
Appeal Decision

Site visit made on 19 May 2026

by **D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2026

Appeal Ref: APP/D3125/F/25/3368176

The Bell, Church Street, Charlbury, Chipping Norton, OX7 3PP

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
 - The appeal is made by The Bell Hotel against a listed building enforcement notice (LBEN) issued by West Oxfordshire District Council.
 - The LBEN was issued on 21 May 2025.
 - The contravention of listed building control alleged in the notice is:
The erection of a stone wall enclosure to the front of, and attached to, the Listed Building.
 - The requirements of the LBEN are:
 1. Remove in its entirety the stone wall to the front elevation of the Listed Building, including any adhesive cement or other materials used in its construction; and
 2. Remove all resulting stone and other materials from the land shown outlined in red 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)(h) of the Act.
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Decision

1. The appeal is dismissed and the LBEN is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Act.

Preliminary Matters

2. The only ground of appeal before me has been made under section 39(1)(h) of the Act which is that the period specified in the LBEN as the period within which any step required by the LBEN is to be taken falls short of what should reasonably be allowed. The appellant has specifically stated that they are not appealing under ground (e) that listed building consent ought to be granted for the works. Therefore, the Council's evidence relating to the previous appeal decisions and what would be considered as part of a ground (e) appeal is not relevant in the determination of this appeal. Moreover, the third party representation also relates to the merits of the works and they cannot be considered in this appeal.

The ground (h) appeal

3. The appellant states that the compliance period is short to the extent that it would force a disruption of peak summer trade to the listed pub, and additionally would likely be ahead of decision making of planning/listed building applications where the Council would be able to consider the details of alternative treatment to the front of the property such as a railing.
4. The appellant goes on to say that due to the national picture regarding the level of difficulty in running a public house and the age of property and its internal layout

the outside eating and dining areas are vital to the economic success of the business. The compliance period for the LBEN would initially have ran from 27 June 2025 to 27 September 2025 and compliance within that period could have affected the use of the outdoor area within the summer period of that year. Moreover, it would have given limited time for the submission and determination of listed building/planning applications for an alternative scheme.

5. I acknowledge that in my experience it does not take 3 months to physically remove a wall, such as the one attacked by the LBEN, and its associated materials. It is evident that the period for compliance already includes some lead-in time for the works to be arranged. I note that the appellant has not suggested an alternative timeframe that they consider more reasonable.
6. Furthermore, due to the timing of the appeal process, the peak summer period of 2025 has ended and there is no evidence before me to indicate whether the cited planning/listed building applications have been submitted and determined. I find that the appellant has not demonstrated on the evidence before me as to why financial or practical reasons would in reality render the 3 month compliance period to be unreasonable. Taking into account the public interest in seeing the listed building restored, I find that the 3 month compliance period strikes the right balance and does not fall short of what should reasonably be allowed in this case.

Conclusion

7. For the reasons given above, I conclude that the appeal on ground h should fail.

D Boffin

INSPECTOR