



Appeal Decision

Site visit made on 3 February 2026

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2026

Appeal Ref: APP/Q3115/W/25/3364282

3 Cornmarket, Thame, Oxfordshire OX9 3YS

- 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 Gail's Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S1371/FUL.
 - The development proposed is the installation of 2 no. AC condensers, to be located on rear elevation facing rear yard; installation of 1 no. cold store unit, to be located on rear elevation facing rear yard; and the installation of 1 no. vent outlet, to be installed on rear elevation facing yard.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of 2 no. AC condensers, to be located on rear elevation facing rear yard; installation of 1 no. cold store unit, to be located on rear elevation facing rear yard; and the installation of 1 no. vent outlet, to be installed on rear elevation facing yard at 3 Cornmarket, Thame, Oxfordshire OX9 3YS in accordance with the terms of the application, Ref P24/S1371/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in full accordance with the following approved plans: 5128.00.2, 5128.01 Rev H and 5128.02.1 Rev A.
 - 3) The AC condensers and cold store unit and its associated venting shall not be operated outside of the hours 0630 to 2300.

Preliminary Matters

2. At the time of my site visit, the appeal site was occupied by a bakery. I saw that an AC condenser and a cold store unit were already in situ on the rear façade of the appeal property along with 2 vent outlets. However, the position of the equipment and associated vents installed were not the same as shown on the proposed plans. Therefore, for the avoidance of doubt, I have dealt with the appeal on the basis that permission is sought for the development as shown on the proposed plans.
3. Since the Council's decision, the Thame Neighbourhood Plan (TNP2) 2020-2041 has been made¹ and now forms part of the development plan. I have determined the appeal on this basis, and I have provided the main parties an opportunity to comment on any implications of this.

¹ Approved by Referendum on 6 February 2026 and Made by South Oxfordshire District Council on 13 February 2025.

4. As the appeal property is situated within a conservation area and within the settings of various listed buildings, I shall have regard to the statutory duties that apply under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). These require special regard to be given to the desirability of preserving or enhancing the character or appearance of conservation areas, and of preserving listed buildings, their settings, and any features of special architectural or historic interest that they possess.

Main Issue

5. Whether or not the appeal proposal would preserve or enhance the character or appearance of the Thame Conservation Area (TCA), including consideration of whether or not it would preserve the setting of the Grade II listed building known as 'Powerhouse Music, 1 and 1A Cornmarket' (the LB).

Reasons

6. With regards to the TCA taken as a whole, its significance and special interest is derived in-part from its numerous historic buildings, a high number of which are listed, and is further underpinned by the area's enduring medieval layout and distinctive pattern of wide streets, narrow back streets, paved courtyards and alleyways.
7. The appeal property is a commercial building identified as a non-designated heritage asset (NDHA) by the Council. Built to occupy a bank, 3 Cornmarket has an imposing, curved frontage with attractive stone detailing contrasting with its red brick, with a plainer façade to the rear. It makes a positive contribution to the TCA.
8. The appeal development would be positioned on the rear façade of the building in a narrow courtyard area known as 'The Shambles'. The Shambles supports both commercial and residential uses and is used for car parking and bin storage. I saw that it already accommodates a small number of AC units, albeit I note from the evidence that not all have the benefit of planning permission or listed building consent. Nevertheless, the presence of these units, along with car parking and numerous waste storage bins, gives the area a cluttered, service yard feel. Similar analysis of the specific area in question is presented in the Council's 'Thame Conservation Area Management Plan - April 2006' (TCAMP) which describes The Shambles as a "*rather forlorn area largely given over to car parking*" and recommends its enhancement.
9. The development would introduce 3 mechanical units and a vent outlet to the rear of the appeal property. The scale of the development is modest, with the units and vent to be discreetly located proximate to each other in the corner of the courtyard, at the ground floor of the property's plainer rear elevation, with two of the units positioned below the cill level of the ground floor windows. As such, the development would not detract visually from the overall architectural quality of 3 Cornmarket, and the NDHA would retain its architectural interest as a former bank.
10. Whilst I note the objective of the TCAMP to enhance The Shambles, given the presence of similar AC units and the area's established service yard character, the development would not be incompatible. Furthermore, its scale and position, in the same manner I describe above, would ensure that the development would not detract from the medieval street pattern, thus preserving the significance and special interest of the TCA.

11. With regards to the TCA's listed buildings, the Council consider that the development would fail to preserve the setting of the LB. According to the statutory list description, it dates from the 14th to 18th century. It is the only property to have a public face onto The Shambles. This elevation features a gable end with a 20th century shop front, a 3-light casement window to the first floor and a 2-light casement window to the attic, both with segmental brick arches above. In so far as is relevant to the proposal, the special interest and significance of the LB is derived in part from its age and medieval timber frame construction.
12. Although close by and thus within the setting of the LB, the proposed development would still achieve a reasonable degree of separation, such that the LB's historic elevation onto The Shambles would remain exposed. Furthermore, in the context of existing bin storage and car parking, the units would not be especially noticeable or visually detracting. As such the development would preserve the setting and thereby the special interest and significance of the LB and the contribution that it makes to the character and appearance of the TCA.
13. I have also considered whether the development would preserve the settings of the Grade II listed '131 High Street', '17 Buttermarket' and '19 Buttermarket' and the Grade II* listed 'Birdcage Public House, 4 Cornmarket'. The significance and special interest of these listed buildings is derived in part from their age, traditional construction and front elevational features. No 131 High Street dates from the 17th century. Its main frontage faces away from the appeal site towards the Town Hall. Similarly, 17 and 19 Buttermarket which date from the 17th century and the 19th century, and the early 16th century 4 Cornmarket do not have frontages onto The Shambles, and it is either their rear or side elevations that overlook the appeal site. As such I consider that the appeal development would not be harmful to these listed buildings and would preserve their settings.
14. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the TCA and preserve the settings of the LB and other designated assets in the locality. Therefore, the development proposal would accord with Policies DES1, DES2, ENV6, ENV7 and ENV8 of the South Oxfordshire Local Plan 2011-2035 (December 2020) and Policies CPQ1 and CPQ3 of the TNP2. These policies require development to respect local context, complement the surroundings, take into account the relevant Conservation Area Character Appraisal and be sympathetic to and not cause harm to heritage assets. The development also complies with the heritage objectives of the National Planning Policy Framework (December 2024).

Other Matters

15. Objections have been received from local interested parties raising a number of concerns including noise, heat, odour and leaking water from the units and the development's impact on residential properties including the LB. The Officer's delegated report addresses these concerns and is informed by relevant technical consultee responses. With regards to noise, I particularly note that the 'Plant Noise Assessment' found noise would be within required criteria as verified by the Council's Environmental Protection Team. Further, as highlighted within the delegated report, whilst alternative locations at the site were considered, the proposed location is the best suited to mitigate noise. Based on the information before me, I have no compelling reason to reach a different view on these matters.

16. With regards to odour, the supplier of the air conditioning units confirms that the units do not create odour emissions. Given the similarities of the equipment, it is reasonable to take the stance that this would similarly apply to the cold store unit. With regards to heat and water leaks, there is little evidence on these matters. Whilst it was just one snapshot in time, I did not notice any excessive heat or obvious leaks emanating from the units on my site visit. As such, and in the absence of substantive evidence to the contrary, there is insufficient evidence to warrant the dismissal of the appeal on these grounds.

Conditions

17. In the interests of certainty and clarity, I shall impose standard conditions relating to commencement of development and requiring compliance with the approved plans.
18. I have considered the Council's suggestion of a visual mitigation scheme, however given I have found above that the development would not cause harm to the character or appearance of the host building or wider TCA, this condition is not required.
19. Finally, in the interest of safeguarding the living conditions of neighbours and acknowledging the outcome of the appellant's discussions with the Council's Environmental Health Officer (EHO), I shall restrict the operating hours of the appeal development to the daytime period, albeit to more reasonably coincide with the bakery's hours of business, I shall allow a slightly earlier 06:30 start. This is consistent with arrangements negotiated with the EHO at application stage. Having considered all relevant information before me, I am satisfied that neighbouring living conditions would be suitably safeguarded on this basis.

Conclusion

20. For the reasons given above the appeal should be allowed.

SE Hughes

INSPECTOR