DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0301-21**	**Applicant:**	**Mrs J Oldham**
Proposal:	Erection of boundary fence - retrospective		
Location:	Melrose Cottage Roman Bank Holbeach Bank		
Terminal Date:	24th May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12- Achieving well designed places.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a householder application seeking permission (retrospectively) for a boundary fence to the property at Melrose Cottage, Roman Bank, Holbeach Bank.

Site Description

The site is situated in the countryside according to the South East Lincolnshire Local Plan, 2019. It accommodates a detached dwelling and is situated to the south of Roman Bank. The dwellings along Roman Bank are mostly frontage residential development, which are predominantly on

spacious plots. There are open fields to the south of the property, with road access to the agricultural land to the west of the property.

The dwelling has a large gravelling driveway to the east, with a gate and a 1m high picket fence to the front section of the boundary. The feather edge fencing is situated on the north-western the boundary, where the rear garden is situated.

History

H09-0011-06- Details of means of disposal of foul and surface water (Condition 3 of H09/1264/05)- Approved

H09-1461-04- Erection of detached cottage- Refused

H09-0432-04-Details of external materials for walls and roofs (Condition 2 of H09/1137/03)- Approved

H09-1137-03- Extensions and alterations to existing dwelling. Proposed increased roof height to accommodate 2 new rear dormers- Approved

Consultation Responses

Holbeach Parish Council

Supported.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Design

The feather edge fencing is situated on part of the northern and western boundaries of the property and is approx. 1.8m in height. The fence is approx. 0.5m away from the road to the north. There is no footway on Roman Bank.

Although the fence does not particularly benefit the appearance of the street scene, there are a variety of boundary treatments along this road in terms of materials and heights (such as no's. 78 and 79). The fence is only visible in relatively close proximity given the curves in the road and other vegetation. Impact on character is not therefore considered a sufficient reason for refusal and it satisfactorily accords with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2019.

Vehicular manoeuvrability and visibility

The fence being to the side of the property does not impact upon vehicular manoevrability and visibility along Roman Bank.

The junction to the west (which is not a primary junction, but just access for farmers on to the land to the rear) is not impacted by the fencing and is considered acceptable by the Local Highway Authority.

Given the above, the boundary treatment is considered to be compliant with Policies 2 and 3 in the SELLP, 2019 and is in accordance of Section 12 in the NPPF, 2019 and is therefore deemed acceptable.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The boundary fence does not materially harm the character or appearance of the locality or

adversely impact upon highway safety. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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 recommendation is for a delegated approval.