



Appeal Decisions

Site visit made on 15 September 2025

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal A Ref: APP/U2750/W/25/3366169

1 Smeaton Manor Stables, Great Smeaton, Hambleton, North Yorkshire DL26 2NF

- 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 Graeme Thompson against the decision of North Yorkshire Council.
 - The application Ref is ZB24/02323/FUL.
 - The development proposed is demolition of rear wall and roof of existing Orangery and erection of new lower pitched roof and wall to extend out and create open plan kitchen/dining/family room with outdoor patio seating area and new swimming pool in garden.
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Appeal B Ref: APP/U2750/Y/25/3366167

1 Smeaton Manor Stables, Great Smeaton, Hambleton, North Yorkshire DL26 2NF

- 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 Graeme Thompson against the decision of North Yorkshire Council.
 - The application Ref is ZB24/02324/LBC.
 - The development proposed is demolition of rear wall and roof of existing Orangery and erection of new lower pitched roof and wall to extend out and create open plan kitchen/dining/family room with outdoor patio seating area and new swimming pool in garden.
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Decision

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

Applications for costs

3. An application for an award of costs has been submitted by Mr Graeme Thompson which is the subject of a separate decision.

Preliminary Matters

4. 'Smeaton Manor track' is included within the address on the application form. As this is not the official address, I have removed it from the banner heading above. Whilst the description includes the construction of a swimming pool, it is not mentioned in the Council's reason for refusal, and so I will not consider it further.
5. Policy S1 of the Hambleton Local Plan, 2022 (HLP) is referred to on the notice of decision, however, is not mentioned in the reasons for refusal. Therefore, I have not taken this policy into account.
6. The appellant has requested the appeal is determined based on earlier versions of the plans, Drawing PL 004D and PL 003F. The Council has been consulted and

has not provided any comments. Applying the principles established by Holborn¹, using these drawings, and applying the substantive test, would not result in a fundamental change to the application. Furthermore, as these drawings have been seen by the Council, and there are no objections from interested parties, there would be no procedural unfairness. Therefore, I have proceeded to determine the appeal based on these drawings.

7. As set out above, there are two appeals on this site, one for planning permission, and the other for listed building consent. Planning permission and listed building consent are under different legislation; however, I have dealt with both appeals together in my reasoning.
8. Therefore, as required by sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

9. The main issue is whether the proposal would preserve the Grade II listed building, Stables to Smeaton Manor, or its setting or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

10. The complex of red brick buildings, with pantile roofs, consist of stables and cottages. They were built as part of the Smeaton Manor estate for Major Percy Goodman and his wife, Ada, daughter of Sir Isaac Lowthian Bell, a prominent Victorian ironmaster, politician and patron of the arts.
11. The site is set around a central courtyard and, according to the listing², dates to 1875-8, although the Heritage Impact Assessment³ (HIA) suggests a slightly later date for its construction. The yard, with its original setts, is entered by a carriage arch with a large gabled roof, beneath a two-storey tower with a distinctive diamond shaped clock with windows beneath, and a weathervane. The two-storey stable block, which is still in use, retains the stalls, ceramic tiling to the rear, flooring, and features, such as the ventilation shafts.
12. The site has a mixture of single, one and a half, and two storey buildings, with pitched and hipped roofs. The asymmetrically designed buildings, with differing eaves and ridge heights, provides a characterful and visually interesting group. The cottages have prominent chimneys and dormer windows. The distinctive black frames and white painted windows and doors, with small panes, found throughout the site, vary in size, depending on their location and the function of the building. A pitched roof water tower is a distinct feature of the site. To the side of the complex, adjoining the original cottages, is a large walled garden. The brick walls are finished with coping stones and decorative tiles.
13. From what I saw, and based on the evidence, the special interest and significance of the building, as it relates to this appeal, derive from its historical and

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² List Entry Number 1293727

³ Yorkshire Heritage Consultants, 16 October 2024

architectural interest, with links to the Arts and Crafts period, the architect Philip Webb (hereafter, Webb) and the association with the Lowthian Bell family. The use of a prominent architect of the time and the survival of the original Webb plan⁴ of the site, provides clear evidential value. The stables, including the surviving stalls, flooring and internal features illustrate the functional design, providing good quality housing for horses in the establishment of a horse breeding centre. As the stables are still used for this purpose, this function has been retained.

14. The design of the houses and ancillary buildings, including the water tower and the imposing clock tower, and the use of technology, add to the evidential and historic interest of the site. Furthermore, the architectural features incorporated into the design, constructed in high quality materials with an attention to detail, makes the building complex such an interesting and delightful structure. This provides an aesthetic value to the listed building.

The effect of the proposal

15. On the Webb drawing, the site of the proposal is shown as an open area, next to the garden wall. A boiler house, which would have provided heat for the growing of fruit, is located on the other side of the wall. The site, next to the kitchen garden of the estate, would likely have had an important role in the production of food, essential for a country estate of this size and status. An Ordnance Survey map⁵, which is later than the Webb drawing, shows blue hatching on the site, suggesting a glasshouse. Based on the evidence in the HIA and what I saw within the brickwork, a building with a higher roof than the existing orangery was previously located on this site.
16. The existing orangery is attached to the southern range of buildings, which were originally two cottages and a cart shed, now converted to a larger dwelling. From the evidence presented in the HIA and what I saw, the orangery is a later structure. The appellant has stated that the single glazed orangery is cold and leaks. It is therefore not suitable for the proposed use as additional living accommodation, and without the proposed new build, it would be unable to generate solar energy.
17. The proposed extension would be on the site of the existing orangery, although two metres wider, and therefore beyond the existing building line. The proposal, with its mono pitched and solar standing seam roof, and rooflights to introduce natural light, would be concealed behind a parapet with architectural detailing. Whilst the appellant considers that the design would improve the internal layout of the existing house, there is limited substantiated evidence as to how this would, in practice, be achieved.
18. The roof would be lower than the existing, or previous structures, which would reveal more of the rear wall. It would enable the side dormer to be reinstated to the size that it was previously constructed. Therefore, the window would not appear constrained by its location, which would be a positive element of the design.
19. The existing orangery is a simple, linear structure that is not conspicuous. It has a neutral effect on the significance of the listed building, and so its loss is not a

⁴ Dated 1877. Figure 14, HIA

⁵ Ordnance Survey Twenty-five inch England and Wales, 1841-1952, surveyed 1891-2

matter of dispute between the main parties, which I have no reason to disagree with.

20. I could see that other structures extend beyond the building line of this southern range, but these are small in scale, and much simpler in appearance. The new extension would have a larger area of masonry than the existing orangery, and re-use historic bricks so that it would blend in with the overall tone and context of the surroundings. The proposal would, like the existing orangery, be a lengthy building, but by extending it forwards of this southern range, it would be visually dominant. The large openings for the French doors, despite being carefully designed with two-tone paint to reflect the existing fenestration in the building, would be unduly prominent, contrasting with the generally smaller windows found throughout the Webb design. It would overwhelm the existing building elevation.
21. If the site was built as originally conceived by Webb, the evidence is that the complex has seen many changes, including the building of the existing orangery. The infilling of the cart shed to create the southern range, and the new build on the northern elevation for a holiday cottage, has changed the plan form and design of the building. Within the walled garden, there is the base of a former greenhouse. Notwithstanding these changes, the historic and architectural interest of the building has been retained.
22. Therefore, while the proposal would be hidden from the entrance to the complex, and the volume would not be much greater than the existing structure, the design, with its forward projection, would harm the character and appearance of the building.
23. Given the above, I find that the proposal would fail to preserve the listed building and its setting and any features of special architectural or historic interest which it possesses. This would harm the significance of this designated heritage asset. Consequently, I give this harm considerable importance and weight in the planning balance.

Public Benefits

24. 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 advise 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 nature of the proposal, I find the harm to be less than substantial. Within this, it is on the lower end of the scale, but nevertheless of considerable importance and weight.
25. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
26. The proposal would re-use historic bricks and the lowering of the roofline would reveal more of the external wall and enable the restoration of the dormer window. This would provide some limited benefits. Whilst I give significant weight to the promotion of green energy, there is limited substantive evidence as to the extent of the benefit to the property. I also understand that the condition of the orangery

means that it is no longer used and the family wishes to create additional and private living space for an older family member who is unwell and living with them.

27. I have had due regard to the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010. The development is required to meet the needs of a person who has protected characteristics due to their disability.
28. I have also taken into consideration the Human Rights Act (HRA), 1998, and recognise that the dismissal of the appeal would interfere with some of the appellants' rights under Article 8 of the First Protocol. Article 8(1) states that everyone has a right to respect for their private and family life, their home and their correspondence.
29. The Planning Practice Guidance⁶ sets out what may be regarded as public benefits, such as works to a listed private dwelling which secures its future as a designated heritage asset. Although there would be economic benefits from the building works, I have seen no evidence to suggest that these works are essential to secure the optimum viable use of the building or cannot be achieved in a different way which would be less harmful to the significance of the asset.
30. I appreciate the needs of the family, and the benefits of creating additional private living space. However, while the benefits attract moderate weight, they are not sufficient to outweigh the considerable importance and weight I give to the harm to the heritage asset.
31. Therefore, I conclude that the proposal would fail to satisfy the requirements of the Act and paragraph 212 of the Framework. Additionally, it would conflict with Policies E1 a) and b), and E5 of the HLP, which together requires the design of the proposal to respond to the character of a site, and that any harm to the significance of a designated heritage asset will only be supported where this is outweighed by public benefits.

Other Matters

32. I have had regard to the grade II listed, Smeaton Manor, also by Philip Webb for Major Percy Goodman. The special interest and significance of this building derive from its architectural design, like parts of the stables, and its Arts and Crafts association with Philip Webb and the Bell family. Whilst this building is now unconnected to the stables, and in different ownership, the close historical association between these two buildings is retained. Smeaton Manor is surrounded by landscaped grounds, with lakes, woodland and a walled garden. The existing tree cover means that there is little intervisibility on the ground between these two sites. Therefore, based on the location, nature and extent of the proposal, it would preserve the listed Smeaton Manor and its setting. Consequently, it would not harm the significance of the designated heritage asset.

Balance and Conclusion

33. In the context of the HRA and the PSED, the personal circumstances of the owner are a substantial consideration in favour of the appeal. Whilst I am sympathetic to the owner's situation, I must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest

⁶ Paragraph: 020 Reference ID: 18a-020-20190723, 23 July 2019

which it possesses. Therefore, in this instance the considerations would not outweigh the conflict with the development plan as a whole

34. Consequently, I consider that it is in the wider public interest to interfere with the qualified rights under Article 8 in order to remedy the harm to the significance of the listed building. In making this decision, I consider that any interference with those rights is necessary and proportionate and in accordance with the law.
35. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
36. For the above reasons, I conclude that the appeals should be dismissed.

M J Francis

INSPECTOR