



Appeal Decision

Site visit made on 15 June 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/H1705/W/20/3257973

Development at Weston Road, Upton Grey, RG25 2RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Morton-Hunte (ME Developments Limited) against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/00917/FUL, dated 6 April 2020, was refused by notice dated 14 August 2020.
 - The development proposed is the installation of an on site foul water drainage strategy to serve the approved residential development (planning permission ref. 16/03058/FUL).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by ME Developments Limited against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. The application and appeal were submitted under different names. The appellant has confirmed that the appeal should proceed according to the details in the banner above.

Main issue

4. The main issue is whether or not use of package treatment plants for the disposal of wastewater would be appropriate at this location.

Reasons

5. The proposal relates to disposal of wastewater from a new development of 17 houses¹ towards the edge of the village of Upton Grey. I observed that the estate was nearing completion and partly occupied at the time of my site visit.
6. It is proposed to send foul water from the 10 open market houses to individual package sewage treatment plants and drainage fields. The 7 affordable dwellings would share a separate treatment plant and drainage system.
7. National Planning Practice Guidance (the 'PPG') states that the first presumption is to provide a system of foul drainage discharging into a public

¹ Planning permission 16/03058/FUL February 2017

- sewer². Only if a connection to public sewage treatment is not feasible should other options be considered.
8. While I note the appellant's arguments regarding feasibility, the houses were connected to public foul sewer around December 2020, a clear and unequivocal indication that such a connection was feasible in the context of this particular development. There is no suggestion that discharging to the public sewer would cease to be feasible in the future, nor that an exception to the guidance should be made in this case. On the basis of the guidance in the PPG, it would not be appropriate to approve other options, nor should such options be available to future landowners as an alternative to mains connection.
 9. The guidance in the PPG supports the National Planning Policy Framework (2019) (the 'Framework'), which is a material consideration in planning decisions. The lack of assessment of any contribution from the proposal to groundwater flooding means that I cannot confirm that flood risk is not increased elsewhere, as required by Paragraph 163 of the Framework. Paragraphs 170 and 180 require that new development does not contribute to water pollution, including cumulatively. In posing a greater risk to the environment than the readily available alternative, I consider that the requirements of these policies would not be met.
 10. The Basingstoke and Deane Local Plan (2011–2029) (adopted May 2016) (the 'LP') does not contain a policy outlining a drainage hierarchy. However, I have had due regard to Policy EM7, relating to management of flood risk and Policy EM12, which protects the environment from pollution.
 11. The proposal would result in the discharge of additional water to the ground via the drainage fields, and I note the Council's concern that this would contribute to surface water flooding. I accept that the development benefits from an approved drainage scheme, which addresses surface water run-off from the site. However, groundwater flooding occurs when the water table rises above the ground surface, or enters voids such as cellars, and it would appear that that this is what the Council is referring when raising concerns that the scheme could contribute to the surface water flood risk.
 12. No assessment of the contribution of the proposed foul drainage to the risk of groundwater flooding in either timing or volumetric terms has been provided. I acknowledge that clearing the incomplete drainage channel alongside the road may assist in removing flood water from the area more quickly, but, even assuming this could be secured as part of the scheme or through the existing landowners, the efficacy of this is unknown because of the absence of a robust hydrogeological assessment. The lack of evaluation of any increased risk to safety from groundwater flooding means that the requirements of Policy EM7 of the LP have not been fulfilled.
 13. There is a greater risk of water pollution from private foul drainage systems, making connection to the public sewer desirable to meet the requirements of Policy EM12, which this proposal does not fulfil. I acknowledge that Policy EM12 is not referred to in the reason for refusal. However, it is clearly referenced in the planning officer's report and appeal statement, and I do not consider that prejudice is caused to the appellant by reference to it.

² Paragraph: 020 Reference ID: 34-020-20140306, Revision date: 22 07 2019

14. Arguments regarding the original feasibility of connecting to mains drainage and the adequacy of the flood risk assessment have been superseded by the fact that the connection has been made.
15. I conclude that the proposal does not meet the requirements of the local development plan when read as a whole, nor does it meet the requirements of national policy and guidance in the PPG.
16. The appeal is dismissed.

B Davies

INSPECTOR