



Appeal Decision

Site visit made on 23 September 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 04 November 2025

Appeal Ref: APP/U2750/F/23/3325912

Land at Royal Hotel, 57 Market Place, Thirsk, North Yorkshire, YO7 1EY

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Fox Hall Holdings Limited against a listed building enforcement notice issued by North Yorkshire Council.
 - The appeal enforcement notice was issued on 13 June 2023.
 - The contravention of listed building control alleged in the notice is: Without the benefit of planning permission Listed Building Consent, there has been the installation of three external fans attached to the Building.
 - The requirements of the Notice are to remove the three fans installed, as identified in the attached photograph.
 - The period of compliance with the requirements is three (3) months.
 - The appeal is made on the grounds set out in section 39(1) (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the listed building enforcement notice be corrected by:
 - the deletion of the title to paragraph 3 and its substitution with the title “THE ALLEGED BREACH OF LISTED BUILDING CONTROL; and
 - the deletion of the words “planning permission or” in paragraph 3.
2. Subject to the corrections, the appeal is allowed and the listed building enforcement notice is quashed.

Enforcement Notice

3. Paragraph 3 of the notice is titled “THE ALLEGED BREACH OF PLANNING CONTROL”. However, the notice issued is a listed building enforcement notice. I shall therefore correct the title to read, “THE ALLEGED BREACH OF LISTED BUILDING CONTROL”, and remove the reference to planning permission from paragraph 3. These corrections are required in the interests of precision and do not alter the purpose of the notice. There would therefore be no injustice to any party.

Appeal on ground (e)

4. The appeal on ground (e) is that listed building consent (LBC) ought to be granted for the works the subject of the notice and the main issue is whether the works preserve the special architectural and historic interest of the listed building.
5. The appeal property is also located within Thirsk and Sowerby Conservation Area (CA). It occupies a prominent position on Market Place. This public open space is

bounded by a wide range of buildings of different ages, styles and forms, which are predominantly in commercial use. The range of building styles, and their use of materials and fenestration, make an attractive architectural assemblage. The front façade of the appeal property, including its historic joinery, contributes to the character and appearance of the CA.

Reasons

6. Section 16(2) and 66(1) of the Act require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural interest which it possessed. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
7. The Royal Hotel Public House is an early C19 three storey property and Grade II listed. From the evidence before me, including the list description and observations on my site visit, I consider the significance of the Royal Hotel as a heritage asset is derived, in part, from its evidential and historic use as a Public House. It also has architectural interest derived from, amongst other features, its front façade which includes two canted bays and sash windows.
8. The external fans are sited at the rear of the building. The two smaller ones are at ground floor level on the rear elevation of the original building, and a larger one on the side of the building's rear extension. It is understood that the two small fans are beer dispensing unit coolers (Python units) whilst the larger one is the cellar cooler. The appellant advises that these units are required to ensure that the beer is kept at the correct temperature and essential for the commercial operation of the Public House.
9. The fans have a modern and industrial appearance, which is slightly incongruous with the age of this historic building. However, they are sited to the rear of the property, which is less architecturally refined, and in the case of the cellar cooling unit, positioned on a C20 rear extension which has little historic merit. I appreciate that the units adjoin one of the many passageways/yards that are a feature of this part of the CA, however, their visual impact is localised. Furthermore, within the CA and historic commercial centre of Thirsk, there are many other examples of modern fans, flues and air conditioning units required to facilitate some of the commercial uses upon which the economy of the town centre relies. Thus, the overall appearance of these units is not at odds with the overall character of the town centre.
10. For the reasons given above, in my judgement the installation of the fans has resulted in a negligible harmful impact on the significance/special interest of the Royal Hotel nor on the character and appearance of the CA. In the context of the significance and special interest of the assets as a whole, and in the language of the National Planning Policy Framework (NPPF), the harm would be less than substantial and at the very bottom of that scale. Because the harm is less than substantial, paragraph 215 of the NPPF says that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Even though I have found that the harm to the designated heritage assets is less than substantial, it is not to be treated as a less than substantial objection.
11. From the evidence available the use of the Royal Hotel as a Public House is its optimum viable use. The fans that have been installed help to facilitate that use

and there are considerable public and heritage benefits to the community and local economy derived from ensuring that use continues. I see no reason to discount the appellant's assertion that the fans could not be sited on the rear elevation of the extension, having regard to their purpose and need to be located close to the cellar. Thus, the Council's suggested condition to relocate the fans to that location would not be reasonable.

12. Considering the negligible harm I have identified to the heritage assets, the public benefits set out above would outweigh the considerable importance and great weight to be given to that harm to the heritage assets. As such, the installation of the three external fans would comply with paragraph 215 of the NPPF and there would be no conflict with the design and heritage aims of Policies S1, S7, E1 and E5 of the Hambleton Local Plan, 2022.

Conclusion

13. For the reasons given above, I conclude that the appeal succeeds on ground (e). I shall grant listed building consent for the works as described in the Notice, as corrected. The listed building enforcement notice will be corrected and quashed.

Elizabeth Pleasant

INSPECTOR