

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

In 2024/25 we received 278 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/2020/0168, Land at West View, Penruddock, Penrith, CA11 0QU

Alleged making of a material change of use of the Land from agriculture to residential through the siting of a caravan as a self-contained unit of residential accommodation with associated operational development comprising the formation of an access track.

A caravan has been sited on agricultural land and is being occupied for residential purposes. The unfettered residential use is contrary to the Local Plan. The use generates wastewater from overnight use, which will likely be discharged into the catchment of the River Eden Special Area of Conservation. It is not possible to rule out a likely significant effect from the development on the relevant habitats site. The caravan also results in harm to the character and appearance of the area. An enforcement notice was issued on 18 June 2025.

E/2024/0197, Land at Haveriggholme, Torver, LA21 8BU

Alleged making of a material change of use of the Land from domestic garden to a separate independent residential use facilitated by siting of a self-contained unit of residential caravan

A caravan has been sited in a domestic garden and is being occupied as a separate independent residential unit. The unfettered residential use is contrary to the Local Plan and results in harm to the character and appearance of the area. An enforcement notice was issued on 9 July 2025.

E/2022/0284, Land at Black Bush Field, Stock Lane, Grasmere, LA22 9SJ

Alleged making of a material change of use of the Land from use as agriculture to a mixed use of agriculture and access, turning and storage area in associated with the brewery and operational development consisting of the formation of a track and area of hardstanding

A new track has been installed around the outer edge of Grasmere sewage works. At the end of the track an area of hardstanding has been formed and is being used in association with the neighbouring brewery. The land is within flood risk zone 3 and designated as a functional floodplain. National guidance is that development should not be permitted within a functional floodplain. The development also harms the character and appearance of the area. We issued two enforcement notices on 16 July 2025. One relates to the material change of use of the land and the second to the physical operational development.

INVESTIGATIONS CLOSED

E/2018/0074, Irton Hall, Irton, Holmrook, CA19 1TA

Alleged erection of wall, erection of building and display of advertisement banners
Reason for closure: Breach - Notice complied with

We received concerns about a new wall and fence that had been erected within the grounds of a listed building and advertising banners to the entrance. We concluded that the fence was permitted development whilst construction work was being carried out. It has since been removed. The wall was in breach of planning control and found to be unacceptable, so we served an Enforcement Notice. Advice was provided about the display of banners.

Initially the enforcement notice was not complied with so we began prosecution proceeding. The enforcement notice has now been complied with. No advertisement banners are now being displayed in contravention of the advertisement regulations. The breaches of planning and advertisement control have been resolved.

E/2019/0295, Ashlack Stables, Grizebeck, Kirkby in Furness, LA17 7XN

Alleged erection of block stables and running a livery yard
Reason for closure: No Breach - Immune (S171B)

Our investigation identified a small stable block had been erected in fields adjacent to Ashlack Hall and an agricultural building was being used for the stabling of horses and a livery business was also operating from the site.

Normally planning permission would be required for the erection of the stables and the change of use of the land, no relevant planning history was found, a breach in planning control has occurred. In both cases it was evidenced that the development was immune from formal action as it was outside the immunity timeframe.

E/2020/0184, Fell View, Ashtree Avenue, Keswick, CA12 5PF

Alleged erection of high fencing and shed on boundary
Reason for closure: Breach - Notice complied with

We received concerns about a new fence and shed to the rear of a domestic property in Keswick. The fence was adjacent to the highway and exceeded one metre in height. Both the fence and the shed created an obstruction to the view of persons using the highway in a way likely to cause danger to such persons. This meant neither the fence or shed could benefit from permitted rights and both were in breach of planning control.

Due to the harm to highway safety we served an Enforcement Notice which was upheld at appeal by the Planning Inspectorate. The notice was not initially complied with, so prosecution proceedings were started. This has resulted in the majority of the requirements of the notice being met. Parts of the fence have not been lowered as required however it is considered that the works as carried out have resolved the harm to highway safety so it is now not in the public interest to proceed with a prosecution.

E/2021/0130, Oakbank House, Helm Road, Bowness-on-Windermere, Windermere, LA23 3BU

Alleged unauthorised alterations including replacement of sash windows with upvc windows

Reason for closure: Breach - Notice complied with

The traditional window frames in this hotel were replaced with modern frames of a different design. The works materially affected the external appearance of the building and so amounted to development which was in breach of planning control. The new frames harmed the character of the conservation area. We issued an enforcement notice but it was found to be a nullity at appeal. A revised enforcement notice was issued and was upheld at appeal. The enforcement notice has now been complied with as window frames to match the originals have been installed. The breach in planning control has been resolved.

E/2022/0175, Crookhead and Rigghead Cottages, Rosthwaite

Alleged conversion of two cottages into staff accommodation for the Scafell Hotel

Reason for closure: No Breach - Immune (S171B)

We received a concern about two cottages being used as staff accommodation. Our investigation has established that a material change of use of two dwellings to a House in Multiple Occupation (HMO) occurred in 1972 and the property has been used in the same way since then. The use of the property as an HMO is lawful and no breach of planning control has been found.

E/2025/0008, 1 Carleton Cottages, Carleton, Holmrook, CA19 1YX

Alleged - shed in back garden over shared septic tank and large concrete pad with structure in front garden

Reason for closure: Breach - Resolved

A timber shed is in the process of being erected within the front garden of No 1 Carleton Cottages. This is on land forward of a wall forming the principal elevation of the original dwellinghouse and was a breach in planning control. The occupier was advised of the options available to address the breach of planning control. The shed has been removed, the breach has been resolved.

A shed has also been erected in the rear garden, a fence erected in the front garden and an area of hard standing installed in the front garden. These are all permitted development and are not in breach of planning control.

E/2025/0095, Beech Rock, Helm Road, Windermere, LA23 2HS

Alleged - new house permitted under planning application 7/2018/5505 now being used as a holiday let

Reason for closure: No Breach - Not development

We have investigated the concern in detail including considering recent case law and have concluded that no material change of use of the property has taken place due to its use as short-term holiday letting accommodation. The property is being used as a dwelling as approved by planning permission 7/2018/5505. No breach in planning control has occurred.

E/2025/0110, Middlebank Field, Dacre, Penrith, Cumbria

Alleged siting of caravan for residential purposes

Reason for closure: Breach - Resolved

A concern was raised regarding the siting of a caravan for residential purposes. Our investigation found that a caravan had been sited on the land and was being used for recreational purposes. A storage building had also been erected which was being used in association with the keeping of horses. There was no planning history for the development; a breach of planning control had occurred. The caravan and storage building have been removed. The breaches of planning control have been resolved.

E/2025/0111, Wordsworth Learning Space, Dove Cottage, Grasmere, Ambleside, LA22 9PP

Alleged - Flag Banners

Reason for closure: Breach - Resolved

Our investigation found that advertisements, in the form of flag banners, were being displayed at the main car park entrance for the Wordsworth Trust, Grasmere. Advertisements in the form of flags are not permitted in this location without consent and therefore a breach of advertising control has occurred. The advertisements have now been removed, and the breach has been resolved.

E/2025/0133, Land to rear of The Chapel House, Blindcrake, Cumbria, CA13 0QP

Alleged breach of conditions 3 and 4 on 7/2019/2081

Reason for closure: Breach - Not expedient to enforce

A concern was raised regarding alleged breaches of conditions 3 and 4 on planning permission 7/2019/2081 which approved the change of use of land to garden. Condition 3 required boundary treatments to be agreed. Condition 4 removed permitted development rights.

Our investigation found that a swing and trampoline had been placed in the garden. No development was involved so there is no breach of condition 4 on planning permission 7/2019/2081. The details of boundary treatment were not submitted so there is a breach of condition 3. However, the boundaries to the garden are considered acceptable and details would have been agreed if submitted. It is not considered expedient to take action against the breach of condition 3.

E/2025/0141, 16 The Crescent, Keswick, Cumbria, CA12 5HB

Alleged removal of hedge and formation of car parking area

Reason for closure: No Breach - Permitted development

Our investigation found that a section of hedgerow has been removed to provide access to a new area of hardstanding. As the road is unclassified and the hardstanding is permitted development, the formation of the new access is also permitted development.

E/2025/0152, Verge west of 2 The Parrock, Ings, Kendal, Cumbria, LA8 9PY

Display of advanced advertisement - Ings Hall Caravan Park

Reason for closure: Breach - Resolved

A sign advertising the sales of holiday lodges has been located on land in contravention of the Advertisement Regulations. We have liaised with the owner who has subsequently removed the sign. The breach has been resolved.

E/2025/0167, Land at High Close, Palace Lane, Newby Bridge, Ulverston, LA12 8NZ

Alleged agricultural land being used for recreational and dog walking purposes.

Reason for closure: No Breach - Not development

Following a desk-based investigation, we have concluded the occasional use of the land for dog walking activities is incidental to the primary agricultural use of the land, and does not amount to a material change the use. No breach in planning control has occurred.

E/2025/0171, Woodcroft North End Barn, Haverthwaite, Ulverston, LA12 8AE

Alleged - external construction works on the front elevation of Woodcroft North End Barn

Reason for closure: No Breach - Permitted development

We received concerns about pointing works taking place on the front elevation of a house. The works are permitted development so there is no breach of planning control.

E/2025/0175, Holm Farm, Blindcrake, Cockermouth, CA13 0QP

Alleged change of use and non-compliance with planning permission 7/2009/2184

Reason for closure: No Breach - Not development

We received concerns about how outbuildings were being used at a domestic property. It was alleged that a commercial blacksmith business was operating. Our investigation found the home owner has been making his own ironmongery whilst renovating the house. The use is ancillary to the domestic use of the property and no material change of use has occurred. The use of the outbuildings is in accordance with permission granted in 2009.