



Appeal Decision

Site visit made on 2 September 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 16 September 2026

Appeal Ref: APP/X1118/F/25/3367531

31 High Street, Ilfracombe, Devon, EX34 9DA

- 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 Mr Robert Burgess against a listed building enforcement notice issued by North Devon District Council.
 - The enforcement notice was issued on 7 May 2025.
 - The contravention of listed building control alleged in the notice is the installation of plastic framed windows in the rear elevation.
 - The requirements of the notices are 1. Remove all plastic framed windows from the rear elevation; 2. Reinstate timber framed windows to all windows in the rear elevation with single pane timber sliding sashes.
 - The period for compliance with the requirements is 9 months.
 - The appeal is made on the grounds set out in section 39(1)(a), (c), (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. The appeal is allowed and the listed building enforcement notice is quashed.

The Appeal on Ground (c)

2. This ground is that there has not been a contravention of the Act. That is in this case the replacement of the rear windows has not affected the building's special architectural or historic interest. The question therefore is to define what that special interest is.
3. No 31 is a grade II listed building and was listed in 1994. Consequently it has a detailed listing description. This describes the front of the building, a brief mention of the interior and its historical association with a local architect and cruise ship pianist. The front façade is clearly the key element in the building's significance, being a flamboyant multi-coloured brick concoction with stone impost bands adding to the articulation. This is similar to the neighbouring building as well. The shop front is also individualistic and according to the Council of acceptable quality.
4. The rear of the building is very hard to see as there is no open space behind, no garden or yard. Actual views from public places are virtually non-existent. However, the fact that it cannot be seen does not make the rear of the building less worthy of protection. Nevertheless, in this case, the appellant's photographs show the rear has little, if any, historic significance. Considerable amount of modern rainwater and domestic piping has been added over a grey pebble-dash. The new windows themselves are not the usual heavy-framed plastic but appear to be more sensitive in design, with narrower glazing bands.

5. The Council are uncertain as to what was there before but assume it was wooden sash windows. The appellant himself says one of the windows was a sash, as it was used as a fire escape, which was very difficult, but there is no evidence for the rest. In my view the rear of the building has little historic significance. The new windows quite possibly do not look very much different from those that were there before. It is far from certain that any historic materials have been removed and replacing the existing windows with wooden sashes would be merely to try and make the rear of the building look more authentic, when it cannot really be seen. Given all this I do not think there has been a contravention of the Act. There has been no effect on the special architectural or historic interest of the listed building, and the appeal succeeds on ground (c). I shall quash the notice accordingly.

The Appeal on Ground (a)

6. The appellant has made an impassioned appeal that his building should no longer be listed. But difficulty in making repairs and getting insurance is not a reason to de-list a building, which still contains considerable historic interest. Even if the connection to Mr Hussell is exaggerated or wrong, the building itself is a good example of mid-19th century gothic design and as described above plays an important role in the architectural quality in this part of the High Street. There are no arguments for de-listing and the appeal on ground (a) fails.
7. As the notice is being quashed I do not need to consider ground (e).

Simon Hand

INSPECTOR