

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE –CHANGE OF USE

ISSUED BY: SOUTH LAKELAND DISTRICT COUNCIL

1. **THIS NOTICE** is issued by the South Lakeland District Council (“the Council”) because it appears to them that there has been a breach of planning control, within 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 to Groffa Cragg, Broughton Beck, Ulverston, Cumbria being part of OS field 1084 as shown edged red on the attached plan (“the Land”).

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**
Without planning permission, material change of use of the Land from agricultural use to a mixed use of agricultural use and use for the siting and storage of a caravan (“the Land”)

4. **REASONS FOR ISSUING THIS NOTICE**
It appears to the Council that the above breach of planning control has occurred within the last ten years.

The siting of a caravan in this open elevated, prominent location is detrimental to the character and appearance of this attractive local area. The caravans by reason of its siting and appearance has an adverse visual affect on and are not in keeping with this area of open countryside.

The unauthorised development is contrary to guidance in Planning Policy Statement 7; Policy E37 of the Cumbria and Lake District Joint Structure Plan and Policy T6 of the adopted South Lakeland Local Plan

The Council do not consider that planning permission should be given because planning conditions could not overcome these objections to the development.

5. **WHAT YOU ARE REQUIRED TO DO**
 1. Remove from the Land the caravan

 2. Cease using the land for the siting and storage of a caravan or caravans.


6. **TIME FOR COMPLIANCE**

30 days after this Notice takes effect.

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 12 April 2010 unless an appeal is made against it beforehand.

Dated 1 March 2010

Signed 

Matthew Neal
Solicitor to the Council

On behalf of:-

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

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 before the date specified in paragraph 7 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.

FEES PAYABLE ON APPEAL

Pursuant to Regulation 10 of the Town and Country Planning Act (Fees for Applications and Deemed Applications) Regulations 1989 the following fees must be paid to the local planning authority and the planning Inspectorate respectively upon submission of an appeal;

Local Planning Authority £335.00

Planning Inspectorate £335.00

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 7 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 6 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.

PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED

In accordance with the legislation this enforcement notice has been served on the following individual;

1. Janet Elizabeth Nicholson, 1, The Mews, Stone Cross gardens, Ulverston, Cumbria LA12 7XA

RELEVANT STATUTORY PROVISIONS RELATING TO THIS ENFORCEMENT NOTICE
PLEASE READ THESE NOTES CAREFULLY

171A - Expressions used in connection with enforcement

(1) For the purposes of this Act –

- (a) carrying out development without the required planning permission or;
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the Purposes of this Act –

- (a) the issue of an enforcement notice (defined in section 172); or
- (b) the service of a breach of condition notice (defined in section 187A),

constitutes taking enforcement action.

(3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B – Time Limits

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent –

- (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
- (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take action in respect of that breach.

172 – Issue of enforcement notice

(1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them-

- (a) that there has been a breach of planning control; and
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served –

- (a) on the owner and on the occupier of the land to which it relates; and

(b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place –

(a) not more than twenty-eight days after its date of issue; and

(b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect

173 – Contents and effect of notice

(1) An enforcement notice shall state –

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with section (1)(a) if it enables any person on whom a copy of it is served to know what these matters are

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are –

(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or

(b) Remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require –

(a) the alteration or removal of any buildings or works;

(b) the carrying out of any building or other operations;

(c) any activity on the land not to be carried on except to the extent specified in the notice; or

(d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building –

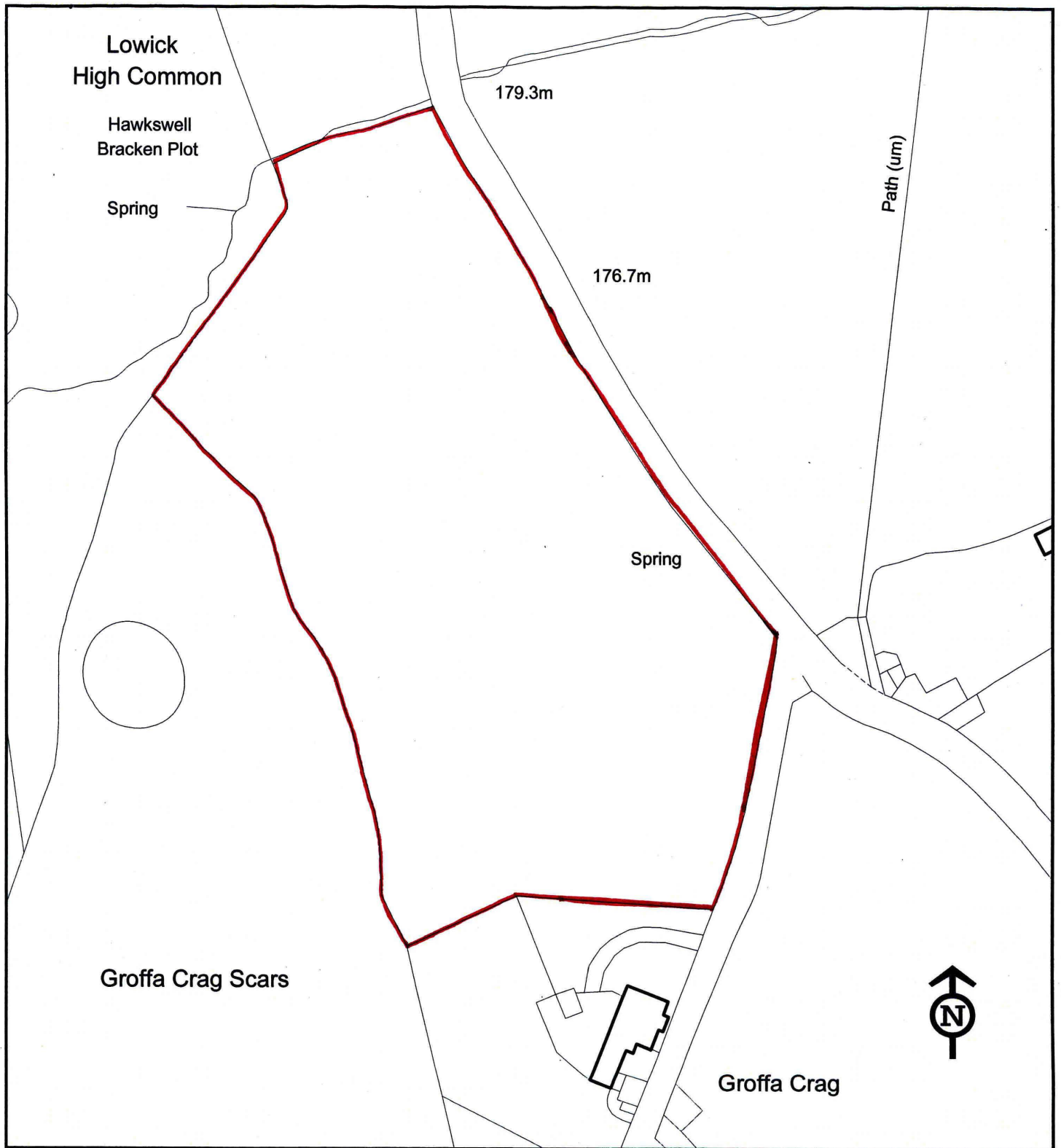
(a) must comply with any requirement imposed by any enactment applicable to the construction of the buildings;

(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;

(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different



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

**PLAN REFERRED TO:
 Land at Groffa Crag**

Site Geocode: E 327122 N 483813

Scale 1:1250