



Appeal Decision

Site visit made on 8 June 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2020

Appeal Ref: APP/E2001/W/20/3246584

Whitehall Hotel Country Estate, Patrington Road, Winestead HU12 0NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Kelly against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01889/PLF, dated 7 June 2019, was approved on 6 September 2019 and planning permission was granted subject to conditions.
 - The development permitted is the continued use of The White Hall as a private dwelling, a Country House Hotel and proposed use of ground floor rooms for wedding ceremonies and other public uses.
 - The conditions in dispute are Nos 3, 4 and 5 which state that:
(3) The ground-floor rooms hereby approved for the use of functions and events shall only be in use for such purposes between the hours of 09:00 and 24:00 hours on the day the function or event is being held.
(4) Provision shall be retained for the parking and manoeuvring of motor vehicles within the site in accordance with the approved plans.
(5) No marquees or other similar temporary structures shall be erected anywhere on the site at any time.
 - The reasons given for the conditions are:
(3) In accordance with policy ENV1 of the East Riding Local Plan in order to ensure that the residential amenities of neighbouring dwellings in the vicinity are not unduly affected by noise disturbance.
(4) In accordance with policies ENV1 and EC4 of the East Riding Local Plan and in order to secure satisfactory parking to the proposed development in the interests of road safety.
(5) In accordance with policies ENV1 and ENV3 of the East Riding Local Plan in order to protect the amenities of nearby properties from adverse effects due to noise nuisance and to preserve the setting of the Grade II Listed Building and adjacent Grade II Listed Stable Buildings.*
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Decision

1. The appeal is allowed and the planning permission Ref 19/01889/PLF for the continued use of The White Hall as a private dwelling, a Country House Hotel and proposed use of ground floor rooms for wedding ceremonies and other public uses at Whitehall Hotel Country Estate, Patrington Road, Winestead HU12 0NJ granted on 6 September 2019 by East Riding of Yorkshire Council, is varied by deleting conditions Nos 3, 4 and 5 and substituting them for the following conditions:
 - The ground-floor rooms hereby approved for the use of functions and events shall only be in use for such purposes between the

hours of 09:00 and 24:00 on the day the function or event is being held.

- Provision shall be retained for the parking and manoeuvring of motor vehicles within the red line boundary of the site identified on the approved location plan drawing 004.
- No marquees or other similar temporary structures shall be erected anywhere within the red line boundary of the site identified on the approved location plan drawing 004.

Procedural Matter

2. I have also dealt with another appeal (Ref: APP/E2001/W/20/3246585) on this site. That appeal is the subject of a separate decision.
3. The appellant contends that functions and events have been held at the hall for over 30 years without restriction including the use of temporary structures such as marquees. However, there is no evidence before me that confirms the lawfulness of any use or otherwise and this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 and it therefore carries limited weight as a fallback position.
4. It is open to the appellant to apply to have that matter determined under section 191 of the Act and any such application would be unaffected by my determination of this appeal.
5. The description of the proposal varies from the application form to the Council decision notice. The latter more fully describes the proposal and I have adopted this description.

Background and Main Issue

6. Planning permission was granted for the continued use of The White Hall as a private dwelling, a Country House Hotel and proposed use of ground floor rooms for wedding ceremonies and other public uses under application Ref 19/01889/PLF.
7. In the case of condition 3 the main issue is whether it is necessary and reasonable. In the case of conditions 4 and 5 the main issue is whether the conditions are necessary, reasonable and precise.

Reasons

8. The White Hall Hotel sits within its own grounds to the south of an area of woodland with an open parkland aspect to the south. The White Hall is Grade II* listed while the stable and coach house range to the rear is Grade II listed. Although the property enjoys large grounds and sits firmly within a countryside setting, it is not completely isolated. Residential property and a livery sit on Winestead Ings Lane to the southwest, residential property sits to the north of the A1033 close to the site whilst further residential property sits at an increased distance to the east.

Condition 3

9. As a result of the rural location, the background noise levels in the locality at night are likely to be very low. When functions and events are held within the hall, particularly weddings and other celebrations it is likely that amplified music would be played. Especially during summer months, it is likely that windows and doors would be opened to provide ventilation. Therefore, while the site may have a license to sell alcohol later into the night, in the absence of any detailed noise report which indicates otherwise, it is likely that activities into the early hours of the morning within the ground floor rooms would result in noise disturbance which would cause harm to the living conditions of the occupiers of nearby residential properties. The hours of use of the room until 24:00 appear to be a reasonable compromise in the absence of any detailed noise report.
10. I therefore conclude that the condition is reasonable and necessary in the interests of the living conditions of the occupiers of nearby properties. On the basis of the evidence before me, without condition 3, the proposal would conflict with Policy ENV1 of the East Riding Local Plan Strategy Document (2016) (ERLPSD) which amongst other things requires development to have regard to the amenity of existing properties.
11. However, I have made a slight revision to the condition in the interests of the clarity of the hours identified.

Condition 4

12. The condition is borne out of a desire to secure satisfactory arrangement for the parking and manoeuvring of vehicles within the site in the interests of road safety.
13. The Council have confirmed that the condition requires the parking and manoeuvring provision indicated within the red line area of the development to be retained for the parking and manoeuvring of motor vehicles.
14. The retention of the provision for parking and vehicle circulation within the site would be appropriate in the interests of highway safety to limit any possible congestion within the site given that the access is located on Winestead Ings Lane close to the junction with the A1033 which is fast moving at this location. This condition is therefore considered reasonable and necessary and should be retained in accordance with policies ENV1 and EC4 of the ERLPSD in order to secure satisfactory parking to the proposed development in the interests of road safety. However, the condition should be revised in the interests of precision as set out above.

Condition 5

15. The application red-line site is relatively restricted in comparison to the wider land identified as being within the control of the appellant, being limited to the access drive and immediate surrounds and the immediate area around the White Hall.
16. Views towards the Hall are a central feature of its significance and the placing of a marquee or other temporary structure within the red line area, particularly the area immediately surrounding the White Hall even on a temporary basis has significant potential to undermine the historic appreciation of this building

in a manner that would fail to sustain the experience of the asset within its setting which would subsequently detract from its heritage significance.

17. I therefore conclude that the condition is reasonable and necessary in the interests of protecting the setting of the White Hall. On the basis of the evidence before me, without condition 5 the proposal would conflict with Policy ENV3 of the ERLPSD which amongst other things seeks the protection of heritage assets.
18. Further, any marquee would offer very little if any noise attenuation from events being held within it, I therefore conclude that the condition is also reasonable and necessary in the interests of protecting the living conditions of the occupiers of nearby properties in line with Policy ENV1 of the ERLPSD which amongst other things requires development to have regard to the amenity of existing properties. However, the condition should be revised in the interests of precision as set out above.

Conclusion

19. For the reasons given above I conclude that the planning permission should be varied as set out in the formal decision.

T J Burnham

INSPECTOR