DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H12-0188-23**	**Applicant:**	**G H Hoyles Ltd**
Proposal:	Details of fencing. (Condition 3 of H12-0577-22)		
Location:	Monmouth Lane Lutton Spalding		
Terminal Date:	14th July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

Chapter 2 - Achieving Sustainable Development
Chapter 4 - Decision Making
Chapter 12 - Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Condition compliance application. Details of fencing (Condition 3 of H12-0577-22).

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

H12-0577-22 - Proposed change of use of agricultural land to dog exercise area and landscaping - approved 9 February 2023.

Planning Considerations

Condition 3 Wording

This application relates solely to condition 3 as follows:

Prior to its installation, details of the proposed fencing to the dog exercise area, including materials, height above ground level and colour, together with a dog waste bin and waste disposal details shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter as long as the dog exercise area remains in operation.

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.

Amended Plan 4029-22 01K dated May 2022 shows the following:

-Dog waste bin provided at entrance/exit to exercise area. The dog bin to be emptied a minimum of twice a week or more frequently if demand dictates. Booking details to include the use of bio-degradable waste bags and requirement for owners to clear up dog mess and dispose of in bin provided. A sample design of bin is provided.

These aspects are considered satisfactory.

-Dog exercise area to be fenced which is inside the new tree buffer strip so away from residential properties. This ensures dogs do not escape.
proposed fencing around the dog exercise area, specifically:
-Fencing is to be treated wooden posts 1.8m high, sunk 600mm into ground, with galvanised metal mesh. Example photo provided.
-the height and design are considered acceptable in this location away from residential properties and are not dissimilar to an enclosure for farm animals.
-The fencing is not fronting the road, so will not have an impact on the street scene.
-The fencing will not adversely affect nearby residential occupiers.
-The wooden elements soften the appearance

It is not considered that the materials, design or appearance of the fencing is out of character or unacceptable in design terms.

The proposals are compliant with policies 2 and 3 of the SELLP.

The proposals are considered acceptable in this location.

Conclusion

Approve condition details.

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.