

Application for the discharge of a drainage condition regarding planning application 3/2024/1022, allowed on appeal reference APP/T2350/W/25/3364654 on 25 September 2025.

Highcroft, Painter Wood, Whalley Old Road, Billington, Lancashire BB7 9JD.

Planning Statement

Ref: JH.190326.A



Prepared by Hartley Planning and Development Associates Ltd

The above approval is for partial demolition and partial conversion of an existing 5 bedroom property and new build extension to form a 5 bedroom dwelling on the same site.

The appeal was allowed on 25 September 2025 subject to the following condition
'2. The development hereby permitted shall be demolished to ground level and the materials resulting from the demolition shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

i) Within 3 months of the date of this decision a scheme including:

a) full specifications of materials to be used on all external surfaces of the development hereby permitted; and

b) a detailed surface water drainage scheme

(hereafter referred to as the 'site development scheme') shall have been submitted for the written approval of the local planning authority along with a timetable for its implementation.

ii) If within 11 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined'

Application No. 3/2025/0971 for the discharge of the condition was submitted to the local planning authority (LPA) on 11 December 2025.

Part 1) (a) of the above condition (relating to external materials) was discharged on 20 February 2026 but Part i) (b) relating to drainage was refused for the following reason:-

'The discharge of this condition is refused insofar that United Utilities have raised concerns that the documentation does not outline a suitably detailed surface water drainage scheme to demonstrate that flood risk would not be increased'.

The decision to refuse the drainage condition is now the subject of an appeal to the Planning Inspectorate

The Notice refusing to discharge the drainage condition was accompanied by the written objection from United Utilities which, helpfully, included a phone number should we wished to consult UU further.

We have now done so, making UU aware of, amongst other things, the Planning Inspector's Decision letter, Michael Pooler Assocs' report on surface water drainage (submitted again with the current application) and also a plan for its consideration showing that while the dwelling would continue to be connected, as now, to UU 's infrastructure, that there would be no additional connections with regard to garden drainage and which would be served by French drains leading to two soakaways. UU has indicated in writing that the drainage plan submitted to it is sufficient for it to be able to withdraw its objection

The same plan is submitted with this current application.

Moreover: -

1. The drainage condition relates to the drainage to the garden area
2. The site is in flood zone 1 as shown on the Environment Agency's flood map. ie the lowest category for flood risk
3. Only approximately 43% of the tarmac associated with the existing access and hard areas would be retained, to be replaced by soft landscaping.
4. We have consulted Michael Pooler Associates, consulting civil and structural engineers. The response from Michael Pooler M.SC. C.Eng. M.I.C.E. F.Cons.E. is submitted to the LPA.

It is his view that any changes to the contours to the garden will not have altered the water table to any significant extent and that the reduction in existing hard surfaces and the commensurate increase in soft surfaces will be a preventative addition to any flood risk, not that he sees that there is any such significant risk

Conclusion

As the recent refusal to discharge the drainage condition was based upon the objection from United Utilities, but now that it has now indicated that it can withdraw its objection having considered the submitted drainage plan, we believe that the reason for the refusal has been addressed.

Timetable for implementation

The surface water connection is already in place. The proposed cut off drain for the garden area would be in place before the winter of 2026