



Appeal Decisions

Hearing held on 2 December 2025

Site visit made on 1 & 2 December 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2026

Appeal A Ref: APP/U2750/W/25/3369918

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- 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 Duncan and Ms Taveres against the decision of North Yorkshire Council.
 - The application Ref is ZD24/00700/FULL.
 - The development proposed is full planning permission for the creation of a new access gate and drive to the southern side of St Trinians Hall.
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Appeal B Ref: APP/U2750/Y/25/3369919

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- 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 Duncan and Ms Taveres against the decision of North Yorkshire Council.
 - The application Ref is ZD24/00701/LBC.
 - The works proposed are listed building consent for the creation of a new access gate and drive to the southern side of St Trinians Hall.
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Appeal C Ref: APP/U2750/W/25/3369920

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- 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 Duncan and Ms Taveres against the decision of North Yorkshire Council.
 - The application Ref is ZD24/00702/FULL.
 - The development proposed is householder application for the removal of existing garages, stables, and a glasshouse. Permission is also sought for the construction of a new reception room, coach house, and glasshouses with an improved lookout/terrace. Additionally, permission is sought for the external restoration of the existing house, which includes the installation of replacement dormer windows, a modest kitchen extension, a new chimney stack, and a modified opening from the office into the kitchen courtyard.
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Appeal D Ref: APP/U2750/Y/25/3369921

St Trinians Hall, Easby, Richmond, North Yorkshire DL10 7ET

- 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 Duncan and Ms Taveres against the decision of North Yorkshire Council.
 - The application Ref is ZD24/00703/LBC.
 - The works proposed are listed building consent for the removal of existing garages, stables, and a glasshouse. Permission is also sought for the construction of a new reception room, coach house, and glasshouses with an improved lookout/terrace. Additionally, permission is sought for the external restoration of the existing house, which includes the installation of replacement dormer windows, a modest kitchen extension, a new chimney stack, and a modified opening from the office into the kitchen courtyard.
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Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for the creation of a new access gate and drive to the southern side of St Trinians Hall at St Trinians Hall, Richmond DL10 7ET in accordance with the terms of the application, Ref ZD24/00700/FULL, subject to the conditions in the attached schedule.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for the creation of a new access gate and drive to the southern side of St Trinians Hall at St Trinians Hall, Richmond DL10 7ET in accordance with the terms of the application, Ref ZD24/00701/LBC, and the plans submitted with it and subject to the conditions in the attached schedule.
3. **Appeal C:** The appeal is dismissed.
4. **Appeal D:** The appeal is dismissed.

Applications for costs

5. Applications for costs were made by Mr Duncan and Ms Taveres against North Yorkshire Council in relation to all four appeals. These applications are the subject of separate decisions.

Preliminary Matters

6. For ease of identification, I have referred to the proposal in Appeals A and B as 'Scheme One' and the proposal in Appeals C and D as 'Scheme Two'. The appeals in each Scheme concern proposals which must be considered under different, complementary legislation. Accordingly, I have dealt with the appeals together in my reasoning, except where indicated.
7. There are three separately listed buildings associated with the current St Trinians estate. These are known as St Trinians Hall, the Garden Walls to North-East of St Trinians Hall and the Gateway to St Trinians Hall. Accordingly, although the matters in dispute and the focus of the main issues were narrowed during the Hearing, I have had regard to the statutory duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in relation to all three listed buildings in my decision.
8. The first reason for refusal in relation to Appeal B stipulated that "*Listed Building Consent is sought for a secondary western access gate and wall which is not included within the scope of Description of Development. The Local Planning Authority are unable to grant consent beyond the description of development*". Nonetheless, the Council in its delegated report and ultimately in its second reason for refusal went on to consider these elements.
9. I have not been referred to any basis which restricts the grant of listed building consent beyond the description of works on the application form. Moreover, it is clear from the plans and accompanying details that the works comprise of a new secondary access gate and walls as well. In this regard, even if all elements of the scheme do not constitute works requiring listed building consent, there is no basis for me not to consider and determine Appeal B, having regard to the plans and the

accompanying details, in so far as they relate to works requiring listed building consent.

10. As part of the appeals the appellants have submitted amended plans, which although submitted prior to determination, did not form the basis from which the Council made its decisions on. These amendments include, in relation to Scheme One the removal of lanterns to the southern entrance, alterations to stone detailing, alterations from a boundary wall to a hedge to the rear of the Coach House, and changes to the gate design at the secondary entrance from a solid gate to an open metal design. In relation to Scheme Two, the amendments include reductions to the height of the Coach House and changes to its roof form, and alterations to the reception room to remove the ball finials from the design.
11. Mindful of guidance¹ and caselaw² concerning amendments in the appeal process I have considered these amended plans for both Schemes. For Scheme One, these amended plans respond directly to the Council's second reason for refusal in Appeal B and concerns of interested parties. However, the alterations are matters of design detail of small elements of the overall scheme and do not result in a substantial difference or a fundamental change to the proposals. Moreover, during the appeal interested parties were given the opportunity to make representations on the amendments. As such, I have accepted the drawings in line with the 'Holborn' principles.
12. On the basis of these amended drawings the Council advised during the Hearing that it did not seek to defend its second reason for refusal for Appeal B and the impact on the listed Hall was no longer identified as a main issue in dispute between the parties. Nonetheless, my statutory duty remains, and I shall return to this matter in any case in the Other Matters section of this decision.
13. In respect of Scheme Two, the amendments to the reception room to remove the ball finials from the design would be minor design alterations to that part of the scheme and its layout, scale and form would remain unaltered. With the proposed Coach House, there would be no alterations to the layout of the building or its positioning within the site. Moreover, taking the Scheme as a whole and within the context of the Hall and the location of the proposed Coach House within the site, the reduction in height, and subsequent change in roof form and design would not result in a substantial difference or a fundamental change to the overall Scheme before me. Moreover, during the appeal interested parties were given the opportunity to make representations on the amendments. As such, I have also accepted these drawings in line with the 'Holborn' principles.
14. As part of the appeals several documents were submitted relating to heritage and ecology/biodiversity matters. As a result, the Council confirmed that it no longer wishes to defend its second and third reason for refusal in relation to Appeal A and third reason in relation to Appeal B and I see no reason to disagree.
15. The points covered in this Preliminary Matters section, and discussions at the Hearing, have informed the following main issues.

¹ Procedural Guide: Planning Appeals – England. Dated September 2024. Section 16, Paragraph 16.1.

² *Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)*, which refined the 'Wheatcroft principles' set out in *Bernard Wheatcroft v Secretary of State for the Environment (1982)*.

Main Issues

16. The main issues in the appeal are:

- Whether the proposals would preserve the Grade II listed buildings or their setting, known as St Trinians Hall, and Garden Walls to North-East of St Trinians Hall, and any features of special architectural or historic interest which they possess (Appeals C & D); and
- The effects of the proposals on the character and appearance of the surrounding area (Appeal A).

Reasons

Heritage Assets (Appeals C & D)

Special interest/significance

17. St Trinians Hall is a Georgian country house, built in the early to mid-eighteenth century in a classical revival style. Its principle southern elevation has a central Doric portico with canted bay windows either side on the ground floor and five sash windows above at first floor. With its ashlar stone, rusticated quoins and its parapet with ball finials, chimney stacks and late eighteenth century single storey wings it has a simple polite elegance with a pleasing balanced façade. This commands an elevated position with the relationship to the landscape beyond its grounds still legible and befitting the historical high status of the Hall and wealth of its occupiers. The architectural and historical importance of this principle southern façade is also reflected internally with the level of detailing in its southern facing rooms as described in the listing.
18. The listed building has been altered and extended including additions to the north with each phase of the building's development contributing to its narrative. Although they lack the elegance and formality of the principle south facing façade the eastern facing elevations remain of aesthetic value. A broad pathway runs along the eastern side of the Hall leading to the walled garden to the north. An architectural hierarchy can be seen when moving around the property from its south facing façade, past the kitchen courtyard and eastern elevation stepping down to the eastern return wall that connects into the walled garden.
19. In so far as it is relevant to these appeals, the special interest and significance of St Trinians Hall resides in its architectural and historic interests. Important contributors in these regards, which are pertinent to the appeals, are the building's elegant architectural style, architectural hierarchy, historic development, its surviving historic fabric, including its traditional construction and materials as well as internal features of interest.
20. Both the listed Hall and the listed building known as Garden Walls to North-East of St Trinians Hall (the Walls) have considerable architectural and historic interest as structures purpose-built for a wealthy family. Both listed buildings utilise high quality materials and a consistency of design. There is a strong physical and functional relationship between the two, which remains evident. Views of the Hall are possible from within the walled garden. In this regard, the listed buildings contribute positively to each other in terms of their special interest and significance.

21. The listed Walls are approximately 4m high. This height, and their considerable length results in a striking feature, enclosing the long kitchen garden on three sides. The walled kitchen garden sits raised on a terrace, with an open aspect easterly looking over other grounds of the Hall and the wider landscape beyond. In addition to their clear aesthetic value, the Walls are of considerable historic value as part of the St Trinians Estate. These factors, in so far as they relate to these appeals, all contribute to the Walls significance as a listed building.
22. There is evidence that the existing alignment of the eastern return wall has been altered, and it is not in a good structural condition. Nonetheless, the largely unbroken façade of this wall has a strong coherency with the original sections of walling arising from its height and small areas of exposed brickwork and it still retains historic and aesthetic value. In this regard, it continues to contribute positively, albeit more modestly, to the special interest and significance of both the listed Walls and Hall.
23. Associated with the Hall, within its setting, are several buildings that formed part of the St Trinians estate. These include buildings at the existing entrance to the site now known as The Byre and The Coach House. These add to the understanding of the historic function and architectural hierarchy of the estate as a whole, even though they are now independent dwellings functionally severed from the Hall. In this regard, they have a positive impact on the setting and thus the significance of the listed buildings, particularly the Hall.
24. More recent additions such as the garaging attached to the eastern return wall, and 'stable' building attached to the listed Walls preserve the architectural hierarchy of the listed buildings. However, they conceal, distract and detract from the architectural interests of the historic walling. Overall, they have a minor negative impact on the setting, and in this regard, the significance of the listed buildings. The existing glasshouse is a simple mono pitched structure, which although in poor condition, is appropriate in its form and utilitarian nature as a more workaday greenhouse typically found within a working kitchen garden.
25. Historic mapping shows that the upper raised garden, which the existing wall encloses on three sides, has largely remained free of development and open in character, albeit with the 1911 and 1927 mapping showing a building toward the north eastern end. This open nature is likely, in my view, to maximise the Walls function associated with planting in the kitchen garden. Despite the presence of the existing buildings in the raised walled garden, its long open character and soft qualities of planting within it remains legible. These qualities contribute significantly to the understanding of the historic function of this part of the grounds, to the setting and thus the significance of both listed buildings.

Appeal proposals and effects

26. The design of the new glasshouse buildings and colonnade has sought to draw inspiration from classical architecture. However, the combination of the number, position, and formal layout of the buildings and colonnade, and the level of ornate classical design features are such that they would result in a level of grandeur and opulence that would not be commensurate with the size, historic function and hierarchy of buildings within this raised walled kitchen garden and associated with the Hall.

27. There is no substantive evidence to demonstrate what the historic buildings were in the gardens, but the historic maps only show one building in the upper corner of the raised garden near the walls. In this regard, the historic presence of other buildings to the east, including the large tripartite building shown on the 1854 map, does not justify the extent and form of development in the location before me. Whilst I note the suggestion that the ball finials could be removed, this alone would not overcome my concerns on this matter. In this regard, whilst the loss of the existing glasshouse would not be harmful, its replacement would be.
28. During the Hearing the appellants referred me to an Orangery at Ripley Castle. However, I do not have the full details of this before me. Moreover, as outlined, St Trinians Hall has a simple polite elegance, and although it is of high status it does not have the same sense of grandeur associated with some other wealthy country estate houses such as, from my experience, Ripley Castle.
29. The loss of the modern mono-pitch 'stable' building would be a benefit. However, it is of modest proportions and is a discrete building, in contrast with the proposed replacement Coach House, which would rise above the height of the wall. The combination of the proposed glasshouses and associated proposals, and the proposed Coach House, and associated hardstanding, would significantly erode the legibility of how the listed Walls and the historic garden functioned.
30. I accept that large Coach Houses are features typically associated with country estates. Indeed, the existing property known as 'The Coach House' by the entrance to the Hall is a long two storey building. Moreover, the appellants have drawn my attention to several local country estates with larger coach houses. In this regard, my concerns are not the size of the building relative to the Hall or materials. However, from the evidence before me none that I have been referred to share the same locational characteristics as the scheme before me. In this regard, its form and position would both dilute, to a small degree, the legibility of the historic use of the original Coach House. More fundamentally, it would introduce a new sizeable building in a location within the kitchen garden that would erode the setting and significance of both the listed Hall and Wall.
31. The proposed reception room would follow the removal of the modern garages and the eastern return wall. The latter would result in the loss of historic fabric. However, the extent of harm from this would be limited due to its current condition. The loss of the garages would be of modest benefit due to their age, articulation and appearance. However, the proposed replacement reception room would introduce an overtly formal space and a proliferation of openings on the eastern elevation. These, due to their number, proportions and articulation would jar injuriously with the pattern of openings, solid to void ratio and hierarchy of built form along the eastern side of the Hall as it transitions into the garden wall and kitchen garden. In this regard, it would erode the setting and significance of both the listed Hall and Wall.
32. The proposed colonnade extension would provide an additional kitchen link to the east drawing room and east wing rooms. It would be a well-articulated low-profile extension that would sit within the internal courtyard comfortably. The removal of the unsightly boiler would be an improvement to the external courtyard. There would also be harm from the change in internal circulation, which would confuse the legibility of the historic internal layout and circulation within the Hall. Overall,

this would amount to a limited degree of harm to the significance of the Hall. It is put to me that this element would be reversible. However, given its solid built form, whilst the kitchen link extension may theoretically be reversible, there is no evidence that such a prospect is likely.

33. The alterations from a window to a door from the study into the courtyard would result in some loss of early twentieth century fabric. In this regard, it would not alter the more historic original fabric of the Hall. Moreover, the proportions and location within the internal courtyard, which has a secondary functional status, in contrast with the more outward facing southern façade, are such that I do not find harm from this aspect of the Scheme.
34. Conservation is an active process of managing change to heritage assets in ways that sustain, reveal, or reinforce their heritage interests. In this regard, there are clearly well thought out, conservation led sensitive aspects of the design of the Scheme. As such, there are positive heritage impacts, such as the reinstatement of the chimney to the main Hall roof, dormer alterations, restoration works to the Hall and Wall. Moreover, I note that there was support from the local Civic Society for the proposals.
35. However, even with its positive elements, the proposals would, in my view, have a harmfully erosive effect on the architectural and historic special interest of the listed buildings and their setting. As a result, the expectations of the Act have not been met, and the proposals would harm the significance of these designated heritage assets.
36. The proposals would also conflict with the requirements of Policies CP12 and CP13 of the Council's Local Plan Core Strategy (CS), when taken together and in so far as they relate to this matter. These say, amongst other things, that development or other initiatives will be supported where they conserve and enhance the significance of the plan area's natural and man-made, designated or undesignated assets. The approach taken in Policy CP12, in so far as it relates to designated heritage assets, is not consistent with the wording of the National Planning Policy Framework (2024) (the Framework) in terms of the Framework's balancing exercises as set down in the following section. As such, I give greater weight to the approach within the Framework in my findings in this main issue.

Public Benefits

37. Paragraph 212 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
38. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage assets, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.

39. In this instance, the harm to the Hall would avoid the principle southern façade. However, the proposals would significantly erode how the raised walled garden is experienced and the contribution that this area makes to the setting and significance of both listed buildings. Taking into account the positive heritage impacts I find that the harm to the overall listed Hall and Wall, individually and together, would be 'less than substantial' and toward the middle of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.
40. The main heritage benefit would be the conservation of the buildings following the proposed repairs, including some of the sensitive alterations and adaptation work as part of the overall package of development/works. There would also be some small public benefits from the commissioning of services, and the retention of building craft skills.
41. It is put to me that the proposals would provide space that has the capacity to be used for occasional events including for charitable, cultural, and educational purposes, bringing social and economic benefits. However, whilst I have no reason to question the appellants intentions, within the constraints and scope of the underlying residential use, there is no mechanism before me by which any such benefits would be secured or guarantees that the benefits would be realised. As such, the potential that such events may occur, is a matter I give limited weight.
42. There was discussion during the Hearing regarding the occupation of the Coach House. The proposals were submitted as a householder application. However, during the appeal the appellants indicated that the Coach House could be occupied by staff, and thus be beneficial to the long-term stewardship of the heritage assets. However, during the Hearing the appellants confirmed that they did not rely upon this as a public benefit. In any case, even if I accept that any such occupation was ancillary to the Hall, there is no substantive evidence that this is necessary or that the management of the estate could not be managed by staff living off-site, nor is there any certainty that it would be occupied in this manner. These factors would, in any case, limit the weight I afford this matter as a public benefit.
43. To conclude on the main issue, the heritage and public benefits would not outweigh the great weight that I attach to the harm I have found to the heritage assets. Accordingly, the proposals would be contrary to the requirements of the Act, the Framework and Policies CP12 and CP13 of the CS, in so far as they relate to this main issue.

Character and Appearance (Appeal A)

44. The appeal site lies on the northern side of the B6271, which is a busy rural road between the settlements of Richmond and Brompton on Swale. This part of the road is characterised by a mixture of fields, tree belts and groups of buildings. Field boundaries are mixed including predominantly hedgerows, trees, walling, and post and rail fencing. This results in a mixture of open and enclosed views of the countryside when travelling between the two settlements.
45. The land associated with St Trinians Hall includes a large area bordering the northern side of the B6271, where along the boundary there is a mixture of walling,

scattered hedgerows and maturing trees. Combined with tree belts on the southern side of the road, this results in an enclosed quality, although views in gaps between trees remain, including through to the Hall.

46. The proposals would introduce a new formal entrance onto the B6271 serving the Hall. To facilitate the required visibility splays, 24 trees would be removed, along with over 200m of hedgerow. The immediate loss of these landscape features would be a striking impact on this part of the countryside when travelling along the road, particularly the small number of Category B trees.
47. However, the appellants have put forward a comprehensive landscaping scheme as part of the proposals. This includes 220 new trees being planted along the southern and eastern boundaries of the estate, within land controlled by the appellants, along with a replacement hedgerow, in addition to other biodiversity enhancements. Precise details of the species and location are not before me. However, it would involve at least three 'standard' sized native trees for every tree lost, and I am satisfied that such details could be secured by way of a condition. This represents a significant increase in the number of trees and would result in a significant long-term enhancement to the character and appearance of this part of the countryside.
48. I accept that initially, the individual trees would have a less dominant and striking presence than the existing maturing trees due to their height, girth and canopy spread. Nonetheless, I still consider there to be benefits to the landscape from the significant uplift in the number of trees. I am also mindful that of the 24 trees to be removed, over half are affected by disease. In this regard, the long-term health of these trees weighs in favour of the comprehensive approach to landscaping before me. This also includes the replacement hedgerow, which whilst its loss would be harmful, it would be replaced with an improved species mix and density of planting and once established, in combination with the tree planting would provide an enhancement to the character and appearance of the boundary along this stretch of the road.
49. The proposed new entrance way would incorporate stonewalling and entrance gate piers that would reflect the character of a formal entrance to a country estate and would be appropriate. Moreover, the access track is designed to maintain an informality as it approaches the Hall before formalising within the grounds. There is no dispute between the parties that other elements of the Scheme would not be harmful to the character and appearance of the surrounding area and I agree. The new gate at the western entrance would be made from wrought iron and its design, materials and associated walling would all be appropriate in the context of the estate grounds and maintain views through the entrance to the Hall.
50. I therefore find that the proposals would not have a harmful effect on the character and appearance of the surrounding area. Accordingly, I do not find conflict with the requirements of Policies CP4 or CP12 of the CS or the provisions of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that the landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment.

Other Matters

Appeals A & B (Scheme One)

51. The Gateway to St Trinians Hall (the Gateway) includes two quadrilobate gothic piers and wrought iron gates. The listing indicates that the gate piers date to the second half of the eighteenth century, and whilst the gates are not original, they are good examples of their type and period. The significance of the Gateway, in so far as it relates to this Scheme, is derived from its historic and aesthetic value for the contribution it makes to the Hall estate. The listing indicates that the gate piers have been moved to their current position with the original entrance further south. In this regard, the setting of the Gateway has evolved. Its setting, marking the existing entrance to the Hall, nonetheless contributes positively to the historic interest and significance of both the listed Gateway and Hall.
52. The proposals in Scheme One would introduce a new entranceway, creating a new approach to the Hall, which would allow views of the principle southern façade to be experienced on the approach. Mindful that evidence indicates that historically the Hall was accessed from another entrance to the south, the proposals would better reveal the high status of the Hall than the existing entrance way to the rear of the Hall. The listed Gateway would be maintained as an entrance and would still be used to access the properties known as The Byre and Coach House as well. The alterations to form the secondary gate and associated boundary alterations would not sever the historical connection with these buildings due to the design of the wrought iron gates allowing views through. The use of materials throughout the Scheme would be compatible with those found in the estate.
53. Overall, I am satisfied that the proposals in Scheme One would preserve the special architectural and historic interest of the Grade II listed Hall and Gateway and their setting. Moreover, due to the location of the Grade II listed Walls, relative to the proposals that form part of Scheme One, there would be no harm to the setting and significance of this listed building.

Appeal A

54. Mitigation has been proposed to minimise disturbance during and post construction to protected species, and these matters could be controlled by way of a condition. As could, other measures such as the biodiversity enhancement measures outlined by the appellants which would form part of the statutory pre-commencement biodiversity gain condition as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended) (the Act).
55. The design of the proposed new entranceway allows for a vehicle to pull off the highway even if the gates are closed. The risk of multiple vehicles waiting to enter at closed gates and causing an obstruction onto the highway is not, in my view, high. The Council's highways officer has not objected, and I am satisfied on the evidence before me that the scheme would not result in an unacceptable highway safety risk.
56. Ownership issues, such as any encroachment by vehicles over a boundary, are a private matter between the relevant parties and not within my jurisdiction. I have no substantive evidence to show that there would be any damage to the neighbouring properties associated infrastructure within its boundary. Moreover,

any damage caused during construction or in the future would be a private matter between the parties involved. Furthermore, any planning permission would not override any legal rights of access. There is also no substantive evidence that the property would be used for anything other than its stated use.

57. Any disturbance to occupiers of neighbouring properties would be for a limited period during construction. With controls regarding hours of construction and a construction management plan secured by conditions, such concerns would not amount to a reason to withhold planning permission. The proposals laid out in Appeal A would not result in an increase in accommodation and there is no substantive evidence that the proposals would result in an increase in comings and goings, noise and disturbance, or impacts on infrastructure. The absence of harm in relation to these or other matters weighs neither for nor against the proposed development.

Appeals C & D (Scheme Two)

58. The proposals in Scheme Two would be focussed away from the entranceway and would not alter how the Gateway is experienced. In this regard, I am satisfied that the scheme would preserve the special architectural and historic interest of the Grade II listed Gateway and its setting. The absence of harm in this regard does not alter my findings of harm in relation to the first main issue.

Conditions (Scheme One)

59. The main parties have been unable to fully agree to lists of suggested conditions for the appeals were they to be allowed. I have considered the lists provided in light of the advice set out in both the Framework and the Planning Practice Guidance (PPG). I have adapted the suggested conditions where necessary in the interests of precision and brevity. Where necessary, consent has been obtained from the appellants for the use of pre-commencement conditions, as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details.
60. In addition to the standard time commencement conditions (1), I have specified the approved plans on both permissions (2) as this provides certainty given the submission of amended plans.
61. The following conditions only relate to Appeal A. Conditions relating to the construction management plan (3) and hours of working (4) are necessary in the interests of amenity. Conditions relating to the driveway details (5), trees (8, 9), hedgerow planting (10), materials (13) and lighting (14) are necessary in the interests of the character and appearance of the area. Conditions 8, 9, 10, and 14 are also necessary for ecological interests, as are conditions requiring works to be undertaken in accordance with technical reports (11, 12). Conditions relating to the highway specification (6), and access requirements (7) are necessary in the interests of highway safety.
62. I have adapted the Council's suggested hedgerow condition (10). It is necessary to secure full details of the planting, implementation and management as a separate condition in the interests of the character and appearance of the surrounding area. I have adjusted the requirements, so the precise details of the location are agreed as part of the discharge process, mindful of the need to maintain visibility splays. I

have also adjusted the Council's suggested tree condition (8) to reflect the advice in the PPG³ regarding planning conditions and planning obligations.

63. There was a dispute between the parties regarding whether a condition relating to Biodiversity Net Gain (BNG) is necessary given the advice in the PPG⁴ where local planning authorities are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission.
64. However, I am also mindful of the further guidance in the PPG⁵ which advises that local planning authorities can include additional conditions relating to the delivery of BNG. Having regard to the guidance in the PPG and considering the combination of the uplift of habitats of High Distinctiveness and the area of habitat creation relative to the size of the development before me I consider this to amount to a significant enhancement. In line with the advice in the PPG an additional condition (15) is reasonable and necessary to secure the significant habitat enhancements, which are required to be secured and maintained for at least 30 years under paragraph 9 of Schedule 7A of the Act as well as monitoring and reporting arrangements. I have altered the wording of the Council's suggested condition in the interests of precision.

Conclusion

65. **Appeal A:** The proposed development would not conflict with the development plan and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given and subject to conditions, Appeal A is allowed.
66. **Appeal B:** For the reasons given and subject to conditions, Appeal B is allowed.
67. **Appeal C:** The proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, Appeal C is dismissed.
68. **Appeal D:** For the reasons given, Appeal D is dismissed.

Mr R Walker

INSPECTOR

³ Paragraph: 010 Reference ID: 21a-010-20190723

⁴ Paragraph: 024 Reference ID: 74-024-20240214

⁵ Paragraph: 027 Reference ID: 74-027-20240214

Schedule of Conditions (Appeal A)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: Dwg No: Application Elements, PL 301; Proposed Driveway & Entrance, PL 302 (FULL); Proposed Entrance PL 303 Rev A; Boundary wall – Gates AWB224 106b Rev B; Arboricultural Report – Driveway Application, December 2024; Preliminary Ecological Appraisal ‘New Access route to St Trinians Hall’, 24 July 2025; Bat Transect Survey Report, November 2025; Driveway masterplan & BNG proposal, 100c-3 Rev B; and Driveway masterplan & BNG proposal, 100c-2.
- 3) No works or development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development shall be undertaken in accordance with the approved Plan. The Plan must include, but not be limited, to arrangements for the following:
 - a) Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
 - b) The parking of contractors’ site operatives and visitor’s vehicles.
 - c) Areas for storage of plant and materials used in constructing the development clear of the highway.
 - d) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 4) Preparatory or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) No works or development shall take place to the driveway hereby permitted, until details of the construction cross section, materials, any edging material and drainage mechanism/details has been submitted to and approved in writing by the Local Planning Authority. The details shall incorporate a tree protection plan and methodology. Thereafter the development shall take place in complete accordance with the approved details.
- 6) The development shall not be brought into use until the access to the site has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements: The crossing of the highway verge must be constructed in accordance with the approved details as shown on Drawing Number PL 302 (FULL) and Standard Detail Number E50 Revision G (construction depths only) and the following requirements:

- a) Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the public highway and must not be able to swing over any part of the public highway.
 - b) The final surfacing of the access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the public highway.
 - c) No works or development shall take place until details of any measures necessary to prevent surface water from the site discharging onto the public highway has been submitted to and approved in writing by the Local Planning Authority. The measures shall then be constructed and thereafter maintained in accordance with the approved details.
- 7) There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 135 metres to the west and 215 metres to the east measured along the nearside channel line of the B6271 from a point measured 2.4 metres down the centre line of the access. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 8) No works or development shall take place until a Scheme including the full specification, implementation programme, management and maintenance details of all proposed tree planting, has been submitted to and approved in writing by the Local Planning Authority. The specification shall include not less than 220 native trees in the location shown on Driveway Masterplan & BNG proposal plan 100c-2 where indicated by the caption "Areas of existing grassland also suitable for proposed tree planting". 72 of the 220 trees shall be standard size trees distributed along the southern boundary to the estate visible from the highway. The tree planting shall be carried out, maintained and managed in accordance with the approved Scheme.
- 9) If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, within the first planting season following the removal, uprooting, destruction or death of the original tree, unless the local planning authority gives its written consent to any variation.
- 10) No works or development shall take place until a native hedgerow planting plan and management scheme including, species, position, plant supply sizes, proposed numbers/densities, and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. The hedgerow shall be planted in accordance with the approved details and implementation programme. The hedgerow shall be retained, maintained and managed for a minimum of 30 years in accordance with the approved management scheme.
- 11) The development hereby permitted shall be carried out in accordance with the recommendations in the Bat Transect Survey Report prepared by Ecosurv, November 2025. The compensation measures shall be delivered prior to the

first use of the driveway hereby permitted and thereafter retained and maintained for at least 30 years for their intended purpose.

- 12) The development hereby permitted shall be carried out in accordance with the recommendations in the Arboricultural Report, prepared by Enviroscope, December 2024.
- 13) No development above ground level shall take place until a sample panel of the walls and gate piers of no more than one metre square has been constructed and provided on site; and approved in writing by the Local Planning Authority. The panel shall include the bonding material and pointing style. The development shall be carried out in full accordance with the approved details and shall be retained as such thereafter.
- 14) Prior to any lighting being erected/installed, full lighting details shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be designed in accordance with the recommendations of the Bat Transect Survey Report prepared by Ecosurv, November 2025. Only such approved lighting shall be installed/erected and shall be operated in accordance with the approved details.
- 15) No works or development shall take place until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:
 - a) A non-technical summary.
 - b) The roles and responsibilities of the people or organisation(s) delivering the HMMP.
 - c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan with timescale for implementation of such works.
 - d) The management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development.
 - e) The monitoring methodology and frequency in respect of the created or enhanced habitat, to be submitted to the local planning authority.

The development shall be carried out in accordance with the approved details.

End of Schedule

Schedule of Conditions (Appeal B)

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: Dwg No: Dwg No: Application Elements, PL 301; Proposed Driveway & Entrance, PL 302 (FULL); Proposed Entrance PL 303 Rev A; and Boundary wall – Gates AWB224 106b Rev B.

End of Schedule

APPEARANCES

FOR THE APPELLANTS:

- | | |
|--------------------|----------------------------|
| • Scott Lyness KC | Landmark Chambers |
| • Daniel Whittle | Burges Salmon LLP |
| • Matt Ball | Matt Ball Architecture |
| • Emma Baxter | Chris Blandford Associates |
| • Alistair Baldwin | AWB Associates |

FOR THE LOCAL PLANNING AUTHORITY:

- | | |
|----------------|-------------------------|
| • Fiona Hunter | North Yorkshire Council |
| • Sharon Kelly | North Yorkshire Council |