DELEGATED DECISIONS ON ENFORCEMENT MATTERS BY THE HEAD OF DEVELOPMENT MANAGEMENT ACTING UNDER DELEGATED AUTHORITY

In 2023/24 we received 270 complaints of alleged breaches of planning control. Often breaches of planning control are resolved without formal enforcement action - for example the owner or occupier may voluntarily remedy the breach. Sometimes it may be appropriate to regularise the breach with a retrospective permission. In some cases it may be necessary to take formal action. In other cases it may not be expedient to pursue formal action even though voluntary resolution or regularisation cannot be achieved.

PLANNING CONTRAVANTION NOTICES ISSUED

E/2024/0197, Haveriggholme, Torver, Coniston, LA21 8BU
Alleged annexed caravan being used as a separate dwelling

A concern has been received about the occupation of an existing caravan located in the garden of a domestic property. To gather information about how the caravan is being occupied we have issued a planning contravention notice. The information will help us to confirm if a breach of planning control has occurred.

E/2024/0267, Gillside Barn, Grasmere, Ambleside, LA22 9RU
Alleged non-compliance with enforcement notice E/2019/0180 - use as dwelling

In October 2020 we issued an enforcement noticed which required the use of this building as a dwelling to cease. We closed the case in November 2021 as it appeared the notice had been complied with. We recently received a concern that the building was being occupied as a dwelling. We have issued a planning contravention notice to confirm how the building is being used. The information will help us to confirm if a breach of planning control has occurred.

E/2025/0001, Esps Farm, Embleton, Cockermouth, Cumbria, CA13 9XH
Alleged use of caravan as self-contained residential caravan

A caravan has been sited in the yard of range of former agricultural buildings which have planning permission to be converted into dwellings. We have issued a planning contravention notice to confirm how the caravan is being occupied and gather information about the where the occupiers are employed. The information will help us to confirm if a breach of planning control has occurred.

E/2024/0042, 131, Craig Walk, Bowness-on-Windermere, Windermere, LA23 3AX
Alleged use of HMO as holiday letting accommodation

This former house of multiple occupation has been renovated and is now being occupied as a holiday letting property. We have issued a planning contravention notice to gather information about the holiday letting use. The information will help us to confirm if a material change of use has occurred.

E/2024/0269, 10 Landing Close, Lakeside, Ulverston, Cumbria, LA12 8AP
Alleged change of use of dwelling to holiday letting accommodation - party house

This dwelling is now being occupied as a holiday letting property. We have issued a planning contravention notice to gather information about the holiday letting use. The information will help us to confirm if a material change of use has occurred.

INVESTIGATIONS CLOSED

E/2019/0362, Doddick Farm, Threlkeld, Keswick, CA12 4SY
Alleged unauthorised new build residential holiday letting accommodation
Reason for closure: Breach - Retrospective permission

A new building for holiday accommodation purposes has been erected on land to the north of Doddick Farm. There was no planning permission for this building; a breach in planning control had occurred. A retrospective planning application was received and subsequently approved. The breach in planning control has been resolved.

E/2020/0004, Kiln Howe Beck, Threlkeld, Keswick
Alleged earthworks and access across beck
Reason for closure: Breach - Not expedient to enforce

Development to alter ground levels, install stone revetments and form a causeway crossing took place in breach of planning control. An enforcement notice was issued due to concerns about flood risk and harm to protected habitat. The enforcement notice has been partially complied with and this has resolved the flood risk concerns and the majority of the identified visual harm. The area of fill and the revetment wall which have not been removed do not cause sufficient harm to warrant further action being taken. The visual impacts are minor now the natural vegetation has regenerated.

E/2020/0114, Lodore Falls Hotel, Borrowdale, Keswick, CA12 5UX
Alleged unauthorised use of emergency car park, failure to reinstate contractors' compound, and unauthorised illuminated sign
Reason for closure: Breach - Retrospective permission

The use of the temporary emergency car park as an extension to the main hotel car park for permanent use did not comply with permission 7/2016/2018. This was a breach in planning control. A planning application was submitted to regularise the situation which was subsequently approved. The breach has been resolved.

E/2020/0230, Old Joiners Workshop, Threlkeld
Alleged breach of condition 3 on planning permission 7/2018/3041 - use as holiday letting accommodation
Reason for closure: Breach - Notice complied with

The Old Joiners workshop has been converted to a local occupancy dwelling. The dwelling was initially occupied as short-term holiday accommodation. This was not in compliance with condition 3 of permission 7/2018/3041. A Breach in Condition Notice was served. The property has subsequently been sold and is being occupied as a home in accordance with the permission. The breach has been resolved.

E/2020/0254, Lone Oak, Elleray Road, Windermere, LA23 1AG
Alleged running of business from domestic house
Reason for closure: No Breach - Not development

We received concerns about a business being run from a domestic property. Our investigation revealed that the owner has business premises elsewhere and that the parking of a business vehicle at a domestic property does not constitute a material change of use.

E/2020/0277, Land east of Oak Bank Farm, Loweswater, Cockermouth, CA13 0RR
Alleged unauthorised use of movable structure as holiday lets
Reason for closure: Breach - Notice complied with

A residential unit was sited in a woodland and was occupied as short term holiday accommodation. This resulted in a material change of use of the land and was in breach of planning control. We issued an enforcement notice which was upheld on appeal subject to some variations.

The holiday unit and all the associated items have been removed from the land in compliance with the enforcement notice. A small area of gravel, which was used as a parking area has not been removed, but grass is growing through the surface. The retention of the gravel does not warrant further action. The enforcement notice has been substantial complied.

E/2020/0310, 11 Landing Close, Lakeside, Newby Bridge, LA12 8AP
Alleged filling in of flood plain
Reason for closure: Breach - Not expedient to enforce

We received a concern about works to change ground levels in two domestic gardens. Planning permission for new dwellings was approved in 2008. Due to their proximity to an area of flood risk conditions were attached to the permission about finished levels for the houses and the garden. It appears that both houses were completed in accordance with the approved levels.

We found that a gabion structure have been installed at the bottom of the garden on No.11 and that the garden had been levelled. The owner of the property commissioned a professional report which assesses the impact of the works on flood risk. The report confirms that current land levels across the site are generally lower than the approved levels. The development has therefore not reduced the flood water storage capacity of the site and will not increase flood risk elsewhere. The development has no impact on the character of the area and does not increase flood risk off site. It is not in the public interest to take further action.

E/2020/0320, Land to west of Hardriggs, Crosthwaite, Kendal, LA8 8HX
Alleged change of use of land and undertaking engineering works without planning permissions
Reason for closure: Breach - Retrospective permission

We received concerns about works and residential use of land that had taken place around a barn conversion that we approved in 2017. Our investigations revealed that the use of the land and associated works had permission.

E/2020/0341, Brantholme, Lake Road, Ambleside, Cumbria, LA22 0DS
Alleged use of summer house as holiday letting accommodation
Reason for closure: No Breach - Immune (S171B)

A material change of use took place in breach of planning control to change an ancillary garden building into holiday letting accommodation. The material change of use was substantially completed prior to October 2020 and was subject to a four-year time limit for enforcement action to be taken.

The development causes minimal harm to the character and amenity of the area, is visually acceptable and due to its location and small size is not considered a lost opportunity for a new local occupancy house. Due to this the case was not prioritised. Due to the passage of time the development has become immune from enforcement action.

E/2020/0343, Land near Head House Farm, Newton In Cartmel, Grange-over-sands, LA11 6JG
Alleged unauthorised buildings
Reason for closure: No Breach - Not development

Two shepherd's huts (caravans) have been towed onto agricultural land and are predominately used for the storage of agricultural equipment for use on the land. One is occasionally occupied overnight for animal welfare purposes. As the huts are used predominantly for agricultural purposes, there is no material change of use of the land.

E/2021/0023, Land at Lands Field, west of Yewdale Road, Coniston
Alleged unauthorised operations, erection of building and material change of use to a public car park
Reason for closure: Breach - Notice complied with

Operational development occurred to install areas of hard standing and erect a timber building and then a material change of use to a public car park occurred in breach of planning control. Three enforcement notices were issued and upheld at appeal. The notices were complied with and so the breaches were resolved. The site was monitored to ensure ongoing compliance. Planning permission has now been granted for a car park and the permission is being implemented.

E/2021/0028, Land at Newby Bridge Hotel, Newby Bridge, Ulverston, LA12 8NA
Alleged unauthorised pods
Reason for closure: Breach - Retrospective permission

Unauthorised operational development took place to install foundation blocks and services. The works were regularised through the approval of a retrospective planning application, ref 7/2021/5665.

E/2021/0046, Land at Brook Farm, Thackthwaite, Lorton
Alleged unauthorised building - bothy
Reason for closure: Breach - Notice complied with

Residential units were sited on agricultural land and occupied as short-term holiday accommodation. This resulted in a material change of use of the land in breach of planning control. We issued an enforcement notice which was upheld on appeal subject to some variations.

The holiday units and all the associated items have been removed from the land in compliance with the enforcement notice. Two small areas of gravel, which was used as parking areas have not been removed, but grass is growing through the surface. The retention of the gravel does not warrant further action. The enforcement notice has been substantially complied with.

E/2021/0096, The Old Cricket Pavilion, Lowther Village, Penrith
Alleged change of use to residential holiday letting accommodation
Reason for closure: No Breach - Immune (S171B)

The old timber cricket pavilion is being used as holiday letting accommodation in breach of planning control. The material change of use was substantially complete prior to July 2020 and is subject to a four-year time limit for enforcement action.

The development causes minimal harm to the character and amenity of the area, is visually acceptable and due to its basic facilities and small size is not considered a lost opportunity for a new local occupancy house. Due to this the case was not prioritised. Due to the passage of time the development has become immune from enforcement action.

E/2021/0107, Green Stile Cottage, Bellman Ground, Bowness-on-Windermere, LA23 3LX
Alleged new garden structure erected to the side of the dwelling
Reason for closure: Breach - Not expedient to enforce

Two extensions have been erected on this house and a raised patio and gazebo erected in the garden, all in breach of planning control. All three developments are acceptable and it is not in the public interest to take further action.

E/2021/0129, Corner Cottage, Old Hall Road, Windermere, Cumbria, LA23 1JA
Alleged non compliance with condition no 3 on approval ref 7/2018/5270 - occupancy
Reason for closure: No Breach - Has permission/consent

Occupiers of both properties comply with the requirements of the local occupancy condition on planning approval 7/2018/5270. There has been no breach of planning control.

E/2021/0138, Low Hollows, Threlkeld, Keswick, CA12 4SZ
Alleged building in garden
Reason for closure: Breach - Retrospective permission

A garden building was erected without planning permission, in breach of planning control. Retrospective planning application 7/2021/3159 has been approved. This regularises the breach.

E/2021/0179, Land at High Waterside, Kinniside, Cleator, CA23 3AG
Alleged change of use to camp site
Reason for closure: Breach - Resolved

An unauthorised material change of use from agricultural land to use as tented camping and holiday caravan site occurred in breach of planning control. An enforcement notice was served due to the harm to protected habitat and flood risk. The notice was upheld at appeal and has been complied with. The breach has been resolved.

E/2021/0185, Windsor Farm, Wasdale Head, Seascale, CA20 1EU
Alleged material change of use of planning unit to horse stud business
Reason for closure: No Breach - Not development

A Horse Stud business is currently being operated from Windsor Farm. It is a small component of the working farm and does not constitute a material change of use of the land. We have concluded that no breach in planning control has occurred.

E/2021/0213, Low Bridge, Kentmere, Kendal, LA8 9JL
Alleged use of shepherds hut as separate holiday let
Reason for closure: No Breach - Not development

The siting of the hut is not operational development and does not create a separate or independent unit of accommodation. The use is an ancillary use to the main dwelling. The hut provides sleeping facilities only. All cooking and sanitary facilities are provided in the main house. There has been no breach of planning control.

E/2021/0215, Dunmallard Car Park, Pooley Bridge
Use of land following bridge restoration
Reason for closure: Breach - Resolved

Permission 7/2019/3018 for the construction of replacement bridge was approved with conditions in August 2019. The bridge was opened in October 2020. Condition 4 of the permission required replacement trees to be planted within 12 months of the substantial completion of the bridge. This did not take place resulting in a breach of planning control. The trees have now been planted and so the breach has been resolved.

E/2021/0261, Land south of High Stott Park, Newby Bridge, Ulverston, LA12 8AY
Alleged breach - use of land as campsite in excess of 56 days
Reason for closure: No Breach - Not development

As the site is currently closed, there is no material change of use of the land which we can take action against at the present time. A letter was sent to the owner advising them of the new permitted development rights.

E/2021/0277, Elleray Road, junction of A591, Windermere
Unauthorised signage
Reason for closure: Breach - Resolved

We received complaints that a sign had been erected promoting prostate cancer awareness. The sign has now been removed. There is no longer a breach of advertisement control.

E/2021/0291, Bowmanstead Studio, Bowmanstead, Coniston, LA21 8HB
Alleged use of annex as an Airbnb
Reason for closure: Appeal - Notice quashed

Material change of use of an annex to holiday let took place in breach of planning control. An enforcement notice was served, but at appeal the Planning Inspectorate determined a short-term holiday let was acceptable and granted planning permission for the use.

E/2021/0322, 1, Meadow Road, Windermere, LA23 2EU
Alleged breach - retaining wall along boundary with no. 19
Reason for closure: No Breach - Permitted development

The boundary walls adjacent to Craig Walk are all under two metres in height and are therefore permitted development. There is no breach of planning control.

E/2021/0380, Rock Lee, Woodland, Broughton-In-Furness, LA20 6AE
1) Unauthorised garage built without planning permission, 2) Dwelling occupied not in compliance with agricultural workers clause
Reason for closure: Breach - Retrospective permission

A garage was erected in breach of planning control and the agricultural workers condition on 7/1975/5378 was not being complied with. Permission has now been granted for a new dwelling, the unauthorised garage and the use of the original dwelling as a workshop, ref 7/2022/5097. The new house is subject to a local occupancy condition. The breach in relation to the garage has been regularised and the occupancy condition on the new house is being complied with.

E/2021/0389, Land adj Fisherbebeck Park, Former quarry Redbank Wood, Ambleside
Alleged erection of stone building and operational development, processing of waste, sale and processing of timber
Reason for closure: Other

This site is currently being investigated under E/2020/0222. This case has been closed as a duplicate.

E/2022/0045, Low Whitebanks Farm, Kinniside, Cleator, CA23 3AG
Alleged access of property not built in accordance with approved plans on 7/2010/4024
Reason for closure: Breach – Not expedient to enforce

We received queries about whether a new access had been constructed in accordance with the approved plans on planning permission 7/2010/4024 and a further concern about a dog kennel extension to the main house. Our investigation revealed that the

issue around the access had been resolved in a previous investigation E/2015/0019 and there was no change in circumstances.

The new kennels are not readily visible from public viewpoints and seen within the context of the house and modern agricultural building and it is considered not expedient to take any further action.

E/2022/0115, Outgate Inn, Outgate, Ambleside, Cumbria, LA22 0NQ
Alleged new seating area and associated development (outside bar)
Reason for closure: Breach - Resolved

We received concerns about a marquee and small outside bar within the former carpark of a public house. The use of the outside area for customer seating does not amount to a material change of use. The siting of table and chairs does not amount to operational development. A marquee which was initially erected has been removed. There is no breach of planning control.

E/2022/0127, Low Hollows, Threlkeld, Keswick, CA12 4SZ
Alleged use of the campsite for than 28 days
Reason for closure: Breach - Notice complied with

The land was being used for camping in breach of planning control. Due to the harm to the amenity of the area, the impact of the protected habitat and increase of nutrients to the catchment an enforcement notice and a stop notice were issued.

Permission has been granted to install a sealed underground tank to hold the waste from the toilets and showers and notification has been submitted for the last two years for recreational campsite use. The use is now permitted development under the new Part 4 Class BC permitted right.

E/2022/0145, Green Hill, Bannel Head, Kendal, LA9 5SA
Alleged construction of garage not in compliance with approved plans on 7/2004/5414 and use of the building as a separate dwelling instead of the approved use as a garage
Reason for closure: No Breach - Has permission/consent

The garage has been built in accordance with planning permission ref 7/2004/5414. The building is used as ancillary accommodation to the house, principally for storage. There has been no material change of use to a dwelling.

E/2022/0146, Land south west of Oak Bank, Loweswater, Cockermouth, CA13 0RR
Formation of track
Reason for closure: Breach - Not expedient to enforce

Operational development has been undertaken to create an agricultural track in breach of planning control. The track is acceptable and does not result in any unacceptable harm. It is not in the public interest to take any enforcement action.

E/2022/0156, Oak Side, Braithwaite, Keswick, CA12 5SY
Alleged conversion of garage in to self contained unit,
Reason for closure: Breach - Notice complied with

A concern was raised regarding the use of a converted garage as a self-contained holiday let accommodation. Our investigation found that there was a material change of use from a single dwellinghouse to a single dwellinghouse and a self-contained residential unit occupied as holiday letting accommodation. An enforcement notice was served which required the property to be only used as a single dwelling. The notice has now been complied with.

E/2022/0162, Pennington Lodge Tower, north of Newby Bridge
Alleged erection of 3 large slate memorials
Reason for closure: Breach - Not expedient to enforce

We received concerns about three memorial stones that had been placed in the vicinity of a Grade II Listed tower erected as a memorial to navel battles in the Napoleonic wars. As the stones are local stone and related to the same battles and complemented the original memorial tower it was considered not expedient to take any further action.

E/2022/0184, Longmoor Bridge, near Longmoor Head, Kinniside, Cleator, CA23 3AG
Alleged non-compliance with planning permission ref 7/2021/4090 - method statement
Reason for closure: No Breach - Permitted development

A bridge has been installed over the River Ehen. The development is permitted development under Part 6 Class A as confirmed by 7/2021/4090. There has been no breach of planning control.

E/2022/0191, The Beach Hut, The Shore, Silecroft, LA18 4NX
Installation of an outdoor jacuzzi and potential use of hut as overnight accommodation
Reason for closure: Breach - Not expedient to enforce

We received a concern regarding the installation of a hot tub at a beach hut. Following an investigation including a site visit we have concluded operational development has taken place in the form of the installation of a sunken hot tub and the erection of timber stairs in breach of planning control. Considering the appeal decision allowing the installation of a hot tub at the adjacent beach hut, known as Lachra, it has been determined that it is not in the public interest to take further action.

E/2022/0198, Land to north of Southwaite Mill Bridge, Embleton, Cockermouth
Tipping of spoil associated with construction of agricultural building 7/2022/2046
Reason for closure: No Breach - Permitted development

Engineering operations have occurred, but as the works are for agricultural purposes they are permitted development. The two trees which were felled were not protected. No breaches of planning control have been identified.

E/2023/0019, Wreay Farmhouse, Watermillock, Penrith, CA11 0LT
Alleged use as holiday letting accommodation with more than 10 occupants
Reason for closure: Breach - Resolved

Permission was granted in 2002 for the change of use of this property to a holiday cottage. A condition on the permission restricted occupancy to no more than 10 people at any one time. The property was being occupied by groups of up to 16 people in breach of the condition.

A lawful development certificate has established that in planning terms the approved holiday cottage is a dwellinghouse. It is considered that the dwellinghouse is still subject to the condition which limits the number of people occupying at any one time.

The property is currently being renovated and is not being occupied. The works are expected to take 12 months. There is currently no breach of planning control and no action could be taken against the historic breach of condition 2 on 7/2002/3053. The use of the property can be monitored once it is occupied again.

E/2023/0020, 1 High Knott Barn, Ings, Kendal, LA8 9PX
Alleged breach of local occupancy condition on deemed permission 7/2020/5317
Reason for closure: Breach - Resolved

It appeared that there was a breach of the local occupancy condition on this property, however the property was sold before we could confirm the details. The new occupier sought our advice prior to the purchase and from the details provided they comply with the terms of the condition. Therefore any breach has been resolved by the change in occupier.

E/2023/0039, Broad Oak, Crosthwaite, KENDAL, LA8 8JL
Alleged non-compliance with condition 7 on 7/2021/5952 - water supply not from borehole
Reason for closure: Breach - Resolved

Permission was granted in 2021 for the conversion of a barn into two dwellings. Condition 7 on the permission required the water supply for the houses to be from a borehole. On initial occupation at least one of the houses was connected to an existing water supply in breach of condition 7. This was due to the borehole company not carrying out the works as agreed. A borehole has now been installed and supplies water to the two houses. The breach has been resolved.

E/2023/0145, Field to west of New House Farm, Lorton, Cockermouth
Alleged breach - siting of caravan - converted bus
Reason for closure: Breach - Resolved

A concern was raised regarding the siting of a converted bus for use as holiday letting accommodation at a site adjacent to Scott Wood, south of Low Lorton. The siting of the bus resulted in a material change of use of the land from agricultural to a mixed-use of agriculture and the siting of a residential unit for use for short-term holiday letting, which was in breach of planning control. The bus has now been removed and so the breach has been resolved.

E/2023/0211, Chinty's Cafe, 24 St John's Street, Keswick, Cumbria
Alleged replacement of timber sash windows to UPVC within Keswick Article 4 Direction Area
Reason for closure: No Breach - Not development

A concern was raised regarding the replacement of windows to the flat above Chinty's Café. Our investigation found that the windows had been replaced, however we concluded the new windows do not materially affect the external appearance of the property, as such they do not constitute development. No breach in planning control has occurred.

E/2024/0047, Station Yard, Station Lane, Staveley, Kendal, LA8 9NR
Alleged unauthorised installation of a kiln to dry firewood
Reason for closure: Breach - Retrospective permission

Three shipping containers were installed, for the purposes of drying timber, in breach of planning control. Planning permission 7/2024/5399 has now been granted in respect of them and the breach has been regularised.

E/2024/0068, Scroggs Chapel, Hawthwaite, Broughton in Furness, Cumbria, LA20 6AD
Alleged unauthorised works - external alterations, new openings and new roof in progress
Reason for closure: Breach - Retrospective permission

We found that a ruin was being rebuilt and a new access track installed. The works were being carried out without planning permission and therefore in breach of planning control. A retrospective planning application was submitted and approved with conditions (ref: 7/2024/5432) and therefore the breach is resolved.

E/2024/0099, Youth Hostels Association, Mereside, Waterhead, Ambleside, LA22 0EU
Alleged - Installation of extraction ducts on eastern elevation
Reason for closure: No Breach - Not development

The original extractor system on site was condemned. It has been replaced by a new system. The new extraction system consists of horizontal flues on a flat roof and a vertical flue next to the east elevation. Public views are limited. The owners of the building have not been able to provide any details of the old system so we do not know if the installation of the new system materially affects the external appearance of the building. The flues have a dark finish and are not prominent in public views. It may be the case that the works do not amount to development. If the installation of the extraction system does amount to development, the system is acceptable and no further action is warranted.

E/2024/0101, Thurston, Brigsteer, Kendal, LA8 8AJ
Alleged erection of large shed/garden room to side of house
Reason for closure: Breach - Retrospective permission

There was a breach of planning control in respect of a building that has been erected to the side of a residential property. Planning permission has now been granted reference: 7/2024/5449 and the breach has been regularised.

E/2024/0128, Park Foot Holiday Park, Howtown Road, Pooley Bridge, Penrith, CA10 2NA
Alleged use of jetty not in accordance with condition 3 of planning permission 7/2021/3070 - proposed replacement jetty
Reason for closure: Breach - Resolved

Specific environmental works had not been carried out as required by condition 3 on permission 7/2021/3070 for the replacement jetty. A letter was sent to the owners and the works have subsequently been carried out. The breach of condition has been resolved.

E/2024/0137, Fallen Yew Farmhouse, Underbarrow, Cumbria, LA8 8HQ
Alleged non-compliance of earlier listed building consent and not discharging conditions and wrong materials
Reason for closure: Breach - Not expedient to enforce

We received concerns about ongoing works to a listed building. Unauthorised works had occurred following the partial collapse of the gable wall. The wall was rebuilt internally from blocks and then faced with stone. Windows were also installed without their details being agreed as required by a condition on an earlier listed building consent. The new wall and the window frames are considered to be acceptable and it is not expedient to take further action.

E/2024/0148, 21, Bank Street, Keswick, CA12 5JZ
Alleged use of building as hotel staff accommodation in breach of condition 3 on 7/2022/2212
Reason for closure: Breach - Retrospective permission

There has been a material change of use of the property from holiday letting accommodation to a small house of multiple occupation, used as staff accommodation. Planning application 7/2024/2208 has been approved retrospectively, which regularises the breach of planning control.

E/2024/0150, Flag Cottage, Flag Street, Hawkshead, Ambleside, LA22 0PE
Alleged internal alterations to listed building
Reason for closure: Breach - Retrospective permission

Flag Cottage is a grade II listed building. Internal works have been undertaken in breach of listed building control. A retrospective planning application, 7/2024/5473 has been approved and Listed Building Consent has been granted to retain the unauthorised works. The works undertaken have been regularised.

E/2024/0154, Field between Borrans Road and Loughrigg Park, Ambleside
Alleged non-compliance with condition 13 (construction method statement) on 7/2022/5572
Reason for closure: Breach - Resolved

Work to reduce ground levels on the site were progressing in breach of the approved Construction Management Plan, but environmental management controls were implemented to limit and reduce noise. The breach of condition 13 has been resolved.

E/2024/0161, Land at Blease Road, Threlkeld
Alleged works not in accordance with the approved plans on 7/2018/3099-agricultural building
Reason for closure: Breach - Retrospective permission

We received concerns that a building had not been built in accordance with the approved plans. We received amended plans which have now has been approved. The breach has been resolved.

E/2024/0172, The Granary, Low Burns Farm, Threlkeld, CA12 4RR
Alleged breach - erection of buildings and formation of access
Reason for closure: Breach - Not expedient to enforce

Two sheds have been erected at The Granary in breach of planning control. The permitted development rights were removed from this site in 1996. The sheds are sited in an agricultural setting and are not considered to be significantly detrimental to the surrounding amenity. It is not in the public interest to pursue further enforcement action in respect of this case.

E/2024/0178, Field, Under Loughrigg, Ambleside, Cumbria
Alleged - Red White Ice Cream van trading from the field in a highly sensitive area
Reason for closure: Other

An investigation relating to the siting and trading activities of an ice cream van at Pelter Bridge, Rydal has been undertaken. We have not concluded whether a breach in planning control has occurred as the ice cream van has been removed from the site. As such we can take no further action.

E/2024/0200, The Fold, Hallinbank, Martindale, Penrith, CA10 2NF
Alleged use of property as seperate dwelling and Airbnb
Reason for closure: No Breach - Not development

A concern was raised regarding the subdivision of The Fold at Hallinbank, Martindale, to create a separate dwelling for holiday letting accommodation. Our investigation found that Hallinbank consists of two lawful dwellings, The Fold and The Farmhouse.
The use of these properties for holiday letting accommodation is not a material change of use and therefore is not a breach of planning control.

E/2024/0201, Plot 2, Lickbarrow Road, Windermere, LA23 2NQ
Alleged non-compliance with condition 4 (roof slates and balcony) on 7/2023/5821
Reason for closure: Breach - Retrospective permission

A breach of condition 4 on planning permission 7/2023/5821 had occurred as the roof had been covered with non-local slate. There was also a breach of condition 1 as the balcony was larger than shown on the approved plans.

A retrospective planning application to vary the plans was submitted and approved. Condition 4 which required local slate to be used on the roof was not repeated on the new permission as the existing non-local slate was considered to be acceptable. The house as built now has planning permission, 7/2024/5523. The breaches have been regularised.

E/2024/0205, Flat 10, Beresford Court, Windermere, LA23 2JL
Alleged change of use of domestic garage into business gym
Reason for closure: No Breach - Not development

A concern was raised regarding the use of a domestic garage as a gym for commercial person training sessions. Our investigation found that there was a gym was only being used by the tenant and his friends and not for commercial purposes. The use of the garage is ancillary to the domestic use of the flat and no material change of use has occurred therefore, there is no breach of planning control.

E/2024/0211, Rock Barn, Gawthwaite, Ulverston, LA12 8EU
Alleged works not in accordance with approved plans on 7/2024/5007
Reason for closure: Breach - Not expedient to enforce

Following permission being granted for the use of a field as a garden physical works have taken place in breach of planning control for the creation of hardstanding areas and a small increase in the height of the ground level. Steps to remedy the visual harm have been taken and it is not considered that the works are significantly detrimental to the surrounding amenity. It is not in the public interest to pursue further enforcement action in respect of this case.

E/2024/0215, Tenters, Tenters Lane, High Lorton, CA13 9TY
Alleged erection of new house not in accordance with construction method statement and excavations close to common boundary 7/2020.2295
Reason for closure: Breach - Retrospective permission

A concern was raised regarding the erection of a new house not in accordance with the construction method statement as part of planning permission 7/2020/2295. Our investigation found that the small variations to the approved construction method statement were not in breach of planning control. However, works to the rear of the house to install gabion baskets to create a retaining wall amounts to development which requires planning permission. The retaining wall structure is not detailed on the approved plans, so was in breach of planning control. A retrospective planning application ref: 7/2024/2224 was subsequently submitted and approved so the breach in planning control is resolved.

E/2024/0228, Broughton House Croft, Field Broughton, Cartmel, LA11 6HN
Alleged use of ancillary accommodation for holiday letting
Reason for closure: Breach - Resolved

There has been a breach of planning control in relation to the use of auxiliary accommodation as a holiday let without planning permission. The use of the property as a holiday let ceased following our first letter to the owner. The breach has been resolved.

E/2024/0230, Sunset House, School Hill, Lindale, Grange-over-sands, LA11 6LE
Alleged change of use from domestic garage to commercial offices
Reason for closure: No Breach - Not development

The owners of the property are using the detached building as a home office, which is incidental to the domestic use of the house. There is no material change of use and therefore no development has occurred.

E/2024/0240, The Worx Gym, Under Loughrigg, Ambleside, LA22 9LH
Alleged non-compliance with 7/2020/5035 - conditions Nos. 2 and 3
Reason for closure: Breach - Not expedient to enforce

In 2020 permission was granted for the change of use of from a B8 storage unit to a mixed use site comprising gym, office and storage plus related car parking. Condition 2 confirmed the approved plans and condition 3 required a noise management plan to be agreed. Condition 2 had been complied as the development is in compliance with the approved plans. There was a breach of condition 3 as no noise management plan had been submitted. Details of noise management have now been provided and have been found to be acceptable therefore it is not expedient to take action.

E/2024/0250, The Cabin, Low Stott Park, Ulverston, LA12 8AX
Large retaining structure in the form of a 'lego' block wall has been erected. Not in accordance with permission 7/2022/5697
Reason for closure: No Breach - Has permission/consent

A retaining wall using large lego style concrete blocks has been constructed to a height of 1.6m with earth back filled behind to the same level. The retaining wall is permitted development. Due to their small scale the associated earthworks do not appear to amount to development in this instance. No breach in planning control has occurred.

E/2024/0252, Thwaites Mill Cottage, Broadgate, Millom, LA18 5JX
Alleged - re roofing of Thwaites Mill Cottage with concrete tiles and not slate
Reason for closure: No Breach - Has permission/consent

The slate roof of the property has been removed and replaced with roof tile made from concrete. This act of development is permitted development and has deemed planning permission. No breach in planning control has occurred.

E/2024/0255, Heights Farm, Ings, Kendal, LA8 9PX
Alleged - Engineering works with a digger and removal of trailers of soil
Reason for closure: Breach - Not expedient to enforce

Engineering works have been undertaken to create a midden ramp with retaining slab walls in breach of planning control. The works are in an agricultural setting and are not considered to be significantly detrimental to the surrounding amenity. It is not in the public interest to pursue further enforcement action in respect of this case.

E/2024/0256, The Old Post Office, Backbarrow, Cumbria
Alleged waste pipe running off into the road.
Reason for closure: No Breach - Not development

The installation of the wastewater pipe is not an act of development and does not therefore require planning permission. No breach in planning control has occurred.

E/2024/0258, Land southeast of Helton Head Farm, Helton, Penrith, CA10 2QL
Alleged works to create new access and removing a roadside wall
Reason for closure: No Breach - Permitted development

A section of wall has been removed and an access track laid. The new access is permitted development, so there is no breach in planning control.

E/2024/0264, Sparket Mill, Hutton John, Penrith, CA11 0LZ
Alleged - Large hard standing car parking and gates onto road.
Reason for closure: No Breach - Permitted development

A hardstanding area for parking had been created on a small area of land, within the curtilage of the dwellinghouse, with an existing access onto the road. The access to the site has been in place for at least 10 years. The development is permitted under Part 1 Class F and therefore there is no breach in planning control.

E/2024/0266, 30, Main Road, Windermere, LA23 1DY
Alleged advertisement covering windows and doors on new business
Reason for closure: Breach - Resolved

Following an investigation we concluded that the window graphics on the outside of the shop doors were in breach of advertisement control. The owner has subsequently removed the window graphics on the doors and the breach has been resolved.

E/2024/0268, Gillside Barn, Grasmere, Ambleside, LA22 9RU
Alleged use of barn for residential use
Reason for closure: Other

This case was opened in error as a duplicate. The concern is being investigated under E/2024/0267.

E/2024/0270, Waterhead Marina, Waterhead, Ambleside, Cumbria, LA22 0HB
Alleged unsightly land
Reason for closure: No Breach - Has permission/consent

No breach of planning control has been identified. The permission to redevelop the land has been commenced and the appearance of the land is a result of that lawful use.

E/2024/0271, Chapel House, Underbarrow, Kendal, LA8 8HJ
Alleged unauthorised alterations to dwellinghouse
Reason for closure: No Breach - Permitted development

All the work undertaken to the house, to date, is permitted development. No breach of planning control has been identified.

E/2024/0274, Field located between Loughrigg Park & Borrans Road, Ambleside,
Alleged unauthorised works - field drain severed and non-compliance with plans
Reason for closure: No Breach - Not development

The foundation works close to Loughrigg Park are in accordance with the approved plans. These works are not in breach of planning control.

A sustainable drainage management and maintenance plan has been approved under condition 7, but this deals with surface water drainage for the development when completed and not during the construction phase. The approved plans show no drain on the boundary with Loughrigg Meadow. The pooling of water to the south of Loughrigg Meadow appears to be the result of heavy rainfall. There are no conditions which control the treatment of surface water during the construction phase. There is no breach of control against which action could be taken.

E/2024/0275, Lands Field, Yewdale Road, Coniston
Alleged works not in accordance with approved plans on 7/2024/5172 (extensive area of gravel)
Reason for closure: No Breach - Permitted development

A concern was raised regarding the storage of materials and construction of an earth mound. Our investigation found that the works have planning permission under 7/2024/5172 and the temporary storage of materials relating to the development is permitted development for the duration of the development. Therefore, there is no breach in planning control.

E/2024/0277, Abbys Cottage, 3 Cross Street, Windermere, LA23 1AE
Alleged use of domestic property as an Airbnb
Reason for closure: No Breach - Not development

Abbys Cottage, 3 Cross Street is an unfettered dwellinghouse. It is being used as short-term holiday accommodation. There is no material change of use, therefore there is no breach in planning control.

E/2024/0278, Esps Farm, Embleton, Cockermouth, Cumbria, CA13 9XH
Alleged non-compliance with conditions of planning permission 7/2019/2106
Reason for closure: No Breach - Has permission/consent

A concern was raised regarding the non-compliance of the planning permission at Esps Farm. Our investigation found that the works under the permission are at an early stage and the works undertaken so far are compliant. Therefore, no breach in planning control has taken place.

E/2024/0282, Field adjacent to Low How, Coniston, Cumbria, LA21 8ER
Alleged - engineering operation to create a banked track from the access gate
Reason for closure: Breach - Not expedient to enforce

Material has been tipped in a field to alter the approach to an existing gateway. This engineering operation is unauthorised. The material has already started to grass over and due to land levels it is not prominent to public views. The works are acceptable and it is not in the public interest to take any further action.