

**South Lakeland District Council
PLANNING COMMITTEE**

27th April 2017

**A REPORT ON MONTHLY ENFORCEMENT ACTIVITY
BETWEEN 1st – 28th February 2017**

PORTFOLIO:	Not applicable
REPORT FROM:	David Sykes - Director People and Places
REPORT AUTHOR:	Mark Balderson – Planning Enforcement Officer
WARDS:	All
FORWARD PLAN:	Not applicable

1.0 EXPECTED OUTCOME

1.1 To inform Members about planning enforcement activity between 1 February and 28 February 2017. This report aims to provide a brief and informative insight into current enforcement cases, action taken, on-going investigations and cases closed.

2.0 RECOMMENDATION

2.1 It is recommended that Members note the contents of appendix 1 and endorse the delegated actions of officers in closing cases as set out in appendix 2.

3.0 BACKGROUND AND PROPOSALS

3.1 Enforcement Activity: February 2017

Cases on hand at 1 February 2017	175
New cases	19
Total cases closed	16
Cases on hand at 28 February 2017	178

3.2 Enforcement cases for which Committee consideration is sought:

None to report.

3.3 An update on enforcement cases involving enforcement action:

3.3.1 An update on those cases involving formal enforcement action is attached as appendix 1.

3.4 **Summary of enforcement cases which have been investigated and closed under delegated powers:**

3.4.1 Officers consider it important that Members are aware of the enforcement cases that have been investigated by officers and that Members note / endorse that these cases have been closed and no further action taken. These cases are set out in appendix 2.

4.0 **CONSULTATION**

4.1 Not applicable.

5.0 **ALTERNATIVE OPTIONS**

5.1 Not applicable.

6.0 **LINKS TO COUNCIL PRIORITIES**

6.1 This report links to the aim of “Enhancing the environment in which we live, and supports the national performance indicators”. The National Planning Policy Framework (NPPF) paragraph 207 states “planning enforcement is important as a means of maintaining public confidence in the planning system”.

6.2 Having an effective robust planning enforcement regime involving people will help make South Lakeland the best place to live, work and visit. Dealing with unauthorised development in an efficient, firm and fair manner, fosters strong links with the community, increased public confidence in the Council and value for money.

7.0 **IMPLICATIONS**

7.1 **Financial and Resources**

7.1.1 Cost implications only arise if the matter ultimately requires court or direct action in default.

7.2 **Human Resources**

7.2.1 The recommendations in this report do not have any staffing implications.

7.3 **Legal**

7.3.1 See report.

7.4 **Social, Economic and Environmental**

7.4.1 This report does not have any registered significant environmental effects.

7.5 **Equality and Diversity**

7.5.1 The Statement of Community Involvement takes account of the equalities issues in seeking to define South Lakeland’s community and interests relevant to the Local Development Framework which will influence the determination of individual planning applications.

7.6 **Risk**

Risk	Consequence	Controls required
The failure of a	Ombudsman	To maintain sufficient

Risk	Consequence	Controls required
statutory requirement to investigate breaches of planning law with an effective investigative compliance and enforcement system.	maladministration investigation. Result in inappropriate forms of development, which would have an adverse impact on the character, and appearance of the District's historic towns and rural landscape.	resources in planning enforcement and prioritise and co-ordinate the investigation of breaches of planning control.

CONTACT OFFICER

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APPENDICES ATTACHED TO THIS REPORT

Appendix No.	
1	A report on enforcement cases where authorisation to take enforcement action has been sought.
2	A report to provide a summary of the cases which have been resolved under delegated authority in this committee month.

BACKGROUND DOCUMENTS AVAILABLE

Name of Background document	Where it is available
Various planning files	Planning Department website: http://applications.southlakeland.gov.uk/planningapplications/welcome.asp

TRACKING INFORMATION

Assistant Director	Portfolio Holder	Solicitor to the Council	SMT	Scrutiny Committee
n/a	n/a	10 th Apr 2017	n/a	n/a
Executive (Cabinet)	Committee	Council	Section 151 Officer	Monitoring Officer
n/a	27 th Apr 2017	n/a	n/a	n/a
Human Resource Services Manager	Leader	Ward Councillor(s)	Development Management Group Team Leader	
n/a	n/a	n/a	10 Apr 2017	

APPENDIX 1

The purpose of this appendix is to provide a brief summary of the on-going action of cases with committee authorisation and delegated authority.

REF No.	PARISH	SITE ADDRESS	BREACH / CONTRAVENTION	PROGRESS / NEXT STEP
11168	PENNINGTON	Cowran Farm	Laying a substantial amount of hardcore in agricultural field to create hard-standing, used for storage of none agricultural equipment.	Owners have been asked to tidy the site. Pre-commencement of enforcement action.
15019	KIRKBY LONSDALE	Underley Hall	Unauthorised works to listed building	Listed building Enforcement Notice served and took effect on the 19 October 2016. The site is now in the Yorkshire Dales National Park. Officers working with YDNP officers.
14060	PENNINGTON	Land at Low Greaves	Erection of buildings. Running agricultural business and repair and storage of vehicles.	Recent site visit confirms the owners have carried out some of the requirements in the Enforcement Notice.
14194	LUPTON	Low Row	Operational development, laying of hardcore to create a 120 metre road.	Officers instructed legal services to commence legal proceedings for none compliance of the Enforcement Notice.
14262	PRESTON PATRICK	1 Gatebeck Cottages Gatebeck	Erection of 1.8 metre fence adjacent to the highway.	Enforcement Notice not fully complied with. Working with owner to reach acceptable compliance with notice.

15102	GRANGE over SANDS	Lingwood Park Cartmel Road	Excavation, laying of hard-core, creation of concrete base, siting of caravan for residential use.	Owner has withdrawn their appeal and currently undertaking the works required in the enforcement notice.
15130	GRANGE over SANDS	Monton, 10 cart Lane	Alterations to roof of dwellinghouse.	The Inspectorate has quashed the Enforcement notice.
15101	KENDAL	8 River Bank Road	Running a contracting business from dwellinghouse.	Monitoring compliance with enforcement notice. Site visit confirms equipment is still been stored at the property.

APPENDIX 2

A report to provide a summary of the cases which have been resolved under delegated authority in this committee month.

Closed Cases Between 01/02/2017 & 28/02/2017

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Ref No	Parish	Site Address	Allegation of Breach	Reason for Closure
08210	KENDAL	177 Highgate Cash In A Dash, Kendal, LA9 4EN	Adverts harmful to conservation area.	No breach.
13239	KENDAL	Land To The North Of Foxdale, Underbarrow Road, Kendal, LA9 5RS	Storage of stone, site cabin, shipping container and two old track excavators.	Cabin and excavator removed.
14033	KENDAL	26 Derwent Drive, Kendal, LA9 7PB	Erection of 2m high fence adjacent the highway.	The fence has been reduced in accordance with the requirements in the notice.
15095	OLD HUTTON AND HOLMESCALES	Claremont, Old Hutton, Kendal, LA8 0NL	Running of a business adjacent listed building.	Activity been in operation for over 10 years.
15144	GRANGE OVER SANDS	Land To The South Of Fieldside, Allithwaite Road, Grange Over Sands, La11 7/e	Not built to plans approved - SL/2014/0724.	Breach remedied.
16061	PRESTON RICHARD	Pear Tree Barn, The Old Farm House, Crooklands, LA7 7NW	Creation of detached self-contained holiday unit.	Planning application submitted SL/2016/1013 approved.
16121	BARBON	Beckgate Bridge, Barbon, LA6 2LT	Damage to bridge.	Case passed to YDNP.
16152	BEETHAM	Heron Cottage, Sandside, LA7 7HN	Change of use from residential to tattoo shop.	No material change of use.
16172	KENDAL	Wall At The End Of 10 Woolpack Yard, Kendal, LA9 4NG	Unauthorised signage.	Being dealt with under case ref 16161.

16218	KIRKBY LONSDALE	Home Interiors, The Courtyard, Kirkby Lonsdale, LA6 2AT	Unauthorised bicycle advertisement	Advert removed.
16237	KENDAL	1 Mint Cake Mews, Kendal, LA9 5LB	Wooden fence erected on stone wall	Fence lowered, Permitted Development.
16249	ARNSIDE	14a Plantation Avenue, Arnside, LA5 0HT	Erection of car port.	No Breach.
16266	PENNINGTON	Land To The East Of East View, Lindal In Furness	Unauthorised earthworks	Case been dealt with under 17006.
16270	BEETHAM	Hall More Caravan Park, Hale, Milnthorpe, LA7 7BP	Breach of condition 3 attached to SL/2012/0200 (occupancy)	Been dealt with under case 17007
17008	KENDAL	Berendsen, Shap Road, Kendal, LA9 6DQ	Siting container in yard area.	Deminimis.
17025	KENDAL	Holland And Barrett, Woolpack Yard, Kendal, LA9 4ND	Untidy building	Breach attached 16161.