



Appeal Decisions

Site visit made on 18 November 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2026

Appeal A Ref: APP/E2001/W/25/3370424

Lawn House, 5 Main Street, Hotham, East Yorkshire YO43 4UF

- 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 Jonathan Hartwick against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/00759/PLF.
 - The development proposed is widening of existing pedestrian access to create vehicular access and installation of metal gates.
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Appeal B Ref: APP/E2001/Y/25/3368990

Lawn House, 5 Main Street, Hotham, East Yorkshire YO43 4UF

- 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 Jonathan Hartwick against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/00760/PLB.
 - The works proposed are widening of existing pedestrian access to create vehicular access and installation of metal gates.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed and listed building consent is refused for widening of existing pedestrian access to create vehicular access and installation of metal gates.

Preliminary Matters

3. The description of development is taken from the original application forms, respectively and differs from that which is stated on the decision notices.
4. The pair of appeals relate to the same overall proposal. They differ only in that Appeal A is for planning permission to construct a vehicular access by widening an existing pedestrian gate within the boundary wall and installation of replacement gates. Appeal B is for listed building consent for the same works. I have considered each part of the proposal on its individual merits. However, to avoid duplication I have dealt with the two parts of the proposal together, except where otherwise indicated.
5. The proposal relates to a listed building within a conservation area. As required by sections 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural

or historic interest which it possesses; and paid special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

6. In my determination of Appeal B, I have had regard to the development plan policies cited on the Council's decision notice where material. However, I am not obliged to determine the appeal in accordance with them.

Main Issues

7. The main issues are:

- the personal circumstance, need for the proposed development, and the consequences of a dismissed appeal for the appellant's family, having regard to the living conditions;
- whether the proposal would preserve the grade II listed building, Lawn House and garden wall and gate¹, or its setting or any features of special architectural or historic interest which it possesses; and
- whether the proposal would preserve or enhance the character or appearance of the Hotham Conservation Area (CA).

Reasons

Consequences of a dismissed appeal

The legal framework

8. Article 8(1) of the Human Rights Act 1998 (HRA98) provides that everyone has the right to respect for their private and family life, home and correspondence. As the term 'family life' refers to matters essential for the person to enjoy a relationship with their family, I have determined the appeal in terms of the whole of the appellant's family, not just in relation to their uncle.
9. Article 8(2) of the HRA98 states there shall be no interference by a public authority with the exercise of Article 8(1), except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedoms of others.
10. Article 19 of the UN Convention on the Rights of Persons with Disabilities (UNCPRD), the Public Sector Duty (PSD) under Section 149 of the Equality Act 2010 (EA10), the HRA98, set out the need to eliminate unlawful discrimination, advance equality of opportunity and access, and foster good relations between persons who share a protected characteristic and those who do not share it.

The consequences

11. I have carefully considered the reasons given for why the appellant has applied for planning permission and listed building consent for the proposed vehicular access, along with information pertaining to the uncle's disability. For the purposes of EA10 and the PSD, disability is a relevant protected characteristic.

¹ Lawn House and Garden Wall and Gate, List entry number: 1354752

12. The proposed vehicular access would create a safe and accessible entrance to the property to enable the appellant's disabled uncle safe and dignified access when visiting the property. It would afford the appellant's uncle access to the rear of the home, which has been extended. The extension incorporates accessible design, including wider doorways and step-free accommodation.
13. The proposal would provide vehicular access that would be of benefit to the personal circumstances of the appellant's family, and specifically his uncle, which demonstrates a clear need for the development. These are therefore personal benefits to which I afford weight in favour of the proposal.
14. The negative impacts of dismissing the appeal on the appellant arise since they would be unable to deliver the proposed works as sought, and the care requirements in terms of access would not be met in this regard. Furthermore, there is a chance that the appellant's specific needs would not be met if an acceptable alternative could not be put forward.
15. Accordingly, I conclude that the refusal of permission for the appellant's family would be detrimental to their living conditions, including their health and wellbeing, as referred to in paragraph 135 of the National Planning Policy Framework (the Framework).

Special interest and significance

16. Lawn House, the appeal property, is a 19th century country house within spacious landscaped grounds enclosed by a wall and cast iron gate contemporary with the house. The garden wall, which extends 7 metres in length and 3 metres in height, is integral to the historic intended design of the property. The wall defined the private residential gardens and provided an appreciation of the high status of the occupants. Constructed of limestone with stone capped piers of buff coloured brick and stone copings atop the wall, it has a cast iron gate set in a stone keyed round arch. This arrangement depicts a characteristic contrast between solid and void, the delicacy of the ironwork providing an understanding of the fashions of the time. The wall and gate therefore contribute to the significance of the listed building as a designated heritage asset.
17. At Lawn House, the wall and gate illustrate the social and architectural values of the time. Their preservation maintains the authenticity of Hotham's historic village core, together with Lawn Cottage adjacent, which is contemporary with Lawn House and also grade II listed, and the distinctive Church of St Oswald on the opposite side of Main Street, which is grade II* listed and dates from the early 12th century.
18. The appeal site is within the Hotham Conservation Area. The significance of the CA is principally derived from Hotham Hall and its designed parkland landscape setting and the traditional architecture, streetscape and rural charm of the historic rural settlement. Situated at the north end of Main Street, the combination of the Lawn House, wall and gate form a coherent historic ensemble. The historic materials and craftsmanship of the wall and its relationship to Lawn House and the street frontage make it an important feature that reinforces the traditional character and visual continuity of the linear village. For these reasons, the wall and its relationship to Lawn House positively contributes to the character and setting of the CA and its significance as a designated heritage asset.

Effects

19. The works would result in the widening of the existing opening, thereby disrupting the intended relationship of solid to void and resulting in the loss of historic fabric. The works would erode the evidential and historic significance of the designated heritage asset. For these reasons, the works would result in harm to the significance of the listed building and the historic ensemble. It would fail to preserve the listed building and any features of special architectural or historic interest which it possesses. As the listed building contributes to the character and appearance of the CA, the proposal would also fail to preserve the character and appearance of the CA. Notwithstanding the proposed intention to use the existing bricks in the rebuilding of the widened archway, and the design intention to replicate detailing of the existing arch and wall, those matters would not overcome the harm identified.
20. I find that there would be less than substantial harm, towards the mid-point of the scale, in relation to the significance of the designated heritage assets, but nevertheless of considerable importance and weight.
21. In relation to Appeal A, I find that the proposal would result in unacceptable harm to the significance of the CA owing to the harm arising from the loss of historic materials and craftsmanship, which would erode the character and appearance of the CA.

Public benefits

22. Paragraph 215 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing the asset's optimum viable use.
23. Paragraph 213 of the Framework stipulates that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, paragraph 212 indicates great weight should be given to the conservation of each designated heritage asset.
24. The proposal would provide vehicular access that would be of benefit to the personal circumstances of the appellant's family and aid accessibility for his visiting uncle. It would help maintain family relationships. The appellant is of the opinion that the proposal would be beneficial because it would enhance the amenity of the property and provide safe and level access to the extension at rear of the dwelling. It has not been demonstrated that other less intrusive schemes would not provide the appellant's uncle and his family suitable access. Furthermore, the harmful effects of the proposal would endure if the appellant and family sold and moved from the property. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
25. I note the expressions of support for the proposal, which largely relate to the reduction in the number of parked cars along Main Street at this point. Whilst there would be some benefit to reducing congestion, I observed that parked cars along Main Street is an accepted part of the village scene. Furthermore, opposite the appeal site, the pavement widens outside the threshold of the churchyard thereby

affording a wider vista and a greater appreciation of space. To the north of the appeal property, Main Street bends eastwards, around the periphery of the churchyard. This road alignment, coupled with the presence of parked cars, serves to slow vehicular speeds, in the interests of public safety and amenity of the village street.

26. Given that the benefits identified are largely private benefits and the limited public benefits attract no more than moderate weight in favour of the appeal, they are not sufficient to outweigh the harm I have identified.
27. As such, in relation to Appeal A, the proposed development would be contrary to Policy ENV3 of the East Riding Local Plan Update (2020-2039) (LP), which states the significance, views, setting, character, appearance and context of the heritage assets, both designated and non-designated, should be conserved, especially the key features that contribute to the East Riding's distinctive character. Development that is likely to cause harm to the significance of a heritage asset will only be granted permission where the public benefits of the proposal outweigh the potential harm.

Other Matters

28. I have had due regard to Article 19 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), the Human Rights Act 1998 (HRA), and to the Public Sector Duty (PSD) under Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, advance equality of opportunity and access, and foster good relations between persons who share a protected characteristic and those who do not share it. Disability is a relevant protected characteristic to which the PSD applies.
29. These rights are engaged in reaching my decision and I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key. I recognise that the proposed development has primarily been designed to meet the appellant's personal circumstances and specifically to enable the appellant's uncle, who has a protected characteristic, to visit the property. All these matters have been taken into account in reaching my decision.
30. These matters must be considered against the harmful effect that the proposal would have on the significance of the designated heritage assets and their setting. The less than substantial harm at the midway point of the scale, would be of considerable importance and attract great weight.
31. I have given the representations of support very careful consideration, but these are insufficient to justify the harm identified to designated heritage assets, to which I afford great weight.

Conclusion

32. For the purposes of Appeal A and for the reasons set out above, the proposal would conflict with Policy ENV3 of the LP. In the overall planning balance, the considerations in favour of the development do not outweigh the permanent harms I have identified. Consequently, my findings in this balance do not lead me away from my conclusion on the main issues in this case.

33. For the purposes of Appeal B, given the above and based on the limited public benefits, I conclude that, on balance, the proposed works would fail to preserve the special historic interest of the Grade II listed building, thus failing to satisfy the requirements of the Act, paragraph 212 of the Framework, and development plan policy insofar as relevant.
34. For the reasons given above the Appeals A and B should be dismissed.

N Kempton

INSPECTOR