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## Appeal Decision

Site visit made on 14 April 2026

**by R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 05 May 2026**

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### **Appeal A Ref: 6003783**

#### **Pavement o/s Boots, 12-14 Hall Place, Spalding PE11 1SA**

- 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 Verity Cheyne against the decision of South Holland District Council.
- The application Ref is H16-1013-25.
- The development proposed is the installation of 1no. BT Street Hub.

### **Appeal B Ref: 6003784**

#### **Pavement o/s Boots, 12-14 Hall Place, Spalding PE11 1SA**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
  - The appeal is made by Verity Cheyne against the decision of South Holland District Council.
  - The application Ref is H16-1014-25.
  - The advertisement proposed is 2no. digital 75" LCD display screens, one on each side of the Street Hub unit.
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### **Decision: Appeal A**

1. Appeal A is dismissed.

### **Decision: Appeal B**

2. Appeal B is dismissed.

### **Preliminary Matters**

3. There are two appeals at the site. Appeal A relates to the refusal of planning permission, while Appeal B is against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. Therefore, to avoid repetition, I have detailed the findings under a single reasoning section. Nonetheless, each proposal and appeal has been considered individually on its own merits.
4. The Advertisements Regulations stipulate that control may be exercised only in the interests of amenity and public safety. In determining the advertisement appeal, the policies of the South East Lincolnshire Local Plan (LP) are not determinative, but I have taken them into account in determining the appeal against the refusal of planning permission.
5. The appeal site lies within the Spalding Conservation Area (CA). For Appeal A and insofar as it applies to the consideration of amenity for Appeal B, I have had regard to the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). I am required to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

6. The appeal site is proximate to a number of listed buildings. For Appeal A, I have a statutory duty under Section 66(1) of the Act to have special regard to preserving the setting of a listed building. For Appeal B, although there is not a statutory duty, the fact that a building is listed can be a material consideration when considering the effect on amenity.

### **Main Issues**

7. The main issue for Appeal A is the effect of the proposal on the character and appearance of the area, with particular regard to the effect on designated heritage assets.
8. The main issue for Appeal B is the effect of the proposed advertisement on the visual amenity.

### **Reasons (Appeals A and B)**

9. The appeal site is an area of pedestrian pavement located within a busy commercial section of Spalding town centre, within the Spalding CA (CA), an area designated as a primary shopping frontage. The CA covers a significant extent of the town centre and surrounding roads and is therefore rather varied in its character; however, its significance is largely derived from its history and architecture as a market town. It has a riverside setting, medieval street patterns and notable Georgian and Victorian buildings. The special interest of this part of the CA is mainly linked to its historic layout and street patterns. It also contains several listed buildings that contribute significantly to the character and appearance of the area.
10. The appeal site sits within the wide, triangular paved area of Hall Place, flanked by buildings, which contribute positively to a sense of place and historic character that is a defining feature of the town.
11. The appeal site is proximate to a number of listed buildings. The Council has identified several which they consider to be within the setting of the appeal site. Nos 18 and 19 Hall Place are located to the north of the appeal site. Both are Grade II listed that have group value, comprising an attached pair of buildings dating from the 18<sup>th</sup> Century, 2-storeys in height with a steep pitched roof and ground floor modern commercial frontages. No 15 Market Place is a grade II listed building, which lies to the east of the appeal site, where the roadway narrows. In relation to this appeal, I consider the significance of these listed buildings lie in their age and architectural qualities, including their classical proportions, attractive frontages, particularly, at their upper storeys. The setting of the listed buildings is influenced by the presence of surrounding buildings providing evidence of the area's historical development. The surrounding commercial thoroughfare, including the appeal site, forms part of their wider setting.
12. Whilst the setting of a listed building is broader than a site's visual relationship, I do not concur that the appeal site is within the setting of no1 Sheep Market, a grade II\* listed building, as this property fronts a different road and would not be viewed and experienced in the same context of the appeal site. Similarly, whilst no24 Hall Place (also referred to as no39 New Road), grade II listed, is located at the periphery of the paved pedestrianised area, it is located some distance away to the north-east of the appeal site. Having viewed these properties at my site visit I do not consider

that the appeal proposal would adversely affect the significance of either of these properties or how they are experienced.

13. Raised planters and street trees proximate to the appeal site contribute positively to the character and appearance of the locality. Benches, bicycle stands and litter bins are limited, none of which are tall or prominent. Whilst street lighting represents taller street furniture, due to its slender profile is not unduly conspicuous within the streetscene.
14. The appellant refers to the removal of the existing BT payphone kiosk and the positive weight attributed to this in the allowing of an appeal<sup>1</sup>. However, at the time of my site visit it was not *in situ* and, therefore, I attribute very limited benefit to the removal of the kiosk in the determination of this appeal. In any event, although slender when compared to the former kiosk, the hub would be markedly taller, and the installation would include an LED screen. Accordingly, the proposal would be materially different to the former kiosk.
15. The Hub would be tall, and along with the digital advertisement, would appear large, imposing and unlike any other form of development in the area. The appellant advances that its height is determined by the need to comply with ICNIRP requirements in accommodating 5G antenna. Nevertheless, the proposed development would draw attention to itself and would add clutter that would harmfully erode the openness of this part of the paved marketplace.
16. It would incorporate high-definition displays that would feature changing advertisements. The size, illumination and changing nature of the displays would result in a far more visually intrusive structure that, even accounting for existing street furniture, would be an incongruous feature within the street scene. I note the appellant has suggested a condition could control the way that imagery is displayed on the screens. However, this would still not overcome my concerns with the proposal's effects on the character of the area.
17. The street consists of buildings with a variety of styles, many including shopfronts with advertisement, including illuminated ones. However, they are materially different to the appeal scheme before me, and do not set a clear or compelling precedent to support the proposal.
18. The hub would be incongruous within the streetscene to the detriment of visual amenity and would fail to preserve or enhance the character and appearance of the CA. Whilst the appeal proposals would be visible in some views of the listed buildings identified above, particularly, from the south across the pedestrianised marketplace, given the intervening space and nature of the proposal relative to the listed buildings I am satisfied that the proposals would not harm the significance of the listed buildings.
19. Having regard to the Framework, the harm to the CA would be moderate within the spectrum of less than substantial harm. Nevertheless, the harm to the heritage asset should be weighed against any public benefits of the proposal.
20. In respect of the planning application for the hub, the appellant has highlighted several public benefits associated with the appeal scheme. Amongst other things, this includes the provision of wifi-phone calls, wayfinding tools, device charging,

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<sup>1</sup> APP/P4605/W/18/3202341

emergency call features as well as public messaging and interactive technology capabilities. These are public benefits to which I give meaningful positive weight. Additionally, the hub would embrace the Framework's objective of supporting advanced, high-quality communications infrastructure.

21. The appellant advances that the proposal would have a positive impact on an area that has experienced decline. I have no evidence before me to contradict this assertion. However, I am not satisfied that the proposal is the only means of contributing positively to the locality and it is therefore a neutral factor in the determination of the appeal.
22. The Framework establishes that great weight should be given to the conservation of designated heritage assets, and I am not persuaded that the less than substantial harm that would arise from the proposal would be outweighed by the public benefits.
23. For the reasons set out above, the proposed hub would be materially harmful to the character and appearance of the area, and would fail to preserve or enhance the character or appearance of the Spalding CA. This draws the proposal into conflict with LP Policies 2, 3 and 29 which, amongst other things, seek development that would have an acceptable impact on amenity, to avoid visual intrusion and to conserve and enhance the character and appearance of the conservation area. It would also conflict with the Act. I also conclude that the proposed advertisement would harm visual amenity.

### **Other Matters**

24. I have considered the appeal decisions that the appellant refers to. I do not have the precise context details of those proposals, but they relate to other towns, and it seems from the decisions that the surrounding environments are not comparable to the circumstances in this case. I am therefore unable to draw any meaningful parallels. In any event, I have determined the appeal on its own merits.
25. The appeal site's location within a wide pedestrianised area would prevent any significant harm arising in respect of public safety, having regard to highway and pedestrian safety.

### **Conclusion**

26. For the reasons given, I conclude that both Appeal A and B should be dismissed.

*R. Gee*

INSPECTOR