

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0739-25 **Applicant:** Mr C Walden
Proposal: Erection of fence - Retrospective
Location: Land North Of 4 Manchester Way Donington Spalding
Terminal Date: 8th October 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 30 Pollution

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a steel palisade fence along the north-western boundary of the application site. The application is retrospective as according to the application form, the fencing was erected on 11 March 2025.

Site Description

The site comprises land to the north of 8 Manchester Way, next to Browntoft Lane, on the northern edge of Donington. There are dwellings to the south and agricultural land to the north, west and east of the site.

The site is located outside though adjacent to the settlement boundary of Donnington, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

No planning applications have previously been submitted within the site.

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: The fence does not represent a highway safety issue. Many of the boundary treatments along here are of a similar height. Because of the nature of the road, the high boundary treatments at a level higher than the carriageway and the tight bends vehicle speeds are low and drivers take care. The proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Black Sluice Internal Drainage Board: There are Board maintained drains on the east and west side of the land highlighted. My email is simply to ensure that any fencing erected does not encroach within our 9M byelaw of any watercourses that may obstruct Black Sluice machinery requiring access from either side of the drains for either flailing or repairs in the future.

Donington Parish Council: No response received.

Cllr H J W Bingham: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The following matters are raised within the response:

- The site looks untidy.
- The fencing appears to be making way for development on the site in future.
- The site is on a sharp bend so it would be unsuitable for development.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Visual and Amenity Impact; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 of the NPPF also states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

According to the submitted site plan, the proposal seeks to install 1.9m high palisade fencing for approximately 55m along the north-western boundary of the site, next to Browntoft Lane. The fencing is constructed from steel and there are spiked pales on the top of the fencing. It was evident during the site visit that there is Heras fencing of a similar height next to the steel palisade fencing, towards the northern edge of the site. Furthermore, there is fencing that is located into the site where there is a gate that connects to a building in the site. This fencing is taller, measuring approximately 2.3m in height. There are steel palisade gates further into the site, connecting the building within the site to a steel container. This fencing is not shown within the submitted plans.

The site is located on the northern edge of Donington, and the site is visually prominent when approaching Donington from the north. The area around the site on Browntoft Lane has a semi-rural character. There are no other palisade fences in the immediate area. The palisade fencing is more typically suited to an industrial estate or commercial area.

There is a hedgerow along the northern edge of the site which provides a degree of screening from the approach towards the site. Some plants are starting to grow on the fencing that has been installed which helps to cover the fencing. Notwithstanding this, the fencing has harmed the character and appearance of the area, and the fencing is considered to be out of keeping with the

semi-rural location of the site.

The size of the fencing is excessive within the context of being adjacent to the public highway and encloses the site in a manner that contributes to the site looking unsightly. The proposal fails to comprise good design, fails to sit comfortably within the landscape surroundings, and fails to maximise opportunities for improving the character and quality of the area. It is considered that the fencing detracts from the semi-rural character of the location and impacts its surroundings in a negative way.

It is presumed that the fencing has been installed for security purposes; however, the fencing only extends around part of the site, undermining its functionality. As such, there appears to be limited justification for the fencing particularly when weighed against the visual harm that has been caused by the fencing.

There is potentially a fallback position whereby the fencing could be installed further into the site provided the height does not exceed 2m and provided the fencing was more than 1m from the highway at all points. The fencing is currently within 1m of the highway at some points and the fencing next to the building exceeds the height that is allowed under permitted development rights. Notwithstanding this fallback position, the proximity of the fencing to the road and its stark appearance contrasts harmfully with the semi-rural character of the site. The lack of any vegetation to soften views of the fencing also contributes to the harmful impact.

The fencing causes a harmful impact on the character and appearance of the area, thereby conflicting with policies 2 and 3 of the Local Plan and Section 12 of the NPPF. Policies 2 and 3 seek to ensure that development responds appropriately to the character and appearance of an area and Paragraph 135 of the NPPF seeks to ensure that proposals are visually attractive.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The fencing that has been installed materially harms the character and appearance of the locality, negatively impacting the semi-rural character of the site. The height and appearance of the fencing is detrimental to the street scene, comprising steel palisade fencing with spiked pales that is out of character for the area. Therefore, the development is considered to conflict with Policies 2 and 3 of the Local Plan which, amongst other things, seek to ensure that proposals are appropriate designed and have a suitable impact on the character and appearance of the area. Furthermore, the proposal does not accord with Paragraph 135 of the NPPF which seeks to ensure that proposals are visually attractive. It is not considered that the fencing has been suitably justified and as such, there is not considered to be sufficient justification to outweigh the visual harm that has been caused. As such, the planning balance is against the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal does not accord with Policies 1, 2 and 3 of the Local Plan, along with Section 12 of the NPPF, specifically Paragraph 135. There are no significant factors in this case that indicate in favour the proposal and outweigh the visual harm that has been caused.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.