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/2008/0221
Location:  Merewood Hotel, Ecclerigg, Windermere, LA23 1LH
Breach:  Formation of hardstanding

A permeable hardcore surface has been formed to enable access to the surrounding woodland for management purposes. The hardstanding is not readily visible from public viewpoints because of the surrounding woodland. It is well related to the existing car park and is not considered to harm the character or appearance of the locality.

Reference:  E/2008/0250
Location:  Stonethwaite, Birthwaite Road, Windermere, LA23 1DF
Breach:  Timber cladding of part of building

Part of a building housing a swimming pool has been timber-clad and its roof replaced with cedar shingle tiles. The timber-clad building is linked to the dwelling by a single-storey extension. Because this is not prominent, at first glance the timber-clad building appears to be detached from the dwelling. The dwelling has a large curtilage and because of mature vegetation, hedging on the boundary and a rocky outcrop to the south west of the land there are only partial views of the timber-clad building form public viewpoints. Accordingly, while the cladding of the building does not match the dwelling we do not consider that it harms the character and appearance of the dwelling or locality.
Reference: E/2008/0276  
Location: Campsite at Hoathwaite Farm, Torver, LA21 8AX  
Breach: Temporary toilet containers

Two metal containers housing toilet facilities have been sited in a field between the farm and a lake. They are connected to a septic tank and have access ramps and for this reason, we consider them to constitute development that requires planning permission. They are intended to be used in association with use of the land as a caravan site from Easter. The current tenancy of the farm expires on 30 April 2009 and we have received assurances that they will be removed if the tenancy is not extended or attempts will be made to secure more appropriate toilet facilities elsewhere on the site. We consider that it is not expedient to enforce at this time but have programmed a review of the situation on the 1 May 2009.

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