

**South Lakeland District Council**  
**Planning Committee**  
**28<sup>th</sup> January 2021**  
**Report on Monthly Enforcement Activity**

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**Portfolio:** Councillor Jonathan Brook – Housing and Innovation Portfolio Holder  
**Report from:** Simon Rowley - Director of Customer and Commercial Services  
**Report Author:** Ronan Kelly – Planning Enforcement Officer  
**Wards:** All Wards  
**Forward Plan:** N/A

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**1.0 Expected outcome**

1.0.1 To inform Members about planning enforcement activity for November - December 2020. 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**

2.0.1 It is recommended that Members note the contents of Appendix 1 and Appendix 2.

**3.0 Background and proposals**

**3.1 Enforcement activity: November - December 2020**

November 2020

Cases on hand at 1 <sup>st</sup> November 2020	192
New cases	17
Total cases closed	23
Cases on hand at 30 <sup>th</sup> November 2020	186

*Enforcement stats for November 2020*

<b>November 2020</b>	
Enforcement cases closed	23
Enforcement Delegated Reports	37
Closure letters	27
Submission Letters issued	5

Probing letter	6
First Warning letter	10
Reminder warning letter	5
Final warning letter	0
Enforcement Notice	2
Breach of condition Notice	0
Planning Contravention Notice	5

Applications received in November 2020	4
Total	£302

#### December 2020

Cases on hand at 1 <sup>st</sup> December 2020	186
New cases	13
Total cases closed	18
Cases on hand at 31 <sup>st</sup> December 2020	181

#### *Enforcement stats for December 2020*

<b>December 2020</b>	
Enforcement cases closed	18
Enforcement Delegated Reports	33
Closure letters	34
Submission Letters issued	4
Probing Letter	8
First Warning letter	5
Reminder warning letter	6
Final warning letter	0
Enforcement Notice	0
Breach of condition Notice	0
Planning Contravention Notice	0

Applications received in December 2020	7
Total	£2,032

### **3.2 Enforcement cases for which Committee consideration is sought:**

3.2.1 None.

### **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 and note / endorse that these cases have been closed and no further action taken. I refer to Appendix 2, which has the list of enforcement case which have been the months of November to December 2020. The reason for closing the enforcement case has also been included.

### **4.0 Consultation**

4.0.1 Not applicable

### **5.0 Alternative Options**

5.0.1 Not applicable

### **6.0 Links to Council priorities**

6.0.1 The National Planning Policy Framework (NPPF) paragraph 58 states “planning enforcement is important as a means of maintaining public confidence in the planning system”.

6.0.2 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**

#### **Financial, Resources and Procurement**

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

#### **Human Resources**

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

#### **Legal**

7.3 See Report. With regards to those individual cases in which legal action is considered, legal advice is sought to ensure that any action taken is lawful, justifiable and proportionate.

## Health, Social, Economic and Environmental

7.4 This report does not have any registered significant health, environmental, social, economic effects.

7.4.1 If you have not completed an Impact Assessment, please explain your reasons: Not applicable.

7.4.2 Summary of health, social, economic and environmental impacts: Not applicable.

## Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No.

7.7.1 If you have not completed an Impact Assessment, please explain your reasons: 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. Equality issues are also considered for each individual case as and when action is necessary.

7.7.2 Summary of equality and diversity impacts: N/A

## Risk

Risk	Consequence	Controls required
The failure of a statutory requirement to investigate breaches of planning law with an effective investigative compliance and enforcement system.	Ombudsman 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.	To maintain sufficient resources in planning enforcement and prioritise and co-ordinate the investigation of breaches of planning control.

## Contact officers

Ronan Kelly - Planning Enforcement Officer Tel: 01539 793569, email: [planning.enforcement@southlakeland.gov.uk](mailto:planning.enforcement@southlakeland.gov.uk)

## Appendices attached to this report

Appendix No.	Name of appendix
1	A report on enforcement cases where authorisation to take enforcement action has been sought.
2	Closed enforcement cases and summary for closure.
3	Applications received from enforcement action
4	Enforcement stats for 2020

## Background documents available

Name of background document	Where it is available
Various planning files	Planning Department website: <a href="http://applications.southlakeland.gov.uk/planningapplications/welcome.asp">http://applications.southlakeland.gov.uk/planningapplications/welcome.asp</a>
Details identifying the reporting body is confidential.	See report in appendix for details and reference numbers.

## Tracking Information

Signed off by	Date sent
Legal Services	
DC Team Leader	
Section 151 Officer	N/A
Monitoring Officer	N/A
SMT	N/A

Circulated to	Date sent
Assistant Director	N/A
Human Resources Manager	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	
Executive (Cabinet)	N/A
Council	N/A

## 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
16157	ULVERSTON	11/11a Market Street	Removal and insertion of windows.	Legal pack has been prepared. In the process of finalising all the required documents.
15196	EGTON WITH NEWLANDS	Alpine Rd, junction with A590, Newlands	Material change of use of land and operational development.	Enforcement officer compiling file to present to legal.
16028	Kendal	13a Haliburton Road, Kendal	Untidy building plot	PCN has been issued to site owner, currently waiting for it to be returned to the Council. Once returned and review, will decide upon the appropriate course of action.
19178	GRANGE over SANDS	Monton, 10 Cart Lane	Alterations to roof of dwelling-house.	Officers have reviewed information provided by the solicitor acting on behalf of the site owner, and have sought legal advice on taking enforcement action. Ongoing discussion regarding the best course of action to take after reviewing appeal decisions.

Appendix 2 – Closed cases between November - December 2020

**Closed Cases Between 01/11/2020 & 31/12/2020**

**41**

<b>Ref No</b>	<b>Parish</b>	<b>Site Address</b>	<b>Allegation of Breach</b>	<b>Reason for Closure</b>
<b>17029</b>	ALLITHWAITE AND CARTMEL	Cartmel Ground, Cavendish Square, Cartmel, Grange Over Sands, LA11 6QA	Alleged unauthorised alterations to listed building.	Breach remedied through the approval of SL/2020/0445 and SL/2020/0446.
<b>18130</b>	STRICKLAND ROGER	River Kent To South West Of Hagg Foot Farm, Burneside, LA8 9AB	Construction of bridge across River Kent	Breach remedied through approval of SL/2020/0180.
<b>19048</b>	URSWICK	Bolton Manor Farm, Urswick, La12 0px	Livestock building not built in accordance with permission SL/2017/0209 & excessive lighting	breach remedied through the approval of SL/2020/0158.
<b>19147</b>	LUPTON	Boxtree House, Lupton, LA6 2PR	Unauthorised erection of 2 metre stone wall and extension of curtilage.	Breach remedied through approval of SL/2020/0538
<b>20002</b>	KENDAL	14 Crummock Drive, Kendal, LA9 7PQ	Unauthorised erection of fence	Breach remedied through SL/2020/0564
<b>20007</b>	ALDINGHAM	Rest Haven, Coast Road, Roosebeck, Ulverston, La12 0rg	Breach of conditions 4, 5, 6 (pre commencement) attached to SL/2017/0317	Breach has been remedied.
<b>20090</b>	ULVERSTON	15 Trinity Court, Church Lane, Ulverston, LA12 7NH	Unauthorised works carried out to listed building without consent - replacement timber windows with UPVC and roof	Breach remedied through approval of SL/2020/0713

			light with non-conservation area roof light	
<b>20102</b>	KIRKBY IRELETH	Mourne Lea, Sandside Lane, Kirkby In Furness, LA17 7UA	Unauthorised erection of garage being used as a workshop	No breach.
<b>20110</b>	KIRKBY LONSDALE	Tearnside Hall & Barns, Kirkby Lonsdale, LA6 2PU	Deterioration of a listed building	No breach
<b>20111</b>	ULVERSTON	21 Hest View Road, Ulverston, LA12 9PJ	Roof dormer erected not in accordance with SL/2017/0818	No breach - permitted development
<b>20112</b>	KENDAL	Footpath Outside Duke Of Cumberland, 1 Appleby Road, Kendal, LA9 6ES	Unauthorised erection of sign	Matter referred to Cumbria County Council.
<b>20113</b>	KENDAL	Land On Corner Of Esthwaite Avenue And Derwent Drive, Kendal, LA9 7PB	Breach of condition 2 (plans) attached to SL/2014/0990	No breach
<b>20114</b>	SKELSMERGH	Building South Of Strawberry Bank, Skelsmergh, Kendal, LA8 9JU	Unauthorised extension of site	Changes are de minimis and are not expedient to pursue
<b>20115</b>	BEETHAM	Storth C Of E School, Storth Road, Storth, Milnthorpe, LA7 7JA	Unauthorised erection of wooden structure and landscaping	No breach
<b>20116</b>	KENDAL	Spital Farm, Appleby Road, Kendal, LA9 6PJ	Breach of condition 6 (No more than 20 caravans on site) attached to SL/2019/0108	No breach
<b>20117</b>	GRANGE OVER SANDS	Low Wood, Windermere Road, Grange Over Sands, LA11 6EG	Unauthorised removal of hedge in conservation area and laying of hardstanding	Not expedient to pursue.



<b>20118</b>	KENDAL	Black Swan Hotel, Allhallows Lane, Kendal, LA9 4JH	Unauthorised change of use to holiday let	No breach
<b>20119</b>	ULVERSTON	Rear Of Greengates, Ainsworth Street, Ulverston, LA12 7EU	Unauthorised erection of a mast	Mast has been removed.
<b>20120</b>	ANGERTON	Moss House Farm, Kirkby In Furness, LA17 7UY	Unauthorised change of use from holiday let to residential dwellings	No breach
<b>20123</b>	BURTON IN KENDAL	Underfell, 5 Thornleigh Drive, Burton, Carnforth, LA6 1NQ	Alleged unauthorised erection of a building within the curtilage	No breach
<b>20124</b>	KENDAL	Rear Of 35 Sandylands Road, Kendal, LA9 6EU	Development not carried out in accordance with condition 2 (approved plans) attached to planning application SL/2012/0145	Not expedient to pursue.
<b>20125</b>	KENDAL	2 Elm Court, Sparrowmire Lane, Kendal, LA9 5PF	Alleged unauthorised erection of shed	Permitted development
<b>20127</b>	KENDAL	Kendal Rugby Club, Mint Bridge, Shap Road, Kendal, LA9 6NZ	Alleged breach of Condition 19 (opening hours) attached to planning application SL/2015/0016	Breach has ceased.
<b>20130</b>	HINCASTER	The Bothy, Willowsway Country Estate, Stainton, Kendal, LA8 0LE	Alleged breach of condition 2 (approved plans) & 4 (hard/soft landscaping pre commencement condition) attached to planning references SL/2019/0579 (FPA) & SL/2019/0580 (LBC), Also breach of condition 10	Duplicate case 20079 and 20129

			(removal of fences/gates) attached to planning reference SL/2019/0851	
<b>20131</b>	STAINTON	Willowsway (formalery Sellet Estate), The Stables And Willow Stud, Stainton, Kendal, LA8 0LE	Alleged breach of condition 10 attached to SL/2019/0851 (PD rights removed for fences)	Duplicate case 20079.
<b>20134</b>	ALLITHWAITE AND CARTMEL	Town Close, The Square, Cartmel, Grange-Over-Sands, LA11 6QB	Alleged development not carried out in accordance with the approved plans attached to planning reference SL/2019/1017	No breach
<b>20135</b>	ARNSIDE	Woodslea, Lynslack Terrace, Arnside, Carnforth, LA5 0EL	Alleged breach of condition 2 (plans - north elevation) attached to SL/2019/0582	Not expedient to pursue.
<b>20136</b>	GRANGE OVER SANDS	Icod, 5 Little Heads, Grange-Over-Sands, LA11 7DZ	Alleged unauthorised erection of a fence & posts exceeding 2 metres in height	Breach remedied through approval of SL/2020/0566
<b>20137</b>	KENDAL	8 Dockray Hall Industrial Estate, Kendal, LA9 4RU	Alleged unauthorised change of use to a clothes shop	No breach
<b>20138</b>	KENDAL	Land To The South Of Lumley Road, Kendal, LA9 5HT	Alleged breach of condition 17 (working hours) attached to planning reference SL/2014/0846	Breach remedied through section 74B approval.
<b>20140</b>	BURTON IN KENDAL	13 Morewood Drive, Burton-In-Kendal, Carnforth, LA6 1NE	Alleged unauthorised erection of a dormer window	No breach.
<b>20143</b>	GRANGE OVER SANDS	8 Granby Road, Grange-Over-Sands, LA11 7AU	Development not carried out in accordance with condition 3 (materials) attached to	No breach

			planning reference SL/2019/0548	
<b>20144</b>	KENDAL	78 High Cragg Close, Kendal, LA9 6HN	Alleged unauthorised extension of curtilage	No breach
<b>20148</b>	BEETHAM	Parkside, Hale, Milnthorpe, LA7 7BL	Alleged unauthorised extension	No breach
<b>20149</b>	ULVERSTON	34 Kingsway, Ulverston, LA12 9AX	Alleged unauthorised extension of curtilage and unauthorised erection of boundary wall	No breach
<b>20154</b>	ALLITHWAITE AND CARTMEL	Cartmel Drinkshop & Wine Snug, 5a Unsworths Yard, Ford Road, Cartmel, Grange-Over- Sands, LA11 6PG	Alleged unauthorised extension of pub/café into car parking area	No breach
<b>20159</b>	SEDGWICK	Apartment 15, Sedgwick House, Sedgwick, Kendal, LA8 0JX	Unauthorised internal works to a Listed Building	not expedient to pursue
<b>20176</b>	EGTON WITH NEWLAND	Arrad Foot Lane Leading To Oak Vale, Arrad Foot, Ulverston, LA12 7SL	Alleged unauthorised erection of sign	Duplicate case
<b>20177</b>		Newbiggin, Ulverston, La12 0rh	Unauthorised erection of gate blocking entrance and exit of property.	After speaking with complainant, it was determined that there was no breach of planning.
<b>20180</b>	GRANGE OVER SANDS	Hartlands, Fernhill Road, Grange-Over-Sands, LA11 7JD	Unauthorised removal of tress within conservation area	Not expedient to pursue.
<b>20194</b>	KENDAL	274 Valley Drive, Kendal, LA9 7SL	Unauthorised Change of Use to Builders Yard.	Duplicate file

**Appendix 3 – Applications received from enforcement action**

Total application received from enforcement action	86
Applications approved	45
Applications refused	4
Applications withdrawn	2
Application pending	35
Total income from application received	£23,401

#### Appendix 4 – Enforcement stats for 2020

Enforcement cases closed	196
Enforcement reports written	309
Planning contravention notices issued	25
Enforcement notices issued	3
Applications received	43