
Appeal Decision

Site visit made on 18 November 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/W3005/W/25/3373014

Land Adjacent 73 Nottingham Road, Hucknall, Nottinghamshire NG15 7PY

- 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 Mr T Cash (Tommy Cash) against the decision of Ashfield District Council.
 - The application Ref is V/2025/0096.
 - The development proposed is temporary placement of one static caravan.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that a static caravan is in-situ on the appeal site. It is in a closer position to the northern boundary than that shown on the 'Site block plan & site location plan' (Drwg. No. RS/TC/19/02/25/01 a 21/03/25. b 2 april 25). I also observed that the site is extensively hard surfaced and that there are trenches that have the appearance and layout of building foundations. For the avoidance of doubt I have dealt with the appeal solely on the basis of the plans and drawings before me.
3. Outline planning permission for two dormer bungalows and a detached dwelling was granted in 2020 with some matters reserved¹. Subsequent reserved matters were granted in 2022².
4. The Council considers that the Reserved Matters permission could be implemented 'until August 2025', and that a pre-commencement condition of the outline permission, pertaining to ground gas remains outstanding. Moreover, their stance is that there is no evidence of a commencement of development, or that the hard surfacing of the site benefits from planning permission. Even so, the appeal before me is for the temporary siting of a static caravan, and I have determined the appeal on that basis. It is not for me under a Section 78 appeal, to determine whether the development the subject of the planning permission has lawfully commenced. This can only be determined by a lawful certificate application.
5. The Council's officer report indicates that they are led to believe that the appellant is a member of the travelling community. However, they state that this was a verbal account, and no evidence has been provided to demonstrate that the appellant would meet the definition of a "Gypsy and Traveller" for planning purposes as set out in Annex 1 of the Planning Policy for Traveller Sites 2024.

¹ V/2020/0290

² V/2022/0440

Furthermore, the appellant in their statement of case does not indicate that to be so, and their case is that the caravan is required for other reasons identified below. I have therefore dealt with the appeal on the basis that the appeal does not relate to a Gypsy and traveller site.

6. Since the proposal relates to the setting of a listed building, I have a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the building or its setting.

Background and Main Issues

7. The main issues are:

- the effect of the development on the character and appearance of the area, including heritage assets;
- the effect of the development on the living conditions of neighbouring occupiers, with particular regard to privacy; and
- whether the development would make adequate provision for biodiversity enhancement.

Reasons

Character and appearance

8. The area is residential, comprising primarily two-storey dwellings fronting Nottingham Road. There is variance in the street scene owing to the differing scale, siting and design of dwellings. However their general setback behind gardens and frontage walls and hedges provides an overall harmonious treatment. To the west of the appeal site is Bestwood Road. This is an area of bungalows laid out in a generally uniform arrangement.
9. The grade II listed 71 and 73 Nottingham Road, is adjacent to the entrance to the appeal site. It is of early 19th Century origins and is significant for its traditional form and detailing, including coarsed and squared rubble walling, pantile roof with coped gables and central chimney. It is also distinctive for its gothic influenced detailing, albeit their modern appearance is apparent, and its solid to void ratio. The building is most obviously appreciated from its frontage on Nottingham Road.
10. 67 and 69 Nottingham Road lie on the opposite side of the site entrance. The Council considers these to be non-designated heritage assets, for their age, design and materials, but I have limited additional evidence before me as to the age and significance of these buildings. The historic map contained within the appellant's statement, shows that a pair of semi-detached dwellings were present on this site in the early 19th Century, and that their position aligns (as far as is possible to ascertain), with those buildings present on site. My own site visit observations were that these dwellings are older than many of the buildings along this part of Nottingham Road. This is by way of their proportions and simple architectural detailing, set behind a historic stone frontage wall.
11. The Planning Practice Guidance is clear that decisions on identifying non-designated heritage assets can be undertaken during the decision-making process. It does not require the identification to be only undertaken by a Council

heritage officer but should be based on sound evidence. For the reasons I have outlined, I consider these buildings to be non-designated heritage assets due to their form and contribution to the street scene, read as part of an earlier era of development.

12. The appeal site, due to its expansive frontage and openness, allows the listed buildings and non-designated heritage assets to be more widely appreciated due to the space around them. It is also somewhat of an anomaly in the street scene due to its open, undeveloped nature, and views towards the rear of the site, emphasising the plot depth.
13. The static caravan would be sited adjacent to the northern boundary of the appeal site, slightly forward of the caravan position that I observed on site. The roof and upper walls would be the main feature visible from Nottingham Road. Whilst low in height, its elongated form, prefabricated shiny appearance and siting, would be entirely at odds with the scale, massing and solid appearance of dwellings in the vicinity, and its position is at odds with the grain of development on Nottingham Road. In particular the discordant appearance of the caravan would disrupt, and therefore harm, the setting of the adjacent listed building and non-designated heritage assets.
14. There are domestic outbuildings in the immediate vicinity that are visible from Nottingham Road, including adjacent to No. 69, and No's 71 and 73. However, they are of a modest size in comparison with the caravan, and they are positioned close to the side of their host dwellings, such that their small-scale and ancillary domestic purpose is apparent. They also conform to the general grain of development in the area by way of their positioning. As such the presence of the outbuildings does not lead me to a different conclusion.
15. In relation to the listed building, which is a designated heritage asset, I find that the impact arising from the proposal within its setting would result in less than substantial harm to its significance, and this is at the lower end of the scale. Even so, the National Planning Policy Framework (the Framework), is clear that great weight should be given to its conservation. Paragraph 215 of the National Planning Policy Framework (the Framework) states that where less than substantial harm to the significance of the designated heritage asset arises, this harm should be weighed against the public benefits of the proposal. I will return to public benefits later in my decision.
16. In relation to the non-designated heritage assets, paragraph 216 of the Framework requires a balanced judgment, taking account of the scale of harm and the significance of the heritage asset. The discordant appearance of the caravan, and its siting against the grain of development on Nottingham Road, diminishes the wider view within which the non-designated heritage asset is appreciated, albeit to a small extent.
17. I acknowledge the siting of the caravan is intended to be temporary. The appellant states that the caravan would be on site for approximately 18 months for their family to live in and is required for security of the site to allow planning matters to be resolved and construction to take place. The Planning Practice Guidance states that a temporary permission may be appropriate where it is expected that the planning circumstance will change in a particular way at the end of the period.

18. A residential development has been granted outline and reserved matters approval. However, as set out earlier in my decision, there remains uncertainty as to whether those approvals are extant, and no other potential change in planning circumstance is before me. As such, I have no compelling evidence that a temporary permission may be appropriate. I am also not persuaded that the caravan is needed for security, since it is the only item of value on site other than the associated vehicles. Even if it were established that the approval is extant, there is no substantive evidence beyond an assertion, that the appellant needs to live on site during construction and for security.
19. I observed on site that a hedge has been planted at the site access. Over time this may obscure views towards the caravan, however it would take several years to grow to this extent, and it is unlikely to provide an effective screen for the requested temporary lifespan of the caravan's siting.
20. For these reasons, I conclude that the development would harm the character and appearance of the area, including the setting of heritage assets. As such the proposal fails to comply with the relevant provisions of Policies ST1 and HG5 of the Ashfield Local Plan Review, November 2002, (the Local Plan). Amongst other things, these policies require the design of development to be acceptable and not adversely affect the character and quality of the environment.

Living conditions

21. The windows of the static caravan would be two metres from the northern and western boundaries of the appeal site, and the caravan would be elevated such that the main door would be accessed via a flight of brick built steps. Even with the presence of a fence, this positioning and height would enable occupants of the caravan to overlook the private rear gardens of 67 and 69 Nottingham Road, and those of 89 and 91 Bestwood Road.
22. There would be a particularly acute perception of overlooking for the occupants of the aforementioned dwellings on Bestwood Road. Their main living accommodation is entirely at ground floor level, and I am told that the distance between windows is approximately 11 metres. This close quarters arrangement means that the privacy of the occupiers of these properties would be harmfully eroded by way of overlooking.
23. I acknowledge that obscure glazing may alleviate direct loss of privacy to some extent, particularly if openings are restricted. However, given that there would be knock-on implications for the living conditions of the occupants of the caravan due to an increased sense of confinement, it would not be reasonable to impose a condition to secure such details in any event.
24. For these reasons, the proposal would have an unacceptable effect on the living conditions of neighbouring occupiers with regard to privacy. As such the development would conflict with the relevant provisions of Policies ST1 and Policy HG5 of the Local Plan, that require development to not adversely affect amenity, including of neighbouring properties.

Biodiversity enhancements

25. Paragraph 187 d) of the Framework requires decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing

net gains for biodiversity. This is separate to the mandatory Biodiversity Net Gain requirement. There is no dispute between the parties that the development meets the *de minimus* exemption in relation to Biodiversity Net Gain³.

26. The Council's stance is that the site previously contained various shrub, grassland and hedgerow planting, which has been cleared from the site, and that its removal was undertaken directly to facilitate the installation of the static caravan. However, evidence submitted by the appellant indicates that much of the clearance took place during (or before), April 2023⁴, whereas I am informed that the caravan was placed on site in December 2024. Given this significant gap in time, and in the absence of evidence to the contrary, I am not persuaded that the extensive vegetation clearance directly related to the appeal proposal.
27. The siting of the caravan is a development that is small in scale, and is proposed as temporary, but nonetheless no provision for biodiversity enhancement is before me. Whilst the appellant considers that any biodiversity enhancements would be adversely affected by construction on the site, I give this factor limited weight due to the uncertainty as to whether the approved scheme is extant. Nonetheless, due to the small-scale of the development, a proportionate scheme of biodiversity enhancement can be secured by condition. Accordingly, the development is capable of meeting the requirements of paragraph 187 d) of the Framework.

Other Considerations

28. The proposal provides a family home, which is a benefit for the appellant. However given its temporary nature, it is not shown that a direct benefit of its provision would be a boost to housing delivery.
29. The appellant's stance is that the proposal supports housing delivery, related to the planning permission, and the Council's housing land supply figure at the time, was significantly below five years (5YRHLS). However, there remains uncertainty as to whether that planning permission is extant. Moreover, it does not follow that the merits of that housing scheme can be directly related to the proposed caravan siting, which is a different type of development. Of itself, the proposal would not add any more units of housing to the already approved development.
30. I will return to both of these points later in my decision.

Heritage Balance (listed building)

31. For the reasons set out above, I find that the proposal would harm the setting of the adjacent listed building. I have found this to be at the lower end of the scale of less than substantial harm, but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.
32. The Planning Practice Guidance⁵ states that public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. The provision of housing for the appellant and their family is primarily a private benefit. The evidence does not

³ The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024

⁴ Estrada Ecology Ltd letter dated 7th March 2025 (Google streetview images)

⁵ Paragraph: 020 Reference ID: 18a-020-20190723, Revision date: 23 07 2019

show that the mobile home is of a nature or scale to be of benefit to the public at large, or that benefits such as housing supply flow from the temporary nature of the development. The benefits do not amount to a public benefit to the extent that could outweigh the great weight attached to the conservation of designated heritage assets. The proposal would therefore conflict with the historic environment policies of the Framework.

Planning Balance and Conclusion

33. It is not part of the appellant's case that paragraph 11 d) of the Framework applies now, on the basis of the appeal proposal and current 5YRHLS figures. Nevertheless, the Council has confirmed that their 5YRHLS stands at 4.39 years, which is a modest shortfall.
34. Because the proposal relates to a caravan which is providing residential accommodation, I have treated it as involving the provision of housing for the purposes of footnote 8 of paragraph 11. Therefore, in the absence of evidence to the contrary, paragraph 11 d) of the Framework is engaged. Nevertheless, paragraph 11 d) i. indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposed development. Footnote 7 of the Framework lists designated heritage assets as such assets of importance.
35. I have concluded that the development would harm the setting of a designated heritage asset which would not be outweighed by public benefits, and this matter provides a strong reason for refusing the development. Consequently, the balance in paragraph 11 d) ii. does not apply, and the proposal does not benefit from the presumption in favour of sustainable development.
36. I have found that the siting of the caravan would harm the character and appearance of the area, including both designated and non-designated heritage assets. The proposal would also harm the living conditions of neighbouring occupiers, and it conflicts with Policies ST1 and HG5 of the Local Plan, and the Framework. In combination, I attach substantial weight to the harm caused in relation to these main issues.
37. The caravan is being used to house the appellant and their family for a temporary period, and as a consequence of the appeal outcome I recognise that they may need to relocate. I attach significant weight to the family's situation in this regard. However, the information in support of the appellant's case is solely related to the planning permission for housing, and for reasons previously outlined, it is not clear to me that this could be built, and I do not have sufficient evidence to justify granting a temporary planning permission. Moreover, there is insufficient information to conclude that the family would be unable to relocate elsewhere.
38. Dismissing the appeal would interfere with the appellant and their family's rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. However those are qualified rights; interference with them in this instance would accord with the law and be in pursuance of well-established and legitimate aims: to protect the setting of heritage assets, to ensure development is harmonious with the character and appearance of an area, and to ensure the living conditions of neighbouring occupiers are safeguarded. For these reasons it is

proportionate and necessary to refuse to grant planning permission. The protection of the public interest cannot be achieved by means that are less interfering with the appellant and their family's rights.

39. The proposal would conflict with the policies of the Local Plan as set out above and would be in conflict with the development plan when read as a whole. Material considerations do not indicate that the decision should be taken other than in accordance with the development plan. Having considered all other matters raised, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR