



Appeal Decisions

Site visit made on 22 May 2023

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2023

Appeal A Ref: APP/B1550/C/22/3302219

Appeal B Ref: APP/B1550/C/22/3302220

Appeal C Ref: APP/B1550/C/22/3302221

Appeal D Ref: APP/B1550/C/22/3302222

Land at Land Rear of 1 to 8 Stile Lane, also known as 5A & 5B Stile Lane, Rayleigh, Essex, SS6 8JA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr and Mrs Edward Charles and Beverly Louise Hall of Eastway Homes Ltd, Appeal B by Mrs Margaret Susan Flintham, Appeal C by Eastway Homes Ltd and Appeal D by Chalkwell Investments Limited against an enforcement notice issued by Rochford District Council.
- The notice was issued on 26 May 2022.
- The breach of planning control as alleged in the notice is without planning permission, the carrying out of an engineering operation to materially raise the natural ground level (as shown on the plan appended at appendix 1 and 3 of the enforcement notice) and construction of two new dwellings (labelled A and B on the attached enforcement notice plan) and an access track not in accordance with approved drawings on application 18/01009/FUL and construction of an outbuilding (labelled C) and laying of an area of paving hardstanding and the erection of a close boarded timber boundary fence.
- The requirements of the notice are to:
 1. Demolish the new dwelling houses shown in the approximate position labelled A and B on the attached enforcement notice plan and remove foundations associated with the unauthorised development.
 2. Demolish the building shown in the approximate position labelled C on the attached enforcement notice plan.
 3. Remove all the paving laid (hardstanding) shown in the areas crosshatched on the attached enforcement notice plan.
 4. Remove the access track laid and shown in the area stippled on the attached enforcement notice plan.
 5. Remove the close boarded timber fence, gates and their fixings, gravel boards and supporting concrete posts and reinstate a scheme of planting and rail fencing along the boundary as per the arrangement on site pre-development.
 6. Remove the drainage system installed in the approximate positions shown on the attached plan appended to appendix 1.
 7. infill any resultant excavations from the removal of foundations and drainage system and subsequently level the land.
 8. Restore the levels of the land to the levels before the engineering operations took place (the levels before the breach took place are identified as being the levels shown on approved drawing A3/248 Rev A existing land levels) - see attached plan at appendix 2 of the enforcement notice.
 9. Remove from the site all resultant materials, rubble and waste resulting from compliance with all the steps above.
- The period for compliance with the requirements is nine (9) months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been

brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

- Appeals B, C and D are proceeding on the grounds set out in section 174(2) (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by:
 - The deletion of 'appendix 1 and 3' and the substitution of 'appendix 1 and 2' in Part 3 (The Breach)
 - The deletion of the phrase 'not in accordance with approved drawings on application 18/01009/FUL' from Part 3 (The Breach)
 - The deletion of 'and the erection of a close boarded timber boundary fence' from Part 3 (The Breach)
 - The deletion of requirement 5 from Part 5 (The Requirements)
2. Subject to the corrections Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the carrying out of an engineering operation to materially raise the natural ground level (as shown on the plan appended at appendix 1 and 2 of the enforcement notice) and construction of two new dwellings (labelled A and B on the attached enforcement notice plan) and an access track and construction of an outbuilding (labelled C) and laying of an area of paving hardstanding at Land at Land Rear of 1 to 8 Stile Lane, also known as 5A & 5B Stile Lane, Rayleigh, Essex, SS6 8JA as shown on the plan attached to the notice and subject to the conditions set out in Annex 1.

Appeals B, C, and D

3. Appeals B, C and D are dismissed, and the notice is not upheld.

The Notice

4. The Council has confirmed that there is a typographical error on the notice. In section 3 there is reference to 'appendix 3' which should read 'appendix 2' because there are only two appendices attached to the notice. No injustice would arise were I to make this correction and I shall do so.
5. The description of the breach of planning control in section 3 of the notice includes reference to the drawings which were approved by the Council under Council Ref. 18/01009/FUL. This notice relates to operational development as opposed to a breach of planning condition. In such circumstances the reference to this planning permission is unnecessary to define the breach and I can it remove without causing injustice to either party.

Ground (c)

6. An appeal on ground (c) is on the basis that the matters alleged in the notice do not constitute a breach of planning control. This is a legal ground of appeal,

and the onus of proof lies with the appellants. The evidence must be sufficiently precise and unambiguous, and the standard of proof is the balance of probabilities.

7. In order to achieve success on ground (c) the appellants must show that either there has been no development, or that planning permission is not required for whatever reason, or that what is alleged complies with the terms and conditions of a planning permission.
8. The appellants accept that the levels of the land across the site have been changed but in their view the level change is minor such that an engineering operation has not occurred, and planning permission is not required for the change.
9. The notice sets out that in the Council's view the level of the site has changed by 265mm in comparison with the approved plans. The appellants submit that the increase is in the range of 30mm to 190mm.
10. The appellants say that the works which have been carried out would not have amounted to engineering operations because they were not the sort of operations which would be supervised by an engineer. However, in order to constitute an engineering operation, the works themselves do not have to be supervised or carried out by an engineer. It is sufficient for the operations to involve an element of pre-planning which would normally be supervised by a person with engineering knowledge.
11. In this case it is reasonable to assume, on the basis that plans were prepared and submitted for planning permission, that there was an element of pre-planning before the works were commenced on the site and that that would have included consideration of site levels. For those reasons I consider that the works which have resulted in a change in natural ground level constitute an engineering operation.
12. The appellants say that under permitted development (PD) land can be raised up to 300mm without planning permission. However, the only reference to 300mm or 0.3m in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) which I am aware of relates to the formation of a raised platform which is not relevant in this case.
13. In my view the extent of the change in ground levels in this case is of a degree that cannot be regarded as either de minimis or non-material. The works which have been carried out constitute development in the form of an engineering operation for which planning permission has not been granted.
14. The appellants argue that elements of the breach of planning control are permitted development. In this respect they reference the outbuilding, the area of paving hardstanding and the fence. They say that the land on which the outbuilding and hardstanding have been constructed has always been in residential use with no PD restrictions. This is on the basis that the land was part of the curtilage of 5 Stile Lane before the development took place. However, the planning application created two new planning units each occupied by a bungalow. As the outbuilding, paving, and fencing have been carried out as part of the new development their status as permitted

development falls to be considered in respect of the development which is the subject of the notice.

15. Article (3)(5) of the GPDO establishes that PD rights do not apply if the development to which they relate is unlawful. Those rights will only be available to the occupiers of the bungalows if they have been constructed lawfully.
16. I have found that in the course of constructing the bungalows an engineering operation has been carried out in the form of a change to the natural ground level for which planning permission is required. It follows that when the hardstanding was carried out the bungalows were unlawful because they did not have the benefit of planning permission. Therefore, the occupiers of the bungalows did not benefit from PD rights and the hardstanding amounted to a development for which planning permission was required.
17. The outbuilding was constructed during the construction phase of the development and used in connection with the building works. The appellants refer to it being retained and used for residential storage once the bungalows were completed. Notwithstanding, the fact that the outbuilding was built on land which was part of the garden of No. 5 Stile Lane, the information before me demonstrates that it was constructed as part of the new development. It is also reasonable to assume that it was constructed as PD under Schedule 2, Part 4, Class A of the GPDO and that it should have been removed upon completion of the works.
18. Setting aside its current use for domestic storage, the outbuilding was not constructed as a building incidental to the enjoyment of a dwellinghouse. Therefore, whether or not PD rights are available to the occupiers of the bungalows as built, the outbuilding does not benefit from consent under Schedule 2, Part 1, Class E of the GPDO and planning permission is needed for its retention.
19. The erection of fences falls under Schedule 2, Part 2, Class A of the GPDO. The Council accepts that the fences may have been erected as PD, however, it is concerned that the fences may contribute to surface water flooding. Notwithstanding this concern there is no information before me to establish that the fencing which has been constructed is not in accordance with the conditions and restrictions set out in Schedule 2, Part 2, Class A of the GPDO.
20. Drawing all of these points together I conclude that in respect of the appellants' appeal on ground (c), I have found the change in levels, the construction of an outbuilding and the laying of an area of paving hardstanding to be breaches of planning control as set out in the notice. However, I have found the erection of a close-boarded timber boundary fence to be PD and the appeal on ground (c) succeeds to that extent.
21. I can correct the notice to remove reference to the fence from the allegation and the requirements without giving rise to injustice to either party.

Ground (a) and the Deemed Planning Application (DPA) (Appeal A only)

22. An appeal on ground (a) is on the basis that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

23. The DPA flows from the breach and although I have corrected the notice to remove the fence from the breach in other respects it remains unchanged.

Main Issues

24. The main issues are:

- The effect of the development on surface water drainage and flood risk
- The effect of the development on the living conditions of the occupiers of neighbouring dwellings with particular regard to overlooking.

Reasons

Surface water drainage and flood risk

25. In August 2019 the Council's Development Committee considered an application for the construction of two bungalows on the site (Council Ref. 18/01009/FUL) which is the planning application referenced in the notice (the approved development). The Development Committee report provided by the Council identifies the site as falling within Flood Zone 1 and the Council states that in such areas the principle of residential development is acceptable.
26. Policy DM28 of the Rochford District Council Local Development Framework Development Management Plan (the DMP) states that where there is a perceived risk of flooding from surface water run-off arising from the development of 10 residential units or fewer the submission of a flood risk assessment (FRA) will be required. The Council applied this policy to the application for the approved development and came to the view that planning conditions were an appropriate way forward to ensure that suitable drainage was installed. The notice establishes that an FRA was not submitted in support of the application for the approved scheme.
27. Policies ENV3 and ENV 4 of the Rochford District Council Local Development Framework Core Strategy (2011) (the Core Strategy) are also referred to in the reasons for serving the notice. Policy ENV3 seeks to direct development away from areas at risk from flooding and states that the majority of development should be accommodated in Flood Zone 1 as is the case here.
28. Policy ENV4 of the Core Strategy relates to the incorporation of Sustainable Drainage Systems (SUDS) in all residential development over 10 units. Thus, it is not of direct relevance in this case.
29. The development which is on the site has not been carried out in accordance with the approved details and it will be seen from my reasoning in respect of the appellants' appeal on ground (c) that I have concluded that a material change to ground level across the site has taken place. The appellants have submitted a planning application to address the differences between the approved scheme and the development which has been completed on site (Council Ref. 21/01147/FUL), but the Council says that this application has not been progressed in the absence of a site-specific FRA.
30. There is no dispute between the parties that prior to the development being carried out there were periods during the winter months and rainy periods when the rear gardens of properties fronting Stile Lane were prone to flooding.

The Environment Agency Flood Risk from Surface Water Map which is produced by both parties reflects this.

31. The point in dispute is whether any increase in surface water flooding has occurred as a result of the development and whether this is as a result of the change in levels on the site, the laying of hardstanding and the erection of boundary fences.
32. The Council has commissioned a Flood Report (the Ardent report) which identifies that the flow path for surface water is through the rear gardens of the properties fronting Stile Lane. This flow is shown perpendicular to the access serving the development. The Ardent report states that the access appears to have been raised and considers that given its position on the flow path this could explain increased ponding in adjacent gardens. The Ardent report also goes on to observe that the newly constructed fence lies in the location of the flow path, and this may have contributed to the blockage of the flow path in view of the incorporation of concrete gravel boards.
33. The Ardent report makes recommendations in terms of mitigation measures which it says could involve the restoration of the ground level to the approved levels or localised lowering around the site boundary and the installation of a land drain. Modification of the fencing to enable the passage of water is also recommended.
34. The appellants have also provided an FRA in support of their appeal (the Flume report). The Flume report refers to the development as 'proposed development' but it is dated June 2022 and appears to relate to the as built development. The Flume Report concludes that surface water flooding would occur in neighbouring gardens regardless of any development within the site. It also argues that from a surface water run-off perspective betterment has been achieved through the incorporation of a SUDS system as part of the development which has been carried out.
35. Neither the Ardent Report nor the Flume report provide a definitive view as to whether or not the change in ground level height have resulted in an increase in surface water flooding in the area around the site. The Lead Local Flood Authority (LLFA) comment that if the change in levels referred to in the Ardent Report have taken place, then this could affect the flow of water from gardens. However, this does not provide any certainty in respect of whether increased surface water flooding has occurred.
36. Local residents have provided comments and photographs in relation to the matter of surface water flooding. Some of the photographs show the site under construction and information is not provided in relation to the timing of these surface water flooding incidents relative to the provision of surface water drainage and SUDS as part of the development.
37. Other photographs show flooding in back gardens and a log of groundwater flooding in the gardens of No. 5 and No. 6 Stile Lane has been submitted for the period December to March 2021/22. However, there is no comparative information relating to the extent of flooding prior to the development taking place.

38. The residents refer to the flow of surface water across the site when it formed part of the garden land serving No. 5 but there is no information to suggest that as a consequence of this surface water flooding in gardens was significantly less than is currently being experienced.
39. The Ardent report refers to anecdotal evidence of flooding and periods when there was standing water in rear gardens over the winter period which coincides with the period covered by the log of groundwater flooding provided by the residents. However, in common with the information provided by residents there is no comparative information.
40. Drawing these points together it has not been clearly demonstrated, based on a comparison between surface water flooding before any development took place on the site, that there has been a significant increase in surface water flooding as a result of the development. Furthermore, there is no comparative information to show that the surface water flooding which takes place would not have arisen had the approved development been carried out.
41. When the Council considered the planning application for the approved development it acknowledged that there was already an issue with surface water drainage in the area, but it took the view that this was capable of being addressed by planning condition. The planning condition has been discharged.
42. The appellants say that the SUDS which has been installed far exceeds what is necessary for the volume of water arising from the development. On the other hand, the development which has been carried out on the site is not that which was approved by the Council. Therefore, whilst the SUDS may exceed what is necessary for the development as approved the appellants have not shown that it is capable of processing the flows or volume of surface water associated with the development as built.
43. Nevertheless, the adequacy of the SUDS system only becomes an issue if it can be shown that in comparison with the approved scheme the development has resulted in additional surface water flooding. As I have said above this has not been clearly demonstrated in this case.
44. Whilst the appellants argue that the change in the levels on the site are de minimis, they accept that there has been a change. The appellants also accept that the topographic survey which they commissioned has similar results to the EDI survey commissioned by the Council. Therefore, it is common ground that there have been changes in ground levels across the site and the degree of change is broadly agreed.
45. The Flume report does not address the change in levels between the development as approved and as built. The Ardent report does address the effect of the change in levels on the flow of surface water across the wider area and it identifies the change in level on the access as a particular issue.
46. The Ardent study refers to the post construction topographic survey which has been carried out by the Council (the EDI survey). This survey includes a section through the site roughly south-west to north-east. On the survey there is an annotation reading 'ground level generally 0.2m to 0.4m higher than design'. In the Ardent study this annotation is referred to and described as in the location of the access road.

47. However, the annotation refers to the turning area and parking area serving the bungalows. This is an important distinction in relation to where the change in levels has occurred because the location of the parking and turning area is not in a position where the flow path of water crossing the site has been identified.
48. The appellants say that the level of the driveway has not been changed from the original ground level. This comment is supported by a letter from the architect for the scheme and by photographs. On the basis of this evidence and my observations on site I find that the access has been constructed without any change in land levels.
49. Drawing all of these points together it has not been shown that the level of the access road has been raised or that the flow path of surface water has been altered as a result of the development which is the subject of the notice.
50. The Ardent report refers to the need for a site visit and additional survey to be undertaken to confirm the increase in levels across the site. There is no evidence to suggest that these activities have been completed or that the engineers consulted by the Council have provided any further comments in the light of additional information coming forward. As it stands the Ardent report only refers to changes in levels at the access being responsible for increased ponding in gardens and there is no substantive evidence that other changes in ground levels have been contributing factors.
51. Photographs have been provided by both parties and local residents of flooding in the rear gardens of No. 5 and No. 10 Stile Lane. In relation to No. 5, it does appear from the photographs that the presence of concrete gravel boards as part of the fencing does have the effect of containing the water and preventing it dispersing naturally. As the garden of No. 5 is on the flow path of water running southwest to northeast this water is unlikely to be arising from additional flows on the appeal site and in such an event the water would be trapped on the other side of the fence. This view is consistent with the findings of the Ardent report that runoff from the site would be unlikely to contribute to increased surface water flooding upslope.
52. With regard to No. 10 Stile Lane, this property is also upslope of the site, therefore flooding is unlikely to arise from runoff from the appeal development. Furthermore, both the Flume report and the LLFA refer to the potential for a footpath/boardwalk which has been erected in the garden of No. 10 to affect the flow of water.
53. It will be seen from my reasoning in relation to ground (c) that the fencing is PD and for that reason it does not fall to be considered under the DPA. Nevertheless, the fencing does appear to play a role in affecting surface water drainage in surrounding gardens based on the information before me. This view is also reflected in the comments from the LLFA which specifically reference the gravel boards as barriers to flow of water.
54. In response to concerns about the fencing the appellants have indicated they would be content to amend the gravel boards to allow a free flow of water. This is a matter which could be secured through planning condition, notwithstanding that the fencing is PD because it would be a means of mitigating the impact of the development and is therefore relevant to the development as a whole.

55. The Ardent report and the LLFA both raise the potential for a change in levels to affect the flow of surface water such that increased surface water flooding could take place. However, in this case it has not been demonstrated that any changes to the amount of surface water flooding have arisen as a result of changes in levels on the site.
56. There is evidence that the fencing which has been erected to define the access to the site has the effect of preventing onward movement of water from the garden of No. 5. However, this is a matter which can be addressed through the imposition of a condition to require modification of the fencing, specifically the concrete gravel boards.
57. With regard to the construction of the outbuilding and the laying of an area of hard paving it has not been demonstrated that these works have separately or in conjunction with the change in land levels contributed to any additional surface water flooding in the rear gardens of the properties fronting Stile Lane.
58. I conclude that in this context, and on the basis of the evidence before me, the development as built has not had a significantly adverse impact on surface water drainage nor that it would significantly increase flood risk. The development is therefore in accordance with Policy DM28 in so far as it has not been shown that there has been an increased risk of flooding arising from surface water runoff from the site. The development is also compatible with Policy ENV3 in that it accords with the aim of directing development away from areas at risk from flooding.
59. For the same reasons the development accords with the National Planning Policy Framework (the Framework) which seeks to guide development away from areas at highest risk from flooding.

Living conditions of the occupiers of neighbouring dwellings

60. The Council confirmed during my site visit that its concern regarding overlooking of neighbouring dwellings was restricted to views from the window in bungalow B (as defined on the enforcement notice plan) which faces towards the houses fronting Stile Lane.
61. I was invited by local residents to view the development from their properties. However, I did not need to do so as I was able to assess the impact of overlooking from within bungalow B and on the basis of photographs provided by interested parties.
62. The window is in an elevated position relative to the ground and the fence which runs along the boundary does not entirely preclude views towards the rear elevations of 5 and 6 Stile Lane, which are the closest dwellings. However, the view is restricted to the upper part of the window and given the separation distance between the properties I find that the degree of overlooking is not at such a level as to be significantly harmful to the living conditions of the occupiers of neighbouring properties.
63. Although not a matter which was raised by the Council, I also note that residents are concerned about disturbance from external light sources. However, for the same reasons as set out above, given the separation distance between buildings this also is unlikely to be at a level which would be significantly harmful to the living conditions of neighbours.

64. For the reasons set out above I find that the development does not have a harmful impact on the living conditions of the occupiers of neighbouring dwellings. In the absence of any policy reference provided by the Council I conclude that the appeal scheme is in accordance with the Framework which requires that development provides a high standard of amenity.

Conditions

65. The Council has suggested the imposition of seven planning conditions in the event that the appeal is allowed under ground (a) and the DPA granted. The appellants have had the opportunity to comment on the suggested conditions.
66. Both parties consider that a condition is necessary to require that the development be carried out in accordance with submitted plans. The Council recommends that plans be confirmed, and the appellants consider such a condition should relate to 'as built' plans which have already been submitted to the Council.
67. Although the 'as built' plans have been included in the appeal submissions, the DPA is made in respect of the development as alleged and built and there is no mechanism for incorporating plans into any deemed planning permission granted. Had there been a need to revise elements of the development as it has been carried out then those revisions could have been the subject of a condition to secure the submission of a scheme of works for approval by the Council. However, no such revisions are necessary in this case.
68. For the reasons set out above I have not imposed a 'plans' condition.
69. The Council also suggests a condition to secure the submission and approval of a scheme of hard and soft landscaping. At my site visit I found that the landscaping which has been carried out is appropriate to private gardens and shared access space. On this basis a landscaping condition is unnecessary and unreasonable.
70. Two conditions have been suggested to restrict permitted development rights in terms of erection of extensions, including roof extensions and the installation of additional windows. These conditions are necessary given the proximity of the bungalows to the boundary of the site and the relationship with neighbouring properties. In respect of existing windows, there are obscure glazed windows on the bungalows and these need to be retained as such on the same basis. (Conditions 1, 2 and 3)
71. A condition to require the provision of car parking spaces is unnecessary as these have been provided. There is also no evidence that any harm would arise if these parking spaces were used other than for vehicle parking.
72. The Council has suggested a condition requiring the submission of details of surface water drainage and its construction as agreed. It will be seen from my decision that I have not found any issue with the surface water drainage works which have been carried out. Therefore, a condition as suggested by the Council is unnecessary.
73. However, in order for surface water drainage including SUDS to operate effectively it must be maintained. Any maintenance agreement secured under the planning permission for the approved scheme would not apply to a planning

permission under the DPA. Therefore, I shall impose a condition to require the submission and approval of a maintenance strategy for surface water drainage including SUDS and to ensure the approved strategy is implemented.
(Condition 4)

74. The Council has suggested a condition relating to the provision of a land drain, but it has not provided any further details nor any justification for such works. Thus, the suggested condition is imprecise and has not been shown to be necessary.
75. It will be seen from my decision that I have accepted that a condition to require modification of fencing, specifically the concrete gravel boards is needed to address the impact which the design of the fences currently has on the free flow of surface water. Such a condition would meet the tests for conditions set out in Planning Practice Guidance.
76. The appellants have suggested a condition to require the gravel boards to be raised one brick within 3 months of the grant of planning permission. However, in order to ensure that the condition is precise and enforceable I have made changes to require the submission and approval of a scheme of works to the fences to the Council for written approval prior to the alterations being made.
(Condition 5)

Conclusions (Appeal A ground (a) and the DPA)

77. On the two main issues in the appeal, I have found the proposal would be in accordance with the relevant development plan policies and/or the Framework. I have carefully considered all points raised, but there are no material considerations in this case which indicate a decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that Appeal A succeeds on ground (a).

Conclusions

78. The appeal on ground (a) succeeds, the notice is quashed, and planning permission is granted for the development as described in the notice (as amended), subject to the planning conditions set out in the decision.
79. Appeals A, B, C, and D on grounds (f) and (g) do not therefore fall to be considered. Consequently, Appeals B, C, and D are dismissed on ground (c), and the notice is not upheld.

Sarah Dyer

Inspector

Annex 1 – Schedule of conditions – Appeal A

Condition 1

Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the bungalows hereby permitted shall be constructed.

Condition 2

Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the bungalows hereby permitted.

Condition3

All windows in the bungalows hereby permitted which are fitted with obscure glazing shall be retained as such.

Condition 4

Within 3 months of the date of this decision, a scheme for the maintenance of existing surface water drainage systems, including SUDS, shall be submitted to and approved by the local planning authority in writing. Thereafter, the existing surface water drainage systems shall be maintained in accordance with the approved details.

Condition 5

Within 3 months of the date of this decision, a scheme of works for the alteration of existing boundary fencing, including any gravel boards, to enable the free flow of surface water from the surrounding land, including a timetable for such works, shall be submitted to, and approved by the local planning authority in writing. The approved works shall thereafter be carried out in accordance with the approved scheme.