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:

Reference: E/2008/0018
Location: Blakeholme Wray, Newby Bridge, Ulverston, LA12 8NR
Breach: Raised seating area

3.2 A raised timber seating area has been formed adjacent to the lakeshore within the grounds of this large detached dwelling where a pillbox was formerly sited. The seating area has been constructed in oak and has been finished to a high standard. The structure is partially screened by vegetation and its appearance over time will continue to merge with the backdrop when viewed from the lake. We do not consider that the development causes harm to the character and appearance of the lakeshore and does not conflict with policy.

Reference: E/2008/0266
Location: Bigland Hall Caravan Park, Haverthwaite, Ulverston, LA12 8PJ
Breach: Formation of level surface

3.3 The owners of the caravan park have been undertaking improvements. They have increased the size of one of the pitches and moved it closer to the woodland. To do so they have raised the level of part of the pitch to create a level surface. No trees have been removed and materials have been kept clear of nearby root systems. The pitch is well screened by trees. The development is not contrary to policy.

Reference: E/2009/0014
Location: Guards Lonning, Gosforth, Cumbria, CA20 1EN
Breach: Enclosure to form cattle pen
3.4 An enclosure has been erected to form a cattle pen. The development would have been permitted development not requiring our express planning permission were it not for a relatively small part of the enclosure being over the permitted development height. There were initial concerns because the enclosure projects over a bridleway but it has since been confirmed that the encroachment does not adversely affect its use. In all other respects the enclosure is considered to be acceptable and in accordance with policy.

4 DELEGATED DETERMINATIONS TO ENFORCE

4.1 In the following case, our initial attempt to persuade the owner or occupier of the land to remedy the harmful effects of unauthorised development has failed. In this instance, we considered that it was expedient to initiate formal enforcement proceedings to regularise the breach and the Authority issued and served enforcement notices under delegated authority. This section of our report provides an update on a case.

Reference: E/2006/0063
Location: The Lodge, Ridding Bay, Lakeside, Ulverston
Breach: Stone wall

4.2 We reported this case to the Committee in April 2008. It involved the erection of a replacement stone wall along the western boundary of the curtilage of the Lodge that bounds the highway. The wall measured between 1.6 and 2.0 metres in height. The section of wall is approximately 40 metres long and is adjacent to the edge of the highway.

4.3 The wall created an obstruction to the view of users of the highway and obstructed the views of pedestrians from vehicles travelling south. In addition, the wall obstructed views of users of the entrance to the Lodge and Ridding Bay. Due to its height, the wall was considered to have an unacceptable effect on highway safety and was likely to cause danger to highway users.

4.4 We issued an enforcement notice on 19 February 2008. It required the lowering of the wall such that no part of it between two points exceeded 1.2 meters in height above the level of the adjacent highway. An enforcement appeal was lodged and following a hearing, the Planning Inspectorate dismissed the appeal and upheld the enforcement notice on the 30 October 2008. The requirements of the notice have now been complied with in full.

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