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## Appeal Decisions

Site visit made on 15 May 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

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### **Appeal A Ref: APP/U2750/W/25/3360690**

#### **Rye House, Borrowby, North Yorkshire YO7 4QL**

- 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 Mrs Booth against the decision of North Yorkshire Council.
  - The application Ref is ZB24/02121/FUL.
  - The development proposed is extension to rear of existing house.
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### **Appeal B Ref: APP/U2750/Y/25/3360692**

#### **Rye House, Borrowby, North Yorkshire YO7 4QL**

- 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 Mrs Booth against the decision of North Yorkshire Council.
  - The application Ref is ZB24/02122/LBC.
  - The works proposed are extension to rear of existing house.
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### **Decision**

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

### **Preliminary Matters and Main Issue**

3. As the appeals relate to a listed building and a conservation area, I have had special regard to section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. In October 2024, planning permission<sup>1</sup> and listed building consent<sup>2</sup> was granted for replacement of existing conservatory with orangery and repair/conversion of existing outbuildings, the listed building consent additionally relating to internal alterations. That scheme originally included the extension subject of the appeals, but it was removed in light of the Council concerns. The approved scheme is a valid fallback position. This is a matter I will return to later in my decision.
5. I have adopted the description of the development and the works from the planning application and listed building consent application forms in the banner heading above. However, the previously consented works are included on the proposed plans. Consequently, the Council's decision notices relate to applications to replace conservatory, create lean to extension, internal alterations, convert stable to annexe and repair of outbuildings.

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<sup>1</sup> Ref ZB24/01295/FUL

<sup>2</sup> Ref ZB24/01296/LBC

6. Nevertheless, the acceptability of all elements other than the extension has been established by the consented scheme. Therefore, the main issue in these appeals is whether the proposal, with particular regard to the proposed rear extension, would preserve a Grade II listed building “Rye House” (the LB), and any of the features of special architectural or historic interest that it possesses.

## Reasons

7. Rye House is a 2 storey 3 bay building dating from the mid to late 18<sup>th</sup> century. It is constructed in coursed squared stone with a pantile roof with shaped kneelers and stone coping, and sash windows with stone sills and keyed lintels. It is set well back from and elevated above Park Lane, where it occupies an elongated plot with detached outbuildings, including former stables, barn and pigsty, to the rear.
8. The LB has been altered to the rear, including a 2-storey extension<sup>3</sup> and a conservatory<sup>4</sup>. The conservatory, although modern, is a modest and extensively glazed feature with lightweight attachment to the LB. Although sympathetically detailed and finished, the 2-storey extension is an overly large feature that disrupts the simple form and rear of the LB. However, the plans illustrate that its siting along the rear elevation allows the historic long house to remain legible.
9. Given the above, I find the special interest of the LB, insofar as relevant to these appeals, relates primarily to its historic fabric, architectural features, and its original plan form illustrative of a traditional Yorkshire long house.

### *The previously approved works*

10. The recent planning permission and listed building consent include partial removal of an internal modern wall between the kitchen and the hall and alterations to the openings between the kitchen and the orangery. The conservatory would be replaced with an orangery of similar footprint and height but more solid form with low walls, timber framed glazing and a flat roof with lantern. A new gate would be formed in the boundary wall with stone steps leading down to the rear of the dwelling and the existing gate and steps would be removed. The stable building would be refurbished, including alterations to openings, and converted into self-contained living accommodation. There would be minor general repairs to the rainwater goods and roof of the older outbuildings and the larger barn would be refurbished to provide a habitable space.
11. By virtue of age and relationship to the LB, the outbuildings are curtilage listed. However, the earlier outbuilding has been previously altered and the stable dates from the 20<sup>th</sup> century. While they illustrate a historic functional relationship and use ancillary to the long house, there is little evidence they hold any special interest in their own right. Nevertheless, the sympathetic conservation of the ancillary outbuildings would be beneficial to the heritage asset.

### *The proposed extension*

12. The single storey extension would attach to the 2-storey rear elevation of the historic dwelling and the east elevation of the 2-storey extension. It would be set in from the quoins to the north-east corners of the long house and the extension. Its monopitch roof, with rooflights, would finish just below the first floor window in the

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<sup>3</sup> Ref: 99/50160/L revised application for Listed Building Consent for alterations and extension to existing dwellinghouse

<sup>4</sup> Ref: 02/01267/LBC application for listed building consent for a conservatory extension to existing dwelling

extension and it would obliquely cross the historic elevation below the first floor window. It would be finished in materials to match its host, but with double glazed timber windows out of scale with the historic rear windows.

13. The extension would be subservient in scale to the LB. Nevertheless, at over 4.6m deep and perhaps 3m wide, it would be a large feature that would substantially obscure the only remaining fully exposed part of the historic 2-storey rear elevation. In conjunction with the modern 2-storey extension and conservatory (or orangery), the proposal would result in disproportionate additions, in terms of footprint and bulk, to the formerly simple long house.
14. The plans illustrate that the extension would be poorly related to the pitched roof 2-storey extension and the conservatory (or orangery), resulting in a cluttered and discordant rear elevation. The first floor windows to either end of the historic rear elevation would remain visible and the historic wall remains exposed in the conservatory. Nevertheless, the modern additions would cumulatively overwhelm the rear of the LB. Consequently, the proposal would erode the historic character and appearance and legibility of the traditional long house and detract from an appreciation of the LB. It would not contribute positively to the locally distinctive building and it would erode the special interest of the designated heritage asset.
15. The extension would be unobtrusively sited to the rear of the LB such that it would not be prominent in views from Park Lane. It would however be visible in limited views from the east, from nearby dwellings and along the private access road. Irrespective, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not there are public views of it.
16. The simple plan form of the dwelling apparently remained relatively unchanged prior to the construction of the 2-storey rear extension and conservatory in the early 21<sup>st</sup> century. Neither they nor a further modern extension would be representative of the type of historic piecemeal development that demonstrates the evolution, in response to changing needs and times, of traditional farmhouses elsewhere. I have also been made aware of other listed buildings where extensions and alterations have been approved. However, they are not demonstrably directly comparable to the appeals in terms of the building and its special interest, the nature of the proposal, the impact on the heritage asset or the public benefits. None of these provide a justification for the appeals, which I have considered on its own merits.
17. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
18. Paragraph 212 of the Framework advises that in considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight.
19. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

20. The plans illustrate that the dwelling provides 4 beds and 3 bathrooms at first floor, with ground floor kitchen, WC, dining room, 2 further rooms and conservatory. Notwithstanding the appellant's preference for a separate utility room, there is little evidence that the dwelling fails to provide a reasonable standard of residential amenity and internal living space for modern family occupation.
21. It is suggested that the extension would be less harmful than internal alterations to provide a utility room. However, there is little evidence that alternative solutions have been explored and reasonably discounted, taking into account the internal space including the modern extension. In any case, as there is no fallback position for a more harmful scheme of internal alterations to create a utility room, this is not a matter that weighs in favour of the scheme.
22. However, as noted above, there is a fallback position at this site which is also illustrated as part of these appeals. The replacement of the lightweight conservatory with a more substantial orangery would provide enhanced internal living space but it would not better reveal the special interest of the LB. The new access steps would be a private benefit in terms of people entering the property from the parking area but there is little evidence it would reinstate the historic layout or access to the property. The converted barn would provide a large habitable room, albeit detached from the main dwelling. The converted stables would provide a self-contained unit of residential accommodation with ensuite bedroom, kitchen/living room and private outdoor space to the rear. Therefore, the elements that constitute the fallback would be a significant private benefit. The works to the curtilage listed buildings would conserve them and secure their future use. Even so, taking into account the previous alterations, the apparently minor works required to the rainwater goods and roof of the early outbuilding, and the increased domestication of the stables, I find this would be a limited public benefit.
23. The appellant's statement suggests that the curtilage listed outbuildings are in need of urgent remedial work. However, the Design and Access statement refers only to the need for minor general repairs to the gutters and the roof covering of the original barn structure. There is little substantive evidence such as building or structural survey to demonstrate that either the 20<sup>th</sup> century stable or the more historic barn are in a significantly poor state of repair.
24. I note the suggestion that a utility room is of paramount importance and will determine if the appellant remains in the property and undertakes the consented works in full. However, the appellant acknowledges that the conversion of the underutilised outbuildings would provide much needed additional living accommodation, without which she would need to investigate converting the roof voids and altering the internal layout of the LB. I am also mindful that she was willing to remove the extension from the earlier scheme in order to gain consent for the fallback works. Therefore, I cannot be certain that a future occupier would not implement any or all of the fallback scheme.
25. Consequently, there would be significant private benefits but the public benefits, including temporary economic benefits during works, would be at best modest. The established use of the LB as a residential property would not cease if the appeals should fail. Moreover, taking into account the valid fallback position, the public benefits are not reliant upon the proposed extension. Given the above, I find that the public benefits are not sufficient to outweigh the harm that I have found.

26. Consequently, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 210 of the Framework and conflict with policies S7, E1 and E5 of the Hambleton Local Plan adopted February 2022 that require development to, among other things, preserve features that contribute to special architectural or historic interest and respect and respond positively to context, local character and distinctiveness including in terms of form and visual relationships. It would also conflict with the guidance in the Domestic Extensions Supplementary Planning Document adopted December 2009, including in relation to extensions not detracting from the original dwelling. As a result, the proposal would not be in accordance with the development plan.

### **Other Considerations**

27. I understand that the creation of a utility room within the pigsty and outbuildings was investigated but was considered to impact far more negatively on the curtilage listed buildings through loss of historic fabric than the proposed rear extension. However, no detailed heritage impact assessment has been provided to demonstrate that the curtilage listed buildings hold intrinsic historic or architectural interest independent of the principal listed building.
28. The appeal site is partly within the boundary of Borrowby Conservation Area (the CA). This covers the historic linear settlement developed along Back Lane and Park Lane. Although largely residential, the agricultural origins are evidenced by farms, converted farm buildings and workers cottages. The CA has a strong and cohesive character and appearance, attributable in part to the historic buildings, traditional palette of materials and the sense of enclosure to the narrow village street imparted by the closely spaced flanking buildings, grassed embankments, hedgerows and stone walls.
29. The LB is prominently sited towards the northern limits of the CA. Its historic frontage contributes positively to the street scene and thereby the character and appearance of the CA. However, the proposed rear extension would not be visible from Park Lane and it would have only limited prominence from the private domain. Case law has established that proposals must be judged according to their effect on the CA as a whole and must therefore have a moderate degree of prominence. Consequently, I find that the proposal would not be detrimental to the CA and it would preserve its significance.
30. Borrowby Parish Council supports the proposal on the basis that the extension would look reasonable and would only really be seen from the private rear of the property. However, for reasons set out above, this does not weigh in its favour.
31. In January 2024, prior to submitting the earlier approved planning application and listed building consent application, the appellant received pre-application advice (ref: ZB23/01677/PPP) from the Council. This was generally positive, noting that the reuse of buildings and replacement conservatory would be positive impacts that might weigh against harmful elements including a further rear extension such as would require strong justification due to potential for less than substantial harm. However, while pre-application engagement has potential to improve the quality of planning applications and their likelihood of success, the Planning Practice Guidance is clear it cannot pre-empt the democratic decision making process.

32. The appellant considers that the Council has not determined the application correctly because it disagrees with her in relation to the weight that should be afforded to the works to the outbuildings. However, the weight to be attributed to the benefits in the balance is a matter for the decision maker. Moreover, on the basis that the Council found that the earlier approved scheme did not result in less than substantial harm to the designated heritage asset, there was no harm to be weighed against the public benefits in that case.

**Conclusion**

33. For the reasons set out above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

*Sarah Manchester*

INSPECTOR