

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0712-25 **Applicant:** Mr T Gifford
Proposal: Erection of boundary wall & gates
Location: 12 Fen Road Holbeach Spalding
Terminal Date: 2nd 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
- 33 Delivering a More Sustainable Transport Network
- 36 Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport

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	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a householder application for the erection of a boundary wall and gates. The wall would be comprised of a 1.2m high brick wall, with a 0.4m tall black metal railing on top. This wall would go around the perimeter of the east, north-east, and south-east boundaries, giving a total length of approximately 50m. A two metre distance between the footpath and the wall is proposed. A black metal gate is also proposed, slightly off centre on the east boundary, with a height of 1.3m rising to 1.8m in its centre.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the south of the settlement. An access to a former farm, currently being redeveloped to form a residential development, is located to the north. With the exception of this former farm yard, the area is characterised by residential developments.

Fen Road has a fairly eclectic mix of dwellings in the area, primarily built in the late 20th century. 12 Fen Road is a brown brick bungalow, within a modest plot. A garage constructed of the same materials as the host is present to the front of the property.

Relevant History

H09-1084-84 - Full. Proposed new bungalow with garage including vehicular access. Approved 12/12/85.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Clr Chapman

Support - The wall and gates are such that they will enhance the corner it stands on, and with the materials being used it will fit well with the property and the area

Highway and Lead Local Flood Authority

No objection. The proposal is for Erection of boundary wall & gates, and it does not have an impact on the Public Highway or Surface Water Flood Risk.

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, two letters of objection have been received.

These can be summarised as:

- Out of keeping with character of area
- Concerns cars will be parked while waiting for gates to open

Key Planning Considerations

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.

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Holbeach which is classed as main service centre within Policy 1. As such development will be permitted that supports Holbeach's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Holbeach, development within this location is considered appropriate. In any event, the proposal solely relates to the works within an established residential curtilage, and therefore the principle of development is acceptable.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn in the following sections.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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.

These policies accord with the provisions of the NPPF and require 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the

siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

This section of Fen Road does have a fairly open character. However, in the immediate area, relatively tall hedges and trees are present and, further south along Fen Road, taller boundary treatments become more commonplace. This provides some tolerance for developments of this nature, when viewed in a broader context.

That being said, a two-metre gap has been maintained to the highway. This reduces the proposal's intrusion onto the openness of the immediate area, as a clear section of frontage is maintained. Likewise, the use of railings along the higher section of wall would reduce the sense of enclosure created, as views through could still be maintained to a certain extent. The effect of these two elements together is that while there would be some intrusion into the openness of the area, the actual impact would only be minimal and would not be tantamount to conflict with the established character of the area.

The design itself is of a good quality. The wall and railings together provide a reasonably attractive feature that would not be overly harsh. The height of the treatments, and their composition, is such that they would not appear unduly dominant within the street scene, and views of the wider area would not be impeded by this treatment, particularly from the footpath at the far side of the road. Likewise, the use of materials to match host ties the design into the host property and ensures visual consistency in the immediate area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

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

By virtue of its nature, the proposal would have no overlooking effect. Due to the moderate stature of the treatments, it is not considered that a detrimental overshadowing effect would occur on the neighbouring properties.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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 proposal would not impinge upon parking arrangements.

A distance of two metres has been provided between the highway and the proposed gate. Whilst this would not be sufficient to move a car entirely off road while the gates are opened, it would allow for a vehicle to be at least partially moved off road, allowing space for vehicles to pass. This period of time when an entering vehicle would be an obstruction would only be minimal, and therefore, would not be tantamount to a consistent or severe highway impact.

In any event, a comparable effect could occur through the creation of a smaller gate via the implementation of the owners Permitted Development Rights granted under Schedule 2, Part 2, Class A of the General Permitted Development Order, 2015. In such a case, a similar or greater impact could occur through the erection of a 1m high gate, without the Planning Department being able to intervene in any form.

The site is immediately adjacent to the existing access to Kings Farm, which is currently being redeveloped as part of a housing development (most recently approved under H09-1044-23). This access is to be used initially as a construction access and then subsequently repurposed to form a pedestrian and cycle route. Long term, the proposal would not make the proposed pedestrian access unsafe, as the majority of people could see over the top of the wall. In any event, the two metre distance to the road would provide suitable visibility for pedestrians and cyclists. The impact upon construction traffic, which by its nature would be a relatively short term impact, is also judged to not be significant, as the two metre distance to the road would allow visibility of oncoming traffic.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial

strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard zone.

That being said, in line with Footnote 62 and Paragraph 176 of the NPPF, there is no need to apply the sequential test or exception test in this instance.

While the risk of flooding on the site is significant, the proposed wall would not exacerbate this. The wall would be no more at risk of flooding than the host property and would make the host property no more vulnerable than it currently is. There would be no impact upon surface water drainage or flood risk on neighbouring sites. As such, it would be entirely inappropriate to resist the proposal on this basis.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

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 proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

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 xxx 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 these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 33 and 36 of the SELLP, as well as Sections 9, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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