



Appeal Decision

Site visit made on 27 October 2025

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 10 November 2025

Appeal Ref: APP/J0405/F/23/3328701

Land at 14 Church Street, Buckingham, MK18 1BY

- The appeal is made under section 39 the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by AJPB Ltd against a listed building enforcement notice issued by Buckinghamshire Council - North Area (Aylesbury).
 - The enforcement notice was issued on 24 July 2023.
 - The contravention of listed building control alleged in the notice is: Without listed building consent, the unauthorised installation of plasterboard internal stud walls and ceilings and accompanying insulation throughout 14 Church Street, Buckinghamshire, MK18 1BY.
 - The requirements of the Notice are to: Permanently remove all unauthorised internal plasterboard stud walls and ceilings and accompanying insulation.
 - The period of compliance with the requirements in four (4) months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. 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.

Appeal on ground (e)

Main Issue

2. 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.

Reasons

3. Section 16(2) and S66(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 interest which it possesses.
4. 14 Church Street is a two-storey cottage with rooms in the roof. It is one of a pair of mid-late C18 cottages, formerly a single dwelling, and is Grade II listed. From the evidence before me, including the list description and observations on my site visit, I consider the significance of this residential property is derived in the main from its age and from its architectural details, including historic joinery, brickwork, dentilled brick eaves, plain tile roof, and internal design features, including dentilled cornice, collar truss roof, chamfered spine beam and thin pulvinated

frieze. The property was listed along with the neighbouring cottage (No 13) in 1973.

5. The appellant purchased the property in 2022. Prior to his purchase it had been in the same ownership from 1974 until 2021. The appellant began his works to the property in 2023 and describes the property as having been empty for 3 years, fallen into disrepair and believes the previous occupier had not maintained the property during his ownership with the windows, external pointing and roof all showing significant water damage.¹ It is the appellant's case that he has just refurbished the interior of the property. Redundant services and cabling removed and the replacement of heating, water and electrical services. Existing stud walls are referred to, patching up of plasterwork, and use of lime plaster to lower hallway, stairs to upper floor and ceiling of first floor landing. Reference is made to plasterboard walls forming the party wall to No 15 and existing wiring pre-dating 1971.
6. The Council contend that within the property new stud partitions have been installed against all the external walls to allow for insulation, and new plasterboard stud partitions have been installed against some of the internal walls and ceilings. They do not dispute that the existing property may have been showing signs of water damage, with failing and cracking plaster. The original lime plastered brick walls had been previously patched in many places with modern gypsum plaster and with layers of modern, non breathable paint. I observed on my site visit some areas where the plasterwork had been patched, including the ceiling to the ground-first floor staircase. Lime plasterwork also remains throughout the attic staircase. The appellant claims that there were originally stud partitions in other areas, including the partition walls in the attic dividing the property from the adjoining property, No.15 and between No 13 on the ground floor. He advises that these partitions have just been refurbished.
7. I do not dispute that in some parts of the property plasterboard walls had been in situ in places prior to the appellant commencing his works. Indeed, on my site visit I noted that they were still evident on the party wall to No 13 by the front door, and as seen in photographs supplied by the appellant of the attic. However, it was also clear from observations on my site visit that new stud partition walls had been constructed throughout the property, including against the external and internal walls and ceilings in the living room, within parts of the bathroom, on the staircase to the first floor and to the cellar, within the bedrooms and attic. Those works were evident particularly where the window reveals have been built out in the living room, the absence of skirting boards throughout the property which have either been removed or concealed by the new plasterboard, and the smooth flat walls, ceilings and bracketed corners which are not characteristic of the age and original built fabric of this historic building. There was also no evidence of the pulvinated frieze, dentilled cornice or fitted corner cupboard which are specifically mentioned in the list description. These features have clearly been removed from the living room or concealed by the new walling which has a harmful effect on the special interest and character of the building. Furthermore, the new plasterboard ceiling has also reduced the depth of the spine beam, and when viewed alongside the new ceiling's smooth and flat finish, gives the room an incongruous appearance.

¹ Appellant's Heritage Statement.

8. In addition to the visual harm caused to the special character and historic interest of this listed building, as set out above, the works undertaken will have a harmful effect on the historic fabric of the building. Without ventilation between the stud/insulation partition and the solid wall, moisture will build up and cause damage to the original brickwork through the failing plasterwork.
9. For the reasons given, the unauthorised installation of plasterboard internal stud walls, ceilings and accompanying insulation fails to preserve the special character and historic interest of the building. 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, and within the middle of the 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.
10. 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 BE1 and BE2 of the Vale of Aylesbury Local Plan, adopted 2021. The appeal on ground (e) fails.

Appeal on ground (g)

11. The appeal on ground (g) is whether the steps required under section 38(2)(a) exceed what is necessary for restoring the building to its former state.
12. The requirement to remove the unauthorised internal plasterboard stud walls and ceilings and accompanying insulation does nothing more than take the building back to the condition it was in before the unauthorised works were carried out. The notice does not require any original stud walls which were in place prior to the property's listing to be removed. I am mindful that some of the new stud walls installed in the bathroom and bedroom appear to have been installed to partition these rooms, as opposed for the purpose of lining and insulating those rooms. Those stud partitions may not in themselves have had a harmful effect on the fabric of the building or its special character. As suggested by the Council, the appellant should actively engage with them for advice on how to proceed with any additional works, refurbishments or alterations he wishes to carry out to the building to establish whether listed building consent would be required, what materials to use, where to use them and how to implement them.
13. For the reasons given above, the appeal on ground (g) fails.

Other Matters

14. The property is also located within Buckingham Conservation Area. The works, however, that have been undertaken and the subject of the notice are all internal and preserve the character and appearance of the Conservation Area.
15. The appellant makes reference to works that have been carried out to other properties on Church Street which he believes have been approved by the Council. He contends that those works are similar to the works he has carried out at his property. I do not know exactly what those other works entailed, nor

whether those works required LBC or had LBC granted by the Council. Considering that a building is listed for its own special architectural and historic interest, those works to other buildings and the effect of those works, would not be directly comparable to the works the subject of the contravention in this appeal. I have considered the works in this appeal having had regard to the effect they have had on the special interest and significance of this heritage asset alone.

Overall Conclusion

16. 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