

Planning Statement – Lakeland View, Chaucer Avenue, Egremont

Proposal: Application for a Certificate of Lawfulness of Existing Use or Development in respect of the erection of a dwelling and its use as a single dwellinghouse



Lakeland View, Chaucer Avenue, Egremont (Google Earth, June 2018)

Applicant: Wayne Dunn

August 2026

SRE Associates - Planning and Development Consultancy



1.0 The proposal

- 1.1 This planning statement has been prepared by SRE Associates on behalf of Mr Wayne Dunn ("the Applicant") in support of an application for a Certificate of Lawfulness of Existing Use or Development, made under section 191 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"), in respect of the dwelling known as Lakeland View, Chaucer Avenue, Egremont, Cumbria, CA22 2FE ("the Property").
- 1.2 The application seeks confirmation that (a) the operational development comprising the erection of the dwelling, and (b) the use of the Property as a single dwellinghouse, are both lawful and immune from enforcement action by virtue of the passage of time, for the reasons set out in Section 3 below.
- 1.3 The Property benefits from an extant planning permission, ref. 4/15/2441/0F1, granted by the former Copeland Borough Council on 20 May 2016 for the erection of one x 5 bedroomed detached house on a plot of land adjacent to Smithfield Road, Egremont – the site now known and addressed as Lakeland View, Chaucer Avenue, Egremont (Appendix 1). However, for the reasons explained at Section 3 below, that permission was not lawfully implemented. The development which has taken place on site, and the subsequent use of the dwelling as a single dwellinghouse, must accordingly rely instead on the statutory time limits for enforcement contained in section 171B of the 1990 Act.
- 1.4 This statement should be read alongside the application form and the supporting evidence appended to this statement.

2.0 The Site

- 2.1 Lakeland View is located on Chaucer Avenue, on a plot of land formerly described as being adjacent to Smithfield Road, on the northern edge of the town of Egremont, Cumbria. The site falls within the administrative area of Cumberland Council, which since 1 April 2023 has exercised the functions of local planning authority for the area previously discharged by Copeland Borough Council.
- 2.2 The site comprises a detached two-storey, five-bedroom dwelling with an attached garage, driveway and garden ground, constructed on a plot which, prior to development, formed part of an undeveloped parcel of land adjoining Smithfield Road. The surrounding area comprises modern residential development characteristic of this area of Egremont.
- 2.3 A Site Location Plan and Block Plan for the site were submitted as part of application 4/15/2441/0F1 (referenced in the decision notice reproduced at Appendix 1) and accompany this application by way of separate drawings.

3.0 The Lawful Use

- 3.1 Section 171B of the 1990 Act sets out the statutory time limits within which a local planning authority may take enforcement action in respect of a breach of planning control. Until 25 April 2024, sub-sections (1) and (2) provided that no enforcement action could be taken in respect of: (a) operational development (the carrying out of building, engineering, mining or other operations), after the end of the period of four years beginning with the date on which

the operations were substantially completed; and (b) a change of use of any building to use as a single dwellinghouse, after the end of the period of four years beginning with the date of the breach.

- 3.2 Section 115 of the Levelling-up and Regeneration Act 2023 extended both of these time limits from four years to ten years, with effect from 25 April 2024 (by virtue of the Levelling-up and Regeneration Act 2023 (Commencement No. 2 and Transitional Provisions) Regulations 2024). That extension is not retrospective: the transitional provisions preserve the previous four-year time limit for operational development substantially completed, and changes of use to a single dwellinghouse occurring, before 25 April 2024. As demonstrated below, both the substantial completion of the dwelling and the change of use of the site to use as a single dwellinghouse occurred well before 25 April 2024, such that the four-year (rather than the ten-year) time limit applies in this case.

Why a Certificate of Lawfulness is required

- 3.3 The Property benefits from planning permission 4/15/2441/0F1 (Appendix 1), granted on 20 May 2016. That permission was subject to a number of conditions precedent to the commencement of development, including condition 3 (requiring visibility splays to be provided before development commenced) and condition 8 (requiring a contamination scheme to be submitted to, and approved by, the local planning authority prior to commencement).
- 3.4 It is well established (see *F G Whitley & Sons Co Ltd v Secretary of State for Wales* [1992] 64 P&CR 296) that where a condition precedent to the commencement of development has not been discharged before development begins, the development is not carried out in accordance with the permission, and the permission is not lawfully implemented.
- 3.5 In this case, development works began on site (as shown by the photograph of 7 November 2016 at Appendix 4) before the pre-commencement conditions attached to permission 4/15/2441/0F1 had been discharged. Cumberland Council has since confirmed this position in writing. Christie Burns MRTPI, Senior Planning Officer at Cumberland Council, confirmed by email that *"the conditions on the original 2015 permission for your site cannot be discharged as you have commenced works at the site"* and that *"this breach of conditions effectively invalidated the original permission on the site"* (Appendix 2).
- 3.6 In light of this, the Applicant's agents separately submitted a further full planning application (ref. 4/26/2075/0F1) seeking retrospective permission for the dwelling, which remains under consideration by the Council. The dwelling as constructed also departs from the drawings approved under permission 4/15/2441/0F1: in an email dated 1 May 2026 concerning application 4/26/2075/0F1, Christie Burns MRTPI confirmed to the Applicant's agents that *"the building is different and also the driveway is completely different"* between the approved drawings and the development as built (Appendix 3). Independently of the outcome of the retrospective application, therefore, the development already carried out on site, and the use of the dwelling as a single dwellinghouse, fall to be considered on the basis that permission 4/15/2441/0F1 was not lawfully implemented and that the development as built is not the development for which permission was granted. Such development must instead rely on the passage of time under section 171B of the 1990 Act for its lawfulness.

Evidence of substantial completion of the operational development

- 3.7 Site photographs demonstrate the progress of construction: a photograph dated 7 November 2016 shows the external walls of the dwelling under construction at low level (Appendix 4); a further photograph dated 18 March 2017 shows the walls constructed to full height, with the roof structure and roof covering being installed (Appendix 5).
- 3.8 This progression is further corroborated by historical aerial (Google Earth) imagery of the site dated 30 June 2018, which shows a dwelling with a completed roof structure already standing on the plot, consistent with the position shown in the photograph of 18 March 2017 (Appendix 11).
- 3.9 The dwelling was substantially complete, and ready for occupation, by the autumn of 2019. Correspondence from E.on Energy, addressed to Mr Wayne Dunn, confirms the arrangement of an appointment on Thursday 24 October 2019 to install the electricity meter at the Property (Appendix 6) – an appointment which could only have been arranged once the dwelling had reached a stage of completion capable of receiving a permanent electricity supply.
- 3.10 On the balance of probability, therefore, the operational development comprising the erection of the dwelling was substantially completed no later than October 2019 – well over four years before the date of this application, and before 25 April 2024.

Evidence of the change of use to a single dwellinghouse

- 3.11 A Council Tax Adjustment Notice issued by Cumberland Council on 8 January 2020 (Appendix 7) confirms that the Council Tax liability of Mr Wayne Dunn and Mrs Gemma Dunn at their previous address, 8 Milton Road, Egremont, ended on 21 December 2019 – consistent with the Applicant and his family having vacated that property and taken up occupation of Lakeland View around that date.
- 3.12 This is corroborated by an email from David Slack, Revenues Officer at Copeland Borough Council (the predecessor authority to Cumberland Council), dated 6 April 2020 (Appendix 8), confirming that the Council's records showed Mr Wayne Dunn and Mrs Gemma Dunn as habiting at Lakeland View, Chaucer Avenue, Egremont, under Council Tax account no. 500271120.
- 3.13 Further corroboration is provided by a motor insurance renewal letter from Autonet Insurance dated 9 April 2020, addressed to Mr W Dunn at Lakeland View, Chaucer Avenue, Egremont (Appendix 9).
- 3.14 The site is also shown in historical aerial (Google Earth) imagery dated 25 March 2020, shortly before the Applicant's confirmed occupation of the Property (Appendix 12).
- 3.15 A Google Street View photograph captured in August 2022 (Appendix 10) confirms that the dwelling remained standing, substantially complete, at that later date.
- 3.16 The Applicant has confirmed that he and his family have resided at the Property continuously as their sole and main residence since taking up occupation in late 2019/early 2020, without interruption, to the present day.

- 3.17 On the balance of probability, therefore, the change of use of the site to use as a single dwellinghouse occurred no later than April 2020 – again, well over four years before the date of this application, and before 25 April 2024.

Conclusion on lawfulness

- 3.18 In light of the above, both the operational development comprising the erection of the dwelling, and the use of the Property as a single dwellinghouse, occurred and were completed before 25 April 2024, such that the four-year time limits under sections 171B(1) and 171B(2) of the 1990 Act (as preserved by the transitional provisions of the Levelling-up and Regeneration Act 2023) apply, rather than the current ten-year time limit. In both cases that four-year period has long since elapsed, and no enforcement notice, breach of condition notice or enforcement warning notice has been issued in the meantime to stop the clock running.

4.0 Conclusion

- 4.1 On the balance of probability and the evidence presented, it is considered that the dwelling at Lakeland View, Chaucer Avenue, Egremont was substantially completed by no later than October 2019, and has been in continuous use as a single dwellinghouse since no later than April 2020 – in each case, more than four years before the date of this application, and before 25 April 2024. Both matters are accordingly immune from enforcement action under section 171B of the Town and Country Planning Act 1990 (as amended). It is therefore respectfully requested that a Certificate of Lawfulness of Existing Use or Development be issued in respect of the Property.

Simon Blacker MRTPI

Appendix 1: Planning Permission Decision Notice, ref. 4/15/2441/0F1, dated 20 May 2016 (page 1 of 7)



Copeland Borough Council
The Copeland Centre,
Catherine Street, Whitehaven,
Cumbria CA28 7SJ
tel: 01946 59 83 00
email: info@copeland.gov.uk
web: www.copeland.gov.uk
twitter: @copelandbc

Town and Country Planning Act 1990 (As amended).

4/15/2441/0F1

NOTICE OF GRANT OF PLANNING PERMISSION

Mr D Shankland
26 Corporation Road
CARLISLE
Cumbria CA3 8XB

ERECTION OF ONE X 5 BEDROOMED DETACHED HOUSE
PLOT OF LAND ADJACENT TO SMITHFIELD ROAD, EGREMONT

Mr W Dunn

The above application dated 12/10/2015 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

- Flood Risk & Drainage Statement by RWO Associates, reference 15148/FRA.1, dated March 2016, received 11 April 2016.
- Amended Site Layout, drawing no DS/WD/P/1/16, Revision F, scale 1:100, received 11 April 2016.
- Floor Plans and Elevations, drawing no DS/WD/P/16/15, Revision F, scale 1:100, received 19 April 2016.
- Site Location Plan, scale 1:1250, received 12 October 2015.

Reason

To conform to the requirements of Section 91 of the Town and Country Planning Act

www.Copeland.gov.uk



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Appendix 2: Email from Christie Burns MRTPI, Senior Planning Officer, Cumberland Council, confirming the pre-commencement conditions on permission 4/15/2441/0F1 could not be discharged retrospectively and that this invalidated the original permission

Hi Wayne,

As previously discussed the conditions on the original 2015 permission for your site cannot be discharged as you have commenced works at the site. Given the nature of the conditions it was confirmed that this breach of conditions effectively invalidated the original permission on the site. A new full application was therefore requested to overcome this issue.

The current application you have submitted seeks retrospective permission for your dwelling and seeks to overcome the matters previously unresolved. I have attached the following link for your reference: [4/26/2075/0F1 | Copeland Borough Council](#)

Your agent should have also received an acknowledgement letter for this application.

Please note that the advice in this email is given in good faith on the basis of the information available at the present time. The advice may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.

Kind Regards,

Christie Burns MRTPI

Senior Planning Officer | Development Management

Inclusive Growth and Placemaking | Cumberland Council

The Market Hall | Market Place | Whitehaven | CA28 7JG

T: 01946 598422

Email: Christie.burns@cumberland.gov.uk

Appendix 3: Email from Christie Burns MRTPI, Senior Planning Officer, Cumberland Council, dated 1 May 2026, confirming that the dwelling as built (and its driveway) differs from the drawings approved under permission 4/15/2441/0F1

From: Christie Burns <Christie.Burns@Cumberland.gov.uk>
Sent: Friday, May 1, 2026 4:00 PM
To: Peter Allan <info@waterway-drainage.co.uk>; david shankland <cdlarcdesign@gmail.com>
Cc: Wayne Dunn <lakelandscrafting@gmail.com>
Subject: RE: 4/26/2075/0F1 - LAND ADJACENT TO SMITHFIELD ROAD, EGREMONT

Hi Peter,

I am not sure how you can say they are the same. The two images on my previous email and included again below show they are different. The building is different and also the driveway is completely different in the two images.

Appendix 4: Photograph dated 7 November 2016, showing the dwelling's external walls under construction at low level, Egremont



Appendix 5: Photograph dated 18 March 2017, showing the dwelling's walls constructed to full height with the roof structure and covering being installed, Egremont



Appendix 6: E.on Energy correspondence confirming an appointment on Thursday 24 October 2019 to install the electricity meter at the Property

To: Wayne Dunn <lakelandscaffolding@gmail.com>

Hi Wayne

The next available date to install your electricity meter is :

Thursday 24th October between 8-12pm.

I have booked this in for you , please let me know if this is not convenient.

Kind regards

e-on

Lisa McGrogan

Customer Service Advisor

Home Energy Connections

E Lisa.McGrogan@eonenergy.com

Appendix 7: Council Tax Adjustment Notice from Cumberland Council, dated 8 January 2020, confirming the Applicant's Council Tax liability at 8 Milton Road, Egremont, ended on 21 December 2019

432010/6
The Market Hall
Market Place
Whitehaven
Cumbria CA28 7JG
Telephone 0300 373 3730
cumberland.gov.uk


Cumberland Council

MR WAYNE DUNN
MRS GEMMA DUNN
LAKELAND VIEW
CHAUCER AVENUE
EGREMONT
CUMBRIA
CA22 2FE

Account Details:
Property Address (if different):
8 MILTON ROAD
EGREMONT
CUMBRIA
Account Number: 500271120
19/100
Issue Date: 08.01.2020

Council Tax Adjustment Notice

The Council Tax Bill issued on the 11 March 2019 for the year 2019/2020 needs amendment because :
Your Council Tax liability for this property has ended.
The statement below gives revised details of the charge for your property:
Property Reference: 100110306843

Period 01.04.2019 to 21.12.2019:	£923.88
Council Tax for Band A	-£1148.00
Payments	
Total CTax Payable 1 April 2019 to 21 December 2019	-£224.12
This notice has a credit balance of	-£224.12

If you pay by Direct Debit this bill is for information only.

Appendix 8: Email from David Slack, Revenues Officer, Copeland Borough Council, dated 6 April 2020, confirming Council Tax records show Mr Wayne Dunn and Mrs Gemma Dunn as habiting at Lakeland View, Chaucer Avenue, Egremont

Fwd: 500271120, Council tax



Wayne Dunn <lakelandscaffolding@gmail.com>
To: sb@sreassociates.co.uk

From: **David Slack** <David.Slack@copeland.gov.uk>
Date: Mon, 6 Apr 2020 at 14:26
Subject: 500271120, Council tax
To: lakelandscaffolding@gmail.com <lakelandscaffolding@gmail.com>

Hi,

As discussed I can confirm the following names are on our records as habiting at the address,

Mr Wayne Dunn and Mrs Gemma Dunn

Lakeland View

Chaucer Avenue

Egremont

CA22 2FE

Mr David Slack

Revenues Officer

Health Advocate and Mental Health First Aider...Get in touch if you'd like to talk...

Copeland Borough Council

01946 598300 (ext 1025)

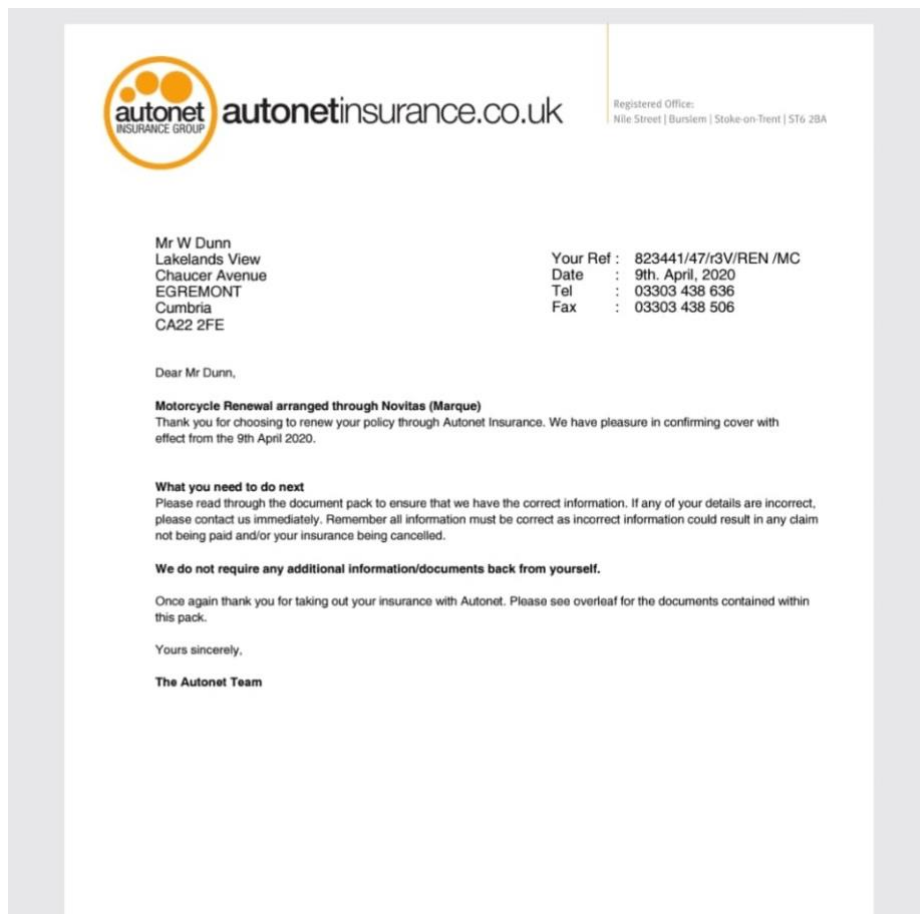
david.slack@copeland.gov.uk



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Appendix 9: Autonet Insurance motorcycle renewal letter dated 9 April 2020, addressed to Mr W Dunn at Lakeland View, Chaucer Avenue, Egremont



Appendix 10: Google Street View photograph of Lakeland View, Chaucer Avenue, Egremont, captured August 2022



Appendix 11: Historical aerial (Google Earth) imagery of the site, dated 30 June 2018



Appendix 12: Historical aerial (Google Earth) imagery of the site, dated 25 March 2020

