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/2009/0119
Location: High Cark Hall Farm, Field Broughton
Breach: Non-compliance with condition 4 on 7/2006/5400 - landscaping

Planning permission for a livestock building was granted on this site in August 2008. A condition was attached which required a landscaping scheme to be submitted, agreed and implement. A scheme was submitted and agreed, but not implemented.

Planning permission for a storage building on the same land was approved in June 2009. A landscaping condition was also attached to this permission. It is more appropriate to agree a new landscaping scheme for the site as a whole under the new condition rather than seek the implementation of the previously agreed scheme which only covers part of the site.

The site has been added to the monitoring list to ensure the new condition is complied with in full.

3.3 Reference: E/2007/0237
Location: The Old Vicarage, Troutbeck
Breach: Formation of vehicular access and parking area

The Old Vicarage is a large detached house off Green Gate Lane which is an unclassified road. A vehicle access has been created off Green Gate Lane. The access leads to a parking area to the rear of the house.

The access and the parking area have both been finished to a high standard using local materials. The Local Highway Authority has confirmed that they have no...
objections to the access. The access and the parking area cause no harm to the character and appearance of the area or highway safety.

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