DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0400-26**	**Applicant:**	**Mr & Mrs D Gilbert**
Proposal:	Details of colour of walls to be rendered and cladded and means of foul & surface water disposal (Conditions 4 & 5 of H09-0394-25)		
Location:	Clays Farmhouse Roman Bank Holbeach Bank		
Terminal Date:	23rd June 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework December 2024

Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge Conditions 4 and 5 of H09-0394-25 relating to details of the colour of the walls and means of foul and surface water disposal at Clays Farmhouse, Roman Bank, Holbeach Bank.

Site Description

The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Clays Farmhouse, comprising a single residential dwelling, is in a fairly rural setting, despite this, there are still large clusters of residential properties within eye line particularly to the west of the site.

History

H09-0394-25 - Extension & Alterations - Approved

Consultation Responses

South Holland Internal Drainage Board

Byelaw 3 - Consent may be required

Section 23, Land Drainage Act 1991 - Consent nor currently required

Byelaw 10 - Consent required - amendment to existing consent needed

Lincolnshire County Council Highways & SUDS

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. 0394-25 was classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Planning Considerations

Render Colour to be Agreed

Condition 4 of H09-0394-25 states that:

The final colour of the walls to be rendered and cladded shall be approved in writing by the Local Planning Authority before the development is commenced beyond oversite, and thereafter so maintained. Such rendering and cladding and approved final colouring shall be completed within one month of the development hereby permitted being first brought into use.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction and final colour of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

The original officer report which approved the scheme outlined that the drawings featured a smooth blue render and blue cement cladding on the rear which would be visible from the road. It was considered that this was unacceptable and was conditioned as a result of this.

The new materials which have been proposed within this application feature a dark green stained wood cladding/fibre cement board alongside a mid green smooth render. This also considered to be unacceptable and would be of the same overall harm as the blue render and cladding which was previously proposed. Whilst the area features minimal residential dwellings, there is still a clear majority use of brickwork within the area and as such the render and cladding would ensure the extension appears incongruous. This is also reinforced due to the extension being clearly visible from the highway.

The details within Condition 4 are considered to be unacceptable and cannot be discharged.

Full Details of Drainage

Condition 5 of H09-0394-25 states that:

Prior to the commencement of any development hereby approved, 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.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

South Holland Internal Drainage Board objected under the previous application under Byelaw 10 as a result of the development being within 9m of the drainage board easement. The applicant had applied to the IDB under this Byelaw however this application was refused.

It is considered that the IDB byelaws remain outside of the planning regime, however would still need to be met in order for permission to be carried out and the extension developed. Without consent being granted from the IDB, it is unlikely that the extension can be constructed. In any case, the consent lies outside of the planning regime and is under separate guidelines/legislation with it being seen as unreasonable for the LPA to refuse the application on this basis, hence the inclusion of the condition within the original permission.

Notwithstanding this, the IDB have since commented in relation to the discharge of the condition and have outlined that consent is still required under Byelaw 10. Their comments outline that the applicant intends to install multiple works within 9m of the arterial watercourse and that an application was made to the IDB and was granted in December 2025. However, some works within 9m of the watercourse were not included within this consent and it is therefore recommended that the applicant contacts the Board to arrange amendments to the existing consent and include all works which would be within 9m of the watercourse.

Due to the time constraints placed upon the LPA within applications to discharge conditions and with this being considered to fall under the applicant's responsibility, the LPA are unaware if any further consent has been granted and have heard no further from the IDB on this matter. It is therefore considered that the relevant permission has not been sought in relation to Byelaw 10 with inadequate information being provided in order to discharge this condition on this basis.

In addition to the issues relating to Byelaw 10, the IDB also outline concern with Byelaw 3 Surface Water. The applicant has outlined that they intend to dispose of surface water via infiltration however the viability of this has not been evidenced. There has been no evidence that infiltration is possible on site and it is therefore considered that inadequate information has been provided.

Condition 5 can also not be discharged as a result of this.

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

Conditions 4 and 5 of H09-394-25 can therefore not be discharged.