



Appeal Decision

Site visit made on 17 December 2019

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2019

Appeal Ref: APP/Q3305/F/18/3217635

5 Keyford, Frome, BA11 1JF

- 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 appeal is made by Mr Kwun Wai Alex Wong against a listed building enforcement notice issued by Mendip District Council.
 - The enforcement notice, numbered ENF2013/0393, was issued on 24 October 2018.
 - The contravention of listed building control alleged in the notice is the erection of signage to the front elevation with associated lighting.
 - The requirements of the notice are to:
 - i) remove the existing signage and lighting replacement as shown on Appendix 1 attached to the notice and make good the external wall in materials to match the existing content of the wall; and
 - ii) install replacement signage as shown in Appendix 2 attached to the notice. This will include installing a moulded timber fascia to the front elevation of the building between the ground floor shop window and the first floor window. The fascia will have a matt painted finish and any lettering applied to the fascia shall also have a matt painted finish.
 - The period for compliance with the requirements is 4 months.
 - The appeal is made on the grounds set out in section 39(1) (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

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

Reasons

2. The appeal premises is a Grade II listed building currently in use as a hot food takeaway. At the time of my site visit the sign the subject of the notice had been removed leaving an incongruous unpainted area on the façade of the building. The name 'Happy Valley Takeaway' had been applied to the shop window.
3. I have a duty under the LBCA to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.
4. The appellant has appealed on ground (h) which is that the time for compliance with the steps on the notice falls short of what would reasonably be allowed. He indicated at the time of the appeal that the sign company were busy and that the job might be delayed. In view of this he decided to remove the sign and leave the wall blank and did not wish to replace the sign. The appellant

does not suggest an appropriate time for compliance, but in any event it is now well over a year since the enforcement notice was issued. Any further delay in installing replacement signage as required under step 2 continues to harm the appearance of the listed building.

5. The appeal on this ground fails.

P N Jarratt

Inspector