

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0088-25 **Applicant:** Mr S Parker
Proposal: Installation of broadband line
Location: 47 Church Street Pinchbeck Spalding
Terminal Date: 11th April 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

Planning (Listed Buildings and Conservation Areas) Act 1990

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the installation of broadband fibre at 47 Church Street, Pinchbeck

Site Description

47 Church Street is a Grade II listed house, positioned on a large plot with historic outbuilding, in a central Pinchbeck location.

Historic England describes the building like so:

"House. Mid C18, altered late C19. Red brick, brick coped gables, slate roof, 2 gable stacks. 2

storey plus attics, 3 bay front, with central 6 panel door flanked by single glazing bar sashes. To first floor 3 similar windows. All openings have brick segmental heads. In the roof 2 steeply gabled C19 dormers with bargeboards, slate cheeks, 2 light casements.

History

H14-0490-18

Change the use of two ground floor rooms and toilet of an existing Grade II Listed Building from residential to Class A3 business use. Approved 14-08-18

H14-0491-18

Change the use of two ground floor rooms and toilet of an existing Grade II Listed Building from residential to Class A3 business use. Approved 14-08-18

Consultation Responses

Pinchbeck Parish Council

Fully supports the proposal as it brings modern services to a local historic property.

Planning Considerations

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (2024) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

As such, the NPPF sets out that where proposals could lead to 'less than substantial harm' to a designated heritage asset, the consideration of such an application must be weighted against the public benefit.

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.

The desirability of preserving the asset in this instance, should of course be given extremely great weight; it is in this spirit that the works proposed are considered not to bear any risk of negative impact to the value or significance of the historic asset. In this instance, the proposed installation of a broadband line represents an extremely minor alteration to the Listed Building and should form

part of standard utilities to the property, with minimal and non-character-harming drilling into the Northern elevation. The run of the cable is to be masked by existing rainwater goods. The proposal is therefore deemed to assist in preserving the asset by enhancing modern services without materially altering the character, to the degree that the proposal could be considered de minimis and to fall short of the strict legal requirement for LBC in the first place.

Other Matters

The Local Planning Authority must consider the impact/harm the proposal has on the significance of the heritage asset as outlined above. It is not the requirement of the Local Planning Authority to assess other matters, such as residential amenity impacts or highway safety within a Listed Building Consent submission or matters that do not relate to the host listed buildings.

The assessment of these other matters and additional elements of a proposal would take place within the Full Planning Permission, should this be required.

Notwithstanding the above, legal acts independent from planning, serve to protect matters outside planning control. Any legal requirements or independent acts that governs these matters must still be followed and are not superseded by the Local Planning Authority grant of listed building consent

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, and 29 of the SELLP, as well as Sections 12 and 16 of the NPPF. The recommendation, therefore is to approve.

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.