

Planning Committee – 15 January 2026

Appendix B: Appeals Determined (between 24 November 2025 and 05 January 2026)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/01837/FULM	Land To The West Of Main Street Kelham	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.	Planning Committee	Committee Overturn	Appeal Allowed	3rd December 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2MM5BLBKXZ00						
24/01743/FUL	Cats Whiskers Cattery Rose Cottage Normanton Road Upton Newark On Trent NG25 0PU	Erection of dwelling following demolition of existing cattery buildings	Delegated Officer	Not Applicable	Appeal Allowed	24th November 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SKQ2GKLBII700						
24/00804/TPO	26 Blenheim Avenue Lowdham NG14 7WD	Lime 1 and Lime 2 - Felling and stump removal.	Delegated Officer	Not Applicable	Appeal Dismissed	27th November 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCUW0FLBG7N00						

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion
25/00673/AGR	Land adj to The Old Grain Store, Old Eppertone Road, Lowdham	Prior approval was needed for creating a hardstanding for agricultural vehicles under the Town and Country Planning (General Permitted Development)	The site previously had unauthorised wood fuel production equipment on it, which was removed following an enforcement notice in August 2022 and the land was restored and reverted to agricultural use. The proposed hardstanding was deemed necessary for agriculture and comprises a unit exceeding 5 hectares, thus this proposal was assessed under Class A of the GPDO. Prior approval for the submission of a formal planning application, was not considered to be required.

		<p>(England) Order 2015 Schedule 2, Part 6 (Agricultural and Forestry).</p>	<p>Judicial Review proceedings were made by a local resident against this planning decision on 30.06.2025. The Claimant challenged the decision on four grounds:</p> <ol style="list-style-type: none"> 1. First Ground: Defendant (i.e. The Local Planning Authority) failed to consider if the development was reasonably necessary for agriculture. 2. Second Ground: Defendant wrongly assumed the agricultural unit was 165 hectares instead of less than 5 hectares. 3. Third Ground: Defendant failed to consider that part of the site was not in agricultural use at the time. 4. Fourth Ground: Defendant incorrectly treated the site as part of a unit over 5 hectares; under Class B, the proposal would have exceeded the 1000 m² limit. <p>Council's Response:</p> <ul style="list-style-type: none"> • First Ground: Case Officer's report confirmed agricultural use and necessity; proposal was logical and legitimate. • Second Ground: Evidence (application form, site plans, GIS mapping, land summary) showed the unit exceeded 5 hectares; exact size was irrelevant. • Third Ground: Enforcement issues were resolved; land was lawfully agricultural at decision time. • Fourth Ground: No further comment; site clearly exceeded 5 hectares. <p>Outcome:</p> <p>The witness statement contesting these claims was submitted to Court. Permission to proceed with the Judicial review was refused by the Court. The claim was not taken further.</p>
--	--	---	---

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott

Business Manager – Planning Development