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## Appeal Decisions

Site visit made on 30 July 2025

by **D Hartley BA(Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

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**Appeal A Ref: APP/K0940/C/25/3361191**

**Appeal B Ref: APP/K0940/C/25/3361192**

**Land at 2 Coach Croft, Great Strickland, Penrith, CA10 3BF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
  - Appeal A is made by Mr Nigel Harris and Appeal B is made by Mrs Janet Elisabeth Harris against an enforcement notice issued by Westmorland and Furness Council.
  - The notice was issued on 22 January 2025.
  - The breach of planning control as alleged in the notice is without planning permission: the unauthorised construction of a timber outbuilding on land to the rear of 2 Coach Croft (edged black on the attached plan), which has resulted in the loss of designated off-street parking space required under condition 4 of the original planning permission 13/0827.
  - The requirements of the notice are to 1. dismantle the timber structure and permanently remove all resultant materials from the site, and 2. ensure the site is left available solely for the use as a car parking space.
  - The period for compliance with the requirements is 10 weeks.
  - The appeals are proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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### Decisions

1. The appeals are dismissed, and the enforcement notice is upheld.

### Preliminary Matter

2. I observed on my site visit that the timber outbuilding had been removed from the land. However, I have been able to consider the position and size of the timber outbuilding based on the submitted photographs.

### Ground (b) appeal

3. The appeal made on ground (b) is that the matters comprising the alleged breach of planning control have not occurred. The onus is on the appellants to make a case on any of the pleaded legal grounds of appeal.
4. The dwelling at No. 2 Coach Croft was approved under planning permission reference 13/0827. Condition No. 4 of planning permission reference 13/0827 states '*no dwelling shall be occupied until its vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times and shall not be removed or altered without the prior consent of the local planning authority*'.
5. In respect of car parking, I have considered the plans and details that accompanied planning permission reference 13/0827. The car parking spaces to

the rear of 2 Coach Croft shown on drawing No. 136/101.D/E also correspond with the position of car parking spaces that relate to condition No. 05 of planning permission 13/0827 (i.e., engineering details for accesses and parking areas), the details of which were submitted to and approved by the Council as part of the consideration of a subsequent discharge of condition application<sup>1</sup>. The approved plans show two open/unobstructed car parking spaces to the rear of No. 2 Coach Croft.

6. When the notice was issued, the timber outbuilding had been built on land which was approved as an open/unobstructed car parking area. The appellants assert that the timber outbuilding could be used for the parking of a vehicle and hence that there has not been a loss of a car parking space. Consequently, the appellants maintain that there is no breach of condition No. 4 of planning permission reference 13/0827. The Council considers that the outbuilding is too narrow and small to be considered a car parking space and hence that the breach of planning control has occurred. In addition, the Council have referred me to evidence which suggests that the timber outbuilding was not constructed for the purpose of parking a vehicle. Indeed, the appellants comment that *'the building has been originally built as a shed to house medical equipment, wheelchairs, a walking frame and a mobility scooter. We also have equipment to use as a hobby house and we keep a lawn mower and garden equipment in the building'*.
7. The dispute about whether the timber outbuilding could be used for the parking of a car was considered by another inspector in May 2025. This related to an appeal made under section 78 of the Act<sup>2</sup>. In considering the planning merits of retaining the timber outbuilding which is the subject of this appeal, the inspector commented *'the shed appears to be too narrow and small to be considered a car parking space, in the absence of any substantive evidence to demonstrate otherwise I agree with the Council that the erection of the shed has resulted in the loss of a functional car parking space'*. Based on the photographs of the timber outbuilding, as well as comments made by the inspector above, I find that the evidence demonstrates that the removed outbuilding had a very narrow entrance and hence it would have been very difficult to accommodate most vehicles.
8. The size of the outbuilding is not a determinative matter in any event because condition 4 requires the approved car parking spaces (i.e., approved facilities) to be *'retained'* and *'not be removed or altered without the prior consent of the local planning authority'*. The outbuilding removed part of the otherwise approved and open/unobstructed designated car parking area and, moreover, the approved car parking area was altered without the consent of the local planning authority. Moreover, and while the appellants assert that the building would be capable of parking a vehicle owing to the provision of a ramp, the evidence does not precisely and unambiguously demonstrate that the timber outbuilding was being used for car parking purposes when the notice was issued.
9. For the reasons outlined above, I find that when the notice was issued the breach of planning control had occurred. Therefore, the ground (b) appeal fails. In reaching this conclusion, I am mindful of the appellants' other comments about displaced car parking and highway safety matters. However, these comments are not directly relevant to the consideration of the ground (b) appeal. Furthermore, the

<sup>1</sup> Discharge of condition application 15/0815

<sup>2</sup> Appeal Reference APP/H0928/D/25/3359259

planning merits of retaining the unauthorised development were considered by a different inspector in May 2025, i.e., a separate appeal made under section 78 of the Act. That appeal was dismissed.

### **Conclusion**

10. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

*D Hartley*

INSPECTOR