

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0172-26 **Applicant:** Mr & Mrs Richardson

Proposal: Details of confirmation showing that approval has been granted by South Holland Internal Drainage Board in relation to Byelaw 10 (Condition 4 of H11-0815-25)

Location: 19 Highgrove Long Sutton Spalding

Terminal Date: 17th April 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge Condition 4 of H11-0815-25.

Site Description

The site is located within the defined settlement boundary of Long Sutton as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Highgrove is a cul-de-sac within a larger estate to the west of the settlement. The houses in the immediate area are of fairly similar designs although there are multiple bungalows along the approach into the road.

History

H11-0815-25 - Proposed Extensions - Approved

Consultation Responses

South Holland Internal Drainage Board

Byelaw 3 - Consent may be required

Section 23, Land Drainage Act 1991 - Consent not currently required

Byelaw 10 - Consent Required - Objection

Comments After Discussions

No objections.

Planning Considerations

Full Details of Drainage

Condition 4 of H11-0815-25 states that:

"Prior to the commencement of any development hereby permitted, confirmation showing that approval has been granted by South Holland Internal Drainage Board in relation to Byelaw 10 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that no harm is caused to the Board owned arterial watercourse. 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."

Despite initial objections from South Holland Internal Drainage Board, discussions were held between the case officer, agent and IDB to determine whether an objection could be withdrawn.

Within this discussion, the IDB outlined that they object due to the plans showing that the works would be located within 9 metres of the Board watercourse and therefore needing consent under Byelaw 10. A site visit took place between the IDB and agent in which they confirm that the extension would be outside the Boards 9 meter Byelaw zone.

It was explained to the agent that they would need to provide a plan which shows that the extension is outside of this 9 metre zone, however such a drawing was shown as part of this submission and as such the IDB have an objection on this basis.

To resolve this issue and allow for the condition to be discharged without further delays, correspondence took place. From this, the IDB have agreed to remove their objection on this occasion on the basis that no part of the extension will be installed within 9 metres of the Board arterial watercourse. The applicant is reminded that any works that are installed without the Board's prior written consent may result in enforcement action being taken against them.

As such, despite the initial objections, Condition 4 can be discharged.

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

Condition 4 of H11-0815-25 can therefore be discharged.