



Appeal Decision

Site visit made on 23 September 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 03 November 2025

Appeal Ref: APP/Y2003/F/24/3350180

Land at Winteringham Fields, 1 Silver Street, Winteringham, Scunthorpe DN15 9ND

- The application 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 appeal is made by Mr Colin McGurran against a listed building enforcement notice issued by North Lincolnshire Council.
 - The enforcement notice was issued on 9 July 2024.
 - The contravention of listed building control alleged in the notice is: Without listed building consent the installation of three uPVC windows in a Grade II listed building.
 - The requirements of the notice are:
 - (a) Remove the three uPVC windows from the ground floor window openings on the Low Burgage elevation of the building (those openings annotated A, B & C on Plan 2 annexed to this Notice)
 - (b) Install three Timber Yorkshire Sliding Sash Windows, made to fit the existing window openings annotated A, B & C on Plan 2 annexed to this Notice. The replacement windows must be manufactured and installed in accordance with either option 1 or option 2 of the specification annexed to this Notice as SPEC.
 - The period for compliance with the requirements is 6 (six) months.
 - The appeal is made on the grounds set out in section 39(1) (a), (e) and (i) on the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the listed building enforcement notice be corrected by:
 - insertion of the words "Pursuant to S38(2) of the Act," at the beginning of the last sentence in paragraph 1.;
 - substitution of the title of paragraph 3 "THE BREACH OF PLANNING CONTROL ALLEGED" with "THE BREACH OF LISTED BUILDING CONTROL ALLEGED"; and
 - after the last sentence in paragraph 5. b), insertion of the words "Each window shall match the glazing pattern, including the number of panes and lights, as those shown and annotated A, B and C on Plan 2 annexed to this Notice"
2. Subject to the corrections the appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Enforcement Notice

3. Section 38(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that: "A listed building enforcement notice shall specify the alleged

contravention and require such steps as may be specific in the notice to be taken within such period as may be so specified...". In the interests of precision, I shall correct paragraph 1. of the Notice to ensure that its purpose is stated pursuant to Section 38 (2) of the Act.

4. Paragraph 3 of the Notice is titled "THE BREACH OF PLANNING CONTROL ALLEGED". However, the Notice issued is a listed building enforcement notice. I shall therefore correct this title to read, "THE BREACH OF LISTED BUILDING CONTROL ALLEGED".
5. Although the Notice specifies the details of the replacement windows, including joinery details and finish to be installed, it does not specify the number of lights/panes required for each window. In the interests of clarity, I shall correct the Notice to ensure that the replacement windows match the glazing pattern, including number of panes and lights, of those windows that were replaced.
6. The parties have had an opportunity to make comments on the proposed corrections and raised no objections. The corrections are required in the interests of precision only and do not affect the purpose of the Notice. There would therefore be no injustice to the parties.

Appeal on ground (a)

7. This ground of appeal is that the building is not of special architectural or historic interest.
8. The appeal property was formerly a Farmhouse and now in use as a restaurant. It was first listed in 1985, Grade II. The list description describes the C16 Farmhouse as an unusual and important example of a timber framed building which is rare to this area. It also comprises other architectural features and historic brickwork which are of interest. The list description notes that around 1975 all the windows have been replaced. Those alterations were undertaken prior to the building being listed. The building retains its vernacular plan form, and the replacement timber windows, including Yorkshire sliding sashes, were reflective of its original architectural details and fenestration. The appeal building, in my view, has evidential historic and architectural value. It is worthy of its Grade II listing as a building of special architectural and historic interest and is worthy of preservation. The appeal on ground (a) thus fails.

Appeal on ground (e)

9. The appeal on ground (e) is that listed building consent (LBC) ought to be granted for the works the subject of the Notice and the main issue is whether the works preserve the special architectural and historic interest of the listed building.
10. The appeal site is also located within Winteringham Conservation Area (WCA). It occupies a prominent position in the village centre, and along with the other historic buildings, each different in their scale and design, make an attractive and picturesque assemblage which contributes to the character and appearance of WCA.

Reasons

11. Sections 16(2) and 66(1) of the Act require special regard to be had to the desirability of preserving the listed building or its setting or any features of special

architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

12. The appellant argues that LBC ought to be granted for the uPVC windows as there is little difference in the appearance of the new windows, in terms of their colour and design than those previously installed. He also advises that there are other uPVC windows in the property, including a uPVC conservatory. Thus, the new windows are more in character with the existing building. The uPVC windows are substantially more durable and low maintenance and will ensure that the building can continue to operate as a commercial enterprise. Replacing the windows again could cause more damage to the building.
13. Windows are often amongst the most prominent features and an integral part of the design of traditional buildings. In this case, although not part of the building's original fabric, the timber windows contributed to the significance of the building.
14. In contrast, the windows that have been installed are constructed from a non-traditional material. Although finished in a similar colour, the opening mechanisms are different, casements as opposed to sash windows, and the window panes are not traditionally glazed and have transoms sandwiched between the glazing, as opposed to being an integral part of the frame. The windows installed have a modern and less refined appearance, lacking the fine detailing and depth of timber frames. In addition, the bulk and incongruity of the uPVC frames is heightened where the casements have storm seals.
15. I noted on my site visit that there is a uPVC conservatory attached to the gable end of this property, however, I do not know the planning history of that structure. The Council advise that they have no specific records of uPVC windows being permitted at this property. Nevertheless, prior to the unauthorised windows being installed, all the windows on the elevation of the property facing Low Burgage were constructed in timber and contributed to the significance of this heritage asset.
16. There is no reason why timber constructed windows cannot be as durable as uPCV windows if they are maintained, and the Notice permits the replacement windows to be double glazed (Option 2) to maintain thermal efficiency.
17. For the reasons given above, the uPVC windows fail to preserve the special architectural and historic interest of the building and do not preserve or enhance the character or appearance of WCA. In the context of the significance and special interest of the asset as a whole, and in the language of the National Planning Policy Framework (NPPF), the harm would be less than substantial, within the middle of that scale. Because the harm is less than substantial, paragraph 215 of the NPPF says the harm should be weighed against the public benefits of the proposal, including securing its optimum use.
18. From the evidence before me, the property has been in a commercial use for a number of years as a restaurant. The works required by the notice would not prevent that use from continuing and would ensure that the character and special interest of the building is preserved.
19. Even though I have found that the harm to the heritage asset is less than substantial, it is not to be treated as a less than substantial objection. There are no public benefits which would outweigh the considerable importance and weight

to be given to the harm to the heritage asset. As such, the works are contrary to the heritage aims of the NPPF and the design and heritage aims of Policies HE5, HE2 and DS1 of Saved Policies of the North Lincolnshire Local Plan 2003, updated October 2024, and Policy CS6 of the adopted North Lincolnshire Core Strategy, 2011.

20. For the reasons given above, the appeal on ground (e) fails and listed building consent is refused.

Appeal on ground (i)

21. An appeal on ground (i) is that the steps required by the Notice would not restore the character of the building to its former state. It is the appellant's case that the existing uPVC windows have proven to be durable, low maintenance and a visually suitable solution that aligns with the building's character. The requirement for timber replacements serves no meaningful purpose in preserving or enhancing the building's architectural or historic interest.
22. I recognise that the windows that have been removed were not part of the building's original fabric, however, their design, construction and use of materials respected and preserved the character and special interest of the building. I have found that the new windows do not preserve the special character and historic interest of the building for the reasons set out in ground (e) above. The steps required by the notice would serve the purpose of restoring the character of the building to its former state, that is prior to the contravention. The appeal on ground (i) fails.

Overall Conclusion

23. For the reasons given above and taking into account all other matters raised, I conclude that the appeal fails, and listed building consent is refused.

Elizabeth Pleasant

INSPECTOR