



Appeal Decision

Site visit made on 18 November 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/A3010/W/25/3373442

Sherwood Lodge, Grove Coach Road, Retford, Nottinghamshire DN22 0PW

- 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 & Mrs Paling against the decision of Bassetlaw District Council.
 - The application Ref is 25/00552/FUL.
 - The development proposed is replacement self build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An Arboricultural Impact Assessment, Arboricultural Method Statement (AIA/AMS), associated plan and photograph indicating a root protection area, were submitted as part of the appeal. The documents do not amount to a substantial difference or fundamental change to the proposal, and the Council and any interested parties have had the opportunity to consider and comment on them as part of the appeal. There would be no procedural unfairness in accepting the submission and I have therefore considered the documents in the determination of this appeal.
3. The Council's reasons for refusal and officer report indicate that a Flood Risk Assessment and Sequential Test was not submitted. However, the appellant asserts that the Flood Risk Assessment (FRA) dated July 2025, authored by Millward Consulting Engineers (ref. MA12357/FRA/C01), formed part of the original application submission, but was missed from the public register. This assertion has not been countered by the Council. The FRA has been included within the appeal, and the Council and any interested parties have had the opportunity to comment. Therefore, regardless of when the FRA was first available to view, there would be no procedural unfairness in accepting the submission and I proceed on that basis.
4. During the course of the appeal, the main parties were provided with an opportunity to comment on the Environment Agency's updated national flood risk assessment mapping (NaFRA2).

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the area, including trees;

- whether the development is in an appropriate location with regard to matters of flood risk.

Reasons

Character and appearance

6. The site is within a rural location comprising flat, open fields, narrow lanes lined with hedgerows and sporadic building groups. Buildings discernible in the vicinity, include bungalows and two-storey dwellings with simple form, appearance and massing, and utilitarian buildings associated with agriculture and horticulture.
7. The appeal site and its associated land, is enclosed on all sides by tall and well established trees such that it has a distinct sylvan character. The existing dwelling is accessed by a long driveway and is also relatively close to the northern boundary of the site. It has a U-shape plan form, but overall has a simple, solid, bungaloid appearance, height and scale, and sits comfortably as part of the established character of the area. Although it is not prominent from the adjacent lane that serves as a public bridleway, glimpses of it can be seen by anyone using that lane.
8. Policy ST2 Part 3 b) of the Bassetlaw Local Plan 2024 (Local Plan), allows for replacement dwellings in the countryside where they are of a similar size and scale to the original dwelling. It also requires adherence to other criteria, including requiring new development to respond positively to its context, and ensuring high quality design.
9. The replacement dwelling would be significantly bulkier and taller than the existing dwelling. Rooms in the roof with tall dormers, glazed, gable features, and first floor balconies would emphasise the building's height. Even though the floor area increase is modest, the proposal bears little resemblance to the size and scale of the original dwelling.
10. The development incorporates multiple gables, along with differing design treatments across its elevations, varied roof forms and extensive glazing. Collectively, these features create a visually cluttered and disjointed composition, which is discordant with the woodland setting, and the simple design and form of other dwellings and buildings in the locality.
11. The site is enclosed by trees and hedgerows, however the belt of surrounding, tall boundary trees, has a thin, linear arrangement. As such glimpse views towards the development would be afforded, even though the dwelling would be positioned away from the boundary. Its discordant appearance would therefore be apparent.
12. In any case, paragraph 131 of the National Planning Policy Framework is clear that good design is a fundamental and key aspect of sustainable development. In this case, when the proposal is considered as a whole it constitutes poor design that jars with its woodland setting and is harmful to the character and appearance of the area. It is highlighted that additional planting could be secured by planning condition. However, whilst this might limit the extent of harm, it would not fully address it. Neither does national design policy advocate screening inappropriate design, rather, development should add to the overall quality of the area.
13. The AIA and AMS identifies that five substantial Leyland Cypress trees would be removed to allow for the siting of the dwelling and replacement tree planting would

be agreed with the Tree Officer. This tree species is fast growing, and the trees are somewhat out of place within the primarily deciduous woodland setting. Accordingly their replacement with more suitable species and siting, would be reasonable and proportionate. The AIA and AMS also refers directly to British Standard 5837:2012, includes tree protection for affected trees, and confirmation that the foundation would be undisturbed. In the absence of any evidence to the contrary, I am satisfied that the effect of the development on existing trees has been appropriately identified, and mitigation measures set out. Moreover, such measures could be secured by condition. As such, I find the proposal would comply with policy ST39 of the Local Plan in respect of safeguarding trees.

14. Nevertheless, for the reasons I have set out, I conclude that the development would harm the character and appearance of the area. Therefore, the proposal would be contrary to the relevant provisions of Policies ST1, ST2 part 3(b), ST33 and ST35 of the Local Plan. Alongside the provisions relating to replacement dwellings, and amongst other things, the policies require new development that is well designed, which responds positively to its context including local character.

Flood risk

15. Policy ST50 of the Local Plan, requires development to be safe for its lifetime without increasing flood risk elsewhere, and where relevant requires proposals to pass the Sequential and Exception tests. It also requires proposals to consider and mitigate the impacts of flood risk where necessary.
16. Paragraph 170 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. To achieve this the Planning Practice Guidance sets out a three step approach to decision-making, of assessing, avoiding, and finally managing and mitigating flood risk.
17. The Flood Risk Assessment (FRA) includes Environment Agency flood maps. It confirms that the proposed replacement dwelling would be sited within Flood Zone 1, which has a low probability of flooding¹. It would also be classed as a 'More vulnerable' development², and would therefore be compatible with Flood Zone 1³. The western portion of the site is within Flood Zone 2, which has a medium probability of flooding.
18. The FRA also identifies that the site of the replacement dwelling and the existing point of access, are vulnerable to flooding from surface water; the area at risk of flooding increases incrementally, from 1:30 to 1:1000, annual likelihood of flooding from this source.
19. The FRA concludes that as no part of the dwelling is within Flood Zone 2, the Sequential Test is deemed to have been passed and as such, the Exception test does not apply. However, the FRA only considers the Sequential test in relation to river and sea flooding. Paragraph 173 of the Framework, is clear that a sequential risk-based approach should be taken to individual applications in areas known to be at risk, now or in the future, from any form of flooding. The aim of the

¹ Planning Practice Guidance: Flood Risk and Coastal Change, Paragraph: 078 Reference ID: 7-078-20220825

² National Planning Policy Framework: Annex 3, Flood risk vulnerability classification

³ Practice Guidance: Flood Risk and Coastal Change, Paragraph: 079 Reference ID: 7-079-20220825

Sequential Test is therefore to steer new development to areas with the lowest risk of flooding from any source.

20. Paragraph 175 of the Framework qualifies the approach subject to situations where a site specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements would be located on an area that would be at risk of flooding from any sources, now and in the future.
21. I am mindful that the proposal would replace an existing dwelling, however it would be in a different location to the existing, which brings with it a different risk of flooding, by way of surface water. The evidence in this respect indicates that the proposal would be located on an area at risk from surface water flooding. As such, it does not fall within the exception set out in paragraph 175. On this basis, the Sequential Test carried out is deficient, and it is not clear from the evidence whether flood risk can be avoided by directing development elsewhere.
22. Essential mitigation measures are set out, including fixing the finished floor level at or above the floor level of the existing dwelling, and a requirement for an appropriate surface water drainage strategy. Mitigation measures are also recommended with regards to flood resilience. In the absence of evidence to the contrary, these proposals would satisfy the requirement to manage and mitigate flood risk.
23. Even so, in the absence of evidence that flood risk can be avoided, it is not shown that the development is an appropriate location with regard to matters of flood risk. Therefore, and in this regard, the proposal conflicts with the relevant provisions of Policy ST50 of the Local Plan, and the Framework.

Other Matters

24. The development would have sustainability credentials when compared with the existing older house, such as durable materials for longevity, solar panels, and biodiversity enhancements within the wider site. The appellant also states that the development would be a self-build investment, meeting modern expectations for a family with long-term ties to the area. These are benefits of the scheme; however they do not outweigh the harm I have found in respect of the main issues.
25. The appellant asserts that the existing dwelling is in a deteriorating state of repair and is redundant. Even though it is unoccupied, there is no evidence before me in respect of its condition, and I saw no obvious signs of its deterioration during my site visit. The appellant also references the sustainable use of residential land in the context of the national housing shortage, and sustainable transport links. The principle of replacing a dwelling in the countryside is an established local plan policy, and no evidence has been presented in respect of public transport, so I attribute little weight to these matters.
26. The development would continue the use of the site for a single dwelling, with no subdivision or intensification of use, however that would be the case if the existing dwelling continued in use, so this weighs neither for nor against the proposal.
27. The mandatory requirements of Biodiversity Net Gain (BNG), require developments to deliver a BNG of 10%, unless exempt. The parties agree that it would be exempt from BNG as the dwelling would be self-build, tailored to the

applicant's need. Regardless of this agreement between parties, I must be satisfied that self-build, as defined in the Self-build and Custom Housebuilding Act 2015, can be adequately secured in order for the development to be exempt.

28. There is no mechanism before me for securing the development as self-build. However, given my other fundamental concerns I have not pursued this matter further with the parties.

Conclusion

29. In this case, I conclude that there would be conflict with the development plan taken as a whole, and other material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR