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/2024/0216, Land at Rezillos Ices, 48a Main Street, Keswick
Alleged operational development to erect a canopy structure

A small flat roofed canopy structure has been erected to the front of 48a Main Street. Due to its poor design the canopy is considered to harm the character of the Keswick Conservation Area. An enforcement notice was issued on 29 January 2025 which requires the canopy to be removed.

E/2021/0094, Land east of Bell Intake, High Dam, Finsthwaite
Alleged use as a car park and siting of a food and drink trailer

Part of an agricultural field is being used as a public car park. A crushed stone surface has been laid and a trailer is being used to sell food and drinks. The use of the land is contrary to the Local Plan policies and harms the character of the landscape. An enforcement notice was issued on 12 February 2025 which requires the use to cease and the trailer and hard surfacing to be removed.

BREACH OF CONDITION NOTICE ISSUED

E/2025/0022, Land west of A66, Braithwaite, Keswick
Alleged breach of conditions 2 and 6 on 7/2023/2264 – tree protection

Planning permission has been granted for the construction of 15 dwellings on this site. Condition 2 requires the development to be completed in compliance with the listed documents, which include an arboricultural report. Condition 6 required tree protection fencing to be installed prior to works commencing on site and for the measures to be retained for the duration of the works. The construction works are ongoing. Tree protection fencing was erected but part of it was taken down and earth works have occurred in the root protection area of trees protected by a Tree Preservation Order.

On 30 January 2025 we issued a Breach of Condition Notice in relation to conditions 2 and 6. The notice requires compliance with conditions 2 and 6 within 30 days. The tree protection fencing needs to be reinstalled and construction work should only take place in accordance with the arboricultural report. We also issued a Temporary Stop Notice which states that no construction works can occur in the next 56 days unless conditions 2 and 6 have been complied with.

PLANNING CONTRAVANTION NOTICES ISSUED

E/2020/0168, Land at West View, Penruddock, Penrith
Alleged siting of a caravan being used as a separate dwelling

A concern has been received about the occupation of a caravan located in a field near West View. 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.

INVESTIGATIONS CLOSED

E/2022/0160, Hazeldene Hotel Garage, The Heads, Keswick, CA12 5ER
Alleged works involving the partial demolition of garage
Reason for closure: Breach - Not expedient to enforce

Development has taken place to alter a detached garage building. Part of the building has been removed to create more space for parking. The exposed former internal wall, which is now external, has been clad with timber boarding. The appearance of the building is acceptable and further action is not warranted.

E/2023/0181, 13, Briar Rigg, Keswick, CA12 4NN
Alleged car parking and development not in accordance with approved plans
Reason for closure: Breach - Not expedient to enforce

The car parking area and landscaping is not in accordance with the approved plans and therefore a breach in planning control has occurred. However, it is not considered expedient to take action as the development does not adversely affect the character of the area nor does it have an unacceptable impact of the amenity of adjoining residents or others due to overlooking or other adverse impacts. The development is acceptable on its planning merits.

E/2023/0286, 17, Brow Crescent, Windermere, LA23 2EY
Non-compliance with condition 3 on permission 7/2022/5530
Reason for closure: Breach - Notice complied with

Permission was granted with conditions for an extension to the house. Condition 3 required fixed louvres to be installed to one of the windows to protect the amenity of the neighbour. The louvres were not installed so we served a breach of condition notice. The notice has been complied with and the breach has been resolved.

E/2024/0166, Orchard House, Skiddaw View Farm, Cockermouth, CA13 9SA
Alleged breach - Occupation as holiday let in breach of agricultural workers condition on 7/2000/2041
Reason for closure: Breach - Retrospective permission

An agricultural workers dwelling being occupied as a holiday let accommodation in breach of the occupancy condition. A retrospective application was submitted. The income from the holiday let supports the farm business and is acceptable farm diversification so the application was approved. The breach has been regularised.

E/2024/0248, Keen Ground Lodge, Hawkshead, Cumbria, LA22 0NW
Installation of dormer to the property
Reason for closure: Breach - Not expedient to enforce

A dormer had been constructed to the west side of the property. The development has occurred without planning permission, a breach in planning control has occurred. However, it is not considered expedient to take action as it does not adversely affect the distinctive character of the area nor the property.

E/2024/0249, Underhelm, 7 Annisgarth Avenue, Windermere, Cumbria, LA23 2HR
Alleged non-compliance with condition on planning permission 7/2021/5691 - cladding
Reason for closure: Breach - Not expedient to enforce

In December 2021 permission was granted for a new roof with a raised ridge, including a front dormer. Our investigation found that the cladding to the side of dormer was not in accordance with the approved plans. Cladding has also been added to the garage in breach of planning control. We have concluded that there is no material harm or adverse impact on the amenity of the site or the surrounding area. The cladding is acceptable and it is not expedient to take any further action.

E/2024/0254, 2 Broughton Park, Broughton in Furness, Cumbria, LA20 6HB
Alleged - non compliance of planning condition on application 7/2012/5142 vehicles parking in drop off area
Reason for closure: No Breach - Not development

Planning permission reference: 7/2012/5142 approved a small parking area for allotment holders to use. Condition 3 stipulated the direction that vehicles should leave the allotment site. The concerns related to people parking in other locations which is not within our control. The parish council have reminded users of the allotment of the requirement of the condition. There is no evidence of a breach of planning control at this time.

E/2024/0260, Fell End, Butterwick, Near Askham, CA10 2QQ
Alleged change of use to spiritual retreat
Reason for closure: Use – No Breach. Operations - Breach - Not expedient to enforce

Fell End, Butterwick is used as a Buddhist retreat three to four times a year along with occasional visiting guests on invitation from the owner. The occasional use of the dwelling as a retreat does not material change the primary use of the dwelling. There is no breach in planning control in relation to the use of the property.

The summerhouse and alterations to the windows and doors of the main house were granted permission under 7/2022/3150. The works have not been carried out in accordance with the approved plans, therefore a breach in planning control has occurred. However, it is not considered expedient to take further action. The summerhouse and alterations to the windows and doors are considered acceptable.

E/2024/0280, 49, High Portinscale, Portinscale, Keswick, CA12 5RN
Alleged proposed alterations and dilapidated appearance
Reason for closure: No Breach - Has permission/consent

A concern was raised regarding the progress of proposed alteration and extension works as part of planning permission 7/2022/2020. Our investigation found that there were ongoing building works to the property, but these had been delayed by financial issues and building control checks. Whilst the site is untidy, the appearance of the site is attributable to normal operations being undertaken on the land in connection with the planning permission. The development has planning permission, and it is not considered appropriate to issue a section 215 notice (untidy land) in this instance.

E/2024/0281, Ings, Berrier, Penrith, CA11 0XD
Alleged - erection of timber building to north east of house - possible residential use
Reason for closure: No Breach - Immune (S171B)

A concern was raised regarding the erection of a timber building and use for residential purposes in a small field to the north-east of Ings, Berrier, Penrith. Our investigation found that a timber building had been erected and was being used for recreational purposes only. This would have required planning permission. There is no planning permission granted for the timber building and therefore a breach in planning control has occurred. However, the building was erected prior to 2010 and is therefore now immune from formal action.

The timber building is situated on land used as domestic garden. It appears the land was part of a larger field however the change of use occurred in 1977 and so the domestic use is also immune from formal action.

E/2024/0283, 15 Craig Walk, Bowness-on-Windermere, Cumbria, LA23 2ES
Alleged non-compliance with planning permission 7/2022/5685
Reason for closure: No Breach - Has permission/consent

The building work undertaken is not materially different to the approved plans (Drawing No 6098-02A) on planning permission 7/2022/5685. No breach of planning control has occurred

E/2024/0292, Heronsyke, Cartmel Fell, Grange-Over-Sands, LA11 6NS
Alleged - Building of outbuilding
Reason for closure: No Breach - Permitted development

The base of the shed has been installed within the rear garden of the property and when completed, is intended to provide storage for family bikes. The shed has not been erected so there is no breach of planning control at this time. The owner has sought advice and it appears the building will be permitted development.

E/2025/0001, Esps Farm, Embleton, Cockermouth, Cumbria, CA13 9XH
Alleged - Use of caravan as self-contained residential caravan
Reason for closure: No Breach - Permitted development

A concern was raised regarding the residential use of a caravan at Esps Farm, Embleton. Our investigation found that the caravan was being used in relation to the development under planning permission 7/2020/2173. The use of the caravan is

permitted development under Part 5 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore, there is no beach in planning control.

E/2025/0003, Burns Farm Caravan and Campsite, St Johns in the Vale, Keswick, Cumbria, CA12 4RR
Alleged - Night lighting at campsite
Reason for closure: No Breach - Not development

A concern was raised regarding the lighting at night at Burns Farm Caravan and Campsite. Our investigation found that lighting had been screwed to the fencing, reception building and entrances around the campsite. There were also small lighting posts that had been pushed into the ground along the walkways around parts of the site. The fence lights, building lights, entrance lights and post lights are not operational development and therefore there is no breach in planning control.

E/2025/0015, Undercroft, Stonethwaite, Borrowdale, Keswick, CA12 5XG
Alleged tree felling in preparation of building a house
Reason for closure: No Breach - Not development

A concern was received regarding the alleged removal of trees in preparation of building a house in a field and a caravan being used as accommodation.

The trees in the field are not protected. Our investigation found no evidence of any development taking place within the field. The siting of a caravan in the garden for use incidental to the house does not amount to development. There is no breach in planning control.

E/2025/0016, 65, Burnbanks, Penrith, CA10 2RW
Alleged breach of local occupancy condition
Reason for closure: No Breach - Has permission/consent

The occupier of the property works at home and his jobs also involves site visits predominantly in Cumbria. The occupier meets the criteria for the local occupancy condition under planning permission 7/2005/3078 (condition 4) and therefore, there is no breach in planning control.

E/2025/0024, Knott Houses, Grasmere, Ambleside, LA22 9RW
Alleged non-compliance with planning obligation 1860.1017 (planning ref
Reason for closure: Other

This case has been opened in error as a duplicate. This matter is being investigated under E/2025/0025.

E/2025/0034, Longlands, Uldale, Wigton
Duplication of E/2024/0287 - Alleged siting of two holiday cabins
Reason for closure: Other

This case has been closed as a duplicate. This matter is being investigated under E/2024/0287.