



Appeal Decision

Site visit made on 9 June 2026

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: 6003527

15 Spring Gardens, Gainsborough DN21 2AY

- 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 Lisa Johnson against the decision of West Lindsey District Council.
 - The application Ref is WL/2025/01139.
 - The development proposed is planning application to erect boundary fence, brick built pillars and gate to the front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development in the banner heading above from the Council's decision notice, which accurately and succinctly describes the development. As the fence, pillars and gate are in situ I am considering the scheme retrospectively.
3. As the site is in a conservation area and within the setting of several listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the development preserves the listed buildings or their settings, known as County Court Building (Grade II*), Police Station, Britannia Works and 35-37 Spring Gardens (all Grade II), and any features of special architectural or historic interest which they possess and whether the development preserves or enhances the character or appearance of the Gainsborough Britannia Works Conservation Area.

Reasons

Special interest and significance

5. The appeal site lies along Spring Gardens in the Gainsborough Britannia Works Conservation Area (CA). Development on the northern side of the street includes a mixture of terraced housing and No 15 Spring Gardens (No 15), which were identified in the 1853 map of the area. No 15 is also identified in the Council's CA Appraisal as a being a well-maintained example of a surviving villa from this period. Its more verdant grounds and positioning set back away from the road are a striking contrast to the prevailing pattern of buildings along the street.

6. Boundary treatments to the front of buildings along the northern side of Spring Gardens are mixed but are generally either at a low level, or do not exist. This means that views of the buildings can be experienced in the street scene. In this regard, the appeal site's host building, plot layout and its verdant grounds all contribute to the character and appearance of the CA and thus its significance.
7. The Grade II listed Police Station and 35-37 Spring Gardens are located to the east of the appeal site. The Police Station dates to the mid-nineteenth century and faces onto both Spring Gardens and Cross Street. Its significance, in so far as it relates to this appeal, is derived from its age, surviving traditional materials and the high quality of its architectural detailing. 35-37 Spring Gardens also dates to the nineteenth century and forms a connected group with No 33 and the Police Station. Its significance, in so far as it relates to this appeal, is derived from its surviving consistency, height, materials, brick to void ratio, and simple unornamented front façade, which together give the listed building a cohesive appearance.
8. The Grade II* listed County Court Building dates to 1759 and is a three storey red brick building sitting prominently on its corner location. Its height, formal fenestration pattern with keystones above, brick bands, cornice and parapet treatment along with its impressive entrance results in a building with a strong sense of grandeur. The Grade II Britannia Works is located along Beaumont Street and dates to 1848 as a Steam Traction Engine Works employing many employees. It has a long, impressive façade onto Beaumont Street and its architectural detailing, including from its formal entrance with an elaborate round arch with a statue of Britannia above, emphasises its historical role as a large employer.
9. In so far as it relates to this appeal, the significance of the County Court and the Britannia Works buildings are derived from their historical and architectural interests including their use, age, form, and fabric and the high quality of their architectural detailing reflecting their respective historical importance within the town.
10. Development within the setting of these listed buildings has evolved over years. However, it has not severed the connection of the historical housing development in Spring Gardens with these listed buildings. As such, the historical layout of the built form along the northern side of Spring Gardens makes a positive contribution to their setting to the extent that it contributes to the understanding of the historical narrative of the listed buildings and their context. In this regard, the appeal premises and its verdant grounds make a small but positive contribution to the significance of these listed buildings and the CA.

Appeal proposal and effects

11. The development has enclosed the front garden due to the combination of the height and solid appearance of the fence, pillars and gate. This enclosing nature has eroded the contribution that the open verdant front garden of the appeal premises made to this part of the CA. It has also reduced the ability to experience the host property as part of the historic street scene when viewed in Spring Gardens and from the exit from the shopping centre opposite.
12. I also have concerns about the design of the fence. As the combination of concrete posts, solid timber panels and concrete gravel boards results in an overtly modern

suburban design. Even if painted it would still jar injuriously with its location at the front boundary of this Victorian villa and the historic street scene to the north of Spring Gardens.

13. I have also had regard to the other boundary treatments and gates in the area, including at the top of Spring Gardens. However, I do not have the full details to understand the circumstances by which they exist. Moreover, none that I saw are directly comparable to that proposed in terms of the use of concrete posts and gravel boards, and its historical context to the front of a Victorian villa in the CA.
14. Overall, the fence and gates have introduced an overtly modern feature, which weakens the legibility of, and fails to harmonise with, the historical boundary treatments along the northern side of Spring Gardens. In this regard, it has eroded the character and appearance of this part of the CA and thus its significance, along with, to a limited degree, the setting of the listed buildings. Additional planting within the garden would not overcome this due to the location of the development along the footway.
15. I recognise that there are more recent developments within the CA and the setting of the respective listed buildings including the large Council offices, and dilapidated fencing at the corner of Spring Gardens and Marshalls Rise. However, I have already taken them into account when considering the significance and special interest of the CA and listed buildings and they do not alter or undermine the contribution that the appeal site makes in this regard.
16. Drawing the above together, the development has failed to preserve the special interest of the listed buildings known as County Court Building, Police Station, Britannia Works and 35-37 Spring Gardens and has failed to preserve or enhance the character and appearance of the CA. As a result, the expectations of the Act have not been met, and the development harms the significance of these designated heritage assets.

Public benefits

17. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
18. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage assets, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
19. In this instance, as the harm would be confined to a small element of the CA and the setting of the respective listed buildings, the harm to the overall listed buildings and the CA, individually and together, would be 'less than substantial' and at the lower end of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.

20. The development is principally of private benefit by providing privacy, reduced noise, increased security and an enclosed space for the appellant's dogs. The appellant also explains that the development is required due to a family member's health condition to allow access to the house away from traffic in a regulated space. However, the nature and scale of any associated public benefits that would flow from the scheme to the public at large would be minimal.
21. As such, whilst I recognise the benefits of the scheme, the public benefits in favour of the development do not outweigh the great weight that I attach to the harm I have found. Accordingly, the development is contrary to the requirements of both the Act and the Framework, in so far as they relate to this main issue. It follows that it is also contrary to the requirements of Policies S53 and S57 of the Central Lincolnshire Local Plan and Policies NPP6 and NPP18 of the Gainsborough Town Neighbourhood Plan, when taken together and in so far as they relate to this main issue. These say, amongst other things, that as appropriate to their scale, nature and location, development proposals should show thorough understanding of the history and design qualities of the buildings and provide a clear rationale for how this is taken into account in the design of the proposals.

Other Matters

22. In exercising my function on behalf of a public authority, I am aware of my duty under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. The Equality Act recognises that disability constitutes a relevant protected characteristic for the purposes of PSED.
23. Whilst I sympathise with the personal circumstances of the appellant, no substantive evidence has been provided to suggest that other ways to achieve the appellant's aims or minimise the extent of built form have been investigated and discounted that might reduce the impact on the heritage assets. In this regard, I can not be certain on the evidence before me that the appeal scheme is the only means of achieving the appellant's objectives. As such, whilst I recognise the benefits of the scheme, given the nature and totality of the harm from the main issue I am not persuaded that, they outweigh the harm and policy conflicts I have identified.
24. I have no reason to doubt that the appellant was not aware that planning permission was required. However, I have assessed the scheme on its own merits and this, or the retrospective nature, has not altered the planning merits in this respect.

Conclusion

25. For the reasons given above, the development conflicts with the development plan and there are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR