DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0408-24**	**Applicant:**	**Ms F Hanmore-Harling**
Proposal:	Erection of fence - retrospective		
Location:	The Bell Inn 83-85 High Street Gosberton		
Terminal Date:	15th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Sections 12 and 16 of the National Planning Policy Framework (2024) (NPPF)

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

CASE OFFICER ASSESSMENT

Proposal

This application is for the retrospective erection of a 1.8m high panel fence along the rear courtyard boundary of The Bell Inn, 83-85 High Street, Gosberton.

Site Description

The Bell Inn is a Grade II listed historic public house. Historic England describes it like so:

"Public house. Early C19, altered C20. Colourwashed brick, pantile roof, brick coped gables, 2 gable stacks. 2 storey, 3 bay front with rendered plinth and stucco cill band. Central half glazed door with semi-circular head, with to right a boarded light with splayed cambered rubbed brick arch. To left an added canted bay window with flat lead roof. To first floor a central blank opening is flanked by single 2 light C20 casements, all with cambered heads."

The property is a prominent conservation area structure, contributing significantly to the wider character of the area, particularly via the frontage elevation.

The area in general is characterised largely by C19th residential development.

History

None relevant.

Consultation Responses

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections.

Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Heritage Impact
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Biodiversity

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering

sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within 'Minor Service Centres', development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within 'Minor Service Centres' will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2024) outlines, within Paragraph 61, that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly". This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Gosberton, a 'Minor Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Design and Heritage Impact

SELLP Policy 29 is concerned with the Historic Environment. It states that distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. The policy discusses impacts upon listed buildings, and their setting, conservation areas as well as archaeology, parks and gardens, enabling development amongst other things.

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable".

In addition, the building is Grade II listed and features prominently within the Gosberton Conservation Area (GCA). Referring back to Policy 29 of the SELLP, Section A of that policy refers to development relating to Listed Buildings, confirming that

"Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting."

Moreover, Section B of Policy 29, referring to development in conservation areas confirms that

"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting."

In assessing the proposed development, it is clear that a off the shelf, timber panel fence is inappropriate to the setting of a listed building, as it creates a harsh, modern appearance which visually encases the rear aspect of the property. This form of development is far harsher and less appropriate than the visually permeable frame and rail fence that stands set behind the new and proposed fence.

The development, therefore, represents a form of harm. The officer's view is that, in accordance with the classifications set out under Para. 212 of the NPPF, this harm can be classified as 'less than substantial harm' due to the fact that the proposal would be harmful to the setting, but does not directly place the material of the listed building at risk, as this is curtilage rather than attached development, and is relatively minor and domestic in scale,, amounting only to a boundary treatment.

Para. 213 of the NPPF confirms that any harm to a designated heritage asset should require clear and convincing justification. Para. 215 of the NPPF confirms that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

As stated, this development undoubtedly represents a form of harm. However, the applicant has elucidated that the fence as proposed was erected to prevent the generation of anti-social behaviour, with vandals and other anti-social individuals having been able to use the permeability of the existing frame and rail fence to enter the rear car park of the public house illegally and create problems, illegally park, vandalise property etc. In view of this, the LPA finds it appropriate to accept the justification to prevent a reversion to a harmful situation with regards encouragement of antisocial and harmful behaviour. However, in light of the fact that the proposed fence is particularly visually inappropriate, the LPA concludes that it is appropriate to grant consent, but conditionally, presenting a time limit on the permission of the extant. This accepts the justification and wish to prevent further antisocial behaviour issues, but acknowledges the harm the proposal creates, giving the applicant/owner or any future owner of the property time to present an improved solution.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The LCC highways authority were consulted on this application and did not wish to object to the proposal. The access on Low Gate is relatively straight and unobstructed, this means that whilst an

opaque boundary treatment is in place, views for vehicle egress and ingress should not be materially harmed. The provision of parking on site is greatly in excess of the parking standards for such a property, and are not changed by this application.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Conclusion

For the reasons outlaid above, this application is deemed to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2024). The recommendation, therefore, is to approve.

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.