



Appeal Decision

Site visit made on 10 September 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/M3645/W/25/3365197

Land off Oxted Road (A25), Oxted, Surrey, RH8 9NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for the approval of details required by a condition of a planning permission.
 - The appeal is made by Mr Stephen Byfield of Horizon Cremation Ltd against Tandridge District Council.
 - The application Ref 2020/690/Cond7 sought approval of details pursuant to Condition No 6 of planning permission Ref APP/M3645/W/21/3272384 granted on 30 September 2021.
 - The development proposed is a Crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure.
 - The details for which approval is sought are the design of a surface water drainage scheme.
-

Decision

1. The appeal is allowed and the details relating to the design of a surface water drainage scheme submitted pursuant to Condition 6, attached to planning permission Ref. APP/M3645/W/21/3272384 granted on 30 September 2021, in accordance with the application Ref. 2020/690/Cond7, dated 16 December 2024 and the details submitted with it are approved.

Preliminary Matters

2. In determining this appeal, I have taken account of the details submitted with the appellant's application, including:
 - Covering letter dated 16 December 2024
 - Infiltration Testing and Hydrogeological Assessment, Document Ref: 20373_R-001-V03, carried out by Soil and Structures Ltd
 - Letter Report BRE Digest 365 Soakaway Design and pre-design testing by Groundwater Dynamics Ltd dated 14 January 2025.
 - Drainage Design Statement, Document Ref: EC49-23-35-01 Version R02, by Engineering Consultancy 49
 - Groundwater Dynamics – BRE 365 Testing Report and Infiltration Testing Record Forms TD1, TD2 and TD3
 - Surface Water Calculations for 1 in 30 and 1 in 100 storm events
 - Drawing 11017/01G (Proposed Drainage Layout)
 - Drawing 11017/04 (Proposed Construction details)
 - Drawing 11071/06 (Drainage Longitudinal Sections)
 - Drawing 11017/05A (Overland Flooding Route Mapping under Blockage Scenarios)
 - 11017 Drainage Maintenance Schedule
 - 11017 Construction Phase Strategy
3. The Local Planning Authority (LPA) failed to determine the application within the relevant time period. However, following the decision of the Court to uphold the

grant of planning permission for the appeal development¹, the LPA has given its written approval to the details submitted pursuant to Condition 6 in a duplicate application by letter dated 4 September 2025.

Main Issue

4. Having regard to the reasons for the imposition of the Condition, the main issue in this appeal is whether the proposed surface water drainage scheme for the development would be acceptable with particular regard to flood risk. In determining this type of appeal, I am required to consider whether the submitted details are sufficient and acceptable, having regard to the requirements of the Condition, the reasons why it was imposed and the submissions of the parties.

Reasons

5. The appellant has provided a copy of a representation made to them from an interested party raising concerns with the surface water drainage scheme. They included the infiltration testing, rainfall calculations, elements of the drainage system, its protection from pollutants during construction and its future management and maintenance.
6. The appellant has addressed those matters through the appeal application, including undertaking additional infiltration testing in accordance with BRE Digest 365 protocol and a hydrogeological assessment of the site. The design of the scheme includes calculations for the relevant rainfall return periods, details of the drainage system's components, pollution protection measures during construction, and future management and maintenance arrangements.
7. Drainage and flood risk specialists at Surrey County Council (Lead Local Flood Authority) and the Environment Agency, raise no objection to the submitted details and are satisfied that the surface water drainage scheme for the development is acceptable. The advice of those experts carries significant weight in favour of an approval. Having carefully considered the information before me and having regard to the requirements of the Condition and the reason for its imposition, I find no basis to reach a contrary view.
8. Consequently, I conclude that the proposed surface water drainage scheme would be acceptable and would not increase the risk of flooding, consistent with Policy CSP15 of the Tandridge District Core Strategy 2008 and Policy DP21 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Adopted July 2014, insofar as they require the sustainable management of water in terms of flood risk and water quality.

Conclusion

9. For the reasons given above I conclude that the design of the surface water drainage scheme submitted pursuant to Condition 6 is acceptable. Accordingly, the appeal is allowed.

G Sylvester

INSPECTOR

¹ [2025] UKSC 32