



Appeal Decision

Site visit made on 19 May 2025

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2025

Appeal Ref: APP/J4423/W/24/3357958

Jacobs Gate, 32 Troutbeck Road, Sheffield S7 2AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr and Mrs Ray and Jules Waite and Leahy on behalf of Gladman Retirement Living Limited & STEPS Rehabilitation Centre Ltd against the decision of Sheffield City Council.
- The application Ref 13/02019/COND3 sought approval of details pursuant to condition No 13 of a planning permission Ref 13/02019/OUTR, granted on 28 January 2014.
- The application was refused by notice dated 17 October 2024.
- The development proposed is erection of retirement village, including nursing care home, EMI/dementia care home, sheltered accommodation for the over 65's, Special Needs Independent Living Unit.
- The details for which approval is sought are: *Prior to any development commencing on site full details of the proposed riverside walk / cycleway shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposals for providing a link from the riverside walk / cycleway to the adopted highway and such link and riverside walk / cycleway shall be provided prior to the development being occupied.*

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Condition No. 13 of planning permission Ref 13/02019/OUTR requires full details of the proposed riverside walk / cycleway to be submitted to and approved in writing by the Council prior to commencement of development on site. An application¹ to discharge this condition was approved by the Council on 3 October 2016, whereby the details of the proposed walk / cycleway were agreed. However, the agreed walk / cycleway was not provided prior to the occupation of the development in May 2017, as also required by Condition 13. Furthermore, I observed on my visit that the walk / cycleway has not yet been provided on site.
3. This appeal relates to an alternative design for the proposed riverside walk / cycleway in comparison to that previously approved in 2016. It shows that the proposed walk / cycleway would be enclosed on both sides by fencing, as well as providing details of its proposed surface and the required excavation works. The Council's submission raises no objection to the proposed fencing and surfacing details and based on my observations I see no reason to disagree with that assessment.
4. However, the current proposal shows the proposed walk / cycleway measuring between 2m – 2.8m wide. The Council's decision notice states that this width is deficient in terms of safety and attractiveness for all users, with specific reference made to the sections measuring 2m wide preventing the safe passage of cyclists

¹ 13/02019/COND1

and wheelchair / pram users. The decision notice also states that the proposal does not reflect the dimensions of the existing walkway / cycleway on the adjoining site, to which it would connect.

5. In view of the above, the main issue is whether or not the details submitted are sufficient and acceptable to discharge Condition 13, having regard to the width of the proposed riverside walk / cycleway.

Reasons

6. Simply, Condition 13 requires the provision of a section of the riverside walk / cycleway which would connect an existing section of this walk / cycleway at one end, to the highway of Troutbeck Road at the other end.
7. The imposition of this condition is supported by Policy GE17 of the Sheffield Unitary Development Plan (1998) (UDP), which, at criterion (d), encourages the creation of a continuous public footpath along one bank of major rivers and streams, except where this would conflict with important nature conservation interests or public safety. I acknowledge this policy uses the term 'footpath', whereas the supporting policy text refers to this footpath, where possible, providing wheelchair access and a cycle track.
8. I also note the appellant's submission interprets the reference to the "...*riverside walk / cycleway*" wording in Condition 13 as meaning the provision of either a walkway, or a cycleway, and that a cycleway is therefore not a mandatory requirement of the condition. I am also aware the reason for the condition refers to the provision of the riverside walkway.
9. However, I am not convinced that the wording of the condition only requires the provision of either a walkway or a cycleway and in this instance, I read the condition as requiring the provision of a shared walkway and cycleway.
10. The appellant also contends that there is no specific requirement in Policy GE17, or Condition 13, for the proposed walk / cycleway to be 3m wide, and that no minimum width requirement was specified.
11. It is correct that neither the policy nor the condition specifically state a requirement for a 3m wide walk / cycleway, or give a minimum width. However, the condition does require 'full details' of the walk / cycleway to be provided. Therefore, agreeing the width of the walk / cycleway forms part of the consideration when discharging the details of this condition.
12. As such, in the absence of any specific width requirement within the policy or the condition, it is consequently for the decision maker to decide what an acceptable and appropriate width would be.
13. To that effect, I note that measuring 2m at its narrowest point the proposed path would allow for two wheelchair users to pass in accordance with the recommendations contained within the Inclusive Mobility document² (IM document). However, this only relates to footways and footpaths and the IM document refers to the Cycle Infrastructure Design Local Transport Note 1/20³ (CIDLTN) for guidance relating to shared routes for pedestrians and cyclists.

² Department for Transport, Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2021)

³ Department for Transport – Cycle Infrastructure Design Local Transport Note 1/20 (2020)

14. The CIDLTN recommends a minimum width of 3m for shared routes carrying up to 300no. pedestrians per hour. Consequently, the proposed access path measuring a minimum of 2m and maximum of 2.8m would not adhere to this recommendation and thus would be unsuitable as a shared route for pedestrians, wheelchair users and cyclists. The submitted proposal would not therefore allow for the safe and convenient passage of all potential users of the walk / cycleway.
15. Notwithstanding the above, the appellant has drawn my attention to several factors which they claim prevents the provision of a 3m wide pathway in this location, and these are material considerations.
16. It is stated that due to the sloping topography of the riverbank, the pathway that was approved as part of the original discharge of condition application in October 2016 cannot be provided without extensive ground and retention works, requiring the removal of all the trees on the embankment.
17. It is claimed that the loss of these trees would have a harmful impact upon habitats, visual amenity, privacy and flooding, as well as potentially affecting the stability of the embankment. It is also claimed that the financial cost of such works would be disproportionately and prohibitively expensive.
18. Based on the information before me and my observations on site, I accept that extending the width of the footway out towards the river may not be a realistic option and has the potential to cause other issues, including potential public safety issues.
19. Nevertheless, I observed on site that the section of walk / cycleway on the land directly to the southwest, to which the proposed walk / cycleway would connect, has been installed. The evidence is that this section of walk / cycleway measures 3m wide and to achieve this width it encroaches further into the outdoor area of this neighbouring building than the proposed walk / cycleway before me.
20. On the appeal site, the appellant states that due to the important functions that take place within the appeal building, and its outdoor areas, it is essential that as much external space, privacy and dignity is afforded to patients from users of the proposed path.
21. I acknowledge and am sympathetic to these matters. However, limited detailed information has been provided as to what specific activities take place in these outside areas, or other measures that have been considered to potentially improve privacy levels between users of the appeal site and users of the proposed path, such as the provision of additional landscaping or an alternative boundary treatment.
22. I have also not been provided with details showing exactly how much of the outdoor area would need to be lost, nor which specific areas would be directly affected, if the width of the proposed path was increased inwards towards the building.
23. Consequently, on the evidence before me it has not been satisfactorily demonstrated why the width of the proposed riverside walk / cycleway could not be increased into the external area around the building to provide sufficient width for all potential users.
24. Furthermore, given the requirement of the condition for details of the walk / cycleway to have been submitted and agreed prior to commencement of development, and the path to be provided prior to occupation, a number of these matters raised by the appellant could have been addressed and overcome earlier had these requirements of the condition been adhered to. The fact that the development commenced, and the

use is now operational, before the requirements of this condition were satisfied, is not a justification to accept a proposal that does not satisfy the intentions and requirements of the condition to provide a riverside walk / cycleway.

25. In view of the above, I conclude that the proposed riverside walk / cycleway, by reason of its narrow width, would not allow for the safe and convenient passage of all potential users. Accordingly, the submitted details do not satisfy the requirements of Condition 13 of planning permission Ref 13/02019/OUTR.

Other Matters

26. My attention has been drawn to a development on Little London Road (22/04414/FUL), whereby the provision of a narrower section of walkway has been permitted by the Council. I have however been provided with limited information as to how that site relates to the appeal site, or how that walkway connects to any adjoining developments and public pathways either side.
27. Nevertheless, I visited that site and observed that the section of walkway there was enclosed at both ends and therefore only appeared to provide access around the building. It is therefore unclear how that site connects into the wider riverside walkway, especially for cyclists who are more likely to use the main carriageway of Little London Road which has been blocked to motor vehicle through traffic. I also note that the condition relating to the provision of this pathway refers to a walkway only, and specifically states that it shall be a minimum of 1.8m wide.
28. I therefore do not find the scheme and walkway at Little London Road to be comparable to the appeal proposal before me and this therefore limits the weight I can attribute it in favour of the appeal scheme.

Conclusion

29. For the reasons given above, the appeal is dismissed.

R Major

INSPECTOR