
Appeal Decision

Site visit made on 06 January 2026

by **V Simpson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Appeal Ref: APP/E3335/W/25/3375460

Wall and carpark adjoining Court House and precinct adjoining Ladbrokes, Frome BA11 1BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Pang of Pang Investments Ltd against the decision of Somerset Council.
 - The application Ref is 2023/0605/FUL.
 - The development proposed is the partial demolition and reduction in height of car park walling adj the Courthouse and public realm works adj Ladbrokes premises Kingsway Precinct.
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Decision

1. The appeal is allowed and planning permission is granted for the partial demolition and reduction in height of car park walling adj the Courthouse and public realm works adj Ladbrokes premises Kingsway Precinct, at Wall and carpark adjoining Court House and precinct adjoining Ladbrokes, Frome BA11 1BT, in accordance with the terms of the application, Ref 2023/0605/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing and plan nos. Location plan, 1514/P 5 E, 1514/P 6 C, 1605/P2 A, 1605/P4 A, 1605/3 F and Cast Iron Manchester Bollard Plan, except in respect of the 'possible loading bay space' to the front of the wall adjacent to The Iron Gates, shown on plan 1605/3 F, which shall not be created.
 - 3) The development hereby permitted shall not take place until detailed plans of the parts of the scheme that relate to:
 - the walls adjacent to the Iron Gates and within the carpark - at a scale of 1:20, and
 - the eastern entrance to the Kingsway precinct from Saxondale - at a scale of 1:50;have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not be commenced until a detailed working method statement and a specification for the works, including details of; materials - including mortar mixes; the source of any additional natural stone; how stonework shall be laid; capping and/or coping of walls; and the finishing of external surfaces, have been submitted to and agreed in writing

by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

Application for costs

2. An application for costs has been made by Pang Investments Ltd against Somerset Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal site neighbours the Grade II* listed buildings 'The Iron Gates'¹ and 'The Court House'² (the Listed Buildings). It is also within the Frome Conservation Area (the CA). Consequently, in reaching my decision, I have exercised my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 – as amended - (the Act).
4. Sections 1 (5), 1 (5) (a) and 1 (5) (b) of the Act explain what constitutes a listed building for the purpose of that Act. The wall subject of the proposed development is not fixed to either of the Listed Buildings. Moreover, it is separated from them by a car park and/or a publicly accessible pedestrian walkway. In addition, there is no compelling evidence demonstrating that the wall and either of the Listed Buildings were in the same ownership either when the Iron Gates and the Court House were first listed in 1949, or before 1 January 1969. For these reasons, and in the absence of a strong historical functional relationship between the wall and either of these listed buildings, the wall shall not be treated as part of either of the listed buildings in making this decision.
5. In addition to the development described by the appellant, proposed plan ref 1605/3 F shows other alterations to the walkways within the Kingsway precinct. These include the realignment of steps and the formation of a ramp at the eastern entrance to the precinct. They also show the removal of a ramp, the provision of an expanded retail/café area, and areas marked for stalls. The Council dealt with the scheme on the basis that it included these additional elements, and so shall I.
6. The same proposed plan (ref 1605/3 F) also identifies a 'possible loading bay space' to the front of the wall adjacent to The Iron Gates. However, given that it is only shown as 'possible', I proceed on the basis that this feature does not form part of the proposed scheme.
7. The Council's reasons for refusal set out in the decision notice, relate only to the effect that the alterations to the walls to the west of the Listed Buildings would have on the settings of these Listed Buildings, and the character and appearance of the CA. That being the case, and from the other evidence and my observations on site, I am satisfied that, subject to suitably worded conditions, the other parts of the scheme would preserve the settings of the Listed Buildings and the character and appearance of the CA. The significance of the Listed Buildings and the CA would not therefore be harmed by these other elements.

Main Issue

8. The main issue is whether the proposed development would i) preserve the settings of the Grade II* listed buildings at The Iron Gates and The Court House,

¹ Official list entry number 1345516

² Official list entry number 1173467

or their settings, and ii) preserve or enhance the character or appearance of the Frome Conservation Area.

Reasons

Special interest and significance

9. According to the official list entries for The Iron Gates and The Court House, both these adjoining listed buildings date from circa 1700 or earlier. The Frome CA Appraisal³ (the CA appraisal), indicates that these buildings would have originally been built as houses for 'fine rich clothiers' or merchants at a time when the town was at least nationally important for its cloth manufacturing industry. That being the case, when built, they would have been sizable high-status buildings within the 'heart' of the town. I observed that they still command attention and have special interest that results from their relative scale, classic proportions and consciously balanced and aesthetically pleasing form and design, as well as from their surviving historic fabric.
10. It is likely that the construction of the section of wall that is parallel to The Court House and the side of The Iron Gates was at least partially motivated by an objective to separate these buildings from activity and development on the other side of it. Consequently, this section of wall has some historic interest. Although individually, some of the nearby later 20th century buildings, and the large expanses of nearby hardstanding, which are also within the settings of the Listed Buildings, do not make a meaningful contribution to their special interest, together with the wall to the west of the Listed Buildings, they form part of a wider townscape backdrop that does. Moreover, the nearby publicly accessible carpark and the walkway within the Kingsway precinct provide some of the main locations from which the Listed Buildings and their significance can be appreciated.
11. For these reasons, the Listed Buildings have both architectural and historic interest, as well as significance that derives from their settings. When taken together, these interests support the status of the Listed Buildings as designated heritage assets of the highest significance.
12. The large CA covers much of the town centre of Frome, as well as several outlying areas. According to the CA appraisal, Frome is a historic market town that was founded in the 7th century, and which continued to expand and develop in the centuries afterwards - largely driven by its increasing status as an important wool and cloth manufacturing town. The main phases of development that resulted from this growth can still be observed within the CA today. These include the organic street pattern of its Medieval centre, as well as the wide range in the type and size of housing that reflects the differing social standing and wealth of occupants it was designed to accommodate. The CA also contains some notable and attractive cast-iron standard lamps and street name signs, as well as a prevalence of stone boundary walls of varying heights. The resultant mix of building sizes and styles, and the often informal layout of development, together with the high quality of some of the historic street furniture, and the characteristic stone boundary walls - which include the wall subject of this appeal, all contribute to the special interest of the CA as a whole.

Effects

³ Mendip District Council – Frome Conservation Area Appraisal and Management Proposals – 18 June 2008

13. The development would result in a new gap being formed in the otherwise long run of stone walling that runs adjacent to The Iron Gates and which then turns to run roughly parallel to front of The Court House. Overall, there would be a short reduction in the length of this walling. There would also be a small reduction in the height of the section of wall adjacent to The Iron Gates, and a larger height reduction in the otherwise retained part of the wall parallel to The Court House. However, sections of this wall clearly require repair and/or remedial works, to ensure their ongoing stability.
14. The removal, reconstruction and/or height reduction of various parts of this wall would not result in alterations or harm to the fabric of the Listed Buildings themselves, or any features of special architectural or historic interest which they possess. Instead, it would increase the sense of openness around them, and by doing so, better views of the Listed Buildings could be secured from the nearby public realm, which would enable their significance to be more readily appreciated. The alterations would also result in the repair of retained sections of wall, which would improve their long-term stability and prevent further deterioration. Therefore, and notwithstanding the proposed removal of a short section of walling, overall, the alterations to the walls would preserve the settings of the Listed Buildings and the contribution that these make to their significance.
15. Despite the overall reduction to the length of this walling and the loss of some of its historic fabric, the works to the walls would preserve the character and the appearance of the CA as a whole. This is partly because a long stretch of stone wall - that is a distinctive characteristic of the CA, would remain within the carpark. It is also because the new walling would be of stone, and the section that would be in a prominent location to the rear of the open space at the western entrance to the Kingsway precinct, would be lengthened.
16. For these reasons, the proposed development would preserve the settings of the Listed Buildings – The Iron Gates and The Court House. It would also preserve the character or appearance of the Frome Conservation Area. The significance of these designated heritage assets would not thereby be harmed. Consequently, the development would accord with policies DP1 and DP3 of the Mendip District Local Plan⁴. Collectively, and amongst other things, these seek to ensure that development contributes positively to the maintenance and enhancement of local identity and distinctiveness, and to preserve and, where appropriate, enhance the significance and settings of heritage assets.

Other Matters

17. Even if there are other potential design solutions which may be of a higher quality, I must assess the scheme that is before me.
18. Albeit a snap-shot in time, during my mid-week and day-time site visit, the pedestrian access immediately adjacent to The Iron Gates – between King Street and the carpark, was well used. Moreover, I have no reason to doubt that the observed level of use of this access was not typical. As such, I am satisfied that the proposed access between King Street and the carpark, which would be slightly wider than the one adjacent to The Iron Gates, would be convenient for pedestrians.

⁴ Mendip District Council – Mendip District Local Plan 2006-2029 – Part 1: Strategy and Policies – Adopted December 2014

19. The stretch of pavement adjacent to the proposed dwarf stone walling, railings and planter, at the Western entrance to the Kingsway precinct, would be wider than some existing sections of pavement in this area. It would also be wide enough for pedestrians to pass each other safely and conveniently.

Conditions

20. The statutory condition which specifies the period for the implementation of the permission is imposed. For certainty, a condition is also added specifying the plans to which this permission relates.
21. To protect the character and appearance of the area and the significance of the Listed Buildings and the CA, conditions requiring the council's approval of the detailed design of elements of the scheme, and external materials and their finishes are also required. These need to be pre-commencement conditions, to preserve the significance of the Listed Buildings and the CA as a result of any associated demolition.

Conclusion

22. For the reasons given above, and having regard to the development plan as a whole and any material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR