

**IMPORTANT-THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**ENFORCEMENT NOTICE- MATERIAL CHANGE OF USE AND OPERATIONAL DEVELOPMENT**

Issued by: **SOUTH LAKELAND DISTRICT COUNCIL** (the Council)

**1. ENFORCEMENT NOTICE**

This is a formal **Notice** issued by 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 TCPA 1990, at the Land described below. It is considered expedient to issue this Notice, having regard to the provisions of the development plan and to all 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 Hillside Cottage, Gawthwaite, Ulverston, LA12 8EU shown edged red on the attached Plan (the Land).

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

**3.1. Without planning permission:**

- 3.1.1. Unauthorised change of use of the Land from agricultural use (sui generis) to a use of storage of vehicles, caravans and materials including wood (B8), on the Land within the red line boundary of the attached Plan;
- 3.1.2. Unauthorised operational development involving the formation of hard standing, on the Land within the red line boundary of the attached Plan;
- 3.1.3. Unauthorised operational development involving the erection of a shed, on the Land shaded blue within the attached Plan.

**4. REASONS FOR ISSUING THIS NOTICE**

4.1. It appears to the Council that the above unauthorised change of use and breach of planning control has occurred within the last 10 years.

4.2.1. The unauthorised development in question was substantially completed less than 10 years ago;

4.2.2. The unauthorised development has an adverse impact upon the open rural character of the area; and

4.2.3. The unauthorised development has resulted in an incongruous form of development which fails to respect the site locational context and is therefore detrimental to the character of the area.

4.2. It appears to the Council that the above unauthorised operational development and breach of planning control has occurred within the last four years.

4.1.1. The unauthorised development in question was substantially completed less than four years ago;

4.1.2. The unauthorised development has an adverse impact upon the open rural character of the area; and

4.1.3. The unauthorised development has resulted in an incongruous form of development which fails to respect the site locational context and is therefore detrimental to the character of the area.

4.3. Both unauthorised developments are contrary to the provisions of Policies CS1.1, CS1.2 CS8.2 and CS8.10 of the South Lakeland Core Strategy; Policies DM1 and DM2 of the Local Plan Development Management Policies and section 2 of the National Planning Policy Framework and harmful to the visual amenities of the area.

4.4. The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the unauthorised developments.

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

The Council requires the specified steps listed below to be taken to remove the effect of the unauthorised developments on the Land which were carried out without planning permission:

5.1. Permanently remove from the Land the unauthorised shed currently situated in the area shaded blue on the attached Plan;

5.2. Permanently remove from the Land all vehicles and materials including wood which is being stored within the red line boundary of the attached Plan;

5.3. Permanently removed from the Land all hardstanding which has been laid within the red line boundary of the attached Plan;

5.4. Permanently remove from the Land all building materials, rubble and associated materials arising out of compliance with (5.1), (5.2), (5.3) and (5.4) inclusive above;

5.5. Restore the Land to its condition before the breach took place by levelling the ground and re-seeding it with grass; and

5.6. Comply with (5.1), (5.2), (5.3), (5.4) and (5.5) inclusive within 13 (thirteen) weeks from the date this Notice take effect.

## **6. TIME FOR COMPLIANCE**

The periods for compliance with the steps set out in paragraph 5 are:

13 weeks from the date this Notice takes effect.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 24<sup>th</sup> December 2020, unless an appeal is made against it beforehand.

Dated: 12<sup>th</sup> November 2020



Signed.....

.....

MARK LYNCH

Planning Team Leader

On behalf of:- South Lakeland District Council

South Lakeland House

Lowther Street

KENDAL

Cumbria

LA9 4UQ

Nominated officer: Ronan Kelly (Enforcement Officer)

Telephone number: 01539 793569

## **ANNEX**

SOUTH LAKELAND DISTRICT COUNCIL has issued an enforcement notice relating to the Land at Hillside Cottage, Gawthwaite, Ulverston, LA12 8EU shown edged red on the attached Plan and you are served with a copy of that Notice as you have an interest in the Land. Copies of the Notice have also been served on the parties listed at the end of this Annex.

### **YOUR RIGHT OF APPEAL**

You can appeal against this Enforcement Notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate) before the date specified in paragraph 7 of the Notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

### **GROUND OF APPEAL**

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

### **PLANNING APPLICATION FEE**

If you wish to appeal on ground a of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £462. You should pay the fee to SOUTH LAKELAND DISTRICT COUNCIL. If the fee is not paid then that ground of appeal will not be valid.

## **STATEMENT ON GROUNDS OF APPEAL**

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the Enforcement Notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

## **STATUTORY PROVISIONS**

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

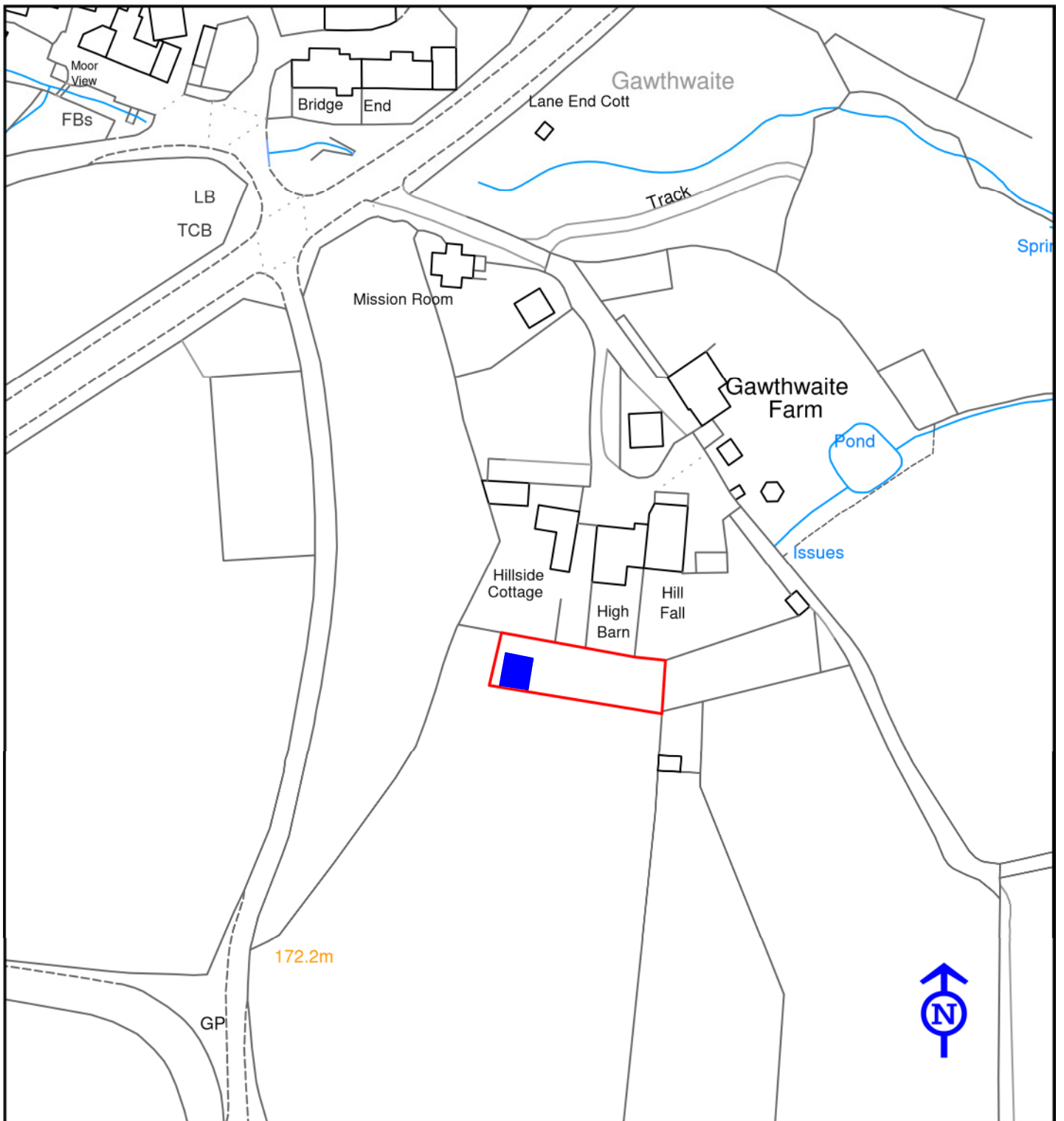
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

## **RECIPIENTS OF THE ENFORCEMENT NOTICE:**

The names and addresses of all persons who were served with the Notice:

Mr David Peters  
Hillside Cottage,  
Gawthwaite,  
Ulverston,  
LA12 8EU

Mr David Arthur Peters  
23 Larch Grove,  
Ulverston,  
LA12 9HX.



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## Plan 1

### Hillside Cottage

**Gawthwaite  
 ULVERSTON  
 LA12 8EU**

Scale: 1:1250