

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE – MATERIAL CHANGE OF USE AND OPERATIONAL DEVELOPMENT

1. THIS NOTICE is issued by South Lakeland District Council (“the Council”) because it appears to them that there has been a breach of planning control, within the meaning of paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES:**

Land adjacent the A590, at the junction with Alpine Road, Newlands, Ulverston, hereafter referred to as “The Land” shown edged red for identification purposes only on **plan No. 1** attached to this Notice.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL: Without planning permission:**

- I. The parking of vehicles, storage of plant, machinery, equipment, materials and waste and;
- II. The erection of building as shown in Photo1 attached to this notice;
- III. The erection and use of building as shown in Photo 2 for keeping and stabling of horses;
- IV. Construction and creation of a horse manège arena including enclosure;
- V. The formation of a hard surfaced area by the laying of hard core, including road planings; and
- VI. Alteration/creation of access by the laying of bitmac, erection of posts and double gates .

4. **REASONS FOR ISSUING THIS NOTICE:**

The unauthorised development has an adverse impact upon the open rural character of the area. The impact on the landscape character is not outweighed by the social and economic benefits of the development. Access onto the busy A590 and the close proximity to the junction of Alpine road raise valid concerns with regard to highway safety.

The development is contrary to the provisions of Policies CS1.1, CS1.2, CS7.4, CS8.2 CS8.4 and CS 10.2 of the South Lakeland Core Strategy; Saved Policies of the

adopted South Lakeland Local Plan S2 and 23 and paragraph 17, 109 of the National Planning Policy Framework.

CS1.1 – *Sustainable Development* – it is vital to protect the countryside for its intrinsic beauty, ensure high quality, localised and appropriate design to retain distinctive character and sense of place.

CS1.2 – *The Development Strategy* - The development is located outside principal or local service centres with no justifiable business need.

CS7.4 – *Rural economy* - Favourable consideration is to be given to suitable employment-related development in rural areas where the proposal:-

- is well related to the existing road network with direct access off a public road, and the proposal will not create conditions prejudicial to highway safety
- is of a scale and type appropriate to the locality and would not adversely alter the appearance or character of the surrounding area.

CS8.2 – *Protection and Enhancement of Landscape and Settlement Character* development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance, the special qualities and local distinctiveness of the area.

CS8.4 – *Biodiversity and Geodiversity* – requires that all development should protect, enhance and restore the biodiversity and geodiversity. New development should include features that will help wildlife to adapt to climate change where appropriate.

CS10.2: *Transport impact of new development* –The unauthorised development does not provide for safe and convenient access on foot, cycle, public or private transport.

S2: Consideration to new buildings – New buildings should be well proportioned to the surroundings, consideration to design, decoration, craftsmanship and materials are all factors necessary to produce acceptable development.

S23: Agricultural buildings – notwithstanding the visual harm to amenity, there is no identified need for buildings of this number and size to facilitate any perceived authorised use of the land.

National Planning Policy Framework (NPPF):

Para 17 – Core planning principles.

Para 109 – Protect and enhance the natural environment.

The Local Planning Authority does not consider that planning permission should be granted because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO:

The Council requires the specified steps listed below to be taken to remove the effect of the development on "the land" which were carried out without planning permission.

- (a) Cease using the land for the parking of vehicles, storage of plant, machinery, equipment, materials and waste and remove from the land.
- (b) Cease using the land for the keeping of horses.
- (c) Demolish buildings as shown in attached Photo1 and Photo2 and remove from the land all materials resulting from the demolition of the buildings.
- (d) Break up and remove from the land the base and compacted materials used to form the hard surfaced area under and around the buildings.
- (e) Demolish and Remove from the land all materials involved in the construction of the Manège.
- (f) On compliance with requirement a to e remove the gates, gate posts, hard-core and bitmac from the land.

The time for compliance for steps a, b, c, d,e and f is 3 months, from when this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT:

This Notice takes effect on 5th February 2018 unless an appeal is made against it beforehand.

Date of issue 4th January 2018

Signed.....

Anthea Lowe

Solicitor to the Council

On behalf of:-

South Lakeland District Council of South Lakeland House
Lowther Street
KENDAL
Cumbria LA9 4UQ

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State Planning Inspectorate before the date specified in paragraph 6 of the Notice.

You must submit to the Secretary of State either when giving notice of appeal or within 14 days of the Secretary of State giving notice so requiring a written statement specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you are proposing to rely in support of each of those grounds.

Guidance on how to appeal can be found on the government's website at:

<https://www.gov.uk/appeal-enforcement-notice>

FEES PAYABLE ON APPEAL

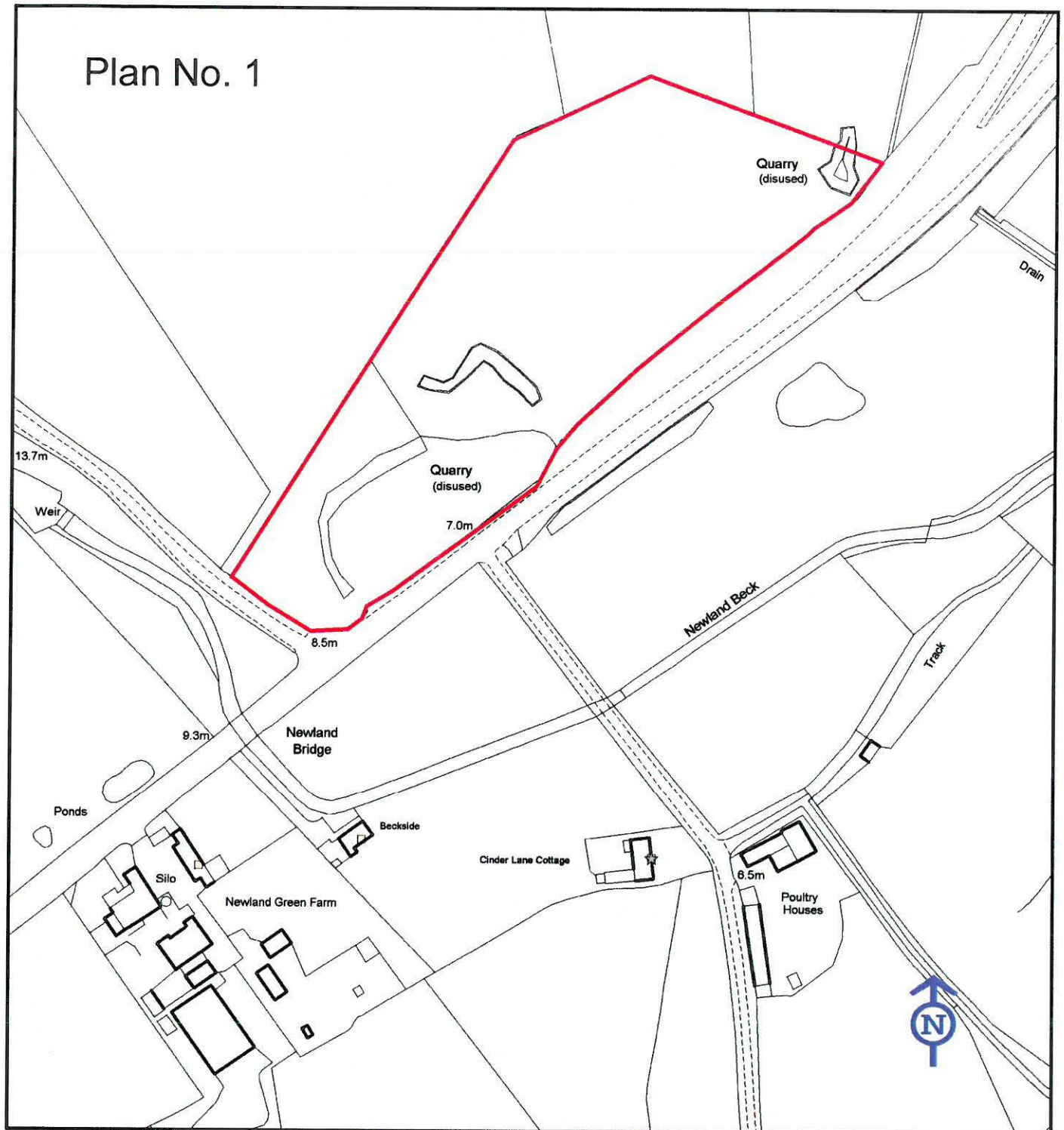
Regulation 10 of the Town and Country Planning Act (fees for applications and deemed applications) Regulations 1989, applicable fees must be paid to the local planning authority upon up on submission of an appeal.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 6 of the Notice and you must then ensure that the required steps for complying with it, and for which you may be held responsible are taken within the period specified in paragraph 5 of the Notice. Failure to comply with an Enforcement Notice, which has taken effect, can result in prosecution and / or remedial action by the Council.

Mr Rudolf Magnus Fischer Holebiggerah Cottage Pennington Ulverston LA12 OJP	Mr Rolf Fischer Holebiggerah Cottage Pennington Ulverston LA12 OJP	Rolf Fischer 14 Tyne Road Walney Barrow in Furness LA14 3NA
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Plan No. 1



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Development Control Group
South Lakeland District Council
South Lakeland House
Lowther Street
KENDAL, Cumbria LA9 4DL

PLAN REFERRED TO:
Alpine Road Plantation
A590
Newlands
Ulverston
Cumbria

October 2017

Scale 1:2,500

Photo 1

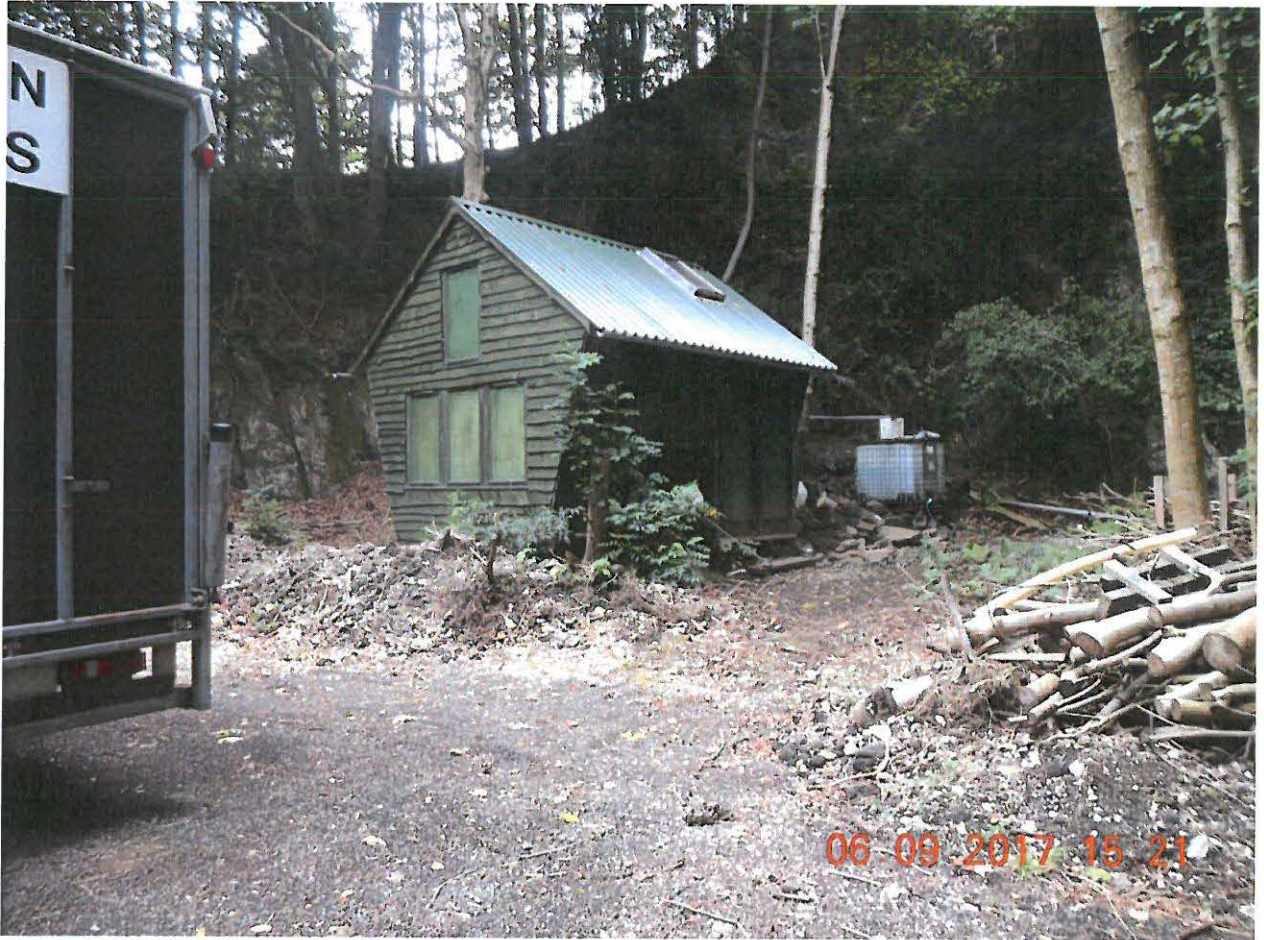


Photo 2

