



## Appeal Decisions

Site visit made on 29 April 2025

by J Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> June 2025

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### Appeal A Ref: APP/E2001/W/24/3355924

#### The Coach House, Fitling Road, Humbleton, Hull HU11 4NS

- 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 Mr Michael Wood against the decision of East Riding of Yorkshire Council.
  - The application Ref is 23/03626/PLF.
  - The development proposed is alterations and extension to existing outbuildings and change of use to dwelling.
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### Appeal B Ref: APP/E2001/Y/24/3356010

#### The Coach House, Fitling Road, Humbleton, Hull HU11 4NS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr Michael Wood against the decision of East Riding of Yorkshire Council.
  - The application Ref is 24/00207/PLB.
  - The works proposed are alterations and extension to existing outbuildings and change of use to dwelling.
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## Decision

1. The appeals are dismissed.

## Preliminary Matters

2. On 2 April 2025 East Riding of Yorkshire Council (the Council) adopted the East Riding Local Plan Update. Both parties were given the opportunity to make comments on this change to the development plan.

## Main Issues

3. The main issues in this appeal are as follows:
  - Whether a financial contribution would be necessary towards provision of the Humber Estuary Strategic Access Mitigation Strategy; and
  - the effect of the proposed development upon the setting of the Grade II listed Humbleton Hall and upon the host building

## Reasons

### *Humber Estuary Strategy*

4. The Humber Estuary provides essential winter feeding and roosting grounds for over-wintering birds, but the wide range of recreational activities that take place on the Estuary's shoreline can result in disturbance to the birds, albeit often unintentional. The Local Plan states that the recreational impacts of new

residential and visitor accommodation along the Humber Estuary having a likely significant 'in combination' effect on the Humber Estuary Special Protection Area and Ramsar sites cannot be ruled out. Consequently, avoidance and mitigation measures are required for all proposals of such development within 11.5km of the Humber Estuary international (habitats) sites.

5. The proposal would result in a new residential property within Tier 1 of the impact bracket of the Humber Estuary Strategic Access Mitigation Strategy (SAMS). Policy ENV4 of the East Riding Local Plan Update (the Local Plan) provides a mitigation scheme for the in-combination impacts in the form of a payment towards the delivery of the SAMS to deliver projects and to measure the effectiveness of avoidance and mitigation measures. Such a payment is required to be secured either through a Legal Agreement for payment prior to development commencing, an upfront payment to the Council prior to determination, or through the applicant providing their own assessment of the potential impact of their proposals on the designated site and devising their own appropriate mitigation measures.
6. The Appellant states that they discussed SAMS payments on 10th May 2024 with the Council in which they agreed to the payment prior to commencement of work. However, there is no mechanism before me in the form of a legal agreement to ensure that this will be paid. Planning Practice Guidance on Conditions notes that no payment of money or other consideration can be positively required when granting planning permission.
7. The Local Plan has been recently published and holds great weight. In the absence of any such contribution, the proposed development would be contrary to policy ENV4 of the Local Plan.

#### *Listed building*

8. Humbleton Hall is a grade II listed house, constructed in the early 19<sup>th</sup> Century according to the listing. The property is a striking, handsome house with a whitewashed frontage and dramatic full height bows to both sides. The right-hand side of the property is adjoined by a quadrant wall, featuring a boarded door under a radially glazed fanlight. The property has a range of outbuildings to side and rear. The appeal proposal focuses on one such outbuilding, to the right of the Hall. This building was a former coach house and stables and the proposal seeks to convert this to residential use.
9. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building or its setting.
10. Paragraph 212 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost by alteration or by development within its setting (paragraph 213).
11. The special interest and significance of Humbleton Hall derives from its architectural quality and detailing and its setting within the East Yorkshire landscape, facing onto Fitling Road.

12. At present the former coachhouse and stables are a linear building, with a two-storey right hand side and single storey left. The building is constructed in red brick with a slate roof. Brickwork is set in an English garden wall bond and there are soldier arches to the existing openings on the front elevation of the building. Evidence from the Council's Principal Conservation Officer suggests that the building dates from the mid to late 19<sup>th</sup> century. There is dispute amongst the parties over whether the appeal site is a curtilage listed building, or a non-designated heritage asset. Whatever the status of the building, it is an attractive structure, particularly on its southern elevation and clearly falls within the setting of Humbleton Hall. It is also clear that the building has not been in use for some considerable period of time.
13. The proposed conversion would involve internal and external works. External proposals seek to extend the building to the rear, with a single storey extension which would result in a 'L' shaped plan form to the structure. Internal works would largely involve the removal of some historic fabric to allow more light and an opening to allow the construction of an internal staircase within the two storey element of the structure, as well as some new openings.
14. The proposal also proposes to demolish a large existing garage, which sits between the coachhouse/stables and the main road to the south. This building is distinctly more modern than the coachhouse (and the hall) and is a somewhat dilapidated building with a corrugated iron roof.
15. The internal removal of minor areas of wall would have an adverse effect on the historic fabric of the building, causing less than substantial harm to the host building. The extension to the rear would alter the plan form of the outbuilding from a linear one to the 'L' shaped plan. However, in principle I do not consider that harm from this would be extensive; the Hall at present is surrounded to the east and north by various shaped outbuildings, befitting of its former use as a farm. The rear extension would not be overly large when considered alongside the existing building, would track an existing boundary wall to the hall and would not harm the setting of the listed building.
16. Both in plan form and when seen on the ground, providing that materials are carefully controlled, the positioning, massing and proportion of the extension would tie in with the wall to the west and with the converted Granary Cottage to the north. The roof line would also mirror the existing reasonably shallow roof pitch to the building and I do not consider that the slight increase in width of the proposed extension when compared to the width of the existing building would cause harm and the extension would not dominate the original building. While therefore there would be some harm caused by the proposed extension, this would be reasonably minimal. Such harm would add to the harm caused by the loss of historic fabric.
17. While the Council do not consider that a case has been made that the proposal would represent the optimum viable use of the building, I note that the Council's Principal Conservation Officer considers that the loss of the historic fabric would be outweighed by the benefit of finding a use for the building which would secure its retention, repair and maintenance in the future as an asset adjacent to Humbleton Hall. I agree that the re-use and repair of the attractive outbuilding would be of benefit, and while no direct case has been made that the resultant use would be the optimum use, it would be viable and would provide an additional

house, with the social and economic benefits that this would bring. In such a way it would be optimal.

18. The proposal would also remove a garage from the front of the stable building. This could be secured via condition. This structure is of little merit and the removal of this structure would improve both the overall site, and the setting of Humbleton Hall and its former stables. It would better display the linkages between the buildings and would not only preserve but would appreciably improve the setting of the Hall and of the host building, providing a public benefit, by better revealing the significance of the heritage asset.
19. The Council are of the view that the demolition of the garage could take place alongside a less harmful scheme of development to deliver the same benefit. However, I have found that the harm deriving from the proposed extension would be minimal. I consider that the harm that I have identified would be outweighed by the twin public benefits of the retention, repair and maintenance of the building, the provision of a long term beneficial use for the structure and the benefits this would bring; and the removal of the garage and consequent public benefit of improving the setting of Humbleton Hall.
20. There is a dispute between the parties over whether the host building is a curtilage listed building. I note in this respect however that an application was made for listed building consent and that Appeal B refers to this refusal. The areas of less than substantial harm caused by the proposal would be outweighed by the public benefits of securing the viable use of the structure and the removal of the unsympathetic garage, and consequently any harm would be outweighed.
21. I therefore conclude that the proposed development, when taken as a whole, would improve the setting of the Grade II listed Humbleton Hall and have a positive impact on the host building. The proposal in this aspect would accord with policies ENV1, ENV3, and S4 of the Local Plan which, when read together, state that development proposals should respect the diverse character and appearance of the area and that development will be supported where it contributes to a high quality of design, having regard to the specific characteristics of the site's wider context, having an appropriate scale, massing and height. Proposals which positively and proactively conserve and enhance the areas' heritage assets will be supported, with residential conversion supported where preservation of the building would enhance the immediate setting and where it would represent the optimal viable use of a heritage asset.
22. The proposal in this respect would also comply with the Framework and with the principles of the East Riding Design Code (April 2025), which states that converting buildings to a new use when they are no longer suitable for their original intended use is a good way to protect the heritage of an area.

## **Conclusion**

23. I have concluded above that the proposed development would improve the setting of Humbleton Hall and have a positive impact on the historic host building. However, this does not negate the need for the SAMS payment, particularly given the recent adoption of the Local Plan.

24. For the reasons given above, and having regard to all other considerations, including the positive submission of support from the Parish Council, the appeal should be dismissed.

*J Hockley*

INSPECTOR