

Important - This Communication Affects Your Property

Town And Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

Breach Of Condition Notice

Served By: South Lakeland District Council ('the Council')

To: Mr Stephen Dent, Westmorland Motor Club, 3 Sawmill Close, Kendal, LA9 6JE

1. BREACH OF CONDITION NOTICE

1.1 THIS IS A FORMAL NOTICE served by the Council, under section 187A of the Town and Country Planning Act 1990, because the Council considers that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the conditions specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES

2.1 Land at Firbank Fell, 1.18 KM SW of Hill Top Farm, Firbank, SEDBERGH, LA10 5EG ('the Land') shown edged red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

3.1 The relevant planning permission to which this notice relates is the permission granted by the Council on 31st October 2011 for 'Surfacing of informal parking area' under reference number SL/2011/0746.

4. THE BREACH OF CONDITION

4.1 The following conditions have not been complied with:

Condition (2)

The surfacing shall be undertaken in accordance with the details submitted as part of the planning application and in accordance with the mitigation measures included in the ecological report prepared by Envirotech NW Ltd.

Reason: For the avoidance of doubt.

Condition (3)

Clean, dark-coloured stone shall be used for the material which is to be overlain with the replaced topsoil.

Reason: To ensure that appropriate surfacing materials are used

5. WHAT YOU ARE REQUIRED TO DO IN RELATION TO THE BREACHES OF CONDITIONS

5.1 As the person responsible for the breaches of conditions specified in paragraph 4 of this notice, you are required to comply with the stated conditions by taking the following steps:

- A) Permanently remove from the planings and any other material which is used to form the surface layer, which was not approved under SL/2011/0746, from the site.*
- B) Accurately implement the development in accordance with the approved plans and conditions granted under planning permission SL/2011/0746.*

6. PERIOD FOR COMPLIANCE

6.1 60 days beginning with the date on which this notice is served on you.

7. WHEN THIS NOTICE TAKES EFFECT

7.1 This notice takes effect:

- Immediately, if served on you in person
- On the day you received it by post

Dated: 30th November 2021

Signed: *Nick Howard*

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

Warning

This Notice Takes Effect Immediately It Is Served On You In Person Or On The Day You Received It By Post.

There Is No Right Of Appeal To The Secretary Of State For The Environment Against This Notice.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate** prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately with South Lakeland District Council's planning department either by email planning@southlakeland.gov.uk or telephone 01539 733333.

If you do need independent advice about this notice, you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters urgently.

If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.



(c) Crown

Plan 1

Land at Firbank Fell, Firbank, KENDAL



N Scale: 1:1250

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