



Appeal Decision

Site visit made on 26 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/A4710/Y/24/3354399

Middle Harper Royd Farm, Norland, Sowerby Bridge HX6 3QR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr A Denham against Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00556/LBC.
 - The works proposed are Proposed solid fuel flue and proposed extension.
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Decision

1. The appeal is dismissed and listed building consent is refused for proposed solid fuel flue and proposed extension.

Preliminary Matters

2. The appeal relates to part of a Grade II listed building¹ referred to on the National Heritage List for England as '*Middle Harper Royd Cottages Middle Harper Royd Farmhouse*'. I have therefore had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appeal is against the Council's failure to reach a decision within the relevant timeframe. However, the Council have provided a report at appeal that makes clear that had they been in a position to do so, they would have refused listed building consent for the proposed works.
4. A similar scheme for an extension and solid fuel flue was granted planning permission² and listed building consent³ in 2023. In addition to those elements, the appeal scheme also proposes the removal of an area of masonry between the kitchen and proposed sunroom. Whilst this originally formed part of the previous applications, it was removed as part of amendments to the drawings made prior to the granting of planning permission and listed building consent. This is the only element of the scheme in dispute and my decision will therefore focus primarily on this matter.
5. There is no accompanying appeal against the non-determination of the planning application, which I understand has now been determined. As such, my considerations relate solely to the works that are the subject of the listed building consent application, notwithstanding any requirement for planning permission.

¹ List Entry Number: 1134513.

² Ref 23/00756/HSE.

³ Ref 23/00757/LBC.

Main Issue

6. The main issue is whether the proposal would preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses

Reasons

7. Middle Harper Royd Farm lies at the southern end of a row of dwellings that together make up the Grade II listed building. These originally comprised of a farmhouse, now a house and part of a separate dwelling, and pair of attached cottages. The row is constructed of coursed, squared stone with stone slate roofs. Other than the list description, I am provided with very little detail with regard to the significance of the listed building and its alteration over time.
8. Nonetheless, based on my own impressions and the evidence before me, I am able to conclude that the building as a whole has evolved considerably over time with multiple subdivisions and extensions following the construction of the original house, dated 1637. From the information before me, the building's significance derives from its architectural and historic interest as an illustration of a seventeenth century farmhouse with, later, attached worker's cottages all of which have developed and been altered over time.
9. The appeal property lies to the south of the row. It includes a ground floor double-chamfered mullion window with hoodmould which appears to be of some age with a window of matching proportions but of a much more recent date located above. This section of building is taller than the rest of the row. The Council states that an additional bay was added to the south of the building in around 2000⁴, whilst a first-floor dormer extension has been added to the catslide roof to the rear of the building which extends for the full width of the appeal property. The utility appears to be a recent extension to the rear catslide. This abuts a two storey rear wing at the adjoining property. A timber sunroom infills the space to the rear of the 2000 bay and the side of the rear catslide projection.
10. The numerous alterations and subdivisions of the appeal property, and listed building as a whole, over the years has led to the blocking of openings and addition of new fabric and extensions. I agree with the Council that these alterations have, to a degree, diminished the ability to appreciate the significance of the listed building. Nonetheless, based on the limited evidence before me it is likely that the catslide roofed projection to the rear of the main roofed section of building is of some age and likely illustrates a particular period in the development of the building.
11. The appeal proposal would involve the opening up of a 2 metres wide gap in the side wall of the catslide projection and the proposed sunroom which would replace the existing timber sunroom. Whilst both parties are in agreement that the wall is of recent construction, it is understood to have represented the rebuild of a wall that previously existed in this position, preserving an older plan form of the building, and allowing for an appreciation of the evolution of the building over time. The proposal would remove much of the wall creating a new means of entry into the kitchen. This would be at odds with this 'preserved' historic plan form.

⁴ Ref 99/00544/LBC.

12. Nonetheless, owing to the lack of information provided in support of the application with regard to the heritage significance of the building, I cannot be certain as to the precise importance of the wall in terms of understanding the evolution of the building over time and its historic plan form. On this basis, I am therefore unable to conclude that its proposed removal would, as is argued by the appellant, *'not affect the character of the listed building'*.
13. On this basis I conclude that the proposal would fail to preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. This is contrary to the requirements of section 16(2) of the Act. As such, the proposal would be harmful to the significance of this designated heritage asset.
14. Paragraph 212 of the National Planning Policy Framework (the Framework) sets out that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. Given the extent and nature of the proposed works, I find that the harm in this instance is 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
15. I am not directed to any public benefits of the scheme, although there would likely be limited economic benefits arising from the construction phase of the works. Overall, however, these limited public benefits do not outweigh the harm I have identified above.
16. The works would not preserve the Grade II listed building or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of section 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
17. I also note that the proposal would conflict with Policy HE1 of the Calderdale Local Plan (2023) which seeks to conserve and enhance heritage assets and safeguard the historic environment.

Other Matters

18. I acknowledge the appellant's frustration with regard to the delays experienced during the application process. However, this relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I have noted that history, I have nonetheless determined the appeal scheme on the basis of its planning merits.

Conclusion

19. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR