

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

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 at 26 Sedbergh Drive, Kendal Cumbria LA9 6BJ (the Land”) as shown edged red on the plan

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, operational development consisting of the erection of a structure (“the Structure”) on the Land consisting of a fence over 1 metre high adjacent to the highway as outlined in blue on the attached plan

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years.

It is considered expedient to issue a notice because the location and height of the fencing is considered overbearing and to have a dominant impact on the neighbouring properties contrary to Policy S2 of the South Lakeland Local Plan

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

5. **WHAT YOU ARE REQUIRED TO DO**

- (1) Remove from the Land all part of the Structure that exceeds 1 metre above ground level
- (2) Remove from the Land all materials associated with compliance with 5 (1) above

Note: For the purpose of the requirement at 5(1) above ground at any point shall be deemed as being the level of the adjacent footway

6. **TIME FOR COMPLIANCE**


~~30 days~~ after this Notice takes effect.

WV
Two months

7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 25 January 2011 unless an appeal is made against it beforehand.

Dated 14 December 2010

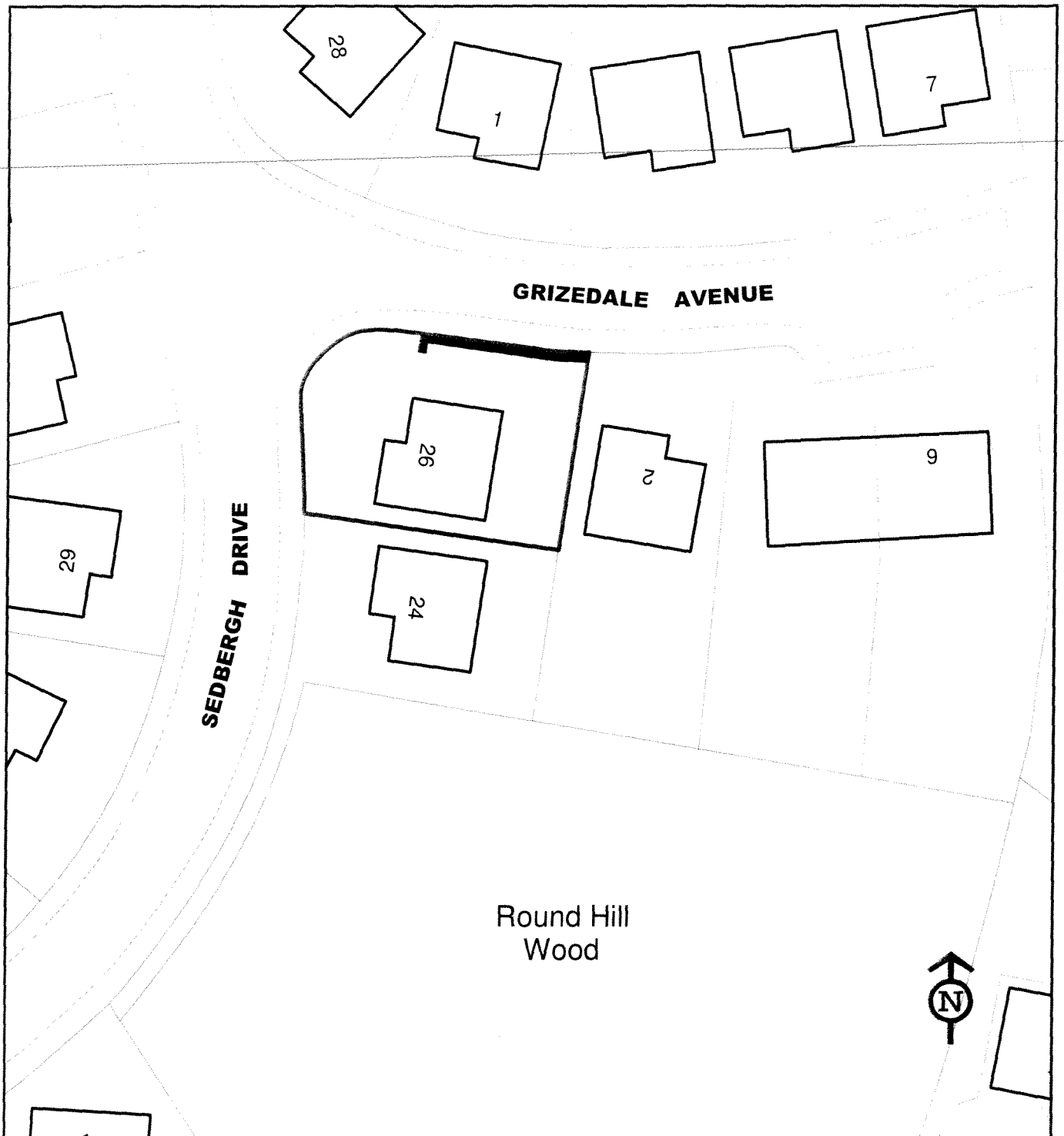
Signed 

Matthew Neal
Solicitor to the Council

On behalf of:-

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

Amended on 17 February 2011 



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

PLAN REFERRED TO:
26 Sedbergh Drive
Kendal
LA9 6BJ

Site Geocode: E 3531015 N 492928

Scale 1:500

09.293