



Appeal Decision

No Site visit made

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/X0415/F/23/3336157

72A High Street, Great Missenden, Buckinghamshire, HP16 0AN

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
 - The appeal is made by Ms Helen Emmanuel against a listed building enforcement notice issued by Buckinghamshire Council - East Area (Chiltern).
 - The enforcement notice was issued on 23 November 2023.
 - The contravention of listed building control alleged in the notice is: without listed building consent the installation of window in the rear elevation.
 - The requirements of the notice are: 1. Remove the UPVC windows from the rear elevation labelled A – E at figure 1 attached to this Notice; and 2. Remove all materials and debris resulting from complying with steps 1 of this Notice from the Land (shown edged in a thick black line on the attached plan)
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the ground set out in section 39(1) (e), (g) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. I take no further action.

Reasons

2. As the appellant points out the notice requires removal of upvc windows but does not require any replacement. The absence of a replacement means that when, as they inevitably will, the appellant replaces the windows they will need a separate listed building consent and this introduces an unacceptable element of uncertainty into the process and renders the notice a nullity.
3. It should be a simple matter to correct the notice and add in a new requirement, but for various reasons, including that such a correction would make the notice more onerous, the courts have held that once a notice is considered a nullity it cannot be corrected, as it does not exist as a legal document. It is so much waste paper as the courts held in *Miller-Mead*¹. Since I find the notice to be a nullity I take no further action in connection with this appeal. In the light of this finding, should the Local Planning Authority have kept a record of this listed building enforcement notice on any register, they should consider reviewing it. This does not of course preclude the issuing of a properly drafted notice in the future.

Simon Hand

INSPECTOR

¹ *Miller-Mead v MHLG* [1963] 2QB196. See also *Clive Payne v NAW & Caerphilly County BC* [2006] EWHC 597 (Admin)