
Appeal Decisions

Site visit made on 27 January 2026

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2026

Appeal A Ref: APP/J0405/F/24/3349240

The Green Man, 32 Market Square, AYLESBURY, HP20 1TW

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The appeal is made by Mr Dave Garricks against a listed building enforcement notice issued by Buckinghamshire Council – North Area (Aylesbury)
 - The enforcement notice was issued on 4 June 2024
 - The contravention of listed building control alleged in the notice is: without listed building consent the application of non-breathable paint on the south-west (front) elevation of the building and, the application of non-breathable paint on the north-west (side) elevation of the building, and application of cement render on the north-west (side) elevation of the building.
 - The requirements of the notice are:
South-west (front) elevation - Step 1 Remove all paint from the south-west (front) elevation of the building using a doff system. Step 2 Following removal of the paint, repair any defects in the render using lime mortar with no cement additive. Step 3 Re-paint the south-west (front) elevation of the building using a Class 1 breathable paint in cream (RAL 9001 Cream).
North-west (side) elevation - Step 4 Remove cement plaster from the north-west (side) elevation of the building using hand tools only. Step 5 Remove all paint from the north-west (side) elevation of the building using a doff system. Step 6 Following removal of the cement plaster and paint from the north-west (side) elevation of the building, repair any defects in the render using lime mortar with no cement additive. Step 7 Re-paint the north-west (side) elevation of the building using a Class 1 breathable paint in cream (RAL 9001) Cream.
 - The period for compliance with the requirements is 5 months.
 - The appeal is made on the ground set out in section 39(1) (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - A similar appeal (Appeal C: APP/J0405/F/24/3349209) has been made by CHL Property Management Ltd on grounds (c), (e), (h) and (i).
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Appeal B Ref: APP/J0405/F/24/3349243

The Green Man, 32 Market Square, AYLESBURY, HP20 1TW

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- The appeal is made by Mr Dave Garricks against a listed building enforcement notice issued by Buckinghamshire Council – North Area (Aylesbury) Council
- The enforcement notice was issued on 4 June 2024
- The contravention of listed building control alleged in the notice is without listed building consent:
To the ground floor: Removal of the bar, damage to historic brickwork, removal of plaster and historic lathe and plaster from the walls, removal of fireplace surrounds and grates, removal of a structural post and part of the walls/partitions to either side of the staircase, removal of doors and door architraves to the north-east side of the building and removal of the base of the dumbwaiter enclosure;

To the first floor: Removal of plaster and historic lathe and plaster from the walls, removal of historic lathe and plaster from the ceilings and installation of plasterboard, installation of a lower ceiling which has boxed in a historic cornice and cut across window architraves, installation of radiators and associated new plumbing routes involving the removal of floorboards and cutting of joists, removal of fireplace and surround, partial removal of cast iron grate, partition replaced with modern materials, partitions removed and new partitions installed in new positions and removal of bricks below window to the north corner;

To the second floor: Removal of plaster and historic lathe and plaster from the walls, installation of power sockets at high positions above skirting boards and high positions on the walls, installation of modern trunking onto plaster for new sockets, removal of skirting boards, damage caused to fireplace surround, mantel shelf removed and flue blocked with boards, historic lathe and plaster ceiling removed and replaced with plasterboard, historic partition removed and replaced with modern materials, bricks removed from walls to facilitate installation of wall mounted TVs, installation of new radiators and associated new plumbing routes involving the removal of floorboards and cutting of joists, installation of new bathroom fittings and plumbing routes, installation of insulation into the floor void facilitated by removing the ceiling below;

Roof (internal): Installation of new timbers bolted to existing rafters, ceiling joists cut back and new ceiling joists installed, new and existing ceiling joists supported on joist hangers from a new plate;

To the basement: Installation of air conditioning unit.

- The requirements of the notice are:

Ground Floor Step - 1 Re-instate brick and stud partition to its full height and reinstate lathe and plaster to the side of the staircase in the area shown circled in red in photograph 1 of Annex 1. All replacement bricks shall match the existing exactly in size and colour and be lain in a lime mortar with no cement additives. The lathe and plaster shall consist of a lime plaster with no gypsum or cement additives. Step 2 - The brick wall should be reinstated in the area shown circled in red in photograph 2 of Annex 1 to full height and re-supporting the RSJ using bricks to match the existing exactly in size and colour and shall be lain in lime mortar with no cement additives. Step 3 - Re-instate brickwork to the area shown circled in red in photograph 3 of Annex 1. Damaged bricks to be removed and all replacement bricks shall match the existing exactly in size and colour and be lain in a lime mortar with no cement additives. Step 4 - Replace fireplace surrounds and grates in the areas shown circled in red in photographs 4 and 5 of Annex 1 with 19th century style timber fireplace surrounds and 19th century style cast iron grates. Step 5 - Re-plaster all walls using lime plaster with no gypsum or cement additives. Step 6 - Replace all door architraves and doors to the north-east (rear) of the building as shown in photographs 6 and 7 of Annex 1 with ones to match exactly in style and material, those shown in image 8 of Annex 1.

First Floor Step 7 - Re-plaster all walls using lime plaster with no gypsum or cement additives. Step 8 - Remove the false/lowered ceiling shown using a red arrow in photograph 9 of Annex 1 from the building and where any previous ceiling finish has not been retained, install lathe and plaster ceiling using lime plaster and no gypsum or cement additives. Remove boxing in of the cornice if retained. If the cornice has been removed, replace to match that shown in photograph 10 of Annex 1. Step 9 - Replace fireplace surround and grate shown in photograph 11 of Annex 1 with a 19th century style timber fireplace surround and 19th century style cast iron grate. Step 10 - Remove plasterboard from ceilings as shown in example photograph 12 in Annex 1. Install lathe and plaster to the ceilings, using lime plaster with no gypsum or cement additives. Step 11 - Re-instate brickwork to the area shown circled in red in photograph 13 of Annex 1. All replacement bricks shall match the existing exactly in size and colour and be lain in a lime mortar with no cement additives.

Second Floor Step 12 - Re-plaster all walls using lime plaster with no gypsum or cement additives. Step 13 - Remove all power sockets and associated trunking as shown in example photograph 14 and ensure any openings or damage caused in removal are repaired using lime plaster with no cement additives. Step 14 - Re-instate brickwork to the areas shown by blue arrows in photograph 14 of Annex 1. All

replacement bricks shall match the existing exactly in size and colour and be laid in a lime mortar with no cement additives. Step 15 - Where missing or removed, re-instate a simple skirting board with a square edge. Step 16 - Replace fireplace surround in the area shown circled in red in photograph 15 of Annex 1 to match that shown in photograph 16 of Annex 1. Remove timber planks from flue and ensure it is venting. Step 17 - Remove plasterboard from ceilings as shown in example photograph 17 in Annex 1. Install lathe and plaster to the ceilings, using lime plaster with no gypsum or cement additives. Step 18 - Remove partition walls shown by the red arrows in photograph 18 of Annex 1. Re-instate full width room partition with doorways along the line of the previous partition shown by the green arrows in photographs 18 and 19 in Annex 1. Step 19 - Remove shower fittings and fixtures as shown by the blue arrow in photograph 18 in Annex 1, ensuring any damage or opening created in the removal are repaired using lime mortar with no cement additives.

Basement Step 20 - Remove air conditioning unit and all fixtures and fittings associated with the air conditioning unit as shown circled in red in photograph 20 in Annex 1. Where the removal causes or creates damage or openings, ensure they are repaired using appropriate materials to match the existing adjacent materials. All mortar to be used is to be a lime mortar with no cement additives.

- The period for compliance with the requirements is 9 months.
- The appeal is made on the grounds set out in section 39(1) (c), (e), (h) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- A similar appeal (Appeal D APP/J0405/F/24/3349212) has been made by CHL Property Management Ltd on grounds (b), (c), (e), (h), (i) and (j).

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 5 February 2026

Decisions

Appeals A and C

1. It is directed that the listed building enforcement notice be corrected by adding the words “*or south-east*” after the words “*north-west*” wherever they occur. Subject to the correction the appeals are allowed insofar as they relate to “*the application of non-breathable paint on the north-west (side) elevation of the building, and application of cement render on the north-west (side) elevation of the building*” and listed building consent is granted for the those works at The Green Man, 32 Market Square, Aylesbury, HP20 1TW. It is directed that the listed building enforcement notice be varied by deleting steps 4, 5, 6 and 7; and by adding a new Step 1a “*before carrying out steps 1-3 test the front façade render to determine whether it is cement or lime based. If it is lime based then carry out steps 1-3, otherwise do nothing*” and varied by extending the period for compliance from 5 to 8 months.
2. The appeal is dismissed and the listed building enforcement notice is upheld as corrected and varied, insofar as it relates to “*the application of non-breathable paint on the south-west (front) elevation of the building*”, and 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).

Appeals B and D

3. It is directed that the listed building enforcement notice be corrected by deleting from the allegation in the section headed “*to the ground floor*” the words “*removal of plaster and historic lathe and plaster from the walls*”. Subject to this correction

the appeals are allowed insofar as they relate to *“ground floor - removal of the bar, removal of doors and door architraves to the north-east side of the building and removal of the base of the dumbwaiter enclosure”* It is directed that the listed building enforcement notice be varied by deleting from Step 1 the words *“and reinstate lathe and plaster to the side of the staircase”* and the words *“The lathe and plaster shall consist of a lime plaster with no gypsum or cement additives”*; and by deleting Step 3, Step 5 and Step 6.

4. It is directed that the listed building enforcement notice be corrected by deleting from the allegation in the section headed *“to the first floor”* the words *“removal of plaster and historic lathe and plaster from the walls, removal of historic lathe and plaster from the ceilings and”*. Subject to this correction the appeals are allowed insofar as they relate to *“installation of plasterboard, installation of a lower ceiling which has boxed in a historic cornice and cut across window architraves, installation of radiators and associated new plumbing routes involving the removal of floorboards and cutting of joists, removal of fireplace and surround, partial removal of cast iron grate, partition replaced with modern materials, partitions removed and new partitions installed in new positions”*. It is directed that the listed building enforcement notice be varied by deleting Step 7, Step 8, Step 9 and Step 10.
5. It is directed that the listed building enforcement notice be corrected by deleting from the allegation in the section headed *“to the second floor”* the words *“removal of plaster and historic lathe and plaster from the walls...historic lathe and plaster ceiling removed and replaced with plasterboard...to facilitate the installation of wall mounted TVs”* Subject to this correction the appeals are allowed insofar as they relate to *“installation of power sockets at high positions above skirting boards and high positions on the walls, installation of modern trunking onto plaster for new sockets... damage caused to fireplace surround, mantel shelf removed... historic partition removed and replaced with modern materials, installation of new radiators and associated new plumbing routes involving the removal of floorboards and cutting of joists, installation of new bathroom fittings and plumbing routes, installation of insulation into the floor void facilitated by removing the ceiling below”*; and *“roof (internal): Installation of new timbers bolted to existing rafters, ceiling joists cut back and new ceiling joists installed, new and existing ceiling joists supported on joist hangers from a new plate”*; It is directed that the listed building enforcement notice be varied by deleting Step 12, Step 13; from Step 16 the words *“replace fireplace surround in the area shown circled in red in photograph 15 of Annex 1 to match that shown in photograph 16 of Annex 1”* and add in the words *“To the fireplace shown in photograph 15 of Annex 1...”*; delete Step 17, Step 18 and Step 19.
6. The appeals are allowed insofar as they relate to *“to the basement - Installation of air conditioning unit”*. It is directed that the listed building enforcement notice be varied by deleting Step 20.
7. Listed building consent is granted for all the works outlined above at The Green Man, 32 Market Square, Aylesbury, HP20 1TW.
8. The appeal is dismissed and the listed building enforcement notice is upheld as corrected and varied, insofar as it relates to *“to the ground floor - damage to historic brickwork.... removal of fireplace surrounds and grates....removal of a structural post and part of the walls/partitions to either side of the staircase”* [Steps

1 (as varied), 2 and 4 refer]; and insofar as it relates to “*to the first floor - removal of bricks below window to the north corner*” [Step 11 refers]; and insofar as it relates to “*to the second floor - removal of skirting boards....flue blocked with boards...bricks removed from walls*”; [Steps 14, 15 and 16 (as varied) refer]; and 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

9. The background to this appeal is important in determining the best way forward. The appellant took over the site in 2017/18. It seems it had been in the hands of a pub chain before that and was sold on the open market. The previous landlord was so disgruntled that he deliberately vandalised some of the interior. I have no reason to doubt this is true and have come across examples of this behaviour before.
10. There seems to be almost no history of planning or listed building applications prior to then, apart from one concerning external lighting and no information at all as to the state of the interior before the Council visited and took photographs of the works the appellant was carrying out in 2024. The Council do refer to photographs from 2019, but I do not have those. At my site visit I saw that little had changed since then. According to the appellant the work was carried out by Men in Sheds, an arms-length Council funded organisation. In summary it seems they occupied another building the appellant owned and fell behind on the rent. He therefore arranged with them to work on the appeal building in return for a deal on the rent. A Mr Bill Tilley was the main point of contact, who assured the appellant that he had squared away the Council as to the works necessary and proceeded to remove a lot of modern plasterboard walls and ceilings.
11. The appellant argues that the pub has been the victim of neglect and of poor quality modernisation for many years. Much of the material removed had been in place for a long time, possible even before the building was listed in 1952, or before January 1969 and certainly long before the appellant became involved. 1969 or the date of listing is the cut-off date but thereafter there is no time limit for listed building enforcement. Nevertheless, it has to be expedient to issue a notice and the process needs to be reasonable and fair. Hence the importance of determining what happened and when.
12. It does seem the pub was getting run down in its final years before 2017 and so it is less likely that any significant refurbishment took place then, which pushes back the dates to 2010 or earlier. I am inclined to agree that to hold the appellant responsible for decades of neglect is unreasonable, not least because of the potential impact on the viability of restoring the building. When I looked round the building on my site visit I saw that there were many areas of lathe and plaster that had survived and this tends to support the appellant's argument that only the modern cement plaster has been removed, otherwise I would have expected each room to be cleared completely.
13. All of this is based on the appellant's recollections, but there is no counter evidence from the Council, except concerning the exterior which I shall deal with below. The appellant has tried to obtain information from the Council about Men in Sheds but they have not been forthcoming. As noted above what evidence there

is today tends to support the appellant's version of events and so I have no reason to doubt what he says. With this in mind I can deal fairly swiftly with the allegations in the notices.

Appeals A and C – The Exterior of the Building

14. This concerns the rendering and painting of the front and side wall of pub. Which side wall is not clear as it is labelled north-west side elevation. But that side is the side that adjoins the neighbouring Halifax building. There is an arched entrance on that side which has a north-west wall, but that is partly inside the arch or hardly visible beside a narrow alley leading towards the modern shopping centre built directly behind the pub building. The south-east façade stands forward of Barclays Bank to the south and is much more prominent presence on the market. I assume that is the façade that is meant.
15. Whatever it is, the appellant argues the cement render, with its modern paint has been in place for decades. Rendering the entire front and side of the pub would be a major undertaking involving scaffolding over the pavement and I find it hard to believe it could have been carried out, certainly not recently, without anyone noticing and informing the Council. The Council say that photographs show the façade freshly painted in 2010 so clearly new then. However that tells me nothing about what was there before. Painting the exterior is much more likely to have happened than a full re-rendering. As the appellant says the exterior brickwork does not seem to have been damaged by its modern finish and removing it may therefore cause more problems than it solves.
16. It is also unclear what the nature of the render on the front façade is. The appellant assumes it is cement. Step 2 requires any repairs to the render to be made in lime mortar, which would only make sense if the rest of the render was lime. In that case removing the modern paint and using a breathable paint would be a sensible requirement. However, if it is cement render then repair with lime render and painting with breathable paint would achieve very little. We know the side elevation is cement as the Council noticed that it was damaged, albeit in a limited area. I'm inclined to assume the front is also cement, but that assumption can be tested. I shall therefore vary the requirements so that the composition of the front façade render is first ascertained and then if it is lime based the appropriate paint is used. Otherwise repainting can be carried out in line with the appellant's own timetable for maintenance. On the side façade, I am assuming this has long been cement render and so requiring its removal is excessive. I shall grant listed building consent for allegations affecting the side elevation and extend the notice to cover the south-east elevation as well.

Appeals B and D – The Interior of the Building

17. I shall deal with the interior step by step, following the steps in the notice.
18. Step 1 concerns the loss of a brick wall by the internal staircase. The appellant accepts this is the case, but that there were structural reasons for doing so and he has kept the bricks, which I saw on the site visit. He intends to replace the wall in due course. This isn't really an appeal against this step, rather an agreement with it. Clearly the wall needs to be replaced so this part of the step should remain.
19. However, step 1 also refers to the loss of lathe and plaster to the walls and requires their reinstatement. As noted above I don't think there has been any loss

of lathe and plaster, at least not because of the actions of the appellant. Given the uncertainty as to the date of the removal of the historic materials I think it is unreasonable to require the appellant to recreate a 19th century interior. Retaining the existing historic finishes but replacing the modern insertions with modern materials would be an honest repair. Therefore the step requiring reinstatement with lathe and plaster exceeds what is necessary to alleviate the effects of the works, which is success on ground (j).

20. Step 2 concerns the reinstatement of the wall, which has always been intended. The use of lime mortar seems sensible as it is quite possible lime-based mortars have been used elsewhere in the building and still remain.
21. Step 3 concerns a bricked-up wall on the northwest side of the building that was once an entry into the pub from the arched entrance. Following the building of the new shopping centre in the 1980s the door was bricked up, apparently a requirement of the Council. The appellant says he has done nothing to the door except uncover it by removing modern plaster, and I saw remains of cement plaster nearby. I think, therefore, there is success on ground (c) that there has not been a contravention of the Act and I shall delete this part of the allegation and step 3.
22. Step 4 concerns two fireplaces that have been stripped back to the brick chimney breasts. The appellant argues these were long hidden by being boarded up and revealed when the workmen removed the plaster board from in front. I agree that 19th century style timber surrounds and cast-iron grates is vague, but that it could cover a variety of solutions is to the appellant's advantage. Revealing the fireplaces clearly has improved the significance of this part of the listed building and they will need some form of fire surround and grate and so do need to be sensitively treated in future. I am therefore minded to leave this step on the understanding it provides considerable leeway as to what the final fireplaces look like.
23. Step 5 as for step 1 I consider there is success on ground (j) for lathe and plaster walls.
24. Step 6 concerns the removal of two internal doors at the back of the building. I was able to see the doors, which were still in the room, and the remaining architrave. I agree they were modern insertions of no historic value, rather like the ones shown in photograph 8 of the annex to the enforcement notice, and replacing them with modern, but old-fashioned doors is counterproductive. This part of the appeal succeeds on ground (c).
25. Step 7 as for step 1 there is success on ground (j).
26. Step 8 concerns the modern ceiling in the front first floor room. I could see the remains of this ceiling were plasterboard, with lathe and plaster above the joists. No original materials seem to have been removed. The cornice is a rather odd edging to the ceiling rather than the wall, and where it remained was in very poor condition. Again the appellant argues this is not original and I agree that covering it up does not affect significance of the building. Therefore, like step 1, there is success on ground (j).
27. Step 9 The appellant says this is how the fireplace was when he found it. It does seem to have a 1950s style tiled surround and so could well pre-date the listing.

Removing this surround to add a fake older one does not seem good conservation practice to me, this element of the appeal succeeds on ground (i).

28. Step 10 I was able to see remains of old ceiling in place, which did appear to be plasterboard. Like step 8 there is success on ground (j).
29. Step 11 The appellant is happy to reinstate the brickwork as required.
30. Step 12 as for steps 1 and 5 this succeeds on ground (j).
31. Step 13 this concerns power sockets in a room on the 2nd floor. The appellant says the old sockets were ripped out by the previous landlord, damaging the wall. I saw the holes where the old sockets had been cut into the brickwork had been repaired. The new sockets are fastened to the brick wall with metal trunking also on the surface. I accept the argument that the room needs electrical sockets and that mounting them flush would cause more damage to the brickwork. Surface mounting is an honest intervention and I shall grant consent for this.
32. Step 14 The appellant accepts this needs to be done.
33. Step 15 again this needs to be done.
34. Step 16 This requirement is partly to install a new fire surround matching one in the neighbouring room and partly to unblock the fireplace. The only element that seems to be missing from the fire surround is the mantel shelf. The appellant points out this was cheap pine of no historic value and while a mantel shelf might be nice from an aesthetic point of view, I do not think it affects the significance of the building. Ensuring the fireplace operates properly is more important and I shall retain this part of the step.
35. Step 17 as for step 8 success on ground (j).
36. Steps 18 & 19 this concerns a room on the second floor that was divided into roughly 2/3 and 1/3 by a partition wall. The larger part had a small ensuite bathroom installed. The appellant has removed the partition, opening up the room to its full length but enlarged the bathroom with a new stud wall. The old end room would only be accessible through the larger room and I have no reason to disagree with the appellant's view that the partition was a 1970s insertion and that removing it has returned the room to its original plan. The ensuite has been there for many years and the new fittings are in the same place as the old ones. The slightly larger bathroom does not affect one's understanding of the room, once complete, it will be an obvious modern insertion, that does not harm the fabric of the building and I will grant consent for the removal of the partition and the enlarged bathroom.
37. Step 20 concerns an air conditioning unit in the basement, which is the cellar for the pub. This was clearly installed many years ago and is important to retain the correct cellar temperature if the building is to reopen as a functioning public house.
[I shall grant consent for its retention.](#)

The Appeals on Ground (h)

38. The notice provides 5 months for the requirements of Appeals A and C. Because there is an element of uncertainty as to how much work will be required, I shall extend this to 8 months.

39. Five months is also the period for compliance to Appeals B and D. The amount of work required has been drastically reduced and five months seems generous for what remains.

Conclusion

40. For appeals A and C I shall correct the listed building enforcement notice to include a reference to the south-east wall and grant consent for those works and I shall introduce a new step to allow the front façade to be tested for lime or cement render. If it is cement render then the notice will require no further works, although the appellant is of course free to repaint it the same colour as part of his restoration project.
41. For Appeals B and D I shall delete from the allegation references to historic lathe and plaster removed from the walls and ceilings, as it seems this has not happened. Then I shall grant consent for those parts of the allegations from each floor of the building that are acceptable and refuse consent for the remainder. A number of elements in the allegations are not covered by the requirements and this represents under-enforcement and I shall grant consent for them also. There is no mention of wall mounted TVs in the representations and I saw no evidence for them in the building so I shall delete the reference to them from the allegation relating to the second floor, but retain the reference to bricks removed from walls, which does appear to have happened.

Simon Hand

INSPECTOR