



Appeal Decision

Site visit made on 5 January 2021

by **P N Jarratt BA DipTP MRTPI**

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

Decision date: 18 May 2021

Appeal Ref: APP/U1105/F/20/3258749

**Court Place Cottage at Court Place Farm, Wilmington, Honiton, Devon
EX14 9LA**

- 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 and Mrs Steve and Caroline Broom against a listed building enforcement notice issued by East Devon District Council.
- The enforcement notice was issued on 28 July 2020.
- The contravention of listed building control alleged in the notice is the replacement of the:
 - (i) ground floor window on the east elevation with a PVCu window and frame in the approximate location shown labelled window 1 on photograph 3 attached to the notice;
 - (ii) ground floor window on the west elevation with a PVCu window and frame in the approximate location shown labelled window 3 on photograph 1;
 - (iii) ground floor window on the north elevation with a PVCu window and frame in the approximate location shown labelled window 2 on photograph 2; and
 - (iv) ground floor rear door on the west elevation with the door and frame in the approximate location shown labelled door 1 on photograph 1.
- The requirements of the notice are:
 - I) Permanently remove the PVCu window and frame to the ground floor east elevation shown in the approximate location shown labelled window 1 on photograph 3.
 - II) Permanently remove the PVCu window and frame to the ground floor west elevation shown in the approximate location shown labelled window 3 on photograph 1.
 - III) Permanently remove the PVCu window and frame to the ground floor north elevation shown in the approximate location shown labelled window 2 on photograph 2.
 - IV) Replace the PVCu windows and frames removed under step I, II and III above with windows and frames to the following specification:
 - a) The windows to be of timber construction and painted to match existing window paint colour;
 - b) The frames to be of timber construction and painted to match existing window paint colour;
 - c) The windows to be traditionally heritage glazed slim profile with flush fitting side hung casement windows and no fanlights;
 - d) The windows to be flush with the window frames when closed;
 - e) The windows to have no glazing bars or divisions within each casement;
 - f) All glass to be fixed using putty and not beading.
 - V) Permanently remove the PVCu door and frame to the ground floor west elevation shown in the approximate location labelled door 1 on photograph 1;
 - VI) Replace the PVCu door and frame removed under step V above with a door and frame of the following specification:
 - a) The door to be of traditional timber construction with 4 panels with top glazing to the top section and painted to match the existing window paint

- colour; and
 - b) The frame to be of timber construction and painted to match existing window paint colour.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1) (a) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. I shall take no further action.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Procedural Matters

3. Although the address provided by the agent on the appeal form refers to 'Court Place Farm, Cotleigh, Honiton, EX14 9LA', the address indicated on the enforcement notice is 'Court Place Cottage at Court Place Farm, Wilmington, Honiton, Devon EX14 9LA', which is the address I have included above.
4. I conducted a site visit for this listed building enforcement appeal on the 5th January 2021. Following the visit, I concluded that I should recommend to the Secretary of State that the building which is the subject of the listed building enforcement notice – Court Place Farm - should be removed from the statutory list of buildings of special architectural or historic interest ('the List'). The Secretary of State for Digital, Culture, Media and Sport has now removed the building from the list. Although the appeal was recovered by the Secretary of State for Housing, Communities and Local Government it was de-recovered and the jurisdiction to determine the appeal has returned to me.
5. 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