

**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: THE LAKE DISTRICT NATIONAL PARK AUTHORITY

1 THIS NOTICE is issued by the Lake District National Park Authority (“the Authority”) because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171(A)(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 this notice relates

Land lying to the south of Brown Howe, Water Yeat, Ulverston shown edged red on the attached Plan 1 (“the Land”).

3 The matters which appears to constitute the breach of planning control

Without planning permission, operational development comprising the formation of hard surfaces by way of the laying of crushed slate aggregate in the approximate positions marked in black hatched lines on the attached Plan 2.

4 Reasons for issuing this notice

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.

In drafting the requirements of this notice we have had regards to the Human Rights Act 1998.

The steps, set out below in Section 5, are necessary in order to remedy the breach of planning control. Lesser steps would not achieve this outcome.

5 What you are required to do

- i. Remove the crushed slate aggregate from the Land; and
- ii. Reinstate the Land to its condition before the breach of planning control took place.

6 Time for compliance

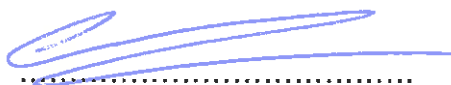
Six months after this notice takes effect.

7 When this notice takes effect

This notice takes effect on 9 November 2022 unless an appeal is made against it beforehand.

Dated: 28 September 2022

Signed:



Authority's authorised officer
on behalf of:

Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria LA9 7RL

Nominated Officer: (Holly Robinson)
Telephone Number: (01539 792610)

Annex

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 (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.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) 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;
- (b) That those matters have not occurred;
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, 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;
- (e) That copies of the enforcement notice were not served as required by section 172;
- (f) That 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, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

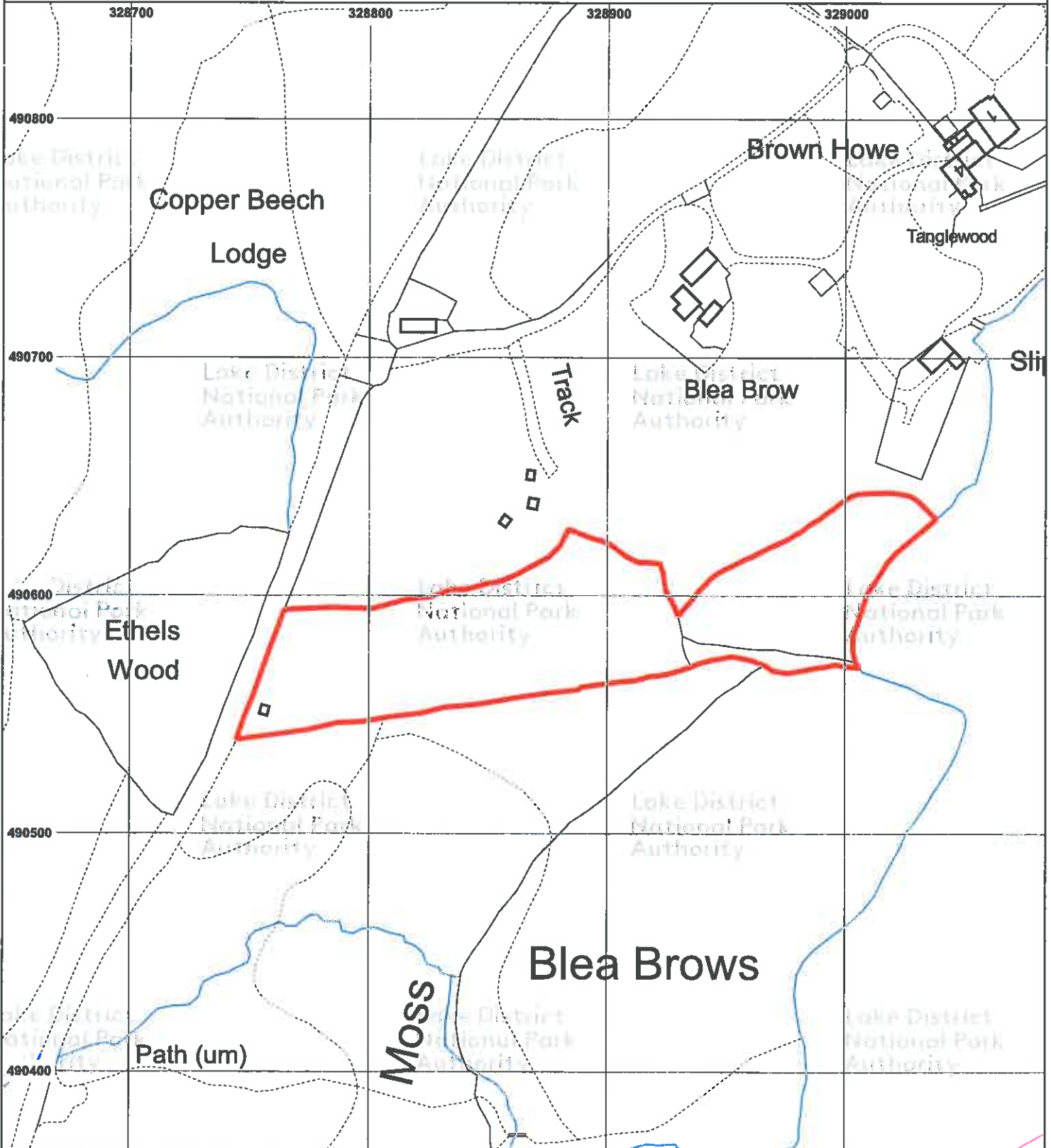
If you appeal under Ground (a) of section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £4056. You should pay the fee (£4056) to the Lake District National Park Authority (made payable to Lake District National Park Authority).

If you decide to appeal, when you submit it, 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.

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(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Authority.

**Town and Country Planning Act 1990: Section 172
Enforcement Notice
Land lying to the south of Brown Howe, Water Yeat, Ulverston**



© Lake District National Park Authority 2022.
© Crown copyright and database right 2022 Ordnance Survey
100021698.
You are not permitted to copy, sub-licence, distribute or sell any of
this data to third parties in any form.

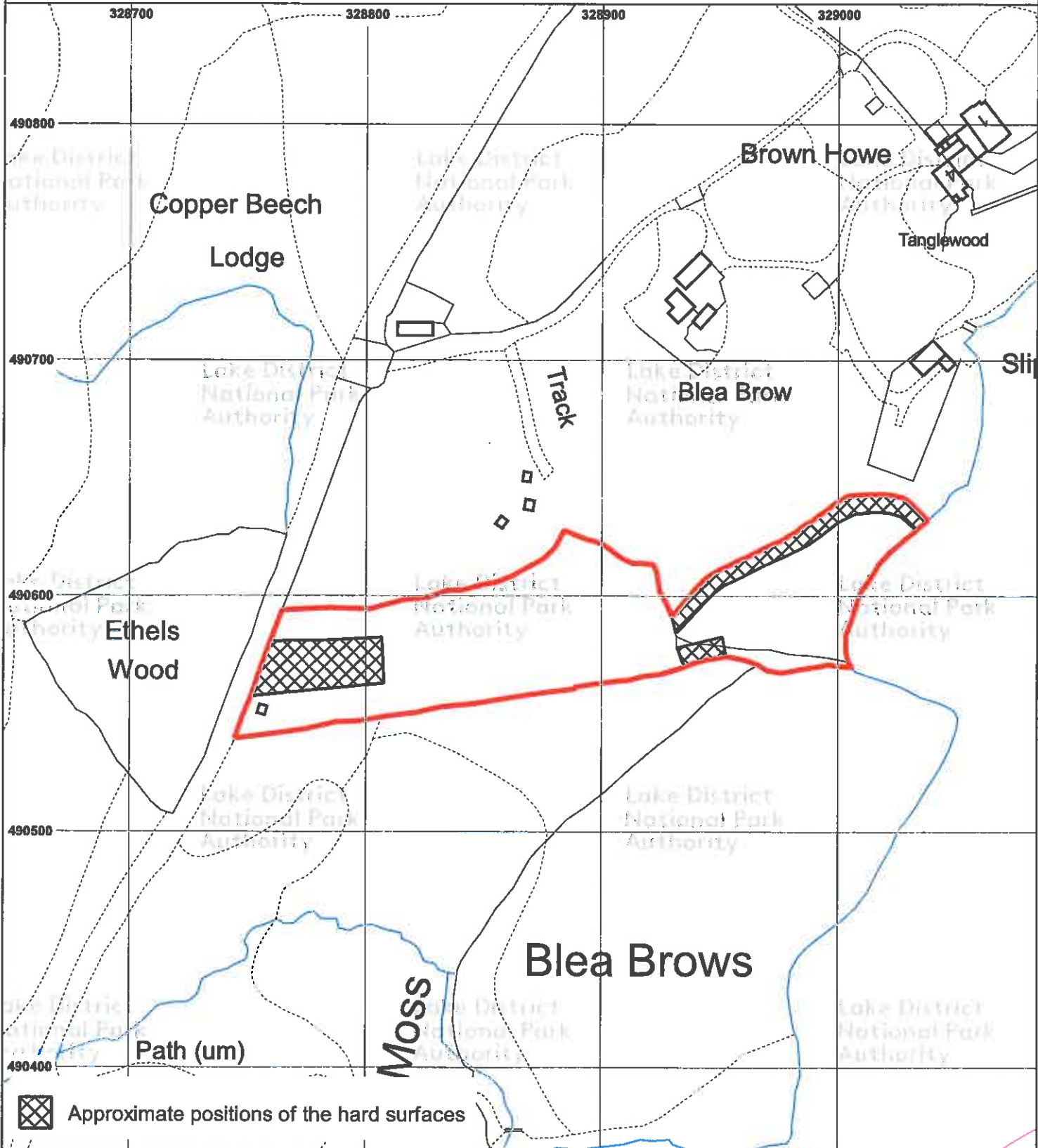
0 40 80 m

Scale at A4: 1:2,250

Date Authored: 22/09/2022



**Town and Country Planning Act 1990: Section 172
Enforcement Notice
Land lying to the south of Brown Howe, Water Yeat, Ulverston**



 Approximate positions of the hard surfaces



© Lake District National Park Authority 2022.
© Crown copyright and database right 2022 Ordnance Survey
100021698.
You are not permitted to copy, sub-licence, distribute or sell any of
this data to third parties in any form.

