
NORTH AYRSHIRE COUNCIL

29th September 2021

Planning Committee

Title:	Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 9 Stakehill, Largs KA30 9NQ
Purpose:	To seek approval to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring reduction in height of fence at 9 Stakehill, Largs KA30 9NQ
Recommendation:	That the Committee grants authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in height of fence at 9 Stakehill, Largs KA30 9NQ

1. Executive Summary

- 1.1 To seek authority to serve an Enforcement Notice requiring the reduction in the height of an unauthorised fence at 9 Stakehill, Largs KA30 9NQ.
- 1.2 It is considered that the fence, which has been erected 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 have been undertaken at 9 Stakehill, Largs. The fence is on a boundary of the front garden fronting onto Stakehill.
- 2.2 The fence is approx. 15m in length, curving around the northern and eastern side of the garden. The fence is approx. 1.8m in height to the northern boundary. The height of the fence is reduced to approx. 1.2m on the eastern boundary to the road turning head. The fence has been erected behind an existing brick wall approx. 0.5m in height.
- 2.3 The works were brought to the Council's attention in May 2021 by a member of the public. The owner has been advised of the need for permission and requested to remove the fence but has not responded. On the balance of probability, the works were carried out within the last four years.
- 2.4 The property is located within an area identified in the Local Development Plan (LDP) as part of the general urban area of Largs. The area is residential. The front boundaries are characterised by open space or low boundaries, including the

immediately adjacent 18a Millburn Gardens which is a similar type of property, and has an approx. 1m high rendered boundary wall. Where higher boundaries are visible in the area these are either to the rear or side boundaries.

- 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 proposal to create a pleasant, positive sense of place by promoting visual quality. The fence is out of keeping with the character of the front boundaries in the area. It is considered to harm the visual amenity of the area. It is not considered that the works comply with Strategic Policy 2 and is therefore contrary to the LDP.
- 2.6 Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order, as amended, permits the erection of a boundary fence fronting a road so long as it does not exceed 1m in height.
- 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 reduction in height of the fence so that it does not exceed 1m. 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. 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 the Committee approve 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 1m in height.
- 3.2 It is proposed that the owner would be given 6 weeks from the date of any Notice taking effect in which to carry out the requirements.

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 landowner 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 Wealth Building

- 4.7 None.

5. Consultation

- 5.1 None

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

Background Papers

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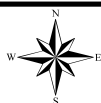
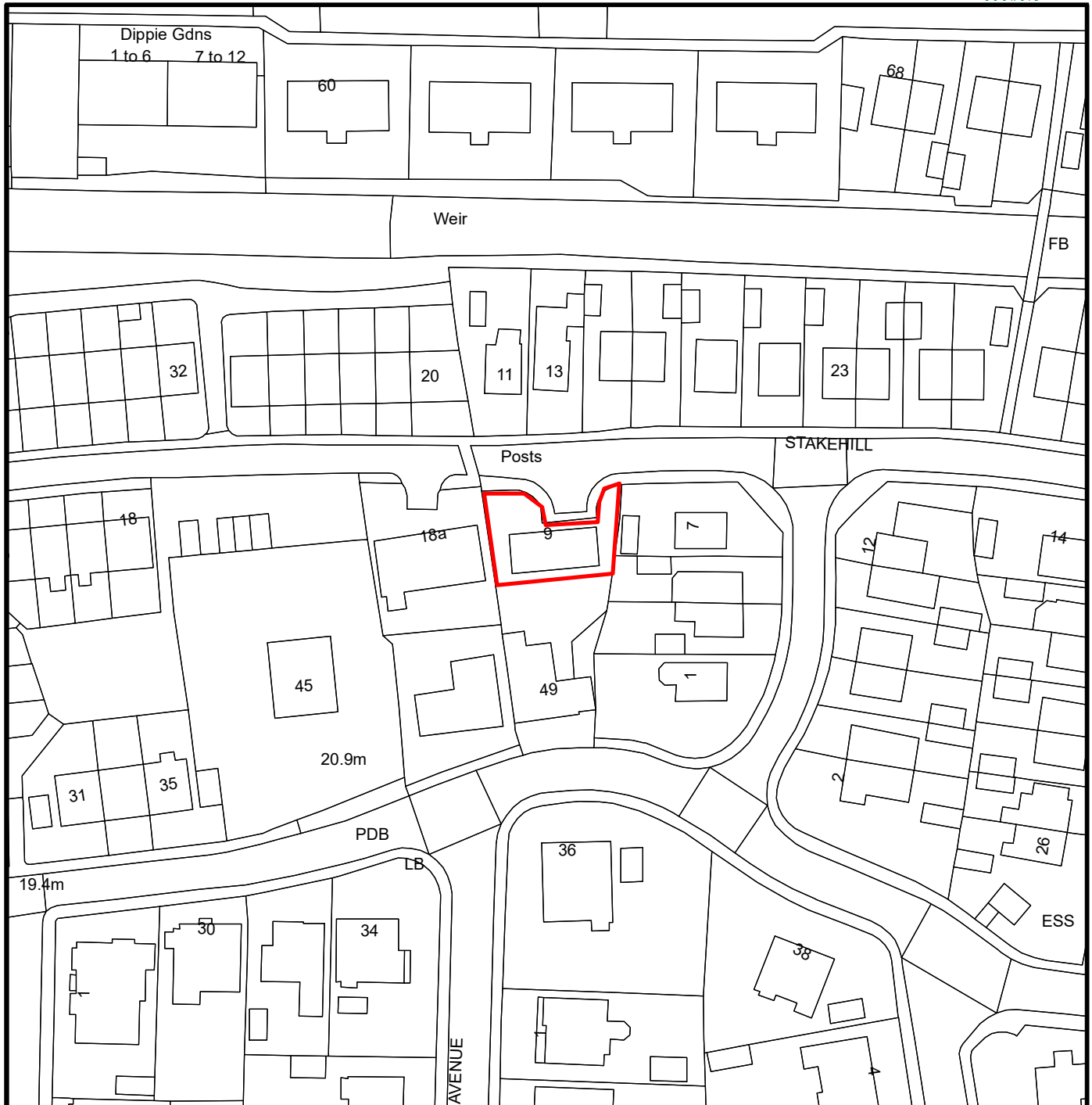


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