

Report to Planning: 12 March 2026
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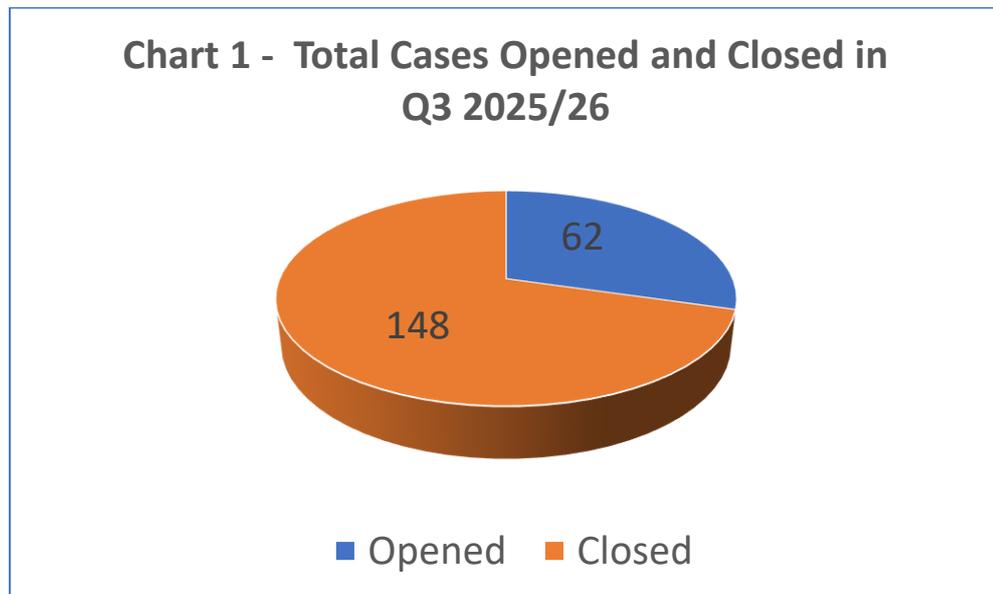
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.</p> <p>To provide Members with examples of cases that 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 Q3 – 1 st October 2025 to 31 st December 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

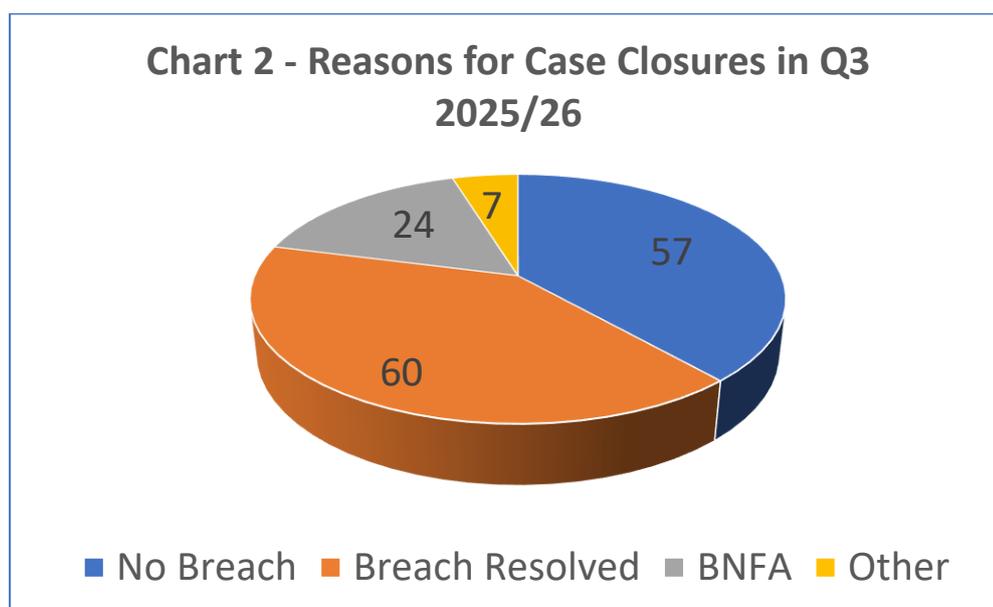
- 1.1 This report relates to the second quarter (Q3) of 2025/26 from 1st October 2025 – 31st December 2025 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q3 in terms of numbers of cases received, the reasons for cases being closed 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) in the quarter.
- 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

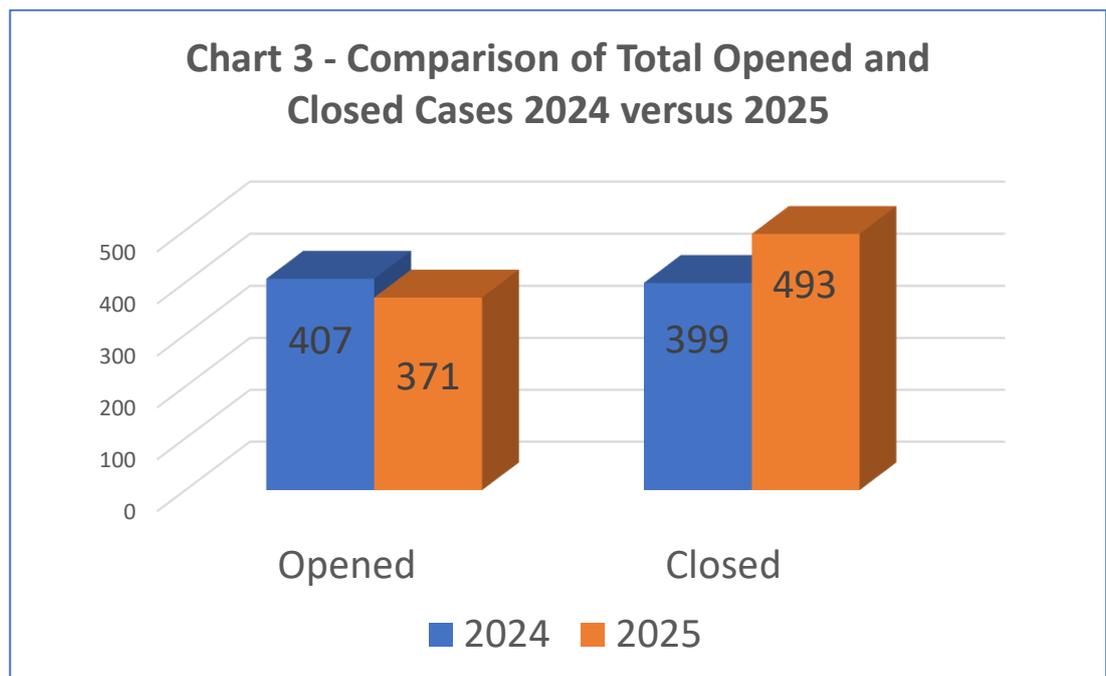
- 2.1 **Chart 1** sets out the number of new enforcement cases that were received and closed during Q3.



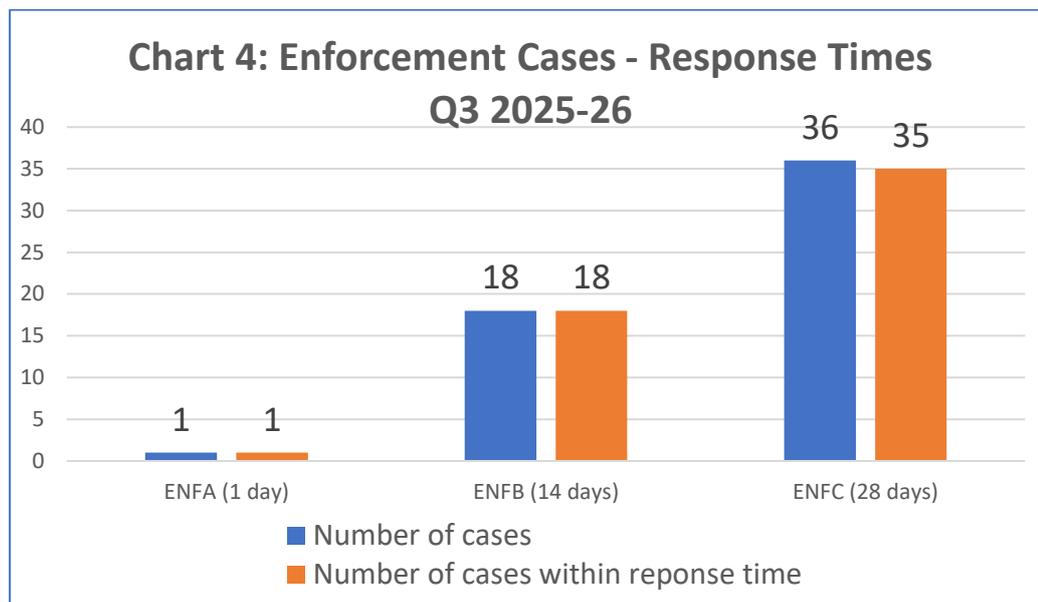
- 2.2 Members will note that the number of cases closed once again hit an impressive number (148), which is the 2nd highest quarter closure total going back to the start of 2022/23. This is on the back of 140 closures (now the 3rd highest quarter total) in Q2.
- 2.3 The number of cases opened is a relatively low figure (62). After a high number of cases were opened in Q2, combined with ongoing demanding cases the enforcement team has been dealing with, this lower number of new cases is welcomed.
- 2.4 **Chart 2** sets out the reasons why cases have been resolved in Q3.



- 2.5 The chart shows that, as is always the case, a substantial number 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).
- 2.6 These 'No Breach' cases generally represent around 50% of cases, although for Q3 this figure is 39%.
- 2.7 We continue to assert the importance of investigating these 'No Breach' outcome cases so there is a record of the complaint and any associated action.
- 2.8 The number of cases closed as BNFA (24) in Q3 is the 2nd highest figure since the beginning of 2022/23. 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. This is a continuation of the good form shown in Q2 where 22 cases were closed as BNFA.
- 2.9 **Chart 3** provides a brief comparison of the total number of cases opened and closed over the 2025 calendar year versus the previous year (2024). This is just to give an insight into how the last 12-months compares with the previous 12-months



2.10 **Chart 4** 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 98% of enforcement cases have been actioned within the target period that is set out within the PEP.



2.11 Please note, any discrepancy between the combined total of cases in Chart 4 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 Q3 of 2025/26

	OCTOBER	NOVEMBER	DECEMBER
Notices Issued	1	1	1
Notices Complied With	8	3	3
Appeals Lodged	1	1	0
Appeals Determined	0	0	0

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER

3.1 EXAMPLE 1

Enforcement Ref: 23/00231/ENFB
Site Address: Sandon, New Lane, Blidworth
Alleged Breach: Unauthorised outbuilding
Action To Date: Enforcement Notice Issued December 2025. Appealed. Outcome pending.

Background:

- 3.1.1 Case commenced June 2023 following concerns that the outbuilding was ‘bigger’ than the approved plans (ref 22/02186/HOUSE). An initial visit in July 2023 showed the start of the build that would need to be checked when closer to completion.
- 3.1.2 A site visit was carried out in October 2024 to check the almost completed outbuilding. The visit showed the outbuilding measuring 7.1m in length x 3.86m deep x 3.1 m to the ridge (2.4m to the eaves).
- 3.1.3 Further investigation into the planning application showed that as the outbuilding would have been ‘Permitted Development’ (PD) according to the plans so it was agreed between the owner and NSDC planner that the outbuilding/garage would be removed from the application prior to the assessment and decision. Therefore, this meant that the outbuilding (as built) did not benefit from granted permission and due to the dimensions, also did not benefit from PD. This means the outbuilding was unauthorised.
- 3.1.4 Attempts over the next 12-months to negotiate a resolution with the owner. At the time, it was deemed that whilst the structure did not benefit from any permission, it would not be expedient to call in an application to remedy the breach and it was agreed that if the owner rendered the sides and rear of the outbuilding (that can be viewed by the neighbouring property) then the matter would be resolved. A date of March 2025 was given for this to be completed. A check in May 2025 showed the works had not been completed.
- 3.1.5 Further attempts to engage with the owner were made with no positive outcome. Due to this, it was deemed expedient to issue and Enforcement Notice (EN), and this was done in December 2025 requesting the render be applied to all sides. This EN was appealed by the owner in January 2026. Outcome is now pending subject to the appeal.



3.2 EXAMPLE 2

Enforcement Ref: 24/00372/ENFC
Site Address: Lilac Farm Cottage, Water Lane, Oxton
Alleged Breach: Alleged high boundary wall
Action To Date: Enforcement Notice Issued October 2025. Appealed. Outcome pending.

Background:

- 3.2.1 In November 2024, an enquiry was received alleging a high wall had been installed that had potentially encroached onto the highway. An initial site visit in December 2024 showed the wall to be 1.35 to 1.8 metres high. The officer also noted that the gate in the wall appeared to suggest the wall was built in part at least as a 'flood defence' with the property located in flood zone 3.
- 3.2.2 The wall did exceed what would be 'allowed' under permitted development and as no planning application had been submitted, the wall is a breach.

3.2.3 NCC Highways were consulted in December 2024 with their response starting with a comment that the wall has been erected with the 'majority of it being in highway'. Regarding highway safety, they have concerns following the removal of the soft edge of a verge that was set further back and the replacement with a hard boundary that appears to protrude into the highway that further narrows an already narrow carriageway with risks of vehicle strikes. They added that the wall severely restricts visibility from the driveway of an adjacent property.

3.2.4 The owners were advised that it was unlikely that a retrospective planning application would be supported due to the concerns from NCC Highways. Following further attempts to negotiate a solution, an Enforcement Notice was issued in October 2025. This notice was subsequently appealed with the outcome now pending.

Image prior to wall installation



After installation of wall



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

4.1 EXAMPLE 1

Enforcement Ref: 24/00170/ENFC
Site Address: Mammoth Storage, Thurgaton
Alleged Breach: Unlawful advertising
Action To Date: Advert removed following refusal of planning application

Background:

- 4.1.1 A complaint was received in May 2024 of an advertising banner for the local 'Hoveringham Mammoth Self Store Ltd' business that was attached to a trailer back located in a field on the corner of Station Road and Nottingham Road at Thurgaton, adjacent to the local conservation area.
- 4.1.2 Upon review, this was a new banner being installed for the same company that had been in situ since at least August 2021. Neither banner benefited from any advertising consent, so the banner was deemed to be unlawful.
- 4.1.3 The business (Mammoth Self Store) was contacted with a request to remove the banner. In response, they wanted to attempt to make the banner lawful and committed to applying for its retention. This was submitted in September 2024.
- 4.1.4 Following the refusal of this application, the business appealed this decision in November 2024. The appeal was dismissed by the planning inspectorate in April 2025 although it should be noted that NSDC were not advised of this decision and 'chased' their decision in October 2025 following confirmation of the removal of the banner and trailer.

Initial Photos



After Compliance Photo



4.2 EXAMPLE 2

Enforcement Ref: 25/00311/ENFC
Site Address: The Ivies, Newark
Alleged Breach: Unauthorised outbuilding to frontage
Action To Date: Structure removed following negotiation

Background:

- 4.2.1 Complaints were received by early October 2025 regarding works carried out at a residential property on The Ivies in Newark. Part of the complaint was covered off in an investigation in 2023 but there were new works that required consideration. In all, there were 6 x matters that required assessment.
- 4.2.2 After a site visit and a team review of the matter, it was deemed that there were two breaches that required remedying: (1) the canopy structure that had been installed to the 'side' of the property that was in fact found to be to the frontage of the property; and (2) the grey metal shed to the front of the property. Both were requested to be removed. The remaining 4 x matters that were brought forward with the complaints were all deemed to benefit from permitted development.
- 4.2.3 Following conversation and explanation to the owners, they agreed to remove both structures, and this was done in November 2025, which resolved the matter and allowed the case to be closed.
- 4.2.4 A positive example of the teamwork and positive cooperation within the enforcement team as well as the proactive engagement with the owners of the property in question and the information and explanations provided that allowed for the swift resolution of this matter.

Initial photos



Post works/compliance photos



4.3 EXAMPLE 3

Enforcement Ref: 23/00134/ENFB
Site Address: Petersmiths Park Development – Phase 1
Alleged Breach: Alleged breach of conditions
Action To Date: Negotiation to resolve Planting and Ecology scheme across the development.

Background:

4.3.1 In May 2023, it was brought to the attention of the enforcement team that the large-scale Petersmiths Park Housing development in Ollerton that had been approved under 17/00595/FULM, had not fully implemented their planting scheme, and they had also not fully delivered the Ecology plan, with bird and bat boxes missing along with a lack of hedging and the tree planting failing or also

missing. The details of the landscaping scheme was approved under 23/00675/NMA.

- 4.3.2 Enforcement activity commenced shortly afterwards with attempts made to encourage the developer to implement both schemes. In September 2024 with the reallocation of the case to a new enforcement team member, progress was made with the developer following communication to remind them that they were currently in breach of conditions 02, 04, 05 and 06.
- 4.3.3 Following a thorough site visit was conducted that provided a detailed summary of what had been done and what was required, the developer was advised that a BCN (Breach of Condition Notice) would shortly be issued if there were no action agreed immediately.
- 4.3.4 Fortunately, due to the engagement with and the commitment of the developer, this meant that this formal action was not necessary as they began to implement the schemes.
- 4.3.5 In November 2024, a site review was carried out that showed great progress with 198 out of the 209 specified trees now planted (or replaced), 4000 hedge 'wips' planted as well as all 17 specified bird boxes and 15 out of the required 23 bat boxes installed. The outstanding matters were the remaining bat boxes and gaps in the hedge planting.
- 4.3.6 Throughout 2025, enforcement continued to work with Gleeson to resolve the outstanding matters that resulted in the 8 x remaining bat boxes being 'moved' on to Phase 2 as additional boxes as well as an agreement to plant additional hedge plants to fill the gaps. It is estimated in excess of 7000 hedge plants have now been planted. By December 2025, a site visit confirmed that all hedging had now been planted as per the approved plans. Whilst there were some minor discrepancies with those approved plans, it was agreed that it would not be expedient to take any further action, and the matter was viewed as a successful intervention.

Map overview of Phase 1 of the Petersmith Park development



BIRD BOXES – SELECTED EXAMPLES FROM PHASE 1



BAT BOXES – SELECTED EXAMPLES FROM PHASE 1



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER

5.1 EXAMPLE 1

Enforcement Ref: 24/00221/ENFB
Site Address: Annexe to 'The Cottage', West Lane, Edwinstowe
Alleged Breach: Alleged breach of Condition 03 of 16/02056/FUL
Action To Date: Planning Contravention Notices issued January 2025 and September 2025. Breach Resolved.

Background:

- 5.1.1 A case was opened following contact with NSDC Council Tax in June 2024 by a person who had just commenced a rental agreement on a property that was initially granted permission just as an 'annexe' that was not a separate property. This triggered an investigation as it appeared that the separate use of the annexe would likely be a breach of planning control.
- 5.1.2 It was found that condition 03 of 16/02056/FUL (Proposed single storey bedroom annex) stated that "The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling". The reason given for this condition was to prevent the creation of a separate dwelling on a site not considered capable of accommodating a separate residential unit.
- 5.1.3 A site visit confirmed the owner's intention to privately rent the annex with a PCN (Planning Contravention Notice) being issued in January 2025 to confirm details.
- 5.1.4 The owner applied to gain permission under 24/01913/FUL (Change of use from Annexe to Independent Dwelling), which was refused in January 2025. Following refusal, the owner appealed the decision, but this was dismissed in July 2025.
- 5.1.5 Following the outcome of the appeal, a further PCN was issued in September 2025 to provide an updated position on the matter. The completed PCN stated that the tenant of the annex is now renting the entire residential unit that includes both the annex and the main dwellinghouse. As this is the case, it was deemed that the breach has been resolved, and the case was closed. A good example of the usage and benefit of PCNs.

Overview of site showing the main dwelling to the top with the annex area below the black line:



5.2 EXAMPLE 2

Enforcement Ref: 25/00115/ENFB
Site Address: Bridge House Farm, Winthorpe Road, Newark/Winthorpe
Alleged Breach: Alleged expansion of GRT site
Action To Date: x2 Temporary Stop Notices, 1 Stop Notice, 1 Enforcement Notice

Background:

- 5.2.1 This case relates to a site close to Winthorpe that was granted retrospective permission under 24/00548/FUL for 6 GRT caravan pitches. This left a vacant parcel of land to the north, which is has the lowest natural ground levels and is thereby liable to flooding.
- 5.2.2 The LPA received a complaint that the land to the north of the site was being developed. Site visits found that an individual was importing materials to site to raise the land levels and make a residential pitch.
- 5.2.3 Given the flood risk and nature of the breach, a Temporary Stop Notices (TSN) was issued in June 2025 requiring the removal of the soils. A further TSN was then issued in August 2025 alongside an Enforcement Notice as well as a Stop Notice.
- 5.2.4 The TSN and Stop Notices were complied with and work ceased. A site visit in December found that the soils/material had been removed from the land and the Enforcement Notice thereby complied with.

Initial Photos





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.

7.0 RECOMMENDATIONS

- 7.1 The report is noted.

8.0 BACKGROUND PAPERS

- 8.1 None.