

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.

ENFORCEMENT NOTICES ISSUED

E/2024/0096, Land at Low Wood Cottage, Nether Wasdale, Seascale

Alleged operational development to erect a car port and a summerhouse and the material change of use of managed woodland to use as garden

Low Wood Cottage stands within a woodland which is designated as Ancient Semi Natural Woodland. In February a retrospective planning application (7/2024/4085) was refused for the erection of fish pond, summerhouse and car port and change of use of woodland to garden area due to the harm to the protected woodland. Two enforcement notices were issued on 26 February, one relates to the buildings and one to the material change of use of the land. The notices require the buildings to be removed and the use as garden to cease within three months of the notice taking effect. An appeal against the notice is expected.

REMOVAL OF UNAUTHORISED ADVERTISEMENTS

E/2025/ADV3, Crook Road Bridge over the A591 (Staveley bypass), Staveley

Alleged display of advertisement

Unauthorised display of adverts is a criminal offence. Section 225 of the Town and Country Planning Act allows us to remove or obliterate posters and placards displayed in contravention of the Advertisement Regulations. In some cases advertisements are removed voluntarily, but in this case we used our powers to remove illegal banners which were being displayed by Fallbarrow Hall in Bowness in Windermere.

INVESTIGATIONS CLOSED

E/2017/0132, 1 Lambgill Bank, Watermillock, Penrith, CA11 0LR

Siting of 1 shipping container

Reason for closure: Breach - Notice complied with

Our investigation found that a shipping container, being used for domestic storage, had been sited to the front of the property and was visually prominent from the public road. The container remained in place and the owner confirmed they did not intend to move it. Due to its permanence the container amounted to a building and it had been sited in breach of planning control. Due to the harm to the character and appearance of the area an enforcement notice requiring the removal of the container was issued. An appeal was submitted against the notice but it was dismissed. The notice was not complied with. The matter was referred to the Authority's Legal Advisor, who began the pre-action protocol

to prosecute the criminal offence of breach of an enforcement notice. At this point the notice was complied with.

E/2020/0008, Land at passageway off The Slack, Ambleside, LA22 9DQ

Alleged installation of 7 air conditioning units

Reason for closure: Breach - Resolved

Air conditioning units were installed to the rear of Gaynor Sports, a retail premises is Ambleside. The units were in very close proximity to dwellings and in the conservation area. We found the units unacceptable and an enforcement notice was issued. A subsequent appeal was dismissed and the enforcement notice came into effect. The landowner then lodged an application for a lawful development certificate, which was refused because the enforcement notice was in effect. The landowner lodged an appeal. This was dismissed and costs awarded against the landowner. The notice continued to go uncomplied with. The matter was referred to the Authority's Legal Advisor, who began the pre-action protocol to prosecute the criminal offence of breach of an enforcement notice. At this point the notice was complied with.

E/2021/0085, Land to rear of Wilson Arms, Torver, Coniston, LA21 8BB

Alleged creation of hardstanding, siting of family pod, erection of marquees and extension to beer garden

Reason for closure: Breach - Resolved

A marquee was erected, a camping pod was sited, the car park was extended and the beer garden was extended all in breach of planning control.

Permission was granted on appeal for the camping pod. Permission has recently been granted which regularises the car park extension, ref 7/2024/5702.

We issued enforcement notices in relation to the marquee and the extension to the beer garden. The appeals against the notices were dismissed and the notices have been complied with. The breaches of planning control have been resolved.

E/2022/0097, Field west of The Old Loft, Hawkshead Hill, Ambleside, LA22 0PW

Alleged erection of building and siting of shepherd's hut

Reason for closure: No Breach - Not development

We have investigated the concern. We have concluded that the railway carriages and shipping container do not constitute operational development as they are moved. There has been no material change of use of the planning unit. We have concluded therefore that there is no breach of planning control.

E/2022/0133, Land to north-east of White Gate, Backbarrow, Ulverston, LA12 8PA

Alleged use of building for domestic storage

Reason for closure: Breach - Not expedient to enforce

The building is being used for agricultural storage. There is a breach of planning control however, as the agricultural building has not been built in accordance with the plan. An extra bay has been added so the building is longer than approved. The additional bay does not result in harm to the character and appearance of the area. It is not in the public interest to take further enforcement action in the case.

E/2022/0228, Lisco Farm, Mungrisdale

Untidy carriageway and verge

Reason for closure: Breach - Resolved

We found that part of the old road and the verge was being used to store a variety of items used by the owners of Old Lisco making the land appear untidy. The owners have voluntarily cleared the land and the appearance is now considered to be acceptable.

E/2023/0012, Land to south of Crabtree Cottages, Cunsey, Cumbria

Storage of caravans

Reason for closure: Breach - Notice complied with

Following a review of the planning history for this site, we found the storage of two touring caravans on site resulted in the material change of use of the land. A breach of planning control had occurred. An enforcement notice was served, and the caravans were removed from the site shortly after. The breach has been resolved.

E/2023/0032, 2 Packhorse Court, Keswick, CA12 5BB

External flue added to new Class E use (cafe)

Reason for closure: Breach - Resolved

An external flue had been installed to the external wall of the building without planning permission. Retrospective permission was subsequently granted under reference: 7/2024/2020 to install a new grill to the external wall of the cafe. The grill has now been installed, and the flue has been removed. The breach of planning control has been resolved.

E/2023/0228, 9, Bank Street, Keswick, CA12 5JY

Erection of extractor flue and possible change of use to take away

Reason for closure: Breach - Retrospective permission

A large metal extractor flue has been erected to the rear of the building in breach of planning control. The owner submit a retrospective planning application. Application 7/2023/2245 was received and subsequently approved. The breach of planning control has been resolved.

E/2023/0235, Former railway line south-east of Guardhouse, Threlkeld, Cumbria

Alleged breach - engineering works and the tipping of waste

Reason for closure: Breach - Not expedient to enforce

Works have taken place to repair historic drainage problems through the embankment and to enable a new track to be created to enable access between parts of the farm and avoid low and weak bridges. Some of the works are permitted development and some required permission. The works that required permission are considered to be acceptable. It is not in the public interest to take further enforcement action in the case.

E/2023/0255, Land opposite Durham Bridge Farm, Lyth, Kendal, LA8 8DB

Alleged untidy land

Reason for closure: No Breach - Not development

There is a collection of timber and some other items of this land. There are no public views so the items do not harm the amenity of the area and does not warrant a notice

under section 215 of the Town and Country Planning Act 1990. The storage of the small amount of material does not amount to development. The owner has indicated that the material will be removed shortly.

E/2023/0271, Claremont House, Compston Road, Ambleside, LA22 9DJ

Alleged unauthorised change of use from B&B to short term self-catering apartments

Reason for closure: Breach - Retrospective permission

Claremont House changed its use from a Guest House to self-catering holiday apartments. This is a material change of use which would require planning permission. A retrospective planning application for the change of use was submitted and subsequently approved. The breach of planning control has been resolved.

E/2024/0041, 4, Oak Fold, Crosthwaite, Cumbria, LA8 8EZ

Alleged non-compliance with occupancy condition

Reason for closure: No Breach - Not development

Oak Fold is a recent housing development which includes local occupancy properties and affordable housing managed by a housing association. 4 Oak Fold is an affordable unit and its occupancy is controlled through a Section 106 legal agreement. We have investigated this matter and have spoken to the Housing Association and the tenant. Based on the information provided we have not identified a breach in the terms of the legal agreement.

E/2024/0050, Heights Hotel, Castlerigg, Keswick, CA12 4TE

Alleged erection of fences and tipping of stone rubble onto neighbouring land

Reason for closure: Breach - Resolved

A boundary fence was constructed higher than two metres from ground level resulting in a breach of planning control. Through negotiation, the owner agreed to reposition and rebuild the fence in a more suitable location. The fence has been reconstructed and is now permitted development as it is less than 2m in height. The breach of planning control has been resolved.

E/2024/0059, Oak Bank, Haverthwaite, Ulverston, Cumbria, LA12 8AL

Alleged unauthorised engineering or other operations (excavations), not in compliance with 7/2023/5699

Reason for closure: Breach - Resolved

Significant engineering operations to reduce ground levels were taking place on land that did not benefit from planning permission. Work stopped when we confirmed there was a breach of planning control. Planning permission has now been granted for a new GP surgery to be erected on the land. The plans included reducing ground levels so the breach has been regularised.

E/2024/0060, Newbiggin House, Blawith, Ulverston, Cumbria, LA12 8EQ

Alleged unauthorised treatment plant

Reason for closure: Breach - Retrospective permission

A replacement sewage treatment tank has been installed without planning permission, resulting in a breach of planning control. Planning permission reference 7/2024/5332 was granted retrospectively so the breach has now been regularised.

E/2024/0067, Standing Stones, Kinniside, Cleator, CA23 3AQ

Alleged breach of condition 3 on 7/2023/4042 - colour of wind turbine

Reason for closure: Breach - Not expedient to enforce

A small wind turbine has been installed in breach of planning control. A larger wind turbine has been installed as approved by planning permission 7/2023/4042. Condition 3 on the permission requires the turbine to have a black finish. The turbine hub has a black finish, but the pole tower has a grey finish in breach of condition 3.

Following an assessment of the breaches it has been decided that it is not in the public interest to take further action. The smaller wind turbine and the grey pole tower do not result in sufficient harm to warrant formal action being taken.

E/2024/0126, Land at Hillcroft, Pooley Bridge, CA10 2LT

Alleged non-compliance with approved plans on 7/2023/3150

Reason for closure: Breach - Not expedient to enforce

We received concerns that a new agricultural access track had not been constructed in accordance with approved plans. Our investigation found that the track had been done in accordance with the plans and that the gate and fence had been set back which was allowed under permitted development rights. The roadside hedge has been removed and this was not part of the planning permission. The removal of the hedgerow is a breach of the Hedgerow Regulations 1997 (as amended). A new hedge has been planted alongside the new boundary fence and accordingly we consider that it would not be expedient to take any further action

E/2024/0158, 3 Fellside, Tower Wood, Windermere, LA23 3PW

Alleged demolition works and renovation

Reason for closure: Breach - Retrospective permission

Excavation works were undertaken in the garden of the house in breach of planning control. Planning permission reference 7/2024/5539 has been retrospectively granted with conditions, so the development has now been regularised.

E/2024/0175, Red Bank, Wansfell Road, Ambleside, LA22 0EG

Alleged breach: installation of balcony - dormer window on second floor of the south elevation and alteration to access

Reason for closure: Breach - Retrospective permission

The installation of a roof balcony and railings, along with the erection of a boundary wall took place in breach of planning control. A retrospective planning application was submitted for the boundary wall which was subsequently approved. The roof balcony has been removed. The breaches of planning control have been resolved.

E/2024/0183, Greta House, Penrith Road, Keswick, Cumbria, CA12 4JS

Alleged - Veranda with glass barrier

Reason for closure: No Breach - Permitted development

We received concerns about a new extension which was being built to replace an existing rear extension. It was understood that the owner intended to add a balustrade around the flat roof with new access door from first floor. Following our advice the owner

has not installed the balustrade or the access doors. The extension as finished is permitted development. There is no breach of planning control.

E/2024/0225, Land to the east of the A592, Opposite B5285 (Road to car ferry)

Alleged Advertisement banner

Reason for closure: Breach - Resolved

A large banner was installed on the roadside in breach of advertisement control. The banner has been removed. We have sent an advice letter. The breach has been resolved.

E/2024/0257, Site adjacent to West View, Penruddock, Penrith, CA11 0QU

Alleged garage not in accordance with approved plans on 7/2020/3156

Reason for closure: Breach - Retrospective permission

A concern was raised regarding the erection of a building to the rear of Phoenix House, Penruddock. Our investigation found that a building had been erected to the rear of the property without planning permission. A breach of planning control has occurred. A retrospective planning application was submitted (ref: 7/2024/3141) which was approved with conditions and therefore the breach has been resolved.

E/2024/0276, Brocka Barn, Lindale, Grange over Sands, LA11 6LW

Alleged work to convert the barn has started after planning permission 7/2016/5371 has expired

Reason for closure: No Breach - Has permission/consent

On 10 August 2016, planning permission (7/2016/5371) was granted for a change of use of an agricultural barn and outbuildings, to residential use. In 2019, drainage works were undertaken amounting to material operations and the planning permission was implemented. The permission remains extant and permits the works which are now taking place. There is no breach of planning control.

E/2024/0289, Ballert Howe Farm, Millside, Witherslack, LA11 6SQ

Alleged siting of static caravan as a permanent dwelling

Reason for closure: No Breach - Not development

A caravan has been sited in a farmyard. It is used as the farm office, animal feed storage and occasionally, accommodation for agricultural workers assisting with livestock during calving and lambing times. The caravan is being used for agricultural purposes so there is no material change of use of the land.

E/2025/0014, Hilton House, New Road, Windermere, Cumbria, LA23 2EE

Alleged - building works and window replacements

Reason for closure: Breach - Not expedient to enforce

External works are ongoing as part of the approved change of use of this former guest house to two dwellings. The replacement of the windows does not amount to development. The installation of a patio and a fence are permitted development. Ground levels have been reduced to create a new patio, these engineering operations are in breach of planning control. Reducing the ground levels and the patio are acceptable on their planning merits therefore it is not in the public interest for us to take further enforcement action.

E/2025/0023, Aynsome Manor Hotel, Cartmel, Grange over Sands, Cumbria, LA11 6HH

Alleged siting of nine outside lights on left side of building

Reason for closure: No Breach - Not development

A concern was raised regarding the installation of external lighting to Aynsome Manor, Cartmel. Our investigation found that six small LED lights had been screwed to the front elevation and six to the east side of the property. Given their small size the fixing of the lights does not amount to development. There is no breach of planning control.

E/2025/0025, Knott Houses, Grasmere, Ambleside, LA22 9RW

Alleged non-compliance with planning obligation 1860.1017 (planning ref 7/2002/5552) unaffordable rent

Reason for closure: No Breach - Has permission/consent

Permission for five affordable dwellings was granted in 2002. A Section 106 legal agreement controls the rental value of the dwellings. The agreement states 'Any such person offered a tenancy covered by this Agreement shall be offered such dwellinghouse at an Affordable Rent.' Although Affordable Rent is defined, it is open to interpretation. Following investigation into the allegation, the current rental value of the properties is set at an Affordable Rent that is comparable to average rents charged for affordable housing in the area. We consider this is sufficiently aligned with the terms set out on the S106 Agreement. No breach of planning control has occurred.

E/2025/0038, Kirkstone Pass Inn, Ambleside, LA22 9LQ

Alleged untidy land, storage of waste

Reason for closure: No Breach - Not development

The land around the Inn was being used to store materials that were making the land untidy and having an adverse effect on the amenity of the area. Westmorland and Furness Council spoke to the owner and the land was voluntarily cleared and the appearance is now considered acceptable. It is not considered appropriate to issue a section 215 notice in this instance.