



## Appeal Decision

Site visit made on 21 May 2025

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

### Appeal Ref: APP/W1145/Y/24/3351993

#### 1 Market Place, Bideford, Devon, EX39 2DR

- 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 Croft Homes against the decision of Torridge District Council.
- The application Ref is 1/0383/2022/LBC.
- The works proposed are described as '*Application to vary the conditions imposed in planning application 1/0876/2018/LBC Condition 6. The door cases and doors and ceiling mouldings on the first floor landing shall be retained in situ. This is contrary to condition 2. Works to be carried out in accordance with the approved plans listed in the plans schedule. Which show alteration to the doorways and walls. It is requested that condition 6. Be restricted to retaining moulding only as the only two doors remaining on purchase are ply backed doors incapable of upgrading to fire doors which are necessary for the occupation of the complex. Doorway positions also need alteration to accommodate upgrading of stairway and landing wall to 1 hr fire proofing. I ask also the authority note this requirement was not demanded in other very local Listed Building alterations and all doors were upgraded to 6 panel fire doors, to be in keeping.*'

### Decision

1. The appeal is allowed and listed building consent is granted for alterations to internal layout at 1 Market Place, Bideford, EX39 2DR in accordance with the terms of the application Ref 1/0383/2022/LBC, subject to the following condition:
  - 1) The works hereby permitted shall be carried out in accordance with the drawing titled 'Means of Escape Plans – First Floor'.

### Preliminary Matters

2. The works to remove the arched doorway have already been carried out, and I assessed the appeal on that basis.
3. In my decision above I have used the description of works given on the Council's decision notice as it more accurately conveys the scheme, albeit I have removed the word 'regularisation' as it does not amount to works to the listed building.

### Main Issue

4. The site comprises 1, 2 and 2A Market Place, a Grade II Listed building within central Bideford. The main issue is the effect of the proposal on the special architectural and historic interest of the listed building.

### Reasons

5. Internally, the significance of the building is largely derived from its plan form and likely original, early 19<sup>th</sup> Century staircase. The fire lobby would subdivide the first-floor landing in a manner which would cause harm to this historic circulation space. That aside, given its inconsistency with other doorways in the building, and the

evidence that it provided access to an unventilated modern toilet, I find it doubtful that the arched frame was a feature with any significant historic provenance. Rather than providing interest, the frame and the toilet it served had a poor juxtaposition with the adjacent, and likely original, doorframe and confused the historic legibility of the landing and how it was likely originally designed and used.

6. It follows that, due to the truncation of the landing alone, the scheme would cause less than substantial harm to the significance of the building. There is a strong presumption against works that would have harm a listed building through S.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Any harm to the significance of a designated heritage asset should require clear and convincing justification. The Framework goes on to require decision makers to weigh any less than substantial harm to such an asset against the public benefits of the scheme. The Planning Practice Guidance states that harmful works may sometimes be justified in the interests of realising the optimum viable use of an asset.
7. Whilst the works subject to this appeal are specific, the appeal has arisen because of the stalling of a scheme for the conversion of the listed building to seven homes due to building regulation requirements for the fire lobby. Whilst it is suggested that changing the housing mix could remove the need for the lobby, the evidence indicates that there is a need not for two-bedroom units but for one-bedroom units in this location. It seems therefore that dismissal of this appeal would have the knock-on effect of preventing the building from achieving its new residential purpose, which I have no reason to doubt now represents its optimum viable use. Ending the current malaise, and the housing the scheme would enable, are therefore public benefits which offer a clear and convincing justification for the harm that would arise. They lead me to conclude that the proposal would have an acceptable effect on the special architectural and historic interest of the listed building.

### **Conditions**

8. Whilst it is not typically necessary for an accord with plans condition to be added to listed building consents, the disparate plans submitted with the appeal justifies it in this case, in the interest of certainty.

### **Conclusion**

9. For the reasons given above the appeal should be allowed.

*Matthew Jones*

INSPECTOR