



Appeal Decisions

Site visit made on 3 June 2025

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st August 2025

Appeal A Ref: APP/B3030/C/23/3329019

Hutchinson Engineering Services Limited, Great North Road, Newark on Trent, Nottinghamshire, NG23 6SY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Hutchinson Engineering Services Limited against an enforcement notice issued by Newark & Sherwood District Council.
- The notice was issued on 11 August 2023.
- The breach of planning control as alleged in the notice is 'Without planning permission, the material change of use of agricultural land (edged in yellow on the attached Plan A) to use for the parking and manoeuvring of commercial and staff vehicles ancillary to the use of the wider site as an industrial haulage yard, and operational development consisting of the laying of hardcore and the erection of a sectional concrete wall on the southern, western and eastern boundaries of the land (identified with the blue lines on Plan A) – as shown within photographs 1, 2 & 3.'
- The requirements of the notice are to: A. Remove all hardcore that has been laid on land edged in yellow from the land edged in red, and return the land to its condition before the unauthorised development took place. B. Remove the sectional concrete wall from the southern, western and eastern perimeters of the land. C. Cease the use of the land for industrial haulage purposes.
- The periods for compliance with the requirements are: A – four months; B – four months; C – five months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B Ref: APP/B3030/W/23/3329011

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hutchinson Engineering Services Limited against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/00770/FUL.
 - The development proposed is a proposed turning area, long term staff parking area and electric vehicle charging points.
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Decisions

APPEAL A

1. It is directed that the enforcement notice is corrected by:
 - the addition of the words 'shown blue on the attached Plan A.' after the existing text at Paragraph 5.B;
 - deletion of Paragraph 5.C and replacement with 'Cease the use of the land edged in green on attached Plan B for industrial haulage purposes.'
 - the appending of Plan B annexed to this decision to the enforcement notice.
2. Subject to the corrections, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

APPEAL B

3. The appeal is dismissed.

Preliminary Matters

4. As set out above, there are two appeals. They relate to the same site and similar uses of the Land. The enforcement notice (the Notice) also includes reference to operational development consisting of the laying of hardcore and erection of a sectional wall. The Council's reasons for both the refusal of planning permission and finding it expedient to serve the enforcement notice are the same. To avoid repetition, I have dealt with the s78 appeal and the ground (a) deemed application for planning permission in the s174 appeal concurrently, unless otherwise stated.
5. The Council has commenced action against the appellant under another section of the Act. However, that is a matter beyond the scope of the appeals subject of this Decision Letter.

Appeal A – Ground (a) and the Deemed Application for Planning Permission, and Appeal B – the Appeal Against a Refusal of Planning Permission

Main Issues

6. The main issues are:
 - the effect of the development on the character and appearance of the locality;
 - whether or not the development is an appropriate scale of business expansion to justify its location within the countryside.

Reasons

Character and appearance

7. The large linear site, estimated as 2.11ha by the Council, sits roughly perpendicular to Great North Road. The main buildings are located behind a car park close to the road frontage. Smaller buildings, open storage, parked vehicles and trailers, and manoeuvring areas cover much of the remainder of the site, which is hard surfaced. Established hedges provide some screening of both the interior of the site and concrete panel walls present along much of its side and rear boundaries.
8. The wider area is a gently undulating rural landscape of predominantly arable fields bordered by hedging with occasional woodland blocks and clusters of isolated built development. The site lies outside of the village of Weston, which lies to the north. The A1 corridor runs northwest/southeast beyond a large field to the rear (south) of the site. The area lies within the Mid-Nottinghamshire Farmlands landscape identified as of good condition and moderate sensitivity in the Council's Landscape Character Assessment SPD.
9. Aside from isolated farmsteads, most of development in the rural landscape is aligned with road frontages. In contrast, the elongated linear form of the site interjects into a part of the landscape which is otherwise primarily undeveloped and rural in nature. It extends significantly into surrounding open fields and is conspicuous because of it.

10. The site arrangement plan submitted with the planning application shows the Land to be set out with long-stay staff parking and a turning circle for larger vehicles. However, the appellant's statement confirms that the southward expansion of the site would provide enlarged capacity for the parking of trailers, including trailers serving specialist haulage needs.
11. At the time of my site visit, when the Land was largely free from storage of any significant height, the visual effect of the extended area was limited. The presence of the established external hedge on three sides of the site substantially offered visual mitigation of the internal wall. Only a small section of the concrete panelling could be seen, however, higher projecting supporting stanchions were clearly visible over distance to visually associate the Land with the remainder of the established site.
12. Subject to restriction of the height of storage on the Land, reduction and/or limitation to the height of the wall, or lighting columns, for example, the effect on the character and appearance arising from the extension would be limited. This is consistent with the finding in the appellant's Landscape and Visual Assessment.
13. However, the Land (edged yellow in the plan attached to the Notice) formed part of a landscaping scheme subject of Condition 03 of planning permission Ref. 18/00251/FUL for the 'change of use of land to form extension to existing haulage yard area for the parking of vehicles and trailers and storage of goods' (the 2018 permission). The condition was imposed to secure landscaping in the interests of visual amenity and biodiversity. The evidence before me suggests that there is no dispute on the validity of that condition between the main parties.
14. Notwithstanding the appellant's assertion that the conditioned landscaping failed; in displacing the area for mitigation of the visual effects of the site extension approved under the 2018 permission, those effects must also reasonably be taken into account. In addition to planting 25 heavy standard native trees, the area was shown to contain some 35 other trees of various types.
15. Together the Land and 2018 extension make up about of the third of the whole site extent. The 2018 authorised area is subject of a 6m height limitation on storage. Although some uses remain low profile, others are not. That part of the site has significant potential to cause harm to the visual amenity of the rural landscape by storage exceeding the height of the boundaries.
16. The enlarged site is visible from the busy A1 road corridor. It is widely visible from the approaches on Great North Road – particularly from higher land to the east. It is also intermittently visible from Wadnall Lane to the west and Infield Lane, a public right of way, to the east. Viewed from these locations, the cumulative incursion into the pastoral landscape is considerable.
17. The effect of the 2018 approved landscaping scheme would primarily have mitigated views from the A1 corridor. Although generally fleeting views, the site's significant contrast with the surrounding area causes it to appear prominent. This is clearly apparent from parts of the road and parking refuges, especially on the southbound side.
18. The approved landscaping would nevertheless have had both an immediate and long-term benefit in reducing both the impact of that development and the backdrop of the remainder of the site on the character and appearance of the area.

On maturity, it would have formed a woodland block characteristic of the area to provide an enhancing element in the landscape that would offset the effects of the 2018 development.

19. The appellant's statement indicates that the existing hedges are within his ownership and are to be retained and augmented with additional planting to fill existing gaps. Although the land ownership is questioned by the Council, there is little evidence to the contrary. The effect of the hedge is successful in mitigating views into the site and the concrete elements of the security wall. As above, storage below the wall height would also be screened.
20. However, that limited extent of landscaping would neither achieve the level of screening secured through the 2018 permission, nor any form of mitigation of the additional effect on the landscape. Furthermore, there is little before me to demonstrate that alternative landscaping could be secured to achieve that aim and to compensate for the displacement of the 2018 landscaping scheme.
21. Even accounting for the appellant's claim that a means of enclosure could be constructed to a height of 2m under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (the GPDO), the combined visual effect of development is considerable and, to my mind, insufficiently mitigated. In the absence of any contention that the whole of the site benefits from established lawful use or is compliant with the terms of the 2018 permission, the appellant's assertion that the site is now an established part of the landscape is a matter of limited weight in the appeals.
22. The appellant compares the visual impact of the development against a nearby former farmstead (Hall Farm), which is located in a more elevated position nearby. However, as characteristic rural buildings in a compact arrangement, the appearance of that development is not directly comparable to the linear form of the appeal site.
23. For the above reasons, I find that the development – whether it be limited to parking and turning, or for use more generally in association with the appellant's business, taken with the loss of mitigation measures previously approved, causes considerable harm to the rural character and appearance of the locality. It conflicts with Spatial Policy 3 and Core Policy 13 of the Amended Core Strategy [2019] (the ACS), and Policies DM5 and DM8 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document [2013] (the ADMDPD) as together they seek to ensure the protection, conservation, reinforcement and enhancement of the distinctiveness of the landscape.

Countryside Location

24. The Council's strategic policies seek to direct new development to the most sustainable locations. In countryside locations Spatial Policy 3 and Core Policy 6 of the ACS, relating to rural areas and employment development respectively, seek to protect the countryside and avoid harmful impacts by limiting development to that which is small scale.
25. Detailed Policy DM8 of the ADMDPD also seeks to strictly control development in the open countryside. It supports the proportionate expansion of existing businesses where they can demonstrate an ongoing contribution to local

employment. Expansion will be supported subject to site specific assessment. It highlights that the expansion of any given site is likely to be limited at some point by its impacts on the countryside.

26. The appellant asserts that the development plan policies are inconsistent with the National Planning Policy Framework (the Framework) insofar as they apply requirements in relation to local need and to be of small scale to ensure acceptable scale and impact. However, Paragraph 89 seeks to achieve sustainable growth. It recognises that beyond existing settlements development will need to ensure it is sensitive to its surroundings. In supporting economic development, Paragraph 85 highlights taking account of local business needs alongside wider opportunities for development. Accordingly, the development plan policies have a high degree of consistency with the Framework and are therefore entitled to considerable weight.
27. There is limited evidence of the extent of the site's contribution to local employment, however, there is no dispute between the main parties that the existing business provides, and could sustain, employment opportunities including for those based in the rural locality. Although not a rural land-based business, it can supply services to other businesses operating in the vicinity. Moreover, the Council do not dispute that the applicant has an economic need to expand their growing business.
28. However, the planning history of the site confirms that the site has been the subject of significant extension over time, not least the 2018 extension. Although the appellant compares the area of the site to the approved area, this does not engage the temporal restraint highlighted in Policy DM8.
29. In seeking to balance the tension between the harm to the rural landscape against the economic need, the Council have sought to establish that the proposal is demonstrably reasonable and appropriate to the business. This approach is not disputed by the appellant. Although the appellant has provided details of increases in plant and specialised vehicles/trailers/equipment alongside a business plan, there is limited detail of the current site arrangement to demonstrate capacity restrictions or that the efficient use of the site could not realise benefits without the need for further harm to the open countryside. Furthermore, those documents appear to relate to facilities and staffing across 3 sites operated by the appellant, with little detail of their arrangement or capacity.
30. Unlike a previously proposed scheme, the planning application showed the use of the Land to provide parking for drivers' personal vehicles while away from the site, in addition to a large vehicle turning area. The provision of additional car parking (or its relocation) has neither been demonstrated to be necessary based on any limitation to existing capacity or shown how it would alternatively benefit the site arrangement to release capacity elsewhere.
31. At the time of my site visit, wagons, trailers and other items were reversed or placed into positions perpendicular to the site's long boundaries. The existing central space, which would be retained, clearly allows for the manoeuvring of large/long vehicles and for HGV tractors to have adequate turning space to manoeuvre trailers, and to enter and leave the site in a forward gear. In the substantial absence of a detailed site itinerary or the managed arrangement of the site to show any constraints to the storage of items or the parking or manoeuvring

of vehicles and trailers, the need to allocate additional land for the turning area shown on the planning application plans is unclear.

32. Moreover, it has not been demonstrated how this is compatible in providing for the equivalent of 4 or 6 new trucks and 9 new trailers since the expansion approved in 2018. Given the Council's repeated concerns in that regard, it was open to the appellant to provide clarification for the purpose of the appeals. The absence of the before and after site layout details of the site as a whole is a significant omission.
33. I acknowledge that the development would be an expansion to cover the remainder of the land in the appellant's ownership. The appellant contends that refusal of permission for the development may prejudice the ability of the business to expand in the future as no other options exist, however, this claim is largely unsupported in evidence.
34. The development would facilitate logistics and distribution and could facilitate infrastructure growth as priority business sectors identified in Core Policy 6 and the Framework. The site could adopt new yard management procedures to increase the efficiency of the business. This could utilise shunter and other yard drivers to use HGV drivers more efficiently. These would be benefits in favour of the development.
35. However, economic benefits must be balanced against the lasting harm to the countryside. The effect on the character of the locality would be disproportionate on account of displacing visual and biodiversity mitigation for the earlier extension. The appellant has failed to demonstrate that site management or landscape enhancements could not deliver such benefits. In the case circumstances, I find the consecutive incremental encroachment into a rural landscape has crossed the threshold between the development plan policies and the Framework as they seek to support economic growth but protect the intrinsic character and beauty of the countryside and valued landscapes.
36. For the reasons above, the development conflicts with the requirements of Spatial Policy 3 and Core Policy 6 of the ACS, and DM8 of the ADMDPD as they seek to restrict development in countryside areas, including through limiting the scale of employment development.

Other Matters

37. The proposed installation of electric vehicle charging points is in the interests of promoting sustainable means of travel. It could facilitate continued safe operation of the site and meet other industry standards. These would be benefits of the development.
38. The appellant refers to other sites in the area which have recently benefitted from extensions. However, from the information before me, it appears one relates to the redevelopment of previously developed land and otherwise the sites appear distinct insofar as they are primarily road-fronting. In those circumstances the incursion into open areas of the landscape were more limited. It is also unclear whether the decision of a neighbouring authority related to a similar cumulative degree of expansion or that the landscape impacts were comparable as a matter of fact and degree. I am therefore unable to draw comparisons, or otherwise, to the case before me.

39. The appellant highlights that the operational effects of the site are not a concern of the Council or those who reside nearby. Additionally, the development complies with other design requirements in Policy DM5. However, as requirements of the development plan these are not benefits in favour of the scheme.
40. I acknowledge the support from the Parish Council and others. This, the absence of objections from consultees, or compliance with other requirements of the development plan, are not benefits in favour of the development.
41. The appellant's frustrations as to the level of communication from the Council in relation to resolving enforcement matters are noted. However, this is not a matter for the appeals.

Planning Balance and Conclusion

42. Taking all of the above together, I find that the development contrasts starkly with the predominant pattern and character of development in the rural area. It fails to conserve the visual quality of the landscape by causing harm to it, including by the removal of mitigation measures for an earlier site extension. Although the expansion of the business could provide economic benefits, I find that these and the other scheme benefits have not been demonstrated to outweigh the identified harm. The development thereby conflicts with the development plan when read as a whole and there are no material considerations, including the Framework, which outweigh the harm. The appeal on ground (a) in Appeal A, and Appeal B therefore fail.

Appeal A - Ground (f)

43. This ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the breach.
44. As a Notice requiring the cessation of the use of the Land and removal of associated operational development, the purpose of the Notice is to remedy the breach of planning control.
45. The appellant asserts that the boundary walls fall within the limits specified in the GPDO such that the requirement for its removal is excessive. However, at the time of my site visit I observed that, while some sections of the fence may only extend to 2m in height, others are higher. As part of the structure, the stanchions extend to a height significantly above the GPDO limit. The whole of the new sections of the wall are therefore unauthorised¹. Furthermore, as development identified by the appellant as necessary in conjunction with the material change of use (security), applying the established principle in *Murfitt*², I find the requirement for its removal to remedy the breach of planning control is not excessive in the case circumstances.
46. Given that the wall is made up of substantial pre-formed concrete slabs, it is unclear whether the wall could be reduced in height to compare with one erected under the GPDO. Moreover, such works could be more onerous than removal and could conflict with requirements in planning permission ref. 18/00251/FUL.

¹ See *Garland v MHLG* [1968] 20 P&CR 93

² *Murfitt v SSE and E. Cambridgeshire DC* [1980] JPL 598

47. The location of the concrete wall subject of the Notice is described by reference to blue lines on Plan A and three photographs attached to the Notice. The appellant asserts that the requirement in paragraph 5.B could be construed as relating to the entirety of the wall enclosing other parts of the wider site (edged red). While the wording is not so imprecise sufficient to consider the Notice invalid, I agree that additional text would assist in clarifying that requirement. No injustice would arise in doing so.
48. The yellow area identified on Plan A attached to the Notice includes a strip of land that was granted planning permission as an extension to the haulage yard area under planning permission Ref. 18/00251/FUL, albeit land forming part of the associated landscaping requirement. As land that benefits from planning permission, it should be excluded from the requirement in 5.C of the Notice. As the Council has granted planning permission and the requirements of the Notice would be reduced, I consider that no injustice would arise to either of the main parties in the appeal if I were to so amend the Notice.
49. The appeal on ground (f) succeeds to the extent that the Notice is corrected.

Appeal A - Ground (g)

50. This ground of appeal is that the period for compliance specified in the notice falls short of what should reasonably be allowed. The appellant seeks an extension of the specified periods to six months. This would allow additional time to negotiate with the Council and provide sufficient time to carry out the works.
51. Given the nature of the appellant's business there seems to be little reason why the physical works could not be achieved within the specified timescales. While there is little to indicate whether any intermediate alternative scheme might be found, the timescale in the Notice would serve to focus minds. If negotiations prove fruitful then the Council has discretion to allow more time. In the circumstances, I find the timeframe for cessation of the use would provide an appropriate balance between the public interest in securing expeditious compliance with the enforcement notice against the private interest bound up in the development subject of it. The appeal on ground (g) therefore fails.

Conclusion

52. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the s78 appeal and the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

R Hitchcock

INSPECTOR



Planning Inspectorate

Plan B

This is the plan referred to in my decision dated: 21st August 2025

by R Hitchcock BSc(Hons) DipCD MRTPI

Land at: Hutchinson Engineering Services Limited, Great North Road, Newark on Trent, Nottinghamshire, NG23 6SY

Scale: not to scale

