



Appeal Decision

Site visit made on 23 November 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/E2001/D/23/3328168

Bricklands, Winestead Road, Patrington, East Yorkshire HU12 0NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Hupper against the decision of the East Riding of Yorkshire Council.
 - The application Ref: 23/00475/PLF, dated 14 February 2023, was refused by notice dated 1 June 2023.
 - The development proposed is erection of a domestic garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The official list entry included in the appellant's grounds of appeal confirms that the whole of the Enholmes Brick and Tile Works is listed grade II. This includes the former brick pressing shop, drying shed and offices.

Main Issue

3. The main issue in this appeal is whether the proposal would preserve the setting of the grade II listed building of Enholmes Brick and Tile Works.

Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. At Annex 2: Glossary, the National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced.
5. The Brick and Tile Works comprises a large two-storey double gabled building with 4 bays and an attached linear single storey building with several bays and matching windows. It is an example of industrial architecture built in brick and dating from the late 1840's. The special interest of the building arises from its connection to the Marshall estate to which it supplied building materials and drainage equipment. The round-arched openings and gable details are similar to those used in Enholmes Farm, suggesting the same architect.

6. Most of the listed building is obscured from view from Winestead Road because of the presence at the road frontage and rear of the hardstanding area, of more recent single storey buildings with flat roofs, plus the large dormer bungalow of 'Bricklands.' Part of the building may be seen near the bungalow and entrance gate.
7. The proposed garage would have 3 bays with a maximum height of around 3 metres and length of approximately 10.2 metres. It would add significantly to the built development within the curtilage of the bungalow and surroundings of the listed building because of its height and size. Contrary to the appellant's opinion, I found at my site visit that the upper part of the proposed garage would impede the limited remaining views of the listed building from Winestead Road, with the lower part of the building being hidden by a boundary wall which is next to the single storey bungalow extension. Although the garage would be built using reclaimed bricks, the proposed size, form, and design of the garage, including roller shutter doors and plastisol coated sheeting, would constitute development which would be unsympathetic to the character and appearance of the listed building. I find, therefore that the proposal would fail to preserve the setting and special architectural and historic interest of the listed building. The harm arising to the setting of the listed building as a designated heritage asset would be less than substantial, however, less than substantial harm does not necessarily amount to a less than substantial planning objection.
8. Paragraph 202 of the Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefits from the proposal would primarily constitute private benefits for the appellant, rather than public benefits and would not outweigh the harm from the proposal to the setting of the listed building.
9. The proposal would therefore conflict with policies ENV1 and ENV3 of the East Riding Local Plan Strategy Document regarding the integration of high-quality design and concerning the conservation of the views and setting of heritage assets. It would also conflict with paragraph 130 of the Framework which seeks to ensure that development is sympathetic to local character and history.

Conclusion

10. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR