



Appeal Decision

Site visit made on 21 August 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/K0235/F/23/3328023

43 High Street, Bedford, MK40 1RY

- 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 Act")
 - The appeal is made by Mr Jason Li (BBTea) against a listed building enforcement notice issued by the Bedford Borough Council.
 - The listed building enforcement notice was issued on 25 July 2023.
 - The contravention of listed building control alleged in the notice is without listed building consent, the installation of a roller shutter on the shop front.
 - The requirements of the notice are:
 - (i) Remove the roller shutter, shutter box and associated fixtures and fittings from the shop front;
 - (ii) Remove all waste and materials arising from (i) from the land;
 - (iii) Make good all surfaces with like-for-like materials and finished to match the surrounding fabric.
 - The period for compliance is 3 months for requirements (i) and (ii) and 4 months for (iii).
 - The appeal is made on the grounds set out in section 39(1)(a), (b), (d), and (i) of the Act.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld.

Procedural Matter

2. The appellant originally submitted an appeal on ground (b). However, his case as set out in his written submissions does not dispute that a roller shutter has been installed, rather he argues that it does not constitute a contravention of s9(1) of the Act. His appeal on ground (b) should therefore have been made on ground (c). However, since the Council in their evidence have addressed the appellant's case of there being no contravention, no injustice arises by me also considering the appeal as being made on ground (c).

Appeal on ground (a)

3. An appeal on ground (a) is that the building is not of special architectural or historic interest.
4. There is no dispute that the building is a Grade II listed building. Thus, for this ground of appeal to be successful, it must be shown that the building no longer merits its listed status. The relevant point in time for making such an assessment is immediately prior to when the works subject of the notice were carried out.
5. The Grade II listed building 43 High Street is a 17th Century three storey building situated within the Bedford Conservation Area, with Welsh slate roof with oversailing eaves, and painted stucco to front added around 1835. The upper floors have timber casement windows with architrave surrounds. At ground floor the building is in commercial use and has a modern glazed frontage. It also has group

value with Nos 27-41 (odd) and The Rose Inn (No 45), all of which are also Grade II listed buildings.

6. I acknowledge the ground floor shop is of modern appearance. However, in respect of this ground (a) appeal, the question of whether or not the building is of special architectural or historic interest, such that it merits being included in the statutory list, must be considered with regard to the building as a whole, rather than to parts of the building taken in isolation. In my view the shop front, while not historic and of limited architectural merit, is evidence of the building's functional evolution, along with other historic buildings in High Street. Taking the building as a whole it clearly retains intrinsic features of both architectural and historic interest such that it merits being statutorily listed.
7. Moreover, I note that Historic England reviewed the building shortly before the listed building enforcement notice was issued and confirmed it to remain in the statutory list at Grade II.
8. The appeal on ground (a) therefore fails.

Appeal on ground (c)

9. The ground of appeal is that the roller shutter does not affect the character of the listed building, in contravention of section 9 of the Act.
10. The roller shutter installed to the front elevation is externally mounted with the side guides and shutter box housing projecting outwards from beneath the fascia. Since it has not been incorporated into the shopfront, and with the box housing extending across the entire width of frontage, it results overall in an inappropriate industrial appearance which is highly noticeable against the rest of the building. This would be the same whether the shutter was open or closed. As such, it undoubtedly affects the character of the listed building.
11. Listed building consent is required for the works carried out but has not been granted. Consequently, there has been a contravention of s9(1) of the Act.
12. The appeal on ground (c) therefore fails.

Appeal on ground (d)

13. For this ground of appeal to be successful an appellant must demonstrate that the works carried out were essential and "urgently necessary".
14. As such, three tests must **all** be satisfied. Firstly, that the works to the building were urgently necessary in the interests of safety or health or for the preservation of the building; secondly, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter; and thirdly, that the works carried out were limited to the minimum measures immediately necessary.
15. The appellant argues that the roller shutter was urgently necessary to ensure security of the building, and points to instances of damage and other anti-social behaviour. However, in contrast to urgent works such as temporarily boarding-up a broken window for example, the ordering and installation of roller shutters for general security does not constitute works "urgently necessary" for safety or health or for preservation of the building.

16. I acknowledge the appellant's case regarding affordability of other forms of security. However I am not convinced the roller shutter was the minimum measure immediately necessary or that other alternative security measures were unviable.
17. Consequently, the three tests set out above have not been satisfied and the appeal on ground (d) must fail.

Other matters

18. I have already found earlier under ground (c) that the works carried out affect the character of the listed building. The appellant states he needs to retain the roller shutter and that there is no harm to the listed building. However, no appeal was made on ground (e) that listed building consent should be granted for the works and the Council accordingly have not made submissions on ground (e).
19. However, an appeal¹ against the refusal of listed building consent to retain the same roller shutter was previously dismissed by the Inspectorate. That appeal Decision included a detailed analysis of the parties' cases as to whether consent should be granted, and there has been no substantive change in the relevant local and national planning policies relating to listed buildings since that time. As such, having regard to the negative effect of the roller shutter on the special architectural and historic interest of the listed building, I concur with the findings and conclusion of the earlier appeal Decision. Consequently, had an appeal been lodged on ground (e) in this appeal it would have failed for the same reasons as set out in the previous appeal Decision.

Appeal on ground (i)

20. The ground of appeal is that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose.
21. It is argued that the removal of the roller shutter would lead to vandalism and would not fulfil what is perceived as the Council's intention of restoring the building to its "former glory".
22. However, the steps are not aimed at restoring the building back to some historic past condition, they only seek the removal of the roller shutter. The former state would have been its previous state without the roller shutter. Once the steps are complied with then the character of the building would be restored to its former state (without the roller shutter).
23. The appeal on ground (i) therefore fails.

Thomas Shields

INSPECTOR

¹ Appeal Decision APP/K0235/Y/20/3245936) - Council Appendix 2