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/2009/000053
Location: Field near Ellers Brow, Skelwith
Breach: Formation of a hard surface and track

Planning permission was granted in September 2008 for the change of use of this field for the keeping of horses and the erection of stables. The stables are now complete and in use. Local crushed stone has been used to create a hard surface next to the stable and a short track into the field.

The works are not prominent as there is existing screening and further planting has taken place. Although they can be seen from a neighbouring public footpath the appearance of the works is beginning to soften as grass and other vegetation grows through the stone. The surface and the track do not cause demonstrable harm to the landscape and further action is not warranted.

3.3 Reference: E/2008/0154
Location: Low Nabs Wood, Lindale
Breach: Works to access - infilling

Low Nabs Wood is located adjacent to the A590 west of Meathop Roundabout. There is an existing access to the land off the A590 dual carriageway. Infilling has taken place on both sides of the existing access to widen it. The infilling is on highway land.

The Highways Agency has indicated that some improvements to the access would be acceptable, if the works met their technical standards. They have no detailed specifications about the materials or techniques which were used as part of the
infilling, but they have powers to require the material to be removed if they have concerns about the technical issues.

The infilling does not cause demonstrable harm to the character and appearance of the area and further action is not warranted.

3.4 Reference: E/2009/0079
Location: Bridge End Farm, Santon Bridge
Breach: Erection of a sheep building

This farm consists of a number of traditional stone and slate buildings and one larger modern shed. The farmer has erected an additional building for his sheep to the north east of the existing buildings. The new building has low level timber walls and a plastic arc roof. The building has been designed to meet a temporary need for additional sheep handling and housing space. We have received no concerns about the building from the public.

The building is visible, but it is seen against the existing farm buildings and is of an appropriate size. The building complies with policies NE1 (Development in the Open Countryside) and A1 (Agricultural and Forestry Buildings) of the Local Plan. The limited visual impact of this building does not cause harm to the wider landscape or public amenity.

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.

4.2 Reference: E/2007/0139
Location: Hunting Stile Lodge, Grasmere
Breach: Sub-division of two flats into four holiday apartments

This case involved the unauthorised material change of use of two flats into four self contained holiday apartments. The change of use was contrary to Structure Plan Policy H20, which is central to our housing policies. Following the refusal of a retrospective planning application delegated authority was authorised on the 23 January 2008 to issue an enforcement notice to stop the unauthorised use.

We issued a notice on the 19 February 2008 requiring the unauthorised use to permanently cease within three months of the notice coming into effect. The owners appealed the notice and there was a Hearing on 16 September 2008. The Inspector dismissed the appeal, but he did extend the compliance period to six months. The notice came into effect on 25 September 2009. The unauthorised use ceased before 25 March 2009. The requirements of the notice have been complied with.

5 REMOVAL OF UNAUTHORISED ADVERTISEMENTS

5.1 Section 225 of the Town and Country Planning Act enables a Local Planning Authority to remove or obliterate certain unauthorised advertisements. In most cases, we must give prior notice of our intention to remove the sign. We gave notice in respect of the following:
5.2 Reference: E/2009/0104
Location: Little Chef and BP Garage, Ings
Description: Display of banners

All of the banners were removed prior to us exercising these powers.

6 DELEGATED DETERMINATIONS TO ISSUE PLANNING CONTRAVENTION NOTICE

6.1 In the following case, we have issued and served a planning contravention notice (PCN). The Authority may serve a planning contravention notice where it appears to it that there may have been a breach of planning control. It requires the owner or occuper of the land to supply information as to a) any operations being carried out on the land and any other activities being carried out on the land; and b) any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted. A PCN is often used as a prerequisite to the initiation of formal enforcement proceedings.

6.2 Reference: E/2009/0044
Location: Wilkinson View, Backbarrow
Breach: Alleged breach of condition 4 (local occupancy) on planning permission reference 7/2008/5437.

This relates to a potential breach of a local occupancy condition. The developer has not responded to our letters asking for further information. The PCN reply will supply the information needed for us to determine whether there is a breach of planning control.

Author: Julie Birkett (Compliance Planner)
Date Written: 15 June 2009