



Appeal Decision

Site visit made on 1 September 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 16 September 2026

Appeal Ref: APP/E3335/F/24/3357408

29 Princes Street, Yeovil, Somerset, BA20 1EG

- 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 Mrs Carole Ruell against a listed building enforcement notice issued by Somerset Council.
 - The enforcement notice, numbered LBN 704551, was issued on 26 November 2024.
 - The contravention of listed building control alleged in the notice is without planning permission or listed building consent the unauthorised development being the installation, fitting and erection of an extraction system internally with external metal flue affixed to the rear of the listed building, a suspended ceiling internally and an unauthorised illumination advertisement on the outside frontage of the listed building.
 - The requirements of the notices are to: i) Remove the unauthorised suspended internal ceiling (part of which is as shown in photo 1). ii) Remove the unauthorised extraction system both internally and to the rear of the listed building and make good any damage that is caused by its removal, and; iii) Remove the unauthorised illuminated advertisement from the outside frontage of the listed building, and; iv) Make good any damage caused in relation to requirement i) ii) and iii) and remove all resultant and associated materials from the land and building.
 - The period for compliance with the requirements is 9 months.
 - The appeal is made on the grounds set out in section 39(1)(c) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the listed building enforcement notice be varied by the deletion of “a suspended ceiling internally” from the contravention; and by the deletion of requirement (i) and the mention of (i) in requirement (iv).
2. Subject to the above variations the appeal is dismissed and the listed building enforcement notice is upheld as varied insofar as it relates to the installation, fitting and erection of an extraction system internally with external metal flue affixed to the rear of the listed building and an unauthorised illuminated advertisement on the outside frontage of the listed building. Listed building consent is refused for the retention of those works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Preliminary Matters

3. The appellant did not turn up for the site visit, but fortunately I was able to see the suspended ceiling through the front windows of the restaurant and the external metal flue from various points to the rear of the building.

Reasons

4. The building was listed in 1983 along with Nos 27 and 25, which form a group. 27 and 29 have homogenous

upper floors with modern shop fronts below. Judging from the photographs provided by the appellant, the rear of No29 has little authentic historic value. The interior also appeared to be entirely modern so its significance stems mainly from its presence on Princes Street and its group value.

5. The appeal is proceeding on ground (c) alone, that the matters alleged do not contravene the Act. That is they do not affect the special architectural or historic interest of the listed building. The appellant claims the suspended ceiling was installed before they took over the premises, and certainly before 1998 when an application for signage shows the ceiling. However, I have not seen this evidence and I would be surprised if the ceiling also pre-dated listing as suggested, which would make it over 40 years old. Nevertheless, there is no evidence as to what the inside of the shop looked like before the suspended ceiling was installed, and as it is suspended, if there were any exposed beams or original lathe and plaster ceiling it is possible they are merely obscured rather than removed. Given this it is very difficult to see what harm has been caused and on the basis of the evidence before me there does not seem to have been a contravention of the Act.
6. The rear external flue is a different matter. While a restaurant clearly needs to have some form of extraction facility there is not necessarily a need for it to be so obvious and visible over a long distance. The appellant has not provided any evidence that the flue should be granted consent, but she does say it already has consent. A copy of that consent has not been provided, and her own evidence is that a 2017 application for the change of use and alterations to a hot food take away including mechanical ventilation to rear was refused. There is no mention of any other permissions that might include the flue that have been granted. Consequently, the flue clearly does affect the special architectural or historic interest of the listed building and it does not appear to have listed building consent, so this part of the appeal fails.
7. There clearly is an externally illuminated sign on the front of the premises. The other advertisements in the area are low key and I did not see any similar illuminated signs. Whether the illumination is used or not (the appellant says it is not illuminated), the lighting bar is in place and together with the brash fascia sign it does affect the special architectural or historic interest of the listed building.
8. I shall issue a split decision to remove the references to the suspended ceiling but refuse consent for the extractor flue and the fascia sign.
9. A new version of the NPPF has been issued recently which alters the approach to development that affects heritage assets. But as there is no ground (e) in this case the new NPPF does not apply.

Simon Hand

INSPECTOR