

DELEGATED COMPLIANCE MATTERS

1 SUMMARY

- 1.1 The Head of Development Management has delegated powers for dealing with certain planning enforcement and related actions. The scheme of delegation requires that we report such actions to the next available Development Control Committee. This report provides that information.

2 DELEGATED DETERMINATIONS

- 2.1 As Local Planning Authority, we have discretion to take enforcement action when we consider it expedient to do so. Planning Policy Guidance (PPG18), Enforcing Planning Control, advises that in considering any enforcement action the decisive issue should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest. It also states that enforcement action should always be commensurate with the breach of planning control to which it relates.
- 2.2 In 2005, we adopted the national Enforcement Concordat and our new enforcement policy, which set out how we will deal with breaches of planning control.

3 DELEGATED DETERMINATIONS NOT TO ENFORCE

- 3.1 Having considered relevant development plan policies and material planning considerations, we have decided that it would not be in the public interest for us to take enforcement action to remedy the following breaches of planning control:
- 3.2 Reference: E/2008/0129
Location: Spindlestones, Bowness-on-Windermere
Breach: Breach of condition 2 on planning permission reference 7/2007/5484

Spindlestones is a modern attached dwelling. In October 2007 planning permission was conditionally granted for the construction of a ground floor extension which also included the provision of a balcony at first floor level over the extension (planning permission reference 7/2007/5484).

Condition 2 of the permission states that:

A wall 1.75m high, rendered to match the existing house, shall be constructed on the west edge of the balcony prior to the extension hereby approved being brought into use.

REASON: To protect the privacy of the adjacent property.

The wall required by condition 2 has not been erected.

Although the balcony affords some overlooking of the garden of Briars Lea this is no greater than was existing prior to its erection. In fact both properties overlook each others gardens.

Briars Lea was not entirely private prior to the erection of the balcony. The balcony without a wall or screen does not significantly increase the actual overlooking into Briars Lea.

The feeling of being overlooked may have increased but sufficient harm has not been caused to residential amenity to warrant the taking of enforcement action.

4 DELEGATED DETERMINATIONS TO ENFORCE

4.1 In the following case, our initial attempts to persuade the developer of the land to remedy the harmful effects of unauthorised development failed. In these instances, we considered that it was expedient to initiate formal enforcement proceedings to regularise the breach and the Authority issued and served a notice. This section of our report provides an update on this case.

4.2 Reference: E/2008/0043
Location: 2 How Head, Ambleside
Breach: Without listed building consent the replacement of window frames finished externally with dark stain

2 How Head is an attached grade II listed building located within the Ambleside conservation area. It forms part of a group of houses which are all listed buildings.

Four windows have been replaced in timber and finished with a dark stain, two in the north east elevation, one in the north-west elevation and another in the south east elevation.

The replacement windows are acceptable in terms of design and proportions. However, the dark stain which has been applied detracts from the traditional character of the dwelling and the overall appearance of the group of houses.

An enforcement notice was issued under delegated powers on 16 March 2011. The notice requires that the windows are painted white by 16 June 2011.

4.3 Reference: E/2008/0103
Location: Harpers Lot, Crook
Breach: Material change of use of land for storage

Harpers Lot is an area of land located off the B5284 at Crook. The land was formerly used as grazing land. The owner of the land is using the land for storage purposes.

There are various items stored on the land including various vehicles which appear to be scrap, a trailer back, porta cabins, a JCB, two filing cabinets, a plough, timber, bricks and various smaller items which also appear to be scrap.

The storage use is currently taking place without planning permission and causes unacceptable harm to the character and appearance of the landscape. The use is not appropriate in this open countryside location and is contrary to Lake District National Park Core Strategy Policies CS02, CS25 and CS22.

An enforcement notice was issued under delegated powers on 10 March 2011. The notice requires that the use of the land for storage permanently ceases and the removal of all of the items stored on the land by 10 June 2011.

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Date Written

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