

Report to Planning: 13 November 2025
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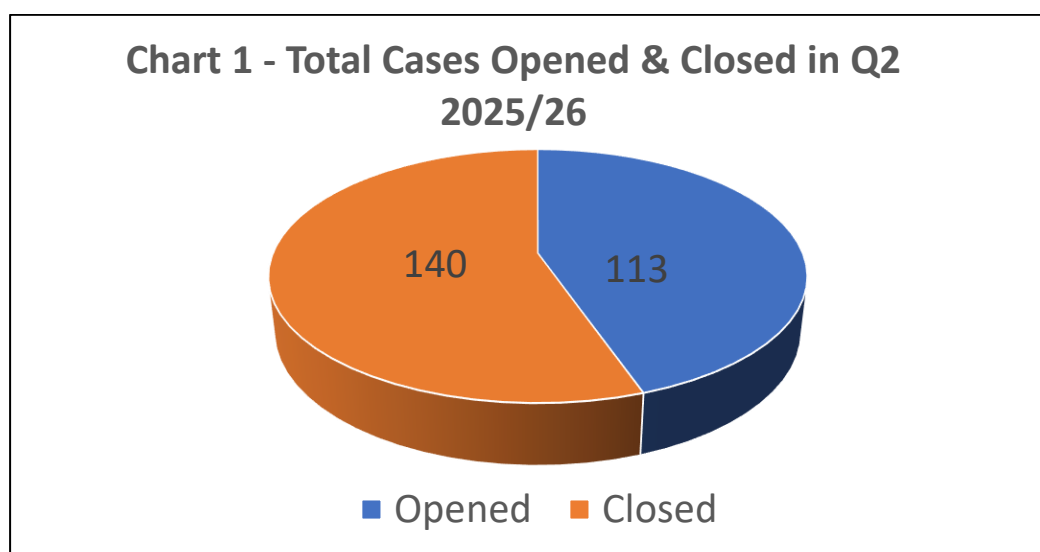
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p>
Period covered	2025/26 Q2 – 1 st July 2025 to 30 th September 2025
Recommendation	<p>For noting.</p> <p>The service assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district’s natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

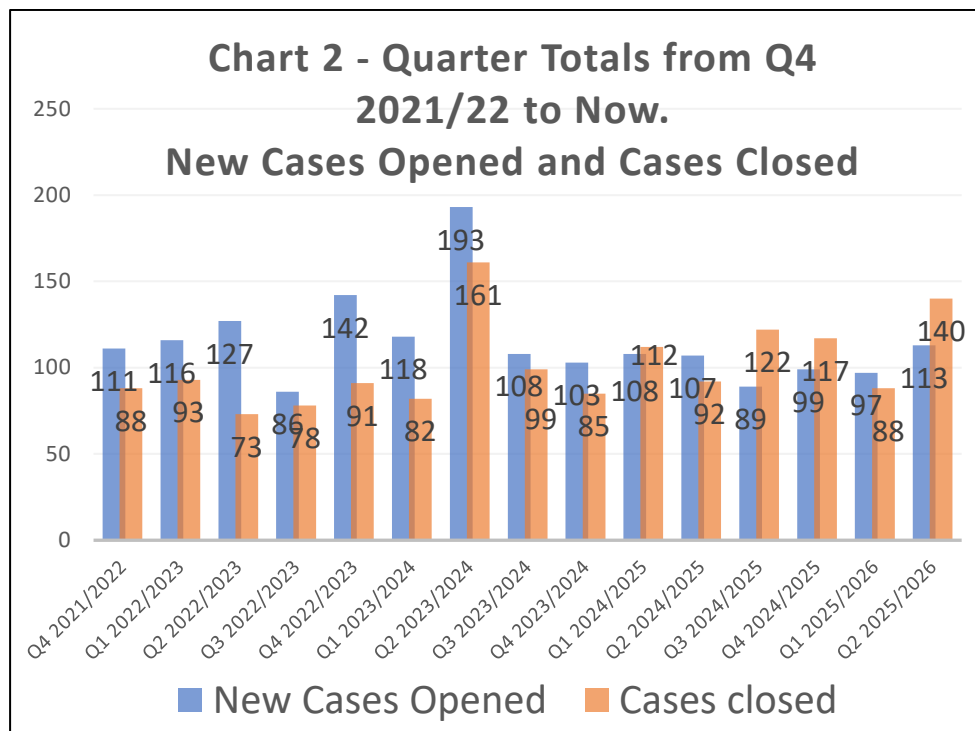
- 1.1 This report relates to the second quarter (Q2) of 2025/26 from 1st July 2025 – 30th September 2025 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q2 in terms of numbers of cases received, the reasons for cases being closed and response times.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4 Schedule C provides examples of cases where officers have managed to resolve the breaches through dialogue and negotiation during the quarter.
- 1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows considerable success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

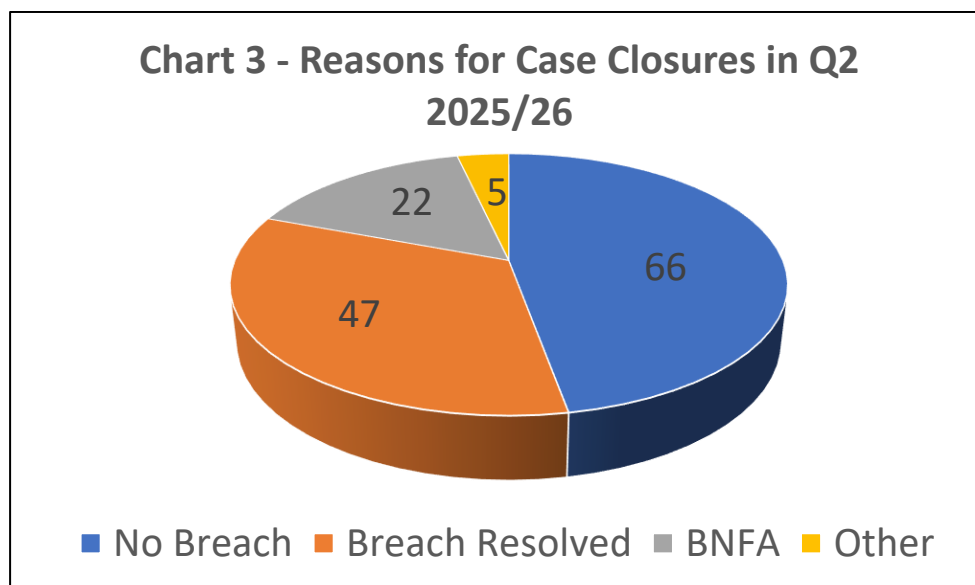
- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q2. Members will note that the number of new cases opened (113) remains relatively consistent quarter to quarter. To compare to the same period in 2024/25, which totalled 107 new cases.
- 2.2 However, the number of cases closed was significantly higher this quarter – the highest number of closures within a quarter since Q2 of 2023/24.
- 2.3 This higher than usual number of case closures is in part thanks to a new initiative the team instigated in September where a day was set aside with all enforcement team members coming together to focus solely on case closures. This has proved a very helpful and effective tool and is set to continue into Q3 and beyond.



- 2.4 It should be noted that the Enforcement team continued to face notable challenges during Q2 with a small number of controversial and intricate cases that officers are continuing to be involved with that take up a disproportionate amount of time.
- 2.5 **Chart 2** provides a trend graph to help illustrate the quarter numbers of cases opened and closed. This is to provide a comparison of the performance from Q2 against quarter totals since Q4 2021/22.



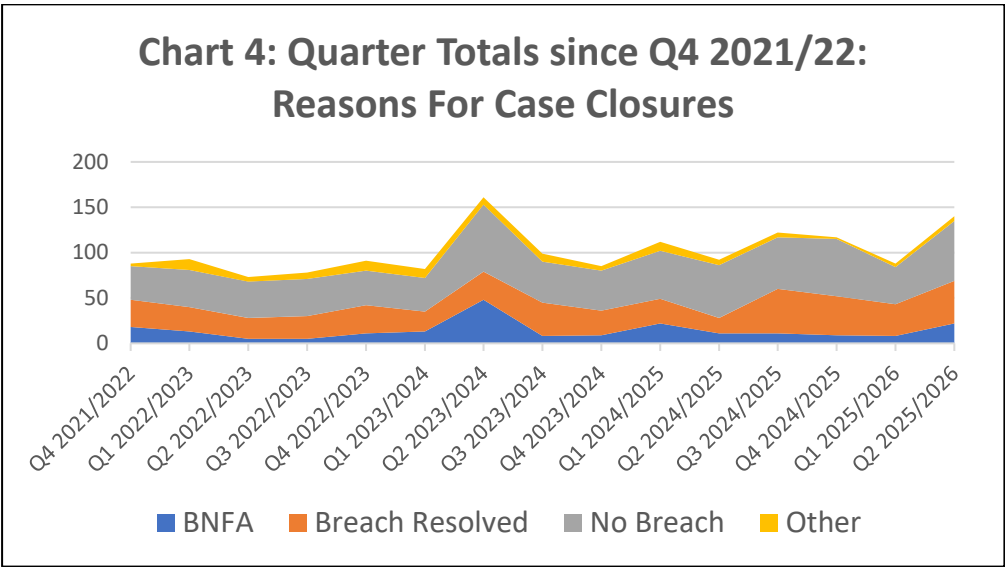
- 2.6 **Chart 3** sets out the reasons why cases have been resolved in Q2. The chart shows that, as is always the case, the majority of cases that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team’s remit). These ‘No Breach’ cases generally represent around 50% of cases and sit at 47% for this quarter. Overall, the number is 48% when viewing all data from the beginning of 2022.
- 2.7 We continue to assert the importance of investigating these cases so there is a record of the complaint and any associated action.



- 2.8 Also, of note this quarter is the number of cases closed as ‘BNFA’ – Breach, No Further Action. These are where a breach has been identified but the harm is

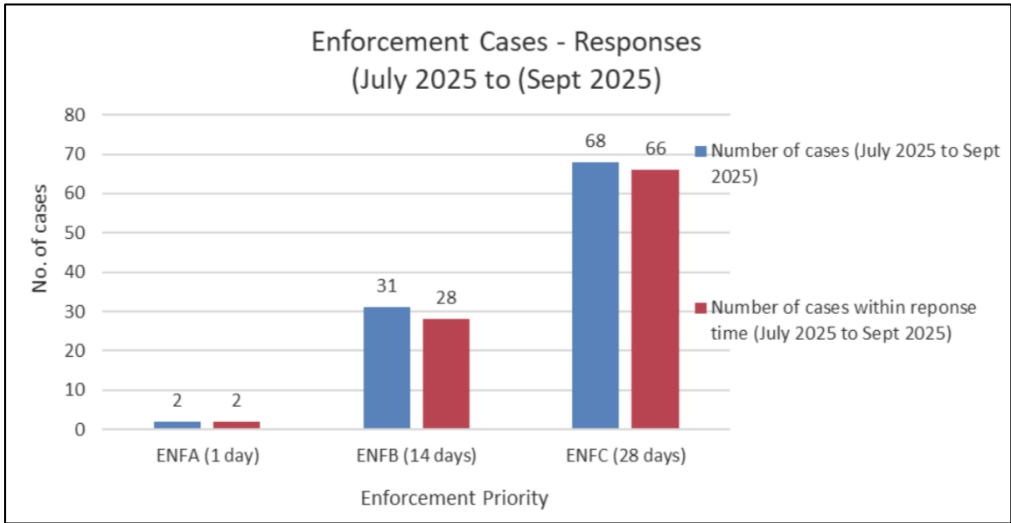
minimal, and a decision has been taken that it would not be expedient to take the case any further. The closure reports for these cases are time consuming. Despite the high workload currently experienced, the team was able to close 22 'BNFA' cases this quarter, which is an impressive achievement. There has only been 2 quarters since Q4 of 2021/22 when this figure has been matched or exceeded (Q2 2023/24 at 48; and Q1 2024/25 at 22).

2.9 **Chart 4** provides some context with Chart 3 and the reasons for the case closures per quarter.



2.10 **Chart 5** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council’s Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that over 95% of enforcement cases have been actioned within the target period that is set out within the PEP.

Chart 5 – Response to Case Priority Targets in Q2 of 2025/26



2.11 Please note, any discrepancy between the combined total of cases in Chart 5 and the overall quarter figures for cases opened (in Chart 1) is due to (a) other case categories not being included. For example, ENFM (Enforcement Monitoring Cases) and CL (Certified Location Caravan Licence 'check'); and/or (b) the response time fell within this quarter whereas the case was opened in a prior quarter, for example.

2.12 **Table 1** sets out the number of Notices issued and appeal activity during Q2 of 2025/26

	JULY	AUGUST	SEPTEMBER
Notices Issued	0	3	1
Notices Complied With	5	0	5
Appeals Lodged	0	0	0
Appeals Determined	1	1	0

2.13 It should be noted that the outcome of the determined planning enforcement appeals were both in favour of NSDC.

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 25/00115/ENFB
Site Address: GRT Site, Bridge House Farm, Winthorpe
Alleged Breach: Alleged expansion of GRT site
Action To Date: Temporary Stop Notice (23.06.25) followed by Enforcement Notice (EN), Stop Notice and further Temporary Stop Notice (all 21.08.2025)

Background:

- 3.1.1 Officers were notified that a large quantity of soil was being imported onto a vacant parcel of land at the access via - but outside of - an approved residential caravan site on the outskirts of Winthorpe
- 3.1.2 Officers attended the site and spoke to the person overseeing the works, who explained that they hoped to raise the level of the land to counter known flooding issues, with a view to occupy the land.
- 3.1.3 Given the documented flood risk associated with the land, a Temporary Stop Notice was issued in June 2025, requiring the importation and spreading of ground materials to cease.
- 3.1.4 This Notice lasted for 56 days, and thereafter a second TSN, a Stop Notice, and a planning Enforcement Notice were issued in August 2025. This requires no further materials to be brought onto site and for any materials already imported to be removed from the Land.

Initial Image of works - April 2025



Images from Notice Serving - August 2025



3.2 EXAMPLE 2

Enforcement Ref: 24/00171/ENFC
Site Address: Birkland Drive, Edwinstowe
Alleged Breach: Alleged high fence
Action To Date: Enforcement Notice (EN) Issued September 2025

Background:

- 3.2.1 The LPA has been in discussions with the owner and their agent following multiple complaints received since May 2024 regarding the erection of a tall fence adjacent a highway used by vehicular traffic.
- 3.2.2 Within this case the owner and their agent have asserted that the fence is permitted development under Class A of Schedule 2 Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (other means of enclosure) owing to it replacing a hedge which they consider (the hedge) amounts to development under Section 55 of the Town and Country Planning Act 1990.
- 3.2.3 The LPA has strongly opposed the view that a hedge is development and following a final meeting earlier this year and time for deliberation on the opposing assessments of the LPA, an Enforcement Notice has been issued (29th September 2025) as no further communication has been received.
- 3.2.4 The Notice was issued because in the opinion of the LPA that the development (fence), by reason of its size and its siting, presents a discordant feature in the street scene which does not respect the character of the site or locality. The development therefore fails to accord with Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019) and Policies DM5 (Design) and DM6 (Householder Development) of the Allocations and Development Management DPD (2013) which together form the relevant parts of the Development Plan; and the NPPF which is a material planning consideration.

- 3.2.5 The owner is required to reduce the entirety of the fencing erected adjacent to the highway to no more than 1m in height within 180 days of 29th October 2025 (27th April 2026) unless an appeal is made against the notice.

Boundary prior to fence installation



Completed Fence Photo



4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER

4.1 EXAMPLE 1

Enforcement Ref: 25/00261/ENFC
Site Address: Forest Road, Ollerton
Alleged Breach: Alleged outbuilding in frontage and high fencing adjacent to highway
Action To Date: Negotiated removal of outbuilding and reduction of fence

Background:

- 4.1.1 Complaint received from the Accountancy firm that neighboured this residential property, regarding a structure that had been installed to the frontage. This structure did not benefit from permitted development permission due to its location at the front of the property.
- 4.1.2 Upon review, it was clear that the fencing at the frontage exceeded what would be allowed under permitted development as it was adjacent to the highway.
- 4.1.3 The owner was contacted on 20.08.2025 requesting (a) the removal of the structure from the frontage of the property; and (b) to reduce the height of the fence to no more than 1-metre.
- 4.1.4 A site visit on 04.09.2025 showed that the outbuilding had been removed in its entirety and the fence had also been cut down to a reasonable height to allow this case to be recommended for closure with both breaches being resolved.

Initial Complaint Photos



After Compliance Photos



4.2 EXAMPLE 2

Enforcement Ref: 24/00318/ENFC
Site Address: Karissma, High Street, Edwinstowe
Alleged Breach: Alleged tiling of stallriser in Conservation Area
Action To Date: Negotiation and works completed to remedy the breach

Background:

- 4.2.1 A complaint was received from a local Councillor, to advise that this prominent retail unit within the Edwinstowe Conservation Area had tiled the 'stallriser' at the frontage of the property.
- 4.2.2 The investigation found that the modifications, involving tiling of stallrisers and pilasters, were carried out without express consent.
- 4.2.3 This case was a good example of the multi-team approach with negotiation at the heart of resolving this matter.
- 4.2.4 Following collaboration between the enforcement and conservation teams, the owner amended the shopfront design by removing tiles from pilasters and aligning the design with the Shopfront SPD, resulting in an appearance that enhances the building and conservation area.
- 4.2.5 The conservation team now has no objections; and the case has been closed.

Initial complaint photos



Post works/compliance photos





4.3 **EXAMPLE 3**

Enforcement Ref: 25/00159/ENFC
Site Address: Various locations across the district
Alleged Breach: Unlawful display of estate agent for sale boards
Action To Date: Contact made with 17 estate agents with a combined 31 boards removed or relocated.

Background:

- 4.3.1 An initial complaint was received in May 2025 regarding the fixing of estate agent 'for sale' boards on street signage in and around the Southwell area.
- 4.3.2 Upon review, this method of advertising appeared to be widespread issue as it was not just isolated to Southwell with examples also being seen in Newark, Balderton, Coddington, Fernwood, Kelham, Wellow, Ollerton and Thurgaton.
- 4.3.3 The legislation states that an advert that is advertising the sale of land or a building may only be displayed on the land or building to which the advert relates.

Thus, an advert may not be displayed on communal/ highway land/ furniture such as a street sign or lamp post as this does not form part of the sale. The display of such an advert is therefore an offence and can only be remedied by the removal of the advert.

- 4.3.4 Whilst this 'project' is still ongoing, we have to date contacted 24 different estate agents about a combined 41 'for sale' boards that have been installed in such a manner and to request their removal. It is pleasing to be able to report that (at the time of writing), at least 37 had been removed as requested.

Below are examples of 'before' and 'after' removals in various locations across the district

Southwell – The First Complaint

Before



After



Southwell – Before



After



Balderton - Before



After



Kelham – Before



After



Thurgaton – Before



After



Newark - Before



After



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 23/00429/ENFC
Site Address: Robin Hood Way, Blidworth
Alleged Breach: Alleged car port
Action To Date: Enforcement Notice (EN) issued June 2024. Appeal dismissed.
Complied with July 2025.

Background:

- 5.1.1 A complaint was submitted following the installation of a large car port that had been erected forward of the principle elevation and that a tall fence had been erected adjacent a highway used by vehicular traffic.
- 5.1.2 Following a site visit, the owner was asked to remove the car port and reduce the height of the fence. The owner wished to have the opportunity to remedy via application and submitted 24/00059/HOUSE - Proposed car port (retrospective). No details were ever submitted with the application, so it was returned as invalid.
- 5.1.3 In consequence, an EN was issued 24.06.2024. The Notice required the car port to be removed, and the fence be reduced in accordance with details set out.
- 5.1.4 An appeal was submitted, which was dismissed in May 2025. A site visit in July 2025 evidenced that the car port had been removed, and the fence had been reduced, all as per the EN.

Initial post-complaint photos





Compliance Photo



5.2 EXAMPLE 2

Enforcement Ref: 22/00313/ENFB
Site Address: Emmendingen Avenue, Newark
Alleged Breach: Alleged high fence
Action To Date: Enforcement Notice (EN) issued February 2023; Complied with in July 2025.

Background:

- 5.2.1 The occupiers of this property fitted an additional 1-metre in height fence panel atop their existing rear boundary fence, totalling approximately 3-metres, far in excess of the 2-metre height allowed under permitted development.
- 5.2.2 A request was made that the fence either be reduced to 2-metres or they submit an application to attempt to remedy the breach.

- 5.2.3 A retrospective application seeking to retain the fence was submitted and refused - ref 22/01953/HOUSE. An Enforcement Notice was then issued in 2023 requiring the reduction in height of the fence to no more than 2 metres.
- 5.2.4 A site visit on 24.07.2025 found that the Notice has been complied with. The 'compliance photo' below was taken from the church car park to the immediate south of the property.

Initial Photo



Compliance Photo – From Rear of Fencing



5.3 EXAMPLE 3

Enforcement Ref: 23/00217/ENFB
Site Address: Far Barn Farm, Thurgaton
Alleged Breach: Alleged parking of articulated trailers.
Action To Date: Enforcement Notice (EN) issued October 2023. Appeal dismissed. Complied with July 2025

Background:

- 5.3.1 The case is regarding the parking of articulated trailers at this site. A visit confirmed the allegation, and it was identified that the farm holders were using the site to store 'lorry-backs' as part of attempted farm diversification schemes.

- 5.3.2 This was considered a material change of use from agricultural use to a mixed use of B8 storage and agricultural use. An application was put forward to remedy the breach (23/01452/FUL - Change of use of part of grain store yard area to a mixed use for open air storage (retrospective)) but this was refused in October 2023 as it would result in a major perceptual change to the character and the appearance of the countryside and this would be experienced by receptors using the public rights of way network that surround the site
- 5.3.3 An EN was issued October 2023 requiring the use to cease. The notice was appealed with the outcome being to uphold the EN.
- 5.3.4 Following further discussions, compliance with the EN was found to have been achieved during a site visit in August 2025.

Complaint Photo



Compliance Photo



6.0 IMPLICATIONS

- 6.1 In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

6.2 Legal Implications – LEG2526/4324

- 6.3 This report is for noting only.

7.0 RECOMMENDATIONS

- 7.1 The report is noted.

8.0 BACKGROUND PAPERS

- 8.1 None.

END OF REPORT