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/2008/0316
Location: Loggia, Dale End Farm, Grasmere
Breach: Alteration to domestic outbuilding

The Loggia is a detached outbuilding within the garden of Dale End Farm. The house and outbuilding are just below Red Bank Road.

In 2004 planning permission was granted for alterations to the outbuilding. When work started they found that the outbuilding had no foundations. Further excavations were required to stabilise the banking behind the outbuilding and Red Bank Road. The excavations resulted in the north eastern elevation which faces the lake being taller than originally expected. The ridge height is at the same level as approved but the base of the building has been set further into the ground. The outbuilding as completed is materially different to the plans approved under 7/2004/5067. This means the alterations to the outbuilding do not benefit from planning permission and are unauthorised.

The building has been finished to a high standard, using both local stone and slate which are in keeping with the local vernacular tradition. The alterations are visually acceptable as they respect the character of the area and there is no adverse affect on the amenity of the neighbouring properties. No further action is warranted.

3.3 Reference: E/2009/0120
Location: Flat over Staveley Chip Shop, Main Street, Staveley
Breach: Satellite dish

A satellite dish has been sited at first floor level on the gable end of the chip shop in Staveley. The dish is white and has a diameter of approximately one metre. The
occupants of the flat have tried to relocate the dish in alternative, less prominent locations but this is the only position where they can receive a signal.

The dish is white and the building is painted off white. This means that the dish blends into the background and is not visually apparent when viewed from a distance. The dish is visible from the public road, but it does not harm the appearance of the building or its setting in the street scene. It has a neutral affect on the character and appearance of the conservation area.

We could re-visit this decision should a proliferation of satellite dishes appear in prominent locations around the conservation area.

3.4 Reference: E/2009/0116
Location: 1 The Chapel, Main Street, Staveley
Breach: Erection of fence

The Chapel is a traditional building which has been subdivided into four dwellings and is located within the Staveley conservation area. A small section of fence over one metre in height has been erected at the front of the house, adjacent to the highway.

The fence has timber boarded panels and is about three metres in length. It has been finished a dark brown colour. The fence is built from a traditional material and has a simple appearance. It does not cause harm to the appearance or character of the conservation area, so further action is not warranted.

3.5 Reference: E/2009/0094
Location: Lords View, Nook Lane, Ambleside
Breach: Creation of garden terracing and erection of boundary wall and fence

Lords View is a relatively modern, large detached dwelling. The garden of Lords View backs onto the gardens of houses on Castle Field housing estate. There is an alley to the south of the dwelling which runs between Castle Field and Nook Lane.

A boundary wall and fence has been erected between the alley and the garden of Lords View. Work has also taken place to form terraces within the garden.

The terracing has been grassed over and is screened from public views by the boundary wall and fence. It has not affected the amenity of the neighbouring houses.

The boundary wall is white painted render to match the house and the fence is timber and has a domestic appearance. The boundary treatment is in keeping with the style of the house and is not out of character in this residential setting. No further action is warranted.

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/2007/0319
Location: Punch Bowl Inn, Askham
Breach: Construction of smoking shelter
This matter was considered by Development Control Committee in November 2008. Members determined to refuse the retrospective application for the smoking shelter for a number of reasons which include:

- the harm to the setting of the main inn building which is a listed building, and
- the harm to the character of the Askham conservation area.

Following further discussions and negotiations with the owners and their agent an enforcement notice has been issued to secure the removal of the smoking shelter.

5 DELEGATED DETERMINATIONS TO ISSUE PLANNING CONTRAVENTION NOTICE

5.1 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 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/2009/0139
Location: Land between A5074 and River Gilpin, Crosthwaite
Breach: Alleged siting of two caravans.

This relates to two caravans which are stationed on a small parcel of land. The PCN reply will supply the information needed for us to determine how the caravans are being used. We will then be able to confirm whether a material change of use has occurred.

Author Julie Birkett (Compliance Planner)
Date Written 12 August 2009