



Appeal Decision

Site visit made on 21 May 2025

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/Y9507/W/24/3357997

11 High Street, Lewes, East Sussex BN7 2LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with a condition subject to which a previous planning permission was granted. It is also made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge a condition subject to which a previous listed building consent was granted.
 - The appeal is made by Gail's Ltd against the decision of South Downs National Park Authority.
 - The application reference is SDNP/24/03012/CND.
 - The application sought planning permission for re-instatement of original solid panelled door to north-east elevation; retrospective installation of 2 no. non-illuminated lettering signs to north and east elevations; installation of 2 no. non-illuminated projecting signs to north and east elevations; and retrospective internal alterations without complying with a condition attached to planning permission reference SDNP/23/05395/FUL, dated 7 June 2024.
 - The condition in dispute is No 2 which states that: *Notwithstanding the approved plans, within three months of the date of this decision, the original solid panelled door to the north-east elevation shall be re-instated in its original form.*
 - The reason given for the condition is: *In order to preserve the listed building and its setting.*
 - The application also sought listed building consent for re-instatement of original solid panelled door to north-east elevation; retrospective installation of 2 no. non-illuminated lettering signs to north and east elevations; installation of 2 no. non-illuminated projecting signs to north and east elevations; and retrospective internal alterations without complying with a condition attached to listed building consent SDNP/23/05399/LIS, dated 7 June 2024.
 - The condition in dispute is No 2 which states that: *Notwithstanding the approved plans, within three months of the date of this decision, the original solid panelled door to the north-east elevation shall be re-instated in its original form.*
 - The reason given for the condition is: *In order to preserve the listed building and its setting.*
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Authority granted planning permission and listed building consent for the development/works described above. The approvals were each subject to the same Condition 2, requiring a solid panelled door to be reinstated. There was a single application to remove the two conditions. That application was refused, resulting in this appeal. Neither the appellant nor the Authority distinguished between the two conditions in their respective appeal statements. Similarly, the notification of the appeal, and the responses from interested parties, dealt with them both together. In my view the substantive matters to be determined are the same for each of the disputed conditions. I have therefore dealt with them both together in this decision.

3. Mindful that the appeal relates to a listed building in a conservation area, I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal also relates to land within the South Downs National Park. I have therefore also had regard to section 11A of the National Parks and Access to the Countryside Act 1949 (as amended).

Main issue

4. The effect of allowing the appeal would be to remove the requirement to reinstate a pair of solid panelled doors. The main issue is the effect that would have on the special interest of No 11 High Street, which is a Grade II listed building, and on the character and appearance of the Lewes Conservation Area.

Reasons

5. The conservation area includes the historic core of Lewes. The appeal site is in a prominent corner location at the junction of High Street and Friars Walk. This is a busy town centre location, where historic buildings of varying ages and designs are typically sited at the back edge of the footway. It follows that the detailing of the street-level elevations, including features such as doors and shopfronts, are important to the way the conservation area is experienced by those passing through it.
6. The listing description notes that No 11 High Street was originally a house, dating from 1770. It later became the Lewes Infirmary and Dispensary until the early 20th century. It was then occupied by the Lewes Building Society. This change of use was associated with various alterations, including a single storey extension on Friars Walk. The original front door was probably in the centre of the High Street elevation. A new main entrance was formed at the north east corner, facing the road junction. The building was added to the statutory list in October 1985. The listing description includes the following:

“Doubled panelled doors at angle on lefthand corner, with moulded surround and hood over and large decorative bracket supporting corner of building above”
7. It is therefore clear that the doors in question were part of the listed building at the time of listing.
8. A photograph from 1929 shows the ground floor elevations much as they appear today. The building opened as a NatWest bank in 1984. Photographs from 1985 and 1994 show that the building had been extended at first and second floor levels on the Friars Walk elevation, incorporating the single storey extension mentioned above. There were also features such as cash machines and a night safe, associated with the banking use. It remained in that use until 2023 and was subsequently occupied by Gail’s, the appellant company.
9. At the time of my visit, the premises were trading as a bakery and coffee shop. The solid panelled double doors referred to in the listing description had been removed and replaced by doors with a timber frame and glazed panels. These were pinned open, no doubt to make it easier for customers to enter and leave.
10. In my view the building has both historic and architectural interest. The historic interest derives from the age of the structure, and the evidence it provides of how it has been adapted for new uses over time, reflecting changes in the economy and society. The elevations include architectural features such as a rendered cornice,

rusticated quoins, window dressings and sash windows. In contrast to the brick-clad upper floors, the ground floor is stone-clad. The stonework includes the moulded door surround, hood and decorative bracket mentioned in the listing description. All of these features contribute to the special interest of the building and to its significance as a heritage asset. They also combine to make a positive contribution to the character and appearance of the conservation area.

11. The appellant seeks to downplay the importance of the solid panelled doors. There was a suggestion in the application documents that the doors only dated from 1984. That suggestion was not pursued in the appeal statement. Rightly so, given the clear evidence that the main entrance was moved to the corner during the 1920s. It was also contended that the significance of the listed building derives mainly from the upper floors, because the ground floor has been much altered. I do not share that view. In a historic town such as Lewes, it is often the case that buildings have been adapted over time, in response to changing tastes or a need for new uses. The layers of history recorded in the fabric of such buildings add to the significance of the individual buildings and to that of the conservation area.
12. In this case, the ground floor elevations have a coherent design which is readily recognisable as an institutional building of the early 20th century. The cash machines and night safe have been removed, and the stonework made good, such that these temporary features no longer detract. The historic fabric and appearance of the ground floor elevations contribute positively to the significance of the listed building and the conservation area.
13. It is argued that the doors were a minor feature. Again, I disagree. In general terms, the front door of a listed building is often an important architectural feature. From the photographic evidence of the doors in question, it can be seen that their design was of a piece with the rest of the ground floor elevations. The likelihood is that they were installed at the same time. The moulded architrave, hood and decorative bracket make a strong architectural statement. No doubt they were intended to convey a sense of institutional strength and reliability. The doors were an intrinsic part of that architectural statement. Removal of the doors has harmed the significance of the listed building, both through loss of historic fabric and through dilution of the architectural expression of the elevations. This has also caused harm to the conservation area.
14. The glazed doors that have been installed do not mitigate the loss of the former solid doors. Their insubstantial glazed appearance is out of keeping with the design of the stone architrave and hood.
15. The appellant seeks to justify the works on grounds of safety and security and because there is said to be a need to display the products on offer to generate footfall. Although it is suggested that the solid doors were weathered and damaged, there is no photographic or written evidence before me to substantiate that assertion. I note that the doors were protected from the weather by deep reveals. There is no obvious reason why substantial doors, installed in the 1920s, would be so weathered as to need replacement. The photographic evidence provided by the Authority does not indicate any such deterioration. In any event, any safety and security concerns could have been resolved by reinstating the solid panelled doors in accordance with the planning permission and listed building consent.

16. The premises have large windows on both the Friars Walk and the High Street elevations. Anyone walking towards the corner door would already be well aware of the nature of the retail offer before they reached it. In fact, there is only a very small area of footway from where there is a view into the shop through the doorway. Moreover, the doors are pinned open when the business is operating. In my view this is not a convincing reason for removing the solid doors.

Other matters

17. The parties referred to some other commercial buildings in Lewes. However, the appeal turns on the specific architectural features of the subject building. I attach limited weight to these other examples.

Conclusion

18. I conclude that removing the disputed conditions would fail to preserve the special interest of the Grade II listed building. It would also fail to preserve the character and appearance of the Lewes Conservation Area.
19. Removing the conditions would harm the significance of the listed building, and that of the conservation area. In the terms of the National Planning Policy Framework (the Framework), the harms would be less than substantial. However, it does not follow that such harms would be minor or unimportant. The Framework states that great weight should be attached to the conservation of designated heritage assets.
20. The harms should be weighed against any public benefits of the proposal. The appellant suggests that the works have brought about the return to use of a listed building. I agree that it is beneficial for the building to be in active use. However, whilst the operator may prefer a glazed door, it is a long step from there to say that continued use as a bakery/coffee shop is dependent on the disputed conditions being removed. For the reasons given above, I attach very little weight to the suggested operational need to remove the disputed conditions. I conclude that there are no public benefits that would outweigh the harms I have identified to the listed building and the conservation area.
21. Removing the disputed conditions would be contrary to Policies SD12, SD13 and SD15 of the South Downs Local Plan and Policies HC3A and HC3B of the Lewes Neighbourhood Plan. Together, these policies seek to safeguard heritage assets including listed buildings and conservation areas.
22. For the above reasons, the appeal should be dismissed.

David Prentis

Inspector