
NORTH AYRSHIRE COUNCIL

1st September 2021

Planning Committee

Title: Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land outside of Laigh Gree & East Laigh Gree, Burnhouse.

Purpose: To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all deposited rubble, boulders and masonry blocks on the land for the abatement of the adverse impacts on the amenity of the local area

Recommendation: Agree that authority be given to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to improve and safeguard the amenity of the area

1. Executive Summary

- 1.1 An area of land between the public road and the entrances to Laigh Gree Cottage and neighbouring East Laigh Gree, Burnhouse, has been blighted by the placement of rubble, boulders, and masonry blocks.
- 1.2 The condition of the land is harming the amenity of the rural setting of Burnhouse and the stockpile could pose a risk to residents and visitors to Laigh Gree Cottage and neighbouring East Laigh Gree, particularly during the hours of darkness. It is considered necessary to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require the clearance of all deposited rubble, boulders, and masonry blocks.

2. Background

- 2.1 A report regarding the placement of a single row of boulders within the area of land between the carriageway of the B706 Dunlop to Beith road and the entrances to Laigh Gree Cottage and the neighbouring East Laigh Gree, was received by Planning Services on the 15th of February 2021.
- 2.2 The land was once part of the main carriageway of the B706 Dunlop to Beith road but does not form part of the adopted road network due to carriageway realignment works that were undertaken in or around the 1970s. The land is in private ownership, but details of the owner are not known. The purpose of the single row of boulders was to

compartmentalise the land in the interests of the users of the adjacent properties and was not considered by Planning Services to constitute development nor to have any notable effect on the amenity of the surrounding area. An apparent disagreement between the neighbours on the exact position of the boulders was considered by Planning Services to be a private matter for the interested parties to address between themselves.

- 2.3 Further reports were received on the 29th March and 27th May 2021 by Planning Services on the additional placement of rubble, boulders, and masonry blocks. The deposition of the additional material appears to be the result of an escalation of the apparent disagreement between the occupants of Laigh Gree Cottage and East Laigh Gree on the rights over the area of land in question.
- 2.5 Overall, the condition of the land is unsatisfactory, and the presence of the deposited material is harmful to the amenity of the rural setting of Burnhouse and could pose a risk to residents and visitors to Laigh Gree Cottage and East Laigh Gree, particularly during the hours of darkness.
- 2.6 As the neighbours now appear unlikely to be able to resolve the matter between themselves, it is considered necessary to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require the clearance of all deposited rubble, boulders, and masonry blocks, returning the land to an acceptable condition.

3. Proposals

- 3.1 It is recommended that a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (as amended) is served on the landowner to require:
1. The removal of all rubble, boulders and masonry blocks from the land between the B706 and the entrances to Laigh Gree Cottage and East Laigh Gree to a licensed waste disposal or recycling facility.
 2. The undertaking of measures to safeguard the land against further stockpiling of material, so far as practicable.
 3. Improved maintenance of the land, to include regular checks for further stockpiling of material and its prompt removal should it occur.
- 3.2 The timescale for undertaking such works should be no greater than 6 weeks from the date of the notice.

4. Implications/Socio-economic Duty

Financial

- 4.1 Should any requirement of the Notice not be complied with following expiry of the compliance period, the Council as Planning Authority may enter the land and carry out such steps to achieve compliance. The Council may then seek to recover from the person(s) who was the then owner (or lessee) any expenses reasonably incurred during the carrying out of these works.

Human Resources

4.2 None.

Legal

4.3 The proposed Amenity Notice would be served in accordance with statutory procedures.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 The proposed Amenity Notice would restore and maintain the rural setting of Burnhouse to an expected condition.

Key Priorities

4.6 The proposed Amenity Notice would support the Council Plan priority: “Vibrant, welcoming and attractive places”

Community Wealth Building

4.7 Any direct action taken under the Planning Acts can support progressive procurement.

5. Consultation

5.1 Finance has been advised of the report in terms of its budgetary provision.

James Miller
Chief Planning Officer

For further information please contact **Mr M. Miller, Assistant Planning Officer**, on **01294 317285**.

Background Papers

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