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## Appeal Decision

Site visit made on 9 December 2025

**by Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

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**Appeal Ref: APP/W3005/W/25/3373862**

**18 Pinewood Close, Kirkby in Ashfield, Nottinghamshire NG17 7QE**

- 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 Miss Whitney Watts against the decision of Ashfield District Council.
  - The application Ref is V/2025/0353.
  - The development proposed is change use of green space to be enclosed as our back garden.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposal on (i) the character and appearance of the surrounding area and (ii) crime and anti-social behaviour.

### Reasons

#### *Character and appearance*

3. The appeal site comprises an end-terrace two storey dwellinghouse and surrounding land. To the east of the dwelling is an enclosed private garden area, abutting the public footpath and the adopted highway on Pinewood Close. To the south and west of the dwelling are areas of unenclosed green space.
4. The surrounding area is composed of terraced dwellings and bungalows separated by cul-de-sacs, car parking and open spaces. A network of footpaths connects neighbouring streets and provides pedestrian access. The limited vehicular access, open green spaces and frontages, and mature vegetation around the estate gives the area a spacious and verdant character and appearance.
5. The appeal proposal would include the lowering of the existing boundary fence enclosing the existing garden area and the formation of a new enclosed private garden on the opposite side of the dwelling. This would see the installation of a tall fence projecting into and enclosing part of the open green space to the west.
6. The proposal would increase the openness of the existing garden area. However, it would also change the function of the open space to the west and ultimately flip the layout of the outside spaces around the property by moving the private garden space to the opposite side. This would clearly be at odds with the established pattern of open and enclosed external areas along the rest of the terrace.
7. The projection of high fencing into the existing open space would be an obtrusive and incongruous addition to the street scene along the public footpath. Moreover,

the enclosure of this space would significantly erode the green buffer and sense of openness in this area, detracting from its prevailing character and appearance.

8. There are local examples of spaces to the front of dwellings that have been enclosed, including at 8 Pinewood Close. This is typically through relatively modest boundary enclosures such as low fences, railings or planting, which retains a degree of openness. My attention has been drawn to other properties that the appellant maintains have incorporated open green space within their domestic gardens. The full circumstances of each are not before me. However, based on the evidence and my own observations, the property at Spruce Grove sits in a different context and retains a predominantly open frontage. On the other hand, the example at Sandalwood Drive has eroded the openness of the street scene. Neither therefore provide compelling justification for the appeal scheme.
9. The proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy ST1 of the Ashfield Local Plan Review Adopted November 2002. This policy, among other provisions, seeks to ensure that development does not harm the character, quality or amenity of the environment.

#### *Crime and anti-social behaviour*

10. The plans before me indicate that the fence would enclose part of the land up to the footpath to the west. A gap would be left between the fenceline and the path to the south. Much of the space along the side of the dwelling would otherwise stay unenclosed. While this would partially reduce visibility close to the intersection of the 2 footpaths, there would still be a wide corridor retained to the south and only a short stretch of the footpath to the west would be flanked by the tall fence, on one side. This arrangement is unlikely to encourage crime or anti-social behaviour.
11. The proposal would thus not have a harmful effect with respect to crime and anti-social behaviour. With regard to this main issue, I have not identified any conflict with Policy ST1 of the Local Plan Review, which also seeks to ensure that development does not adversely affect the safety of the environment.

#### **Other Matters**

12. National planning policy and guidance encourages Councils to take a positive approach and work proactively with applicants. While the appellant's frustrations with the level of engagement offered by the Council are noted, this cannot lead me to a different conclusion on the main issues. Moreover, it is not clear that further discussions could have overcome the identified harm.

#### **Conclusion**

13. While I have not identified harm with regard to the effect of the proposal on crime and anti-social behaviour, this would not outweigh the identified harm to the character and appearance of the area and associated development plan conflict. The proposal would thus conflict with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

*Ryan Cowley*

INSPECTOR