



Appeal Decision

Site visit made on 17 April 2026

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 5 May 2026

Appeal Ref: APP/B2002/D/25/3368305

160 Humberston Fitties, Humberston, North East Lincolnshire DN36 4HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Chapman against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0208/25/FUL.
 - The development proposed is fencing including the reduction of the existing close boarded fence to the rear.
-

Decision

1. The appeal is allowed and planning permission is granted for fencing including the reduction of the existing close boarded fence to the rear at 160 Humberston Fitties, Humberston, North East Lincolnshire, DN36 4HE in accordance with the terms of the application, Ref DM/0208/25/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with Drawing Nos 1B, titled 'Proposed Fencing Plan/Elevations' dated March 2025 and 2, titled 'Existing Fencing Plan/Elevations' dated September 2024.
 - 2) Unless within five months of the date of this decision, the existing 2.0-metre-high rear boundary fence has been reduced to a height of 1.5 metres, in accordance with the approved drawings, the existing fence and all its posts and fittings shall be removed in their entirety. The reduced height fencing shall be maintained in accordance with the approved drawings thereafter.

In the event of a legal challenge to this decision, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. I have removed the words "retention" in the description of development, as this does not constitute development.
3. The timber fencing already exists on site. However, the proposal includes a reduction in the height of the rear close-boarded fence from 2 metres (m) to 1.5m. While much of the fencing is therefore retrospective, the alteration to the rear fence represents an active element of the proposal. I have accordingly considered the appeal on the basis of the development as proposed and, for the avoidance of doubt, determined it with reference to the submitted drawings.
4. The Council accepts the existing 1m high picket-style timber fencing to the front and sides of the appeal site. As this reflects the prevailing frontage character of the

area, I have no reason to reach a different conclusion. Consequently, the acceptability of this element is not in dispute and has not formed part of my determination of the appeal.

Main Issues

5. The main issues in determination of the appeal are the effect of the development on:
- the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Humberston Fitties Conservation Area; and
 - flood risk.

Reasons

Character and appearance

6. The appeal site is within the Humberston Fitties Conservation Area (CA) and I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. The significance of the CA derives from its origins as a former military encampment on reclaimed salt marsh land beside the Humber Estuary and its subsequent informal evolution into a holiday chalet settlement. Following the First World War, former camp huts and later chalets were adapted or constructed in a piecemeal manner, resulting in a highly varied and individual character. Defining features of the CA include the use of diverse materials, the absence of uniform design, and its general open 'plotland' character. This informality, individuality and openness make a positive contribution to the character and appearance of the CA, and the conservation of its significance depends on preserving these qualities and limiting the introduction of intrusive modern materials.
8. The appeal site comprises a chalet plot fronting Main Road. Similar chalet plots sit immediately to either side of the it and extend along, and beyond, the opposite side of the road. To the rear of the plot, serving an adjacent watercourse, lies an unsurfaced and raised maintenance and emergency access track, which runs parallel to the appeal site's boundary and is also used as a public path. Beyond this, and outside of the CA, the neighbouring development is typically a static caravan park and some commercial premises.
9. The rear boundary treatments immediately adjoining the appeal site comprise a 1.5m high close-boarded timber fence on one side and a low picket-style fence on the other. At slightly greater distances, rear boundaries typically comprise a combination of low-height close-boarded fencing and more substantial and taller boundary planting.
10. I recognise the importance of protecting and enhancing the informality, individuality and openness that characterise the CA. However, the rear boundary of the appeal site lies at the outer edge of the CA, beyond which the chalet development does not continue. The proposed reduction in the height of the rear fence would align it with one of the neighbouring rear boundary treatments and, within this context, it

would neither appear unduly prominent nor overly domestic in character. Although it would remain taller and of a different form to the other adjoining rear boundary, this variation reflects the prevailing informal and non-uniform approach to boundary treatments and the variation in openness that exists in this part of the CA. The visual change between the height and form of the lower neighbouring fence and the proposed fence would also be broken to some degree by the various shed type structures that exist to this boundary.

11. The proposed rear fence would not be visually prominent when experienced from within the CA. This is due to the physical separation created by intervening chalets and other built form, which fragments views and limits the fence's visibility. In addition, open and attractive views of the vegetation on the opposite watercourse bank would be maintained, providing a further effective visual backdrop that prevents the proposal from appearing visually dominant. Even from the public path along the access track, the raised position and visual containment afforded by surrounding development prevents the proposed fence from adversely effecting views into the CA.
12. Overall, being on the periphery of the CA and similar in size and form to adjacent fencing, the proposed reduced rear fence would not harm the informality, individuality or openness that characterise the CA.
13. Reference is made to the proposal not meeting the Chalet Design Guide (1997), which sets out that all plots should be enclosed by a timber fence not exceeding one metre in height. However, this requirement is detailed as only applying specifically to boundary treatments forward of the front building line of chalets. As the issue with the proposal relates solely to the rear boundary, this requirement is not directly applicable.
14. Both Humberston Village Council and the Grimsby, Cleethorpes and District Civic Society objected to the proposal based on the Council's heritage comments and an assumption that it conflicted with the Chalet Design Guide. No additional harm was identified. For the reasons set out above, these objections do not alter my consideration of the above.
15. Taking the above into account, the proposal would preserve the CA's character and appearance. Consequently, it would meet the requirements of section 72(1) of the Act and would not harm the significance of this designated heritage asset. It would also not conflict with Policies 5, 22 and 39 of the North East Lincolnshire Local Plan 2013 to 2032 (2018) (LP) which seek new development to be to a good design which protects and enhances heritage assets, including character and local distinctiveness.

Flood risk

16. The Environment Agency (EA) objects to the proposed rear fence on the basis that it could impede access to the sea defences and, as a consequence, increase flood risk. It advises that, as the works would be located within 16m of a flood defence, any activity would require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016. The EA also indicates that, on the basis of the current proposal, it is unlikely that such a permit would be granted. The Council itself raises no separate or additional flood risk concerns.

17. As noted previously, the boundaries adjacent to the sea defences in the vicinity of the appeal site are characterised by a varied and informal mix of rear boundary treatments, including sections of fencing of varying and comparable height, dense planting and occasional shed-type structures. The proposed fence would follow the established historic line of the appeal site's rear boundary and would align with neighbouring rear boundaries. Against this existing baseline, the proposal would result in only a very limited change to current conditions and would not significantly alter the nature or availability of access along the maintenance track. It would not introduce any significant or unusual obstruction to the sea defences access beyond that which already exists.
18. While I take account of the EA's recommendation to reduce the fence height, use a post-and-rail or picket type fencing and include a 1m setback from the toe of the sea defences, no substantive or site-specific evidence has been provided to demonstrate that the proposal, as submitted, would hinder access to the sea defences. Nor has it been shown that the existing boundary treatments along this stretch are presently giving rise to any access difficulties. In particular, the EA has not explained how the proposal would create any greater impediment to access than the current arrangement. In the absence of clear evidence of an increased or unacceptable impact, I am not persuaded that the proposal would compromise the EA's ability to maintain or access the sea defences, or that it would result in any increase in flood risk when compared with the existing situation.
19. Notwithstanding the above, I am mindful that the proposed development would require a flood risk activity permit from the EA. However, the permitting process operates under a separate legislative regime to the planning system. The role of this decision is to assess whether the proposal is acceptable in planning terms, rather than to determine whether it would ultimately secure all necessary permits. Moreover, the EA has not categorically confirmed that it would not grant a permit. If I was minded to grant planning permission, this would not override or prejudice the EA's separate regulatory functions, and it would remain for the appellant to obtain any required consents before the development could lawfully proceed.
20. Accordingly, the proposal would not increase flood risk and would accord with Policy 33 of the LP, which requires new development not to increase flood risk to itself or to existing properties.

Other Matters

21. Appeal reference APP/B2002/W/25/3366710, relating to 124 Humberston Fitties, was submitted as information for the appeal. While this site lies within the CA, the appeal concerned alterations to a replacement chalet and arose for different circumstances to the appeal before me. It is therefore not directly relevant and does not alter my conclusions.

Conditions

22. The Council has suggested the imposing of a condition requiring the development to be carried out in accordance with the approved plans. I have considered this and, in the interests of certainty, have imposed such a condition. As the development is largely retrospective, a standard time-limit condition for commencement is neither necessary nor appropriate. However, as the acceptability of the proposal depends on the reduction in the height of the existing rear fence, I have imposed a condition requiring this alteration be completed within

a specified period. This is necessary to ensure that the development is brought into compliance with the approved scheme and that the reduced fence height can be effectively enforced.

Conclusion

23. For the reasons given above and considering all other matters raised, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR