

Development Management Delegated Decision Report

B/24/0034



SUMMARY OF APPLICATION			
Application Reference	B/24/0034		
Application Type	Full Planning Permission		
Proposal	Installation of automatic gate and two fixed side panels with inbuilt pedestrian gate (Works already completed)		
Location	Copperfield, Lineside, Amber Hill, Boston PE20 3RA		
Applicant	Mrs Patricia Robinson		
Agent			
Received Date:	25-Jan-2024	Consultation / Publicity Expiry Date:	28-Feb-2024
Valid Date:	31-Jan-2024	Statutory Expiry Date:	27-Mar-2024
Date of Site Visit:	06-Mar-2024	Extension of Time Date:	-----
Objections received?	None		
5 day notification record: Not applicable			
	Councillors notified	Date	Response received – date
Recommendation	Approve with Conditions		
Report by:	Simon Eldred		
Date:	6 th March 2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located on the northern side of Lineside, and forms part of the curtilage (the vehicular access) to a detached dwelling, outbuildings and domestic gardens. The wider curtilage has agricultural land to all sides, and Lineside is a busy public highway (the A1121) which is subject to the national speed limit.

DETAILS OF PROPOSAL:

Full planning permission is sought for the erection of 2m-high gates and fence-panels (in black composite materials) over the vehicular access. Full details of the proposals are set out in:

- Quotation/specification document dated 22nd August 2022;



- Location Plan 1;
- Site Plan 1;
- photograph of the gates/panels (external view); and
- photograph of the gates/panels (internal view).

The application is also accompanied by:

- a completed 'Householder and other minor extensions in Flood Zones 2 and 3' form; and
- a map showing modelled flood extents.

RELEVANT HISTORY:

B/21/0174 – Full planning permission was granted on 16th June 2021 for conversion of existing outbuilding to form annexe.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2019** shows the application site as being in the Countryside, approximately 1.8 kilometres (as the crow flies) from the closest Settlement Boundary (Swineshead). The following policies are relevant to this application:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development; and
- Policy 30 – Pollution.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

At the heart of the **National Planning Policy Framework 2023** is a presumption in favour of sustainable development. The following sections are relevant to this application:

- Section 2 – Achieving sustainable development;
- Section 4 – Decision-making;
- Section 9 – Promoting sustainable transport; and
- Section 12 – Achieving well-designed and beautiful places.

CONSULTATION RESPONSES:

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority) has no objections and indicates that the proposal will not have an impact on the public highway *“as the automatic gates are set back a sufficient distance from the nearside edge of the adopted highway, to allow to allow call vehicles to manoeuvre off the highway without causing an obstruction to other highway users when opening the gates”*.

Amber Hill Parish Council indicates that it has no objections, but suggests that *“the planters are very close to the Road”*.

Black Sluice Internal Drainage Board were consulted but provided no response.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third-party representations have been received.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations with regards to this application are:

- Matters of principle;
- Highway safety;
- Impacts on the character and appearance of the area; and
- Impacts on neighbours' amenity.

Principle

Policy 1 of the Local Plan identifies the Countryside as an 'area of development restraint' where *"development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."*

Minor alterations to the curtilage of an existing dwelling in the Countryside can be considered as 'necessary', and therefore as meeting these requirements of Policy 1.

Highway safety

Policy 2 of the Local Plan indicates that *"proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to ... access ..."*

The fence and gates are in place, and are set back significantly behind the 4.5m-high conifer hedge which defines the majority of the curtilage's southern boundary. The fence and gates:

- do not interfere with visibility for drivers seeking to enter or leave the public highway;
- allow vehicles seeking to enter the curtilage to wait off the highway whilst the gates open; and
- have attracted no objections or other concerns from the Highway Authority.

The Parish Council has indicated that *"the planters are very close to the Road"*, but no planters form part of the planning application.

In all, and notwithstanding the Parish Council's comments, it is considered that the proposal will have no harmful impacts upon highway safety, and meet these requirements of Policy 2.

Character and appearance of the area

Policy 2 of the Local Plan indicates that *"proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to ... size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development ..."* and *"quality of design and orientation ..."* Policy 3 requires development proposals to create *"a sense of place by ... respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area ..."*

The fence and gates are set back significantly behind the 4.5m-high conifer hedge which defines the majority of the curtilage's southern boundary, and are relatively short in length

when compared to the hedge. In this context the fence and gates are relatively insignificant visually, and it is considered that they:

- do not unacceptably harm the character and appearance of the area; and
- meet these requirements of Policies 2 and 3.

Neighbours' amenity

Policies 2, 3 and 30 of the Local Plan require the amenity of neighbouring land users to be protected.

The fence and gates have been erected in a location that is more than 400m from the nearest neighbouring dwelling. Given these separation distances and the relatively minor nature of the proposals, it is considered that:

- no unacceptably severe impacts neighbouring land users are caused to neighbours' amenity; and
- the proposals meet these requirements of Policies 2, 3 and 30.

CONCLUSION:

The above assessment identifies that the proposals:

- have no harmful impacts upon highway safety;
- do not unacceptably harm the character and appearance of the area;
- have no unacceptably severe impacts upon neighbours' amenity; and
- meet the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2019.

In these circumstances, it is considered appropriate for planning permission to be granted.

RECOMMENDATION:

Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
1	<p>The development hereby permitted shall be carried out in strict accordance with the application received on the 25th January 2024, and in accordance with the associated plans and other documents referenced:</p> <ul style="list-style-type: none"> • Quotation/specification document dated 22nd August 2022; • Location Plan 1; • Site Plan 1; • photograph of the gates/panels (external view); and • photograph of the gates/panels (internal view). <p>Reason: To ensure that the development is undertaken in accordance with the approved details and to comply with Policies 1, 2, 3, and 30 of the South East Lincolnshire Local Plan 2019.</p>		

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
STATEMENT OF PROACTIVE WORKING: In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.
Amber Hill Parish Council suggests that “ <i>the planters are very close to the Road</i> ”.