Planning Inspectorate

Appeal Decision

Site visit made on 4 August 2026

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2026

Appeal Ref: APP/H5940/F/25/3376178
Royal Victoria Patriotic Building, John Archer Way, London SW18 3SX

- 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 Mr Paul Tutton against a listed building enforcement notice issued by Wandsworth Borough Council.
- The listed building enforcement notice was issued on 15 October 2025.
- The contravention of listed building control alleged in the notice is, without planning permission and listed building consent, the unauthorised installation of 3x air conditioning condenser units and associated cabling/brackets to the inner facing north courtyard elevation.
- The requirements of the notice are:

  1: Remove the unauthorised 3x air conditioning condenser units and associated cabling/brackets to the inner facing north courtyard elevation.

  2: Infill all associated holes in the building with materials to match the main building, and

  3: Remove from the site all debris arising from compliance with steps 1 and 2 above.

- The period for compliance with the requirements is four (4) months.
- The appeal is proceeding on the grounds set out in section 39(1)(e) and (h) of the 1990 Act.

Decision: The appeal is dismissed and the enforcement notice is upheld with the following correction:

- in paragraph 3 of the notice, deleting the words ‘planning permission and’.

Procedural matters

1. On 17 August 2026, the Government published the revised National Planning Policy Framework (Framework). This includes policies relating to conserving and enhancing the historic environment. The parties were offered the opportunity to comment on those policies insofar as relevant to the works subject to the listed building enforcement notice and I have taken the comments made into account in determining this appeal.

The Enforcement Notice

2. The contravention of listed building control alleged in paragraph 3 of the notice refers to the works being carried out without planning permission and listed building consent. The legal framework for the enforcement of listed building control is contained in the 1990 Act and relates to works to a listed building being carried out without listed building consent. The reference to ‘without planning permission’ is therefore superfluous and I shall delete it.

The appeal on ground (e)

3. In the context of this appeal, the ground of appeal is that listed building consent ought to be granted for the works.

4. The Royal Victoria Patriotic Building is listed as Grade II* in recognition of its architectural quality and rarity. The building was designed by the architect Rhode Hawkins and constructed between 1857 and 1859 as the School of Royal Victoria Patriotic Asylum. The building is in the Scottish baronial style with Jacobean and French elements and consists of regular three-storey rectangular ranges divided by courtyards. The building was converted into art spaces and offices in 1987.

5. The special interest and significance of the listed building are largely derived from its historic, architectural and artistic interests. Important contributors in these respects are the building's surviving historic fabric and the legibility of its plan form and circulation routes. The former includes the windows in the elevations of the building facing onto the courtyards, which exhibit decorative stone dressings to the adjacent windows.

6. The air conditioning condenser units (AC units) are mounted externally behind a parapet on the east-facing wall of the north courtyard. The AC units partially obscure the decorative stone dressings to the adjacent windows and are an incongruous feature on a building of 19th century origin, and which retains much of its historic fabric. The mounting brackets also result in some damage to the historic fabric of the building, albeit minor.

7. 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 a heritage asset as being considerable.

8. 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

9. Policy HE6(4) of the Framework indicates 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. The Framework indicates 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.

10. The appellant maintains that his business may be regarded as a valuable tenant in a building that may be difficult to attract employment uses and in that sense assists in preventing the listed building from being underused. However, I am not persuaded that the only way of securing such benefits is via the works subject to the notice. Neither am I persuaded that the dismissal of this appeal would

necessarily result in the appellant vacating the unit or, if it did, that a new tenant could not be found.

11. In addition, I am not persuaded that it is a public benefit of any substance for the appellant to remain a tenant of this building. I recognise that doing so may contribute to the local economy and to the upkeep of the listed building. Both of these would be public benefits although neither has been quantified in any way. However, remaining at the building would primarily be a private benefit accruing to the appellant's business.

12. No public benefits have been identified that outweigh the harm to the significance of the designated heritage asset. Consequently, in accordance with Policy HE6(4) of the Framework, 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 (h)

13. 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 for compliance specified in the noticed is four months. The appellant seeks a period for compliance of twelve months.

14. The appellant's case on this ground of appeal is primarily that there are alternative solutions that have not been fully considered and may alleviate the threat to the existing thriving business as a result of the enforcement notice. This included a proposal to relocate the AC units to a discreet position within the north courtyard. However, planning permission (Council Ref:2025/3572) and listed building consent (Council Ref: 2025/3583) for that proposal were refused in December 2025. There is, therefore, no reason to extend the period of compliance to facilitate that proposal.

15. The removal of the AC units does not require any specialist skills or equipment. I am satisfied that the period of compliance of four months specified in the notice is sufficient time for the AC units to be removed and for any remedial works to be carried out.

16. Accordingly, the appeal on ground (h) fails.

Paul Freer
INSPECTOR