



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: 30 December 2025

Appeal Ref: APP/W3005/W/25/3373864

2 The Hill, Kirkby In Ashfield, Nottinghamshire NG17 8JR

- 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 Townsend, on behalf of J.T. Estates Property Ltd, against the decision of Ashfield District Council.
 - The application Ref is V/2025/0094.
 - The development proposed is two storey rear and side extensions and change of use from a care home to 13 bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submission, the appellant has submitted a parking survey¹. The parking survey does not evolve the scheme or represent a fundamental change to the application. It does however provide additional information, which the Council and interested parties have had an opportunity to respond to through the appeal process and so would not be procedurally disadvantaged by my consideration of it. I have thus had regard to the parking survey in my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal and external amenity space provision;
 - Whether the proposal would provide adequate car parking provision and the effect on highway safety

Reasons

Living conditions

4. The Council's Residential Design Guide Supplementary Planning Document November 2014 (the Residential Design SPD) sets out minimum internal space standards, including for living rooms, dining space and kitchens, to ensure new housing development is big enough to meet the needs of the occupants for living, cooking, dining, sleeping, washing and storage. For dwellings with 5 persons or more, the SPD recommends a minimum of 13 square metres (m²) of kitchen

¹ Nationwide Data Collection – Traffic Survey – Survey Report – September 2025 – Project No. 17296 – Date 22/09/2025

space. The Residential Design SPD also sets out minimum standards for outdoor amenity space of 90m² for a 4+ bed house.

5. The proposed accommodation would be set across 2 levels, with 6 bedrooms at ground floor and 7 bedrooms at first floor, each with an en-suite bathroom. There would be a modest kitchen at first floor (5.4m²) and a larger kitchen on the ground floor (19m²). This amount of kitchen space would exceed the minimum standards for kitchen space in the Design SPD.
6. However, due to the amount of space used for bedrooms, there would not be any living room(s) or dining room(s) for future occupiers, and neither of the kitchen spaces would be sufficiently sized to also serve this purpose given the proposed number of occupants. Likewise, while bedrooms may be adequately sized, they are not of such a size to compensate for this shortfall, nor would they provide the same function.
7. Additionally, the proposed external amenity space to the rear would be somewhat irregular in shape and would fall short of the Residential Design SPD standards in terms of its size (58m²), with much of the rear space provided as car parking. While there may be high-quality public open spaces locally, these do not serve the same purpose as private amenity space and so this would not overcome the identified shortfall.
8. Future occupiers would thus be confined to their bedrooms for most of the time when at home, with limited opportunities to relax or socialise either indoors or outdoors. This would have a harmful effect on their living conditions.
9. My attention has been drawn to several appeal decisions which the appellant contends supports the underprovision of outdoor amenity space. The full details of each case are not before me so I cannot draw any meaningful comparisons with the proposed scheme and its layout in this case. Notably however, none are within the same local authority area and so were considered in a different urban context and local planning policy environment.
10. The proposal would thus fail to provide adequate living conditions for future occupiers, with particular regard to internal and external amenity space provision. It would conflict with Policies ST1 and HG8 of the Ashfield Local Plan Review Adopted November 2002 (the Local Plan). These policies, among other provisions, seek to ensure that adequate private garden space is provided in houses in multiple occupation.

Car parking and highway safety

11. The Ashfield Residential Car Parking Standards Supplementary Planning Document November 2014 advises that, for all types of residential development, 4+ bed dwellings should feature 3 spaces per unit. The Nottinghamshire Highway Design Guide 2021 (the Highway Design Guide) on the other hand states that HMOs will be required to provide parking at a rate of 1 space per bedroom with 1 visitor space per 3 bedrooms. The proposal would provide 8 off-street car parking spaces to the rear, in addition to secure cycle storage for 13 bikes.
12. There are several streets locally that have unrestricted on-street car parking, albeit there were only limited spaces in Park Street, adjacent to the site, at the time of my site visit. The submitted parking survey provides a further snapshot of the

parking situation locally. It comprised parking beats carried out between 00:30 and 05:00 on 2 consecutive days in September 2025 for a distance of approximately 200m around the appeal site. While the survey shows high levels of on-street parking in the closest streets, including Park Street, Vernon Road and Cookson Street, there remained appreciable capacity in other streets within the survey area.

13. The Local Highway Authority (LHA) highlights that the site is within easy walking and cycling distance of Kirkby town centre and its amenities including a supermarket within 600m and Kirkby Railway Station 500m to the east. While there is limited substantiated evidence before me regarding bus or train schedules locally, the LHA advises that the site is well-served by public transport, and I saw on my site visit that there is a bus stop opposite the site. Notably, the LHA did not object to the application.
14. I recognise that the proposed car parking provision would fall short of the Highway Design Guide requirements. However, given the specific circumstances in this case, including the nature of the development, the on-street parking capacity in the vicinity, public transport provision locally and the ease of access to local services and amenities by means other than the private car, I am satisfied that the modest increase in on-street car parking that may be generated would not have a severe impact on the road network nor an unacceptable impact on highway safety.
15. The proposal would thus provide adequate car parking provision and would not have a harmful effect on highway safety. It would thus be consistent with Policies ST1 and HG8 of the Local Plan, in this regard. These policies, among other provisions, also seek to ensure that development does not adversely affect highway safety, or the capacity of the transport system.

Other Matters

16. The appellant contends that the Council cannot demonstrate a five-year housing land supply, and this does not appear to be disputed by the Council. Paragraph 11(d) of the National Planning Policy Framework (the Framework) indicates that the presumption in favour of sustainable development is engaged where the policies which are most important for determining the application are deemed out-of-date. This includes, for proposals involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
17. In such cases, Paragraph 11(d) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
18. The Framework seeks to significantly boost the supply of housing. The delivery of new housing must therefore be afforded considerable weight. In addition, the proposal would reuse an existing building and land, in an established urban area with access to services and amenities. It would provide a temporary economic boost during the conversion works. Additional residents may also contribute to the local economy and community. Overall, however, these benefits would be relatively modest given the small scale and context of the development.

19. On the other hand, the Framework also seeks to ensure that development creates places with a high standard of amenity for existing and future users. The policies of the Local Plan and local guidance referred to above remain consistent with the Framework in this regard. I thus apportion significant weight to the harm and development plan conflict arising from the failure to provide adequate living conditions.
20. The identified harm would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Accordingly, even if Paragraph 11(d) is engaged, the proposal would not benefit from the presumption in favour of sustainable development.
21. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

22. While I have found that the proposal would provide adequate car parking provision and would not have a harmful effect on highway safety, this would not outweigh the identified harm arising from the failure to provide adequate living conditions for future occupiers and the 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