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## Appeal Decisions

Site visit made on 16 July 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

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### **Appeal A Ref: APP/E2001/W/24/3356524**

#### **Tranby Court, Kirk Ella, Hull HU10 7EE**

- 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 EE Ltd against the decision of East Riding of Yorkshire Council.
  - The application Ref is 24/01819/PLF.
  - The development proposed is described as: 'Installation of a new 1.8m facemount pole and telecommunications dish following removal of existing'
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### **Appeal B Ref: APP/E2001/Y/24/3356525**

#### **Tranby Court, Kirk Ella, Hull HU10 7EE**

- 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 EE Ltd against the decision of East Riding of Yorkshire Council.
  - The application Ref is 24/01820/PLB.
  - The works proposed are 'Installation of a new 1.8m facemount pole and telecommunications dish following removal of existing'.
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## **Decision**

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

## **Preliminary Matters**

3. I have taken the descriptions of development and works in the banner heading above from the Council's decision notices as these more accurately described the appeal schemes.
4. The appeals relate to a Grade II listed building referred to on the National Heritage List for England as: '*Former Stableblock to Tranby Croft*'<sup>1</sup>. The proposal also lies close to the Grade II listed building of Tranby Croft<sup>2</sup>. I have therefore had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
6. The Council does not find harm to the setting of the nearby listed building Tranby Croft in its reasons for refusal; however, the effect on this building is considered in the appellant's Heritage Impact Assessment. I nonetheless have a duty under section 66(1) of the Act when considering planning permission which affects a

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<sup>1</sup> List Entry Number: 1271504.

<sup>2</sup> List Entry Number: 1103387.

listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

7. Both parties refer to Tranby Croft in their evidence. I am therefore satisfied that neither party's interests would be prejudiced by my consideration of the effect on the setting of this listed building in my decision, in line with the statutory duty above.

## **Main Issue**

8. The main issue is whether the proposal would preserve the special interest or significance of the Grade II listed buildings Former Stableblock to Tranby Croft and Tranby Croft including the effect on setting.

## **Reasons**

### *Special Interest and Significance*

9. The appeal building is a Grade II listed former stable block associated with Tranby Croft, a large house constructed in 1874 for Arthur Wilson, a Hull shipping magnate. The stable is in a quadrangle plan, and comprises white brick, with orange brick dressings and hipped, Welsh slate roofs with bracket eaves. The water tower is located within the north eastern corner of the quadrangle and its Italianate arches and pyramidal roof are highly visible elements of the listed building that, owing to its significant height, are visible for some distance.
10. The special interest and significance of the listed former stable block, insofar as it relates to this appeal, derives from its impressive and detailed exterior, its Italianate design, and its dominance on its surroundings, particularly in the case of the water tower.
11. Tranby Croft, an impressive three storey former residence, now in use as a school, lies to the south east. It is constructed of white brick with ashlar dressings and predominantly hipped, slate roofs. Its elevations are well-balanced with tall, two pane sliding sash windows, bay windows and oversailing eaves. Like the stable block it includes a tower with Italianate detailing. Pertinent to the appeal, its significance derives from its architectural and historic interest. Key contributors in these regards comprise of its grand, imposing appearance and its detailed and balanced elevations.
12. Its access curves around the former stable block along which it is possible to view both buildings, however views of the historic part of Tranby Croft from here are now severely limited by the position and scale of the modern extensions that have been constructed in the space between the two buildings. The water tower, being the tallest element of the stable block remains visible and can be seen in views to the right of, and alongside, the frontage of Tranby Croft.
13. Whilst both listed buildings lie within each other's setting, their respective settings have been severely compromised by the modern development that encircles and separates them. Nonetheless, their use of similar materials and architectural detailing with shared features such as the Italianate style towers as well as their historic association, the intervisibility that remains, contributes to each other's special interest and significance.

### *Proposals and Effects*

14. The appeal proposal would result in the removal of an existing dish that lies within the interior of the water tower. This would be replaced with a new 600mm wide dish on a mounting pole fixed to the north east elevation of the upper part of the tower. Located close to the corner of the building, the dish and its mounting pole would be visible for considerable distances to the east and south. In these views it would be seen as an incongruous element extending out beyond the built form, at odds with the symmetry, linear nature and architectural composition of this elevation, adversely affecting its special interest and significance. In this regard I am mindful that the appellant's Heritage Impact Assessment also concluded that the proposal would result in harm.
15. The dish would be visible as a prominent and incongruous addition to the upper section of the tower in views from the frontage of Tranby Croft. The harm, as identified above would therefore also, to a limited degree, diminish the special interest and significance of Tranby Croft through an adverse impact on its setting.
16. I acknowledge that there are existing telecommunications structures on the water tower, however, evidence of existing harm to a listed building is rarely justification for additional harm.
17. For the above reasons, the proposal would fail to preserve the Grade II listed building, Former Stableblock to Tranby Croft or any features of special architectural or historic interest which it possesses. The proposal would also fail to preserve the Grade II listed building of Tranby Croft through an adverse impact on its setting. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act. On this basis the proposal would cause harm to the significance of these designated heritage assets.

### *Public Benefits and Balance*

18. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the assets' conservation. That is irrespective of the magnitude of that harm. Consistent with that approach, paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
19. Given the extent and nature of the proposal, I find that the harm to heritage assets in this instance would be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
20. I acknowledge the support in the Framework for the expansion of electronic communications networks, including next generation mobile technology such as 5G whilst I also recognise that the Framework encourages the use of existing masts, buildings and other structures for new electronic communications capability. However, this must be balanced against the great weight the Framework requires to be given to the conservation of heritage assets and requirement for any harm to require clear and convincing justification.
21. The appellant sets out that, given the build and technical coverage constraints, the appeal proposal is the least visually intrusive design solution available. However,

whilst I recognise the encouragement for site sharing in the Framework, no alternatives that avoid harm to heritage assets have been put forward.

22. The proposal would improve 5G connectivity in an area considered to be a 5G coverage hole for customers on the EE network, albeit I have not been provided with precise details of this. This would, nonetheless, represent a public benefit. The removal of the existing structure from the interior of the building would, in isolation, represent a heritage benefit to a listed building. This would also constitute a public benefit. Collectively, I attribute moderate weight to the public benefits.
23. However, the moderate public benefits arising would not be sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage assets. On this basis and having regard to the evidence before me, I have not been provided with clear and convincing justification for the harm that would arise to the designated heritage assets.
24. The proposal would fail to preserve the Grade II listed building, Former Stableblock to Tranby Croft or any features of special architectural or historic interest which it possesses. The proposal would also fail to preserve the Grade II listed building of Tranby Croft through an adverse impact on its setting. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policy ENV3 of the East Riding Local Plan Strategy Document which seeks to ensure proposals conserve and enhance heritage assets.

## **Conclusion**

25. *Appeal A*: The proposal would conflict with the development plan. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons given, I conclude that Appeal A should be dismissed.
26. *Appeal B*: For the above reasons and having regard to all matters raised I conclude that Appeal B should be dismissed.

*Paul Martinson*

INSPECTOR