



Appeal Decisions

Site visit made on 14 September 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 October 2026

Appeal A Ref: APP/C3810/W/25/3375741

Jonny's Arundel, 61 High Street, Arundel, BN18 9AJ

- The development proposed is retention of outside plinth for tables and chairs on front elevation.
 - 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 Jonny's All Day Dining against the decision of Arun District Council.
 - The application Ref is AB/96/25/PL.
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Appeal B Ref: APP/C3810/Y/25/3375740

Jonny's Arundel, 61 High Street, Arundel, BN18 9AJ

- The works proposed are for a plinth for the tables and chairs on front elevation.
 - The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Jonny's All Day Dining against the decision of Arun District Council.
 - The application Ref is AB/97/25/L.
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Decisions

1. Both appeals are dismissed.

Preliminary Matters

2. The appeals follow the refusals of both planning permission and listed building consent for the wooden plinth positioned on the ground abutting a section of the building's front façade. The appellant indicates that the plinth is not physically attached to the building, and is thereby moveable. It appears that the strip of land involved which runs the full width of the premises and has paving distinguishable from the footway beyond, is under the demise of no 61. Accordingly, no development or material change of use has occurred on land under the ownership of the local highway authority.
3. Further, the setting down of moveable, non-fixed tables and chairs on the plinth would likely not require planning permission, nor listed building consent (LBC) because these do not physically alter or attach to the historic fabric or structure of the building.
4. The appellant mentions that the planning application, the subject of Appeal A, took longer than eight weeks to determine, and he wishes to also appeal on this basis. However, eight weeks from the date the application is validated is only the government's prescribed period for minor development applications such as this to be decided. Besides, it appears that the Council issued its decision within this period and any such procedural matter has no bearing on the planning merits

and/or impacts arising from the development. Accordingly, this has had no bearing on my decision. Neither has the fact that this application sought retrospective planning permission affected my decision as s55 of the main 1990 Act does not draw a distinction on actual proposals or those involving retention of development.

5. As the two appeals concern the same development, albeit under different but comprehensive legislation, I shall deal with both appeals together in my reasoning.

Main Issues

6. The main issue on both appeals is whether the proposal would preserve no 61 High Street, Arundel, a Grade II* listed dwelling, and any of the features of special architectural or historic interest that it possesses. In addition, for Appeal A, the effect on the character and appearance of the surrounding area with regard to its conservation area location needs to be considered.

Reasons

Special Interest and Significance

7. Sections 16 and 66 of the LBCAA says that the special interest of a heritage asset derives not only from its physical presence and historic fabric but also from its setting which comprises the surroundings in which it is experienced. The setting itself, though, is not a heritage asset.
8. No 61 High Street is an 18th century, three-storey, red-bricked town house. It is prominent in its setting, occupying a key position in the High Street. The building has five ranges of double-hung sash windows on the upper floors, with four at ground floor level and a central entrance door with unfluted Roman Doric columns. A section of iron railings encloses the well and stepped access down to the basement further along the frontage. The building itself appears well preserved and is a good example of period architecture, with its typical historical features and physical appearance enhancing its High Street setting.
9. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
10. Although it might reasonably be expected that a building can adapt over time, which No 61 obviously has, conservation is about managing change to a building and its setting in ways that sustains, reveals or reinforces its cultural and heritage values. That said, the purpose of listing is not to prevent changes to buildings, but to ensure that the special architectural or historic interest of a building is taken into account and preserved.
11. Policy HE6 of the National Planning Policy Framework (the Framework) says that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential impact amounts to a positive effect or results in harm, substantial harm, or total loss of its significance.
12. The Framework's policy HE4 says that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To

achieve this, proposals for development which would affect the significance of a heritage asset, including any contribution made by its setting, should maintain or secure a use consistent with its conservation and avoid or minimise harm to the asset's significance; instead, conserving this significance.

Effect on the listed building

13. The composite wooden plinth, which is of considerable width and is to a maximum height of some 40cm, is staggered in height due to the slope of the land, and has been installed to allow for a total of three metal tables and six chairs to be placed on a level surface, facilitating persons eating and drinking in the open air.
14. The appellant says that, for safety purposes, the plinth is not easily moveable, and the Council is of the view that the proposal has introduced a modern, cluttered element which detracts from the building's architectural significance. The appellant obviously disagrees and highlights a number of representations received in support.
15. Change does not necessarily mean harm. A proposal can alter an asset or its surroundings while leaving significance unharmed. Instead, harm occurs where a proposal reduces or damages the significance of a heritage asset.
16. I note that the advertisement banners which are positioned to partially obscure the tables and chairs were granted advertisement consent in September 2025. However, I must agree with the Council that a sense of clutter has occurred and, together with the plinth, the lower section of the front elevation is hidden from public view. Besides, the banners and their poles are likely moved inside the premises once it closes for the evening. I also feel that the plinth could be treated to make it less visibly obvious.
17. In light of the above I must agree with the Council that, for the purposes of the Framework, the proposed works do give rise to harm. Accordingly, I shall attribute considerable importance to this in weighing up the planning balance.

Effect on the conservation area

18. No 16 High Street lies within the Arundel Conservation Area (ACC). In accordance with my statutory duty under s72(1) of the LBCAA I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
19. This part of the ACC is characterised by historic shop frontages, which it is obviously important to preserve. Nonetheless, the test is the considered effect on the historical conservation area as a whole, and I would consider, in this context, that the effects resulting from the works carried out are not so significant as to be harmful to either the character or appearance of the ACC in its entirety. In this respect I note the appellant's comments as regards the existence of other nearby plinths. Accordingly, I have concluded that the effect has been neutral in this regard, and its character would be preserved. As such, the predominant issue is, instead, the effect on the significance of the building itself.

Public Interest and Planning Balance

20. The advice within the Framework is that firstly, it needs to be identified whether there would be harm, and the second stage is whether public benefits weigh

against this harm. As I have found that the development fails to preserve the special architectural and historic interest of this Grade II* listed building, this would harm its significance as a designated heritage asset.

21. Paragraph HE6 of the Framework says that where a development would harm the significance of a designated heritage asset, any resultant harm will be a matter of considerable importance and weight and, as indicated in policy HE4 thereto, any such harm should have a clear and convincing justification.
22. Turning to public benefits, these should flow from the development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. The Framework gives a heritage-specific example of an important public benefit which would involve securing the long-term reuse of a vacant or underused listed building. However, no empirical evidence has been produced to suggest that this building is underused nor that additional seating is needed in the interests of the business' viability.
23. Where historic buildings are involved a balance must be achieved between public benefits and avoiding damage both to the significance of the building and its fabric. In this regard, given certain concerns raised as to the possibilities of resultant damp to the front wall of this heritage asset, I would have expected that to accompany the appeals a report could have been commissioned from a specialist consultant to provide detailed information on this matter.
24. There are a number of representations in support of the tables and chairs, and I have borne in mind the fact that people tend to enjoy eating al fresco. Moreover, this shows an acknowledged public benefit.
25. Having regard to the various criteria involved in the assessment there are valid points both for and against the development, which I have highlighted. I am, though, particularly concerned as to the potential damage from damp that can result from such placement, and I have no compelling evidence to show otherwise or possible measures of mitigation required. Accordingly, whilst I note the public support for the facility provided by the development, and I would not want to discourage enterprise, I must consider the possibilities of physical harm, and this requires investigation in the first instance. As things stands, therefore, the collective harm is not outweighed by public benefits.
26. As such, clear and convincing justification has not been provided for the development and works which could compromise the listed building's conservation. Further, I have concluded that the proposal does not conserve the building in a manner appropriate to its significance.

Conclusion

27. I conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II* listed building, No 16 High Street, Arundel. As such, Appeal B would be contrary to the requirements of sections 16(2) and 66(1) of the LBCAA and policies HE4 and HE6 of the Framework.
28. It would also be in conflict, to varying degrees, with the aims and requirements of policies HER DM1, HER DM3, D DM1 and D DM4 of the Arun Local Plan (LP). Indeed, as it stands, the works carried out conflict with the development plan as a

whole, and there are no material considerations which indicate that the decision for Appeal A should be made other than in accordance with the LP.

29. For the reasons given, I have concluded that both Appeals A and B should be dismissed.

TC King

INSPECTOR