

DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	H09-0578-25	Applicant:	Keys Group
Proposal:	Proposed Boundary Fencing		
Location:	River Cottage Leadenhall Road Holbeach St Marks		
Terminal Date:	1st October 2025		

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 2 - Achieving sustainable development
Section 4 - Decision-making
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a 2m high fence around the curtilage of the site. The fence posts measure 2.1m in height and the fence is proposed to feature close boarded timber.

Site Description

The site comprises land at River Cottage, Leadenhall Road, Holbeach St Marks. River Cottage comprises a detached dwelling set within a spacious plot within a rural area. The site is mostly surrounded by agricultural land, however, there is a dwelling to the east of the site (Sea View Cottage) and a dwelling to the west of the site (Long Acre).

The site is located outside any defined settlement limit, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H09-1774-88: (Full Application) Proposed extensions - approved 21 December 1988

H09-0854-89: (Full Application) Erection of sun lounge - approved 03 July 1989

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: Byelaw 3 (Surface Water) The applicant's proposals will not require the disposal of surface water, therefore Byelaw 3 (surface water) does not apply. Byelaw 3 (Treated Foul Water) The applicant's proposals will not require the disposal of foul water, therefore Byelaw 3 (Treated foul water) does not apply. Section 23, Land Drainage Act 1991 I note the presence of a Board owned arterial watercourse (P21 Holbeach River - DRN206G2101) adjacent to the eastern site boundary and a Board arterial watercourse (P39 Old Sluice - DRN206G3901) adjacent to the south and west site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaw 10 I note that the applicant intends to install new boundary fencing within 9 metres of the aforementioned Board arterial watercourses, as shown on drawing 'Proposed Block Plan' ref: 02 (Pharaoh Designs, July 2025). This proposal is not acceptable under the Board's Planning and Byelaw Strategy as the erection of fencing within 9 metres of a Board arterial (open or piped) watercourse is not deemed acceptable as per Policy 4 within this document. This is because the new fence will impact the ability of the Board to carry out future operations while also likely increasing the liabilities of the Board. Therefore, the Board objects to this proposal. In light of the Board's objection, the Board requests a site visit is conducted with both the Board's Operations Team and the applicant/agent to address the Board's concerns. A site visit request has previously been emailed to the agent but to no avail.

Lincolnshire County Council - Highways and SUDS: No objections. The proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application. The application is for a proposed boundary fencing. The site is away from the public highway, so I have no observations to make.

Holbeach Parish Council: No response received.

CLlr C N Worth: No response received.

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, one letter of representation has been received.

The response queries whether the conifers within the site will be removed.

Key Planning Considerations

Development Plan

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Visual and Amenity Impact;
- Flood Risk and Drainage Board Assets; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Visual and Amenity Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping. Paragraph 135 of the NPPF also states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal seeks to install 2m high close boarded fencing around the perimeter of the site, which features a detached dwelling. The posts of the fencing measure 2.1m in height. The nearest dwelling is Long Acre, which is located approximately 50m from the site boundary. It is not considered that the proposed fencing would have a detrimental impact on the amenity of Long Acre. Furthermore, permitted development rights allow for the installation of 2m high fencing on land that is not adjacent to a highway. Therefore, it is likely that the fencing could be installed using permitted development rights.

The visual impact of the fencing is considered to be acceptable. There is existing screening in and

around the site to reduce the visual impact to the fencing. For example, there is an area of raised land along the site frontage which would partially screen the fencing along the street scene. There are various trees and existing vegetation in and around the site. The applicant's agent has set out that no tree removal is required. None of the trees are protected by a Tree Preservation Order and as such, planning permission is not required for their removal. If any tree removal is required in future it should be noted that a felling license is likely to be required to fell more than 5 cubic metres of timber, however, this is separate from the planning process.

Therefore, the visual and amenity impact of the proposed fencing is acceptable and accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Flood Risk and Drainage Board Assets

The site is within Flood Zone 3 and within a 'Danger to All' hazard rating area, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. As the proposal is for fencing, no specific flood risk mitigation is required in this instance.

South Holland Internal Drainage Board has objected to the application as the fencing would be within 9 meters of the Board's watercourse (Holbeach River). The Board has byelaws which resist the placement of fencing within 9m of their assets as they need to maintain adequate space for maintenance.

Whilst the Board's objection is noted, in this case the proposed fencing would be permitted development in planning terms if the posts were 10cm lower in height. Fencing can be erected on land if the fencing is 2m or lower and if the fencing is not adjacent to a highway. The Board's objection has been discussed with the applicant's agent during the determination of the application and the Local Planning Authority has notified the agent that the Board require the fencing to be removed if it is installed without a compromise being negotiated.

As the fencing is borderline permitted development, it is not considered reasonable for the LPA to refuse the application. Furthermore, the agent has set out that they would be willing to reduce the height of the posts to 2m to enable the fencing to become permitted development. It is considered appropriate to include an informative reiterating that the Board have objected to the placement of the fence and that the Board have byelaws which could require the removal of the fence if installed. Therefore, it is recommended that the applicant contact the Board to try to negotiate the placement of the fence or to consider moving the fence further from the watercourse to avoid conflicting with the Board's Byelaws.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or

(c) the development is exempt from the biodiversity gain condition.

When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

Planning Balance

As detailed above, 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.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to accord with Policies 1,

2, 3 and 4 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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