



Appeal Decision

Site visit made on 9 September 2025

by A Robinson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2025

Appeal Ref: APP/E2530/W/25/3368705

9A School Lane, Colsterworth, Lincolnshire NG33 5NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Esland North Limited against the decision of South Kesteven District Council.
 - The application Ref is S25/0203.
 - The development proposed is a change of use from Use Class C3 to Use Class C2 (flexible use under Part 3, Class V of GPDO) as a children's care home.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Use Class C3 (Dwellinghouse) to Use Class C2 (flexible use under Part 3, Class V of GPDO) as a children's care home at 9A School Lane, Colsterworth NG33 5NW in accordance with the terms of the application Ref S25/0203, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - i. Site Location Plan (Drawing ref. ESLA1057-DMW-SLP-001-A);
 - ii. Proposed Block Plan (Drawing ref. ESLA1057-DMW-PBP-001-A);
 - iii. Proposed Elevations (Drawing ref. 106778);
 - iv. Proposed Floor Plans – Ground Floor (Drawing ref. 106778);
 - v. Proposed Floor Plans – First Floor (Drawing ref. 106778);
 - vi. Parking Plan (Drawing No. ITB200804-GA-001 Rev A); and
 - vii. Swept Path Analysis – Estate Car (Drawing No. ITB200804-GA-002 Rev A).

Main Issue

2. The main issue is whether the provision of secure boundary treatments is required with regard to the safety of users and if so, the effect on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a detached dwelling, set within a large plot located on School Lane in the village of Colsterworth. School Lane is predominantly a single-track road with a semi-rural residential character to it sloping downwards from the

junction of High Street towards the River Witham and comprising a narrow footpath on one side. The site is situated towards the foot of the hill with the existing dwelling elevated above School Lane where pedestrian access is possible by steps from the footpath. Land levels slope downwards on the site towards the River Witham. Vehicular access to the site is from School Lane, which serves a parking area to the rear, and contains a low-rise wooden gate which opens outwards.

4. The boundary to the front of the site is a combination of a landscaped embankment comprising trees and shrubs with a low-rise horizontal tree branched boundary to the front of the dwelling. To the side boundary with the River Witham is a combination of substantial tree planting and a timber post and wire fence. Between the site and the river is a public footpath (Spring Lane) which runs alongside the river. The boundary along both the rear and side with Number 9 School Lane primarily comprises a solid timber fence supplemented with planting.
5. The proposal would involve children being cared for on a one-to-one basis with a maximum of 3 care staff at any one time over a 24-hour period who would change under shift patterns. In addition, a home manager would be on site Monday to Friday during normal office hours. It seems to me the safety of children residing at the property would likely form a fundamental part of the supervisory role that staff would be undertaking. In addition, the site comprises substantial boundary treatments such that it is reasonably well contained from surrounding uses. These factors combined would result in a satisfactory element of secureness.
6. Taking these reasons together, and in the absence of substantive evidence to indicate otherwise, I see no planning reason to stipulate the provision of secure boundary treatments to ensure the safety of users. I have had regard to paragraph 102 of the National Planning Policy Framework (the Framework) in coming to this finding, which amongst other matters requires the safety of children and other vulnerable users in proximity to open water and other potential hazards to be considered. It is however, ultimately a matter for the appellant to ensure the safeguarding of users of the facility and they have not sought planning permission for additional boundary treatments as part of the proposal to achieve this.
7. In the absence of proposed boundary treatments there would be no effect on the character and appearance of the surrounding area. Should it later transpire that more extensive boundary treatments are required for whatever reason, the Council could determine the suitability of any proposal that requires planning permission.
8. For the reasons above, I find that there would be no conflict with Policy DE1 of the South Kesteven District Council Local Plan 2011-2036 (SKDCLP) or paragraph 135 of the Framework which both aim, amongst other things, to ensure developments are well designed and would not adversely impact the character of the surrounding area. Similarly, I find no conflict with the Colsterworth and District Neighbourhood Development Plan 2016–2026 (CDNDP) in this regard.

Other Matters

9. The site is located in proximity to several listed buildings including the adjoining 4 Spring Lane (Grade II listed). Other listed buildings include the nearby Church of St John the Baptist (Grade I listed) and other Grade II listed buildings. As the proposal would not involve any external or internal alterations, and noting the separation distances and boundary treatments that exists between the site and adjoining heritage assets, there would be no harm to the significance of nearby listed

buildings. For similar reasons I am also satisfied there would be no harm to the significance of the host property which the Council's Conservation Officer notes is a non-designated heritage asset.

10. The Council does not object to the principle of the proposed use, noting in its committee report that it would comply with Policies SD1, SP2, SP3, H4 of the SKDCLP and Policy 1 of the CDNDP. Reference has also been made to the Children in Care Sufficiency Strategy 2023-2027 which amongst other things, highlights a need for children's homes within Lincolnshire. As the proposal would make use of an existing dwellinghouse for a needed residential institution within an established settlement, I see no reason to disagree with this conclusion. Concerns raised by interested parties regarding the operational suitability of the internal layout and the suitability of the appellant to run the facility are matters regulated outside the planning process through regulatory regimes relevant to care provision.
11. The application was accompanied by a Flood Risk Assessment Note (the FRA Note) which identifies the site (including the dwelling) to fall within Flood Zone 1 with a very small part of the vehicular access within Flood Zone 2. The FRA Note proposes use of the steps leading to School Lane as evacuation for occupants of the property in the event of a flood. I acknowledge the number of concerns raised from interested parties regarding egress from the property in the event of a flood particularly noting the potential vulnerability of users. However, the existing dwelling is located in Flood Zone 1 which is the lowest area of flood risk. Neither the Environment Agency (EA) nor Lincolnshire County Council (LCC) in its role as lead local flood authority have objected with the EA noting that the proposal would not change to a more vulnerable use (under Annex 3 of the Framework) resulting in an increase in risk to people. For these reasons, I am satisfied that the proposal would accord with Policy EN5 of the SKDCLP and chapter 14 of the Framework which both seek to direct new development to the lowest areas of flooding.
12. The application has been accompanied by a Transport Note which sets out details of the likely parking demand and trip generation. It is also accompanied by a parking plan illustrating 5 on-site parking spaces and a swept path analysis drawing demonstrating how vehicles would manoeuvre within the site. No alterations to the existing access to School Lane are proposed. The maximum trip generation could be up to 14 vehicular arrivals and departures during a typical day increasing to 18 on a shift handover day. Taking into account this information and the comments from the local highway authority, who have not objected to the proposed parking provision or increase in traffic on School Lane, I am satisfied that the proposed parking and limited increase in traffic using School Lane would not severely impact the safety and movement of traffic on the highway network, in accordance with Policy ID2 of the SKDCLP and also chapter 9 of the Framework that contains similar provisions.
13. The proposal is exempt from Biodiversity Net Gain as it would not impact a priority habitat and would impact less than 25 square metres of other on-site habitat. No trees are proposed to be felled.
14. My attention has been drawn to a number of appeal decisions. No substantive details have been submitted of these so I am not able to determine their relevance to the appeal. My role is to determine the current appeal based on the evidence and circumstances before me, where I have found that the proposal would not conflict with the relevant policies of the development plan.

Conditions

15. I have considered the use of conditions in line with the guidance set out in the Planning Practice Guidance (PPG). In addition to the standard time condition, I have imposed a condition requiring that the development is carried out following the approved plans in the interests of certainty. For completeness, I have also included reference to the swept path analysis drawing.
16. The Council has suggested a condition restricting the use to a children's care home for up to two children and for no other purpose (including any other use falling within Class C2 of the Order) to ensure the development operates as assessed. This would restrict the ability of the use to change to a hospital, nursing home, residential school, college or training centre. Interested parties have requested a similar restriction. I have not been presented with substantive evidence to demonstrate what additional harm other uses falling within Class C2 would give rise to, which requires consideration under a separate planning application. I have therefore not been persuaded that such a condition is necessary in this instance.
17. The Council's committee report recommends a condition requiring mitigation for flood events although it has not requested this as part of its appeal statement. Interested parties have also referred to the need for a condition. I note that neither the EA nor LCC (in its role as lead local flood authority) have requested this condition. The EA has also referred to the phone floodline the appellant can register for. Given these factors and that the appellant's method of evacuation would utilise an existing situation where the proposed use would not result in a change in the flood risk vulnerability classification, I am satisfied that a condition is not necessary.
18. The appellant has suggested they would be open to a condition regarding boundary treatments. This has not been requested by the Council. Given my findings on boundary treatments above, such a condition is not necessary.
19. Several other conditions have been suggested by interested parties. The PPG has a presumption against the use of personal permissions, mainly because planning permission runs with the land. I have considered the merits of the application on the use applied for and in the absence of compelling reasons to demonstrate why a personal permission is necessary in this case, I have not imposed one. Conditions which seek to control the shift patterns of staff, use of garden amenity areas or the number of vehicles on site at any one time would be unduly onerous or could disproportionately impact on the deliverability of the proposed development. For similar reasons and due to the limited nature of the proposal, I consider that the need for an operational management plan or records log in respect of visitors, complaints and flood drills is not necessary.
20. The Council has not requested a specific condition regarding on-site parking and turning within the site although has included reference to compliance with the parking plans as part of the approved plans conditions. Given this and that sufficient space presently exists within the site for natural turning to allow vehicles to egress in a forward gear, I do not consider such a condition is necessary. Planning conditions seeking to restrict parking on public highways where no restrictions presently exist are unenforceable and fail the test of relevance to planning, given that other legislation exists to impose parking restrictions. A

condition restricting hours of delivery would likely be unenforceable as the appellant would not be in a position to control such matters.

21. I have not imposed conditions relating to lighting, CCTV, boundary enclosures beside the river, trees, restriction on training events, external plant, signage, audible alarms and gate controls as these relate to matters which are not proposed, and I have not been presented with substantive evidence justifying why they are necessary.

Conclusion

22. For the reasons given above the appeal should be allowed.

A Robinson

INSPECTOR