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## Appeal Decision

Site visit made on 19 August 2024

**by D Cleary MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 September 2024**

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**Appeal Ref: APP/Y0435/W/23/3331931**

**Land Adjacent to Greensand View, Land to the West of Eastaff Croft, Woburn Sands MK17 8GR**

- 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 Vauxhall Angling Club against the decision of Milton Keynes Council.
  - The application Ref is 21/03269/FUL.
  - The development proposed is described as the Construction of Anglers Car Park.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development would provide adequate surface water drainage to manage flood risk.

### Reasons

3. The appeal site relates to an undeveloped parcel of land which is located to the west of Eastaff Croft. Eastaff Croft is an outer perimeter road to a residential estate which appears to be of fairly recent construction. The appeal site is generally open comprising of low-level vegetation. An informal path crosses the site, providing access to a fishing lake to the north. The site is accessed via Eastaff Croft through a break in established boundary hedging, this access crosses a public right of way which runs parallel with Eastaff Croft. The site is positioned at a slightly higher land level than Eastaff Croft, with land levels also appearing to slope down towards the fishing lake.
4. The scheme proposes the construction of a car park and vehicular access to serve a nearby fishing lake. Access would be from Eastaff Croft. The development would provide a hard surfaced car parking area for up to 12 vehicles. The submission indicates that the area would be constructed from course crushed concrete with an unbound material. The area would be surrounded by bunding on three sides. The extent of land to be surfaced, including access track from Eastaff Croft, are not insignificant in area.
5. I do not have full details of existing and proposed site levels. However the submitted long section<sup>1</sup> corroborate my observations on site that the land, where the car park would be sited, is at a higher level than Eastaff Croft. I note

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<sup>1</sup> Ref: DRG. NO VAUX006/22 REV A

that land levels also drop towards the fishing lake although an intervening bund is proposed between the two. The long section also indicates that proposed land levels would slope down towards Eastaff Croft. Given the nature of the proposed development and the suggested proposed land levels there is a possibility that surface water could be directed from the new hard surfaced area, along the access road and on to Eastaff Croft. This, in turn, could result in undesirable surface water flooding issues within the public highway. I am of the view, therefore, that the development would need an appropriate drainage strategy to manage this risk.

6. The submitted information includes a report<sup>2</sup> which details a small sample of infiltration testing at the site. The report suggests that the underlying soil is clay and the existing site leads to surface water run-off. No evidence has been provided to demonstrate where existing run off is directed. The report goes on to suggest that the proposal, by providing circa.200mm of permeable surfacing on top of the clay soil, would improve matters. However, the report is brief and its findings do not appear to be substantiated by any robust evidence. In addition, I have no evidence of the expertise of the author to be satisfied that the infiltration testing has been conducted to the appropriate standard, under the correct conditions, and in accordance with any recognised guidance. Therefore, I cannot rely on its findings and conclusions.
7. In addition, the drainage information does not provide an overarching understanding of the existing topography, geology and hydrology of the site. The submitted strategy for drainage does not have regard to any changes of land levels proposed, along with any effect that the new bunding surrounding the parking area may have. I am also unclear how the removal of the existing low-lying vegetation, in lieu of the hard surfacing across the site, would lead to a more effective filtration and treatment of surface water. Therefore, I do not consider that the drainage strategy has been adequately informed by appropriate evidence to be convinced that it would satisfactorily manage surface water drainage.
8. The Lead Local Flood Authority (LLFA) have maintained an objection to the proposed development in three consultation responses. In summary, the crux of these concerns relate to insufficient information being provided to be satisfied that surface water can be suitably managed. In the absence of robust technical evidence to the contrary, I would concur with the stance of the Council experts on this matter.
9. I note that the appellant state that the creation of a swale is not feasible due to land ownership issues. Nonetheless, while this was suggested by the Council, it may not be the only solution within the drainage hierarchy for managing surface water drainage at the site. Based on the limited information and technical evidence before me, I am not persuaded that the scheme presented is the only viable option to manage surface water drainage at the site.
10. I have considered whether the detail could be provided by way of a condition. However, I would concur with the views of the Council that, in this instance, the principles of an appropriate drainage strategy should be agreed prior to

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<sup>2</sup> Document: Application 21/03269/FUL - Anglers Car Park, Woburn Sands Lake – Proposed Car Park Soakage Test, dated 28 July 2022

determination. This is particularly due to the possibility for surface water flood risk, the nature of the site, soil conditions and the scale of the proposals.

11. For the above reasons, insufficient information has been provided to demonstrate that the development would provide adequate surface water drainage to manage flood risk. Therefore, the proposed development conflicts with Policies FR1 and FR2 of Plan:MK 2016-2031 (2019) which, amongst other things, requires for development to provide adequate surface water drainage to manage flood risk.

### **Conclusion**

12. For the above reasons the appeal is dismissed.

*D Cleary*

INSPECTOR