



Appeal Decision

Site visit made on 8 September 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/D0515/W/25/3365976

317 Wisbech Road, Westry, March, Cambridgeshire PE15 0GB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Nigel Marsh against the decision of Fenland District Council.
 - The application Ref F/YR23/0209/RM sought approval of details pursuant to condition No 1 of a planning permission Ref F/YR20/0905/O, granted on 25 November 2020.
 - The application was refused by notice dated 23 December 2024.
 - The development proposed is erection of up to 3no dwellings.
 - The details for which approval is sought are access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely access, appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref F/YR20/0905/O dated 25 November 2020 and subject to the conditions in the attached Schedule.

Application for Costs

2. An application for costs was made by Mr Nigel Marsh against Fenland District Council and this is the subject of a separate Decision.

Background and Main Issues

3. The appeal relates to the Council's refusal of an application seeking approval of all five reserved matters required under condition 1 of the outline planning permission for three dwellings. The site comprises garden land associated with No 317, which falls within an already built-up area to one side of the A141 leading into the town of March. This property is to the rear of frontage housing along the main road, served from an access to a restaurant and fast food outlet. A substantial business/retail park and areas of more recent housing are to other sides. Following some amendments made during the application period, the Council had been satisfied with details relating to access, appearance, landscaping, layout and scale.
4. However, Condition 5 of the outline planning permission specifies that details for submission under condition 1 shall include a scheme for the disposal of surface and foul water that shall be approved by the Council prior to commencement. The Council's refusal of reserved matter approval related to the insufficiency of detail in relation to these two matters, as well as over refuse collection. The main issues in the appeal are whether adequate means of surface water management, foul drainage and refuse collection are demonstrated for the development to be considered acceptable in these regards.

Reasons

Surface water drainage

5. The outline approval establishes the permission for three dwellings. Therefore, the adequacy of surface water drainage and the other contested matters provide no grounds to overturn the principle of the development. The evidence refers to an incidence of flooding of the dwellings along the Wisbech Road. This seems to me to have related to an instance of when particularly intense rainfall overwhelmed the highway drainage system and flooded adjacent homes. However, the proposal falls within Flood Map Zone 1, indicating a low risk of flooding. There is no evidence this proposal would cause an unacceptable increase in flood risk to neighbouring areas. Whilst it would not be reasonable to expect such a small scale development to overcome the residual degree of flood risk in this wider area, it is necessary for it to address its own surface water implications in a satisfactory manner.
6. In this regard, the proposal is to provide a sustainable drainage system (SUDS), based on calculations that water run-off rates from the proposal would be no greater than currently. To retain a greenfield run-off rate, it is proposed to rely on ground absorption, intercepted by a crate storage system to then control the rate of run-off into the existing water course that runs alongside the host property. The internal drainage board responsible for this area had not objected in principle to such an arrangement, which would also be subject to approval under the building regulations. Notwithstanding this, the details are somewhat scant. Whilst I find no reasonable grounds for rejecting the proposals for surface water reasons, it would be both reasonable and necessary to apply a standard SUDS condition.

Foul water drainage

7. Regarding foul drainage the intention is to connect to the public sewer. However, the precise details of this are lacking. Should this not prove feasible, the details appear to suggest an alternative of each new dwelling having its own biodisc sewage treatment plant then discharging to the SUDS system. The permission is granted for three dwellings, and so foul drainage needs will need to be met in the optimal manner, despite precise details of this not yet being clear. Whilst I find no reasonable grounds for rejecting the proposals on account of inadequate foul drainage arrangements, it would again be both reasonable and necessary to make any consent the subject of a condition governing later approval of these.

Refuse arrangements

8. The permitted three dwellings will require the storage and collection of refuse and recycling bins. There is no condition to the outline planning permission requiring prior approval of these arrangements. This would be an unreasonable reason upon which to resist reserved matter consent. The layout plan shows bin storage at the rear of the plots and the host dwelling to be collected from Woodville Drive, on the existing waste and recycling collection round. The Council refers to the risk of cumulative clutter, obstruction of access and general untidiness. Reference is made to Woodville Drive being a private shared access, rather than a public highway. However, I fail to see what difference this makes to the concerns raised, particularly when a slight degree of upheaval at weekly bin collection times is a normal incidence in most residential areas.

9. The appellant nevertheless has suggested two alternatives. The first is the collection point used by the donor property on Wisbech Road, which might prove a convenient alternative for the plot 1 house. The second is via Gipsy Lane, which could serve No 317 and the plot 2 and 3 dwellings. The Council's refuse collection team appear not to have made any formal objections, notwithstanding the Committee's concerns. However, if an alternative is preferred, then final arrangements can be addressed by a condition.

Conditions and Conclusion

10. Of the conditions suggested by the Council, one is necessary specifying the plans the development shall accord with (1), although another requiring all external materials to be as shown on these is clearly superfluous. A condition is required to secure the timing of the planting proposed (2). From the Committee report, the Council evidently intended a condition protecting retained trees during construction, and a standard wording of one applies this (3). For the reasons explained above, conditions are necessary requiring the implementation of approved SUDS, foul drainage and refuse collection arrangements (4-6). The further condition suggested over measures to prevent surface water run-off onto the highway can be covered in the first of these. Given the close relationship with neighbouring dwellings, preserving existing living conditions necessitates a condition removing domestic permitted development rights (7).
11. Subject to these conditions, and for the reasons I have explained, I conclude that the appeal succeeds.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing numbers:
- 10087- 001 Rev B Proposed Plans Plot 1
 - 10087- 002 Rev B Proposed Elevations Plot 1
 - 10087- 003 Rev B Proposed Plans Plot 2
 - 10087- 004 Rev B Proposed Elevations Plot 2
 - 10087- 005 Rev B Proposed Plans Plot 3
 - 10087- 006 Rev B Proposed Elevations Plot 3
 - 10087- 007 Rev B¹ (only in respect of hard surfacing, fencing and retained hedging along boundary to Woodville Drive)
 - 270-09 dated October 2022 (only in respect of trees to be retained, native laurel hedge planting and boundary fencing)
 - 270-06 Proposed Drainage Plan (revision B), as amended and received on 26th February 2024.

¹ wrongly titled Proposed Elevations Plot 3

- 2) All planting comprised in the approved details shall be carried out in the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees as shown in drawing number 270-09 dated October 2022 (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 4) No development above ground level shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. Those details shall include:

i) a timetable for its implementation; and,

ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained in accordance with the approved management and maintenance plan.

- 5) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) Prior to the occupation of any of the residential units hereby approved, and notwithstanding details of the refuse storage areas shown on plan 10087, Rev B, details of the refuse collection arrangements shall be submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the agreed details and thereafter maintained in perpetuity.
- 7) Notwithstanding the provisions 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), the dwellings hereby permitted shall not be altered or extended (including any alterations to the roofs), no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings without express planning permission.
