

CUMBRIA  
COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991

**ENFORCEMENT NOTICE**

**ISSUED BY CUMBRIA COUNTY COUNCIL**

1. This Notice is issued by Cumbria County Council ("the Council"), because it appears to them there has been a breach of planning control within paragraph (a) of Section 171A(1) of the above Act at the land described below. The Council considers 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**

The two areas at Whinfield Farm, Pennington, Ulverston, as shown on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

In Area 1 the winning and working of minerals without planning permission.

In Area 2 the processing of minerals extracted in Area 1 and other materials, including waste materials, without planning permission.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the winning and working of minerals has occurred within the last four years and the processing of minerals and other materials within the last ten years. No permissions exist for these activities. The activities are damaging to a site being considered for scheduling as an Ancient Monument. The operation of plant associated with these activities also as the potential to generate noise of a volume and type that could cause disturbance and nuisance to occupiers of nearby residential properties. The activities are therefore contrary to Policy 26 of the adopted Cumbria and Lake District Joint Structure Plan and Policy 12 of the Cumbria Minerals and Waste 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**

- (a) Area 1 – Cease the winning and working of minerals.
- (b) Area 2
- (i) Cease the processing of minerals and other materials.
  - (ii) Remove from the site all plant and machinery associated with material processing.

6. **TIME FOR COMPLIANCE**

- (a) Area 1 - Cease the winning and working of minerals within one day of the notice coming into effect.
- (b) Area 2 - (i) Cease the processing of minerals and other materials within one day of the notice coming into effect.  
(ii) Remove from the site all plant and machinery associated with material processing within one month of the notice coming into effect.

7. **WHEN THIS NOTICE TAKES EFFECT:**

This notice takes effect on 23 April 2004 unless an appeal is made against it beforehand.

**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 before the date specified in paragraph 7 of the notice. The enclosed booklet "Enforcement Notice Appeals – A Guide to Procedure" sets out your rights. You may use the enclosed appeal forms.

- (a) One is for you to send to the Secretary of State if you decide to appeal together with a copy of this enforcement notice.
- (b) The second copy of the appeal form and the notice should be sent to the Council.
- (c) The third copy is for your own records.

**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 are responsible, are taken within the period(s) 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.

Dated 9<sup>th</sup> March 2004

Brian Walker Head of Legal Services.

for and on behalf of Cumbria County Council.

Whinfield Farm, Pennington, Ulverston

Scale 1:4000

Grid Ref (plan centre) SD2576



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**AREA 1  
UNAUTHORISED  
MINERAL EXTRACTION**

**AREA 2  
UNAUTHORISED  
PROCESSING OF  
MINERALS & WASTE**

