



Appeal Decision

Site visit made on 20 September 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2024

Appeal Ref: APP/E2001/W/24/3343406

East Lodge, The White Hall, Winestead, Hull HU12 0NJ

- 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 Blutruse against the decision of East Riding of Yorkshire Council.
 - The application Ref is 21/03048.
 - The development proposed is of use of land for the siting of 6 lodges (holiday lets) with amenities following demolition of redundant stables.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area in relation to the impact on protected trees and the setting of the listed buildings.

Reasons

3. The appeal site is set within the grounds of The White Hall which is a Grade II* listed building set in extensive landscaped grounds. The stone stables which broadly sit between the appeal site and The White Hall are Grade II listed buildings. The proposed development would be set within the landscaped grounds, which in addition to the historical and architectural significance of the listed buildings, positively contribute to their setting. The grounds are covered by a woodland Tree Preservation Order¹.
4. The proposed lodges would be situated where there are currently a number of dilapidated timber buildings and stables. The Council raised no objection to the loss of these buildings, and I have no reason to form a different view. The Council's concern relates to the potential impact on protected trees and the subsequent impact this would have on the setting of the listed buildings.
5. There are a number of discrepancies between the plan titled 'location plan as existing' and the 'site plan as existing'. This includes the position of trees. The proposed site plan shows that lodges 5 and 6 would broadly occupy the same building line as the westernmost stone wall of the stone-built stables. Upon this trajectory, from my observations on my site visit, lodges 5 and 6 would be sited in a location where there are currently a number of mature trees and their likely rooting zones.

¹ TPO Winestead No.1 1972 (ref:480) W1

6. I note that the appellant outlines how the lodges will not require a 'proper' foundation system and will be sat on a shallow base to prevent root damage. Whilst the appellant's acknowledgement of the significance to avoid harm is commendable, such works invariably involve an element of ground disturbance, including from the installation of services, and the placing of such structures and associated groundworks and infrastructure can realistically result in root compaction. The lack of details relating to the specific works that would be necessary, the specific location relative to retained trees and their rooting zones, combined with the lack of identification of any mitigation, special construction techniques or protection measures that would be necessary does not provide me with any certainty that the works would not harm the protected trees.
7. As I have identified that these trees positively contribute to the setting of the listed buildings, it follows that I am unable to conclude that there would not be harm caused in this regard.
8. Therefore, based on the evidence before me, I am unable to conclude that the proposed development would not harm the protected trees or the setting of the listed buildings. The development would therefore be contrary to Policies ENV1, ENV2 and ENV3 of the East Riding Local Plan (2016). Collectively, these policies require that development proposals should be sensitively integrated into the existing landscape ensuring important trees are retained, and that when dealing with heritage assets, and their setting, these should be conserved, including the landscape setting.
9. The proposal would also be contrary to the requirement of the National Planning Policy Framework (2023) (the Framework) in terms of the desirability of sustaining and enhancing the significance of heritage assets and that opportunities are taken to incorporate trees in developments
10. I am unable to conclude that the proposal would preserve the setting of the listed buildings as required by Section 66(1) of the Act².

Conclusion

11. In the absence of an appropriate survey and accurate information, I consider that the proposed development would cause less than substantial harm to the setting of the listed buildings. Given that it appears that the harm can be avoided, I consider that the harm is not outweighed by the public benefits of the proposed development relating to tourism and economic development.
12. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
13. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

² Planning (Listed Buildings and Conservation Areas) Act 1990