
NORTH AYRSHIRE COUNCIL

2 September 2020

Planning Committee

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| Title: | Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA |
| Purpose: | To seek authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of an outbuilding at 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA |
| Recommendation: | Agree to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of an outbuilding at 27 Lomond Crescent, Beith, Ayrshire, KA15 2EA |

1. Executive Summary

- 1.1 The Council has received eight complaints from members of the public about a large outbuilding having been erected at 27 Lomond Crescent, Beith. A Planning Contravention Notice (PCN) was served on the owner of the site on 17th July 2020. Although a formal response has not been received, the owner has made contact with Planning Services by telephone. Following investigation, it has been established that the outbuilding does not constitute permitted development and does not benefit from planning permission. The outbuilding is therefore unauthorised.
- 1.2 It is considered that due to the industrial design, scale and position of the structure, the development is harmful to the residential and visual amenity of the area.
- 1.3 It is considered an Enforcement Notice should be served requiring the removal of the outbuilding at 27 Lomond Crescent, Beith.

2. Background

- 2.1 An outbuilding has been erected within the rear garden of 27 Lomond Crescent, Beith. The outbuilding is industrial in scale and appearance and has a steel portal frame gable roof design. The outbuilding is within 1 metre of the rear and west side boundaries of the curtilage of the dwellinghouse. It exceeds 2.5 metres in height within 1 metre of the rear and west side boundaries, measuring 3.4m to the roof ridge. The works commenced in July 2020. The site was inspected by Planning Officers on 3rd August 2020.

- 2.2 The outbuilding is not permitted development. Planning permission has not been granted and the development is therefore unauthorised. The owner of the land has been advised that the works are unauthorised.
- 2.3 A Planning Contravention Notice (PCN) was issued on 17th July 2020. A PCN is a formal questionnaire used to find out information about development. No formal response to the PCN has been received. However, the owner has stated that the outbuilding is for personal storage use and intends to complete the construction of the outbuilding. It is understood that, within the concrete base of the outbuilding, an inspection pit has been formed. It has been alleged by the complainants that the garage would be used for car repairs, potentially on a commercial basis. Regardless of any use of the building, the owner has been advised that a planning application to retain the works is unlikely to be considered favourably given its industrial scale and appearance and location within a residential area.
- 2.4 The site is located within an area identified as general urban area in the Adopted Local Development Plan (LDP). The site consists of a single storey semi-detached dwellinghouse with garden ground to the rear. The site is bounded by Lomond Crescent to the north, numbers 25 and 29 Lomond Crescent to the east and west and numbers 40, 42, and 44 Thorntree Avenue to the south. The site boundary treatments consist of an approx. 1.8m high timber fence to the rear and east side boundaries and approx. 1m high wall to the west side boundary. There is a small existing timber shed within the rear garden.
- 2.5 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.
- 2.6 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 outbuilding is considered to be contrary to the LDP.
- 2.7 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 removal of the outbuilding and the restoration of the land. 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 amenity and residential character of the area, it is recommended that Committee approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the outbuilding.

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 The Council Plan seeks to make North Ayrshire a welcoming and attractive environment where our residents are proud to live and work.

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

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

Background Papers

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27 Lomond Crescent, Beith

