Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2026

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2026

Appeal Ref: APP/R5510/F/24/3352760
The Building known as The Crown and Treaty Inn, 90 Oxford Road, Uxbridge UB8 1LU

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (the 1990 Act).
- The appeal is made by the Stonegate Pub Group against a listed building enforcement notice issued by the Council of the London Borough of Hillingdon.
- The listed building enforcement notice was issued on 19 August 2024.
- The contravention of listed building control alleged in the notice is, without listed building consent, three extraction flues have been erected to the buildings west facing elevation with associated support wires and flue liners. In addition, the three stacks have been capped off as shown on the before and after photograph below.
- The requirements of the notice are:

  (i): Within one (1) month from the day on which this Notice takes effect; to remove the flues, support wires, flue liners and their fixings. Careful repair using a matching lime mortar. The chimneys should then be capped using lead to prevent water ingress.

  (ii): Within nine (9) months from the day on which this Notice takes effect; to reinstate the chimneys in their previous architectural form as shown in drawings 4429/221, 4429/222, 4647/30/001 and using photographs in the associated design and access statement and the structural survey from application reference: 51572/APP/2019/2829. The chimney stacks shall be constructed of the salvaged Tudor bricks as per condition 8 of the above proposal. Should these and the special brick used in the construction of the original chimney not be available they should be rebuilt using woodfired handmade bricks to match the profiles shown on the drawings and the photographic images. They shall be bonded in a matching lime mortar mix 2/5 Lime to sand using NCL3.5 Lime. The sand colour should be used to ensure that the mortar matches the original colour. They should be flush pointed. No cement should be used. The stacks should be topped reusing the existing pots or if these are no longer available using clay chimney pots which match the originals in terms of height, colour and design as shown on the elevation drawings noted above.

- The period for compliance with the requirements is as detailed in each required step.
- The appeal is proceeding on the grounds set out in section 39(1)(e), (h) and (i) of the 1990 Act.

Decision

1. The listed building enforcement notice is corrected by the deletion of ‘Grade II Listed Building’ in section 5 and the substitution instead of ‘Grade II* Listed Building’.

2. The listed building enforcement notice is varied by the deletion of ‘one (1) month’ in section 5(i) and the substitution instead of ‘nine (9) months’.

3. Subject to the correction and the variation, the listed building enforcement notice is upheld.

Procedural matters

4. I will consider the appellant's appeal on ground (j) as if it had been made on ground (i) as set out in section 39(1) of the 1990 Act, namely that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose. The Council has responded in substance to the points made by the appellant, albeit under the guise of an appeal on ground (j).

The Enforcement Notice

5. Paragraph 2 of the listed building enforcement notice describes the building known as The Crown and Treaty Inn as being a Grade II Listed Building. The listing description identifies the building as being Grade II* Listed Building. I will correct that error.

The appeal on ground (e)

6. The ground of appeal is that listed building consent ought to be granted for the works, or that any relevant condition of such consent which has been granted ought to be discharged, or different conditions substituted.

7. The building known as The Crown and Treaty Inn is listed as Grade II* partly in recognition of its architectural quality but also due to its historical interest. The listing description indicates that the building dates to 1576 but has been much restored. The listing description specifically refers to the 3 chimney stacks, each of 3 hexagonal shafts above moulded brick cornices.

8. The special interest and significance of the listed building are largely derived from its architectural and historic interests. Important contributors in these respects include the building's surviving historic features and fabric. These include the 3 chimney stacks that are a key element of the asset's significance.

9. The three extraction flues that have been erected are, by reason of their appearance and the use of modern materials, wholly incongruous on a building of this age, form and appearance. It is also important to consider what they replace, namely the historic chimney stacks specifically referred to in the listing description. Those chimney stacks made an important contribution to the character and appearance of the listed building and their removal has seriously affected that character and appearance and a key element of the asset's significance.

10. For these reasons, I conclude that the significance of the listed building has been harmed by the works alleged in the notice. I assess the degree of harm caused to the significance of the heritage asset as being substantial insofar as a key element of the asset's significance has been entirely removed.

11. Policy HE6(1) of the Framework indicates 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 effect amounts to a positive effect, harm, substantial harm, or total loss of its significance. Policy HE6(3) of the Framework confirms that any harm to a designated heritage asset will be a matter of considerable importance and weight which should be dealt with in accordance with paragraphs 4 to 6 of that policy.

Balancing exercise

12. Policy HE6(5) of the Framework indicates that where a development proposal would cause substantial harm to the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

    a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site

    b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

    c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and

    d. The harm or loss is outweighed by the benefit of bringing the asset back into use.

13. The appellant describes The Crown and Treaty Inn as now being a gastropub with a private dining room and space for private functions. The appellant explains that the brick chimneys are not essential for the ongoing viability of the community pub operation but, if the flues and associated structures are removed without a suitable replacement immediately constructed, the pub operation will be significantly adversely affected. Accordingly, the appellant seeks a temporary listed building consent for the flues and associated fixings for a period of 12 months.

14. The appellant considers that there are clear public benefits of keeping the historic local community public house operating and that the loss of the use, even for a temporary period, will prevent public access into the building to appreciate its architectural and historical character and features. The appellant considers that its continued operation should be supported.

15. I recognise that public access into the building to appreciate its architectural and historical character and features is to some degree a public benefit. However, there is more to the special interest and significance of the listed building than just the interior features. For the reasons set out above, the historic chimney stacks were a key element of the asset's significance, the removal of which has caused substantial harm to that asset. Access to the interior of the building by customers of the gastropub is not a substantial public benefit sufficient to outweigh that harm, even for a temporary period.

16. The main benefit of the gastropub continuing in operation would be a private benefit accruing to the appellant's business. None of the criteria a. to d. set out in Policy HE6(5) of the Framework apply in this case. Consequently, I conclude that listed building consent ought not to be granted for the works alleged in the listed building enforcement notice.

The appeal on ground (i)

17. The appellant's case on this ground is that flue liners below roof level have existed historically and cause no harm to the architectural and historical character of the building. However, as the Council points out, the current flues will presumably need to change to facilitate the accurate rebuilding of the stacks. The loss of

character to accommodate flue liners of a different scale or position could potentially change the character of the building.

18. The appellant has provided no details of the replacement flue liners or, in the alternative, shown that replacement flue liners are not required. It follows that the appellant has not demonstrated through evidence that the replacement flue liners would cause no harm to the architectural and historical character of the building. I am satisfied that the steps required by the notice do serve the purpose of restoring the character of the building to its former state. Accordingly, the appeal on ground (i) fails.

The appeal on ground (h)

19. The ground of appeal is that the period specified in the notice as the period within which any step required by the notice is to be taken falls short of what should reasonably be allowed. The period of compliance specified in the noticed is one month for requirement (i) and nine months for requirement (ii).

20. The appellant's appeal on this ground only relates to requirement (i). The appellant considers that the period for compliance with requirement (i) is too short and unreasonable and should align with requirement (ii) to reinstate the chimneys in their previous architectural form. The appellant explains that this would help to avoid ceasing use of operational facilities which are necessary for the ongoing viability of this historic local community public house. The appellant argues that the period of closure for the public house would be minimised and the impact upon the viability of the business would be negligible.

21. The appellant has a point insofar as there would be no point in removing the three extraction flues until such time as everything was in place to reinstate the chimney stacks. I agree. I will therefore vary the notice to effectively provide a single period of compliance of nine months. This achieves a satisfactory balance between the private interests of the appellant and the wider public interest in expeditious compliance with the notice. The appeal on ground (h) succeeds to that extent.

Paul Freer
INSPECTOR