
NORTH AYRSHIRE COUNCIL

22 January 2019

Planning Committee

Title: Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

Purpose: To seek authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in the height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

Recommendation: Agree that authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX be granted.

1. Executive Summary

- 1.1 To seek authority to serve an Enforcement Notice requiring the reduction in the height of an unauthorised fence at 20 Dubbs Road, Stevenston.
- 1.2 It is considered that the erected fence on this land has an adverse impact on the visual amenity of the area.

2. Background

- 2.1 Works comprising the erection of a fence exceeding one metre in height where it fronts a road and extends beyond the line of the wall of the side elevation that is nearest a road at 20 Dubbs Road, Stevenston. The total height of the fence is 1.9m. The works were undertaken in 2018. Planning permission has not been granted for the works and which are therefore unauthorised. The owner of the land has been advised that the works are unauthorised and requested to reduce the height of the fence. A response has not been received from the owner.
- 2.2 The site is located within an area identified as general urban area in the Adopted Local Development Plan (LDP). The existing building is a one and a half semi-detached dwellinghouse. The site is bounded to the south by Highfield Drive and Dubbs Road to the east.
- 2.3 Strategic Policy 2 (Placemaking) of the LDP aims to safeguard and where possible enhance environmental quality through the avoidance of unacceptable adverse

environmental or amenity impacts. This policy encourages proposals to create a pleasant, positive sense of place by promoting visual quality. It is not considered that the works comply with Strategic Policy 2 (Placemaking) and is therefore contrary to the LDP.

- 2.4 The development has been undertaken within the last 4 years without the necessary planning permission. The development harms the visual amenity of the area. As such, the fence is considered to be contrary to the LDP.
- 2.5 The unauthorised fence was brought to the Council's attention through a complaint and upon investigation it was decided necessary to take action as it would be in the public interest.
- 2.6 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 the reduction in height of the fence so that it does not exceed one metre. The Enforcement Notice would take effect not less than 35 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 in full compliance within 6 weeks 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 the visual amenity and residential character of the area, it is recommended that Committee approved the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following: -
 - i) Reduction in the height of the fence so that it does not exceed 1 metre in height.

4. Implications/Socio-economic Duty

Financial

- 4.1 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

- 4.2 None.

Legal

- 4.3 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/Socio-economic

- 4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 The proposed Enforcement Notice supports the Council Plan priority – “Vibrant, welcoming and attractive places.”

Community Benefits

4.7 None.

5. Consultation

5.1 N/A.

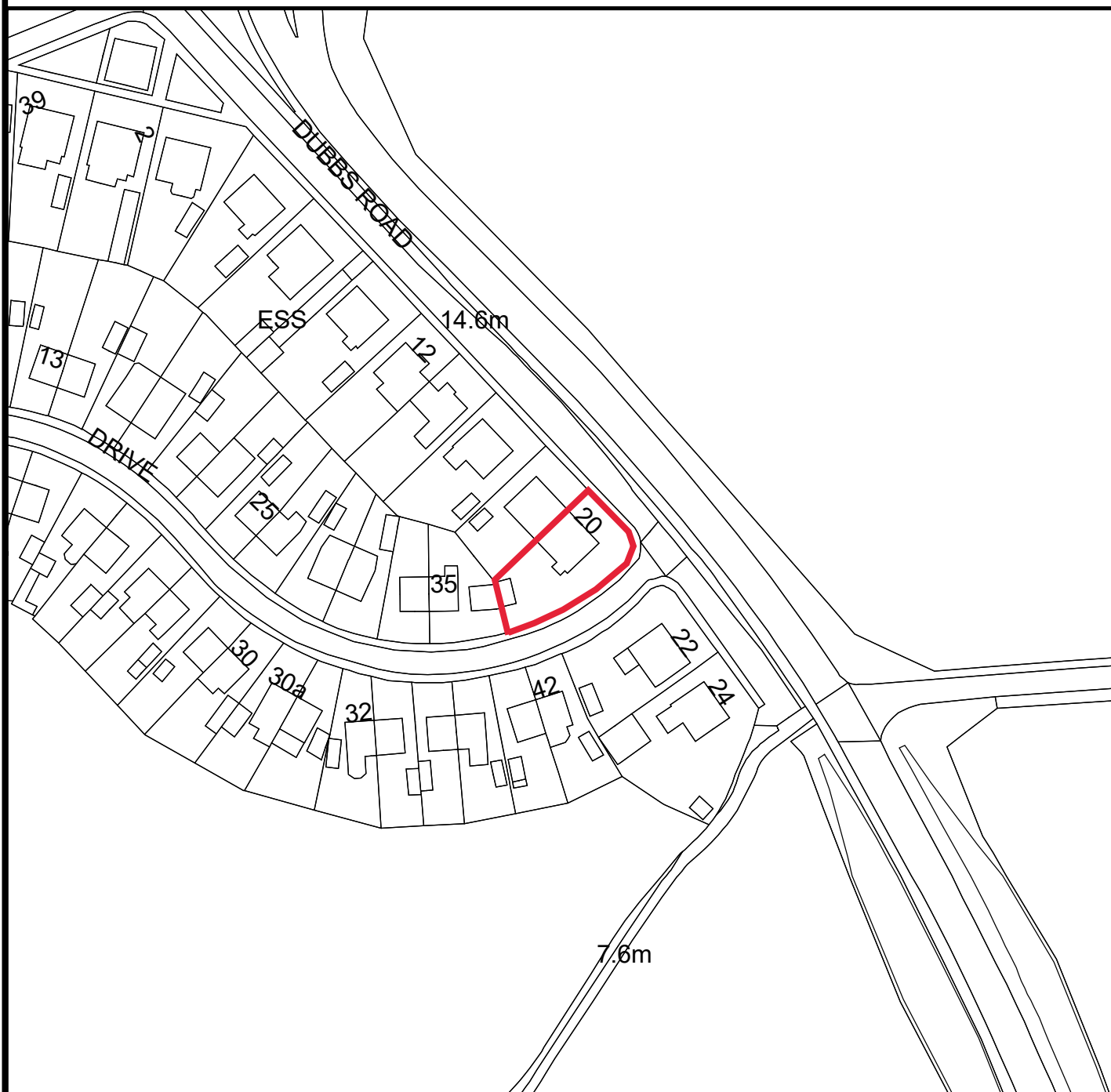
Russell McCutcheon
Executive Director Place

For further information please contact **Joseph Thompson, Planning Assistant**, on **01294 324313**.

Background Papers

0

Notice under Section 127 of the Town and Country Planning
(Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

1:1250 SCALE

