



Appeal Decision

Site visit made on 8 October 2025

by **K Jones BA (Hons) DipLA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/U1105/W/25/3364947

Land Adjacent to River Sid, Fortescue Road, Sidmouth

Grid reference Easting 313610, Northing 89502

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr R Eley against the decision of East Devon District Council.
 - The application Ref 24/2618/FUL was approved on 11 March 2025 and planning permission was granted subject to conditions.
 - The development permitted is bridge over the river on private land.
 - The condition in dispute is No 3 which states that: Notwithstanding the submitted plans, prior to the first use of the bridge hereby approved details of signage shall be submitted to and approved in writing by the local planning authority. Such signage shall be installed on each approaching path/track leading to the bridge. The signage shall:
 - o warn users of the bridge about the potential for flood risks and
 - o advise avoiding the area during times of flood,
 - o advising users to not enter floodwaters
 - o identify safe access/egress routes.The signage shall be retained and maintained thereafter for the lifetime of the development.
 - The reason given for the condition is: To reduce flood risk and consequences for future users by ensuring safe access in accordance with Policy D1 and Policy EN21 of the East Devon local Plan (2013-2031).
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Decision

1. The appeal is allowed and the planning permission Ref 24/2618/FUL for bridge over the river on private land at Land Adjacent to River Sid, Sidmouth, EX10 8PU (Grid reference Easting 313610, Northing 89502) granted on 11 March 2025 by East Devon District Council, is varied by deleting condition 3 and substituting for it the following condition:
 - 1) Notwithstanding the submitted plans, prior to the first use of the bridge hereby approved, the design, construction, and location of flood safety signage shall be submitted to and approved in writing by the local planning authority. The signage shall:
 - warn users of the bridge about the potential for flood risks;
 - advise avoiding the area during times of flood; and
 - advise users to not enter floodwaters.

The signage shall be installed at each end of the bridge in accordance with the approved details prior to the first use of the bridge, and shall be retained and maintained thereafter for the lifetime of the development.

Procedural Matters

2. While the appeal is allowed, this is because I have amended the wording of the condition previously imposed. However, the condition remains broadly intact.
3. No site address was provided on the application form. I have therefore used the address from the Council's decision notice in my decision, and included the grid reference from the application form for clarity.

Background and Main Issue

4. Planning permission was granted in March 2025 for a bridge at the appeal site. The appeal seeks permission to carry out the development without complying with condition 3, on the basis that it is unreasonable and unnecessary. The disputed condition requires flood warning signage to be approved prior to the first use of the bridge and installed on each approaching path/track. The Council consider this condition to be necessary to reduce flood risk and consequences for future users of the bridge. The main issue is therefore whether condition 3 is reasonable and necessary to reduce flood risk and ensure the safety of users of the bridge.

Reasons

5. The appeal site lies within Flood Zone 3, with a high probability of flooding. The appellant's flood statement¹ describes it as a large, low-lying area, through which the River Sid slows and meanders. During times of flood, the river is described as expanding in width from a typical 5m, to as much as 90m in a series of patchy watercourses and ponds. I was able to view the flat expansiveness of the floodplain in this location. Within this context, use of the relatively flat and low-lying bridge during times of flood would appear to be a significant safety risk.
6. The land surrounding the proposal is evidently privately owned, and the appellant states that only himself and his river warden will use the bridge. However, the Design and Access Statement submitted with the application clearly indicates a future intention to allow public access. It sets out that the bridge would become a permissive way, linking two footpaths either side of the river to create an attractive circular walk from The Byes, and identifying a clear community need for the development.
7. Public access was not secured as part of the application. Nevertheless, the application submission, combined with the possibility of trespass, and the potential for future changes in management and access leads me to conclude that there is a reasonable likelihood of members of the public accessing the bridge. This could be in a formal or unauthorised capacity, now or in the future. Given this and the high probability of flooding, there are residual public safety concerns. While the signage required by condition 3 wouldn't physically alter the flood risk of the land surrounding the site, it would reduce the risk to the public by reducing the likelihood of people using the bridge during times of flood.
8. Notwithstanding this, there are no established paths or tracks across the informal woodland surrounding the bridge. The requirement to install signage on each approaching path/track to the bridge is therefore neither precise nor enforceable. Similarly, the identification of safe access and egress routes across an unrestricted area of woodland is not reasonable, and the inclusion of a map or other additional

¹ Email dated 08 February 2025

information directing users away from the bridge would unnecessarily increase the size and complexity of the signage.

9. Due to the absence of defined pathways or clear entry points to the land, placing signage within or at the edge of the woodland would not ensure visibility for all potential users. However, signage installed at a suitable height at both ends of the bridge structure would be clearly visible. While this would be too late to provide a warning during a flood event, it would nonetheless alert users of the high probability of flooding in that location, and subsequently reduce the likelihood of the bridge being in use during times of flood.
10. I acknowledge the appellant's concerns regarding the scale and cost of signage, however, it could be very simple, relatively small scale, and sensitive in design. While potentially open to vandalism and theft, such concerns do not override the public safety interests. Moreover, by positioning the signage on the bridge itself, the signage would not be widely visible to those who may see it as an invitation to enter the land.
11. During my site visit I viewed two further bridges over the River Sid, and noted that flood safety signage was not present. I do not have details of the considerations before the decision makers in respect of either bridge, nor do I have information on flooding patterns or its effects in these areas. However, each case must be assessed on its own merits, and it is not for me to speculate why or, indeed, if signage was not deemed necessary in those cases. The presence of other bridges in the vicinity without flood risk signage therefore carries limited weight in my consideration of this appeal.
12. Although a proliferation of safety signage on all bridges and riverside access routes would clearly be undesirable both from an environmental and economic perspective, the evidence does not indicate that it is the Environment Agency's intention to retrospectively seek such an outcome. Moreover, not all bridges and associated pathways would be subject to flooding dangers in the same way as this isolated and low-lying bridge within an expansive flood plain. As detailed above, simple signage attached to the bridge need not be intrusive in this context. My decision on this appeal is therefore unlikely to set an undesirable precedent that would cumulatively result in environmental harm or unjustly affect riparian landowners.
13. It follows that I find it is reasonable and necessary to retain a condition securing the installation of agreed signage in the interest of reducing flood risk and ensuring the safety of users of the bridge. Without the condition, the potential for formal or unauthorised public access to an area of high flood risk would conflict with Policies D1 and EN21 of the East Devon Local Plan (2013-2031). Amongst other matters, these policies concern the provision of safe access and management of flood risk. However, for my reasons above it is not necessary in this instance for the sign to detail safe access and egress routes, or for signage to be installed on each approaching pathway to the bridge.

Other Matters

14. Whether or not communications between the appellant and the Council and Environment Agency had indicated a willingness to this condition, the appellant has exercised their right to appeal the condition. I have therefore considered it accordingly.

15. Details of the signage construction and precise wording in relation to flood risk would be agreed with the Council, in consultation with the Environment Agency as needed. It is open to the appellant to propose a construction material which reflects the site context and constraints as they choose, recognising that signage should be present for the lifetime of the bridge. I understand the appellant's concerns regarding the time it may take to agree details with the Council, however the Council's processes and timescales do not affect my considerations in this appeal, which are restricted to the main issue above. In addition, any other signage relating to trespass, control of dogs, disturbance or damage to wildlife or river habitats are beyond the scope of this appeal.

Conditions

16. As I have concluded that a condition to install agreed flood safety signage is reasonable and necessary, I will replace the disputed condition with one that more concisely details the information required. I will also make amendments to the wording of the original condition to improve precision and enforceability. This condition is necessary to reduce flood risk and ensure the safety of users of the bridge.

Conclusion

17. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

K Jones

INSPECTOR