



Appeal Decision

Site visit made on 22 September 2009

by **Peter Eggleton MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
14 October 2009

Appeal Ref: APP/A2525/A/09/2105440

Steppingstone Footbridge, Spalding, Lincolnshire PE11 1EY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Network Rail against the decision of the South Holland District Council.
- The application Ref H16/1149/08, dated 31 October 2008, was refused by notice dated 24 December 2008.
- The development proposed is a replacement bridge.

Decision

1. I allow the appeal and grant approval under the provisions of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 for the design and external appearance of the bridge at Steppingstone Footbridge, Spalding, Lincolnshire in accordance with the terms of the application Ref H16/1149/08, dated 31 October 2008, and the plans submitted therewith, subject to the following condition:
 - 1) No development shall take place until details of the paint to be used on the external surfaces of the bridge have been submitted to and approved in writing by the local planning authority. The bridge shall be painted in accordance with the approved details prior to the first public use of the bridge.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the neighbourhood.

Reasons

3. The Council determined this application in accordance with the requirements of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. I have considered the appeal on this basis. In the circumstances of this case, the Order does not allow for the construction of a bridge unless prior approval of the detailed plans and specifications has been obtained. This should not be refused nor should conditions be imposed unless the bridge could reasonably be erected elsewhere on the land; or the design or external appearance would injure the amenity of the neighbourhood and could be modified to avoid such injury.

4. The existing bridge forms part of a footpath network and therefore there is no dispute with regard to its location. The only matter for consideration therefore is whether the proposal would be harmful to the amenity of the neighbourhood. The proposed bridge would be considerably shorter than the existing and this would reduce its prominence. Although the station is nearby, I did not find it to be closely related visually. The bridge would stand in isolation from buildings and structures that retain the historic form and character associated with the bridge to be removed. Although the bridge would have a very simple, functional design, I do not consider that this would be out of keeping with its surroundings. I am satisfied that it would sit comfortably within its setting and would not detract from the character or appearance of the area. Although the Order refers to the amenity of the neighbourhood and it has been suggested that this could be widely interpreted, the increased width and more functional design, in comparison to the existing structure, would improve access and safety. I am not satisfied that even the widest interpretation of the Order would result in the conclusion that the proposed bridge would cause injury to the amenity of the neighbourhood. It therefore satisfies the conditions of the Order.
5. I have considered all the concerns raised by the Council and third parties. I accept that an alternative design and the use of different materials could potentially enhance the character and appearance of this area. I also agree that a railway crossing in this location should provide access for all. However, given my main findings, the proposal meets the requirements of the Order and does not require planning permission. As such, these are not matters that fall for me to consider. The appellant has agreed that provision could be made to allow ease of use by cyclists and has advised that a condition to require this would be acceptable. Although I would encourage such provision, the Order is clear that conditions should address concerns with regard to any injury to the amenity of the neighbourhood and as this proposal would provide enhanced access, I am not satisfied that such a condition would fall within the scope of the Order. I agree however that anti-vandalism paint should be used and this is a matter that I can control by condition, as is the final colour of the bridge. I have therefore included a condition which requires that the finish of the bridge be agreed with the Council.
6. As this proposal is not an application for planning permission, I am limited as to the matters that I can take into account in terms of both the concerns expressed and the matters put forward by the appellant. On the basis of the application before me, I conclude that subject to the condition described above regarding the finish of the structure, as the proposal would not result in injury to the amenity of the neighbourhood, prior approval should not be withheld. I therefore allow the appeal.

Peter Eggleton

INSPECTOR