

## **Planning decision appeal request following decisions made by North Lincolnshire Council planning regarding PA/2025/349 and PA/2025/1138**

### **Background**

I purchased a 1940's old almost derelict Pub (The Dog & Rat) in 2024 and the property was vacant for over 5 years. It was in a state of neglect, very run down and had been vandalised.

The property came with planning permission (PA/2021/1338) which was for a change of use from a Public House to a domestic dwelling, including demolition of existing outbuilding. The planning approval also came with some conditions, of which condition two and four are relevant for my appeal.

Just for awareness regarding some of the other conditions, the outbuilding has been demolished and the asbestos survey completed, with these conditions having been met.

Condition two - The development permitted shall be carried out in accordance with the approved plans. As these weren't my plans a number of alterations were requested and this detailed within PA/2025/349. Which was subsequently refused and forms part of my appeal.

Condition four - Prior to occupation acoustic trickle vents required via double glazing. I requested via PA/2025/349 that once acoustic trickle vents in double glazing were fitted to each floor, that occupation of that floor could occur. Because my application was refused and for this minor part, was just to do with wording, of which I would have thought this part could have been approved.

Refer further below for planning variation PA/2025/1138, which is also part of my appeal.

### **Background continued**

The wall to the front of the property was also in a poor state and although roughly 1M high it was not keeping people out. Youths were trying to break in and other anti-social behaviour was occurring within the property/boundary. Which included local drunks hanging around, drug taking and other illegal behaviour.

I spoke with North Lincolnshire Council Planning Department and advised that I needed to do something quickly to resolve the ongoing issues as I had fear for my safety and the safety of others including family and friends.

The only option was to remove the wall and erect upto a 2M wooden fence around the properties boundary to keep offenders out. I was advised that I could submit a planning application retrospectively.

Since erecting the fence, there has been no illegal activity and all local comments about the fence have been positive. The local neighbourhood and local Council (Broughton) were really pleased that someone was turning a property that had become an eyesore into a respectable detached domestic dwelling.

I submitted a planning application to North Lincolnshire Council (PA/2025/349). This to make some alterations to the previous owners approved plans, this included the recently added upto 2M high fence and to adjust conditions such as the double glazed windows.

A Council Planning Officer Jennifer Ashworth subsequently contacted me and raised concerns with the fence and some of the requested alterations. She gave me 5 days to address the concerns. I advised that I was on holiday abroad, so I requested an extension and I discussed the concerns with my application. I also gave indication that I was willing to make changes.

Sadly however within 48 hours the Planning Officer just made her decision and refused my application outright. Subsequently a senior North Lincolnshire Council Officer through the complaints process has formally apologised and suggested that I should promptly proceed with an appeal via the Inspectorate. I was hoping that the complaints process could deal with the planning issues, but I have been told they can't and I wanted to try that option first before contacting the Inspectorate. The complaints process has only just concluded within the last week.

It is worth noting that during the 14 days following my planning application, not one negative review was received by any local resident, or from the local Council. All comments were positive with what I was doing with the property which included the fence.

The Council planning officer wants the fence reduced to upto 1M high. However, as I have explained doing so would reignite the previous anti-social and illegal behaviour again. As offenders could, like previously, simply just hop over the fence/wall.

To date I still see people, such as drunks and youths who would/want to enter my land/property, but the fence is working in keeping these people out. Fortunately the Police have been supportive and on hand to assist, but they can't always be present and a local officer did say that reducing the fence could well re-ignite the previous issues.

Residents should be allowed to feel safe and secure within the boundaries of their property and not placed at risk. Yet by lowering the fence height, this would not provide my family and I with such safety and security. I also have my Son to consider who has extremely rare medical conditions and some learning difficulties. With the current safety/security that the fence brings, this will allow him to feel safe and want to play outside, yet reduce the fence and he will not want to.

The property now 128 High St is adjacent to a mini-roundabout which has three roads leading from the roundabout. Next to the road is a footpath, then primarily a grassed area and then my fence. The majority of the area in front of the fence is a grassed area with a flower bed which I guess is green belt land.

My property is not orientated like most more normal properties, which generally have a narrow frontage and then the property sits further back within a long garden. My property is more turned 90° and has a wide frontage, with narrower sides. This coupled with the roads, means a lot of cars and pedestrians will be gazing right into

my property, giving no privacy with only a 1M high fence. I would have to have the curtains permanently drawn and not allow children to play outside at the front, or potentially anywhere in the garden, especially if previous offenders return.

### **Planning refusal issues**

Unfortunately there's been a number of inaccuracies made by the Case Officer and this forms part of my appeal.

### **Case officers Delegated Assessment document**

2M high fence - 'The proposed fence would reduce the outlook for residents at the ground floor windows.' '...prevent an outlook from the first floor and basement windows and has the potential to result in increased amount of shade for some rooms on this elevation.'

You'll see from the attached photos that there's no increased shade and there is still an outlook for residents. What perhaps hasn't helped is the case officer, despite me offering, has not looked behind the fence or looked from within my property.

Appearance / quality of Design - It seems to have been overlooked that what was previously here was a derelict run down Pub, with a wall in a poor state, windows smashed etc.. No objections have been received and only positive comments have been made. The fence does also fit in with the surrounding area, where other properties have fences, walls, bushes outside their properties extending upwards of 2M in some cases. I have provided a Google maps document which shows some of these areas that are within close proximity of my property.

The documents the case officer mentions, also talk about security and safety, yet with what she is proposing, will not provide this to my family and I. Whereas the fence provides this. The upto 2M high fence is not out of character with the wider street scene and does not harm the character of the general area. The fence still allows overlooking from other properties, road users and pedestrians. In part due to the slope/gradient of the topography.

The road conditions are not the same for all residents, as others don't have three roads that all join at a roundabout outside of their homes. There's minimal garden to the rear because of the sloping, different land levels. This is also overlooked by the Coop and the vehicles from within the Coop's carpark.

Highways didn't raise any concerns with the fence within the timeframe of my application, but the Case officer subsequently advised that highways had concerns with the fencing. Which was later added to the planning application and was primarily in relation to visibility of vehicles entering and exiting the property from the front driveway gates. Though I do now also have rear access gates from an agreement with the Coop next door.

I subsequently spoke with Highways and following further discussion, the highways officer spoke with his boss (Louisa) and they confirmed that actually they were content with the fence. This was also emailed to me on 5th June 2025 which post dates the case officers document referred and the subsequent planning refusal. Part

of that email states: *'From speaking to Louisa yesterday we're now happy that visibility from your access is acceptable.'*

It is not believed that the boundary fence to the frontage is a discordant introduction. There's also actually minimal harm. It's a balance and has to consider other important aspects, such as safety and security which the case officer has overlooked. But also no residents or the local town council have made any objections, raised no concerns and are actually really supportive of this property not being an eyesore and enhancing the community.

### **Refusal of planning permission**

This was covered by three points. But for the reasons highlighted above they don't appear to be accurate or justified. Hence me requesting this appeal.

### **Planning issues subsequently addressed**

As mentioned prior to this I wanted to address the issues and lack of engagement from the Planning department of North Lincolnshire Council by way of complaint, but that hasn't been allowed to address the planning issues and hence now my appeal to the Inspectorate. However, a number of the issues/restrictions have been addressed, in part by me being flexible and tweaking plans.

I wasn't aware that planting, or grassed areas had to be on the planning application, so I have subsequently submitted plans detailing where plants, bushes, grass etc will go. This includes areas around the slightly relocated garage and I have checked with my neighbour who has no objections with my plans.

I have also moved the planned bedroom within the basement so this will now have it's own window providing natural light. Plans have been submitted reflecting this.

I have also looked at the gates at the front of the property and with a gate designer. A 5M electric sliding gate, will provide the 1.5M each side for pedestrian visibility splays, allowing cars to utilise a central 3M wide area.

I was advised by the Head of Planning to email the case officer and I did so on the 13th August 2025 and she replied on the 2nd September 2025. You'll see from the attached emails that two of the three reasons for planning refusal, as well as the amendment to condition 4 (window trickle vents) would now be acceptable based on my proposed changes and subject to new planning application. My preference however would be that no further planning applications are required, subject to a positive outcome from this appeal.

### **Planning issue outstanding solution**

You'll see from maps and photos that in front of my fence is a grass area prior to the footpath and then the highway. The grass area narrows at one end and then stops. The fence then continues along the edge of the footpath. This is roughly where the gates at the front will be changed to 5M wide electric sliding ones. I will be able to move the gates back by 60cm from the footpath, so that none of the fence is closer than 60cm from the footpath, allowing utilities such as water and gas meter access to remain on the inside. The fence will then no longer be immediately adjacent to the footpath/highway.

The last fence panel on the LHS as looking at the fence from the road, this crosses a stream and the road bridge over the stream ends just behind this panel, I wouldn't therefore be able to move this panel any further backwards and It would probably be safer for it to remain here and upto 2M high to prevent anyone falling into the stream. But if I had to I could lower this panel to 1M high, as the fence between the Coop and I sits on my side of the stream. **Hopefully these further suggested changes will allow for the fence to remain?**

### **Planning appeal against decision relating to PA/2025/1138**

I subsequently submitted a variation planning application PA/2025/1138 specifically for the windows, this as instructed by the case officer and utilising her exact wording. However, I have now (26/09/25) via email from North Lincolnshire Council Planning Department been informed that my application is invalid. Of which four reasons were given and the first two are what I would like to appeal.

One - This is to do with the wording, yet I was specifically told by the case officer what to write. I would however say what is now written seems a lot more simpler, to the point and covers what's required.

Two - This relates to an alleged fee error and the person who has emailed has referenced the original planning application (PA/2021/1338) saying I need to pay a full fee and owe an additional £500. Yet the case officer advised me to just submit a variation application, of which that comes with the fee that I paid and hence what I did. Not forgetting the fact that I think this should have been approved in my previous application (PA/2025/349) that I have also paid for.

Three - This mentions I have not provided a location plan, yet with the other planning applications referenced, this seems somewhat obvious which property etc it relates to. I will however confirm that the original site location plan in PA/2021/1338 is to be used.

Four - I have previously submitted evidence to support the windows having been fitted on the top floor and was told it's now on file. I will however resubmit this information/evidence and ask for it to be linked to this application.

### **Attachments**

Ground floor view - You can clearly see the windows in general sit higher than the fence, allowing outlook. As well as the 5M high hedge of the property opposite.

Basement windows - This shows that the fence does not obstruct light. There used to be a 2M curved brick wall that sat in front of the windows, this to provide privacy for the ladies toilet when a Pub. This has been reduced and pushed back during landscaping.

My view from a ground floor window of street scene - Neighbours opposite have high walls, fences and bushes. The fence does not prevent natural surveillance of the wider street scene.

Nearby fences - This Google street view document shows a number of properties within close location to me who have high fences, walls and bushes similar to mine.

Aerial map - You can see the grassed area mentioned in front of my boundary/fence.

Delegated assessment - This as mentioned has a number of errors within.

Refusal of planning permission - The windows aren't mentioned, but the other points have flaws in, as mentioned, or have now (hopefully) been addressed.

Revised site plan variation - Showing planned landscaping areas.

Wall & hedge along ermine street - A lot of houses gardens aren't all open as the case officer implied.

Fence along ermine st - This is similar to mine.

Basement revised variation - I have moved the bedroom which now has at least one window outlook.

Application form (PA/2025/349) – This my plans.

Application form (PA/2025/1138) - This was for the windows.

PA/2021/338 - This the previous approved planning application.

Important emails 130825 & 020925 - This my solutions and the response.

Council email 260925 PA/2025/1138 - This differs to what advised by case officer.

Move section of fence back - This so away from highway/footpath & for 5M electric sliding gates.

Plans x7.