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Witness Statement: Daniel Power
Filed on behalf of the Claimant
Ashfield District Council
Dated: 15th September 2026
Witness Statement: 1
Exhibits: 0

IN THE NOTTINGHAM COUNTY COURT CLAIM NO N00MF348

BETWEEN

ASHFIELD DISTRICT COUNCIL Claimant

- And -

[1] MR JOHN PRICE
[2] MR ADRIAN MICHAEL COX
[3] MR ARRAM THOMAS PRICE
[4] MR ACER PRICE
[5] PERSONS UNKNOWN RESIDENTIALLY OCCUPYING THE
SITE AND/OR CARRYING OUT DEVELOPMENT AS DEFINED BY SECTION
55 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AT THE SITE
land to the east of Woodend Public House off Chesterfield Road, Huthwaite,
Nottingham
NG17 2QJ

WITNESS STATEMENT OF DANIEL POWER

1. I Daniel Power, Major Projects Officer, employed on behalf of Ashfield District Council ("the Claimant") on a consultant basis, make this statement.
In so far as the content of this statement is within my own personal knowledge it is true and in so far as it is not within my personal knowledge it is true to the best of my knowledge, information and belief.
2. **Site and relevant planning policy**
3. The site is identified as countryside under Policy EV2 of the Ashfield Local Plan Review (ALPR) (2002) and Policy EV2 of the Emerging Local Plan EPL. Policy EV2 of the ALPR and EV2 of the EPL states that only appropriate development will be granted permission in the countryside. Development must be located and designed so as not to adversely affect the character and openness of the countryside. It goes on to set out the forms of development which are considered appropriate.

4. The development is situated within a field which is surrounded by open fields in the countryside apart from a bungalow to the south-east and a public house to the north-west. The application clearly does not meet the exceptions criteria identified in policies EV2 of the ALPR and EPL and the proposed development would have a detrimental impact on the openness and character of the countryside and vicinity which is very open and agricultural in character.
5. Policy HG9 of the ALPR states that outside the green belt, proposals for gypsy caravan sites and sites for travelling show people will be permitted subject to a set of requirements being met: (a) states that the need for a site should be established. (b) requires the site to be reasonably accessible to community services and facilities. (c) requires the site to be located to minimise the potential for noise and other disturbance that may result from the use of the site for business activities. (d) also states that sites will be permitted where the site does not adversely affect the visual amenities of the area; and (e) requires adequate landscaping measures to be included. Minimum landscaping has been proposed.
6. A Gypsy and Traveller Accommodation Assessment (GTAA) was undertaken by the local authority in October 2015. The assessment did not identify any additional plot requirements for the period 2014 to 2029. The Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment (March 2021), the council has met the needs of the Gypsy and Traveller community in providing at least 4 new pitches within the time period to 2038 which the March 2021 GTAA identified.
7. The development introduces caravan pitches with associated parking and utility buildings for residential use on an open field designated as countryside in for which insufficient justification or need has been demonstrated. It constitutes a new Gypsy and Traveller site in the open countryside away from existing settlements and outside any area allocated for development in the development plan and emerging Local Plan. This results in a harmful impact on the openness and character of the area, be

detrimental to the character of the countryside. The development would therefore be contrary to Policy EV2 of the Ashfield Local Plan Review (ALPR) (2002) and Policy EV2 of the Emerging Local Plan EPL, policy HG9 of the ALPR and Planning policy for traveller sites (2015).

8. With regards to the Emerging Local Plan, the council consulted on the Main Modifications to the Local Plan as agreed with the independent Planning Inspectors. The consultation run from 17 June 2026 until 5.00pm 30 July 2026. The council is now awaiting the inspectors final report, with adoption of the Local Plan expected by the end of the year.

9. **Planning Appeal – Impact on the character of the area**

10. On the 20 April 2023 Mr Cox lodged an appeal (appeal B) in respect of the refusal of planning application V/2022/0391 and lodged an appeal (appeal A) in respect of the Enforcement Notice. The two appeals were conjoined and heard by way of a hearing held on the 25 October 2023.
11. The Inspector allowed Appeal B and granted planning permission subject to conditions but dismissed Appeal A and upheld the Enforcement Notice but stated that pursuant to Appeal B this decision is subject to the provisions of Section 180 of the 1990 Act. The planning permission therefore overrides the enforcement notice in respect of those aspects granted planning permission.
12. Within the inspectors decision they commented within para 30 that: *‘Thus overall on these criteria I find that the effects on the visual amenities of the area can be overcome with the approval of adequate landscaping measures..’* The appeal was subject to several conditions including the following:

‘7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the failure to meet any one of the requirements set out in (i) to (iv) below:

(i) Within three months of the date of this decision a scheme ('the site development scheme')

- to achieve compliance with the application plans (Site Location Plan @ 1: 1250; Site Layout Plan; Block Plan – Existing; Block Plan – Proposed; Floor plans and elevations of utility building; Plans of electricity box; Photograph of typical static caravan; and Photographs of chicken shed)

- showing details of the internal layout of the site including the extent of the three residential pitches, the location of the caravans, vehicle parking and turning, and provision for refuse storage;

- showing hard and soft landscaping including the provision of boundary treatments;

- showing the provision of surfacing in a hard-bound material of all access, parking and turning areas within at least eight metres of the highway boundary; and

- providing for the demolition and removal of buildings and structures not authorised by this permission

shall have been submitted for the written approval of the local planning authority and the site development scheme shall include a timetable for its implementation;

(ii) within 11 months of the date of this decision if the local planning authority refuse to approve the scheme or have failed to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

(iii) if an appeal is made in pursuance of paragraph (ii) above, that appeal shall have been finally determined and the site development scheme shall have been approved by the Secretary of State;

(iv) the approved site development scheme shall have been carried out and completed in accordance with the approved timetable.

Following the implementation of the site development scheme required by this condition, there shall be no change to any of the approved details. The parking and turning areas identified shall be retained for those

purposes. The area to be surfaced in a hard-bound material shall be maintained as such thereafter. The loss of any planting comprised in the landscaping including boundary treatments approved under the scheme within five years of such approval shall be replanted within the first planting season following the loss with plants of the same species as those lost.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition shall be suspended until that legal challenge has been finally determined.'

13. An application to discharge the above condition has not been submitted.

The condition requires the details to be submitted within 28 days of the decision date of the appeal (13 November 2022). In addition, the appeal related to a development for three caravan pitches each containing no more than one residential mobile home/static caravan and no more than two touring caravans, this was controlled by planning condition. However, this isn't how the site has been developed, across the wider area it appears that there are a minimum of 10 plots, including 8 static caravans, 20 touring caravans, personal and commercial vehicles, hardstanding and other associated development and paraphernalia.

14. As outlined above, the inspector found the appeal acceptable partly subject to the recommended condition. However, the development has expanded significantly beyond what was allowed at appeal, without discharging a fundamental condition relating to impact of the development to visual amenities of the area. Given the extent of development on and beyond the appeal site and furthermore without adequate landscaping measures required by the above planning condition the development of the site has a harmful impact on the openness and character of the area and is detrimental to the visual qualities highlighted by the Inspector to be important enough to impose the condition and require the impact of the development of 3 pitches to be reduced and limited. The extent of the development totally undermines this approach taken by the Inspector in granting planning permission.

15. Planning Appeal – Impact on Heritage assets

16. To the west of the site is The Woodend pub, a public house has existed at the site since around 1900, originally associated with the adjoining railway and the subject of various extensions and alterations. The pantile roof appears to be the only remaining original feature. The public house lies opposite a dwellinghouse and adjoins the former railway line. Until the development of the site it was adjoined by the former agricultural field to the east. The pub is allocated as Local Listed and therefore is considered as a non-designated heritage asset.

17. The latest NPPF (2026) states that *HE7: Decisions on non-designated heritage assets:*

1. Development proposals which would have a positive effect on a non-designated heritage asset should be supported.

2. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

18. Within the appeal decision the Inspector commented that: 'The development of the appeal site has not reduced the building's prominence in the street scene and the lack of any development at the appeal site to the roadside results in the open gap between the public house and the dwellinghouses further south having been meaningfully maintained.'

19. The site as developed introduces development in the gap as highlighting by the Inspector above. Given the close proximity of the development to the asset and public views along Chesterfield Road of the development within the setting, it is my view that there is harm to its setting.

20. Land north of the site and expansion of the site

21. To the north of the site is an area of land which was heavily planted with trees and shrubs and stretched from the highway adjacent to The Woodend Public House for 200 metres in an easterly direction.

22. The land follows the boundary to Silverhill Trail, which is also classified as a local nature reserve (Local Plan Policy EV6 *Whiteborough Railway and Skegby Junction Meadow*) . A drone survey was carried out in September 2025 with an additional survey carried out in August this year. These show that the land has been cleared of vegetation, and it appears that inert waste/rubble has been deposited on the land to form a hard surfaced area which has raised the level of the land. Also, that fencing and caravans have been moved onto the site, which appear to be creating additional pitches. The amount of engineering operation/change of use of land that has taken places requires planning permission for which none has been sought or granted.

23. The development of the site has resulted in the total loss of several mature trees and the creation of hard standing within the root areas of the remaining trees. In addition, the removal of trees and protected habitat within an area classified as a local nature reserve has the potential to impact on protected species. However, without surveys prior to removal it is difficult to assess what species or habitat would have been on the site. However, the total loss has a significant harmful impact to the landscape character of the area and results in the loss of an identified local nature reserve.

24. The Silverhill Trail, is a popular public right of way well used by walkers and cyclists and the development of the area has a significant impact on the users of the trail including the visual quality of the area.

25. Planning balance

26. I have identified that the site as development would result in harm to the character of the area, to a local nature reserve and the setting of the non-

designated heritage asset. There is no longer an unmet need for gypsies and travellers pitches within Ashfield because of recent planning decisions for new pitches elsewhere in the district, and given the harm that has been caused by the development of this site, it is my view that the provision of additional pitches does not outweigh the identified harm.

27. I believe that the facts stated in this Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: **Daniel Power**

Dated: 15th September 2026