



Appeal Decision

Site visit made on 17 October 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3rd January 2024

Appeal Ref: APP/C2708/Y/22/3307958

East Lodge, Stainton Hall to Gledstone Hall, West Marton, Skipton BD23 3JL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs James Hill against the decision of Craven District Council.
- The application Ref 2019/20878/LBC, dated 19 August 2019, was refused by notice dated 1 April 2022.
- The works are ground level paving, steps and dwarf wall to form terrace at north gable.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023 the National Planning Policy Framework (the Framework) was updated. No fundamental changes were made to the matters raised by the appellant and the Council, and it has therefore not been necessary to seek the views of the parties.
3. The application was determined by Craven District Council. However, following local government re-organisation, this is now part of North Yorkshire Council. Nevertheless, as the original decision maker, I have referred to Craven District Council in the above details. The status of the adopted development plan for the area is unchanged. In any event, listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Consequently, they do not need to be determined in accordance with the development plan, although policies have been referenced insofar as they are relevant to the matters before me.
4. The listed building application, which is the subject of this appeal, was accompanied by a planning application for the proposed development/works which was also refused by the Council. The appeal before me has been made in relation to the listed building application only and I have limited my consideration to this matter. The above works appear to have already been carried out and the appeal against the refusal of consent seeks their retention.
5. Section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that the listed building includes any object or structure fixed to the building and any free-standing object or structure erected before 1 July 1948 within the curtilage of the listed building. In response to the Council's officer report stating that none of the works physically affect the listed building itself but are works within its immediate curtilage, I have sought clarification from both parties as to which of the works required listed building consent.

Having considered the comments received and evidence before me, it is my view that the ground level paving and steps, whilst butting up to the listed building, do not physically fix to it. Therefore, listed building consent would not be required for these elements and I have considered these elements no further in this decision.

6. In relation to the new dwarf wall, my examination on site indicates that part of the new wall is clearly fixed with mortar to the existing, historic stone boundary wall which forms part of the listed building. Therefore, this element requires listed building consent and I have considered this accordingly.
7. As this appeal only relates to the refusal of listed building consent, I have limited my consideration to the statutory duty that applies under section 16(2) of the Act which states 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. In this context, my consideration of the works undertaken does not extend to any assessment of any impact on the setting of adjoining listed buildings or on the significance of the registered park and garden of which the appeal building forms part. I have considered these latter designated heritage assets only in as much as they form part of the historic environment in which the appeal building is experienced and appreciated.
8. I have not considered the need for planning permission for the works as different considerations may apply. Also, the outcome of this appeal may not dictate a similar outcome in relation to an appeal of the refusal of planning permission should one be submitted. This would include an assessment of the impact of the works on nearby listed buildings and on the registered park and garden.

Main Issue

9. The main issue is the effect of the works on the special interest and significance of the Grade II* listed building (listed as Gledstone Hall and forecourt walls, pavilions and gates (formerly listed as Gledstone Hall)).

Reasons

10. Gledstone Hall and forecourt walls, pavilions and gates is a Grade II* listed building (Ref 1296985), listed in 1988 (the listed building). The list description mentions that the 20th century hall was built by Sir Edwin Lutyens and is constructed of ashlar sandstone with a Cotswold stone slate roof. It is of two storeys with an unusually tall and prominent roof with centre-piece and end pavilions, linked by flank walls to separate pavilions which define the forecourt. The central three bays come forward as a pedimented portico and windows are all casements set in sunk vertical panels. The garden front elevation does not have the central pedimented portico. It mentions the rectangular forecourt with ornamental wrought iron gates with four large piers carrying urns. Similar piers flank the side entrances. The list description describes the wing walls running to the pavilions, with each being of two storeys with pyramidal roof and central chimney. The listed building is described as one of the last houses of its size to

be built from new by Lutyens and the list description references a quote from Daniel O’Neil describing the house as ‘one of his finest and sensitive houses’¹.

11. From the details available to me, including the list description, I consider that the special interest and significance of the listed building, insofar as it relates to this appeal, is predominantly derived from its age, form, fabric and architectural features, and its connection with Sir Edwin Lutyens. The geometric plan form and symmetry and the overall architectural composition of the buildings and structures are particularly striking. Its Grade II* listing makes it particularly important and of more than of special interest.
12. The appeal building (East Lodge) is one of the two pavilions (the other known as West Lodge) forming part of the listed building and they are a key element of the strongly geometric architectural composition and plan form. The pavilions flank the central drive to the Hall and are set within a sweeping lawned area which wraps around the pavilions and continues alongside the approach drive drawing the eye towards the Hall. Part of the designed landscape are the low drystone walls of coursed rubble which retain slightly elevated ground around both pavilions and extend across the northern elevation of the pavilions and return along the entrance drive towards the Hall at its centre. These walls are shown in the historic image on the front of the appellant’s Heritage Statement and Design and Access Statement (HS) and appear to have largely remained unchanged.
13. The Hall is identified as having Group Value, and the associated buildings include separately Grade II* listed Terraces at Gledstone Hall (Ref 1316750) and Grade II listed Sundial (Ref 1132285). These two listed buildings are located to the south of the Hall and are the work of Sir Edwin Lutyens with the assistance of Gertrude Jekyll. North Lodge (Ref 1132287) and South Lodge (Ref 1132284) are Grade II listed buildings historically associated with Gledstone Hall. Both are entrance lodges by Sir Edwin Lutyens.
14. A large part of the land surrounding the listed building is a Grade II registered park and garden (Ref 1001312, Registered in 1994). The designation recognises the country house and formal garden with planting scheme supplied by Gertrude Jekyll but also extends to incorporate the pleasure grounds, park and kitchen garden. Of particular significance in relation to this appeal is the part of the registered park and garden to the north of the Hall and here the designation description mentions that it was intended that Lutyens main approach would be to the north, but this drive was never completed. North Lodge was intended by Lutyens to serve as the entrance and approach to the Hall with a sweeping drive running from the lodge to the central axis of the Hall, framed by the pavilions.
15. Although I have mentioned that this appeal can only assess the impact on the listed building and its setting, the set piece estate plan attributed to Lutyens, with its ancillary listed buildings and the registered park and garden contribute to the significance of the setting of the listed building including the appeal building which is a component part.
16. During my visit I could see the earthwork remains of the entrance drive from the north running from the entrance at North Lodge through to a central entrance with the pavilions to either side. Although the entrance drive is

¹ Sir Edwin Lutyens: Country Houses, 1980, p144.

predominantly grassed over, there is no doubt in my mind that this drive was constructed in some form. Lutyens' intended entrance and approach can still be understood and appreciated and this is considered to be significant to the setting of the listed building.

17. Section 16(2) of the Act requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Framework confirms that great weight should be given to the conservation of a designated heritage asset. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed and any harm should require clear and convincing justification.
18. The new dwarf wall has been constructed along part of two sides of the newly constructed patio. It is of coursed, ashlar stone with flat stone coping and of double wall construction to allow planting in its centre. It is located directly to the rear of the historic drystone wall on the northern elevation and abuts the drive on the eastern elevation. Prior to the construction of this wall the photo in the HS indicates that the area was part of the predominantly low-lying garden area surrounding the pavilion. This is still largely the case surrounding the adjoining pavilion (West Lodge).
19. The use of finely jointed ashlar stone, whilst similar in colour and texture to some surrounding historic stone structures, is visibly different to the coursed, rubble, drystone historic wall immediately alongside. Furthermore, its height, coping and overall design makes it visibly prominent, standing well above the historic low walls and disrupting the design intent of the historic walls. The new wall disrupts the neat precision and symmetry of the landscaping around both pavilions and is a discordant and unsightly element within this carefully executed designed plan for the estate.
20. The wall may well be viewed in the context of other stone walls nearby which may have a similar appearance, but it is the visual relationship with the low drystone wall and its function in the axial symmetry of the landscape around the pavilions which is central to the appeal before me. In this regard the new wall is clearly read as a later addition which is visually harmful, is a competing element disrupting the strong geometric layout and form and is prominent from the main view of the ensemble.
21. Although the northern approach may not have been completed as fully intended by Lutyens, I have already concluded that the approach was substantially carried out as Lutyens intended and can still be appreciated as such. It may be that this main vista is now largely hidden from public view but listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views or access can be gained. Furthermore, the contribution of setting to significance does not depend on public rights or the ability to access it. The fact that the building's main entrance now leads directly from Gargrave Road into the central courtyard does not diminish the significance of the intended historic approach, the way the buildings are arranged to be viewed from the north, and the main vista as shown in the historic image.
22. I have noted changes to the domestic curtilages of both pavilions, including the erection of more recent structures, some of which have adversely impacted the setting of the listed building. However, these changes have largely taken place

on the periphery of the main vista of the architectural ensemble. In my view, none of these changes have impacted on the central design features and Lutyens intended main vista in the way that the appeal scheme does. Whilst Historic England did not wish to comment on the works and the Council's heritage advisor considered that the works caused no meaningful harm to the ensemble or its setting, these comments do not alter or outweigh my findings on the matter.

23. Considering all of the above, the dwarf wall has a harmful effect on the special interest and significance of the listed building. Therefore, the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the asset and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage asset as a whole, in the language of the Framework, would more than likely be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the works.
24. Where works would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the works, including, where appropriate, securing its optimal viable use.
25. The dwarf wall is clearly beneficial to the owner's living conditions, providing a more private, screened area to enjoy their outdoor space. However, I regard this as a private rather than a public benefit. Moreover, I have been given no evidence that the continued viable use of the appeal property as a residential dwelling is dependent on these works, as the building has an ongoing residential use that would not cease in its absence.
26. Given the above, I conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the Grade II* listed building. As such, the works would not comply with paragraph 208 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the listed building. Consequently, the works would not comply with paragraph 205 of the Framework and Policy ENV2 of the Craven Local Plan (2019) insofar as this is relevant.

Conclusion

27. For the above reasons, and having regard to all other matters raised, I conclude that the appeal is dismissed.

G Bayliss

INSPECTOR