



Appeal Decision

Site visit made on 21 October 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2025

Appeal Ref: APP/A3010/W/24/3355514

Land North East of West Retford Hall, Rectory Road, Retford, Notts DN22 7AY

- 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 and Mrs J and N Hudson against the decision of Bassetlaw District Council.
- The application Ref is 23/01515/FUL.
- The development proposed is described as “erect dwelling attached to the wall within Retford Hall walled garden including the conversion of the existing lean-to buildings to the north of the garden wall (Resubmission of P.A. 22/01670/FUL)”.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is part of the former gardens of a Grade II listed building “West Retford Hall” (ref: 1045162) (LB1) and it is in the Retford Conservation Area. The proposal would affect a boundary wall which is curtilage listed by virtue of its age and relationship with a Grade II listed building “Former stables to West Retford Hall” (ref: 1179117) (LB2). Consequently, as the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. This appeal relates only to the refusal of planning permission. However, if the appeal had been successful, the appellants would still have needed to secure listed building consent for the works to the LB.
4. The planning application was not refused on grounds relating to protected species. However, the Preliminary Ecological Appraisal¹ highlights the need for a survey to establish the presence or absence of roosting bats, which was not carried out. The parties have been provided with the opportunity to comment on the implications of this to their cases. I have taken their views into account in determining this appeal.

Main Issues

5. Therefore, the main issues are:
 - i) Whether the proposal would provide an acceptable standard of living conditions for future residential occupiers;
 - ii) The acceptability of the proposal in terms of flood risk; and
 - iii) The effect of the proposal on protected species.

¹ Estrada Ecology Ltd, November 2022

Reasons

Living conditions

6. The proposed dwelling would straddle the boundary wall of West Retford Hall walled garden. The new build part of the dwelling within the walled garden would include bedrooms, gallery kitchen, living and dining rooms. The converted lean-to buildings to the north of the boundary wall would provide the primary entrance to the dwelling, together with boot room and store rooms.
7. Access to the dwelling would be from Rectory Road, with car parking for future residents adjacent to the converted lean-to buildings. The highway access also serves a Council Depot to the north and northwest of the proposal, which is used by the Council's Parks and Countryside Department. There is little evidence in relation to depot operation, including in terms of its intensity and frequency of use. However, there would be non-residential vehicle movements and activity in close proximity to the proposal.
8. The habitable rooms would all be on the south side of the boundary wall and therefore shielded by the wall and the lean-to buildings from noise and disturbance generated by the use of the depot. There would be no habitable rooms in the converted lean-to buildings on the north side of the wall. The openings in the elevations facing the depot access, serving the boot room and store room, would have fixed, obscurely glazed and acoustically rated windows to protect privacy and minimise noise. Internal acoustic sound insulation boarding to walls and roof would serve to further insulate the habitable rooms from external noise and disturbance.
9. The depot access is narrow as it passes the proposal. The access is also constrained between 11 Rectory Road and Rose-Ghyll Cottage, both of which appear to have openings and habitable rooms in close proximity to it. However, there is little evidence that the depot is a 'bad neighbour' or that it operates unsociable hours such as results in adverse impacts on the living conditions of the existing residential occupiers of these properties. Consequently, and taking into account the layout and design of the proposal, I see no reason why the operation of the depot would be incompatible with the proposed residential use.
10. Therefore, I conclude that the proposal would provide an acceptable standard of living conditions for future occupiers. It would accord with the requirements of policy 46 of the Bassetlaw Local Plan 2020-2038 Adopted May 2024 (the LP) in relation to avoiding impacts on the amenity of future users with normal ongoing use of the neighbour site.

Flood risk

11. The National Planning Policy Framework (the Framework) advises that a sequential risk-based approach should be taken to applications known to be at risk from any form of flooding and new development should be steered to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
12. The appeal site is around 50m west of the river Idle. It is primarily in Flood Zone 2, with a small part at the eastern edge in Flood Zone 3. The proposed residential use is classified as 'more vulnerable' to risk of flooding.

13. The flood risk assessment indicates the southeast corner of the appeal site would be liable to shallow flooding during a 1 in 100 year + 30% climate change fluvial flood event. However, the dwelling, together with site access and egress, would be sited towards the centre of the appeal site and would not be affected by any projected river flooding. There is also a very low risk of surface water flooding. Based on the evidence, the developed area of the site would not appear to be at risk of flooding. The Environment Agency confirms that the proposed development would not be impacted by the design flood and I see no reason to disagree. No flood risk mitigation would be required, although a suitable drainage strategy would be required to ensure the proposal did not contribute to risk of flooding elsewhere.
14. Nevertheless, the proposal would be a more vulnerable type of development in Flood Zone 2 (and part Flood Zone 3) and a sequential test (the ST) is therefore required. Although the proposal would be in Retford, the search area was the entire district. Potential alternative sites were those in a sustainable location in Flood Zone 1 or 2, not at higher risk of flooding from any source, economically viable and a suitable size. The search included sites allocated for residential development in Bassetlaw's Strategic Flood Risk Assessment, Land Availability Assessment and Sequential Test Reports, as well as a search of local and national estate agents. No reasonably available sites at a lower risk of flooding were identified.
15. I note the concerns of the Council in relation to the ST search criteria being unduly and unreasonably limited, including that it did not consider sites that were not allocated for residential development and that the majority of the sites identified consisted of larger residential allocations discounted for reasons of size/scale. However, the appellant's approach appears to accord with the Planning Practice Guidance (PPG) insofar as the sequential test should be applied proportionately, focusing on realistic alternative sites in areas of lower flood risk that could meet the same development need. In particular, the PPG advises applicants to identify whether there are any other 'reasonably available' sites within the search area, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market.
16. The PPG advises that decision makers need to consider whether the test is passed with reference to the information it holds on land availability. In this regard, there is little evidence in relation to a Council register of 'reasonably available' sites ranked in flood risk preference or other information it holds on land availability. As such, with reference to the PPG and the nature and scale of the proposal, the ST appears adequate to demonstrate that there are no sequentially preferable sites.
17. Therefore, I conclude that the proposal, including access and egress, would be safe for its lifetime without increasing flood risk elsewhere. It would accord with the requirements of LP policy ST50 including in relation to a Flood Risk Assessment which demonstrates the development will be safe from flooding and not increase the risk of flooding elsewhere, and the Sequential Test. The proposal also accords with the aims of the Framework and the PPG in relation to flood risk.

Protected species

18. The Preliminary Ecological Appraisal (PEA) reports a large number of records of several species of bat, which confirms that bats are present and active in the area. The tall brick boundary wall was found to contain cracks of a suitable size to be

used for roosting by crevice dwelling species of bat. The wood frame lean-to structure contained fissures between wood and blockwork suitable for use by bats. These were considered to provide low suitability roost opportunities, these being roost sites for low numbers of opportunistic bats on an occasional basis. In accordance with Good Practice Guidelines², the PEA therefore recommends a single bat activity survey to establish the likely presence/ absence of bat roosts.

19. I understand that the PEA was prepared in support of the previously refused planning application. Moreover, the appeal scheme does not include demolition of the wall or the lean-to buildings on the north side of the wall. However, the proposal does include repointing of the wall and works to the lean-to buildings to convert them for residential use, albeit as non-habitable rooms and stores. In this regard, new brick walls would enclose the timber-framed lean-to and there would be replacement clay pantile roofs and painted timber casement windows. Internally, acoustic sound board insulation and plasterboard would be fitted to the converted lean-to buildings, with acoustic seals to any openings and material junctions.
20. Based on the evidence before me, the proposal would therefore affect the brick boundary wall and the lean-to structures, both of which have bat roosting potential. Consequently, the proposal has the potential to adversely affect bat roosts and roosting bats, depending on the timing of the works. The presence or absence of bats and bat roosts has not been confirmed by survey and there are no proposals to avoid, mitigate or compensate impacts on bats or their habitat.
21. Natural England (Government's) 'standing advice' for protected species and bats sets out, among other things: that local planning authorities should ask for surveys if there is suitable habitat on the site to support protected species or if it is likely that protected species are present and may be affected by the proposed development; planning applications should not be decided until all the necessary surveys have been received; and planning conditions asking for surveys should not usually be attached, because the full impact of the proposal on protected species needs to be considered before planning permission is granted.
22. The government also provides advice in relation to the acceptable age of ecological reports and survey data. This states that where the data is between 18 months and 3 years old, a professional ecologist will need to undertake a site visit and review the validity of the report and provide a clear statement with justification on the validity of the report and which if any surveys need to be updated.
23. The PEA was not out of date when the planning application was made. However, when the appeal was made in December 2024, it was 2 years old and therefore potentially unreliable. Moreover, 2 bat survey seasons had passed since the need for a bat survey had been identified. I acknowledge that the Council did not request the necessary bat survey during the processing of the application. That does not alter the fact that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Consequently, this is not a matter that can be addressed by the imposition of a planning condition.
24. Therefore, in the absence of substantive evidence to the contrary, I conclude that the proposal would harm protected species and their habitat. As such, it would

² Bat Conservation Trust. Bat Surveys for Professional Ecologists

conflict with the biodiversity protection aims of LP policy ST38. It would also conflict with the biodiversity protection aims of the Framework.

Other Matters

Historic environment

25. West Retford Hall (LB1) is a former country house set in a landscaped park, much of which now lies within Kings' Park public open space and unregistered park and garden. The appeal site comprises the walled former orchard and kitchen garden, which was historically laid out with paths, orchard planting and with glasshouses against the northern boundary wall. Notwithstanding the overgrown and neglected condition of the appeal site, it makes a positive contribution to the setting of LB1.
26. The western boundary of the appeal site is formed by the eastern range of LB2. This is one of two linear ranges constructed in brick with slate roofs to either side of a stable courtyard. It was originally single storey, with first floor built in the 19th century. The north boundary wall of the appeal site, which the dwelling would straddle, is curtilage listed by virtue of its association with LB2. The historic and architectural special interest of LB2, insofar as relevant to the appeal, relates to its origins as a mid to late 18th century stable block and its design, historic association and group value with LB1 and nearby estate cottages and outbuildings.
27. Retford Conservation Area (the CA) comprises the majority of the historic town centre, which is characterised by its Georgian architecture and includes the historic cores of both West and East Retford to either side of the River Idle. The West Retford and Kings' Park character area includes narrow fronted properties in former burgage plots, substantial buildings in landscaped grounds and large areas of open space. The significance of the CA derives in part from the established layout and building hierarchy, including subservient outbuildings, and its strong landscape features including trees and boundary treatments.
28. Together with No 11, Rose Ghyll Cottage, and the barns and outbuildings that flank the access to the Council depot, the lean-to former bothies subject of the appeal are identified in the Retford Conservation Area Appraisal as positive buildings in the CA. Despite being open, the former kitchen garden is not identified as part of the significant open space within the CA. However, its southern and eastern boundaries abut Kings Park and the woodland block that extends from the appeal site boundary towards the river is a significant landscape feature in the CA.
29. The proposal would incorporate the existing bothies, replacing the cement sheet roofs with pantiles and the blockwork walls with red brick, which are historically appropriate and traditional materials. New and replacement windows would be traditional timber casements. The sympathetic conversion and change of use to residential would secure the future conservation of these dilapidated buildings and make a slight positive contribution to the character and appearance of the CA. The repairs to the boundary wall would help preserve its special interest and its contribution to the character and appearance of the CA.
30. Within the walled garden, a new glasshouse-type building would attach to the boundary wall. This would be similar in scale and dimensions to historic former glasshouses such that it would better reveal the historic function and use of the former kitchen garden. Three flat-roof structures would extend forward from the glazed gallery kitchen. These would be lower in height and they would also be set

below the level of the surrounding land. By virtue of the simple design and materials, these bedroom and living spaces would be relatively unobtrusive and subservient features that would be assimilated into the historic surroundings.

31. The proposal would not detract from the legibility of LB2 as a historic stable block associated with a prosperous country house. While part of the boundary wall would be incorporated into the dwelling, the lightweight glazed design of this element would reflect the historic arrangement. Viewed from overlooking windows in LB2, the recessed nature of the flat roof elements, together with their green roofs, would contribute to a continued sense of openness to the garden space. The residential use would not be out of keeping with the historic use and function of the former garden. Moreover, the part of the proposal within the walled garden would not be prominent in the CA, being screened from wider views by mature boundary planting and tall walls. Based on its location within a CA and adjacent to a public park, I have no reason to think that landscape screen planting would be removed in future.
32. For the above reasons, I am satisfied that the proposal would not harm the special interest or settings of nearby listed buildings and the character and appearance of the conservation area would be preserved. Taking into account the nature and scale of the proposal, compliance with policy in this regard carries little weight.

Conclusion

33. In conclusion, the proposal would provide a satisfactory standard of living conditions for future occupiers. Moreover, the proposal would be safe from flooding and it would not increase the risk of flooding elsewhere. However, the proposal would not avoid or mitigate harm to European protected species (bats).
34. For the reasons set out above, I conclude that the proposal would not be in accordance with the development plan and there are no material considerations that would outweigh that conflict.
35. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR