



Appeal Decision

Site visit made on 16 September 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/D0515/W/25/3368673

Mayflower, 12A Westfield Road, Manea, Cambridgeshire PE15 0JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr T & Mr T Cliss against the decision of Fenland District Council.
 - The application Ref is F/YR24/0525/O.
 - The development proposed is erection of 7 no. dwellings with 3 single garages, 4 double garages, new access and retaining of existing bungalow including demolition of existing sheds and formation of a retention pond.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 7 no. dwellings with 3 single garages, 4 double garages, new access and retaining of existing bungalow including demolition of existing sheds and formation of a retention pond at 12A Westfield Road, Manea, Cambridgeshire PE15 0JG in accordance with the terms of the application, Ref F/YR24/0525/O, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matter

3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. A plan has been submitted as part of the appeal which indicates the layout of dwellings and the location and approximate size of the proposed surface water retention pond. I have taken this plan into account for indicative purposes only.

Main Issue

4. The main issue is whether the proposed development would provide adequate surface water drainage.

Reasons

5. The sole reason for refusal relates to the adequacy of surface water drainage arrangements and compliance with Policy LP14 Part B of the Fenland Local Plan (2014) (LP). The Council contends that the absence of a detailed drainage strategy means the proposal fails to demonstrate that appropriate attenuation and discharge measures can be implemented, particularly given localised surface water flooding concerns.

6. The site lies within Flood Zone 1, which denotes a low probability of fluvial flooding. The evidence indicates some potential for surface water accumulation in parts of the site. However, this does not equate to an unacceptable risk where appropriate management and mitigation is secured.
7. An indicative sustainable drainage strategy was submitted during the application process, which was subject to consultation with relevant bodies. The indicative scheme includes a proposed attenuation basin which would serve the development, in which surface water from impermeable areas would collect before discharging by a flow control device to the surface water pipe north of Cox Way. The strategy demonstrates that surface water can be attenuated within the site and discharged at controlled rates, consistent with sustainable drainage principles.
8. While the Council considers the design 'conceptual', there is no technical evidence before me to show that the approach is unworkable or incapable of refinement at the detailed design stage. Any residual concerns regarding capacity or historic infrastructure issues can be addressed through conditions requiring a fully engineered scheme, informed by site-specific investigations and detailed design, and agreed by the Council.
9. The proposal indicates the provision of a new pipe crossing third-party land to connect with the maintained surface water pipe, which ultimately discharges into the Darcy Lode. Matters relating to land ownership and rights to lay such infrastructure are civil issues and not material planning considerations. I have not been provided with substantive evidence of ownership constraints beyond the site boundary, and these matters can be addressed outside of the planning process. They do not weigh against the grant of permission.
10. I acknowledge the local knowledge and historic reports of drainage issues. However, these assertions are not fully substantiated by technical evidence. The indicative strategy, combined with conditions requiring a fully engineered scheme, provides a reasonable and policy-compliant approach to managing surface water. In the absence of compelling evidence to the contrary, I do not consider these localised concerns sufficient to justify withholding permission.
11. Policy LP14 requires that proposals include a drainage strategy showing that appropriate arrangements can be implemented. In my view, the submitted strategy satisfies this requirement at outline stage. Detailed design and verification can be secured by condition, ensuring compliance with the policy's objective to manage flood risk.
12. For these reasons, I conclude that the proposal would provide an acceptable approach to surface water drainage and would accord with Policy LP14 of the LP which, among other things, seeks to ensure that development incorporates appropriate measures to manage flood risk and surface water runoff.

Other Matters

13. I acknowledge the concerns raised by the Parish Council and local residents in relation to highways safety and living conditions. However, based on the evidence before me and my site visit, I find no reason to disagree with the Council's conclusions on these matters.

Conditions

14. The Council has provided a list of suggested conditions, which I have considered against paragraph 57 of the National Planning Policy Framework, (the Framework), and advice contained in the Planning Practice Guidance. Where appropriate, I have amended the wording of the suggested conditions for clarity and reasonableness.
15. In the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters, the commencement of development as well as the approved plans.
16. A condition relating to drainage is necessary to reduce the risk of flooding, secure sustainable development and protect water quality. Given the high archaeological potential of the site, I have attached a condition requiring the submission and approval of a written scheme of archaeological investigation.
17. In the interests of highways safety, I have attached conditions that require the proposed access to be implemented before occupation of the proposed dwellings and the estate roads managed and maintained thereafter. Given the proximity of neighbouring properties, a condition requiring a Construction Environmental Management Plan is reasonable in the interests of maintaining highway safety and amenity during construction. A condition requiring details of refuse storage and collection is also considered necessary in the interests of amenity and sustainability.
18. I have imposed conditions relating to biodiversity and habitat enhancements, including external lighting, to ensure best practice and that the proposed measures remain relevant and proportionate to the biodiversity value of the site. However, I have not included the suggested condition relating to a Biodiversity Gain Plan (BGP). The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act, 1990, is that planning permission granted for development of land in England is deemed to have been granted subject to the mandatory condition (the biodiversity gain condition) and that development may not begin unless a BGP, including proposed enhancements, has been submitted to and been approved by the Council.

Conclusion

19. The proposal accords with the development plan, when taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is allowed.

C Mayes

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale (“the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - H8616/01 Topographic Site Plan;
 - H8616/02 Rev C Existing Site Plan & Location Plan;
 - H8616/04 Rev C Proposed Site Plan with Indicative Layout;
 - Arboricultural Impacts Assessments, OMC Associates, 18 January 2023;
 - Preliminary Ecological Appraisal & Preliminary Roost Assessment, Hillier Ecology, Feb 2023
- 5) No development shall take place until a detailed foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii) include a timetable for its implementation; and, iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 6) No development (including demolition) shall take place until: (i) an archaeological Written Scheme of Investigation (WSI) been submitted to and approved in writing by the local planning authority; and (ii) any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details within the WSI.

- 7) The development hereby permitted shall not be occupied until the means of access for vehicles/pedestrians/cyclists has been constructed in accordance with the approved plan H8616/04 Rev C. The access shall be retained thereafter.
- 8) The development hereby permitted shall not be occupied until full details of the management and maintenance of roads within the development have been submitted to and approved in writing by the local planning authority. The roads shall be maintained in accordance with the approved details until an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
- 9) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the local planning authority.

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

- 10) The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the local planning authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.
- 11) The details submitted in accordance with the reserved matters shall include full details of biodiversity enhancements and habitat improvements, as set out in the Preliminary Ecological Appraisal & Preliminary Roost Assessment, February 2023. These details shall include:
 - (i) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - (ii) proposed planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, sizes and proposed numbers/densities where appropriate;
 - (iii) placement, type, number and details of recommended biodiversity enhancements and habitat improvements;
 - (iv) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing;
 - (v) details of bird and bat boxes (including elevation drawings);
 - (vi) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
 - (vii) a timetable for landscaping and biodiversity enhancement implementation; and,
 - (viii) management and maintenance details.

The development hereby approved shall not be occupied until the biodiversity enhancement scheme has been carried out and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

- 12) If the development hereby approved does not commence within two years of the date of this permission, the ecological measures shall be reviewed and revised, and where necessary informed by further ecological surveys, and shall be submitted to and approved in writing by the local planning authority and carried out in accordance with the revised details.
- 13) Prior to the installation of external lighting, other than in private gardens, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

Ends