DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0685-25**	**Applicant:**	**Mr C Longstaff**
Proposal:	Repairs & works relating to subsidence		
Location:	Westbourne Lodge 13 Cowbit Road Spalding		
Terminal Date:	10th 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

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the implementation of works for the rectification of subsidence on Westbourne Lodge, 13 Cowbit Road, Spalding.

Site Description

Westbourne Lodge is a grade II* listed property situated in a prominent location within the spalding conservation area (SCA). Historic England describes the building like so:

"*Architect William Sands, junior. Fine mid C18 house of 2 storeys in red brick. 3 window centre, and lower side wings with 1 window and round-headed door on ground floor to left, no window to right. Band between storeys to left. Rusticated architraves to upper windows, and modillion pediment over centre, stone cill tabs. Parapet. Ground floor has 2 rounded bays with fluted mullions and modillion cornices, glazing bars, and projecting porch in Roman Doric. Modern door and fanlight. Good wood doorcase with pediment to side entrance. Moulded modillion cornice to whole building.*"

Both properties to the east and west of the site are also separately listed, as are a number of other buildings situated directly to the east of the site. Moreover, Ayscoughfee Hall School is situated directly on the opposite side of the river to Westbourne Lodge, and is similarly Grade II* listed. Given the density of heritage assets and the prominence of the location alongside the historic and attractive riverfront within the SCA, it is reasonable to declare that this site forms one of the most sensitive components of the town's historic environment.

History

H16-0041-16

Proposed rebuilding of existing garden wall within the grounds. Approved 17-03-16.

H16-0714-16

Replacement and renewal of boundary fence. Approved 19-09-16.

Consultation Responses

Cllr Ashby - Ward Member

A nice building that needs improvements.

Spalding and District Civic Society

We are happy with the proposed works.

LCC Historic Places Team

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Finally, considering the proposal is for a Grade II* Listed building within the Spalding Conservation Area, the SHDC Conservation officer must be consulted before a decision is made

Planning Considerations

Evaluation

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are

also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Heritage Conservation

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 not represent a form of harm. The proposed works take the form of repairs to facing brickwork, mortar, cornicing and various external cracks, fully utilising lime mortar as well as the installation of helibars. The proposed works are pursued in the interest of saving the building from several emerging structural issues, plainly visible in signs of exterior movement. A site inspection showed the condition of this site to be in need of intervention and this, alongside the proposed works are fully justified within the supporting CARE accredited structural engineers report. The proposal should not lead to lasting visual harm to this extremely important asset, and the means of repair, in addition to having been justified are known to the case officer to be a sensitive form of repair, that should not impair appreciation of the asset. Therefore, no harm is identified and the proposals can be said to be very much in the interests of the preservation of the historic asset.

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

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.

Conclusion

For the reasons listed above, this application is deemed to conform to the requirements of Policies 1, 2, 3 and 29 of the SELLP (2019) in addition to Sections 12 and 16 of the NPPF (December 2024). Therefore, the application is recommended for approval.