08-Dec-2022

Ms Christine Adams,

Clerk Blawith & Subberthwaite

Browfoot Cottage

Grizebeck

Kirkby-in-Furness

Cumbria

LA17 7XH

Dear Madam

**Town and Country Planning (Enforcement) (Written representations procedure) (England) Regulations 2002**

**Enforcement notice appeal by:**

**Site: Land lying to the south of Brown Howe, Water Yeat, Ulverston**

I am writing to let you know that Mr Barratt has lodged an appeal against the enforcement notice we recently issued to rectify the alleged breach of planning control relating to operational development comprising the formation of hard surfaces by way of the laying of crushed slate aggregate. I am attaching a plan showing the land in question. An Inspector appointed by the Secretary of State will now determine this appeal.

The enforcement notice was issued because:

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

*Operational development comprising the formation of hard surfaces by way of the*

*laying of crushed slate aggregate has occurred. This development is sited within an undeveloped field in the open countryside and are intrusive and uncharacteristic*

*within the otherwise undeveloped open countryside.*

*There is no evidence available to establish that the unauthorised development has*

*not reduced the level of biodiversity on the site. The development has resulted in a*

*harmful direct effect to the Sliving Moss Field Country Wildlife Site and the shore line*

*of Coniston Water Country Wildlife Site. The development has also results in physical*

*damage and harm to the root systems of trees in particular the trees, protected by a*

*woodland Tree Preservation Order, along the northern perimeter of the site.*

*For the reasons set out above the development is unacceptable and contrary to the provisions of the Development Plan in particular Policy 01 (National and international significance of the Lake District), 02 (Spatial strategy), 04 (Biodiversity and geodiversity), 05 (Protecting the spectacular landscape), 06 (Design and development) and 24 (Lakeshore development) of the Lake District National Park Local Plan 2020-2035 and the National Planning Policy Framework.*

The appellant has appealed on the grounds that:

1. That planning permission should be granted for what is alleged in the notice.

(C) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

(D) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

(F) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

The appellant has asked that the appeal be dealt with by the written representations procedure. So both the appellant and ourselves will be sending written statements to the Planning Inspectorate.

If you wish to make any comments on the appeal you can search for and comment on cases online at <https://www.gov.uk/appeal-planning-inspectorate> then select ‘start now’. You can access the case by putting the reference number APP/Q9495/C/22/3310592 into the ‘Case Ref’ field of the ‘Search’ page and clicking on the submit search button. Any comments must be submitted no later than 17 January 2023.

If you do not have internet access you can write directly to the Planning Inspectorate, Room 3A Eagle, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

Please quote the reference APP/Q9495/C/22/3310592 making sure your comments are with them no later than 17 January 2023. Comments received after the deadline will not be seen by the Inspector and will be returned to you. Representations will not be acknowledged.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The Inspectorate produces a guidance booklet and you can view this on The Inspectorate’s website - <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>. This also provides useful advice on taking part in the appeals process.

If you wish to look at the appellant’s grounds of appeal you can do so during normal office hours at our headquarters in Kendal. Please telephone in advance to make sure this is available rather than have a wasted journey.

When made, the decision will be published on the Inspectorate’s website <https://www.gov.uk/appeal-planning-inspectorate>.

We are required to notify neighbours of the site and any other persons who are affected by the breach of planning, that the appeal has been made. We would therefore be grateful if you could inform anyone who you think may be interested, particularly anyone with property in the area.

Yours faithfully

Development Management Support Team

[planning@lakedistrict.gov.uk](mailto:planning@lakedistrict.gov.uk)