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/2009/0029
Location: Land to the north of Boundary Bank Bungalow, Kendal
Breach: Storage of materials

3.2 Materials including slate and stone are being stored on the land constituting a material change of use. The owner of the land intends to use the materials for proposals currently being considered by South Lakeland District Council. The materials are inert and the Environment Agency has no concerns. The materials are sited close to existing boundary stone walls and do not exceed their height and so are not prominent from public viewpoints. The owner has confirmed he has no intention to bring more materials onto the site. We consider no further action be taken at this time and will monitor the land to ensure that the materials are removed within a reasonable timescale.

Reference: E/2006/0063
Location: The Pumphouse, Felldyke, Lamplugh
Breach: Blue slate roof covering

3.3 The Pumphouse is a detached building located in a field to the northeast of the small hamlet of Felldyke. The building was used in association with Cogra Moss reservoir, but it has been unused for many years. The previous owner removed the slate roof and replaced it with corrugated sheeting. In recent years, the wind has blown off some of the sheeting.

3.4 In September 2003, we issued an enforcement notice that required the roof to be covered with local green slate within 12 months. The notice was not complied with but in 2006, we decided not to take further action. In October 2007, we received a planning application to the change of use of the building to a camping barn.
3.5 The application included reroofing the building. Although we refused planning permission, in October 2008 the Planning Inspectorate upheld an appeal and granted planning permission for the development. The inspector attached a condition that required the building to be roofed with local green slate. However, second hand blue slate has been used.

3.6 Local green and blue slates are distinguishable when new but as they weather, they become more similar in appearance. The weathered slate used has a similar appearance to other slate used in the area although there is no other building in the immediate locality to draw a direct comparison.

3.7 We consider that the weathered blue slate is acceptable in these circumstances and do not consider it expedient to secure compliance with the condition imposed by the Planning Inspectorate.

4 DELEGATED DETERMINATIONS TO ENFORCE

4.1 In the following cases, 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 notices. This section of our report provides an update on these cases.

Reference: E/2005/50006  
Location: Christopher North Cottage, Old Elleray, Windermere  
Breach: Listed building alterations

4.2 On 1 March 2005, the Development Control Committee authorised listed building enforcement action in relation to alterations to the windows in this listed building. We issued a listed building enforcement notice on the 2 August 2005 requiring the removal of the modern window frames and their replacement with windows to match the appearance of the former original windows followed by appropriate external white painting. The requirements of the notice have been complied with in full.

Reference: E/2007/0296  
Location: Blue Line Taxis, Back Ellerthwaite Road, Windermere  
Breach: Taxi office and ancillary workshop

4.3 This case involved the unauthorised material change of use of the land and buildings to a taxi office and ancillary workshop. Delegated authority was authorised on the 11 September 2008 to secure the cessation of the unauthorised use following the Development Control Committee’s refusal of retrospective planning permission for the use on the 3 September 2008.

4.4 We issued a notice on the 25 September 2008 requiring the cessation of use of the land as a taxi office and ancillary workshop within 3 months of the notice coming into effect. The unauthorised use has ceased and the requirements of the notice have been complied with.

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