



Appeal Decision

Site visit made on 25 March 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/A2525/W/24/3355183

29 Pipwell Gate, Moulton Seas End, Spalding, Lincolnshire PE12 6LU

- 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 Ms N Werner of Florinee Homes against the decision of South Holland District Council.
 - The application Ref H13-0524-24 was approved on 17 October 2024 and planning permission was granted subject to conditions.
 - The development permitted is change of use from residential dwelling to children's home.
 - The condition in dispute is No 6 which states that: A scheme showing the provision of a 1.8m wide footway, outside of 2 Pipwell Gate, to connect the development to the existing footway network, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this decision. The scheme shall include details of the appropriate arrangements for the management of surface water run-off from the highway. The scheme shall be implemented within 6 months of the date of the approved details and once implemented they shall be maintained thereafter.
 - The reasons given for the condition is: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property. This Condition is imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.
-

Decision

1. The appeal is allowed and the planning permission Ref H13-0524-24 for change of use from residential dwelling to children's home at 29 Pipwell Gate, Spalding, Lincolnshire PE12 6LU granted on 17 October 2024 by South Holland District Council, is varied by deleting condition 6.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this instance, the policies of the Framework most relevant to the appeal are unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issue

3. Planning permission was granted, subject to conditions, for the change of use of the appeal site from a residential dwelling to a children's home (the original permission). The appeal requests the removal of Condition 6 imposed on that permission, which requires the submission and approval of a scheme for the provision of a footway outside of 2 Pipwell Gate, to connect the appeal site to the existing footway network. The appellant contends that the disputed condition is unnecessary and unreasonable.

4. The main issue is whether the condition is reasonable and necessary to provide safe and adequate pedestrian access to the appeal site having regard to the development plan.

Reasons

5. No 29 is a two-storey property located on Pipwell Gate, a lightly trafficked residential street fronted on both sides primarily by detached single and two-storey dwellings. Whilst there is no footway immediately adjacent to the appeal site, there is a footway located on the opposite side of the road. This continues along one side for most of its length, connecting pedestrians along Pipwell Gate to the village. Pedestrians are required to cross the street, close to the junction of Pipwell Gate and Seas End Road where the footway changes sides. There is a small break in the footway close to where this change occurs, approximately 130 metres away from the appeal site.
6. Conditions 3 and 4 imposed on the original permission allow a maximum of four children to reside at No 29 and no more than 8 members of staff or visitors to be present at any one time. The submitted evidence confirms that care would be provided on a shift basis, and other than during shift hand over times, the number of staff likely to be present at any one time would often be less than this. Even so, the use of No 29 as a children's home for vulnerable young people could generate a greater number of trips than a typical family home.
7. Policy 1 of the South East Lincolnshire Local Plan 2011-2036 (2019) (LP) identifies a settlement hierarchy which has been defined following consideration of a number of factors including proximity to local shops, services and community facilities and access to public transport. Moulton End Sea is identified as an Other Service Centre and Settlement with limited local shops, services and community facilities. As a consequence, most trips to and from the appeal site in order to access larger settlements and for staff commuting to and from their main place of residence, would likely be via the private vehicle. On this basis, pedestrian movements would be very limited and unlikely to be more than typically expected with the use of No 29 as a dwellinghouse. This is even if children are more likely to be accompanied by an adult when walking to the village given their likely vulnerabilities.
8. The Council's reason for the condition is to ensure the provision of safe and adequate pedestrian access to the appeal site, without increasing flood risk, in line with specific policies cited in the LP. Policies 2 and 3 of the LP requires development to consider access, accessibility by a choice of travel modes and to ensure that public places are accessible to all. Despite reference to pedestrian routes within the supporting text, Policy 36 of the LP relates to vehicle and cycle parking and is not therefore relevant to the condition in dispute. Despite not being referred to on the decision notice, the Council indicates that Policy 33 of the LP is also relevant as it seeks to improve connectivity to create a more coherent walking network.
9. Whilst a full pedestrian link to the village is desirable, the break in the footway is short and is an existing situation for the residents of Pipwell Gate. On this basis, I am not convinced that the break creates a significant barrier to pedestrian connectivity or safety particularly given the limited number of pedestrians likely to emanate from the appeal site. Furthermore, the appellant indicates that the provision of a 1.8 metre-wide footway may not even be possible due to the

limitations in the width of the road. Whilst the Council indicate that the section of footway could be accommodated entirely within the public highway, in the absence of a plan to demonstrate this, I share the same concern as the appellant in this regard. Taking these factors and limited footfall expected as a result of the children's home into account, the requirement for a footpath link would be onerous having regard to the limited pedestrian access requirements arising from the appeal proposal.

10. Whilst the Framework sets out that opportunities to promote walking, cycling and public transport use should be identified and pursued, it is also clear that planning conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
11. Overall, no clear justification for the imposition of Condition 6 has been provided and I find no necessity for it to be used to make the development acceptable in planning terms. The disputed condition is therefore not reasonable or necessary to provide safe and adequate pedestrian access to the appeal site having regard to the development plan. In this regard, there would be no conflict with Policies 2, 3 and 36 of the LP insofar as they seek to deliver a more sustainable transport network.

Other Matter

12. Interested parties have made representations in relation to the principle of development, parking, disturbance and drainage. However, my assessment of this appeal is limited to matters relevant to the condition in dispute only.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

H Marriott

INSPECTOR