



Appeal Decision

Site visit made on 29 August 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2025

Appeal Ref: APP/W3005/W/25/3364793

261 Whiteboro Lodge at Wild Hill, Teversal, Nottinghamshire NG17 3JF

- 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 Brewell of Passionate Pets Limited against the decision of Ashfield District Council.
 - The application Ref is V/2024/0337.
 - The development proposed is Proposed change of use of agricultural storage building to an Animal Feed Business (Class E) and associated land for access and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Practice Guidance (PPG)¹ states that the application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development. The red line defines the scope of the application and therefore, I have only considered what is within the red line boundary and have determined the appeal on this basis.
3. Additional information relating to highways has been provided as part of the appeal by the appellant in the form of a Highways Statement of Case, the Council has confirmed in its statement of case that this information was not before the Council when it made its decision. However, I am satisfied that interested parties have had an opportunity to comment on the information and therefore would not be prejudiced by my taking it into account.

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposal on the openness, character and appearance of the area with particular regard to its location within the open countryside and;
 - The effect of the proposal on highway safety.

¹ PPG Paragraph 024 Reference ID: 14-024-20140306

Reasons

Character and appearance

5. The appeal site is located off Chesterfield Road. The land has an existing agricultural building which has been converted into an animal feed business 'Passionate Pets' which at the time of my site visit was in operation. The site is in a rural location with fields and the main property of No. 261 Whiteboro Lodge around it. The site is separated from Chesterfield Road by a mature hedgerow.
6. The site has an access track and car parking area laid with gravel, an existing barn building, with some other buildings and structures within the red line boundary. These include a static caravan, shipping container, a shed and some outdoor storage of materials. Stone pillars form part of the access from the end of the driveway at the entrance to the car parking area.
7. Even though a mixture of land uses exist in the area, the area around the appeal site has a rural character and is located within the countryside. Here Policy EV2 of the Ashfield Local Plan Review (2002) (ALPR) is applicable and states that in the countryside permission will only be given for appropriate development, which must not adversely affect the character of the countryside, in particular its openness. Whilst the reason for refusal refers to parts d) e) and f) of Policy EV2 of the ALPR, the Council does not offer a particular objection under criterion f), therefore my assessment focuses on criterion d) and e) of Policy EV2 of the ALPR. These state that appropriate development comprises: new buildings which are essential for uses appropriate to the countryside and the need for the proposed location has been established, and the re-use of existing buildings.
8. The development includes the access road, the change of use of an existing building which has taken place, and which was granted planning permission some years ago as an agricultural barn². Also on the appeal site is a static caravan and storage container. The storage container I consider to be in connection with the proposed animal feed business as I witnessed items in connection with this business on my site visit. The appellant's statement of case states that the static caravan is to be removed from the site.
9. Criterion d) of Policy EV2 states that new buildings which are essential for uses appropriate to the countryside, and the need for the proposed location has been established would be acceptable. Although the scheme includes the re-use of an existing building, the design of which, I consider to be acceptable, I find that the associated infrastructure and paraphernalia, although well screened from the highway, such as outside storage, access track and parking area and pillars at the access to the parking area, collectively have had an urbanising effect. Even if the removal of the container were to be secured by condition, the presence of other elements on site has intensified the use of the site and detracts from the rural character of the countryside and in particular, its openness.
10. The evidence indicates that the appellants have sought to meet a local need when existing animal feed supply company relocated out of the area. However, on the basis of the evidence provided, and notwithstanding the type of goods sold, some of which are compatible with its rural location, it has not been sufficiently

² APP/W3005/W/21/3273386 Allowed with conditions August 2021

demonstrated to me that this type of business, which also operates online, must be within a countryside location.

11. Having regard to criterion e) of Policy EV2 of the ALPR, this allows for the re-use of buildings. Whilst the proposal does re-use an existing building. The appellant's statement of case states that the site has served as a long-standing base for the appellant's landscape contracting business, which would have included a mix of vehicle types using the site. Whilst another business may operate from the site, in the absence of detailed information relating to those operations taking place on the site, I cannot be satisfied that the landscaping business would be directly comparable to a retail premises such as this. Therefore, based on the information before me, I consider that, the development results in an intensification over and above the original permitted use as an agricultural storage building, due to the comings and goings from customers and deliveries. Therefore, the increase in activity, particularly from customer vehicles associated with the retail use, using the access, access track and parking area, has an adverse effect on the character of the countryside in this location.
12. Therefore, for the above reasons, I conclude that the proposed development has a harmful effect on the openness, character and appearance of the area, with regard its location within the countryside. Accordingly, the development is contrary to Policy EV2 of the ALPR which seeks to ensure that in the countryside permission will only be given for appropriate development, which must not adversely affect the character of the countryside, in particular its openness. The development would also fail to accord with Policies NP1 and NP4 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan (NP), only insofar as they relate to this main issue, which combined seek to ensure that development has respect for existing landscape character, and that landscaping and boundary treatments reflect existing landscape character.
13. Policy NP2 of the NP relates to the design principles for residential development, therefore is not directly linked to the harm identified in this issue and therefore I find no specific conflict with Policy NP2 when reaching my conclusion on this main issue.

Highway safety

14. The appeal site is accessed off Chesterfield Road, which is a dedicated access to the site. The evidence indicates that the main site address has more than one access point, however, confirms that the site will use the southern access and this is detailed on the plans. The area of Chesterfield Road where the access is located has mature hedgerows along the roadside.
15. The access point is spacious and the gates are set back a reasonable distance from the carriageway, giving space for vehicles to wait off the main carriageway should the gates be closed.
16. Having regard to the traffic generation from the site, the appellant states in the evidence that the site could generate around 20 customers per day, generating 40 two-way vehicle movements per day, which indicates that the development is not considered to represent a severe impact upon the highway network at the current time, and I agree that this is not excessive. However, the appellant's statement of case confirms that planning permission would enable expansion of the business. Therefore, I am cognisant that these figures may increase over time

including the frequency of use by HGVs, especially if the site should change ownership.

17. However, I note the inclusion of plans within the highway statement of case³ demonstrating the manoeuvrability of HGVs accessing and egressing the site and the ability for a HGV to exit the site in a forward gear, therefore I am satisfied that HGVs could use the access safely.
18. I consider Chesterfield Road to be generally busy and it has the national speed limit of 60mph. The appellant's highway evidence⁴ indicates that the average vehicle speeds are 35.4mph northbound and 36mph southbound with the 85th percentile vehicle speed being 41.2mph northbound and 40.8mph southbound. This demonstrates that vehicles tend to travel at a slower speed than the speed limit.
19. Due to the recorded vehicle speeds at the site together with other factors, the appellant's highway evidence shows that visibility splays in excess of 100m in both directions at a set-back of 2.4m would be required, to ensure adequate visibility for vehicles using the site which could be achieved through the trimming of the hedgerows near to the access. It also states that the visibility splays appear to be solely contained within land under the ownership of the appellant, or land under the control of the Highway Authority.
20. Based on the plan contained in Appendix B of the Highway Technical Note, visibility could be achieved with trimming of vegetation to the north of the access. The blue line extends to the north, therefore I am satisfied that the visibility splays and their maintenance could reliably be secured by condition, albeit with the permission of the Highway Authority should it be required.
21. Therefore, for the above reasons, I conclude that the development does provide adequate visibility for vehicles travelling past and using the site and that the development would be acceptable with regard to highway safety. Therefore, the proposal complies with Policy ST1 of the ALPR only insofar as it relates to highway safety, which requires development not to adversely affect highway safety.

Other Matters

22. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 as inserted by Schedule 14 of the Environment Act 2021. The Biodiversity Gain Requirements (Exemptions) Regulations 2024 exempt certain developments from meeting the biodiversity requirement that would otherwise be imposed as a deemed condition of planning permission.
23. In this case the appellant has stated that the development would be subject to the de minimis exemption, as it does not impact a priority habitat, less than 25 square metres of onsite habitat and 5 metres of linear habitats such as hedgerows.
24. I note that the Council has stated that areas of hardstanding at the site have gradually increased between 2016-2019 along with tree and grassland removal. Therefore, the de minimis exemption may not apply in this case. However, given

³ Highway Statement of Case December 2024 RHC-23-415-AP

⁴ Highway Technical Note September 2024, RHC-23-415-TN Revision A

that I am dismissing the appeal for other reasons, it is not necessary for me to establish whether this exemption would apply or to consider this matter in any further detail.

25. Whiteboro Cottage is identified as a Non-designated Heritage Asset (NDHA) and is located around 110m to the north-east of the appeal site. Due to the physical separation of the appeal site building and the NDHA and intervening features I am satisfied that the development does not affect the significance of the NDHA.
26. The appeal site is located some kilometres to the south of Hardwick Hall a Grade I Listed Building. Given the considerable distance and intervening buildings and farmland, together with undulating topography, I am satisfied that the development preserves its significance as a heritage asset, insofar as it relates to its setting.
27. Many individuals have signed a petition in support of the scheme. Therefore, I am aware of the popularity of the site, together with the social and economic benefits and potential future expansion of the business, in accordance the Framework which seeks to support the sustainable expansion of businesses in rural areas, including the potential for future employment and recognition of sites that meet local business and community needs. However, given the limited size of the development, I am only able to attach modest weight to these benefits, therefore they do not outweigh the harm identified in the first main issue.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it and for the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR