



Appeal Decisions

Site visit made on 9 September 2025

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal A Ref: APP/A2335/W/25/3363839

East Lodge, Aldcliffe Road, Lancaster, Lancashire LA1 5AP

- 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 Stainton of MH Stainton Ltd against the decision of Lancaster City Council.
- The application Ref is 24/00638/FUL.
- The development proposed is the installation of gate and control panel, renovation/repair of wall/boundary fence and minor path diversion.

Appeal B Ref: APP/A2335/Y/25/3362065

East Lodge, Aldcliffe Road, Lancaster, Lancashire LA1 5AP

- 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 Stainton of MH Stainton Ltd against the decision of Lancaster City Council.
- The application Ref is 24/00637/LB.
- The works proposed are the installation of a gate and control panel, renovation/repair of wall/fence and minor realignment of pedestrian/cycle path.

Decision

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

Applications for costs

3. An application for costs was made by Mr Michael Stainton of MH Stainton Ltd against Lancaster City Council, this application is the subject of a separate decision.

Preliminary Matters

4. Notwithstanding the slight variations in the descriptions of development and works, the appeals essentially relate to the same site and involve the same proposals. Whilst the appeals are subject to different legislative considerations, given there are matters common to both appeals, and to avoid repetition, I have dealt with both appeals together in one decision letter.

Main Issues

5. The main issue for both appeals is whether the proposals would preserve the Grade II listed building known as East Lodge to former Aldcliffe Hall, or its setting, or any features of special architectural and historic interest it possesses.

6. The main issues for appeal A only are:

- i. The effect of the development on the character and appearance of the area, with particular regard to protected trees;
- ii. The effect of the development on the safety, and recreational experience of, cyclists and pedestrians; and,
- iii. Whether the development is required to provide a biodiversity net gain and, if so, whether this would be secured.

Reasons

The Listed Building

Special interest and significance

7. East Lodge is a surviving element of the former Aldcliffe Hall estate, constructed in 1827 for Edward Dawson and included on the statutory list at Grade II. The hall itself has since been demolished, making the lodge an important surviving remnant of the historic estate layout. Its architectural style and detailing are characteristic of early 19th-century romanticism and are likely attributable to George Webster, a prominent architect of the period.
8. The building is listed for its special architectural interest as a well-preserved example of an early 19th-century lodge in Elizabethan style, and for its historic interest as a surviving fragment of the Aldcliffe Hall estate. Its association with Edward Dawson and probable design by George Webster further enhance its significance.
9. East Lodge is a heritage asset of considerable local importance, embodying both architectural quality and historic associations. Its survival following the loss of Aldcliffe Hall makes it a key element in understanding the historic estate structure, providing tangible evidence of the evolution of Lancaster's 19th-century gentry landscape. The building is a fine example of Elizabethan Revival architecture, characterised by squared coursed sandstone with ashlar dressings; slate roof with coped gables and kneelers with spiked finials; distinctive octagonal chimneys; and cross-windows, under square-headed dripstones, with hollow-chamfered timber mullions and transoms, and glazing bars forming geometric glazing patterns.
10. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the listed building. This applies irrespective of whether or not it has been explicitly identified in the list description.
11. There is a dispute between the main parties as to whether gatepost to the right of the entrance (when viewed from the public highway), together with the adjoining boundary wall and railings, form part of the listed building as curtilage listed structures. This is a matter of fact and degree, assessed on the evidence and having regard to: the physical layout or relationship between the listed building and the structures; their ownership, historically and at the date of listing; and, their use or function at the time of listing. In this context, curtilage refers to land associated with a listed building and necessary for the function or enjoyment of that building when it was first built.

12. East Lodge was listed at Grade II in 1970. At that time, the gatepost and adjoining wall and railings to the right of the entrance road formed part of the historic entrance arrangement associated with the lodge house and the former Aldcliffe Hall estate. These structures are physically proximate to the listed building, completing the former gated entrance, and were clearly intended to physically define the boundary and enable East Lodge to function as a gatehouse, controlling entry to the former Hall.
13. The appellant has confirmed that part of the site is not in the same ownership as East Lodge, but no evidence identifies which parts of the site, or ownership at the time of listing. Nevertheless, given the close physical and strong functional relationship between the East Lodge and these adjacent structures, it is highly likely that they were historically in common ownership.
14. There is a clear physical and functional relationship between East Lodge and these adjacent structures, both historically and at the date of listing. In the absence of definitive ownership evidence, and applying a precautionary approach, I consider the gatepost to the right of the entrance, together with the adjoining boundary wall and railings, are curtilage-listed structures for the purposes of these appeals.
15. It is important to stress that these structures are not listed in their own right. Therefore, their relevance stems not from their own merit but instead from the contribution they make to the special interest and significance of East Lodge. Even if I had found that these adjacent structures were not listed by virtue of being within the curtilage of the listed building, their proximity means that they are located in the surroundings in which the listed building is experienced. Therefore, at the very least, they form part of the listed building's setting.
16. The lodge's roadside setting, including its entrance gateposts and adjacent boundary walls and railings, is integral to appreciating the building's historic function and status as a former gatehouse managing access to a grand estate house. Therefore, its setting, including these entrance features, make a significant contribution to its special interest and significance.
17. I also note that Aldcliffe-with-Stodday Neighbourhood Development Plan (the AWS Neighbourhood Plan) identifies the railings on the opposite side of the drive from East Lodge as a Non-Designated Heritage Asset (NDHA) due to their historical significance and contribution to the collective memory of the area. However, this does not alter my findings in relation to these structures being curtilage listed.

The appeal proposals

18. The appeals seek planning permission and listed building consent for the installation of electric gates and a control panel, repair and renovation of the adjoining walls and railings, and the realignment of pedestrian/cycle access. The proposed double gates would be constructed of timber with metal railings inset within the upper part of the frame, and timber boarding at the base. The design of the gates is based on photographic evidence and an old painting of the historic gates that once existed on site.
19. Plans show that the proposed gates would be hung from new metal posts set behind the existing stone gateposts, and span the entire width of the driveway. An

intercom control panel is also proposed to be fixed to the adjacent railings alongside East Lodge.

20. A two metre wide pedestrian/cycle path is proposed to bypass the new gates on the northwestern side of the driveway. To facilitate this, a two metre wide opening is to be created within the adjoining boundary wall and railings to the northwest (right side) of the driveway. The remaining boundary wall and railings along the northwestern side of the site would be repaired and reinstated.

The effect of the proposals

21. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to 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. I have therefore considered the appeal scheme in light of these weighty statutory duties.
22. The proposal would involve the removal of a two metre section of the adjoining boundary wall, resulting in a harmful loss of historic fabric. This would significantly alter the overall appearance of the approach to the drive, disrupting the designed enclosure and symmetry of the historic entrance arrangement. In doing so, the proposal would break the continuity of the boundary wall, eroding its architectural integrity and, to a degree, diminishing its ability to illustrate the historic function of East Lodge as a gatehouse.
23. This would be harmful to the significance of the listed building, by altering a key element of its historic design and setting. The overall effect would be to diminish the historic character, setting, and evidential value of the designated heritage asset.
24. Bringing these points together, the proposal would fail to preserve the Grade II listed building known as East Lodge to former Aldcliffe Hall, its setting, and its features of special architectural and historic interest. Consequently, it would not meet the statutory requirements of the Act and there would be conflict with Policy SP7 of A Local Plan for Lancaster District 2020-2021, Part One: Strategic Policies & Land Allocations Development Plan Document (Local Plan Part 1) and Policies DM37, DM39 and DM41 of A Local Plan for Lancaster District 2020-2031, Part Two: Development Management Development Plan Document (Local Plan Part 2). There would also be tension with Policies ASNP3 and ASNP4 of the AWS Neighbourhood Plan. Together, amongst other things, these policies seek to maintain Lancaster District's unique heritage; secure the conservation and enhancement of listed buildings and their settings; and achieve high quality designs that are sensitive to the character and significance of heritage assets, including non-designated heritage assets.

Character and appearance

25. The appeal site is framed by mature trees which form part of the historic landscaped avenue of Aldcliffe Hall Drive. Many of the trees are thought to have been planted in 1827 as part of a designed landscape associated with the former Hall. For these reasons, along with their significant amenity value, they are protected by a Tree Preservation Order and identified as a NDHA in the AWS Neighbourhood Plan.

26. The proposals involve works within the root protection areas of several of these trees, including excavation works for the laying of hardstanding to form the pedestrian/cycle path. These works risk severing roots and compacting soil, potentially compromising the health and stability of the trees.
27. A Tree Protection Plan¹ (TPP) was submitted with the proposal, but in the absence of a detailed Arboricultural Impact Assessment (AIA) the effects of the proposals on the health of the trees, and any required mitigations measure, cannot be fully understood or robustly assessed. The appellant argues that the development could be undertaken without impacting any of the protected trees, and that further information is not necessary to demonstrate this. However, without an AIA detailing root protection measures, construction methodology, and an assessment of the proposed mitigation measures, the appellant's assertions are unsubstantiated.
28. Furthermore, the authors of the TPP acknowledge that they are not qualified land surveyors, and so cannot guarantee the accuracy of the positioning of the trees on site. However, it is essential that accurate information is provided to enable a full assessment of the effect of the proposal on the health of the trees. Therefore, this admission gives me limited confidence in the evidence provided on this matter.
29. In the absence of sufficient evidence, there is considerable doubt as to whether the proposal could be implemented without harm to the health of the protected trees or their eventual loss. It has therefore not been demonstrated that the proposal would adequately safeguard the protected trees in the interest of the amenity of the surrounding area. Harm to the health of the protected trees, and/or their eventual loss would have a significant detrimental effect on the landscape character of the area.
30. For these reasons, it is likely that the proposal would result in harm to the character and appearance of the surrounding area, with particular regard to its impact on protected trees. Therefore, the proposal conflicts with Local Plan Part 2 Policies DM29, DM43 and DM45, Policies ASNP1 and ASNP 3 of the AWS Neighbourhood Plan, and the associated provisions of the National Planning Policy Framework (the Framework), which collectively seek to protect and enhance trees and associated green infrastructure where they positively contribute to landscape and visual amenity.

Cyclists and pedestrians

31. The appeal site provides access to Aldcliffe Hall Drive, a well-used footpath and cycleway which forms an important link between the Lancaster Canal towpath and the Lune Estuary cycle path. The driveway is subject to a Definitive Map Modification Order that, if confirmed, would elevate its status to a public right of way. However, this is subject to a separate statutory and regulatory regime.
32. Nevertheless, the driveway, provides a safe, attractive, and traffic-free route for pedestrians and cyclists, including families, mobility scooter users, and those with non-standard cycles. The route offers a high-quality recreational experience and avoids the hazards of Aldcliffe Road, which is narrow and includes a blind bend.

¹ Tree protection plan showing the existing site layout, by Treescapes Consultancy Ltd.

33. The proposal would introduce electric gates across the driveway to restrict vehicular access. A two metre wide shared pedestrian/cycle path would by-pass this to the right of the driveway. However, the awkward alignment and layout of the new pedestrian/cycle path would likely require cyclists to dismount to safely navigate the altered route, and to avoid conflict with pedestrians. In essence, the new gates and proposed path, would create a bottleneck that would impede the free flow of both cyclists and pedestrian users.
34. The design appears intended to restrict cyclist speed rather than improve safety, yet no substantive evidence has been provided to justify such measures. The appellant argues that the new path would be sufficient for all users and that slowing cyclists improves safety. However, the lack of detailed design information and the constrained layout raise concerns about increased conflict between users, reduced accessibility for non-standard cycles and mobility scooters, and diminished convenience for cyclists. These factors would negatively affect the recreational experience and could displace some users onto Aldcliffe Road, increasing safety risks.
35. Overall, the proposal would introduce an unnecessary physical barrier and pinch point on a key active travel route, resulting in an adverse impact on the existing cycle network. Consequently, the development would create a safety risk and be harmful to the recreational experience of, cyclists and pedestrians. This would be contrary to Policy DM61 of the Local Plan Part 2, Policy ASNP2 of the AWS Neighbourhood Plan, and the associated provisions of the Framework which, taken together, seek to promote sustainable travel options, prioritise walking and cycling, and avoid adverse impacts on established networks.

Biodiversity Net Gain

36. The statutory framework² requires developments to deliver at least a 10% biodiversity net gain. However, in accordance with the regulations³, specific categories of development are exempt from the BNG requirement. This includes when development does not impact an onsite priority habitat, where the development would impact less than 25 square metres (sqm) of **onsite habitat** with a biodiversity value greater than zero, and on less than 5 metres of onsite linear habitat (my emphasis). This is referred to as the de minimis exemption.
37. Planning Practice Guidance (PPG) advises that, when providing reasons for the de minimis exemption, an applicant should provide sufficient evidence to support their justification. In cases where the development would be smaller than 25 square metres, the description of development, existing and proposed site plans, and the development's area size (in square metres) may be sufficient evidence.
38. In this case, the site area measures approximately 20sqm and so the appellant asserts that the proposal benefits from the de minimis exemption. Furthermore, there is no evidence to suggest that the proposal would affect a priority habitat.
39. The LPA does not dispute that the site area is less than 25sqm. However, it is concerned that the development could adversely affect the biodiversity value of trees, and therefore this should be measured differently. On that basis, it considers that the baseline habitat value of the site should be established using the Defra

² Schedule 7A of the Town and Country Planning Act 1990 (as amended)

³ Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Biodiversity Metric in order to demonstrate that the site would benefit from the BNG exemption.

40. Nevertheless, the wording of the de minimis exemption and supporting guidance in the PPG is clear that where less than 25sqm of onsite habitat would be impacted the exemption applies. The regulations and accompanying guidance in the PPG do not provide additional criteria for sites which include trees. Furthermore, the PPG is clear⁴ that local policies cannot mandate biodiversity net gains that are not compatible with the statutory framework.
41. For these reasons, I find that the development benefits from the de minimis exemption and therefore is not required to provide a biodiversity net gain. Consequently, in this regard, there is no conflict with Policy SP8 of the Local Plan Part 1, Policy DM44 of the Local Plan Part 2, Policy ASNP1 of the Neighbourhood Plan, or the associated provisions of the Framework which together, amongst other things, seek to ensure that development proposals achieve a biodiversity net gain. Nevertheless, this lack of conflict is of neutral consequence for the appeals.

Other Matters

42. I acknowledge that the appellant seeks to improve security arrangements. However, I have been provided with little evidence as to the extent of this issue, or whether this could only be addressed by way of the proposals. Therefore, this is of little weight.

Planning Balance and Conclusion

43. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
44. In accordance with paragraphs 213 and 214 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this case, I consider the harm to amount to a low to medium level of less than substantial harm, given the extent of the proposal and its consequent effects. However, less than substantial harm does not equate to less than substantial weight in the planning balance and, therefore, this harm is of considerable importance and weight. Under such circumstances, the Framework advises that the harm should be weighed against the public benefits of the proposal.
45. The proposal includes repairs to the adjoining boundary wall and reinstatement of the decorative railings. The installation of new timber gates across the drive would also reintroduce features with some historic authenticity. These elements of the proposals would enhance the heritage asset and therefore they are a public benefit. However, given my findings on the other issues in this case, no other public benefits would accrue as a result of the scheme.
46. Consequently, the public benefits put forward in this case do not tip the balance in favour of the proposal when set against the considerable importance and great weight I ascribe to the harm that I have identified. For this reason, the proposed

⁴ PPG Paragraph 006 Reference ID: 74-006-20240214

development would conflict with the Framework in so far as it seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.

47. Moreover, in relation to Appeal A, the benefits and other matters advanced in favour of the proposal are not of sufficient weight to justify a decision other than in accordance with the development plan, with which I have found conflict.
48. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeals should be dismissed.

J M Tweddle

INSPECTOR