



Appeal Decision

Site visit made on 10 February 2026

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

Appeal Ref: APP/K1128/C/24/3339360

4 Bridge Park, Ivybridge PL21 0AT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Leigh Julyan against an enforcement notice issued by South Hams District Council.
 - The notice was issued on 21 January 2024.
 - The breach of planning control as alleged in the notice is: the construction of a first-floor balcony.
 - The requirements of the notice are to:
 - (i) Remove the balcony in entirety;
 - (ii) Remove all building material and rubble arising from requirement (i) from the land.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) and (c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appellant initially pleaded ground (a) but as the relevant fee was not paid, the appeal does not proceed on that ground. I will not therefore consider the planning merits of the development.

Appeal on grounds (b) and (c)

3. To succeed on ground (b), it is incumbent on the appellant to demonstrate that the matters which are stated in the allegation have not occurred, as a matter of fact. The appellant doesn't dispute that a first-floor balcony has been erected but rather argues that it is not a breach of planning control which is pertinent to ground (c), I will consider these grounds together.
4. There is no dispute that planning permission had been given by the Council with reference 2238/20/HHO and described as a "householder application for erection of two storey rear extension." The appellant does not dispute that the development as alleged on the notice would require planning permission, rather they consider it was authorised by that planning permission.
5. The drawings submitted with the planning application state a scale of 1:100 and include a scale bar although they are rudimentary in how they show what was proposed. The elevation drawings in particular indicate a very basic representations of the proposed appearance and design of the extension but the floor-plans are clearer. The positions and sizes of window openings are approximately represented on the elevation drawings, and some openings have not been constructed where I interpret that they were intended, according to those

drawings. The Council registered the application without a request for more accurate drawings which I find surprising. However, overall the basic form of the proposed 2 storey extension is relatively understandable even if the details are obviously not completely accurate.

6. The drawing showing the proposed east elevation indicates features which I can see maybe 3 pillars although that is because I am looking with the benefit of knowing the appellant's case and having seen what has been constructed. Relative to one another these pillars are very roughly in line with where the 3 brick pillars have been constructed and which support the first-floor balcony. On the proposed north elevation plan, the position of the pillars gives no realistic indication of there being any depth to what is shown. A structure as built and as shown on the "as proposed site plan" could not be supported on such pillars in those positions. Whilst there is a representation on the elevation drawings of a low feature around first floor level linking those pillars, that does not represent with any accuracy a railing such as has been built or that would provide any barrier around the edge of a balcony. The proportions of these features are not accurate and furthermore do not show a structure of the proportions that have been constructed.
7. The decking shown on the site plan is in a similar position to the decking that has been constructed, but that feature is not shown on the proposed first-floor layout drawing which I would expect, as it has been constructed at that level and is accessed from a double door at first floor level. On the east elevation drawing a door at that level is shown in a similar position to what has been constructed but the width of it conflicts with what is shown as the door serving bedroom 4 on the first-floor layout plan. The outline of the decking shown is also a different shape with a cut-away corner whereas the constructed development has a square corner. There is no indication of any first-floor balcony or deck on the proposed south elevation which is a significant omission because it is seen from that side.
8. The approved plans therefore have significant inaccuracies. The ambiguous indications of what the appellant says are the balcony as constructed have some similarities but overall as a matter of fact and degree the feature was not clearly, accurately or completely shown on the submitted plans. A reasonable interpretation of the drawings is that it does not include a balcony or raised deck at first-floor level as part of the proposal. The lack of reference to it on the description of the development adds weight to my consideration of this. Something is shown on some of the drawings which in my view should have been clarified before planning permission was given but overall it bears little resemblance to the current structure.
9. The development as alleged has occurred and so the appeal on ground (b) must fail. Furthermore, the development requires planning permission and does not have it. Therefore, the appeal under ground (c) fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice

Andy Harwood

INSPECTOR