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/2009/0009
Location: Land to the south of Redmain Hall, Redmain
Breach: Erection of shed and formation of hard standing

A small timber shed (2m x 1.5m) has been erected on a concrete base near the River Derwent. The shed is used by four fishermen who monitor and record fish stock levels for the river owner. Gravel has been used to create a parking area next to the shed for two cars.

The shed is small and has a dark colour so it is not intrusive. The parking area is already beginning to green over as vegetation grows through the gravel. The shed is serving a useful function in assisting in the management of fish stocks in the river. Neither the shed nor the parking area cause significant harm to the amenity or character of the area. No further action is warranted.

3.3 Reference: E/2009/0213
Location: Cleabarrow, Windermere
Breach: Erection of fence

This case relates to one sheet of corrugated sheeting which has been attached to an existing fence. As the sheet exceeds two metres in height it amounts to a breach of planning control.

The corrugated sheet is at one end of a proposed public right of way. Our Access Adviser has confirmed that she is in contact with the landowner and the sheet will be removed when the right of way has been designated.
This is a very minor matter, which causes little harm. The corrugated sheet is due to be removed so no further action is warranted.

3.4 Reference: E/2009/0226  
Location: Trotters World of Animals, Bassenthwaite  
Breach: Replica Viking sheiling

A building has been erected within one of the enclosures at Trotters World of Animals. The current building which is a replica of a Viking sheiling replaces a replica celtic roundhouse. The building was built as part of a traditional skills training programme.

The site is self contained and the building has been located within mature woodland. It has been constructed from local materials including local stone and timber and has a turf roof.

The building does not harm the character or amenity of the area. It is not occupied and is part of the visitor attraction. It has been provided for educational purposes to illustrate living archaeology. No further action is warranted.

3.5 Reference: E/2009/0231  
Location: Knipe Fold Farmhouse, Outgate  
Breach: Summer house

Knipe Fold Farmhouse is a traditional lakeland house adjacent to the road. The garden is substantial and wraps around three sides of the house. A timber summer house has been erected in the rear garden. The ground is sloping, so the summer house is raised above ground level at the front. It would have been permitted development if it did not have the raised platform.

The summer house can be seen from the road, but it is a domestic structure which is clearly integrated with the use of the house and garden. The neighbour house can be seen from the summer house, but there is no increase in overlooking. The summer house is visually acceptable and does not adversely affect the amenity of the area.

3.6 Reference: E/2009/0235  
Location: Orchard Cottage, Blindcrake  
Breach: Revised balcony

Planning permission was granted in 1974 to extend Orchard Cottage. The permission included a balcony to the rear of the house. Over the years this balcony become unsafe so the owners replaced it with another balcony of a slightly different design.

The new balcony has no steps down to the garden but the height, position and overall size has remained the same. The new balcony does not increase overlooking of the neighbours property and is visually very similar. It is not in the public interest to take action against the replacement balcony.

4 DELEGATED DETERMINATIONS TO ENFORCE  

4.1 In the following case, our initial attempts to persuade the developer of the land to remedy the harmful effects of unauthorised development 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 a notice. This section of our report provides an update on this case.

4.2 Reference: E/2008/0140  
Location: Land at Low Netherscale Farm, Embleton  
Breach: Storage of builders rubble, aggregate and stones

This land is next to the old road to the south of the A66 at Embleton. Material is being stored on the land and covered an area approximately 10 metres by 70 metres.

An agreement was reached with the owner and the Environment Agency for the material to be removed however the agreed timescale was not met. Delegated authority was authorised on 8 October 2009. We issued the enforcement notice on 9 November 2009. The notice requires all of the material to be removed by 21 April 2010.

5 DELEGATED DETERMINATIONS TO ISSUE PLANNING CONTRAVENTION NOTICE

5.1 In the following cases, 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 occupier 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.

5.2 Reference: E/2009/0101  
Location: Land opposite Force Close, Stockghyll Lane, Ambleside  
Breach: Alleged storage of building material and waste

This relates to the storage of material and waste on a parcel of land accessed from Stockghyll Lane. The PCN reply will supply land ownership information and details of the levels of use.

5.3 Reference: E/2009/0186  
Location: Owerhouse, High Mosser, Cockermouth  
Breach: Alleged stationing of a static caravan

This relates to a caravan which is stationed in the yard at Owerhouse. The PCN reply will supply the information needed for us to determine how the caravan is being used. We will then be able to confirm whether a material change of use has occurred.

5.4 Reference: E/2009/0230  
Location: Yew Tree Inn, Seatoller  
Breach: Alleged alterations to listed building and create of dwelling unit

It has been alleged that alterations have taken place within Yew Tree Inn to create a separate dwelling. The PCN reply will supply the information necessary from us to determine if a material change of use has occurred and whether alterations have been made to the interior of the listed building.
6 COMMITTEE DETERMINATIONS TO ENFORCE

6.1 In the following case Committee determined to take formal enforcement proceedings to regularise the breach. This section of our report provides an update.

6.2 Reference: E/2009/0061
Location: Silverholme, Graythwaite
Breach: Alterations to listed building

This matter was considered by Development Control Committee in July 2009. Members authorised enforcement action to secure the reinstatement of three chimney stacks on Silverholme, a grade II listed building.

Following further discussions with the owner’s agent an enforcement notice was served on 28 October 2009. It requires the stack to be rebuilt by 9 April 2010. A builder has been employed and was due to start work at the end of October, so the work should been completed before the compliance date.

Author: Julie Birkett (Compliance Planner)
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