



Appeal Decision

Site visit made on 17 June 2026

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: 6006108

Land Between Pinders Croft and The Chapel, High Street, Walkeringham DN10 4LJ

- 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 D1 Estates Ltd. against the decision of Bassetlaw District Council.
 - The application Ref is 24/01412/FUL.
 - The development proposed is residential development of 17 dwellings including infrastructure and associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by D1 Estates Ltd. against Bassetlaw District Council, which is the subject of a separate Decision.

Background and Main Issues

3. As part of the appeal, the Council clarified its position regarding its third reason for refusal (RfR3) in relation to Biodiversity Net Gain (BNG) and Ecology. Moreover, it is satisfied that BNG can be secured by the mandatory standard Biodiversity Gain Conditions to meet the statutory 10% BNG requirement, particularly the purchase of off-site credits to address the deficit in habitat units. The Council's concerns in RfR3 therefore relate to ecology, which is reflected in the fourth main issue below.
4. The main issues are:
 - whether the proposed development would be at risk of flooding and, where relevant, whether the sequential test has been met;
 - the effect of the proposal on the significance of the former Walkeringham Methodist Chapel, a Non-Designated Heritage Asset, through development within its setting;
 - the effect of the proposal on archaeological remains within the site; and
 - whether the proposal makes suitable provision for features which support priority or threatened species.

Reasons

Flood Risk

Background

5. There is no dispute between the main parties that the site benefits from an extant planning permission for 14 homes (the extant scheme). This was firstly granted outline permission on appeal¹ and then reserved matters were subsequently granted on appeal². The approved site layout (Drawing No. 2020/66/CH RM01 D) shows the homes served by a central access road from North Moor Drive.
6. The Walkeringham Flood Alleviation Scheme (FAS) was implemented to reduce the risk of surface water flooding in the settlement emanating from the Moor Drain. This was operational in 2017. The inspectors for the above appeals were satisfied that a sustainable drainage system (SUDS) could be accommodated in the site. Moreover, the layout and density of development proposed large areas of undeveloped garden land, thereby affording space for above ground SUDS features to be accommodated within the site, alongside an attenuation pond. The Lead Local Flood Authority and Council's District Engineer did not raise concerns to this, so the SUDS scheme was secured by planning condition. However, there is no indication that these details have been agreed.
7. The layout of the current proposal is similar to that in the extant scheme, as most of the proposed homes would be served by a central route. However, the addition of three homes means the site layout would generally be of more closely spaced properties, particularly to the south of the road and its northwest corner. The internal road would also continue further into the site to serve additional homes, with a greater amount of hard surfacing, primarily in the public realm.

Effect of the Proposal

8. The appeal site is situated within Flood Zone 1, but it is largely shown to be at high risk of surface water flooding on the Environment Agency's *Flood Risk from Surface Water Map*. While this does not account for the presence of existing drainage infrastructure and the FAS, the appellant's Peer Review (PR) accepts it is the best available mapped flood risk and should be referred to, as it would only be superseded by *detailed mapping from a modelling study including the Walkeringham FAS, accounting for the latest climate change allowances*. The PR indicates the FAS was modelled in 2010, but its construction may differ.
9. Modelling of the existing drainage system is important to understanding the standard of protection offered by the FAS and to demonstrate whether Moor Drain would no longer flood the site. These are matters that affect the principle of developing the site in relation to the latest proposal and neither has been demonstrated. On this basis, I do not share the view that it would be appropriate to utilise a planning condition to secure these details.
10. The PR is also clear the drainage scheme utilises greenfield run-off rates based on alternate estimation methods. The design solution, which includes some above ground storage, also requires reassessment of rainfall, and it is unclear whether a gravity connection would be viable for outfall to the receiving ditch. To add to this,

¹ Appeal Ref: APP/A3010/W/17/3184900, dated 26 January 2018.

² Appeal Ref: APP/A3010/W/22/3291976, dated 22 November 2022.

groundwater levels have also not been provided for the site. As the site is said to have limited permeability, the absence of evidence relating to these matters, as identified in the PR, is concerning. It means I cannot be satisfied that surface water drainage could be achieved to serve the current proposal for the development of the site, particularly in the form envisaged in the proposed drainage scheme. Given this uncertainty, and taking a precautionary approach, it would not be appropriate to secure such details by planning condition.

11. Paragraph 173 of the National Planning Policy Framework (the Framework) states a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Paragraph 175 goes on to state a Sequential Test is not required where a site specific flood risk assessment (FRA) 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 source, now and in the future (having regard to potential changes in flood risk). The Planning Practice Guidance³ (PPG) clarifies in applying this paragraph, a 'proportional approach' should be taken in considering surface water flood risk.
12. Having regard to this and the above, while the extant scheme could be implemented in the future, the potential risk to the development and neighbouring land from surface water flooding is significant. At present, the site-specific FRA does not clearly demonstrate that the appeal scheme for a greater number of homes and hard surfacing 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.
13. In this context, the Sequential Test should be applied to the development and neither the application nor appeal include one. I cannot therefore be certain that there are not reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. Moreover, the appeal scheme is for more homes than the extant scheme, and I am mindful the PPG⁴ advises alternative lower risk sites could be a series of smaller sites that would be capable of accommodating the proposed development.

Conclusion on the First Main Issue

14. In conclusion, the proposed development would be at a high risk of surface water flooding, and the sequential test has not been met. Hence, the proposal would be contrary to Policy ST50 of the Bassetlaw Local Plan 2020-2038⁵ (LP), which requires proposals to consider and, where necessary, mitigate the impacts of the proposed development on flood risk, on-site and off-site, commensurate with the scale and impact of the development; and to demonstrate that they pass the Sequential Test. There would also be conflict with the aims of Section 14 of the Framework to meet the challenge of flooding.

Non-Designated Heritage Asset

15. The Walkeringham Methodist Chapel is dated 1886 and constitutes a Non-Designated Heritage Asset (NDHA). It is a gable-ended red brick single-storey building arranged perpendicular to High Street, behind a low wall and railings. The

³ Paragraph: 027 Reference ID: 7-027-20220825 Revision date: 17 09 2025.

⁴ Paragraph: 028 Reference ID: 7-028-20220825 Revision date: 17 09 2025.

⁵ Dated 29 May 2024.

wall extends partially along its northern boundary with the site. Its front façade is embellished with numerous details, principally in contrasting dressing of the windows, entrance and at eaves level. The building narrows and drops down in height towards its rear, but incorporates similar detailing, along with projecting elements south.

16. As far as it is relevant to the appeal before me, the significance of the building is to be found in its architectural and historic interest as a good example of a late-19th Century Methodist Chapel now in residential use. In particular, the architectural detailing of its front façade and its flank elevations closer to High Street are decorative features that underscore the importance of the building to worship in the locality at the time it was built and contribute positively to its appearance. Despite the limited evidence before me in relation to the building, it nevertheless amounts to a NDHA of moderate significance.
17. The building also draws significance from its setting. It is set forward, close to the street in front of neighbouring homes so it is prominent in the immediate area. Given the undeveloped nature of the site and the visibility of the Chapel across it, it presently makes an important contribution to the understanding and, thereby, significance of the Chapel.
18. While development of the site would undoubtedly alter the Chapel's setting and enclose it to a greater extent, it would remain prominent if the consented scheme was to be built. Moreover, the area of land between the Chapel and the bungalow to the north would remain free of built form, as homes would be set back behind the rear curtilage of the Chapel. In addition, the rear façades of the homes to the southern side of the site would also be positioned north of the Chapel, so further openness would be retained immediately behind the Chapel.
19. The properties in the appeal scheme would also be set back from High Street, behind an area of open space adjacent to the Chapel. However, the plots to the south of the site would be arranged more closely with the Chapel. The Council has not taken issue with the layout of the site or scale of development, its concerns relate to the design of homes within the development, specifically the incorporation of through coloured off-white render.
20. The proposed pedestrian access through the existing gated access to the southeast corner of the site would maintain current views along the northern façade of the Chapel from High Street. The properties closest to the Chapel would therefore be visible within its backdrop. Access to the open space would also increase the ability to experience the significance of the full extent of the Chapel beyond public viewpoints currently available from High Street, the community garden to its south and the open grassed area in Moorland Avenue.
21. Render is utilised on some homes in the same part of the village, but it is not commonplace. The proposal is for off-white render to be used in the external finish of most of the properties visible in the street scene west of the Chapel, but most notably to the garage and flank wall of the bungalow adjacent in Plot 5. While some of the other properties would be more distant, particularly at Plots 13, 14, 16 and 17, collectively the use of render would nevertheless be prominent in the background of the Chapel. This concentration of such materials would appear rather brash in such close proximity of the Chapel and distract from the important architectural detailing that emphasised its importance within the community as a

place of worship. I am also mindful that the planting within the proposed open space is likely to be subject to seasonal changes, so the render would be more apparent when planting is not in leaf during autumn and winter months. The proposal would therefore result in considerable harm to how the Chapel is experienced within its surroundings.

22. While the appellant has suggested that revised materials could be sought through a planning condition, I consider that this could amount to substantive changes to the design of the development. Moreover, all but four of the proposed homes would have street-facing façades that are either a combination of brick and render, or primarily of render. Substituting materials would therefore not be like a scenario where one brick colour and/or texture is substituted for another. Accordingly, the use of different material(s) secured by condition could also result in procedural unfairness given that the designs for the properties could differ from what was consulted on as part of the planning application and this appeal.
23. In conclusion, the proposal would have a considerably harmful effect on the significance of Walkeringham Methodist Chapel, a NDHA, through development within its setting. This would conflict with the expectation of LP Policy ST41 to have regard to the significance of the asset and its relationship with its setting and be sympathetic to local vernacular in terms of materials. However, as loss of significance of such an asset is only supported where the public benefits of the scheme outweigh this loss, it is necessary for these to be balanced. Given my finding in relation to the first main issue, this will be undertaken in the Planning Balance and conclusion against the policy reached at that juncture.

Archaeology

24. The Council's archaeological advice is provided by Lincolnshire County Council's Historic Places Team. The documentation provided as part of the appeal expands upon the application consultation response. It contains a Lidar⁶ image that supports aerial photography⁷ of a linear feature that bisects the site north-south, between bungalows in North Moor Drive and Moorland Avenue, and roughly parallel with High Street. The Lidar image also shows other potential changes in landform adjacent to this feature. Together with other archaeological remains found around the village as evidenced in the Nottinghamshire Historic environment Record⁸, it indicates a reasonable prospect these may also exist in the site.
25. As outlined above, there is no dispute regarding the nature of the extant scheme and there can be no doubt that the planning permission does not include any conditions for archaeology. What is more, the layout of the consented scheme includes homes to either side of an internal access road that would be situated in the location of the bisecting feature and others shown on the Lidar. There is therefore a greater than theoretical possibility that archaeological remains would have been lost through the consented scheme. The same would also apply to the appeal scheme, as development would be in a similar location above the features.
26. Despite the absence of any requirement for any archaeological investigation to be undertaken in conjunction with the extant scheme, the evidence before me leaves no doubt this would now be necessary to provide information and understanding of

⁶ Figure 2 contained in advice provided to the Council by Lincolnshire County Council's Historic Places Team, dated 13 April 2026.

⁷ Figure 1: Google Earth image dated 2003 contained in the above (Footnote 2).

⁸ Extant ridge and furrow, earthworks and sunken routeways, known as Hollow Ways.

the origins, use and changes to the occupation of Walkeringham. However, given the clear position in relation to the extant scheme, the nature and timing of what would need to be undertaken would need to be proportionate. In this instance, it would not be appropriate to dismiss the appeal due to absence of archaeological investigation. I consider that this could be secured by planning condition(s), including agreement to a scheme of investigation.

27. Accordingly, I conclude that the aforementioned approach would be the most appropriate means to ensure that the proposal would not have an uncontrolled effect on archaeological remains within the site. Hence, the proposed development would accord with the heritage aims of LP Policy ST41 and the Framework regarding archaeology.

Ecology

28. The Officer Report refers to the requirement for the development to incorporate features which support priority or threatened species and indicates that these could be secured by planning condition. This would likely include the detailed specification for species protection and enhancement measures, such as bird or bat boxes and other habitat management and monitoring measures that may not be controlled by a Biodiversity Gain Plan. This approach aligns with that adopted by the inspector for the Reserved Matters appeal relevant to the extant scheme. On this basis, and having regard to there being no substantive evidence before me that would lead me to conclude otherwise, it would also be appropriate for planning conditions to be utilised on this appeal to procure such features in line with the advice provided by the Council's Lead Ecologist.
29. I therefore conclude that it would be possible for the proposal to make suitable provision for features which support priority or threatened species. The appeal scheme would therefore accord with the biodiversity aims of LP Policy ST38 and Framework paragraph 187(d).

Planning Balance

Benefits of the Proposal

30. While the inclusion of open space next to the Chapel would better reveal its significance as a NDHA, the harm that would be caused to its significance would also be evident from the same space. This therefore limits the weight that I can afford this as a heritage and social benefit of the scheme. I also afford limited weight to the requirements for BNG and ecological enhancements stemming from statutory and other policy requirements.
31. Although there is limited evidence before me of the specific need for bungalows, the proposed mix of housing would be greater than for the extant scheme both in terms of house types and number of bedrooms. This would assist in the provision of a more balanced community and support the Government's objective of significantly boosting the supply of homes. However, given the extant scheme is for 14 homes, I afford these social benefits moderate weight.
32. Paragraph 18.2.2 of the relevant Procedural Guide⁹ requires that the appellant submits an executed and certified copy of the planning obligation at the time of making their appeal. The appeal is supported by Draft Heads of Terms including to

⁹ Procedural Guide: Planning appeals – England. For appeals relating to applications dated on or before 31 March 2026.

secure the provision of affordable housing, BNG and a scheme of sustainable drainage. However, there is no evidence before me of any dialogue between the main parties regarding the obligation. Moreover, the Council did not respond to the appellant's request to discuss a Statement of Common Ground, but that did not refer to agreement being required for an obligation. Although the appellant has indicated an obligation could still be entered into with the Council, the same Guide states, at paragraph 18.2.1, that the Inspector will not delay the issue of a decision to wait for an obligation to be executed unless there are very exceptional circumstances. There is nothing before me to indicate any very exceptional circumstances exist to delay my decision for this to be completed. I am therefore only able to afford very limited weight to these obligations.

33. The appeal site has previously been found to be a suitable location for residential development. It is also situated close to the facilities and services available in Walkeringham, with access to public transport providing linkages to others in Gainsborough and Doncaster. However, I afford these matters negligible weight, as they amount to absences of harm. Avoiding harm in other considerations, including the layout of the development reflecting the predominant grain of development, highway safety and living conditions, would all also neither weigh for nor against the proposal.

Balance Relating to the NDHA

34. The harm to the moderate significance of the Chapel through development within its setting would also be moderate, as it relates to the appearance of homes and having regard to the extant scheme. However, benefits associated with the proposal would not outweigh the harm that would be caused through loss of significance to the NDHA. As such, there would be conflict with LP Policy ST41.

Overall Balance

35. The appellant has referred to the balancing required by Framework paragraph 11d(ii), but it is unclear on what basis this is necessary. Even if it were, having regard to the benefits set out above, I afford significant weight to the identified conflict with the development plan resulting from the risk of surface water flooding and harm to the significance of the NDHA. Accordingly, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. In particular, the harm that would be caused through development within the setting of the NDHA would not be sympathetic to local character and history, as required by the Framework.

Conclusion

36. Despite my conclusions regarding archaeology and ecology, the proposal would conflict with the development plan in relation to the risk of surface water flooding and the harm to the significance of the NDHA. This would result in conflict with the development plan, as a whole, and the material considerations referred to above do not indicate that the appeal should be decided other than in accordance with it. Accordingly, for these reasons, the appeal is dismissed.

Paul Thompson

INSPECTOR