

Appeal against the refusal by Ribble Valley Borough Council for the discharge of a condition relating to an approval for the partial demolition and partial conversion of an existing 5 bedroom property and new build extension to form a 5 bedroom dwelling on the same at Highcroft, Painter Wood, Whalley Old Road, Billington, Lancashire BB7 9JD under approval reference APP/T2350/W/25/3364654

Application reference for the discharge of the condition: 3/2025/0971

Appeal Statement

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission for the discharge of a planning condition subject to which a previous planning permission was granted.
- The appeal is made by Ms. J. Hardman against the decision of Ribble Valley Borough Council.
- The application reference is 3/2025/0971 .
- The proposed development is for the 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, approved under reference APP/T2350/W/25/3364654.
- The appeal relates to the refusal by the Council in its decision notice of 20 February 2026, to discharge a condition relating to Condition 2 (b) (surface water drainage) stating that : -

‘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' .

Procedural Matter

Condition No. 2 to the appeal approval states that what is termed a '*site development scheme*' should be submitted to the local planning authority within 3 months of the date of the appeal decision letter. (The site development scheme includes details of proposed external materials (part 2a) and a detailed surface water drainage scheme (part 2b).

The appeal decision letter is dated 25 September 2025. The application for the discharge of condition No 2 ,relating to the '*site development scheme*' is dated 11 December 2025 and which the LPA validated on 12 December 2025.

Therefore, the application for the discharge of the condition was submitted within the required 3 month period from the appeal decision letter. The appeal is also made submitted within 11 months of the appeal decision letter , as required by the condition.

The condition in question requires the submission of the proposed external materials for the dwelling and for details of surface water drainage. The decision notice 3/2025/0971 approves the external materials condition 2a) but refuses the surface water drainage proposals(Condition 2b).

The Main Issue

In view of the decision notice 3/2025/0971 where external materials are approved relating to condition No.2a of the appeal decision letter, the main issue is whether

the submitted surface water drainage proposals for condition 2b are sufficient to discharge the condition in its entirety.

Reasons

The LPA's reason for refusing the surface water proposal, stated in its Decision Notice is because : -

'The details submitted pursuant to Condition 2 (b) (surface water drainage) of planning appeal ref: APP/T2350/W/25/3364654 as below is not considered to be acceptable:

*-United Utilities Drainage Document titled 'CON29DW Residential Search'
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' .*

United Utilities' consultation letter (UU) of 20 February 2026 (reference DC/26/406) states: -

'Further to our review of the submitted documents, Planning Statement, Rev JH.111225.A – Dated December 2025, United Utilities recommends that condition 2 is not discharged. This is because no detailed drainage layout drawing has been provided.

The applicant can discuss their drainage proposals with our Developer Services team by email at SewerAdoptions@uuplc.co.uk . Alternative ways to contact the team are detailed in the Appendix, Section 6.0 contacts.

When considering their drainage proposal it is the applicant's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines. United Utilities will not routinely carry out this assessment when reviewing drainage proposals submitted within a planning application. Where infrastructure exists, the

drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date'.

Relevant conclusions/reasoning of the Planning Inspector when imposing the condition

The Planning Inspector concludes that *'the plans and drawings show that the proposal does not amount to a new dwelling, but rather the substantial redevelopment of an existing dwelling'* (paragraph 3). It is a householder type development.

The Inspector also states that *'I note that the development would increase the floorspace of the property by around 2% and increase its volume by less than 4%'*.(paragraph 11). Hardly material additions

As the appeal related to a householder application, the inspector refused to include a condition proposed by the LPA relating to surface water and foul connections, stating at paragraph 33 that *'the proposal will be connected to the drainage system of the existing dwelling. Therefore I consider that the detailed condition suggested by the Council would be unnecessary and unreasonable'*.

(NB The LPA had suggested the following condition : -

'12. Within three months of the date of this permission, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

I An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for

infiltration of surface water in accordance with BRE365;
li A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
lii Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; Ribble Valley Borough Council Your ref 3/2024/1022 By email Our ref DC/25/282 Date 24-FEB-25
lv Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
V Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development’).

However, the inspector did impose a drainage condition, but relating to the drainage of the garden area, stating that *‘the proposal introduces land remodelling and new retaining features in a hillside location, and my attention has been drawn to surface water run-off issues. As such, I consider it necessary to impose a condition to secure a surface water drainage scheme’*

I think one neighbour, opposed to the remodelling of the house, raised the issue of possible surface water run-off but without any specific details.

The position with regard to the curtilage area is that the amount of existing hard surface would be reduced by some 43%, to be replaced by soft landscaping, with a better opportunity for ground water absorption.

Our submitted details for the discharge of the drainage condition

Our Planning Statement, submitted for the discharge of condition No 2 , shows in

different colours the submission with regard to the drainage element of it, and also the various communications with the LPA which resulted from it: -

‘Surface Water Drainage

The Planning Inspector has concluded that the appeal approval relates to a householder application. As such, the proposed changes to the house will not change the existing discharge of surface water to the public sewer. Plans and details are submitted to confirm the existing connection and which will continue to be used.

Moreover, the site is in flood zone 1 as shown on the Environment Agency’s flood map. ie the lowest category for flood risk.

The National Planning Policy Framework 2025 (the Framework) at note 63 states that *‘a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other.*

None of the above apply in this case.

So far as sustainable drainage requirements are concerned, the Written Ministerial Statement 2014 (WMS) (submitted as part of the application) states that *‘ we expect local planning policies and decisions on planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development (as set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010) - to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate’.*

It adds that *‘To protect the public whilst avoiding excessive burdens on business, this policy will apply to all developments of 10 homes or more and to major commercial development. The Government will keep this under review, and consider the need to make adjustments where necessary’*

Thus, the sustainable drainage requirements of this householder development is not subject to the above sustainable drainage requirements. Nevertheless, we have considered the options for draining the site and consider that the preferred alternative is to keep to the drainage arrangements for the existing dwelling, ie drainage to the mains, and as per the drainage plan as already submitted for the discharge of the condition.

As the house is already connected in this way, there is no reason to consider that the householder proposals would have anything other than an immaterial effect to the existing drainage for the house

The LPA has now replied as follows on 28 January 2026 with regard to the drainage condition: -

Drainage – The proposed scheme involves excavation works, new hardstanding and walls. At the very least, we require evidence to demonstrate that the proposal would result in no greater impact to flood risk than the existing. It is not considered the information submitted demonstrates this.

In response, 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

For our part, we can add that the development includes a cut off drain at the top of the slope at the back of the house, as is a normal Building Regulation good practice.

Only approximately 43% of the tarmac associated with the existing access and hard areas would be retained, to be replaced by soft landscaping

Planning condition 2(1)(b) requires the submission of a detailed drainage scheme.

The above submission relating to the garden area supplements our earlier submission indicating the continued drainage of the house to the United Utilities (UU) drain in the highway, as shown on the submitted UU plan'.

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

Construction work on the changes to the dwelling are underway. External materials should all be in place within 6 months from the date of the application to discharge the condition.'

In summary, our submissions for the discharge of the drainage part of the condition includes the following: -

1. A plan of the drainage infrastructure in the immediate area of the appeal site, purchased from UU, showing the drainage connections from both the dwelling and from its curtilage
2. A plan to show a cut off drain to the back and sides of the house – even though item No 3 then concluded it is not necessary
3. The submission of a commissioned report by Michael Pooler Associates , civil engineers, which concludes that as the amount of hard landscaping would be reduced by some 43%, to be replaced by soft landscaping which would permit a greater area for water absorption, and where the water table would not be significantly or adversely affected by any works to the garden area, that : -

'Anecdotal evidence of the occupancy of the existing building has not identified any problems with surface water run-off and the current structure and minor external alterations would not produce any additional quantities of surface water which cannot be dealt with, with the existing combined drain and existing rainfall over the area through the previous grassed hillside' .

Other matters

1. As we are not sure what information was submitted by the LPA to UU as part of its consultation exercise, we have written to UU as its consultation letter advises with a full explanation of the householder nature of the application and the use of existing drainage connections only, and its reply is awaited
2. In its consultation response, UU states that *'where infrastructure exists, the drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations .*

The appeal relates to a householder application and where there are no new drainage connections proposed to UU's infrastructure. We concur that the drainage is a matter for compliance under the Building Regulations.

Conclusion

The appeal relates to a condition requiring the submission of a detailed surface water drainage scheme. However, the Planning inspector, when imposing the condition, states in her decision letter that *'the proposal will be connected to the drainage system of the existing dwelling. Therefore I consider that the detailed condition suggested by the Council would be unnecessary and unreasonable'*.

However, the inspector did impose a drainage condition, but relating to the drainage of the garden area, stating that *'the proposal introduces land remodelling and new retaining features in a hillside location, and my attention has been drawn to surface water run-off issues. As such, I consider it necessary to impose a condition to secure a surface water drainage scheme'*.

The exact requirements for a detailed drainage schmen are not specified in the condition. Nevertheless, we have submitted details of a full drainage scheme, for the house and for the garden area. The submission includes the drainage pattern for the house and garden and the existing connections to UU infrastructure to continue in

use, and also a plan to show a proposed cut off drain for the garden, all without any new connection to UU's infrastructure. The plans are accompanied by a civil engineering report which concludes that a reduction in the hard landscaping of the garden and its replacement with soft landscaping (+43%) will improve the porosity of the garden area, but where the minor remodelling of the garden will not affect the underlying water table level.

Moreover, UU acknowledges that where no new connections are proposed to its infrastructure, Building Regulation approval provides a suitable control mechanism.

Therefore, for the above reasons, we request that the condition 2b is discharged, based upon the submitted, existing UU drainage map showing the existing drainage connections to continue in use , the proposed drainage plan for the garden, on the report of Michael Pooler Assocs., civil engineers.

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HP and DA Ltd

February 2026