Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2025

by A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal Ref: APP A1530/F/23/3319082[1]
18-20 Barrack Street, Colchester CO1 2LJ

- The appeal is 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 Sayma Ali against a listed building enforcement notice issued by Colchester City Council.
- The listed building enforcement notice was issued on 27 February 2023.
- The contravention of listed building control alleged in the notice is as follows: the installation of 2 No. projecting illuminated box signs, with associated wiring: the installation of 2 No. fascia signs with lighting units and associated wiring: the installation of 1 No New Town Pizza sign on the ground floor central door: the installation of 2 No. extending awnings with associated fixings: the installation of 4 No. air conditioning/refrigeration units with associated wiring and brackets: the installation of a galvanized metal extractor flue and supporting brackets: the erection/installation of a wooden staircase and landing with metal supporting legs: the Erection of a cold store/washroom building with concrete base and associated drainage and wiring, and laying of concrete hardstands with hardcore bases.
- The requirements of the notice are to: 1) Remove the illuminated projecting box signs and associated wiring. 2) Remove the facias signs, lighting and all associated wiring. 3) Remove the New Town Pizza sign. 4) Remove the 2 No. extending awnings and associated fixings. 4) Remove all air conditioning, refrigeration units and associated ducting/wiring. 5) Remove the galvanised metal flue and supporting brackets. 5) Remove the wooden staircase, landing and metal supporting legs. 6) Demolish the cold store/washroom, concrete base and removed the resulting materials, including all associated drainage and wiring from the land. 6) Remove all concrete hardstands and hardcore bases. All resulting material from these operations shall be removed from the land, and 7) repair all holes and damage caused to the fabric of the building to comply with the above requirements using matching materials.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on ground (i) and (g) within section 39(1) of the Act.

Summary of Decisions: The listed building enforcement notice is upheld subject to a variation as set out in the Formal Decision below.

Reasons

1. Nos 18-20, listed at grade II, is a late 18th Century building fronting Barrack Street and the property extends to the north. The building's special interest derives from its architectural style and elaborate fenestration detail reminiscent of the period of construction. There is no argument advanced on the basis that the works alleged do not require listed building consent and the notice seeks the restoration of the building under section 38(2)(a) of the Act.

2. The pleaded ground is that the requirement to remove the staircase and concrete hardstands and hardcore bases, as set out in section 5 to the issued notice and in my header above, exceed what is necessary for restoring the building to its former state. A further ground (i) is pleaded but only in connection with the hardstanding. For consistency's sake, it is sensible to assess each requirement against the respective grounds of challenge.

[1] Appeal ref 3319259 was duplicated and the appeal parties were notified of its closure on 24 November 2025.

The requirement to remove the wooden staircase, landing and metal supporting leg

3. Ground (g) is limited to the works described in the notice and to the question of whether the requirements to restore the building to its previous condition before those works were carried out are excessive. The staircase is located to the rear of the building, and the appellant argues it was present when they purchased the building. They contend that the staircase has been present for about 30 years, but the evidence does not clearly show the staircase has existed for such a long period. To me, it seems it is a recent alteration or addition which includes storage facility underneath the staircase.

4. There is nothing before me to indicate that at the time of listing a staircase of this type and kind existed and that is the relevant date. The statutory list does not suggest the rear elevation included timber staircase with storage beneath. Moreover, such works to the listed building required consent and it has not been obtained. The appellant claims that the staircase serves as a fire exit and it is an essential health and safety feature, although the Council point out that a timber staircase with storage underneath is also risky. Nevertheless, I find that the requirement to remove the wooden staircase, landing and metal supporting leg does nothing more than restore the building to its previous condition before those works were carried out.

The requirement to remove all concrete hardstands and hardcore bases

5. Ground (i) examines whether the steps required by the notice restore the character of the building to its former state. The rear of the building was probably undeveloped and served as a garden to the former public house, but I do not consider that the lawned area forms a welcome break. It is the physical distance and separation between the listed building and built form to the rear that makes a significant contribution to its setting. In my assessment, the wide gap visually adds to the character of the building as a building of special interest.

6. In that context, I disagree with the Council's argument that the hard standing is bleak and unsympathetic given its limited extent and scale. In comparison to its previous condition, the paved rear yard serves a functional purpose and does not undermine the characteristic wide gap between the listed building and surrounding built development. I consider that the extent, nature and scale of the hard standings, targeted by the notice, do not adversely affect the previous condition of the building nor its setting. The hard standing does not harm the architectural style and external appearance of the building's special interest and the requirement to remove them would not restore the character of the building to its former state and is therefore excessive.

Conclusion

7. For all the above reasons and having considered all other matters, on the balance of probabilities, I find that the requirement to remove the wooden staircase, landing and metal supporting leg does not exceed what is necessary for restoring the building to its condition before the works were carried out. On the other hand, the requirement to remove all concrete hardstands and hardcore bases would not serve to restore the character of the building to its former state and exceeds what is necessary for restoring the building to its condition before the works were carried out. To that extent, the appeal succeeds as I will vary the issued listed building notice.

Formal Decision

8. It is directed that the notice is varied by the deletion, under the second schedule, the ninth bullet-point which states the following: "*Remove all concrete hardstands and hardcore bases. All resulting material from these operations shall be removed from the land*". Subject to this limited variation, the appeal is dismissed, and the listed building enforcement notice is upheld.

A U Ghafoor

INSPECTOR