



Appeal Decision

Site visit made on 8 June 2026

by **J Moss BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2026

Appeal Ref: APP/K0425/F/25/3364464

Numbers 4 - 5 The Green, Village Road, Little Missenden, Buckinghamshire HP7 0RD

- 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 Mark Hogben against a listed building enforcement notice issued by Buckinghamshire Council.
- The enforcement notice was issued on 6 March 2025.
- The contravention of listed building control alleged in the notice is: Without listed buildings consent, the insertion of four replacement windows on the front elevation.
- The requirements of the notices are to:
 1. Remove the four timber double glazed windows from the Building within the Land outlined on the attached plan and shown circled on plan 1;
 2. Reinstate four windows to comprise of timber sliding 'eight over eight' sash windows with integral slim ovolo profile glazing bars, painted white and single glazed. No horns.
 3. Remove all materials and debris arising from complying with Step 1 of the Notice, from the Lands.
- The period for compliance with the requirements is three months of the notice taking effect.
- The appeal is made on the grounds set out in section 39(1)(e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary Decision: The appeal succeeds in part, but is otherwise dismissed and listed building consent is refused.

Preliminary Matters

1. Since the appeal was made, a new National Planning Policy Framework (the Framework) was published in August 2026. The parties were given the opportunity to comment on the new Framework in respect of any relevance this might have on their case. I have had regard to the representations received in response to this.

Ground (e)

Ground (e) Preliminary Matters

2. The enforcement notice says that the works that are the subject of the notice 'fail to preserve the architectural and historic interest of the Grade II listed building, **the setting of neighbouring listed buildings** and the character and appearance of the Little Missenden Conservation Area' (my emphasis). The notice does not, however, specify the neighbouring listed buildings, the setting of which is said to have been affected.
3. A listed building can, of course, comprise a collection of properties that might be separately owned and/or occupied, but together form 'the listed building' that is of special architectural or historic interest for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 1990 Act). This is

clearly the case with the listed building subject of this appeal. The listing description refers to the listed building as 'The Cottages, 1 - 6, Little Marsden Village'. This is the row of terrace properties within which the appeal property (i.e. 4-5 The Green) is located. The terrace row is 'the listed building' for the purposes of this appeal.

4. The notice suggests that the works have affected the setting of 'neighbouring listed buildings'. Having regard to the above, the suggestion is that the setting of other listed buildings in the area, not the listed building comprising Nos. 1-6, have been affected.
5. The officer report lists a number of heritage assets. This includes 'The Cottages' (i.e. the listed building in question), as well as the Little Missenden Conservation Area (LMCA), within which the appeal site is located. The other heritage assets listed in the report are the 'K6 Telephone Box - Grade II listed building', the 'Red Lion Cottages - Grade II listed building', and the 'Storehouse attached to west of No.1 Red Lion Cottages'. I have not, however, been provided with any listing description or other such details relating to these other heritage assets. Furthermore, these other listed buildings are not mentioned in the report where the setting of other heritage assets is referred to. Instead, the report refers to 'the setting of neighbouring listed buildings **in the terrace**' (my emphasis). This suggests that the other properties within the terrace row are regarded as separate heritage assets, rather than part of the same heritage asset that has been subject to the alleged works.
6. In view of the above, where the notice and Council officer report refers to the effect of the works on neighbouring listed buildings, I have taken this to mean the effect of the works on the listed building of which the appeal property is part. I am satisfied that the Council had not intended to allege that the works had had an adverse effect on the setting of any other nearby heritage assets. I have, therefore, determined the appeal on this basis.

The Main Issues

7. The appeal on ground (e) in this case is that listed building consent ought to be granted for the works specified in the notice.
8. Having regard to the reasons for the issue of the notice and the case made by the parties, the main issues in this ground (e) appeal are:
 - whether or not the works preserve the Grade II listed building, The Cottages, 1 - 6, Little Marsden Village, or any features of special architectural or historic interest it possesses; and
 - whether or not the works preserve or enhance the character or appearance of the LMCA.

Special Interest and Significance

9. The Grade II listed building in question was entered on the register in March 1982 (list entry number 1124993) and comprises a terrace of 2 storey, one bay cottages. The listing description dates the cottages as 19th century. Pertinent to the appeal, the description notes 'recessed barred sashes'. It is clear that the special interest and significance of the Grade II listed building is largely derived from its historic and architectural interests.

10. The appellant has provided a heritage statement and impact assessment, dated July 2024 (HSIA). Although this is dated prior to the issue of the listed building enforcement notice, I can see that this was prepared at a time when the works specified in the notice had already occurred. The HSIA notes that the building's historical interest is high-medium and that this is attributed to the glimpse provided by the terrace of the 19th century 'expansion of and immense improvement in housing for working people'.
11. The red brick cottages have a simple appearance, and I have no reason to disagree with the HSIA assessment of its architectural interest as medium. Nevertheless, fenestration is one of the most prominent features on the front façade. There is a vertical and horizontal alignment of windows on the front elevation of the ground and first floor, as well as the uniform arrangement of panes in the eight over eight, sliding sash windows present. For this reason, I am of the view that the windows in the front façade of this building make a substantial contribution to the special architectural interest of the building and, therefore, its significance.
12. With regard to the LMCA, the Council has provided little information about its significance. Nevertheless, the Council does not disagree with the HSIA's assessment of this heritage asset. It suggests that the 'significance of the Little Missenden Conservation Area is largely derived from historical interest and architectural harmony, with many buildings sharing common building materials making for an aesthetically pleasing overall impression of rural Buckinghamshire'.
13. Within the boundary of the LMCA I observed many attractive buildings, including a nearby row of terraced residential properties, as well as detached dwellings and a public house. Although there is variety in the design of buildings in the conservation area, I can agree that there is a common use of materials. The listed building is located in a more open part of the LMCA, overlooking a green from which the terrace row can be openly viewed. The appeal building is also located along the main route through the conservation area. Having regard to the special interest of the listed building, of which the appeal property is part, I can agree that the appeal property makes a positive contribution to the special interest and, thus the significance of the LMCA as a whole.

Effect of the Works

14. The Framework Policy HE4(1) identifies that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. It informs that harm to the significance of heritage assets should be avoided (or if that is not possible, minimised) and their significance conserved. Policy HE4(2) informs that any harm to, or loss of, the significance of a designated heritage asset should have a clear and convincing justification in accordance with the policies in chapter 20 of the Framework.
15. The works subject of this appeal comprise the replacement of four of the former windows on the front façade of the listed building. The HSIA suggests that the windows removed were '4no. eight over eight timber, 19th century single glazed sash windows'. The former windows were, therefore, of the sort still present in other windows on this front façade of the listed building. I acknowledge that the building is not of 'high or exceptional architectural interest'. Nevertheless, as is the case with the property in question, windows and doors are often among the most

prominent features and an integral part of the design of a listed building; they can be indicators of when the building was built. The design, materials and details of construction of historic windows are, therefore, important to the significance of a heritage asset and its special interest. In the case before me I have no reason to conclude that the former windows did not contribute to the special interest and, therefore, the significance of this heritage asset.

16. Furthermore, the appellant does not suggest that what was removed was not part of the historic fabric of the building. Nevertheless, the HSIA says that the former windows were 'experiencing decay in a number of areas and damage to the glazing'. It is, therefore, clear that, prior to the works having been undertaken, some of the historic fabric comprised in the former windows had been lost to decay and damage. In this regard, I note the advice at paragraph 15 of Historic England Advice Note 2: Making Changes to Heritage Assets (HEAN 2), which is that replacement is generally advisable only where the original is beyond repair and it minimises the loss of historic fabric.
17. The works undertaken have been to remove the entirety of the former windows. It has resulted in the total loss of these historic architectural features and the loss of all historic fabric comprised in the 4 former windows. With the above advice in mind, there is little before me to substantiate what is said about the condition of the former windows, such that I can conclude that the original windows were beyond repair and the loss of historic fabric has been minimised. Having regard to the prominence and importance of the former windows, as set out above, I can only conclude that the removal of the former windows has caused harm to the building's significance.
18. Turning to what has been installed in their place, these are described in the HSIA as 'like-for-like good quality, timber framed sashes, with double glazing'. It says that the 'new windows do not result in a significant change in the appearance of the building with the homogenous look of each of the dwellings when viewed as a whole terrace maintained'.
19. In making their case, the Council compare the new windows with those that were replaced. In doing so, the Council suggest that the replacement windows are 'chunkier in appearance and less refined than the original slimmer profiled sash windows'. The Council has not, however, provided evidence to demonstrate how the detailing and appearance of the replacement windows compare with the former.
20. I have noted the other windows in this front façade. The windows at Nos 3 and 6 in the row appeared to be more recent than others in the row. There is, however, no suggestion that these, or any other windows I observed in this front façade, are without consent or cause harm to the significance of the heritage asset. When the windows subject of this appeal are viewed alongside these other windows in the terrace row, the apparent dimensions of the window frames, rails, sash casements and sills are comparable. Viewed as a whole, I cannot agree that the replacement windows cause harm by 'creating an unbalanced effect to the windows of the terrace'.
21. The timber used may well be compacted wood, rather than solid timber. I acknowledge that the finish appears more manufactured, when compared to more historic timber joinery. However, this is to be expected, to a degree, with entirely

new timber joinery. The matt finish of the timber is not at odds with the finish of other window joinery within the row.

22. Notwithstanding the above, the new windows have been fitted with double glazed units. In this regard, I note reference in HEAN 2 to Historic England Advice Note 18: Adapting Historic Buildings for Energy and Carbon Efficiency (HEAN 18). Paragraph 82 provides advice on the replacement of windows with double glazing. It informs that double-glazed windows of an appropriate material, glazing bar pattern and detailing might be appropriate where they replace windows which are relatively recent and do not contribute to a building's special interest. This advice does not, however, apply in this case as there is no suggestion that the former windows did not contribute to the building's special interest. Indeed, I have found it likely that the former windows would have made a positive contribution. In these circumstances, the advice goes on to say that the use of slim-profile or vacuum double-glazing may be appropriate, albeit it recommends the use of such units within the existing frames.
23. Notwithstanding that the former window frames have been replaced in their entirety in this case, the appellant does not suggest that slim-profile or vacuum double-glazing has been used in this case. Indeed, the glazing units I observed have a heavy visual presence, and the deep glazing profile of the units is obvious when viewed from the adjoining footway. It is more likely than not that this glazing appears heftier in composition than the significantly more slender single glazing that was present in the former windows.
24. Whilst the Council suggest that the glazing bar is 'thicker in profile and stubby in proportion whereas the original sash windows had elegant slimmer longer ovolo profile glazing bars', I have little evidence before me to corroborate what is suggested. The glazing bars may well have a wider sightline width than the former windows, but their proportions do not appear incongruous. I also note the use of colour coded spacers within the double glazed units to mimic the effect of a traditional glazing bar. However, none of this assists in mitigating the obvious depth of the glazing cavity, which is out of accord for a building of this period. Although the glazing is one element of the replacement windows, even minor differences between the form of historic windows and their replacements can have a significantly harmful effect on the significance and special interest of a listed building.
25. For the reasons given above, I can only conclude that the works alleged in the notice have not preserved the building or any features of special architectural or historic interest which it possesses. I conclude as such, having regard to the requirements of sections 16(2) of the 1990 Act. Accordingly, the works cause harm to the significance of the listed building.
26. Turning to the effect of the works on the character and appearance of the LMCA, the Council suggest that harm has been caused to 'this part of the conservation area by creating an unbalanced effect to the windows of the terrace'. For the reasons I have already given, I cannot agree that the replacement windows have had this effect. Indeed, the harm caused by the replacement windows is particularly localised and results from a particular element of the window's design.
27. Nevertheless, the works have had an effect on a prominent feature on this main façade of the building. I can only conclude that the adverse effect of the works to

the listed building have, in turn, had an adverse effect on the contribution the appeal building makes to the character and appearance and thus special interest of the LMCA. For this reason, and having regard to the requirements of section 72(1) of the 1990 Act, the works fail to preserve the LMCA when considered as a whole and cause harm to the significance of this designated heritage asset.

Public benefits and Heritage Balance

28. I have concluded that the works cause harm to both heritage assets in this case. Accordingly, I note the advice at Policy HE4(2) of the Framework, which informs that any harm to, or loss of, the significance of a designated heritage asset should have a clear and convincing justification in accordance with the policies in chapter 20 of the Framework. Policy HE6(4) advises that, 'where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal'. It goes on to say that 'important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed'. I note that the appellant has emphasised the latter part of this advice.
29. Whilst I have no reason to doubt that the former timber windows were in need, at the very least, of substantial repair, there is little before me to demonstrate that their wholesale replacement was the only option in this case. Nevertheless, I acknowledge that the replacement windows have improved the protection of the building against the elements, which is a benefit to the building's conservation. Furthermore, having regard to the scale of the works, I add limited weight to the economic benefits that might have resulted from the installation of the windows.
30. I also note the energy efficiency benefits of the windows highlighted by the appellant, which are likely to flow, in part, from the use of double glazed units. The appellant has clearly considered some alternative options for achieving greater energy efficiency within the building and I note the obvious reason why secondary glazing is not an option in this case. The internal shutters I observed are a surviving historic feature of particular note. Their loss would be necessary to accommodate secondary glazing. This would cause harm to the special interest of the building.
31. The appellant has referred to certain policies on the matter of energy efficiency and carbon reduction aims for existing buildings. This includes the Little Missenden Neighbourhood Plan 2024-2039 Consultation Draft May 2025 (LMNP). Whilst this is not an adopted plan, I have had regard to the extracts drawn to my attention, including Policy SD3, which informs that alterations to existing buildings should be designed with energy reduction in mind and that the retrofit of existing buildings, including heritage properties, is encouraged to reduce energy demand. All of this is supported by the Framework, where at Policy CC2 it informs that substantial weight should be given to the benefits of improving the energy efficiency of existing buildings.
32. The HEAN 18 advice acknowledges the need to adapt all historic buildings, 'not only to support the transition to a Net Zero society, but also to improve energy/cost-efficiency and thermal comfort for occupants, and to ensure they remain safe, desirable and viable assets for future generations to enjoy¹.

¹ Paragraph 4 of HEAN 18.

33. The energy efficiency performance of the replacement windows is a clear public benefit; the works carried out contribute towards the national goal to reduce carbon emissions and reliance on fossil fuels. Nevertheless, I am mindful of the advice in HEAN 18², which indicates that effective solutions must be found that save energy and carbon, whilst also sustaining heritage significance. There is clearly a need for a balance.
34. With the above in mind, I do not have sufficient evidence before me to indicate that the use of standard double glazing in this case is the most effective solution to achieve a more energy efficient building, when compared with slim-profile or vacuum double-glazing, as suggested in the HEAN 18 guidance. The appellant has not explained why standard double glazing has been used in the place of glazing units that are likely to achieve the same energy efficiency, but would have a slimmer, more delicate profile, thus causing less harm to the special interest of the building. Neither is there evidence to demonstrate that the former timber windows could not have been adapted to accommodate more energy efficient glazing. In short, I have been given no reason to demonstrate that a deviation from the HEAN 18 advice regarding the use of double glazed units is appropriate in this case.
35. For the reasons given above, the weight I attribute to the above public benefit is tempered because I have been given no reason to find that this benefit would not be realised with either repairs to the former timber windows or with replacement windows of a more appropriate design. Accordingly, I am not persuaded that the windows installed are the most appropriate means of replacing the previous windows, such that I can conclude that to secure the listed building's optimum viable use, consent ought to be granted.
36. I note the support for the replacement windows from interested parties and can agree that certain aspects of the windows' design are sympathetic to the property and the listed terrace row.
37. The above public benefits must be balanced against the harm I have identified to the heritage assets in this case. Policy HE6(1) makes clear that substantial weight should be given to the conservation of a heritage asset. Policy HE6(3) informs that any harm to a designated heritage asset will be a matter of considerable importance and weight. The removal of the former windows and their replacement have not conserved either of the heritage assets in this case. The harm I have identified is caused by only certain aspects of the works carried out. As such, I conclude that a modest level of harm has been caused to the significance of the listed building. Whilst the harm to the significance of the LMCA might be less than this, the works carried out still fail to comply with Policy HE9(1)(a) and (b) of the Framework.
38. Having regard to the weight I must attribute to the conservation of the heritage assets in this case, and the importance the Framework places on any harm to a designated heritage asset, I can only conclude that, on balance, the public benefits identified do not individually or collectively outweigh the harm. Nor is there a clear and convincing justification for the harm to the significance of the designated heritage assets.
39. For the above reasons, I conclude that the works carried out have failed to preserve the Grade II listed building known as The Cottages, 1 - 6, Little Marsden

² Paragraph 8 of HEAN 18.

Village and the features of special or historic interest that it possesses. The works also fail to preserve or enhance the character or appearance of the LMCA. Accordingly, the works carried out to the building are in conflict with chapter 20 of the Framework.

40. The Council has referred to saved policies of the Chiltern District Local Plan, adopted 1 September 1997 and consolidated September 2007 and November 2011 (CDLP). Whilst this ground (e) appeal is not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004, development plan policies are a material consideration. Having regard to the policies brought to my attention, I found no conflict with Policies LB2 (Setting of listed buildings) and CA2 (Views within, out of, or into Conservation Areas). I can, however, agree that the works subject of this appeal fail to accord with CDLP Policies LB1 (Works to listed buildings) and CA1 (Works to buildings in Conservation Areas) as these emphasise the duty under sections 16(2) and 72(1) of the 1990 Act.
41. For all of the reasons set out above, the appeal under ground (e) should fail.

Ground (g)

42. Having regard to the requirements of the listed building enforcement notice, the purpose of the notice is as set out in section 38(2)(a) of the 1990 Act, which is for restoring the building to its former state. The ground (g) appeal in this case is that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.
43. The appellant's case on ground (g) is briefly put. They suggest that the requirements of the notice would mean 'a step back on EPC rating now D previously E'. Whilst this is noted, to comply with the notice would require new replacement windows, rather than the reinstatement of the former windows which I have no doubt have now been lost. There is nothing before me sufficient to demonstrate that what is required by the notice would result in windows of the same energy efficiency of the former windows, which are likely to have performed poorly as a result of the repairs that were needed.
44. As for the cost of complying with the notice, whilst there is little to corroborate what is claimed by the appellant, I do not doubt that there would be a substantial outlay involved. For this reason, I consider a period for compliance with the notice greater than 3 months should be granted in this case. This would allow the appellant more time to secure the necessary funds. It would also allow the appellant more time to explore alternatives to the requirements of the notice that may be less costly. I say this, having regard to my findings under the ground (e) appeal.
45. In view of the above, I cannot conclude that the requirements in part 5 of the notice do not exceed what is necessary for restoring the building to its condition before the works were carried out. I can, however, conclude that the period for compliance with the notice should be varied. The ground (g) appeal should, therefore, succeed to this extent.

Conclusion

46. For the reasons given above, I conclude that the appeal under ground (g) should succeed in part. Otherwise, I conclude that the appeal should be dismissed. I shall uphold the listed building enforcement notice with a variation.

Formal Decision

47. It is directed that the listed building enforcement notice is varied by the deletion of “3 months” and its substitution with “9 months” as the period for compliance.
48. Subject to the variation, the appeal is dismissed and the listed building enforcement notice is upheld. 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).

J Moss

INSPECTOR