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## Appeal Decision

Site visit made on 22 October 2025

**by Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 November 2025**

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**Appeal Ref: APP/N3020/W/25/3363548**

**8 Tudor Close, Colwick, Nottinghamshire NG4 2DR**

- 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 Julian Howard against the decision of Gedling Borough Council.
  - The application Ref is 2024/0873.
  - The development proposed is described as 'proposed pair of semi-detached dwellings in grounds of 8 Tudor Close'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal is in an appropriate location for residential development in respect of flood risk.

### Reasons

3. The appeal site comprises land to the side of a residential property, No 8 Tudor Close (No 8). The site is within a predominantly residential area, in a flood zone 3. The proposal seeks to construct a pair of semi-detached dwellings to the side of No 8.
4. Policy LPD 3 of the Gedling Borough Local Planning Document Part 2 Local Plan 2018 (LP) seeks to manage flood risk and states that, amongst other things, planning permission will be granted for development in areas where a risk of flooding exists provided that after applying the sequential and exceptions tests in accordance with the National Planning Policy Framework (the Framework) and National Planning Practice Guidance (PPG), the location is essential for a particular development and there are no reasonable available alternative locations in a lower risk flood area. Policy 1 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (CS), although not cited in the Council's reason for refusal, is referenced later in its appeal statement. It has similar aims to LP Policy LPD 3, particularly in relation to flood risk.
5. The Framework requires that inappropriate development should be avoided in areas at risk of flooding by directing development away from areas at the highest risk. At paragraph 175 it states that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding. Where it is not possible for development to be located in areas with the lowest risk of flooding, the Framework sets out an exception test.

6. The Council's appeal statement referenced the updated guidance<sup>1</sup>, which states that in applying paragraph 175 of the Framework a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied.
7. The appeal development is accompanied by a flood risk assessment dated 21 June 2024 (FRA). However, the submitted FRA relates to a separate outline application for a single detached dwelling and does not include a sequential test. Therefore, it fails to address the specific layout, design, and flood mitigation measures for the appeal scheme. The FRA, however, identifies the site within flood zone 3, and states that River Trent is considered the only significant source of flooding to the site. In light on this, and having had regard to the guidance outlined above, the available evidence – or lack thereof – demonstrates that a sequential test is necessary for the appeal proposal.
8. While I have considered the previous planning permission<sup>2</sup> for one dwelling as a material consideration, the current proposal differs, as it involves a greater number of dwellings within a flood risk zone. Neither can it be established with certainty that the same mitigation measures previously proposed could be applied here, given the differences between the schemes. Therefore, despite the site's planning history, a sequential test is required for the appeal proposal. Accordingly, in the absence of a sequential test, the development fails to comply with the requirements of LP Policy LPD 3, the Framework and the PPG.
9. The appellant notes that the site benefits from good flood defences and has no recorded history of flooding. They also refer to pre-application advice which did not raise flood risk concerns. Nevertheless, these factors do not remove the requirement to assess the proposal against the relevant development plan policies and associated guidance.
10. Reference has been made to existing residential and commercial properties, as well as other dwellings under construction in the surrounding area. However, I have not been provided with full details of these developments, and their existence alone does not justify the appeal proposal.
11. In conclusion, it has not been demonstrated that the appeal site would represent a suitable location for housing with respect to flood risk. Therefore, the proposal would be contrary to the aims of LP LPD 3, CS Policy 1, and the requirements of the Framework as set out above.

### **Other Matters**

12. The appeal development has been found acceptable by the Council in all the other respects, including character and appearance and living conditions, and given the evidence before me I have no reason to find otherwise. However, these are neutral matters, which do not alter my findings above with regard to flood risk.

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<sup>1</sup> Flood risk and coastal change – Gov.UK updated 17 September 2025

<sup>2</sup> LPA ref: 2024/0170

**Conclusion**

13. For the reasons set out above, the appeal should be dismissed.

*Andreea Spataru*

INSPECTOR