



Appeal Decision

Site visit made on 20 January 2026

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/E2001/W/25/3375063

Existing Boundary Wall, East of St. Matthew's Court, Beverley, East Riding of Yorkshire HU17 8JH

- 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 Martin Mason against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/01773/PLF.
 - The development proposed is the construction of means of access and erection of double gates following part removal of existing brick wall and re-location of existing street light.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of means of access and erection of double gates following part removal of existing brick wall and re-location of existing street light at Existing Boundary Wall, East of St. Matthew's Court, Beverley, East Riding of Yorkshire HU17 8JH in accordance with the terms of the application, Ref 25/01773/PLF, subject to the following conditions:
 - 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 drawing no MRM:1(A) - Location Plan, Existing and Proposed Site Plan and Elevations.
 - 3) Prior to the first use of the access and double gates hereby permitted by any pedestrian or motorised vehicle, the access and associated footway crossover shall have been fully constructed in accordance with the approved plans.
 - 4) The double gates hereby permitted shall only be installed to open inwards into the application site and shall not open outwards.
 - 5) Prior to the installation of the double gates hereby permitted, large scale drawings of the gates, which shall include full plans and elevations together with constructional and section details shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the depth of the recess of the double gates when measured against the brick boundary wall. The development shall thereafter be carried out in accordance with the approved details.
 - 6) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as follows:

Walls: Brickwork in a colour, texture, bond to match the existing wall (using brick reclaimed from the wall to be removed where possible), and pointed using a matching mortar mix and pointing technique;

Gate: Timber (to be painted/stained in a black or dark brown colour).

Preliminary Matter

2. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Beverley Conservation Area (CA).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the CA.

Reasons

4. The significance of this part of the CA is centred around the presence of Beverley Minster and the relationship of other development to it. The Conservation Area Appraisal for the Minster area (CAA) notes how the immediate surrounding area has evolved in layout, scale and use and that where open areas exist, they are invaluable in providing views of the Minster. Although partially obscured by trees, a view of the west elevation of the Minster is framed between two dwellings on St Matthew's Court, over the undeveloped land which is under the appellant's ownership and with the boundary wall subject to this appeal visible in the foreground.
5. The CAA does not specifically mention the walling in this location as an important feature of the CA, but that is not to say that it would not be possible for there to be harm from its loss. However, what would be removed would be a small section of walling adjacent to a modern housing estate. It would appear that at least part of the wall has been rebuilt in recent times. Whilst I note that interested parties refer to it as forming part of the enclosure of a workhouse, that building has been removed and the area including its boundary treatments has evolved. It is a section of wall which does not make any notable contribution to the CA in this context. In addition, as the Council accepts in its reason for refusal, the proposed timber gates would have a traditional appearance and, in my view, they would be an entirely appropriate feature within the CA.
6. Taking these factors together, I conclude that the loss of this section of wall and its replacement with timber gates would not result in harm to the character and appearance of the CA. The view of the Minster would not be harmed. For these reasons, I conclude that the proposed development would accord with Policies ENV1 and ENV3 of the East Riding Local Plan Update 2025, where collectively they seek to achieve high quality design and to conserve and enhance designated heritage assets.

Other Matters

7. A number of representations made by interested parties at the planning application stage referred to the potential impact of the proposed development on the setting and significance of the Minster, which is a Grade I listed building. I have found

there to be no harm to the CA, that the proposed timber gate would be appropriate and that views of the Minster would not be harmed. The impact on the Minster was not a reason for refusal and the Council's Conservation Officer raised no concern at all in that respect. Furthermore, this is not a matter which has been taken forward in representations made by interested parties at appeal stage. Overall, I find no reason to disagree with the Council's conclusion that there would be no harm to the setting and significance of the Minster.

8. It is also suggested by interested parties that the appeal proposal is a pre-cursor to proposals coming forward to develop the wider site which is under the appellant's ownership. There is a particular concern given that it would allow for vehicle access onto the site, which is currently not possible. However, the appeal proposal does not include any change of use of the land nor any operational development beyond that necessary to form the proposed access. There is no indication provided as to any future development. In simple terms therefore, the proposal before me is purely for the means of access to the land, and it cannot be resisted on the basis that future development proposals might come forward. It follows that there cannot be an assessment of any hypothetical impacts that might arise from a development unknown.
9. There is access to the site on foot via an alleyway from Minster Moorgate and it is claimed by interested parties that this provides adequate access to undertake maintenance works to the land, which is the basis on which the appellant states that the access is needed. The appellant's justification to my mind seems entirely plausible because of the size of the land, the width of the alleyway and the parking availability/restrictions on Minster Moorgate. It would be eminently easier to maintain the land if vehicles could be taken on to the site. I acknowledge that interested parties claim the appellant has in effect 'land-locked' themselves through the sale of property and that they consider a narrower opening could still provide access but, ultimately, I have found there would be no harm caused by the appeal proposal. In the absence of harm, these considerations cannot be determinative on the outcome of the appeal.
10. It would appear that consent has been given to carry out works to, and remove, trees from the wider site owned by the appellant. That is however a consent that has been given under a separate legislative process. The proposal does not fall within a category of development that would require an Environmental Impact Assessment, and there is no other development proposal before me to consider cumulatively. The appellant has provided a reason as to why the proposed access is needed as a standalone development. I am satisfied that in the circumstances of the case before me this approach does not offend the principles set out in the court judgements¹ to which my attention has been drawn.
11. The proposal would not have any significant impact in terms of carbon release or on the environment in general. There is no basis to apply the Public Sector Equality Duty (PSED) because of what is referred to as cumulative development pressure, and it has not been evidenced that the development itself would result in a conflict with any of the three aims of the PSED. There appears to be a ground level difference between the road on St Matthew's Court and the nearest part of the land that would be accessed. The Council considers that this could require

¹ Ashchurch Rural Parish Council v Tewkesbury BC [2022] EWHC 16 (Admin), [2023] EWCA Civ 101 and Larkfleet v South Kesteven District Council [2014] EWHC 3760 Admin, [2015] EWCA Civ 887.

engineering operations, but no such works have been proposed. If planning permission was required, the appellant would need to apply for this separately. I am satisfied that the proposal is exempt from providing a statutory Biodiversity Net Gain as the works are de minimus.

12. A number of interested parties raise concern as to the impact on living conditions, however the use of the proposal to access the land as it presently stands is not likely to lead to a significant number of vehicle or pedestrian movements. Furthermore, the site is within a town centre location where frequent vehicle movement would be expected. Operation of the gate would not be likely to generate high noise levels. I do not consider on this basis that there would be harm caused from a loss of privacy or as a result of noise and disturbance. Given the scale of the works proposed, there would not be any significant or prolonged impact during construction and so requiring a method statement would not be proportionate to the scale of works proposed. The appellant would need to discuss the relocation of the street light with the Highway Authority, but I have no reason to consider that its relocation would cause harm to living conditions.
13. There is no objection from the Highway Authority and having viewed the site and its relationship to adjacent properties and the wider St Matthew's Court development I find no reason to consider that there would be an adverse impact on the highway network, the safety of its users or that the design specification would not be acceptable in terms of matters such as visibility. There is no substantive evidence that there would be harm to biodiversity or watercourses as a result of the proposal, or an increase in flood risk. The issue of boundary stability would be a matter for those carrying out the work to consider, but there is nothing before me to suggest that the proposed works could not be carried out without adversely affecting the remaining parts of the wall.

Conditions

14. It is necessary to impose conditions relating to the time period to commence development and the approved plans to provide certainty. Conditions requiring the full provision of the access and associated footway crossover before first use and that the gates open inwards only are needed in the interests of highway safety. A condition requiring constructional and section details is required to ensure that the finished development has an appropriate visual appearance given its location in the CA, and a condition setting out the external facing materials is needed for the same reason.

Conclusion

15. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR