



Appeal Decision

Site visit made on 8 December 2025

by **E Brownless BA (Hons) Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2026

Appeal Ref: APP/P3040/W/25/3367946

Annexe at The Oaks, 21 Main Street, Costock, Nottinghamshire, LE12 6XD

- 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 Jin Gill against the decision of Rushcliffe Borough Council.
- The application Ref is 24/01877/FUL.
- The development proposed is described as a 'change of use from dwelling house (Class C3) to flexible dwelling house (Class C3) and Air BNB (Sui Generis)'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building is an outbuilding positioned to the front of 21 Main Street, a residential dwelling (the "main dwelling"). Its lawful use is restricted by Condition 1 of Planning permission 05/00140/FUL (the Permission) which stipulates *'the extensions (building) hereby permitted shall not be occupied at any other time other than for the purposes ancillary to the residential use of the dwelling known as 'The Oaks, 21 Main Street, Costock'*. The reason for the condition is stated to be that the site possesses insufficient amenities or is otherwise unsuitable to accommodate an additional dwelling.
3. The description of development as taken from the application form is a change of use from dwelling house (Class C3) to flexible dwelling house (class C3) and Air BNB (Sui Generis). The application form specifies that there would be no net gain or loss of residential units. The Council's concern, in part, is that if allowed, the appeal building would be considered an independent dwellinghouse in its own right. However, the appellant explains that their application, and this appeal, seeks permission to allow the outbuilding to continue to be used either as part of the dwellinghouse use of the main dwelling (Class C3) or as an Air BNB (Sui generis).
4. Therefore, I have determined the appeal before me on the basis that planning permission is sought for a change of use that would allow either a residential use as part and parcel of the use of the main dwelling, 21 Main Street (Use Class C3) or a sui generis use as an Air BNB. The effect of a *'flexible use'*, would allow movement between the stated use classes without needing a fresh planning permission each time.

Procedural Matters

5. The appellant has submitted drawing CS SR 08 00 05 Rev D00 as part of the appeal, which shows visibility splays to each side of the driveway access. However, since this drawing was not before the Council when it made its decision

nor have interested parties had the opportunity of providing their comments to it, it follows that injustice would be likely to be caused to interested parties if I were minded to have regard to it as part of the appeal. Therefore, I have determined the appeal having regard to the drawings that were before the Council at the point when it made a decision.

Main Issues

6. The main issues are:-

- i) the effect of the proposed development on parking and highway safety; and
- ii) whether the development would provide adequate living conditions for future occupiers of the appeal building and occupiers of neighbouring dwellings.

Reasons

Parking and Highway Safety

7. The appeal property is located within a small village where a general absence of amenities is likely to necessitate occupants of the appeal property utilising a private motor vehicle. The appeal scheme therefore makes provision for two vehicular parking spaces contained within the integral garage space of the appeal building.
8. The Nottinghamshire County Council Highway Design Guide (Design Guide) sets out that garages may only be counted as a parking space if they meet minimum internal dimensions. Taking the measurements shown on the submitted plan, the depth of the garage would measure approximately 5.115 metres and include a width of some 6.438 metres. The garage doors are each estimated to measure some 2.1 metres, taking the Council's measurement, which has not been disputed by the appellant. Albeit the garage would exceed the minimum width requirement of 6 metres for a double garage, at some 5.115 metres it would fall far short of the minimum depth of 6 metres, as set out by the Design Guide. Similarly, at a width of approximately 2.1 metres both of the single garage door would fail to achieve the minimum door width of 2.286 metres as set out within the Design Guide.
9. The proposed on-site parking would therefore fail to achieve the minimum standard of size required for a parking space contained within a double garage as set out by the Design Guide. In my view, this would be likely to limit the useability of the garage space for off-street parking and is likely to lead to occupants of the appeal building parking elsewhere. Although the appellant points to the hardstanding area to the front of the dwelling being capable of accommodating parked vehicles associated with the proposed sui generis use, this would be subject to space being available and not being required for the occupants of the main dwelling. There is limited information before me to explain the number of parking spaces that would need to be retained for the main dwelling, nor does the evidence adequately demonstrate that the space would be of a sufficient size to enable multiple vehicles to park, turn and manoeuvre within the hardstanding area to the front of the main dwelling. As such, in the absence of compelling evidence, I am unable to conclude that the hardstanding area to the front of the main dwelling would provide adequate off-street parking for the appeal scheme.

10. Main Street is subject to a 30mph speed limit and has no formal restrictions on parking in the vicinity of the appeal site. Given the absence of suitable off-street parking space within the appeal site, I find the appeal scheme would be likely to lead to the on-street parking of motor vehicles in close proximity to the existing driveway access which, in addition to providing pedestrian and vehicular access to the appeal building and main dwelling, is also shared with the neighbouring dwelling, 19 Main Street (No.19). Whilst visibility along Main Street to the west for drivers leaving the driveway access is good, visibility to the east is more limited given the gentle bend of the road and the blocking effect of the neighbouring property, No.19. As a consequence of vehicles being parked within the highway, sightlines are likely to be compromised and visibility hindered, thus causing conflict between vehicles emerging from the access and vehicles approaching the appeal site, particularly from the east.
11. On the basis of the information before me, I consider that the submitted evidence fails to demonstrate that the appeal scheme would deliver appropriate off-street parking space for vehicles and that adequate visibility splays from either side of the driveway access are achievable from the appellant's land and the adjoining highway. In the absence of adequate visibility sight lines, I find there is an increased likelihood of vehicular conflict which would be to the detriment of highway safety.
12. The appellant points to the appeal scheme being used as a holiday let for which occupants of the appeal scheme would be likely to arrive at the site through the use of shared vehicles such that there would be minimal car usage which would be absorbed into the highway network without causing harm or disturbance. However, the evidence is limited in respect of explaining how the sui generis use of the appeal site as an Air BNB would operate including the number of individuals it would accommodate at any one time, the intended periods of occupation, nor the frequency of lettings. Moreover, even if the sui generis use of the property as an Air BNB letting were to be very limited, each period of letting would have the potential to lead to vehicles being parked within the highway which would have the effect of compromising the safety of highway users. The anecdotal evidence of a number of interested parties residing nearby points to reduced visibility having been experienced by those parties as a result of a vehicle being parked within the highway which has caused their visibility to be obstructed.
13. Whilst I accept that no objection to the proposed change of use was made by the Highway Authority, based upon the evidence presented and my own observations at the site visit, I conclude that insufficient evidence has been provided to show that highway safety would not be adversely affected by the proposed change of use.
14. For the reasons given above, in the absence of substantive evidence to the contrary, I consider that the appeal scheme fails to demonstrate that suitable off-street vehicular parking space and access would serve the proposed use without compromising highway safety. The appeal proposal therefore conflicts with Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy (2014)(LPP1) which sets out, among other things that, accessibility deficiencies will need to be fully addressed and development should be avoided where the severe impacts of a development could compromise the effective operation of the local highway network. The appeal scheme would also be contrary to Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)(LPP2) insofar as it requires

changes of use to demonstrate, among other things, that a suitable means of access can be provided to the development without causing detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority.

Living conditions

15. The appellant points to the appeal building having already operated for a continuous period of time with no issues being caused to neighbouring amenity. However, given that there is likely to be a family or familiar relationships associated with use of the appeal building as part of the residential use of the main dwelling, the absence of complaint is unsurprising. Albeit there may be a commercial relationship between those occupants within the appeal building towards those in the main dwelling, commercial users will not benefit from the family or familiar relationships associated with use as an annex in association with the main dwelling and will have greater independence. Whilst use of the appeal building as residential accommodation as part and parcel of the main dwellinghouse would be similar to the existing situation, a sui generis Air BNB use and its associated impacts are likely to be materially different.
16. I am mindful that Air BNB accommodation can be used in a variety of ways. Whilst it could be used as short-term holiday accommodation, such as nightly and weekly stays, it could also be let for longer periods. Whilst the appellant has indicated it would be used for short-term holiday accommodation, there is little detailed explanation to describe what the appellant considers to be 'short-term', nor information about the frequency of lettings or the number of individuals it would accommodate. Whilst the appellant states their intention is to predominantly use the appeal building as residential accommodation as part of the residential use of the main dwelling with an '*optional use*' as a sui generis Air BNB, their intentions may change over time such that the sui generis use of the appeal building becomes the prevailing use of the appeal building and the impacts of such use are more frequent and commonplace.
17. Although LPP2 Policy 31 is supportive of tourism and leisure within the Borough and seeks to increase opportunities for residents and visitors by, among other things, the enhancement of existing and the development of new tourist and leisure attractions, including the provision of accommodation to facilitate overnight stays, this is subject to a number of considerations including that there should be no detriment caused to the surrounding area. LPP2 Policy 1 states that planning permission for changes of use will be granted subject to certain criteria being met, including that there is no significant adverse effect upon the amenity, particularly the residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site.
18. Access to the appeal building would be taken from the highway along the existing shared driveway access and into the gated hardstanding area to the front of the main dwelling. In the absence of clear information regarding the proposed number of occupants, periods and frequency of lettings, and given the route of the access to the appeal building and the proximity of it to the main dwelling, the impact of the proposed use on neighbouring occupiers cannot be properly considered and thus the evidence before me fails to show that the living conditions of neighbouring occupiers, in particular those occupants of the main dwelling, would not be unduly harmed as a result of the appeal scheme.

19. In addition, as discussed above in relation to parking and highway safety, an increase in motor vehicles parked within the highway as a consequence of inadequate off-street parking being provided as part of the appeal scheme, would be likely to obstruct sightlines, inconvenience and have a harmful impact on occupiers of neighbouring dwellings, particularly occupants of the main dwelling and No.19 when egressing from the shared access driveway.
20. The Council has also raised concern with regard to the absence of amenities within the appeal building, albeit limited explanation has been provided by the Council to explain what it considers to be lacking, albeit the absence of private amenity space has been cited. Given the modest provision of the internal accommodation, the absence of adequate private amenity space as a place to enjoy and relax is likely to be materially harmful and unduly compromise the living conditions of occupiers of the appeal building, in particular, those individuals letting the appeal property for more than transient periods, which would be unduly harmful to their living conditions.
21. Accordingly, for the reasons set out above, I conclude that the appeal scheme fails to demonstrate that there would not be an unduly harmful effect upon the living conditions of occupants of the appeal building and neighbouring dwellings. Thus, the appeal scheme is contrary to Policies 1 and 31 of the LPP2, the requirements of which are set out above.
22. Since I have determined the application on the basis that permission is sought to allow the appeal building to be used either as part of the dwellinghouse use of the main dwelling (Class C3) or as a sui generis use as an Air BNB, I find the appeal scheme would not conflict with the provisions of LPP2 Policy 11 which seeks to control housing development on unallocated sites within settlements.

Other Matters

23. No external alterations are proposed to be undertaken to the appeal building and thus the Council have not identified any adverse impact to the living conditions of neighbouring occupiers in terms of outlook, loss of light or privacy. Similarly, the Council has not cited concern in respect of issues of character and appearance, light pollution, loss of biodiversity, harm to heritage assets, energy, crime or the loss of best and most versatile agricultural land. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.

Planning Balance

24. The appeal scheme would provide new tourist and leisure accommodation thus promoting local tourism and access to the countryside. However, set against this benefit of the appeal scheme, I have concluded that the appeal scheme fails to demonstrate that suitable off-street vehicular parking space and safe access would serve the proposed use without compromising highway safety. In addition, the evidence fails to show that there would not be an unduly harmful effect upon the living conditions of occupants of the appeal building and neighbouring dwellings. These are matters which weigh against the appeal scheme and to which I attach significant weight. The appeal scheme would conflict with Policy 14 of the LPP1 and Policies 1, 11 and 31 of the LPP2 and I find that the material considerations weighing in favour of the appeal scheme do not justify a decision otherwise than in accordance with the development plan.

Conclusion

25. For the reasons given above the appeal should be dismissed.

E Brownless

INSPECTOR