Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2026

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2026

Appeal Ref: 6001365
Land to the rear of 52e Chapel Lane, Beanacre, Melksham SN12 7PX

- 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 Ian Taylor and John Lee against the decision of Wiltshire Council.
- The application Ref is PL/2023/05883.
- The development proposed is erection of three dwellings, with access, parking, and associated works including landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved. Access, appearance, landscaping, layout and scale are matters reserved for future consideration. As far as any details of matters relating to those reserved matters have been provided on the submitted plans, I have treated these as indicative.

Main Issue

3. The main issue is whether the proposed development would be safe for its lifetime having regard to flood risk from groundwater, whether a satisfactory and sustainable drainage strategy has been demonstrated, and the consequent implications for the application of the Sequential Test.

Reasons

4. The appeal site lies within Flood Zone 1 and is therefore at the lowest probability of flooding from rivers and the sea. However, paragraph 170 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and that development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraphs 173 to 175 require account to be taken of flood risk from any source, including groundwater flooding, both now and in the future.

5. Residential development is generally assumed to have a lifetime of at least 100 years. Consequently, flood risk must be considered both now and in the future, taking account of the potential effects of climate change.

6. The Wiltshire Strategic Flood Risk Assessment (SFRA) 2019 identifies the appeal site as lying predominantly within the second-highest groundwater susceptibility

category, with a smaller area within the highest category. In those circumstances, groundwater flood risk is a relevant consideration in this appeal.

7. The SFRA is an important part of the evidence base and paragraph 174 of the Framework indicates that it provides the basis for applying the sequential approach. However, the SFRA is a strategic assessment and the evidence before me also includes site-specific investigations undertaken specifically for this proposal. Moreover, paragraph 3.4.3 of the SFRA advises that strategic groundwater mapping should not be used as the sole evidence for site-specific planning decisions. In these circumstances, I attach substantial weight to the site-specific investigations that have been undertaken.

8. The appellants' Flood Risk Assessment and Drainage Statement (FRA) records groundwater levels as shallow as 0.2m below ground level during monitoring and categorises groundwater flood risk as medium/high. The accompanying geotechnical evidence similarly identifies shallow and variable groundwater conditions, indicating that groundwater can rise close to the ground surface during winter periods.

9. I have had regard to the appellants' submission that the winter 2023/24 monitoring should be discounted because rainfall levels exceeded those associated with a 1 in 100-year event. However, the purpose of the assessment is to determine whether the development would remain safe throughout its lifetime having regard to flood risk and climate change. In that context, evidence demonstrating how groundwater responds during periods of elevated rainfall remains relevant to the assessment of future risk and drainage performance.

10. The groundwater conditions identified through monitoring informed the drainage assessment submitted with the application, including the conclusion that conventional soakaways would be unsuitable and the need for a drainage strategy specifically designed to respond to shallow groundwater conditions. These findings derive from the appellants' own investigations and are therefore afforded significant weight.

11. Although the appellants assert that the site should be categorised as low risk for the purposes of paragraph 5.2.1 of the SFRA, I do not regard that strategic categorisation exercise as determinative of the site-specific circumstances demonstrated by the direct monitoring and investigation undertaken for this proposal. Those investigations provide more recent and direct evidence of groundwater conditions on the appeal site and therefore carry significant weight in my assessment.

12. Consequently, whilst the SFRA remains an important component of the evidence base, I place greater weight on the appellants' site-specific groundwater monitoring and geotechnical investigations. Taken together, they demonstrate that elevated groundwater conditions are a material consideration in assessing the site's suitability for residential development, irrespective of the site's strategic categorisation within the SFRA.

13. The proposed drainage strategy reduces reliance on conventional soakaways but nevertheless remains dependent upon infiltration-based drainage measures and ground conditions to achieve its intended performance. The revised scheme incorporates alternative sustainable drainage features, principally rainwater gardens and permeable gravel areas designed to store and disperse runoff into the

surrounding ground. Although supported by drainage calculations and modelling, the effectiveness of those measures remains dependent upon the recorded ground and groundwater conditions. The critical issue is therefore whether the evidence demonstrates that the assumed drainage performance can be achieved and maintained throughout the lifetime of the development.

14. I have carefully considered the submitted MicroDrainage modelling and associated drainage calculations. The modelling adopts the lowest recorded infiltration result together with a factor of safety and predicts acceptable performance.

15. However, the geotechnical evidence confirms that infiltration testing was incomplete and that the recorded infiltration rates were derived through extrapolation. The geotechnical report further concludes that infiltration rates are likely to reduce as soils become saturated and that soakaway drainage is unlikely to be suitable for the site. Moreover, groundwater monitoring recorded groundwater as shallow as 0.2m below ground level during winter conditions, and the monitoring report concluded that groundwater is close to ground level across the site during winter months. In these circumstances, whilst I have had regard to the modelling results, I am not persuaded that the submitted evidence demonstrates that the infiltration assumptions relied upon within the modelling have been shown to reflect drainage performance under the groundwater conditions recorded on the site throughout the lifetime of the development.

16. I also recognise that the drainage strategy was amended in response to groundwater monitoring and consultation responses, including the removal of conventional soakaways and the incorporation of rainwater gardens, permeable surfacing, water harvesting measures and a drainage mound. However, those measures remain dependent upon infiltration into ground conditions affected by shallow groundwater and identified permeability constraints. Consequently, I am not satisfied that the revised strategy has demonstrated satisfactory long-term performance.

17. The appellants also rely upon proposed finished floor levels being raised above existing ground levels. Although this may reduce the likelihood of groundwater affecting the proposed dwellings themselves, it does not demonstrate that the proposed drainage strategy would function effectively or otherwise overcome the groundwater constraints identified through site investigation.

18. Whilst a positive outfall to the adjacent ditch may be available, this does not alter my conclusion that the drainage strategy remains dependent upon infiltration-based measures whose long-term effectiveness has not been demonstrated having regard to the recorded groundwater conditions.

19. The proposed foul drainage strategy relies on a package treatment plant discharging via a drainage mound and associated infiltration trenches, specifically designed to respond to the recorded groundwater conditions. However, the effectiveness of this strategy remains dependent on infiltration into ground conditions where the geotechnical evidence identifies significant permeability constraints and where groundwater monitoring recorded groundwater levels close to the surface. Furthermore, given the indication within the submitted drainage design that further testing is required under Building Regulations Part H, I am not persuaded that the information submitted demonstrates the long-term effectiveness of the proposed foul drainage arrangements. Accordingly, I am not satisfied that an

effective and sustainable foul drainage strategy has been demonstrated in principle.

20. I also note that the Council's Lead Local Flood Authority (LLFA) objects to the proposal. Although earlier consultation responses suggested that the proposal might be made acceptable through conditions, the LLFA's final consultation response maintained an objection following consideration of the updated groundwater monitoring. The objection is broadly consistent with the appellants' own evidence of shallow groundwater and low permeability conditions. Whilst I have had regard to the LLFA's views, my conclusions are based principally on the evidence submitted by the appellants.

21. Taking these matters together, I am not satisfied that the submitted drainage strategy has been shown to operate satisfactorily throughout the lifetime of the development, particularly during periods of elevated groundwater.

22. The appellants refer to the absence of any recorded history of groundwater flooding at the appeal site, the absence of flooding affecting nearby residential properties, including some located within the highest groundwater susceptibility category, Government flood-risk mapping, and nearby dwellings said to utilise infiltration-based drainage arrangements without recorded flooding problems. However, limited evidence has been provided regarding the design, operation or performance of those drainage systems and I therefore attach limited weight to those comparisons.

23. Furthermore, the absence of evidence of historic groundwater flooding affecting the appeal site, or nearby properties located within areas of higher groundwater susceptibility, does not in itself demonstrate that the proposed development would remain safe throughout its lifetime or that the proposed drainage strategy would operate satisfactorily under the groundwater conditions identified through site investigation. I have also had regard to the appellants' reference to planning permission PL/2022/08848. However, insufficient information has been provided regarding the circumstances of that development to enable any meaningful comparison to be drawn, and I therefore attach limited weight to that comparison.

24. The appellants rely on the Stanton St Quintin and Chapmanslade appeal decisions in support of their contention that drainage matters could be addressed through planning conditions or subsequent approvals. However, appeal decisions are not binding precedents and must be considered in the context of their particular facts and evidence.

25. The Stanton St Quintin decision concerned Permission in Principle, where drainage details could be assessed at the subsequent Technical Details Consent stage. By contrast, in this appeal I must determine whether the evidence demonstrates, in principle, that an acceptable infiltration-based drainage strategy can be achieved having regard to the groundwater and ground conditions identified through the appellants' own investigations. For the reasons set out above, I am not satisfied that it does. In the circumstances of this appeal, the fundamental question is whether the evidence demonstrates that a satisfactory drainage solution can be achieved in principle having regard to the recorded groundwater conditions. Given the uncertainty identified above, I am not persuaded that the matter is capable of being deferred to conditions without first establishing that an acceptable solution exists in principle.

26. In the Chapmanslade decision, flood risk did not form part of the Council's reasons for refusal and the Inspector was not required to determine equivalent issues. Accordingly, neither decision leads me to a different conclusion.

27. Nor do the appellants' references to potential alternative measures, including attenuation storage, rainwater harvesting and water butts, alter my conclusions. Whilst such measures may reduce runoff, the evidence before me does not demonstrate that they would overcome the concerns identified regarding the suitability and performance of the proposed infiltration-dependent drainage strategy having regard to the groundwater and ground conditions identified through site investigation.

28. The existence of a draft condition does not alter my conclusion. The issue is not the approval of drainage details, but whether the evidence demonstrates in principle that an acceptable drainage solution can be achieved having regard to the recorded groundwater conditions.

29. Whilst I have had regard to the proposed finished floor levels and other mitigation measures, paragraph 175 of the Framework requires more than protection of the proposed dwellings themselves. The evidence before me must demonstrate that the proposed development, including associated drainage infrastructure, foul drainage arrangements, access and surface water management features, would remain safe throughout its lifetime having regard to flood risk from groundwater. For the reasons set out above, I am not persuaded that this has been demonstrated in the circumstances of this case.

30. Accordingly, for the reasons set out above, I am not satisfied that the submitted FRA demonstrates that the proposed development, including the proposed dwellings, drainage infrastructure, access arrangements and associated works, would remain safe throughout its lifetime having regard to flood risk from groundwater. Nor am I satisfied that the effectiveness of the proposed surface water and foul drainage systems has been demonstrated. Consequently, I find that the circumstances described in paragraph 175 of the Framework have not been established and that the exemption from the Sequential Test is not available in this case.

31. As I have found that the circumstances described in paragraph 175 of the Framework have not been established, the exemption from the Sequential Test is unavailable. No Sequential Test has been undertaken and, in the absence of such an assessment, I cannot conclude that the requirements of the sequential approach have been satisfied.

32. Therefore, the proposal conflicts with Core Policy 67 of the Wiltshire Core Strategy, saved Policy U1a of the West Wiltshire District Local Plan (1st Alteration) 2004 and the Framework. Collectively, and amongst other things, these policies seek to ensure that flood risk from all sources is appropriately assessed and taken into account in decision-making, that development is directed to areas at the lowest risk of flooding from any source, that the sequential approach is applied where required, and that satisfactory surface water and foul drainage arrangements are demonstrated so that development remains safe throughout its lifetime without increasing flood risk elsewhere.

33. Areas at risk of flooding are identified in footnote 7 to paragraph 11 of the Framework as policies of particular importance. Having found conflict with the

Framework's flood-risk policies and that the Sequential Test has not been satisfied, I conclude that these matters provide a strong reason for refusing the development for the purposes of paragraph 11(d)(i) of the Framework.

34. Consequently, the presumption in favour of sustainable development does not indicate that planning permission should be granted.

Other Matters

35. The recent adoption of the Joint Melksham Neighbourhood Plan 2 and the objections raised on that basis have been taken into account. However, given my findings in relation to flood risk, drainage and the Sequential Test, it is unnecessary for me to reach a definitive conclusion on those matters.

36. Whilst concerns have been raised by interested parties regarding matters including highway safety and ecology, these do not form part of the Council's reasons for refusal and there is insufficient evidence before me to conclude that unacceptable harm would arise.

Planning Balance and Conclusion

37. In favour of the proposal, it would provide three additional dwellings and therefore make a modest contribution to housing supply. I have had regard to the Council's housing land supply position of approximately 2.03 years and to the appellants' submissions that the proposal would contribute towards meeting housing needs in circumstances where there is a substantial shortfall in deliverable housing land. The proposal would also provide modest economic benefits during construction and through future household expenditure. In addition, it would make a small contribution to local housing choice and availability. In these circumstances, and having regard to the Council's significant housing land supply shortfall, I attach substantial weight to the provision of three additional dwellings.

38. However, the unresolved concerns regarding groundwater flood risk and drainage weigh heavily against the proposal. Furthermore, the proposal has not been shown to satisfy the Framework's requirements in relation to flood risk, drainage or the sequential approach. These matters give rise to significant conflict with national and local planning policy, to which I attach very substantial weight.

39. Even taking account of the substantial weight that I attach to the provision of additional housing, together with the modest economic and social benefits associated with the proposal, I find that the benefits of the proposal do not outweigh the harm arising from the conflict with flood-risk policy, the failure to satisfy the sequential approach required by national policy and the unresolved concerns regarding groundwater flood risk and drainage. Accordingly, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR