



Appeal Decision

Site visit made on 27 January 2026

by **R C Kirby BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/C3810/W/25/3374819

St Peter And Saint Pauls Church Hall, 77 The Street, Rustington, West Sussex BN16 3NL

- 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 Christopher Simmance of Rustington Church Hall against the decision of Arun District Council.
 - The application Ref is R/43/25/PL.
 - The development proposed is to replace existing single glazed timber windows with UPVC double glazed windows in the same style (fenestration) as the existing window frames. New windows to match existing double glazed windows on the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the planning application form. I have however not included the reasoning for the development as this is not an act of development.

Main Issues

3. The main issues are:
 - the effect of the proposal on the host property and the character and appearance of the area, and whether it would preserve or enhance the character or appearance of the Conservation Area and preserve the setting a nearby listed building.

Reasons

4. The Church Hall is an attractive flint and brick building under a steep pitched tiled roof, located in a prominent position on The Street. The windows on the front and side elevations are of timber construction. On the rear elevation are UPVC windows, and within the attached dwelling (No 79) are UPVC windows. The appeal site is located within the Rustington Conservation Area (CA), close to the listed building known as The Parish Church of St Peter and St Paul.
5. The Council has indicated that the appeal property is a locally listed building which is disputed. The Glossary to the National Planning Policy Framework (Framework) identifies that such buildings comprise a heritage asset.

6. The Planning Practice Guidance (PPG) makes it clear that whilst there are a number of processes through which non-designated heritage assets may be identified, plan making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision makers. The PPG also establishes that it is important that non-designated heritage assets are clearly identified as such. Within the Council's Supplementary Planning Document (SPD) *Buildings or Structures of Character* (September 2005) the appeal property is not included in the Local List.
7. Paragraph 5.1 of the SPD however indicates that due to resources, there may be buildings or structures not included on the list, which fully meet the criteria for being identified as buildings or structures of character. Whilst the host building displays some of the characteristics set out within the SPD, I have not been provided with evidence to indicate that the building is on a reviewed list.
8. Notwithstanding this, it is clear that the Arun Conservation Area Advisory Panel consider that the building is on the Council's Local List, and even if it was not, the PPG establishes that non-designated heritage assets can be identified as part of the decision-making process on planning applications. Given this, and noting the character and appearance of the building, I have treated it as a non-designated heritage asset.
9. The Framework advises that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
10. Given the site's location within the CA I have a statutory duty under S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) to pay special attention to the desirability of preserving or enhancing its character or appearance. In terms of the nearby listed building S66(1) of the 1990 Act requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 212 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset's conservation.
11. Part of the building's significance is its architectural and historic interest. Originally a school, it is now a dwelling (No 79 The Street) and Church Hall. The building's special interest arises in part from the traditional materials it is constructed of, its historic use as a school, its historic and cultural associations with the village and its relationship to the Parish Church of St Peter and St Paul. Whilst extended, altered and in a different use, the building remains legible and illustrative of its original design, including its timber fenestration.
12. The CA is focussed on the historic core of the village, primarily along The Street and Old Manor Road. Its significance derives from the quality of the architecture with buildings constructed of brick, flint and brick and flint under tiled or thatched roofs. Comprising a variety of uses, the area is spacious in quality with mature landscaping and flint and brick walls contributing to its significance. Window design is varied and comprises a range of materials, including timber and UPVC. The

historic and present use of the appeal site, along with the architecture of the building make a positive contribution to the character and appearance of the CA.

13. The appeal site adjoins the site of the Parish Church of St Peter and St Paul. This is a Grade II listed building from the 12th century with additions in the 13th and 14th centuries. The special interest of the Church arises in part from the historic and architectural interest as an early ecclesiastical building, built of historic materials using traditional construction techniques.
14. Significance and special interest are also derived from its prominent position in the village and the historical and cultural connections with Rustington, including the former school upon the appeal site which forms part of the setting of the listed building. The Church grounds and flint wall enclosures also contribute to the building's significance. The appeal property is experienced from parts of the churchyard, and the Church is experienced from the appeal site. From parts of the churchyard the side of the appeal property is visible, and its tall windows are a notable feature. On the approach to the Church from The Street the tall, arched window on the front elevation of the Church Hall is a prominent feature.
15. The proposal is to replace the remaining timber windows with UPVC framed, double glazed units to improve the thermal efficiency of the building. The existing windows are timber casement subdivided by glazing bars which join together the panes of glass. The window on the front elevation has 18 panes with the upper part of the frame and the top 3 panes being arched under a brick header. The window is recessed in its opening, having a brick cill and surround. This is a prominent feature in the street scene. Four of the windows on the west elevation project in part from the roof and have 28 panes; 4 windows have 2 panes and one has 6 panes. On the east elevation the window has 6 panes. In each case the windows are set within their frame. They are in varying states of repair, with some notably in a poorer condition than others, including peeling paint and rotten timber.
16. The Council has indicated that the use of double glazed units within the building would be acceptable; its concern relates to the UPVC frames for the reasons it has set out in evidence. I acknowledge the Council's concerns, but advancements in technology does not necessarily mean that the frames would be thicker than the timber frames or that internal glazing bars would need to be used. Moreover, a shiny finish would not necessarily result.
17. However, the level of detail provided with the appeal does not provide any degree of certainty that the new windows would be in the same style as the existing ones. Indeed, it is suggested that some of the windows would open differently to the existing, thereby the design would not be the same, but detailed drawings showing this have not been provided. Moreover, if the windows were to match the existing UPVC windows on the building (as per the description of development), this would not be satisfactory, as these windows are of a different size and design to the timber windows and the window opening sitting proud of the frame does not reflect the aesthetic qualities of the traditional fenestration.
18. It is imperative that drawings are accurate and unambiguous to avoid doubt about what is proposed and to allow a robust assessment of any consequent effects. Paragraph 140 of the Framework makes it clear that local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development.

19. I have considered whether a planning condition could be imposed requiring that further details of the design of the windows is submitted prior to their installation as suggested, but in this case, this would not be appropriate given my statutory duties set out in the 1990 Act.
20. On this basis, I cannot be satisfied that the proposal would not be harmful to the host building or the character and appearance of the area, or that it would preserve or enhance the character or appearance of the CA and preserve the setting of the nearby listed building. Consequently I cannot reasonably determine whether the proposal would meet the objectives of the development plan, notably Policies D SP1, D DM1, D DM4, HER SP1, HER DM1, HER DM2 and HER DM3 of the Arun Local Plan 2011-203 which collectively require design to reflect the characteristics of the site and surrounding area, that designated heritage assets are conserved and enhanced in a manner appropriate to their significance, and that non designated heritage assets are conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Moreover, I cannot reasonably determine whether the requirements of S72(1) and S66(1) of the 1990 Act would be met. Nor can I draw conclusions on whether or not there would be conflict with the conservation and enhancement of the historic environment objectives of the Framework. The Council has referred to Policy 2 of the Rustington Neighbourhood Development Plan 2014-2029 but it is clear that this policy relates to housing design and is not relevant given the use of the building in this case.
21. I note the matters advanced by the appellant in support of the application, including costs, maintenance, thermal efficiency and that no objections were raised by the Parish Council. These matters do not alter the conclusion that I have reached given my statutory duties. It is clearly open to the appellant to submit a revised application to the Council in the first instance with a greater level of detail in respect of the proposed windows.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed

RC Kirby

INSPECTOR