DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H08-0650-20**	**Applicant:**	**Mr R McAdam**
Proposal:	Erection of boundary fence (retrospective)		
Location:	Holme Quadring Road Gosberton		
Terminal Date:	24th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the retrospective erection of a Boundary fence at Holme, Quadring Road, Gosberton.

Site Description

The site is a mid-C20th large residential property of little individual note. It encompasses a large curtilage, enclosed by the fence which is hereby applied for. The design of the property and its neighbours is roughly of a mid C20th design.

The Property neighbours the Grade II listed Holmlea.

History

H08-1547-06

Two-storey extension, new pitched roof and demolition of utility and wc. Approved on 03-01-07

Consultation Responses

Resident Objections

A letter of objection has been received from 1 local resident. This objection can be summarised as objecting to the proposal on the basis of negatively impacting upon road safety, especially for those pulling out of driveways in neighbouring properties, raising concerns with the current state of safety at this site as it is a notorious site for collisions. The objector claims that the Highways dept. has historically raised concerns with the safety of this site.

Gosberton Parish Council

No comment.

Cllr Walsh - Ward Member

Raises no concerns with the proposal other than that Retrospective applications should be avoided.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections.

Planning Considerations

Highway safety

The lead local highways authority have been consulted and have raised no concerns with the safety of this proposal from a highways perspective. Therefore, this proposal must be considered to not present any appreciable risk to the safety of road users and therefore, this application is found to be in accordance with Policy 3 of the South East Lincolnshire Local Plan (2019).

Design and Heritage Impact

The proposed fence is deemed to be appropriate in style to the host property. The fence is not of any particularly high quality design, but it is appropriate for use at a later C20th property. Whilst the site is in close proximity to the Grade II listed Holmlea. it cannot be witnessed in the same views from the public realm and therefore, this application is considered to have no impact upon the Heritage asset and therefore, due to the neutral impact, this application is considered to help to conserve the Historic Environment in accordance with Section 16 of the National Planning Policy Framework (2019).

Planning Balance

As the main concern with this proposal would be the impact upon road safety and the Highways department has been consulted raising no concerns and because the design is considered to be appropriate to the building without impacting upon the Grade II listed Holmlea, it is determined that there are no substantive reasons to refuse this application.

Conclusion

For the reasons listed above, this application is considered 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 (2019). Therefore, this application is recommended for approval.

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.