

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

In 2024/25 we received 282 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/2024/0188, Land at 14 Rayrigg Rise, Bowness on Windermere, LA23 3DR

Alleged making of a material change of use of the Land from a single dwellinghouse to two dwellinghouses.

The new dwelling is a one bedroom dwelling and is currently being occupied as holiday letting accommodation. It is considered that the new dwelling is suitable for providing local need housing. Its use is therefore contrary to policies 15 and 18 of the Local Plan. Should no action be taken in respect of the current breach of planning control, the use of property as an unfettered dwelling would become lawful. An enforcement notice was issued on 14 May 2025.

E/2024/0242, Land at High Cordale, Carhullan, Askham, Penrith, CA10 2QL

Alleged making of a material change of use of an outbuilding to a separate dwellinghouse

The Land has planning permission to be used as a workshop and art studio ancillary to the domestic residential use of Carhullan Farmhouse. The Land is now in use as a self-contained holiday accommodation dwelling, marketed under the name of Wild Boar Barn. It has not been established that the new dwelling is unsuitable for providing local need or affordable housing.

Should no action be taken in respect of the current breach of planning control, the use of property as an unfettered dwellings would become lawful. This would be contrary to Local Plan policies. An enforcement notice was issued on 16 April 2025.

E/2024/0273A, Land off Palace Lane, Newby Bridge, LA12 8NZ

Alleged making of a material change of use of the Land from agriculture to a mixed use of agriculture, leisure, recreation and storage with associated operational development specifically other operations to install a track.

The use of the land for leisure, recreation and storage and the installation of the track causes harm to the character and appearance of the area. The development is harmful to the character and appearance of the locality, the special qualities of the Lake District landscape and the extraordinary harmony and beauty of the English Lake District World Heritage Site and is contrary to the Local Plan. An enforcement notice was issued on 2 May 2025.

E/2024/0287, Land at Low Longlands Farm, Uldale, Wigton, CA7 1HN

Alleged making of a material change of use of the Land from use as agriculture to use as a caravan site providing short term residential holiday accommodation through the stationing of two caravans and associated operational development comprising alterations to ground levels to create level platforms and terraced banks; the installation of crushed stone hard standings; the installation of timber decking and the erection of timber screen fencing.

The development introduces a new caravan site in an open countryside location. The use is inconsistent with landscape character and the activity introduces an inappropriate level of use and development in this location. The development fails to reflect local character and distinctiveness, does not conserve and enhance the character and quality of the local landscape and is harmful to the character and appearance of the locality and the special qualities of the Lake District landscape and the extraordinary harmony and beauty of the English Lake District World Heritage Site and is contrary to the Local Plan.

We issued an enforcement notice on 16 April 2025.

E/2025/0019, Land at 5 Rayrigg Rise, Bowness on Windermere, LA23 3DR

Alleged making of a material change of use of the Land from a single dwellinghouse to two dwellinghouses.

In 2020 planning permission was granted to erect a two storage extension and remodel the roof of the property. When the building works were ongoing it appears a separate holiday letting dwelling was formed within the dwelling.

Whilst the new dwelling is small, it is part of a substantial property. The new dwelling could easily be altered so it would provide a dwelling suitable for providing local need housing. Should no action be taken in respect of the current breach of planning control, the use of property as an unfettered dwelling would become lawful. This would be contrary to Local Plan policies.

An enforcement notice was issued on 16 April 2025. Appeals have been submitted against the notice.

BREACH OF CONDITION NOTICES ISSUED

E/2021/0356, Land at The Swan Hotel, Keswick Road, Grasmere

Alleged non-compliance with conditions on 7/2018/5182

In 2018 planning permission was granted to provide a new staff accommodation block with relevant landscaping, bins and bikes storage in the northern part of the Swan Hotel site. Condition 9 on the permission requires details of external lighting to be submitted and approved prior to installation. The accommodation block is complete, and external lighting has been installed to the first floor without agreement. We issued a Breach of Condition Notice in September 2024 in relation to the unauthorised external lights. New lights were installed again without prior agreement. The new external lights were determined to be unacceptable at the May Development Control Committee, so another breach of condition notice was issued on 19 May 2025.

INVESTIGATIONS CLOSED

E/2022/0276, South Scout Green, Shap, Penrith, CA10 3QZ

Alleged siting of shepherd's huts for use as residential accommodation

Reason for closure: Breach - Resolved

A concern was raised regarding a shepherd's hut which was sited within a field to the south of the main group of farm buildings. Our investigation found that a shepherd's hut had been sited in an agricultural field and used for residential purposes. A breach in planning control has occurred. The residential use of the shepherd's hut has ceased, and it has been moved to an area more closely related to the house. The shepherd's hut has been sold and should be removed shortly. There is no material change of use of the land the shepherd's hut is now being stored on, and therefore, the breach in planning control has been resolved.

E/2023/0208, Boathouse, north of Storrs Holme, Storrs Park, Bowness on Windermere, LA23 3JG

Alleged non-compliance with condition 4 7/2021/5558 - tree protection and use of concrete to lake bed/shore

Reason for closure: Breach - Resolved

Allegations relating to tree protection measures, development not being built in accordance with approved plans and other associated concerns were raised and investigated. The tree protection measures have previously been resolved under E/2022/0264. Our initial investigation found that the foundations were not being installed in accordance with the approved plans. A non-material amendment was approved to alter the foundation details. The site was then monitored.

As the boathouse was nearing completion another breach of planning control was identified as it was not being built in complete conformity with the approved plans. An application to amend the plans was submitted and subsequently approved. The breach in planning control has been resolved.

E/2024/0231, Refectory Keep, Keswick, CA12 4RN

Alleged change of use of garage to dwelling. Not in compliance with approved plans.

Reason for closure: Breach - Resolved

A concern was raised regarding the change of use of a garage to a dwelling not being in accordance with planning permission 7/2015/2066. Our investigation found that planning permission 7/2015/2066 had been partly implemented and the accommodation was being occupied as a holiday let. A breach in planning control had occurred. The owner has since discontinued the use of the property as a holiday let and intend to continue to implement the planning permission. The breach in planning control has been resolved.

E/2024/0253, Castlerigg Hall, Castlerigg, Keswick, Cumbria, CA12 4TE

Alleged - the erection of a boundary fence exceeding 2m from the ground

Reason for closure: Breach - Resolved

A retaining stone boundary wall has been erected. The wall is permitted development. A timber panelled fence has also been erected which did not meet the conditions set out in PART 2 Class A of the Town and Country Planning (General Permitted Development) Order. A breach in planning control had occurred. We liaised with the owners who

agreed to reduce the height of the fence. This has subsequently been done. The breach has been resolved.

E/2024/0261, High Hill Garage, Keswick, CA12 5NY

Alleged breach of conditions 5, 6 and 12 on planning permission 7/2016/2228

Reason for closure: Breach - Resolved

A concern was raised regarding a breach of conditions 5, 6 and 12 of planning permission 7/2017/2157. Our investigation found that fencing had been installed as required by condition 5 and therefore there was no breach in planning control relating to this condition.

However, deliveries to the store were being made prior to 7am and not via the service corridor in breach of conditions 6 and 12. The owners of the garage have now stopped deliveries being made before 7am and are using the service corridor for all deliveries. Therefore, the breaches have been resolved.

E/2024/0263, 7 The Stableyard, Lake Road, Keswick, CA12 5BZ

Alleged use as a holiday let in breach of condition 1 on 7/1984/2164

Reason for closure: Other

A concern was raised regarding the use of no. 7 as a holiday let in breach of condition 2 of planning permission 7/84/2164. Our investigation found that the property was being used as a holiday let and as a second home. A breach in planning control has occurred.

However, the Lake District Special Planning Board issued a letter to the residents of the Stableyard Apartments in 1985 stating that the Authority would not take any action in respect of that condition so that the owner may occupy or dispose of the property as though that condition no longer remained part of the planning consent.

E/2024/0267, Gillside Barn, Grasmere, Ambleside, LA22 9RU

Alleged non-compliance with enforcement notice E/2019/0180 - use as dwelling

Reason for closure: Breach - Resolved

We received a concern that the property was being occupied as a dwelling in contravention of an enforcement notice. We issued a Planning Contravention Notice to gather information, but further information was needed to establish if there was a breach of planning control. However, a planning application for the change of use of Gillside Barn to a dwelling was submitted and subsequently approved. The use of the property as a dwelling is now lawful, so further investigation is not needed.

E/2025/0013, Houkler Hall, Blawith, Ulverston, LA12 8EJ

Alleged new driveway, gates and wall

Reason for closure: Breach - Not expedient to enforce

An existing field gate has been altered to create a more formal domestic entrance and drive to this house. Operational development and a material change of use of agricultural land has occurred in breach of planning control. Given the altered access does not cause concerns in relation to highway safety, there is limited visibility of the development and no significant harm to the character and appearance of the area it is not considered in the public interest to take any further action.

Works have also occurred around the house to install a patio, terraces and steps. These works are permitted development.

E/2025/0036, Denton Hill, Lowthwaite, Matteredale, Penrith, CA11 0LE

Alleged breach of construction hours on planning permission 7/2022/3168

Reason for closure: Breach - Resolved

A concern was raised regarding an alleged breach of condition 12 (construction hours) of planning permission 7/2022/3168. Our investigation found that construction works were taking place outside of the construction hours as specified in condition 12. A breach in planning control had occurred. The owner has agreed, moving forward, that he will only allow construction works to take place within the conditioned hours and therefore the breach of planning control has been resolved.

E/2025/0044, The Stableyard Apartments, Lake Road, Keswick, CA12 5BZ

Alleged use of apartments as holiday lets in breach of condition 1 on 7/1984/2164

Reason for closure: Other

We investigated a concern about one of the flats in this building, E/2024/0263, being occupied as a holiday let / second home in breach of condition 2 of planning permission 7/84/2164. It appeared all the flats were being occupied in a similar manner, so another case was opened. Our investigation found that the properties were being used as second homes apart from No.6. A breach in planning control has occurred.

However, the Lake District Special Planning Board issued a letter to the residents of the Stableyard Apartments in 1985 stating that the Authority would not take any action in respect of that condition so that the owners may occupy or dispose of the properties as though that condition no longer remained part of the planning consent.

E/2025/0053, The Rock Shop, North Road, Ambleside, LA22 9DT

Alleged illuminated advertisement added to the wall outside the shop

Reason for closure: Breach - Resolved

A concern was raised regarding the installation of illuminated signage. Our investigation found that there has been signage present on a wall to the front of the property adjacent to the road for over 10 years, but that illumination was only added in March 2025. Illumination is not permitted without consent and therefore a breach of advertising control has occurred. The owner has disconnected the illumination, and it is no longer in use. The harm has been resolved.

E/2025/0062, Longtail Howe, Meadow Croft Lane, Storrs, Bowness on Windermere, LA23 3JJ

Alleged balcony being built larger than approved plans and alleged use of non-local stone facing not in accordance with approved plans

Reason for closure: Breach - Not expedient to enforce

A concern was received regarding the alleged extensions and alterations to Longtail Howe, Storrs, Windermere, not being in accordance with planning permission 7/2018/5131. Our investigation found there were a number of variations from the approved plans. These amendments are in breach of conditions 2 and 5 of planning permission. However, it is not considered expedient to take further action. The variations are acceptable and have no greater impact than the alterations which were

approved. The variations do not materially affect the character of the area, nor do they have an unacceptable impact of the amenity of adjoining residents or users due to overlooking or other adverse impacts.

E/2025/0067, 3 Prospect Cottages, Staveley-In-Cartmel, Ulverston, LA12 8NH

Alleged unauthorised building works

Reason for closure: Breach - Not expedient to enforce

Part 1 - Class D of the General Permitted Development Order permits the construction of a porch measuring a maximum of 3 square metres outside any external door on a dwelling. A porch has been constructed to the front of this house. It exceeds the size limitations in Part 1 Class D, so it is in breach of planning control.

A very similar porch could be erected as permitted development. Whilst none of the other houses in this row have a porch, given the fallback position provided by the permitted development rights and as the style and material used are in keeping with the character of the area, it is not in the public interest to take enforcement action.

E/2025/0074, Wallthwaite Farm, Troutbeck, Penrith, CA11 0SX

Alleged work taking place to the north wing of the large barn

Reason for closure: No Breach - Not development

A concern was raised regarding works that were taking place to the north wing of the large barn at Wallthwaite Barn, Troutbeck. Our investigation found that these works were part of grant funding that had been secured under the Farming in Protected Landscapes (FIPL) scheme and only involved the maintenance of the building. No development has occurred.

E/2025/0079, A592 Troutbeck, Greengate, Troutbeck, Cumbria, LA23 1NN

Alleged sales sign 1/2 mile from property

Reason for closure: Breach - Resolved

An estate agent for sale board was being displayed next to the main road. As the board was not on the property for sale it was being displayed in contravention of the Advertisement Regulations. The board has been removed, and advice has been provided to the estate agent.

E/2025/0080, Hill Top, Near Sawrey, Ambleside, Cumbria, LA22 0LF

Alleged construction of timber cafe/bar within the garden of a Listed Building

Reason for closure: No Breach - Not development

A concern was raised regarding the alleged construction of timber café building within the garden of Hill Top. Our investigation found that a food and drink trailer had been sited in the orchard area of the site. The trailer is sited temporarily from April until September each year and is not a permanent structure. No operational development or material change of use of land has occurred and therefore there is no breach in planning control.

E/2025/0081, Field off Dorothy Well Road, Portinscale, CA12 5TX

Alleged - field being converted into a football pitch and storage units being used as builders yard
Reason for closure: No Breach - Not development

A concern was raised regarding the use of a field for domestic use and a builder's yard. Our investigation found that a wooden swing seat and small football nets, had been placed temporarily on the agricultural land. The items do not amount to operational development. Children play in a small corner of the field over summer, but the domestic use is very limited. It is not considered that a material change of use of the land has occurred. The use, character and appearance of the land is primarily agricultural and therefore there is no breach in planning control. There was no evidence found to indicate that land was being used to store building material.

E/2025/0087, Clay Gap, Caldbeck, Wigton, CA7 8HJ

Alleged sub-division of house into two
Reason for closure: No Breach - Has permission/consent

Clay Gap is a traditional former farmhouse with attached agricultural building. Permission (7/1996/2162) for the conversion of the attached agricultural barn to residential was granted in October 1997. The development has permission, therefore no breach in planning control has occurred.

E/2025/0098, Fawns Keep, Tower Wood, Windermere, LA23 3PN

Alleged - Change of use of property to holiday let
Reason for closure: No Breach - Not development

Fawns Keep, Tower Wood is a contemporary 3 bed dwelling. Its primary use is residential. The size of the property limits occupancy to 6 people, meaning it meets the definition of a C3 dwellinghouse. It does not have an occupancy restriction. The property is advertised as a holiday let. In this case it is not considered that a material change in use from a C3 dwellinghouse has occurred. No breach in planning control has occurred.

E/2025/0104, Sycamore House, Threlkeld, Keswick, CA12 4RX

Alleged - working outside permitted hours on planning application 7/2024/3074
Reason for closure: Breach - Resolved

A concern was raised regarding a breach of condition 4 (construction hours) on planning permission 7/2024/3074. Our investigation found that work was taking place by the outside of the specified construction hours. A breach of planning control had occurred. Advice has been provided to the developer and no further concerns have been received. The breach has been resolved.

E/2025/0112, Upper Oak House, 27 Upper Oak Street, Windermere, LA23 2LB

Alleged use of local occupancy house as a holiday let
Reason for closure: No Breach - Not development

This concern has been investigated under E/2025/0064 and there was no breach of planning control. This case had been closed as a duplicate.

E/2025/0114, Corner of Droomer Drive/Orrest Drive, Windermere, Cumbria

Alleged erection of for sale board not in accordance with advert regulations
Reason for closure: Breach - Resolved

An estate agent for sale board was being displayed away from the property for sale. As the board was not on the property for sale it was being displayed in contravention of the Advertisement Regulations. The board has been removed, and advice has been provided to the estate agent.