
Appeal Decision

Site visit made on 11 April 2016

by P N Jarratt BA DipTP MRTPI

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

Decision date: 31 March 2017

File Ref: Appeal Ref: APP/P1133/F/16/3141640

39 East Street, New Road, Newton Abbot, Devon, TQ12 2JP

- 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 Damian Pope against a listed building enforcement notice issued by Teignbridge District Council.
 - The Council's reference is 16/00001
 - The notice was issued on 24 November 2015.
 - The contravention of listed building control alleged in the notice is:
 - i) The unauthorised removal of two timber sash windows to the front of the property indicated by numbers 1 and 2 as shown on photograph 1 of the building attached to the notice.
 - ii) The unauthorised insertion of three polyvinyl chloride (uPVC) windows indicated by numbers 1, 2 and 3 on the rear elevation of the property as shown on photograph 2 attached to the notice.
 - The requirements of the notice are:
 - i) To the front elevation reinstate original timber sash windows or install two timber sash windows which match in design, form, materials, glazing and details as indicated by numbers 1 and 2 on the front elevation of the property shown on photograph 3 attached to the notice.
 - ii) To the rear elevation remove the unauthorised uPVC windows indicated by numbers 1, 2 and 3 on the rear elevation of the property as shown on photograph 2 attached to the notice.
 - iii) To the rear elevation install three casement windows which match in design, form, materials, glazing and details as indicated by numbers 1, 2 and 3 on the rear elevation of the property shown on photograph 4 attached to the notice.
 - The period for compliance with the requirements is six months.
 - The appeal is made on the grounds set out in section 39(1) (a), (c) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Application for costs

1. An application for costs was made by Mr Damian Pope against Teignbridge District Council. That application is the subject of a separate report.

Decision

2. I shall take no further action

Procedural Matter

3. I conducted a site visit for this Listed Building Enforcement appeal on 11 April 2016. Following the visit, I concluded that I should recommend to the
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Secretary of State that the building which is the subject of the Listed Building Enforcement Notice - 39 East Street, Newton Abbot - should be removed from the Statutory List of Buildings of Special Architectural or Historic Interest ('the List'). The Secretary of State for Culture, Media and Sport has now removed that building from the List. Although the appeal was recovered by the Secretary of State for Communities and Local Government, it was derecovered and the jurisdiction to determine the appeal was returned to me.

4. As the building is now no longer a listed building, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) no longer applies to it, and the Listed Building Enforcement Notice is therefore of no effect. I shall therefore take no further action on this appeal.

P N Jarratt

Inspector