



Appeal Decision

Site visit made on 24 February 2026

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Appeal Ref: APP/B3030/W/25/3371737

Vacant car park & land adjacent Tesco Express, Kirklington Road, Rainworth NG21 0AE

- 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 K Nijjar against the decision of Newark & Sherwood District Council.
 - The application reference is 24/01878/FUL.
 - The development proposed is proposed retail unit with parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the site is vacant and a former car park. On site, I found less than half of the site surfaced, the remainder comprising scrub land that appears to connect to a churchyard beyond. The drawings show both areas would be developed and I have dealt with the appeal on that basis.
3. The drawings that the Council lists in its suggested condition differ from those on which the appellant states the Council made its final decision. I have dealt with the appeal based on the drawings on the list provided by the appellant, albeit there are some inconsistencies between those in respect of boundary treatments.

Main Issue

4. The main issue is the effect of the proposed development on the safety of pedestrians and drivers, particularly in respect of the adequacy of the car park layout and access arrangements.

Reasons

5. The appeal site comprises part of a former public house car park and scrub land in the village of Rainworth. The public house was changed into a convenience store several years ago, retaining the rest of the car park with access from Southwell Road East and a foot route to Kirklington Road. The two areas of car park are separated by a partially collapsed fence, whereas the scrub land appears to have formed an access to neighbouring church grounds, but is now overgrown.
6. The proposal is for a shop with a gross floor area of 348 sqm and a net retail sales area of 244 sqm in the east corner of the site, mostly on the scrub land, and a car park of 19 spaces. A vehicular access with a manual metal barrier gate would be formed to Kirklington Road at the western end of the frontage and a pedestrian

access would be at the eastern end. The boundary with the adjacent car park would be formed by a wall or mesh fence, and that to the street by a fence.

7. Whilst the report of the Council's officer, which dealt with the application, states that delivery vehicles would be able to turn on site without conflicting with parking bays, submitted tracking diagrams show this would not be possible, and a Delivery Management Plan (DMP) proposes out-of-hours servicing to avoid conflicts.
8. The Council suggests conditions to protect nearby living conditions that would restrict opening hours to 8am to 8pm on any day except Sundays and bank holidays, on which they would be 9am to 4pm, and deliveries to 7am to 9pm on any day except Sundays and bank holidays, on which they would be 9am to 6pm.
9. Combined with the submitted DMP, this would leave an hour each before opening and after closing for deliveries most days and two hours after closing on Sundays and bank holidays. It is clear neither that the appellant knew that such restrictive delivery periods would result nor how achievable they would be in practice.
10. The DMP also requires staff to close the barrier gate at store closing and reopen it before deliveries. Whilst this might prevent unauthorized use of the car park when the store is closed, it would not prevent such use when open and vehicles may remain on site, preventing its closure and obstructing deliveries. Even with a fence or wall between the two car parks, it is a short walk to the convenience store, with longer opening hours. Its customers arriving via Kirklington Road may park there, particularly as its parking provision is also below standard.
11. The County Council's highway officers object to the barrier gate because, should it not be opened on time, delivery vehicles might wait and possibly unload on street. They recommend conditions to require both that the barrier gate be omitted and that the DMP be resubmitted. Whether it would not be closed or not be opened, in practice, the DMP would be difficult to implement consistently, and this could result in dangerous conditions for pedestrians on or off site.
12. Moreover, I am concerned that the appellant's highways evidence is not provided in the form recommended in the County Council's Highways Design Guide and that it does not adequately justify a reduction in parking provision below standard, even with the reduced floor area now proposed. One example given of a store with the same operator as proposed omits to note that its 11 parking spaces are part of a larger car park effectively shared with a public house.
13. Whilst no doubt focussed on resolving remaining issues, I am not convinced that the combination of conditions suggested by the Council and the County Council's highway officers, which requires further submissions, would work in practice. The result risks being neither comprehensive nor coherent, and interacting with the operation of the convenience store in ways that would be difficult to manage.
14. Therefore, I conclude that the car park layout and access arrangements would harm the safety of pedestrians and drivers, contrary to Spatial Policy 7 of the Newark and Sherwood District Amended Core Strategy Development Plan Document (2019) and DM5 of the Newark and Sherwood District Allocations and Development Management DPD (2013). These policies require safe access for all, appropriate and effective parking provision and vehicular servicing arrangements, based on the scale and specific location of development.

Other Matters

15. I accept that the proposed shop and likely operator would bring additional choice and competition to the village in the sale of food and related items, and jobs during its construction and operation. Whilst I attach moderate weight to these matters, it is not sufficient to outweigh the harm to highway safety that I have found.

Conclusion

16. For the reasons given above, the appeal should be dismissed.

S Simms

INSPECTOR