
Appeal Decision

Site visit made on 16 June 2026

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date 18 September 2026

Appeal Ref: APP/J0405/F/24/3354830

**Unas Newsagents, 5 Buckingham Street, Aylesbury, Buckinghamshire
HP20 2LA**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Faisal Hussain against a Listed Building Enforcement Notice issued by Buckinghamshire Council.
- The listed building enforcement notice was issued on 23 September 2024.
- The contravention of listed building control alleged in the notice is, without listed building consent, the construction of a rear extension, comprising an enclosed raised platform and enclosed staircase.
- The requirements of the notice are:

Step 1: Permanently remove (demolish) the extension shown in the photograph attached to the notice at "Appendix A" including but not limited to, supporting pillars, cladding, windows, rooflights, guttering, staircase and flooring/platform.

Step 2: Any holes, damage or removal of original materials which has occurred as a result of complying with Step 1 above and/or the installation of the extension, shall be made good by replacing with or use of original materials.

Step 3: Remove all debris resulting from complying with steps 1 and 2 of the notice from the land.

- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on grounds (c) and (d) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary Decision: the appeal is dismissed and the listed building enforcement notice is upheld

Procedural matters

1. The appellant maintains that the replacement staircase does not detract from the building's historical or architectural significance, pointing out that the staircase is not referenced in the listing description for the listed building. The appellant also maintains that the demolition of the staircase would have severe consequences for his business as it will hinder the functionality of the building, including that staff will be unable to fulfil their religious obligation because access to the stock room (also used as a prayer room) would not be possible.

2. The above are all matters to be considered under an appeal on ground (e) as set in section 39(1) of the 1990 Act: namely, should listed building consent be granted for the works. However, because no appeal has been made on ground (e), I am unable to consider those points.

The Listed Building

3. The appeal property is a Grade II listed building and is part of a group comprising Nos. 3 to 11 (odd) Buckingham Street. The listing description identifies No.5 Buckingham Street as being 2 storeys and attic and having a C18 Stucco front, and an old, tiled roof with box dormer casement¹.

The appeal on ground (c)

4. The ground of appeal is that the matters alleged to constitute a contravention of section 9(1) or (2) (if they occurred) do not constitute such a contravention.
5. The starting point is Section 7 of the 1990 Act, which states that '*Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8.*'
6. The works alleged in the listed building enforcement notice are the construction of a rear extension, comprising an enclosed raised platform and enclosed staircase. This completely replaces a previous covered staircase in the same position. As such, the rear extension goes beyond being merely a repair or maintenance of the previous staircase and constitutes new works.
7. The rear extension is permanently affixed to the listed building. It is of a significant size such that, as matter of fact and degree, it goes beyond what may be considered to be *de minimis*. The rear extension is of modern design and character and is constructed using modern materials. As a result, the rear extension does affect the character of the listed building, even though it affects only the rear elevation of the building.
8. There is no Listed Building Consent in place for these works. The appellant notes that the staircase was omitted from the listing description, which leads him to conclude that the staircase was not governed by the listed building regulations. He was therefore unaware that replacing the previously existing staircase would require Listed Building Consent. However, the carrying out of unauthorised works to a listed building is an offence of "strict liability". Ignorance of the fact that the works may require Listed Building Consent is therefore not an acceptable defence.
9. I conclude that the matters alleged to constitute a contravention of section 9(1) or (2) (which there is no dispute have occurred) do constitute such a contravention. Accordingly, the appeal on ground (c) fails.

The appeal on ground (d)

10. The ground of appeal is that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building, that it was not practicable to secure safety or health or, as the case may be, the

¹ List Entry Number: 1117991

preservation of the building by works of repair or works for affording temporary support or shelter, and that the works carried out were limited to the minimum measures immediately necessary. In order to succeed on this ground of appeal, all three of the 'tests' must be met.

11. It is apparent from the Appeal Form that the previous staircase and landing had been in poor condition for some time, indeed for some years, and that the appellant had been aware of this. The appellant goes on in his appeal statement to contend that the previous staircase posed a health and safety risk: for example, one of the ladder rungs (treads) had broken and the remaining treads were unsteady as the staircase was ascended and descended. Furthermore, I am advised that one plastic side panel and a wooden side panel of the previous staircase had collapsed and that the plastic roof sheets were loose such that they rattled significantly under windy conditions.
12. However, there is no evidence before me that the previous staircase was at risk of imminent collapse and/or was unsafe to use. Indeed, the purpose of that staircase was to provide access to the first floor where the storage room for the shop below is located. The corollary is that if the previous staircase and landing was in urgent need of repair, then it would not have been safe to use, and the storage use of the first floor would have ceased. But that was evidently not the case. I therefore conclude that, as a matter of fact and degree, the works carried out were not urgently necessary in the interests of safety or health or the preservation of the building.
13. I therefore conclude that, as a matter of fact and degree, the works alleged in the notice were not practicable to secure safety or health or the preservation of the building by works of repair or works for affording temporary support or shelter.
14. Having found that the first of the three tests has not been met, it is not necessary for me to consider the remaining two tests. Accordingly, the appeal on ground (d) fails.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the listed building enforcement notice.

Formal Decision

16. The appeal is dismissed and the listed building enforcement notice is upheld.

Paul Freer
INSPECTOR