Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2026

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2026

Appeal Ref: APP/A2335/F/24/3351675
62 Main Road, Bolton Le Sands, Carnforth, Lancashire LA5 8DN

- 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 Catherine Barnish against a listed building enforcement notice issued by Lancaster City Council.
- The enforcement notice, ref. 24/30, was issued on 16 May 2024.
- The contravention of listed building control alleged in the notice is:
    1. The removal and unacceptable replacement of two timber, single glazed, 6 over 6 sliding sash windows, from the ground floor front elevation.
    2. The removal and unacceptable replacement of two single glazed, timber, multipaned, side-hung casements to the ground floor side elevation.
    3. The removal and unacceptable replacement of two timber panel doors to the front and rear of the Listed Building.
- The requirements of the notices are to:
    1. Remove the two windows to the ground floor of the front elevation, and reinstate the single glazed timber '6 over 6' sliding sash windows. The replacement windows should be of hardwood or Accoya, and face-puttied. The windows should be painted off-white. The windows shall match in appearance and style the window in Appendix C, Figure 1.
    2. To remove the two top-hung casement windows from the side elevation, and install single glazed, timber, multipaned, side-hung casements. The replacement of windows should be of hardwood or Accoya, and face-puttied. The windows should be painted off-white.
    3. To remove the two uPVC doors from the front and rear of the building, and reinstate timber paneled doors. The doors should be constructed of hardwood or Accoya, and finished with black, blue or red paint.
- The period for compliance with the requirements is 12 months.
- The appeal is made on the grounds set out in section 39(1)(a), (b), (c), and (d) of the Act.

Decision

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

Preliminary Matters

2. The appeal on ground (b) is made on the basis that the matters alleged to constitute a contravention of section 9(1) or (2) have not occurred. However, the appellant does not dispute that the windows and doors were removed and replaced. Their case is instead that those works did not amount to a contravention, which is properly a matter for consideration under ground (c). Accordingly, I shall consider those submissions as part of the ground (c) appeal.

Appeal on Ground (a)

3. The ground of appeal is that the building is not of special architectural or historic interest. It therefore amounts to a challenge to the building's inclusion on the statutory list. Effectively, it constitutes an application to the Secretary of State to remove the building from the statutory list by virtue of the power set out in section 41(6)(c) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the

PLBCAA). The relevant time at which this question is to be considered is immediately before the works alleged in the Listed Building Enforcement Notice (the notice) were carried out, rather than when the notice was issued.

4. There is no dispute that 60 and 62 Main Road is a listed building that is included on the statutory list at Grade II. It was first listed in November 1983 and comprises a two-storey, mid-18th-century house with an adjoining cottage of the same build, forming a simple linear range constructed of rubble with sandstone dressings beneath a slate roof. The building enjoys a prominent location at the centre of the Bolton Le Sands Conservation Area.

5. The appellant suggests that the building is not of special architectural or historic interest *'due to the property being other dwellings i.e. a pub, a shop, a café before becoming a residential dwelling when listed in 1983'*. Beyond this, the appellant offers no further comments in relation to this ground of appeal.

6. Nos 60 and 62 Main Road are a well-preserved example of a mid-18th-century vernacular building, dating from 1745. Their special architectural interest derives from the building's age, traditional form and proportions, and the survival of vernacular historic fabric and detailing, including its rubble construction, sandstone dressings, slate roof, stone window surrounds, projecting gutter brackets, gable copings and prominent chimney stacks. Notwithstanding later alterations, its historic form and architectural character remain clearly legible.

7. The building is also of historic interest through its direct association with its origins. Inscribed stone lintels identify James & Catharine Bibby and record the date of construction as 1745, providing tangible evidence of the building's history and adding to its evidential value. Taken together, its considerable age, surviving historic fabric, vernacular architectural character and unusually clear evidence of its date and origins give Nos 60 and 62 special architectural and historic interest. That interest remains appreciable notwithstanding subsequent alterations and provides clear justification for the building's continued inclusion on the statutory list at Grade II.

8. Therefore, the appeal on ground (a) fails.

Appeal on Ground (c)

9. An appeal on ground (c) is that those matters (if they occurred) do not constitute a contravention of sections 9(1) or (2) of the PLBCAA. Section 9(1) states that if a person contravenes section 7 he shall be guilty of an offence. Section 7 provides, amongst other things, that no person shall execute or cause to be executed works for the alteration of a listed building in any manner which would affect its character as a building of special architectural or historic interest unless those works are authorised.

10. There is no dispute that the works the subject of the notice were carried out without any application being first made for listed building consent, or any such consent being granted. Therefore, to succeed on this ground of appeal the appellant must demonstrate that the unauthorised works do not affect the building's character as a building of special architectural or historic interest. It should be noted that the question to be answered is simply whether the character has been affected, and not whether the works are considered harmful.

11. The appellant's case is that the works carried out do not affect the character of the listed building because they are like-for-like replacements of the previous doors and windows.

12. Photographic evidence shows that the windows removed from the front elevation were single-glazed, multipaned timber vertical sliding sashes, with slender frames and traditional joinery detailing. Those to the side elevation were single-glazed, multipaned timber casements, while the front and rear doors were also of timber construction with slender glazing bars. Irrespective of whether every element was original to the building, their materials, proportions, detailing and traditional construction were consistent with, and contributed positively to, the architectural character of this mid-18th-century vernacular building.

13. However, in stark contrast the replacement windows comprise modern uPVC units with appreciably heavier frames and different detailing and construction. The replacement front and rear doors are similarly of a substantially different appearance, material and design from those removed. Those differences are readily apparent and significantly alter the appearance and architectural character of the building. The works cannot therefore reasonably be regarded as like-for-like replacements and undoubtedly affect the character of the listed building as a building of special architectural and historic interest.

14. Therefore, listed building consent was required for the works carried out. As those works were not authorised, a contravention of section 9(1) of the PLBCAA has occurred.

15. The appeal on ground (c) therefore fails.

Appeal on Ground (d)

16. The ground (d) appeal is made on the basis that the works were urgently necessary in the interests of safety or health, or for the preservation of the building.

17. This ground of appeal comprises three distinct tests. Firstly, that the works were urgently necessary in the interests of safety or health or for the preservation of the building; secondly, that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter; and thirdly, that the works carried out were limited to the minimum measures immediately necessary.

18. These are cumulative requirements. Therefore, an appeal on ground (d) can only succeed if all three elements are satisfied.

19. The appellant reports that the previous windows did not align with their closing mechanisms and were consequently permanently ajar, compromising safety and security of the property. They also state that during periods of bad weather, water leaked in through both the doors and windows to such an extent that towels were required to absorb rainwater. It is further claimed that the resulting damp and black mould caused recurring chest infections.

20. I do not doubt that defective doors and windows may give rise to legitimate concerns relating to security, water ingress and the condition of the building. However, the evidence before me does not demonstrate that their wholesale replacement was urgently necessary, rather than desirable or expedient. In

particular, there is insufficient evidence to show that the identified concerns were of such immediacy that replacement of the doors and windows was required without first seeking listed building consent.

21. Nor has it been demonstrated that it was not practicable to secure the building by works of repair or works for affording temporary support or shelter. There is no substantive evidence before me to explain why the existing doors and windows could not have been repaired, adjusted or otherwise temporarily modified to address the reported security and water-ingress concerns pending an application for listed building consent.

22. For the same reasons, it has not been demonstrated that the wholesale replacement of the doors and windows were the minimum measures immediately necessary. Moreover, the apparent opportunity to source, order and arrange the subsequent installation of the replacement doors and windows does not support the contention that wholesale replacement was an 'urgently necessary' response in the interests of safety or health or the preservation of the building.

23. Consequently, the three tests have not been satisfied, and so the appeal on ground (d) cannot succeed.

Other Matters

24. I acknowledge that the works may have improved the energy efficiency of the property. However, this does not alter my conclusions on the substantive grounds of appeal.

Conclusion

25. For the reasons given above, I conclude that the appeal should not succeed.

J M Tweddle

INSPECTOR