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## Appeal Decisions

Site visit made on 2 September 2025

**by Ann Veevers BA(Hons) PGDip(BCon) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 October 2025**

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### **Appeal A Ref: APP/A4710/W/25/3361143**

#### **Rose Cottage, Ryburn Lane, Ripponden, Sowerby Bridge HX6 4AQ**

- 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 and Mrs Austin against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref is 24/00908/HSE.
  - The development proposed is side and rear extension including internal alterations.
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### **Appeal B Ref: APP/A4710/Y/25/3361158**

#### **Rose Cottage, Ryburn Lane, Ripponden, Sowerby Bridge HX6 4AQ**

- 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 and Mrs Austin against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref is 24/00909/LBC.
  - The works proposed are side and rear extension including internal alterations.
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## **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

## **Preliminary Matters**

3. The decision notice for Appeal A refers to refused plan Ref A856-10. However, the plan submitted with the appeal is Ref A856-10 Rev A. From the submitted information, it is apparent that the revision was submitted to the Council prior to the determination of the planning application. The revision includes the provision of a bird and bat box to each gable respectively, is the same as that listed on the decision notice for Appeal B and does not relate to a matter in dispute. As such I have determined Appeal A on the basis of plan Ref A856-10 Rev A and I am satisfied that no prejudice would occur to any party as a result of my so doing.
4. The appeals concern the same site and the same scheme. Although the remit of planning permission (Appeal A) and listed building consent (Appeal B) regimes are different, to reduce repetition, I have dealt with both appeals together in a single decision letter.
5. The appeal site is a Grade II listed building, referred to on the National Heritage List for England as Rose Cottage<sup>1</sup>, I have therefore had regard to the statutory

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<sup>1</sup> List Entry Number: 1232402

duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## **Main Issues**

6. The main issue in both appeals is:

- whether the proposed development and works would preserve the Grade II listed building, Rose Cottage, or any features of special architectural or historic interest which it possesses.

A further main issue in respect of Appeal A is:

- the effect of the proposed development on the character and appearance of the host building and the landscape character of the area.

## **Reasons**

### *Listed building*

#### Special interest and significance

7. Rose Cottage is a modestly sized, two storey detached dwelling set within a large plot on a steeply sloping hillside. The cottage is stated to date from the early 18th century and is constructed of coursed hammer dressed stone with a stone slate roof and stone chimney stacks to each gable. There are flat-faced mullion windows to the ground and first floor of the front elevation.
8. The cottage has been extended to the rear and one side with single storey additions constructed in stone and render with stone slate roofs. The limited evidence before me indicates the side extension appears on historic mapping dating to the 19<sup>th</sup> century. The rear extension includes a catslide roof and due to its traditional form, appears to have been constructed some time ago. There is also a more recent small rear addition with poly-carbonate roof that provides access into the cottage. Despite these previous additions and alterations, in my view the building for the most part maintains its integrity and authenticity as a traditionally constructed cottage. Overall, it retains its simple compact form and the historic two bay range of the listed building is still legible. Thus, it remains an attractive rural dwelling typical of the local vernacular building styles and construction techniques.
9. Given the above, from the information before me and my own observations, I find the special interest and significance of the listed building, insofar as it relates to these appeals, to be mainly derived from its architectural and historic interest as a good example of a local domestic building from the 18th century. Important contributing factors in this regard are the use of traditional methods of construction and materials, the building's surviving historic fabric and the legibility of its historic plan form. Special interest and significance is also derived, in part, from its garden and wooded, hillside, edge of village setting. While the rear-facing wall of the cottage has been constructed at a later date to the front elevation and is not overly visible in public views, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.

### Proposals and effects

10. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to state 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.
11. It is proposed to demolish the existing side extension and erect a two storey extension which would wrap around the rear corner of the cottage at first floor level above part of the existing rear addition. The door opening into the existing side extension would be replaced by a window and two new doorways would be created at first floor level from the side and rear elevations of the cottage into bedrooms. The side wall of the existing rear extension would be removed to provide open plan access to the new side extension, which would include sliding doors opening towards the garden. While this would result in the removal of fabric which is of less historical and architectural interest as the main building, there would also be further loss of historic fabric as a result of the insertion of two new doorways at first floor level. These changes would undermine the integrity of this heritage asset.
12. The proposed extension would have a dual pitch stone slate roof and would be constructed in natural stone to the front and side with render to the rear to match the existing rear addition. Due to the topography of the site, it would be necessary to excavate part of the existing garden to accommodate the proposed extension. Even though it would be set back from the front elevation of the cottage, its sizeable width, depth and wrap-around form would add considerably to the ground floor plan of the cottage. Combined with its height, which would be similar to the cottage, the proposal would compete with the primacy of the listed building and weaken the legibility of its historic plan form. Given its substantial size and roof configuration, the proposal would jar awkwardly with the modest vernacular form and character of the asset.
13. Furthermore, the wide sliding door opening would be a clearly modern addition which would be discordant in comparison to the pattern of fenestration elsewhere on the building, disrupting the hierarchy of openings. The existing catslide roof would be removed, concealing the historic evolution of the building.
14. The proposal would fundamentally alter the simplicity and authenticity of how the asset is experienced from within its garden. This would lessen the positive contribution that the asset's immediate setting makes to its significance, as well as reduce the ability to appreciate that significance.
15. I note that there are other interventions/alterations proposed to the listed building, on which there is little or no information provided. These include the insertion of supporting steel beams over the new openings; treatment of the abutment of the extension with the side elevation and existing roof, particularly in relation to rainwater goods; and the installation of new plumbing, heating and electrics.
16. The omissions regarding the detail of these proposed physical interventions and alterations are a deficiency and restrict a full understanding of the proposal and its effects. Moreover, given the listed status of the building, I am not satisfied that it

would be appropriate or acceptable to leave such important matters to be dealt with by conditions.

17. Neither, as suggested by the appellant, does it follow that a lack of public visibility of a proposal results in a lack of harm to the significance of a designated heritage asset. It remains that the proposal would be conspicuous from the private domain of the cottage.
18. Drawing all of the above together, the proposal would fail to preserve the Grade II listed building Rose Cottage or any features of special architectural or historic interest which it possesses. As such, there would be harm to the significance of this designated heritage asset.
19. In finding harm to the significance of designated heritage assets, the Framework and the Planning Practice Guidance (PPG) requires the category of harm to be 'explicitly identified', and the extent of harm within that category to be 'clearly articulated'<sup>2</sup>.
20. Given the nature and extent of the proposed development and works, I find the harm in this instance would be less than substantial, at the mid-point of that category. Nonetheless, this harm carries considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The PPG is clear that public benefits should flow from the development or works. They should be of a nature and scale to be a benefit to the public at large and not just be a private benefit<sup>3</sup>.

#### Public benefits and balance

21. The proposal would generate economic benefits in the construction phase and social and environmental benefits through an improvement to the local housing stock in addressing the issues the appellant has identified with damp, light, the liveability of the building as well as concerns with respect to the state of repair of the property. Moreover, heritage benefits would accrue from the removal of cement render to the side elevation of the cottage which would enhance the breathability of the building and better reveal its historic fabric.
22. I note the appellant's intention to use locally sourced materials and construct the proposal to current environmental standards. Paragraph 167 of the Framework attaches significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings to which I attribute positive weight as a public benefit. I also note the appellants' claim to support the rural economy through agriculture relating to their smallholding. However, there is very little information in relation to this activity and no substantive evidence that the proposal is the only solution to repairing and maintaining the cottage with the small holding. As such I attribute limited positive weight to this factor.
23. The overall scale of the above benefits that would flow to the public at large would be moderated by the relatively limited extent of the proposal and lack of detail surrounding some of the works. The appellants photographs and what I saw at my site visit confirm that cracks are visible on some internal and external walls of the

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<sup>2</sup> Paragraph: 018 Reference ID: 18a-018-20190723

<sup>3</sup> Paragraph: 020 Reference ID: 18a-020-20190723

cottage and damp is apparent within the catslide extension. Whilst I note the appellants' view that the proposal would ensure the longevity of the building's use, from the submitted information, I cannot be certain any necessary remedial works to the building would be a significant physical or financial impediment to continued residential occupation of the cottage. Nor am I convinced that the proposal would be the only option to 'solve' existing structural issues to facilitate the long term use of the building, or that it would be the minimum necessary to ensure the property can remain in residential use as suggested. Nor have I any indication that the appellant would not undertake remedial work or maintain the property if the appeal should fail.

24. Therefore, the overall weight the above public benefits attract together would be limited and I am not persuaded that the only way of securing such benefits would be via the particular scheme that is before me.
25. There is no substantive evidence before me that the proposal is required to secure the optimum viable use of the asset as a dwelling. The building has an ongoing residential use that, on the basis of the information before me, would be unlikely to cease in its absence.
26. Nevertheless, I appreciate the appellants' desire to stay in their home, for it to be flexible and adaptable, and to cater for their long term needs as well as to allow future generations to live comfortably. The appellants refer to their need for space to work from home and to an ongoing health issue and condition which would be likely to affect one of the appellant's long term needs and mobility, potentially requiring ground floor living accommodation in the future. While the ground floor of the proposed extension would provide direct access to the private drive and garden and additional internal space, a large proportion of the proposal provides general accommodation for the household. There is no compelling evidence before me to demonstrate that this is the only way to deliver the required accommodation for the appellants needs, which in any case would be a private benefit.
27. Paragraph 200 of the Framework is explicit in its requirement that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeals before me. Furthermore, the weight that I ascribe to the public benefits, including heritage benefits, that would result from the proposal, would not be sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage asset.
28. I therefore conclude that the proposals would fail to preserve the special interest and significance of the listed building. It would fail to satisfy the requirements of the Act and would be contrary to Policy HE1 of the Calderdale Local Plan 2018/19 – 2032/33, adopted March 2023 (CLP) which seeks, amongst other things, that development conserves heritage assets in a manner appropriate to their significance. There would also be conflict with the provisions of the Framework which seek to conserve and enhance the historic environment.

#### *Character and appearance – Appeal A*

29. The appeal site is located within open countryside and occupies a relatively solitary hillside position. The surrounding area is characterised by steeply sloping open fields and wooded glades which accommodate scattered traditional

farmsteads and other rural houses and buildings. Built development predominantly sits in the valley either side of Halifax Road. The appeal site positively contributes to the wider landscape character and appearance of the area insofar as it includes a small rural enterprise in the countryside and the cottage is of traditional form and materials.

30. Due to the size of the proposed extension in relation to the modest scale of the cottage, it would be a prominent addition. Although it would be set back from the front elevation, its height would fall roughly in line with the ridge of the cottage. This, and its excessive width would appear bulky, overly dominant and out of proportion with the host property to the detriment of the dwelling's traditional form and historic floor plan. Furthermore, the design and extent of the proposed wrap-around first floor rear extension would emphasise the height of the extension and jar with the simple proportions of the cottage, causing harm to the character and appearance of the host building.
31. Notwithstanding the effect of the proposal upon the host building, views of the cottage are seen against the background of the inclined hillside and surrounding woodland. Although there is a public footpath along Ryburn Lane and Birks Lane close to Rose Cottage, a high stone wall and trees limit views towards the cottage. In this context, the proposed extension would not be readily visible from the public domain and would not be a prominent intrusion within, or harmful to, the wider landscape character of the area.
32. Given the above, while the proposed development would not be harmful to the landscape character of the area and there would therefore be no conflict with Policy GN4 of the CLP insofar as it relates to landscape character, it would cause harm to the character and appearance of the host building. The proposed development would therefore conflict with Policy BT1 of the CLP. This policy, amongst other things, seeks to ensure new developments are of high quality design which respects or enhances the character and appearance of existing buildings. The proposed development would also conflict with the aims of Section 12 of the Framework to achieve well-designed places.

## Other Matters

33. I note that the proposal is a revised scheme which seek to overcome the Council's concerns in relation to previous refused applications<sup>4</sup>. However, for the reasons stated above, I consider this revised scheme to be harmful.
34. As set out above, one of the appellants has an ongoing health condition that affects their mobility. The proposals are intended to provide accessible accommodation on the ground floor for the future long term needs of the appellants. In addition, the appellant states that the keeping of sheep and selling wool locally is part of their cultural heritage. In this context, I have had regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act sets out the relevant protected characteristics. Since there is the potential for my decision to affect a person with protected characteristics, I have had due regard to the three equality principles set out in Section 149 (1) of the above Act.

<sup>4</sup> LPA Refs: 24/00218/HSE and 24/00219/LBC



35. There is nothing before me to suggest the keeping of sheep would not still be possible. Nevertheless, the negative impacts of dismissing the appeals arise since the cottage would not be provided with the extension as sought. However, having regard to the full extent of the proposal, the adverse impacts of dismissing the scheme on those with protected characteristics would be proportional having regard to the legitimate and well-established planning policy aims to protect heritage assets. Thus, the PSED considerations would not outweigh the harm I have identified in this case.
36. I am advised by the Council that a 'stand alone' gatepost in the garden, to the west of the cottage is historic and curtilage listed. Even if that is the case, from the information available to me, its removal is not indicated in the appeals submissions and it would not be affected by the proposal.

### **Conclusion**

37. For the above reasons, the proposals conflict with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it.
38. I therefore conclude Appeal A and Appeal B should be dismissed.

*Ann Veevers*

INSPECTOR