



Appeal Decisions

Site visit made on 22 October 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2025

Appeal A Ref: APP/P3610/W/25/3367391

40 High Street, Ewell, Surrey KT17 1RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Don Abeyratne of Honey and Bamboo Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 25/00223/FUL.
 - The development proposed comprises two single storey rear extensions.
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Appeal B Ref: APP/P3610/Y/25/3367390

40 High Street, Ewell, Surrey KT17 1RW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Don Abeyratne of Honey and Bamboo Ltd against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 25/00224/LBA.
 - The works proposed are as Appeal A.
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Decisions

1. **Appeal A** is allowed and planning permission is granted for two single storey rear extensions at 40 High Street, Ewell, Surrey KT17 1RW in accordance with the terms of the application, Ref 25/00223/FUL subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three (3) years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:

1300-EX_02	Site Location and Block Plan
1330-PL_101	Proposed Ground Floor Plan
1330-PL_103	Proposed Roof Plan
1330-PL_202	Proposed Elevations
 - 3) Notwithstanding the details shown on the approved drawings, no development above ground level shall take place until samples and/or details of all external and internal facing materials, including doors and windows, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
2. **Appeal B** is allowed and listed building consent is granted for two single storey rear extensions at 40 High Street, Ewell, Surrey KT17 1RW in accordance with the

terms of the application Ref 25/00224/LBA and the plans submitted with it subject to the following condition:

- 1) The works authorised by this consent shall commence not later than three (3) years from the date of this consent.
- 2) No works above ground level shall take place until samples and/or details of all external and internal facing materials, including doors and windows, have been submitted to and approved in writing by the local planning authority.
The works shall be carried out in accordance with the approved details.

Preliminary Matters

3. As the site comprises part of a listed building, I have had regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. The application forms confirm that the development/works (the proposal) had commenced but had not been completed at the time the applications for planning permission and listed building consent were submitted. Although much of the proposal was in place during my site visit, as I cannot be certain that what has already been constructed reflects the appeal scheme, I have based my assessment of the proposal on the plans submitted with the applications.
5. Wording relating to matters that are not development/works have been removed from the description in the banner head and decisions above. While the appeal site is subject to enforcement action, this is not a matter for my decisions.
6. As part of the appeal, floor plans and photographs of the site showing its layout and fenestration details prior to the commencement of the works/development were submitted by the appellant. These were not provided to the Council during the determination of the applications. However, the Council has responded to this additional information within its Statement of Case. I am, therefore, content that no party will be prejudiced by taking them into account during my determination of these appeals.

Main Issue

7. The main issue of both appeals is whether the proposal would preserve the Grade II listed building known as 40 High Street¹, or its setting, or any of the features of special architectural or historic interest that it possesses.

Reasons

8. The appeal site comprises the ground floor of a two-storey building, currently in retail use, and a rear courtyard area which includes two outbuildings; Outbuilding 1 located close to the rear of the main building; and Outbuilding 2 adjacent to the rear site boundary. Although the official listing refers to the age of the main building being early-mid nineteenth century, the mapping provided in the appellant's Heritage Statement² shows built form on the site in 1768, albeit with a differing footprint then present. No structures on the site's High Street frontage are depicted on the 1803 enclosure map, although built form is present close what is now the rear shop area.

¹ List Entry No: 1215008, date first listed 22 March 1974

² Prepared by Bourne Heritage, dated 24 February 2025

9. The Heritage Statement indicates that the main building and Outbuilding 1 are shown on mapping from 1869 but cartographic evidence of this is not before me. However, the main building and both outbuildings were in place by 1896, as shown on the corresponding OS map extract, with the use of the building as a shop confirmed in the extract from The Finance Act survey in 1913. Despite being in place at the time of listing, based on the mapping extracts provided, the current single storey rear extension is a replacement of a glass roofed structure constructed sometime between 1955 and 1972. While it forms part of the evolution of the settlement of Ewell, the extension makes little contribution to the architectural interest of the listed building.
10. Given the tight pattern of built form within this part of Ewell and the alleyway access alongside the listed building's north-western elevation, it is conceivable that the rear courtyard may have historically been used for storage, cleaning and to receive deliveries associated with the shop. However, little substantive evidence is before me to support the view that the importance of the courtyard area lies other than as an area that provides a supporting function to the associated shop, or that it represents a development form commonplace within this part of the High Street.
11. Whilst a listing is primarily for identification purposes and does not, therefore, provide an exhaustive or complete description of the special interest of a heritage asset, in this case, the details of the building's façade, albeit brief, identifies the key architectural interest of the traditional shop front. Despite the unsympathetic replacement windows at first floor and the removal of historic signage above the shopfront fascia, the façade continues to make a positive contribution to the listed building's significance. No works or development to the building's façade are part of the proposal.
12. Therefore, insofar as is relevant to the appeal scheme, the special interest of the listed building relates to its longstanding use as a shop in a central location within Ewell. Its demonstrable adaptation over time to support evolving commercial needs both on and around the site also contributes to its significance.
13. The proposal seeks to regularise extensions to both outbuildings, resulting in the amalgamation of the footprints of these structures with the main building. The removal of the rear elevation to the existing extension and the nearest elevation of Outbuilding 1, along with a roof covering between the two structures provides an open shopfloor from the front entrance into the outbuilding. This gives additional flexibility to the operation and potential diversification of the appellant's business.
14. Whilst the Council indicate that the proposal includes the loss of part of the listed building's fabric, this relates to the single storey extension which, as indicated above, contributes little to the special historical interest of the listed building. Furthermore, the photographic evidence provided with the appeal shows this elevation predominantly comprises openings, including a uPVC window. Whilst there is dispute between the main parties regarding the age of the door in this elevation, even if it dates from Victorian times, as the extension was constructed in a much later period, this is unlikely to be where the door was first installed. Therefore, neither of these are features of special architectural interest and their removal, or in the case of the door, its relocation, would not harm the significance or special interest of the listed building.

15. The north-western elevation of Outbuilding 1, adjoining the retained courtyard area, comprises historic brickwork in reasonable condition. Its cambered double-brick arches over the window and door are notable features in this gabled elevation. Together with the pitched roofscape, Outbuilding 1 makes a positive contribution to the heritage asset and its setting. Other than the door and window shown on the Pre-Existing Ground Floor Plan³, no further evidence has been provided detailing the north-eastern elevation of Outbuilding 1, having now been removed, or its significance. The effect of its removal is, therefore, unquantifiable.
16. Outbuilding 2 is also brick built. However, its flat roof and lack of brickwork detail to its window and door surrounds differentiates this structure from Outbuilding 1, supporting the ascertain that it was constructed a later date. Notwithstanding this, the proposal retains the existing walls of the structure, with the extension obscuring the north-eastern elevation. Although little substantive evidence has been provided to demonstrate the significance of this elevation, given the age, form and condition of Outbuilding 1, any contribution it makes to the listed building and its setting is minimal.
17. While access between the side alleyway through to the rear yard beyond the site boundary is retained, albeit inside or undercover at various points, nevertheless the proposal would result in the blurring of the definition between the main building, outbuildings and the external courtyard space. The removal of one elevation of Outbuilding 1 contributes to this result. This adverse effect on the listed building is not diminished by the proposal's clear division between the retail floorspace and the supporting kitchenette and toilet facilities. Such a view is not disputed by the appellant.
18. Consequently, I conclude that the proposal would not preserve the Grade II listed building known as 40 High Street, or its setting, or any of the features of special or historic interest it possesses. Therefore, it would conflict with policies CS1 and CS5 of the Core Strategy and policies DM8, DM9 and DM10 of the Development Management Policies Document (DMPD) insofar as they require development to contribute positively to the environment, including the protection and enhancement of any heritage assets.
19. The proposal also fails to satisfy the requirements of the Act. The level of harm in this case would be less than substantial. While the main parties do not disagree with this conclusion, the magnitude of this harm is disputed. Having taken into account several factors including: the key special interest of the listed building being predominantly related to its façade and historical retail use; and the evolution of the property including the supporting and adaptive role of the external space and Outbuilding 1 to the main shopfloor, I find that the magnitude of this harm would be at a low level.
20. Nonetheless, this carries considerable importance and weight, consistent with the statutory duty in the Act and reiterated in the National Planning Policy Framework (the Framework). In these circumstances, the Framework states that harm to or loss of the significance of a designated heritage asset requires clear and convincing justification and should be weighed against the public benefits which would be derived from it. This includes securing its optimum viable use, where appropriate, and is addressed in the heritage balance below.

³ Drawing no: 1330-EX_001

Other Matters

21. As the appeal site is located within the Ewell Conservation Area (ECA), section 72(1) of the Act is also relevant. Although having largely been consumed into the larger settlement of Epsom, Ewell High Street retains its village character, principally due to the presence of the tight groupings of historic buildings positioned close to the pavement, including the appeal property. Despite its High Street location, however, due to the property's orientation towards the inside of bend in the road, other buildings nearby are sited in more prominent locations and draw the eye, such as the former The Star public house and 27-29 High Street opposite. As no works or development are proposed to the listed building's façade and the proposal seeks to retain the retail use of the site, the character or appearance of the ECA would, therefore, be preserved.
22. Concerns relating to construction safety, building regulations and party wall issues are not matters for these decisions.

Heritage Balance

23. Despite its modest scale, economic benefits would be derived from the proposed increase in retail floorspace which, in turn, would enable the appellant's business to adapt, expand and diversify its offer. While one part of the extended shop (Outbuilding 1) may be used for yoga and running workshops on a weekly basis, leading to health and well-being benefits, substantive details of these uses are not before me other than within the representations made by several interested parties. Furthermore, at the time of my site visit, this part of the property was being used for storage and supporting retail space.
24. Nevertheless, even if used infrequently, the flexibility of the proposal's spaces would lead to financial benefits to the appellant's business and the wider local economy. The provision of improved kitchen and toilet facilities in Outbuilding 2 and its extension, would also be beneficial to those working in the retail unit and participating in the workshops and yoga sessions. Some, albeit on a small scale, economic benefits would be derived from the building works.
25. While the optimum viable use of the appeal site as a retail unit may not be dependent upon the proposal, it is clear from the view of an independent commercial property surveyor⁴ that the commercial viability of the appellant's business would be at risk were I to dismiss these appeals. Should trading cease, this would have a detrimental effect on the vitality and viability of Ewell High Street as a whole. Although it would be theoretically possible for other businesses to operate from the appeal site, the amount and proportions of its floorspace, its location away from the busier part of the High Street and the limited storage and facilities within the property, restricts the market for this type of retail unit.
26. From the representations made by several interested parties, it is also clear that the appellant's business is active in the local community, through supporting local charities, including the Rotary Club of Ewell, with many comments referring to its value as a community facility. This demonstrates the public benefits with a social perspective that would be derived from the proposal, even if indirect.

⁴ Letter from Jonathan Sandrove of Sandrove Property, dated 9 June 2025

27. Little substantive evidence had been provided demonstrating the environmental benefits that would be derived from the proposal aside from through increasing the potential for the continued trading of the appellant's business, which promotes and supports a sustainable lifestyle, in this location.
28. Nonetheless, given the economic benefits identified above, the proposal supports the ability of a local business to expand; an aim which is promoted by the Framework. Despite the size of the proposal, the totality of the public benefits which would be derived from it would be of a scale sufficient to outweigh the low level of less than substantial harm to the listed building I have identified above.
29. Consequently, on balance, I conclude the proposal associated with both appeals would preserve the special interest of the Grade II listed building, and its setting, and any of the features of special architectural or historic interest that it possesses. This would satisfy the requirements of the Act, the Framework, and would not conflict with policies CS1 and CS5 of the Core Strategy and policies DM8, DM9 and DM10 of the DMPD insofar as they are relevant.

Conditions

30. I have imposed the standard time limit on both decisions. A materials condition has also been imposed on both decisions to ensure the proposal preserves the listed building. Given the Council's concerns regarding the type and character and appearance of the doors and windows, this condition makes specific reference to these elements. A condition requiring the windows and doors that have recently been removed to be reinstated is not, therefore necessary. In respect to Appeal A the standard plans condition is imposed for clarity, the avoidance of doubt and to assist with Appeal B.

Conclusion

31. For the above reasons and having regard to all other relevant matters raised, I conclude that both appeals should be allowed.

Juliet Rogers

INSPECTOR