



Appeal Decision

Hearing held on 4 June 2025

Site visit made on 4 June 2025

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/B3030/W/25/3359646

12 Manor Close, Bleasby, Nottinghamshire NG14 7GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Robinson against the decision of Newark & Sherwood District Council.
 - The application Ref is 24/01576/OUTM.
 - The development proposed is described as 'Outline planning application for the erection of up to 9 No. detached, self-build dwellings.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is for outline planning permission with all matters except access reserved for later consideration. Illustrative layout plans with house sizes and types and computer generated visuals have been submitted, but these are taken into account in the decision on the indicative basis intended.
3. Attention is drawn to an emerging development plan which has progressed to submission stage and was examined in November 2024. However, while this plan is at an advanced stage, the outcome of the examination has not been published and there may be matters not yet resolved. Moreover, policies of the emerging plan have not been highlighted by either of the main parties in this case. Therefore, this emerging plan attracts very little weight in this appeal.

Main Issues

4. The main issues are:
 - Whether the appeal site would be a suitable location for the development proposed, having regard to spatial policies of the development plan;
 - Whether the proposal would comprise a self-build dwelling as defined in the Self-build and Custom Housebuilding Act 2015 (2015 Act);
 - Whether the proposal would satisfy local and national policy with regards flood risk; and
 - The effect of the proposal on the character of the area.

Reasons

Location

5. Spatial Policy 1 of the Newark and Sherwood District Amended Core Strategy (Core Strategy) sets out the districts settlement hierarchy. Relevant to this proposal it states, in respect of 'other villages', development will be considered against the sustainability criteria set out in Spatial Policy 3 of the Core Strategy.
6. That Core Strategy Policy states local housing need will be addressed by focusing housing in sustainable villages. As to whether the appeal site is in Bleasby, attention is drawn to an appeal decision where it was concluded that the railway line at the western boundary of the site, subject of this appeal, forms the edge of built development associated with the village. However, that conclusion is specific to a different site and while it may be relevant given its proximity to Manor Close, I find nothing in that other decision suggesting that fields to the east of the railway line are in the settlement of Bleasby.
7. Addressing whether the appeal site complies with the requirements of Spatial Policy 3, it is noted the supporting text of this Policy clarifies that the locational criteria for such development would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form.
8. The existing edge of Bleasby is somewhat irregular, but development is largely nucleated around Main Street and Station Road with the dwellings on the northside of Manor Close providing a firm boundary on this side of the village. Set against this residential boundary, the appeal site appears a distinctly undeveloped field at the edge of the outer ribbon of existing properties at the western extreme of this rural settlement. Also, set largely to the rear of those properties, it does not seem to be a gap in existing development. Given the circumstances described, in my view the site is not in the village.
9. Spatial Policy 3 states development not in villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Addressing this, Policy DM8 of the Newark and Sherwood Local Development Framework Allocations and Development Management Development Plan Document (DPD) sets out the limited types of development allowed in such areas. The type of residential development proposed in this case does not fall within any of the categories identified in this Policy.
10. It is highlighted that Bleasby is well served by public transport; indeed, the appeal site is only a few minutes' walk from the train station and therefore the village is asserted to be a sustainable location in this regard. This is a matter to be addressed in due course.
11. That matter aside, given the factors outlined above, I find the appeal site, as a field outside a village, would not be a suitable location for the development proposed, having regard to spatial policies of the development plan. Accordingly, there is conflict with Spatial Policy 3 of the Core Strategy and Policy DM8 of the DPD in this case.

Self-build

12. Planning Practice Guidance (PPG) makes clear that in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the

initial owner of the home will have primary input into its final design and layout. For certainty that this proposal would result in a self-build property in the terms defined in the 2015 Act and described above, the main parties have suggested this requirement would be secured by condition.

13. PPG clarifies that off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing. While the first suggested condition references the definition in the 2015 Act and requires those first occupying the dwelling to have primary input into its design, there is nothing preventing future occupants asserting compliance with this just by choosing the door colour, kitchen style or some other relatively minor design choice. Such circumstance appear little different to purchasing a home off-plan. This condition would not provide the necessary certainty that the development sought by the 2015 Act would be achieved in this case.
14. I note the condition highlighted by the Council which has been imposed on another appeal decision for development comprising two self-build units. That condition requires, within 6 months of completion of each dwelling, that documents are submitted to ensure the definition of self-build is met.
15. However, in the appeal before me, it is unclear about what completion would involve. As an incomplete house could be occupied, I am not persuaded that such a condition for this proposal would provide the necessary certainty that the property is self-build in terms of the 2015 Act. Also, consequences, in the event that the occupier was unable to meet stated requirements or failed to submit the necessary information, appears uncertain. I remain unconvinced that the conditions suggested give the certainty necessary in addressing this matter.
16. I do not doubt that the appellant is seeking self-build plots. However, circumstances change, and this can involve the transfer of land. Mr Machin, at the hearing, read an extract which highlighted such matters and questions were raised about whether a legal agreement is the most appropriate mechanism for delivering a self-build development.
17. Addressing this, the proposed conditions are found wanting in this case, but a legal instrument could not only be used to restrict the type of housing to that which is necessary, but the deed could bind those with interest in the land and their successors, thereby providing a mechanism capable of dealing with changing circumstances. Also, a deed could obligate those with an interest in this appeal site to dispose of the land only to those intent on self-build. Therefore, unlike the conditions suggested, it seems to me, a legal instrument could give the necessary confidence of the intended outcome. However, this proposal is not supported by a legal agreement addressing this matter.
18. Evidence was advanced at the hearing that there are currently 62 individuals and one group who have registered an interest in the Newark and Sherwood area for self-build plots. The register appears to be maintained by a neighbouring authority and the Council raised concerns that the figures stated may include those registering interests for plots outside the district. However, even if I accept the higher figure advanced by the appellant, I find nothing before me to give certainty that the plots proposed in this case would be disposed of to those registered on the local list. Nor has a mechanism been submitted that would ensure that once the

land is disposed of to such persons, that those persons would be obligated to build and occupy the property in the terms defined by the 2015 Act and envisaged by national guidance.

19. In summary, the proposed conditions would in my view fail the tests set out in the national guidance on this matter. Moreover, without a completed legal agreement, I remain unpersuaded that there is the necessary certainty that the nine plots would be developed in the manner proposed and would contribute to the supply of the particular type of home intended in this case.
20. Accordingly, in the absence of a mechanism that provides certainty on this matter, the proposal would not comprise self-build units as defined in the Self-build and Custom Housebuilding Act 2015.

Flood Risk

21. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk (whether existing or future). The National Planning Policy Framework (the Framework) requires plans should apply a sequential, risk based approach to the location of development so as to avoid, where possible, flood risk to people and property.
22. The appeal site is in Flood Zone 2 and therefore at a medium risk of flooding from river sources. The Framework goes on to state that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk.
23. The aim of the sequential test is to steer new development to the areas with the lowest risk of flooding from any sources. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. PPG advises reasonable available sites are those in suitable locations for the type of development with a reasonable prospect that the site is available to be developed at the point envisaged.
24. The Flood Risk Sequential Test (January 2025), submitted with this appeal, concludes that there are no potential alternative locations with a comparable size and yield, at a lower flood risk, developable now, or directly comparable to the standard of development being provided at the appeal site. Despite a range of sites in a lower flood risk area than the appeal site being identified, many of these alternative sites are considered unsuitable as they are either too large or small.
25. Exploring the details of the findings further, a site at High Street, Collingham, of just over 1.5ha with suggested capacity of 37 dwellings and sites at Station Close, Collingham (3.15 ha - 56 dwellings) and Clipstone (2.67 ha - 49 dwellings), have been discounted as they are adjacent to a settlement and may only be suitable if boundaries are reviewed in a future plan process. However, the land subject of this appeal is adjacent to a settlement also, such that this circumstance is equally applicable to the appeal site. The site at Southwell (29 units) is discounted for being in open countryside, but again these are similar circumstances to the appeal site.
26. Other planning policies are said to restrict some of these sites, but limited information has been provided on this. In any event, addressing a range of policies is likely to be required with most proposals for housing and no compelling evidence has been presented that residential development is precluded at these sites.

27. All four of the above sites are in Flood Zone 1 and are therefore at lower risk of flooding than the appeal site. These lower risk sites are of a size sufficient to accommodate 9 dwellings, and similar to the appeal site, with further space for landscaping. Moreover, there is no compelling evidence that development on these sites could not be delivered in a similar timescale as that envisaged in this case.
28. One of the Sequential Test criterium states where sites yield greater than 9 units these will be discounted. On this basis some allocated sites, such as Cedar Avenue, Newark and Kirlington Road, Bilsthorpe, have been ruled out as to use them for this proposal is considered an inefficient use of the land and would conflict with local and national policy.
29. Addressing this approach, local policy supports a lower density in rural locations, but this still equates to 30 dwellings per ha, significantly higher than proposed in this appeal. By these terms this proposal should be considered an inefficient use of the appeal site. It seems somewhat contradictory and illogical to exclude those other sites for potentially similar circumstances. This aside, no convincing argument has been advanced as to why this proposal could not be accommodated in part of the above sites, whilst still securing many of the features that are proposed under this scheme and using any remaining land for a higher density of residential use. Indeed, PPG advises, in respect of reasonably available sites, these could include a series of small sites and/or part of a larger site. (My emphasis).
30. Regarding smaller sites at a low risk of flooding, sites at Edwinstowe, Goverton and Blidworth have planning permission for 4 units each. The site at Upton has permission for 9 units. While appreciating there is no requirement on these sites to deliver self-build dwellings, for the reasons already detailed there would be no obligation for this outcome if this appeal was allowed.
31. If, however, there was a mechanism to secure self-build, I agree with the appellant that ensuring a site is suitable for this particular type of development is therefore an important criterium in this site assessment process. Focusing on this, in addition to the large sites already listed, other smaller sites without planning permission in a low flood risk area have also been identified in the Sequential Test. These include the site at Norwell for 7 units and Mansfield Road, Clipstone (5 units).
32. Even if a self-build outcome was made certain, while providing a number of separate plots in one site may minimise the price of materials and assist with construction processes as suggested in the Lannoy letter, no compelling evidence has been advanced that these benefits are only possible if the site is 2.95 ha. Indeed, the search parameters of the appellant's Sequential Test criteria recognises that a development of 9 dwellings could be accommodated on a smaller site and yet any site smaller (or larger) than the appeal site was subsequently discounted.
33. The appellant emphasised at the hearing, the appeal site has features which in their view is not available elsewhere. However, every site has individual qualities. Moreover, even accounting for differing densities appropriate for rural and urban settings and the desire for a rural location, I find no compelling reason as to why such an extremely low density proposed in this case is required, and I am unconvinced that similar features that may be attractive at the appeal site are not available at other sites at low risk of flooding in this largely rural district.

34. The key aim of the sequential approach set out in national guidance is flood avoidance. For the reasons outlined above, the evidence advanced fails to demonstrate that there are no other sequentially preferable sites in the district, that could accommodate this type of development within the required timeframe. This is so, even if there was certainty that the proposal would be developed as self-build and allowing for any features necessary for that type of development. Consequently, I am not satisfied that there are no 'reasonably available' sites in the search area which have a lower risk of flooding than the appeal site. The sequential test has not therefore been passed.
35. The appellant highlights the Council's inability to demonstrate an appropriate housing land supply. However, PPG makes it clear that the absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.
36. The submitted Flood Risk Assessment was supplemented by a Technical Note in this appeal. Combined, these address matters of drainage, surface water and identify mitigation measures in respect of flooding. Moreover, while illustrative, the submitted drawing show attenuation ponds to assist with this matter. Such mitigation can be secured by condition. Also, during the hearing, evidence was presented showing a lower risk of surface water flooding at the site than was previously indicated in 2023.
37. However, even if I accept that flood risk could be mitigated, the appeal site is in Flood Zone 2 and at a medium risk of flooding from fluvial sources. Moreover, PPG clarifies even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test needs to be satisfied. The proposal has failed in respect of this requirement.
38. It is asserted that the appeal site was considered as an allocation for residential use in 1998 and excluded from the development plan at that time on grounds other than flood risk. It was also identified as having potential for residential use in the 2009 Strategic Housing Land Availability Assessment. Be this as it may, those matters predate the publication of the Framework, and flood risk policy differs considerably to that which was previously applicable in the 1990s and early 2000. My findings in this case therefore remain unaltered.
39. Consequently, I find the proposal would not satisfy local and national policy with regards flood risk. In this regard the proposal fails to accord with Core Policy 10 of the Core Strategy and Policy DM5 of the DPD. These Policies collectively aim to steer new development away from areas at highest risk of flooding.

Character

40. While the appeal site is sizeable, the field is a modest parcel of flat, grass land when viewed in the context of the wider rural landscape that edges Bleasby. As already stated, there is a firm existing line of residential development on Manor Close, with high fences and vegetation at rear garden boundaries providing the southern edge of the appeal site.
41. At the time of the site visit there was no significant eastern boundary treatment, and therefore there are clear views from the footpath on this side, across the field towards the partially obscured railway line on the western boundary of the appeal site. The northern boundary does, however, have a mix of dense and high mature

- vegetation, and this significantly screens views of the expansive agricultural land beyond this edge of the site.
42. The site is located within the Trent Washlands regional landscape character area. The important features of this landscape character include flat, low lying land with arable fields, features clearly in evidence in this location.
 43. This character area is a sizeable swathe of landscape and the Council's Landscape Character Assessment divides this into smaller policy zones. The appeal site appears in policy zones where again important features include flat, mixed farmland areas, with pasture around settlements. Small enclosed historic field pattern around villages and larger arable fields to peripheral areas are also noted. The landscape zone is defined as very good condition and of moderate sensitivity.
 44. As a relatively modest area of grassland at the edge of the settlement, the site has some of the valued features outlined for the policy zone sub character areas. However, as already highlighted the site is open along the foot path such that it does not have an appearance of a paddock. Moreover, the overgrown hedge on the northern boundary could be improved to contribute more favourably to the valued landscape qualities identified for this character area. Also, the site is close to one of the identified detracting landscape features, the railway line.
 45. The illustrative drawings show the field divided into large residential plots such that gardens would effectively form the site edge. While each plot is shown as having a good amount of undeveloped space, as residential gardens they would likely be enclosed for functional and security reasons, thus the existing agricultural qualities would change to distinctly residential. Also, although the central part of the site would be retained as relatively open, operating as attenuation ponds, even this green feature, would appear distinctly different to the pastureland it replaces. The character of the field would be substantially changed under this scheme in these regards.
 46. However, I am mindful of the illustrative nature of this scheme. Moreover, as already explored, this is a sizeable site for the quantum of dwellings sought in this case. It seems to me that a revised scheme could conserve some pastureland, even if a good part of the site would be needed for drainage matters or to address noise disturbance from the railway. Indeed, this proposal could provide an opportunity to improve hedgerows, in and around the site, and potentially create small areas of woodland or tree planting. These benefits could be secured at the reserved matters stage and would address the Council's Landscape Character Guidance for these policy zones, and in turn, the requirements of Core Policy 13 of the Core Strategy which has similar aims.
 47. With space for suitability sensitive landscaping mitigation, although there would be significant visual change at the site, any adverse visual impact on the valued features of this landscape character area would likely be negligible in the immediate vicinity of the appeal site, and the wider historical rural setting of Bleasby would largely be retained intact.
 48. It is asserted that the proposed density would be at odds with the prevailing character of this part of Bleasby. Properties on Manor Close have relatively modest plots. However, there are large residential plots immediately southeast of the appeal site. In any event, as outlined, sympathetic changes could be approved at

the reserved matters stage to ensure that the new additions would integrate effectively with the prevailing pattern of development in this locale.

49. Residents opposite the site are concerned that creating a new access would be harmful to the existing character in Manor Close. However, the existing appearance of the street scene from dwellings opposite No 12 is currently characterised by residential properties. While the site access may appear different and the village envelope would be extended by the development, the view when in the Close would continue to be of residential uses and the character would be similar in this regard to what is existing.
50. It is suggested that the appearance of the dwellings would reflect the traditional domestic architectural style that typifies this area. Appearance is a matter which has been reserved, but I agree that such an approach would ensure that the development does not appear discordant against existing residential development. Assuming a single design aesthetic is achieved, albeit to be approved as a reserved matter, seems at odds with the concept of self-build and the requirement for design input by those who will occupy the units. However, as established I have found that these would not be self-build plots, and on that basis details of appearance sensitive to existing built form could be approved and conditioned.
51. For the reasons outlined, I find that subject to the sensitive design being approved at reserved matters stage, the proposal would not have a significant harmful effect on the character of the area. In this regard the proposal would accord with Core Policies 9 and 13 of the Core Strategy and Policy DM5 of the DPD. These Policies collectively, amongst other matters, seek a high standard of sustainable design, and require development positively addresses the implications of relevant landscape policy zones that is consistent with the landscape conservation and enhancement aims for the areas.

Other Matters

52. The Council's Interim Five Year Housing Land Supply Position Statement shows the housing land supply (HLS) is 3.43 years. This is a significant shortfall, particularly given the annual housing requirement is stated as 707 units following the publication of the latest iteration of the Framework.
53. The Framework provides support for self-build housing, but as this is not secured this matter does not weigh in favour of the proposal. However, the proposal would result in a net gain of eight residential units. This would make a modest contribution to the supply and mix of housing in the area, and I attach significant weight to this in the context of the HLS shortfall outlined.
54. Related to this, attention is drawn to the findings of the Housing Need for Bleasby 2023 and the potential for this proposal to substantially address the need for 9 new homes as indicated by that study. Also, through approval of reserved matters, the capacity of each unit, in terms of bedroom numbers, could match dwelling capacity shown to be in demand in the District Housing Needs Survey (ARC4). These factors weigh in favour of the proposal. However, there is no compelling evidence that this proposal is the only option to address these identified needs, or that these requirements could not be provided at other sites at a low risk of flooding in this area. This tempers these benefits.

55. I have found no harm in respect of character. The appellant highlights that the Council has not raised concerns regarding harm to the living conditions of existing residents in terms of outlook and privacy or highway safety issues, subject to conditions. However, even if I accepted this, harm should not arise from development, so this factor attracts very limited weight.
56. The Council's appeal statement suggests that development plan policies that guide the spatial strategy for the district should be considered out of date given the HLS shortfall. However, as the Council's Standing Advice, issued following the publication of the latest iteration of the Framework, states Spatial Policy allows housing in villages with local services and access to higher order settlements as well as allowing some types of development in other rural areas. While the local strategy may be restrictive outside settlements in the countryside, this approach seems responsive to local circumstances and largely consistent with provisions of the Framework that promote sustainable development in rural areas. These spatial policies do not appear to be out of date in this regard.
57. As indicated previously the site is very close to the Bleasby railway station. There was much debate at the hearing with local residents stating that the service was unreliable and infrequent. While not questioning that there may have been issues, nonetheless I saw the timetable showed a relatively regular service with routes to Newark and Nottingham. Even if these services did not match the frequency of services in urban areas, access to some rail services to cities and towns is a benefit that attracts significant weight.
58. There is also a primary school very close to the appeal site and pavements allowing access to other local services of the village. Future occupants would contribute to the vibrancy of village life and would likely support local services. Again, this matter weighs in favour of the proposal.
59. There would be economic benefits during the construction phase and there is national support for small schemes. While the low density proposed works against the scheme in terms of achieving the efficient use of land, taking account of the illustrative nature of the drawings, there should be considerable space on the site to create new habitats and improve landscaping. This can be imposed by condition and would be of moderate benefit.
60. There would be significant environmental, social and economic benefits subject to the approval of reserved matters and conditions and given the HLS position in the district, the provisions set out in paragraph 11 of the Framework are relevant. However, the application of policies in the Framework that protect areas, in this case areas at risk of flooding, provide a strong reason for refusing the development proposed. The presumption in favour of sustainable development is therefore not applicable.
61. Other policies that are not in dispute have been drawn to my attention. Be this as it may, even if I accept that the conflict with the local spatial policy is outweighed by other material considerations in this case, this will not overcome the conflict with national and local flood risk policies arising with this proposal. Nor would the benefits identified in this case, even when considered cumulatively, be sufficient to outweigh this conflict. The proposal fails to accord with flood risk policy and would conflict with the development plan when read as a whole.

62. I am not persuaded that this would be a self-build project in the terms that would qualify it as an exemption with regards the statutory biodiversity net gain condition. Moreover, the minimum national information required by article 7(1A) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been submitted in this case. However, as I am dismissing this appeal on different grounds it is not necessary to address this matter further.

Conclusion

63. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR

Participants at Hearing

For the Appellant:

G Machin – Agent

D Robinson – the Appellant

For the Council:

H White – Planning Officer

J Lockwood – Planning Officer

J Pegram – Landscape Consultant

Other Interested Parties

P Cast – Parish Council

C Marsh – Local Resident

S Taylor – Local Resident

M Taylor – Local Resident

G Mann – Local Resident

M Aldridge – Local Resident

Additional Submissions

Prior to the Hearing

Appellant:

APP 1: Signed Statement of Common Ground.

APP 2: Letter regarding self-build from Lannoy Group dated 13 May 2025.

APP 3: Technical Note 01 Roy Lobley Consulting dated 29 May 2025.

Council:

LPA 1: Correct Appendix 4 PREAPP/00022/25 Letter Lead Local Flood Authority dated 28 February 2025.

During the Hearing

Appellant:

APP 4: Risk of Surface Water Flooding Maps dated 2023 and 2025.

APP 5: Email from Ashfield District Council regarding Self-build and Custom House-building Register dated 2 June 2025.