



Appeal Decision

Site visit made on 3 January 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/K1128/W/24/3344593

Sunnydale, Newton Road, Salcombe, Devon TQ8 8HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr & Mrs Taylor against the decision of South Hams District Council.
 - The application Ref 0325/24/ARC sought approval of details pursuant to condition No 6 of a planning permission, granted on 6 July 2022.
 - The application was refused by notice dated 9 February 2024.
 - The development proposed is demolition of existing dwelling & construction of new detached house with associated landscaping.
 - The details for which approval is sought are: 'Application for approval of details reserved by condition 6 (Surface Water Management Scheme) of planning consent 2363/22/FUL.'
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Decision

1. The appeal is allowed and the surface water management scheme details submitted pursuant to Condition No.6 attached to planning permission 2363/22/FUL granted on 6 July 2022, in accordance with the application reference number 0325/24/ARC and the plans submitted with it, are approved.

Preliminary Matters

2. In December 2024 during the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. Whilst paragraph numbers have altered, any policies that are material to this appeal have not fundamentally changed. I am satisfied that this has not prejudiced any party and I have had regard to the latest version.

Background and Main Issue

3. Planning permission has been granted for a replacement dwelling. Condition No.6 to the permission states that full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority. The condition lists 6 design steps. The reason for the condition is to ensure that surface water run-off does not increase to the detriment of the public highway or other local properties.
4. The Council refused the discharge of condition application stating that a pumping system for surface water drainage cannot be accepted as the scheme should rely solely on gravity.
5. In light of the above, the main issue is whether the submitted details satisfy the requirements of the relevant condition with regard to surface water management.

Reasons

6. Condition No.6 states that notwithstanding the submitted details, full details of the most sustainable drainage option shall be submitted and approved in writing. Design step 1 to Condition No.6 requires details of soakaway testing to confirm the use of soakaways or to support an alternative option. As a result, and where justified, the wording of the condition

allows options for drainage that do not comprise the use of soakaways. The remaining design steps also allow for the use of drainage other than infiltration subject to limiting the run-off rate. As a result, the wording does not prevent the use of pumps. Although not listed as approved plans, I take the submitted details referred to in the condition as including the contents of the original Application Form and Design and Access Statement such that the condition applies despite the contents of these documents.

7. The appeal is accompanied by a scaled surface water drainage layout plan¹ and Surface Water Drainage Rationale Statement by John Grimes Partnership dated 20 February 2024 (the Drainage Report). The plan and Drainage Report detail a surface water drainage scheme with a restricted discharge rate to a South West Water (SWW) Combined Sewer and seek to demonstrate why the use of soakaways/infiltration is not possible at the site.
8. The Drainage Report details that the majority of the roof and hardstanding to the original dwelling on the site discharged unattenuated into the combined sewer with the southwestern corner of the roof discharging onto the ground. As a result, the site as previously constructed did not comply with current standards for surface water drainage.
9. With regard to the replacement dwelling, the Drainage Report states that there is no space on the site for infiltration due to distances from walls and foundations and due to the steeply sloping nature of the site. Given the site levels and layout, I have no reason to disagree. The Drainage Report further details that attenuation to a surface water body or sewer is not possible due to the distances, convoluted routes involved and being unable to gain necessary consents. Given the routes and lack of consents, I have no reason to disagree. As a result, the only remaining option is attenuation to a combined sewer to which the appellant has the agreement from SWW subject to limiting the discharge rate. Due to the site levels and position of the combined sewer on higher ground, a pumped system is required as gravity cannot be relied upon. It is noteworthy that the Council have not provided any detailed evidence rebutting the contents of the Drainage Report.
10. In light of the above, I am satisfied that the surface water drainage scheme has been designed taking into account the stated hierarchy of drainage solutions outlined by Devon County Council, required under Policy DEV35 of the Plymouth & South West Joint Local Plan 2014-2024 and the related provisions of Chapter 14 of the Framework.
11. Moreover, I am satisfied that the scheme complies with Condition No.6 with regard to proposing the most sustainable available drainage option supported by evidence justifying why the use of soakaways/infiltration is not possible. Additionally, the proposal suitably restricts the run-off rate as agreed with SWW and is supported by a scaled plan detailing the drainage scheme. As such, the proposal complies with the 6 design steps stated in the condition. It therefore follows that the scheme would ensure that water run-off does not increase to the detriment of the public highway or other local properties in accordance with the stated reason for the condition.

Conclusion

12. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

¹ Drawing No 200 Rev T1 - Proposed Surface Water Drainage Layout Plan