
Appeal Decision

Site visit made on 6 June 2017

by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 12 June 2017

Appeal Ref: APP/J9497/F/17/3169370

The Barn, Southway Farm, Widecombe-in-the Moor, Newton Abbot, TQ13 7TE

- 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 Theodore Wilding-White against a listed building enforcement notice issued by Dartmoor National Park Authority.
 - The enforcement notice, numbered ENF/0150/13, was issued on 5 January 2017.
 - The contravention of listed building control alleged in the notice is without listed building consent, the installation of a velux-type roof light on the northern roof slope of the building.
 - The requirements of the notice are to
 - (a) remove the roof light from the building, including any frame, surrounds and fixings; and
 - (b) reinstate that part of the roof of the building to match in design, form and materials the adjacent roof.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - **Summary of Decision: Appeal dismissed and notice upheld**
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Appeal Site

1. Southway Farm is a Grade II listed building and the barn the subject of the appeal is also listed by virtue of it being within the curtilage of the listed farmhouse. There are also other traditional buildings within the curtilage.

Planning History

2. Two applications were refused in 2013 for the installation of a roof light on the rear south elevation of the converted barn linked to the house (refs 0079/13 and 0477/13). The Authority indicates that the second application was retrospective and an enforcement notice was issued in December 2013 regarding the installation of a velux-type roof light on the south west roof slope. The requirements of the notice were for the removal of the roof light and the reinstatement of the roof, with a 6 month compliance period.
 3. Following non-compliance listed building consent was granted in December 2015 (ref 0590/15) for the removal of a large roof light on the front northern roof slope (the subject of this appeal), to be replaced with a smaller conservation-style roof light and the retention and modification of the small roof light to the rear roof slope of the building, subject to the works being
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carried out within 6 months of the date of consent. The works were not carried out and the consent lapsed on 18 June 2016.

4. The enforcement notice, the subject of this appeal was subsequently issued.
5. Following a site inspection on 18 April 2017, the Authority has confirmed that the notice has been complied with. The roof light to the north elevation has been removed and the roof made good.

Reasons

Appeal on ground (b)

6. An appeal on this ground is that the matters alleged to constitute a contravention have not occurred.
7. The appellant considers the notice to be unwarranted and made without reference to the facts. He states that since 2012 when he acquired the property, he has wished to remove the unsympathetic roof light and reinstate the roof and that this was done before the receipt of the 'Enforcement Order'. He considers that the notice disregards and contradicts the fact that consent has been granted. He further states that the first phase of the approved work, entailing the removal of the redundant ventilation system, was carried out in the required period, but that the project was beset by difficulties. The project was completed earlier in 2017 with the exception of the installation of a small Dakea roof light which he subsequently decided against.
8. I note that the appellant believes that the notice refers to a very large roof light installed by the previous occupant in 1987 about which the Authority indicated that it was unnecessary to apply for consent in respect of the proposed alterations to an adjoining barn. However, evidence in support of this has not been submitted and I cannot therefore reach a view on whether any comment by the authority at that time is relevant to this appeal.
9. However, on the facts before me, at the time the notice was issued there was a roof light on the northern roof slope which did not benefit from any listed building consent and was in contravention of the Act. Listed building consent ref 0590/15 did not allow for the retention of the roof light but in any event the consent has lapsed.
10. Whilst the appellant is clearly aggrieved by the action of the Authority and is convinced that no unlawful work has been carried out, this is not borne out by the facts.
11. As a matter of fact, the alleged unauthorised works to the building have taken place. As the works have taken place, irrespective of other circumstances, an appeal on ground (b) cannot succeed.

Decision

12. The appeal is dismissed.

P N Jarratt

Inspector