

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23 MAY 1996

SUBJECT: ENFORCEMENT ACTION - CRAIGO VILLAGE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the circumstances surrounding a recommendation to take Enforcement Action in relation to the storage of a quantity of wood, old cars and a trailer and its contents on an area of ground within the Village of Craigo, Angus.

1 RECOMMENDATION

It is recommended that the Committee agree to Enforcement Action being taken against the storage of a quantity of wood, old cars and a trailer and its contents on an area of ground within the village of Craigo, Angus.

2 INTRODUCTION

2.1 Within Craigo Village there lies a small area of ground which is not within the curtilage of a dwellinghouse. It is located directly north from No. 5 Centre Cottage and adjoins its garden ground.

3 CASE HISTORY

3.1 On 19 April 1995 a complaint was received from Mr. B. Christie, 5 Centre Cottages, Craigo, drawing attention to the condition of the land referred to at 2.1 herein.

3.2 On 21 April 1995 the site was visited when it was noted that it contained a black coloured elderly garage which had obviously been in situ for some considerable time. In addition, there were two old cars, a car trailer containing what appeared to be scrap and a quantity of timber panels and roof trusses obviously in preparation to erect a further garage/store.

3.3 At that time Mrs. Christie was seen and she indicated that the activity on the site was by a Mr. Anderson, 1 Rose Cottage directly opposite.

3.4 As a result a letter was forwarded to Mr. Anderson by way of enquiry.

3.5 On 10 May 1995 Mr. Anderson was interviewed within the County Buildings when he stated that he was attempting to purchase the land in question and that his solicitor was at that time attempting to establish ownership. He admitted that all referred to in 3.2 was his. He was advised to stop all work and agreed to do so.

3.6 Mr. Anderson intimated that it was his intention, when his purchase of the site was confirmed, to submit a planning application relating to his intended usage.

- 3.7 On 16 June 1995 a further letter was sent to Mr. Anderson seeking an update in the progress of his purchase. No reply was received.
- 3.8 On 3 July 1995 Mr. Anderson was interviewed at his home. He stated that the matter was still with his solicitor.
- 3.9 In the knowledge that the site in question may well be owned by J. & D. Wilkie Ltd., a letter was sent to Wilkie & Dundas, Solicitors, Kirriemuir, who act as the company's agent in an attempt to establish ownership.
- 3.10 On 6 September 1995 a letter was received from Wilkie & Dundas confirming:-
- (I) the site in question was owned by their clients; and
 - (II) that, for some time, Mr. & Mrs Anderson had been attempting to purchase the site.

A copy of this letter was forwarded to Mr. Anderson in an endeavour to assist.

- 3.11 During December 1995 further correspondence was entered into with Wilkie & Dundas. As a result, on 5 February 1996, a letter was received by this department indicating that ownership of the land in question had passed to Mr. & Mrs. Anderson.
- 3.12 On 12 February 1996 a Notice in terms of Section 270(1) of the Town and Country Planning (Scotland) Act 1972 seeking confirmation of the ownership of the land was served on Mr. Anderson.
- 3.13 On 6 March 1996 by way of a letter Mr. Anderson confirmed that he was indeed the new owner.
- 3.14 In consequence, and in an attempt to finally resolve matters without the need for formal Enforcement Action, a letter dated 13 March 1996 was sent to Mr. Anderson indicating that the land should be cleared of the timber panels and trusses, the old cars and the car trailer and contents and kept tidy. The elderly garage could remain.
- 3.15 Six weeks were allowed for the work described in paragraph 3.14 herein. This has now expired and the work has not been done.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications, provided, the action authorised is by way of Enforcement Action against illegal storage and not by means of a Wasteland Notice.

5 CONSULTATION

- 5.1 The Director of Law and Administration has been consulted in the preparation of this report.

6 CONCLUSION

- 6.1 This site has remained in the same condition since the complaint by Mr. Christie on 19 April 1995 and detracts greatly from the visual amenity of the area.
- 6.2 Mr. Anderson has been informed that the area of land in question being outwith the curtilage of a dwellinghouse cannot at any time benefit from permitted development status.
- 6.3 Mr. Anderson has been given adequate opportunity to rectify matters but it would appear that he is not prepared to co-operate. Accordingly, Enforcement Action is the only way in which to have the matter resolved.
- 6.4 A check has revealed that no planning application has been lodged by Mr. Anderson in relation to the land under consideration at Craigo and referred to in this report.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/GC/KW
14 May 1996

Alex Anderson
Director of Planning, Transport & Economic Development

