

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0805-25 **Applicant:** Mr & Mrs Cross

Proposal: Details of boundary treatments bounding the menage and wide equestrian land, including fencing levels, heights and materials and details of proposed means of foul and surface water disposal (Conditions 7 & 9 of H07-0629-24)

Location: Cordon Villa 24 Station Road Gedney Hill

Terminal Date: 16th October 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 7 and 9 of H07-0629-24, relating to boundary treatments bounding the menage and wide equestrian land, including fencing levels, heights and materials and details of proposed means of foul and surface water disposal.

Site Description

The application site is located to the west of Station Road in Gedney Hill. The site comprises a detached two storey dwelling with an open field to the rear. Residential dwellings are located to the north, east and west, with open fields to the south.

History

H07-1219-22 - Full - Change of use of agricultural land to paddock - Approved 07.02.2023

H07-0629-24 - Full - Proposed two storey and single storey extensions, detached garage, stables and menage - Approved 15.01.2025

H07-0263-25 - Condition Discharge - Details of boundary treatments, written 30-year Habitat Management and Maintenance Plan & foul & surface water disposal (Conditions 7,8 & 9 of H07-0629-24) - Withdrawn 06.05.2025

H07-0437-25 - Condition Discharge - Details of biodiversity net gain and written 30-year Habitat Management & Maintenance Plan (HMMP) (Condition 8 of H07-0629-24) - Approved 04.07.2025

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Internal Drainage Board

"Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse at an unrestricted rate. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3. The applicant has been granted consent for the proposed surface water discharge to a watercourse on 28/08/2025 under our reference 25_32001_C. Please note that this consent will expire if the works are not completed within 3 years of the date of issue.

Byelaw 3 (Treated Foul Water)

The applicant has indicated that foul water discharges from the site into a septic tank, that is emptied as required through an approved service provider. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3"

Highway and Lead Local Flood Authority

"Details of boundary treatments bounding the menage and wide equestrian land, including fencing levels, heights and materials and details of proposed means of foul and surface water disposal (Conditions 7 & 9 of H07-0629-25) - the conditions to be discharged are not conditions requested by Lincolnshire County Council - Development Management. It is for the LPA to assess"

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, no letters of representation have been received.

Key Planning Considerations

Condition 7

Wording

"Notwithstanding the details submitted on drawing no. AJA/1286/23/04b, prior to the first use of the development hereby permitted, details of the proposed boundary treatments bounding the menage and wider equestrian land, including a schedule of fencing levels, heights and materials, shall be submitted to and approved in writing by the Local Planning Authority.

The details so approved shall be implemented in full before the development is first brought into use and retained thereafter."

Assessment

A 1.4m high post and rail fence is proposed to bound the site. This fence would be constructed of pressure treated timber. Each post would be at 1.8m intervals. This is considered appropriate given the rural setting of the area and the nature of the proposed use.

Condition 9

Wording

"Before any development beyond oversite is commenced, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems."

Assessment

It is proposed that surface water would be discharged into an Internal Drainage Board maintained watercourse. Consent for this has been granted by South Holland Internal Drainage Board. Therefore, on this basis, the proposed surface water disposal method is considered acceptable.

Foul water would be discharged into a septic tank located on the site. This is considered appropriate given the scale of development and its rural nature.

As such, the details provided are considered acceptable and condition 9 can be discharged.

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

The details provided are considered to be acceptable, and Conditions 7 and 9 of H07-0629-24 can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.