

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0161-25 **Applicant:** G H Hoyles Limited

Proposal: Details of existing and proposed boundary treatments (Condition 7 of H12-0581-24)

Location: Fenland Dog Park Monmouth Lane Lutton

Terminal Date: 14th April 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Details of existing and proposed boundary treatments (Condition 7 of H12-0581-24).

Site Description

This is a 2.37 hectare site currently in agricultural use south of Monmouth Lane, north of The Peele School in Lutton Marsh. This is an irregular shaped plot situated behind residential properties along Lutton Gowts. The site boundary adjoins the rear of residential gardens.

The site is on Grade 1 agricultural land which is the best and most versatile agricultural land.

The proposal is outside the settlement boundary of Long Sutton which is a Main Service Centre. The proposal is therefore within the countryside.

History

H12-0581-24 - Proposed Change of Use of agricultural land to dog exercise area and landscaping - approved under H12-0577-22. Modification of Conditions 2, 3, 4 and 5 relating to time limit, fencing and dog waste bins, number of dogs and hours of operation. Approved 4.12.2024.

H12-0577-22 - Proposed Change of use of agricultural land to dog exercise area and landscaping. Approved 9th February 2023.

H12-0188-23 - Details of fencing (Condition 3 of H12-0577-22). Approved 10th July 2023.

Consultation Responses

No comments.

Planning Considerations

Condition Wording

Details of the existing and proposed boundary treatments, including fencing, entrance gates, boundary tree planting including details of the colour, materials, design and height of fencing along the eastern flank and front of the site, together with a schedule of fencing levels, heights and materials, and details of the size and species of any additional tree planting, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and the details so approved shall be implemented in full within 6 months of the date of this decision and shall be retained thereafter.

No other fencing, gates, signage or other means of enclosure shall be erected on the site without the prior consent in writing by the Local Planning Authority.

The details shall include signage to the entrance to the dog exercise area gates relating to the maximum number of dogs permitted on site at any one time.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition Detail

Details have been submitted to fully discharge the boundary treatments fencing, entrance gates, tree planting and signage to the entrance of the dog exercise area.

The proposal is part retrospective and part of the fencing is already in place. Around the dog exercise area there would be a 1.9m high post and wire dog proof fence encasing the area as well as the parking which shall also feature a gated access.

The in situ fencing along the front of the site is shown as 1.2m high post and rail fencing. There would also be a 1.2m high dog proof fence bordering a gated puppy/small dog area which would be a post and wire design. Finally, to the eastern boundary there would be a 0.75m high temporary netting.

The signage clearly shows that a maximum of 6 dogs shall be present on site only which accords with other conditions.

14 trees are proposed long the flank of the gravel access road with 19 trees proposed around the boundary of the dog exercise area

The dog exercise area has fencing around it with a gated access. Fencing is shown also along the flank.

The details are considered satisfactory.

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

It is recommended that the details are acceptable and that condition 7 can be discharged.