safeguards necessary given that non-compliance is a criminal offence under section 179(2).

2. Legal principles regarding notice validity and nullity are established in key authorities. In *Miller-Mead v Minister of Housing and Local Government and another* [1963] QB 196 [1963] QB 196, Lord Denning MR noted that a notice failing to specify required development or non-compliance matters is inoperative. This was reaffirmed by Holgate J in *John Wilsdon v Maldon District Council* [2021] EWHC 715 (Admin) [2021] EWHC 715 (Admin), who observed that omissions of mandatory statutory matters or hopeless ambiguity can render a notice a nullity on its face. The limits of correcting errors via extrinsic evidence versus defects apparent on the face of the notice were further discussed in *Koumis v Secretary of State for Communities and Local Government* [2014] EWCA Civ 1723 [2014] EWCA Civ 1723.
3. The Appellant intends to challenge the notice both on its face and via extrinsic evidence. Specifically, the Authority relies on post-notice documents—namely the "Appeal Notifications Letter" (31 March 2026) and the "Update to Appeal Notifications Letter" (8 April 2026)—which post-date the 4 February 2026 notice, contain information differing materially from the original allegations, and were never formally served upon the Appellant (having only been uploaded to the Planning Inspectorate portal).
4. Because the Authority has not validly withdrawn and re-issued the notice under section 173A of the Act, the original 4 February 2026 notice stands unsupported by lawfully served contemporaneous reasoning or evidence, violating Article 6 rights and section 172 requirements. Consequently, the Appellant maintains that the notice is a nullity under ground (e). This note is restricted to ground (e) in response to paragraph 11 and does not prejudice other live grounds of appeal.