



Appeal Decision

Site visit made on 28 February 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/C1625/W/24/3356136

Land To The East Of Stamages Lane, Painswick GL6 6UX

- 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 Michael Magri of The Development Studio against the decision of Stroud District Council.
 - The application Ref S.24/1630/DISCON sought approval of details pursuant to condition No 13 of planning permission Ref S.17/0792/OUT, granted on 5 September 2017.
 - The application was refused by notice dated 24 October 2024.
 - The development proposed is described as “Four Bedroom Detached Dwelling”.
 - The details for which approval is sought are: disposal of foul and surface water drainage schemes.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by The Development Studio against Stroud District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the submitted details satisfy the requirements of the relevant condition.

Reasons

4. Policy ES4 of the Stroud District Local Plan (SDLP) relates to water resources, quality and flood risk. Amongst other things, this Policy requires new development to incorporate appropriate Sustainable Drainage Measures (SuDs) and to be informed by specific catchment and ground characteristics. This Policy also provides an order of priority for the discharge of surface run-off. The National Planning Policy Framework (the Framework) states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
5. The appeal site and the surrounding land generally falls from the north to the south. Painswick Stream is located to the south of the site. There is a watercourse, running in an approximate north to south direction, which is located to the east of the site with part of the watercourse being on land within the appellants ownership. This watercourse flows into Painswick Stream.
6. In order to deal with surface and foul drainage from the site, surface and foul water drains are proposed which would flow in an easterly direction leading into the

watercourse. The Council are concerned that this proposal would increase flood risk downstream as a result of a discharge into a catchment it would not naturally drain to. In support, the appellant has provided a number of plans, documents, assessments, surveys etc including their statement of cases, Foul and SuDs Drainage Strategy (FSDS), rebuttal statement, Engineers Report Drain Survey Plan Footage document, survey sheets, and Castle Hale Watercourse document.

7. The FSDS covers a number of issues including proposed drainage with matters on discharge location, discharge rates, attenuation, rainwater harvesting, water quality, first 5mm of rainfall, exceedance, operations and maintenance, and local planning policy. This document details that there is sufficient capacity in the watercourse, where it is maintained by the riparian owners, to deal with proposed discharge rate from the site and not causing a substantial burden. The document further states that, as such the development is not a cause of increased flood risk.
8. The Engineers Report and survey sheets, by Just Surveys Limited, assesses the watercourse to the east of the site. The Report observes that not all the watercourse was surveyed due to various restrictions and therefore CCTV camera surveying was not possible at certain points of the watercourse although dye testing has proven connectivity. The survey sheet details two sections of the watercourse and summarises that one section has multiple joint displacements and root masses up to 50% that the CCTV was unable to pass, with the other section having a joint displacement and due to the start of the line being an open pipe, leaves and other debris are entering the system preventing further surveying. One section was summarised as having a service grade level 5 which is described as “obstructions are causing problems in the drainage – immediate cleaning required to remove obstructions”.
9. There is conflicting evidence in relation to the surface water flows and catchment areas. Figure 3.1 in the FSDS identifies a catchment area for the watercourse totalling 1.3ha, with the appeal site not being in this area. Figures 3.2 and 3.3 in the FSDS then suggest a wider catchment for the watercourse which includes part of the site, with further figures 1-5 in the rebuttal statement to the Lead Local Flood Authority (LLFA) response which show sub catchments. The LLFA provide a plan which shows surface water flows from the site travelling south and largely avoiding the watercourse to the east.
10. It appears clear that the proposal would direct surface water from the site into the watercourse that currently is mostly discharged elsewhere in the area, therefore there would be an increase in water flows within the watercourse. From the evidence provided, there are significant concerns as to the quality and capacity of the watercourse and to whether it can accommodate the additional surface water that would be directed towards it. There is no compelling evidence to convince me that the proposed drainage would not increase flood risk in the surrounding area.
11. I have had regard to the appellants statement of cases including comments that parts of the watercourse are on land not owned by the appellant, and therefore it is for third party owners to ensure the watercourse on their land is in a suitable condition. My attention has also been drawn to a Court Judgement¹ and appeal decision². These matters, however, do not overcome the concerns raised above and the lack of substantial evidence to ensure that the watercourse has sufficient

¹ Bernell Ltd V Canal and River Trust [2021] EWHC 16 (ch)

² APP/C1625/W/20/3244394

capacity to accommodate the additional surface water from the site without compromising the surrounding area in terms of flooding.

12. Accordingly, the submitted details do not satisfy the requirements of condition 13 of planning permission Ref S.17/0792/OUT, and there would be a conflict with Policy ES4 of the SDLP and the Framework which seeks to conserve and enhance the ecological flood storage value of the water environment including watercourses and ensure that proposals do not increase flood risk elsewhere.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR