
NORTH AYRSHIRE COUNCIL

12th March 2018

Planning Committee

Title:	Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to East of Linevern, Whiting Bay, Isle of Arran
Purpose:	To seek authority to serve a notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in relation to Site to East of Linevern, Whiting Bay, Isle of Arran
Recommendation:	Agree that authority be given to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the residential use and removal from the site of the residential caravan and associated works at site to the east of Linevern, Whiting Bay, Isle of Arran

1. Executive Summary

- 1.1 A residential caravan with associated power connections, attached raised timber deck and a 1m high timber boundary fence has been sited on land in the Silverhills area of Whiting Bay, Isle of Arran.
- 1.2 In discussions between planning officers, the owner and his agent, it was made clear that the caravan was unauthorised and was to be removed from the site. This has not been done and at the date of the planning committee, the caravan will have been in situ for over seven months. In informal discussions, the applicant has indicated that he intends to pursue planning permission for a dwelling on the site and is currently discussing provision of an improved access road into the site with the other landowners in the area. However, given the length of time which has already passed, it is recommended that formal enforcement action is commenced to achieve the removal of the caravan from the site in the interests of the amenity of the surrounding area.

2. Background

- 2.1 On 21st July 2017 a planning application (17/00443/PP) for the erection of a one and a half storey dwellinghouse on the site was refused as the proposal was contrary to the General Policy due to inappropriate siting, which would be detrimental to the visual amenity of the area, and that further development of the area, prior to the provision of an access road to serve Silverhills, would represent

piecemeal development which would not be in the interests of the proper planning of the area. The requirement for such a road has been a longstanding requirement of any planning approvals at Silverhills and requests for review of such conditions have been consistently rejected by the Local Review Board of the Council. The meeting of the Local Review Board on 31st May 2010 upheld the planning decision to attach a condition requiring road upgrading to planning permission 09/00804/PP.

- 2.2 Following this refusal, it was brought to the attention of Planning Services that a caravan had been placed on the site. Planning Officers visited the site on 3rd August and advised the owner that the development was unauthorised. The owner suggested that the caravan and works had been arranged in anticipation of approval of 17/00443/PP and was intended to allow him to live on site while managing construction of the house. He also intimated that a second planning application was to be made, with amendments and also requesting the temporary siting of the caravan during construction of the house.
- 2.3 A second planning application (17/01007/PP) was subsequently submitted on 21st September. Four objections to this application were received including comments on the detrimental effects on privacy and residential amenity of the unauthorised caravan. The application did not sufficiently address the previous reasons for refusal and following discussions with officers, it was withdrawn by the applicant on 12th January 2018, prior to a refusal of planning permission. Two complaints have subsequently been received by Planning Services regarding the continued unauthorised siting of the caravan and the resulting impact on amenity.
- 2.4 The site is located within the settlement boundary of Whiting Bay, as identified in the Adopted North Ayrshire Local Plan ("the LDP"). The caravan was placed on the site at some point prior to 3rd August 2017 without the benefit of planning permission having been granted.
- 2.5 The siting of the caravan and the associated works is considered to constitute development requiring planning permission, because its siting has changed the use of the land on which it is sited, has altered the physical characteristics of the site and has a degree of permanence. The development is considered to have an adverse impact on the local area by way of its siting, design and appearance and potential effects on the residential amenity of other permanent dwellinghouses in the immediate area.
- 2.6 The development is therefore held to be contrary to the General Policy of the LDP and, given the above, it is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require removal of the caravan, power connection points, raised deck and timber boundary fence. The Enforcement Notice would take effect not less than 28 days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be fully complied with within 6 months of the date that it takes effect. There is a right of appeal against an

Enforcement Notice, but not on the grounds that planning permission ought to be granted.

3. Proposals

3.1 In the interest of visual and residential amenity it is recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:-

- i) Removal of the residential caravan and associated infrastructure, raised deck and timber boundary fence from the land.

4. Implications

Financial:	The Council can take direct action against non-compliance with an enforcement notice and seek any costs incurred from the land owner or lessee.
Human Resources:	N/A
Legal:	The proposed Enforcement Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Children and Young People:	
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Enforcement Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
Community Benefits:	N/A

5. Consultation

5.1 None



Karen Yeomans
Executive Director Economy & Communities

For further information please contact **Neil McAteer, Planning Officer** on **1294 324316**.

Background Papers

N/A

Appendix 1: Location Plan

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