



Appeal Decision

Site visit made on 16 December 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 8th January 2026

Appeal Ref: APP/Y0435/F/24/3342699

The Bull, 9 Market Place, Olney, Buckingham, MK46 4EA

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The appeal is made by Charles Wells Ltd against a listed building enforcement notice issued by Milton Keynes Council
 - The enforcement notice was issued on 14 March 2024
 - The contravention of listed building control alleged in the notice is: without listed building consent; 1. the unauthorised installation of a clear glass screen in the incorrect location and with outward opening double glass doors to the front elevation of a grade II listed building; 2. the repositioning of two large exterior wooden carriage arch gates. The exterior carriage arch gates no longer open inwards but are fixed to the front of the building in an outward opening position in contradiction to their historic arrangements and position within the carriage arch. All not as approved within listed building consent 17/00133/LBC drawing reference 5199/401E.
 - The requirements of the notice are: (i) Re position the glass screen and double glass doors as per the approved floor plan drawing ref: 5199/401E, approved within listed building consent 17/00133/LBC showing the design and location of the glass screen and glass doors. (ii) Re-position the wooden carriage arch gates as per the approved floor plan drawing ref: 5199/401E, approved within listed building consent 17/00133/LBC showing the design and location of the carriage arch gates as intended to be inwards opening. (iii) Permanently remove all the materials and rubbish from the site that arises from complying with steps (i) to (iii) above.
 - The period for compliance with the requirements is 12 months.
 - The appeal is made on the ground set out in section 39(1) (c), (e) and (j) 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).

Preliminary Matters

2. Planning permission and listed building consent applications¹ were granted some years ago for a major refurbishment of the building. This included closing off the original coach entrance arch with a glass screen to create a new roofed over restaurant. The glass screen was to be positioned 1.8m back under the arch allowing the original gates to be rehung in front. These would then open inwards, as they had always done, and presumably would be more or less permanently fixed open. However, when finished the glass screen was erected right at the

¹ 17/00132/FUL & 17/00133/LBC

outermost edge of the arch with the gates hung to be permanently open out wide. These gates and the glass screen are the subject of this appeal.

The Appeal on Ground (c)

3. This ground is that the matters alleged are not a contravention of the Act. In this case because they were granted permission by the Council. The appellant's argument is that the plans submitted with the original applications for permission and consent showed the glass screen and gates as the Council wanted them, but when discharging the various conditions attached to those permissions and consents the plans submitted then showed the glass and gates in their current position. As those discharge of conditions applications were granted by the Council, they also granted permission for the new position of the glass and gates.
4. However, this ignores the fact that the discharge of conditions cannot grant planning permission or listed building consent for something different than that which was originally granted. The purpose of the conditions was to provide further information that was needed to ensure the details of the refurbishment were acceptable. The glass screen and gates details were already settled and no further details were required.
5. The original permission and consent were granted subject to the usual plans condition, which tied the plans showing the inset glass and inward opening gates to those permissions. Then a discharge of conditions application was made (17/01983/DISCON), which dealt with a large number of details which included various method statements, details of rainwater goods, courtyard details, gates, doors etc, but none of the conditions touched on the position of the glass wall and gates subject to this appeal. Although the site plans did show them in their new position, and were labelled as such, they were not covered by the conditions being discharged.
6. The second application, 17/03387/DISCON concerned only a refuse collection condition, although the plans submitted did show the new glass and gate arrangement. Similarly, 18/01675/DISCON concerned internal toilet and letting bedroom arrangements as did the associated application for listed building consent, 18/01675/LBC.
7. Consequently, even if it was possible to change agreed details on the plans that formed part of the original application through a conditions discharge application, which I am sure it is not, because none of these applications touched on the relevant works at issue here, they could not be said to grant either planning permission or listed building consent for those works, despite what the plans showed.

The Appeal on Ground (e)

8. This ground is that listed building consent should be granted for the new position of the gates and glass screen. The Bull is an old coaching inn and the archway was formally an entrance for coaches to the yard beyond. It stands in the Market Place and is a prominent building within the extensive and attractive main street of Olney. One of the key features of the inn is the arched entrance as that is the most obvious reference to its past as a coaching inn. The treatment of this arch is thus important for the significance of the building as a whole. The inner courtyard has been roofed over to create a modern and attractive restaurant area and by

pushing the glass screen (which contains a glass door) to the outer edge of the arch an even larger seating area is obtained. The result of this is to erode any sense of the arch as an entrance to a courtyard. This harmful effect is reinforced by the bodged job of rehangng the gates. Because they now open outwards, rather than inwards, they have needed to be hung the wrong way around, so if they were closed the insides would face the street. At first glance this just makes the gates look odd, but when the penny drops as to why, they are shown to be clearly out of place.

9. The appellant has pointed out a number of other buildings in Olney with entrance archways but they were all, as far as I could see, still used as entrances, except for No2 high street where it is far from clear whether they ever were arched entrances in the same way as for The Bull. It is the sense of entrance and passage through that has been lost.
10. I accept the restaurant will lose some interior seating space but that is marginal in relationship to the size of the whole. I also accept the doors were damaged in a fire, but that is an argument for not using them in their current role, where they are flung wide open. They will sit better inside the archway as intended. Consequently I find they do cause less than substantial harm to the significance of the listed building, that is far from minor and not outweighed by any public benefit.

The Appeal on Ground (j)

11. The requirements to reposition the gates as in the original application plans is the best way to remove the harm caused and would satisfactorily alleviate the effect of the works. Certainly propping up the gates in the back garden would be entirely pointless.

Simon Hand

INSPECTOR