



## Appeal Decision

Site visit made on 16 September 2025

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

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### Appeal Ref: APP/J0405/F/23/3334256

#### **The Lowndes Arms PH, 4 High Street, Whaddon, Buckinghamshire MK17 0NA**

- 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 (PLBCAA).
- The appeal is made by Mr Daniel Barry of The Lowndes Arms against a listed building enforcement notice (LBEN) issued by Buckinghamshire Council.
- The LBEN was issued on 9 October 2023.
- The contravention of listed building control alleged in the notice is the installation of 2 UPVC windows, installation of an external staircase and removal of a chimney pot on the building.
- The requirements of the notice are:

#### **Windows**

##### Step 1:

Replace the first floor south elevation UPVC window with a three over three single glazed traditional timber framed unit with flush to frame openers and fully integrated glazing bars to match the earlier windows as seen in the 2001 image attached to this notice as Appendix 1.

##### Step 2:

Replace the first floor UPVC window on the rear/ east elevation with an eight over eight single glazed traditional timber framed unit with flush to frame openers and fully integrated glazing bars to match the earlier windows as shown in the drawing No. 7147 Rev 3 *Working Drawings* forming part of the 1972 application, attached to this notice as Appendix 2.

##### Step 3:

Ensure that any openings created or damage caused by virtue of carrying out the works required in Steps 1 and 2 of this notice, is repaired and infilled. These works should result in a water and wind proof seal and shall match the adjacent areas in terms of internal and external materials and finish.

#### **External staircase**

##### Step 4:

Permanently remove from the building the black metal fire escape staircase leading from the building to the rear of the modern extension.

#### **Chimney pot**

##### Step 5:

Replace the chimney pot on the roof of the building with a red clay chimney pot to exactly match the one shown in the 2001 image attached to this notice as Appendix 1.

- The period for compliance with the requirements is 4 months.
- The appeal is made on the ground set out in section 39(1) (c) of the PLBCAA.

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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18 September 2025.**

### Decision

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

### Preliminary Matters

2. The appeal form indicates that the appeal is submitted on ground (c) only, but the appellant's appeal letter also offers comments under the headings of grounds (d)

and (i). However, those grounds are not specifically addressed or supported by evidence. Instead, the appellant's letter provides comments relating to the conversion of the outbuilding and states that the windows the subject of the notice have not been replaced since the establishment of the Conservation Area. These are not specifically relevant to grounds (d) and (i). Consequently, I have determined this appeal on ground (c) only.

3. Also, for the avoidance of doubt, the external staircase is one of the unauthorised works the subject of the notice.

### **The appeal on ground (c)**

4. The ground of appeal is that those matters alleged (if they occurred) do not constitute a contravention of section 9(1) or (2) of the PLBCAA. An appeal on ground (c) can only succeed if either listed building consent has already been granted for the works or if they do not affect the special architectural or historic character of the building. If the character or appearance of the listed building has been affected (either positively or negatively) then there has been a contravention of section 9 of the PLBCAA and the appeal on ground (c) must fail.
5. The significance of a heritage asset is the sum total of its heritage values and historic windows will usually be of such significance that every effort should be made to conserve them, as most historic windows will illustrate to varying degrees the materials, technology, craftsmanship and architectural style of the period in which the building was built. Relatively standard UPVC windows have been used and this approach is careless and undoubtedly affects the character and appearance of the listed building in terms of the windows themselves and the method of installation. Therefore, in my judgement the replacement windows have significantly affected the special architectural and historic character and appearance of the building.
6. Chimneys and their components provide evidence of historic fuel and heating methods as well as punctuating roofs and adding attractive detailing to listed buildings. The removal of the chimney pot clearly constitutes the loss of historic fabric and detailing. In addition, a modern flue has been introduced which protrudes above the level of the chimney top. As such the removal of the chimney pot has affected the special architectural and historic character and appearance of the building.
7. The addition of the modern external staircase on the rear elevation has had little regard to the historic character of the listed building. Although I can see that it has been added to a relatively modern rear extension, it affects the historic character and appearance of the building through the use of unsympathetic materials and careless design and appearance. As such the external staircase has affected the special architectural and historic character and appearance of the building.
8. There is no listed building consent in place for the works and therefore, it follows that a contravention of the PLBCAA has occurred. Consequently, the appeal on ground (c) cannot succeed.

### **Other matters**

9. I understand that the current owner of the building is not responsible for all the unauthorised works that have taken place, but the responsibility to comply with the

notice rests with the person who is the owner at the end of the compliance period. This applies even though the unauthorised works may have been carried out by a previous owner.

10. The appellant has stated that there are no funds available to replace the UPVC windows. I understand that the pub is an important community facility trying to survive in difficult circumstances, but unfortunately that is not material to the determination of the current appeal.

### **Conclusion**

11. For the reasons given above, I conclude that the appeal on ground (c) should fail and the appeal should be dismissed.

*A A Phillips*

INSPECTOR