



Appeal Decision

Site visit made on 28 April 2026

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2026

Appeal Ref: APP/F9498/C/24/3353696

Caravel, 14 Lynmouth Street, LYNMOUTH, Devon, EX35 6EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr John Loveless against an enforcement notice issued by Exmoor National Park Authority.
 - The notice was issued on 9 September 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the replacement of *5* timber windows and *2* French doors on the first floor and *2* timber windows on the second floor on the north-eastern (Riverside Road) elevation from timber to uPVC windows and doors.
 - The requirements of the notice are: Remove the uPVC windows and doors at first and second floor levels on the north-eastern (Riverside Road) elevation from the above named property and replace them with windows and doors that are constructed from natural timber and match the design, size, colour, moulding form, glazing layout and manner of opening as the existing timber windows and doors in the building timber framed windows and French doors to match the specifications of the previously removed windows and French doors. Planning consent will be required for the replacement windows doors and, as such, an application for the work must be submitted to Exmoor National Park Authority and consent obtained before the work is undertaken.
 - The periods for compliance with the requirements are: 6 months to make a planning application for the replacement windows and doors; and 6 months to install the replacement windows and doors.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The notice is found to be a nullity and no further action will be taken in connection with the appeal. In the light of this finding, the local planning authority should consider reviewing the register kept under section 188 of the 1990 Act as amended.

The Notice

2. Section 173 of the Act sets out the statutory requirement for the contents and effect of an enforcement notice. S173(2) states that it must enable any person on whom a copy of a notice is served to know what the matters alleged in the Notice are. Amongst other things, s173(3) requires the notice to specify the steps which the local planning authority require to be taken; and s173(9) requires that a notice specifies the period at the end of which any steps are required to have been taken.
3. In this case, the allegation is clear. This is the replacement of timber doors and windows with uPVC windows and doors on one of the building's elevations.
4. The steps that the NPA require to be taken are set out in section 5 of the Notice, 'What you are required to do'. These are set out in my Header, above, so need not

be repeated in full here. In brief, firstly, there is a requirement to remove the windows that have been installed; this is clear and accords with s173.

5. Thereafter, section 5 requires the replacement of the doors and windows removed with *“windows and doors that are constructed from natural timber and match the design, size, colour, moulding form, glazing layout and manner of opening as the existing timber windows and doors in the building”* but immediately goes on to say *“timber framed windows and French doors to match the specifications of the previously removed windows and French doors”*.
6. Thus, two requirements are given there. In the absence of the word ‘or’, there is not a choice of options for the recipients of the Notice. There is nothing before me to show whether the requirements are compatible; that is to say, that the existing windows had the same specifications as those that were removed.
7. Further, section 5 refers to the need to make a planning application for the replacement windows. This adds to the confusing and vague nature of the Notice. It should clearly set out what is required to remedy the breach of planning control without the need for an application to be made. The Notice is unacceptable because of the uncertainty this introduces.
8. The problem with the requirement for a planning application to be made is compounded by the open-ended nature of the time for compliance. It requires an application to be made within a certain period and the works to be undertaken likewise. It does not, however, give a period for the determination of the application. Whilst this might be varied without injustice, it provides further evidence of the lack of precision in the Notice.
9. Overall, the Notice is vague, confusing and uncertain to its recipients; it is insufficiently precise and fails to meet the test in *Miller-Mead v MHLG* [1963] 2 WLR 225 that recipients of a Notice know what they are required to do from its four corners.

Conclusion

10. I conclude that the notice is a nullity. In these circumstances, the appeal on the ground set out in section 174(2)(a) of the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended does not fall to be considered.

R Curnow

INSPECTOR