



Appeal Decision

Site visit made on 10 March 2026

by L Bartle BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2026

Appeal Ref: APP/E2530/W/25/3372229

Land off Burghley Street, Bourne PE10 9AE

- 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 Mr Jason Murray, Jason Murray Homes Limited against the decision of South Kesteven District Council.
 - The application Ref is S22/2371.
 - The development proposed is the erection of twelve self-contained flats with associated hard and soft landscaping and detached storage building on land off Burghley Street, Bourne, Lincolnshire PE10 9AE
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Jason Murray Homes Limited against South Kesteven District Council. This application is the subject of a separate decision.
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Preliminary Matters

4. A revised plan¹ showing amended hard landscaping and surfacing treatments was submitted with the appeal. The changes are not substantive. As the Council and interested parties have had the opportunity to comment on these amendments, and no prejudice would arise, I have taken them into account in my determination of the appeal
5. A Unilateral Undertaking (UU) dated March 1, 2026, was submitted after the appeal was lodged and was not before the Council at the time of its decision, having been provided in response to subsequent matters including the Council's application for costs. As the Council has had the opportunity to comment and no prejudice arises, I have taken it into account.

Main Issue

6. The main issue is the effect of the proposed development on highway and pedestrian safety, having particular regard to the proposed internal layout and access arrangements.

¹ Drawing No. JDA/2025/695/LS/001

Reasons

7. The appeal site comprises a long, narrow parcel of previously developed land to the rear of properties on North Street. Vehicular access would be taken from Burghley Street and would serve the two proposed apartment blocks and a storage building arranged around parking areas and areas of hard surfacing.
8. Block B would be positioned parallel to the northern boundary and served by a long, narrow access route extending alongside its frontage. For much of its length, the access would measure approximately 3.5 metres (m) in width, providing the route to a parking and turning area at the eastern end of the site. Two other parking areas would be located adjacent the western elevations of Block A and B respectively.
9. The internal access route would serve four parking spaces, which the appellant contends would generate approximately 16 vehicle movements per day. Whilst I accept that the development is likely to generate a relatively low level of traffic, the proposed layout would not prevent vehicles associated with other parts of the site from travelling along the narrow access to turn and return in the opposite direction.
10. Space available for turning at the western end of the internal access route would be limited, particularly at times when all parking spaces are occupied. Given this, it is reasonably likely that drivers would continue through the site to make a turning manoeuvre to avoid conflict with another vehicle entering the site or with vehicles temporarily obstructing parking areas. Consequently, vehicle movements along the frontage of Block B are unlikely to be limited to those associated solely with the four parking spaces.
11. For most of its length, the access route alongside Block B would remain narrow and enclosed by the elevation of the three-storey building on one side and boundary fencing on the other. This effect would be compounded by the fact that the apartments within Block B would open directly onto the shared surface, resulting in an uncomfortable relationship between residential accommodation and vehicular activity. Although a 1.2m wide pedestrian route would be denoted through contrasting surfacing, this would not sufficiently mitigate these harmful effects.
12. Where the front elevation of Block B faces the northern elevation of Block A, the access route would benefit from additional hard surfacing denoting a pedestrian footway alongside Block A. However, this additional space would occur over only a limited section and would not materially overcome the constrained character of the overall arrangement along the frontage of Block B.
13. Furthermore, the restricted width of the route and the absence of meaningful passing opportunities along most of its length would result in awkward vehicular movements and increase the likelihood of vehicles needing to wait, manoeuvre carefully, or reverse within confined areas. Even allowing for the relatively low likely frequency and speed of vehicle movements, the proposed arrangement would increase the potential for conflict between vehicles, and between vehicles and pedestrians using the shared surface.
14. Similarly, pedestrian activity would not be confined solely to residents or visitors associated with Block B. The development would incorporate residents' pedestrian access onto North Street, providing a direct route to the nearby shopping streets.

Residents and/or their visitors are therefore likely to pass through the site using access points at both ends.

15. The access from Burghley Street is also unable to accommodate two vehicles passing for part of its stretch into the site, at which point it would be of similar width to the arrangement proposed along the frontage of Block B. As such, the shared surface arrangement proposed within the site would, in effect, replicate, the poor conditions already experienced at the site entrance.
16. Consequently, pedestrian movement throughout the site would be affected by passing vehicles. On the totality of the evidence before me, including my observations on site, the proposed environment would give rise to a heightened perception of risk for those walking through the development. Such concerns would likely be more pronounced for vulnerable users and people accompanying small children.
17. In its consultation response, the highway authority did not object to the proposal, noting that it would not result in severe impacts for the purposes of paragraph 116 of the National Planning Policy Framework (the Framework). The substandard geometry of the access from Burghley Street was acknowledged but assessed in the context of the site's existing lawful and fallback use.
18. In that respect, I recognise the existing deficiencies associated with the access from Burghley Street and the limitations of the central shared surface within the site. However, the fact that the surrounding conditions are already constrained does not justify a development which itself delivers similarly restricted and unsatisfactory spaces for vehicular and pedestrian movement. As safety of pedestrian and vehicular uses would be jeopardised by the proposed layout, this would not be outweighed by the fallback/lawful use. I note the views of the Highway Authority, but the concerns I have identified lead me to find that for the purposes of paragraph 116 of the Framework there would be an unacceptable impact on highway safety.
19. The appellant contends that the proposed arrangement accords with the shared surface principles contained within Manual for Streets guidance, including through the provision of a 1.2m strip of contrasting surfacing. Whilst the remaining width may, in practical terms, be sufficient to accommodate cars and delivery vehicles, the presence of boundary fencing would naturally encourage drivers to take a more central position within the available space, thereby bringing vehicles closer to pedestrian activity. Even if pedestrians could reasonably be expected to stand aside to allow vehicles to pass, vulnerable users would be left without any protected space free from vehicular encroachment, a matter identified within Manual for Streets as an important consideration. This is reinforced by the overarching aims of the document which include the intention to support the creation of safe streets that meet needs of all users.
20. Drawing these matters together, I am not persuaded that the development would provide a sufficiently comfortable, convenient, or satisfactory environment for occupiers and users of the site. Consequently, I conclude that the proposed development would have a harmful effect on highway and pedestrian safety, having particular regard to the proposed internal layout and access arrangements.

21. The development would, therefore, fail to accord with Policy DE1 of the South Kesteven Local Plan 2011 – 2036 (2020) (SKLP), which, amongst other things, requires high quality design that accords with Manual for Streets guidance.

Other Matters

22. The submitted UU makes provision for affordable housing, education, healthcare and monitoring contributions. Whilst there is no debate between the main parties regarding the justification and compliance with the relevant tests, I am not satisfied that the obligation would fully secure these matters. In particular, concerns remain as to whether all relevant legal interests in the appeal site are bound by the obligation, given that the signatory to the UU does not appear to control the entirety of the land. Consequently, I cannot be certain that the obligations would be enforceable against the whole site.
23. Furthermore, whilst the UU includes a mortgagee exemption clause in relation to the affordable housing, the wording does not reflect the standard form typically required by Registered Providers and their funders. This introduces further uncertainty regarding the practical delivery of the affordable housing units.
24. In addition, the drafting of the financial contribution obligations lacks the precision normally expected of a planning obligation, particularly in respect of occupation restrictions linked to payment triggers. Taken together, these shortcomings reduce the certainty that the obligations and associated benefits would be delivered as intended.
25. As I intend to dismiss the appeal for other reasons, I have not pursued these matters further with the main parties. Nonetheless, as it stands, and for the reasons given, I am not satisfied that the submitted UU would make adequate provision for additional infrastructure to meet the additional needs arising from the development in accordance with Policy ID1 of the SKLP. Consequently, I afford only limited weight to the benefits associated with the proposed planning obligations.
26. The Council has confirmed it can demonstrate 4.07 years of deliverable housing sites. In that context, the provision of 12 additional homes on a previously developed site within a sustainable location close to the town centre, services and facilities is a benefit of the scheme. There would also be economic benefits associated with the scheme from the construction phase and ongoing benefits from expenditure from future occupants and from use of the storage building which could help support the vitality of the town.

Planning Balance

27. The proposal is contrary to the local policy that seeks to secure high quality design and patterns of development that are consistent with Manual for Streets. Although this guidance document is not specifically referred to in the Framework, the policy is broadly consistent with its emphasis on safe, inclusive and well-designed places that provide sufficiently convenient, legible and comfortable conditions for pedestrians, particularly vulnerable users. Accordingly, the conflict with Policy DE1 attracts significant weight in this appeal.
28. Although the development plan contains policies which support development of the type proposed in this location, the scheme would nevertheless conflict with the

policy referred to above. When the development plan is read as a whole, there would be considerable conflict.

29. In this case, there is a shortfall in the five-year supply of deliverable housing sites. Paragraph 11(d) of the Framework is therefore engaged. The application of policies in the Framework that protect areas or assets of particular importance does not provide a clear reason for refusing the development. In these circumstances, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. In reaching this judgement, particular regard must be had to key policies relating to directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing, either individually or in combination.
30. As set out above, the benefits arising from the provision of 12 dwellings and a storage unit include the use of previously developed land in a sustainable location and its economic contributions. These benefits are modest given the scale of development, even when taking account of the Framework's objective to boost significantly the supply of housing and the Council's housing land supply position. I attach moderate weight to the benefits.
31. By contrast, I have found that the proposed internal layout and access arrangements would create an unduly constrained and uncomfortable environment, resulting in unacceptable highway and pedestrian safety conditions for occupiers and users of the development. The proposal would therefore conflict with Policy DE1 of the SKLP, which seeks to ensure safe and suitable access for all users. I attach significant weight to these harmful effects.
32. I recognise that the package of benefits associated with the appeal proposal weighs in favour of the development and that those benefits align with several of the Framework's objectives. However, in this case, the harm identified above weighs very considerably against the proposal. In my judgement, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
33. For these reasons, the proposal would not constitute sustainable development within the meaning of the Framework. This weighs heavily against the proposal, with the result that the presumption in favour of sustainable development does not apply.

Conclusion

34. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. It would conflict with the development plan when taken as a whole and there are no material considerations, including the Framework, that indicate a decision other than in accordance with the development plan should be taken. The appeal is therefore dismissed.

L Bartle

INSPECTOR