

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0209-25 **Applicant:** Castle Events Ltd
Proposal: Removal of tiered benching viewing gallery in the old courtroom
Location: The Sessions House Sheep Market Spalding
Terminal Date: 2nd September 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Sections 12 and 16 of the National Planning Policy Framework (2024)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SPALDING & DISTRICT CIVIC SOCIETY	1	0	0	0
OTHER STATUTORY BODIES	0	0	0	4

CASE OFFICER ASSESSMENT

Proposal

This listed building consent is for the removal of tiered benching in the viewing gallery of the courtroom at the sessions house, Sheep Market, Spalding.

Site Description

The Sessions House is a Grade II listed building, described like so:

"by Charles Kirk. Massive stone structure in the form of a castle. 2 crenellated side towers and recessed centre of 2 storeys, of 3 bays divided by buttresses, centre heraldic beast finials. 3 windows between buttresses with 'Perpendicular' tracery. Central 4-centred doorway. Royal Arms to centre of crenellated parapet. Side towers of 3 storeys, with oriels to 1st floor, 4-centre doorways, carved spandrels. Clock to left tower. Side elevation in pale brick. See also Police Station."

The Sessions House is situated on the sheep market, which forms one of the principle character areas of the Spalding Conservation Area. The site is also adjacent to the similarly Grade II listed former police station, and is considered to form part of a character group of local interest buildings with that site in addition to Nos 32 and 33 The Crescent. Within its setting, the sessions house is the most prominent building and defines the area's character.

The interior of the sessions house retains many original features, although has undergone some significant modern redecoration and remodelling.

History

H16-0166-95

Reslating (Welsh Slate) of main south facing roof slope. Refused by the Secretary of State 04-04-95

H16-0426-09

Reinstatement of wall and cast iron railings and entrance gate to front of courthouse. Approved 11-09-09

H16-1018-16

Change of use of Sessions House to residential, including internal alterations. Approved 10-01-17

H16-1017-16

Change of use of Sessions House to residential, including internal alterations. Approved 10-01-17

H16-1166-17

Removal of wooden court dock. Approved 23-01-18

B16-1094-17

Install log burner, remove various modern stud walls, replace water service to building, remove and replace all office strip lighting. Approved 15-08-17

H16-0512-18

Change of use of part of residential dwelling to D2 use (assembly and leisure). Approved 17-07-18

H16-0154-19

Removal of disused painted stone fireplace, removal and bricking up of kitchen serving hatch and dismantling of wood and glass entrance way

Works to the exterior front of the building including installation of an external light and replacement of a doorbell.

Approved 09-04-19

H16-0034-20

Change of use of part of residential dwelling to D2 use (assembly and leisure) - approved under H16-0512-18. Modification of Condition 3 to allow more versatility and offer a wider range of

uses.Approved 16-03-20

Consultation Responses

Historic England

Initially, Historic England objected to the proposed removal of the benching. However, upon receipt of an amended scheme that sought to minimise the removal of original material, Historic England removed their objection, leaving the assessment of the case to the LPA's Conservation Specialist.

Victorian Society

Initially, The Victorian Society objected to the proposed removal of the benching. However, upon receipt of an amended scheme that sought to minimise the removal of original material, they removed their objection. Nevertheless, the society did request that further information be provided to ascertain the means by which the retained but unfixed benching should be stored. The LPA determined this could be satisfactorily addressed by means of a condition requiring the storage of the benching on site.

Historic Buildings and Places

As part of the the JCAS consultation, HB&P were consulted. Whilst the HB&P did not object, they raised concerns with the appearance of the courtroom once the 'store room' were to be removed as it would create an asymmetrical appearance by introducing the store room window into the wider courtroom. The HB&P recommended an options appraisal and an updated HIA to be submitted.

Spalding and District Civic Society

At the initial consultation phase, the Civic Society objected to the proposal upon the following grounds:

"We wish to object to this application on the grounds that removal of the benching would be prejudicial to the historic interest in the building which was purpose built as an Assizes Court House during 1842 and opened in 1843. Policy 29 of the South East Lincolnshire Local Plan requires that proposals must not prejudice the historic interest of a listed building, which we feel this proposal does.

Paragraph 210 (a) of the National Planning Policy Framework requires planning authorities to take into account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;" . We do not consider that the benching prevents the space from being used in viable way.

We support the observations made by Historic England, The Victorian Society and Historic Buildings and Places and would encourage the applicant to withdraw the application, in light of the strength of those observations"

Following the submission of the amended scheme, the Civic Society submitted a supplementary comment, maintaining their objections to the proposal.

LCC Historic Places Team

Requires the submission of an updated HIA to be able to make a recommendation.

Planning Considerations

Heritage Impact

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 require 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, Para. 213 of the NPPF sets out that where proposals could lead to 'substantial harm' to a grade II listed designated heritage asset, clear and convincing justification should be necessary and that this justification should be exceptional.

Para. 214 of the NPPF then goes on to confirm that where a proposal would lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm, or that all of the following apply

- "a) The nature of the heritage asset prevents all reasonable uses of the site; and*
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) The harm of loss is outweighed by the benefit of bringing the site back into use."*

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 to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

With the above in mind, the Local Planning Authority considers the proposal to represent a form of 'less than substantial harm'. It is categorised as this because although the proposal does seek the removal of a significant amount of historic (although not necessarily original - explored later) fitted furniture, linked to the historic use of the site, the applicant has - by means of amendment to the original scheme - mitigated the scale of the proposal via the retention of the lower, non-tiered section to the frontage that shall be repurposed on site. Moreover, visual inspection of the site would suggest that the furniture is either non-original or at the very least has been substantially modified and reconfigured throughout its history. This is most evident in the fact that the 'store room' (interview room) is clearly non-original, of a mid-late C20th construction and clearly having required major alteration and reconfiguration of the bench seating, which at one point would have occupied the entirety of the space of the rear room including the area now occupied by the interview room. Furthermore, the rear tiered seating is situated on concrete tiered pads, which as HB&P state in their response to the application is highly uncharacteristic. The seating upon these pads is also non-ornamental or ornate, unlike all other seating in the courtroom, and is characteristically mismatched with the remainder on site. This is to the extent that it appears likely that when the interview room was constructed, the current arrangement was installed in replacement of original tiered, timber framed benches. This is further corroborated by the fact that the bench seating at the Boston Sessions House (built in the same year, to a near identical design, by the same architect) utilises bench seating that is far less unadulterated and does not fully match. However what remains of the ornate seating in the Spalding site, does closely match that which is in the Boston facility, suggesting there is a design dichotomy presented by the rearmost tiered seating, suggesting it may not be of an original design or orientation, when compared to a reasonably comparable site.

As such the application seeks to replace tiered seating that at best are of a lesser value to the

character of the site than the remaining ornate seating, or at worst have been entirely replaced at some point in the last century for an inauthentic alternative, that has then itself been significantly harmed by the construction of the interview room. Nonetheless, the tiered nature of the design is characterful in and of itself, and therein lies the identified harm in removing this aspect. Considering that much of the original courtroom furniture has been historically removed such that only the dock and side seating remains, and the aforementioned suspected originality of the seating proposed to be removed, it is not felt that this work is impinging upon an especially highly preserved courtroom interior. It is therefore found that the applicant's justification, in allowing the site to be used for a more versatile and viable range of uses, whilst preserving the most important and characterful aspects of the fitted furniture, is acceptable. This position is supported by the latest comments of both Historic England and the Victorian Society.

HB&P raised concerns about the potential of introducing asymmetry into the courtroom by removing the tiered seating as the non-original interview room window on the Northern side of the west elevation would be exposed. This is true. However, the room is already asymmetrical due to the very existence of the interview room in the first place, and so I cannot assess that asymmetry would be unduly harmful compared to the extant. The applicant does propose mitigation by reinstating the timber panelling down to floor level on all then-exposed wall surfaces.

The LCC historic places team, as SHDC's archaeological advisers requested an updated Heritage Impact Assessment. However, LCC is the LPA's archaeological advisory service and therefore, a HIA is immaterial to their remit. The works proposed cover only above-ground-floor internal works and therefore there are no archaeological implications for this work.

The Victorian Society also requested details of the storage of the retained benching. However, it is felt that this could be more reasonably secured by means of a condition requiring the retained benching to be stored on site and in association with the Sessions House.

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 Policy 29 of the SELLP, as well as Section 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.