

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13 JUNE 1996

SUBJECT: BREACH OF CONDITION NOTICE  
1 BROOMWELL GARDENS, MONIKIE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

**Abstract: This report presents the circumstances surrounding a recommendation to serve a Breach of Condition Notice in relation to unfinished work to a garage at 1 Broomwell Gardens, Monikie, Angus.**

**1 RECOMMENDATION**

It is recommended that the Committee agree to serve a Breach of Condition Notice in relation to unfinished works to a domestic garage located within the garden ground at 1 Broomwell Gardens, Monikie, Angus.

**2 INTRODUCTION**

2.1 Number 1 Broomwell Gardens, Monikie, Angus, is an older house, but forms part of a relatively new modern village private housing development and fronts onto the service roads system.

**3 CASE HISTORY**

3.1 The owner and occupiers of the dwellinghouse referred to at 2.1 above are Mr. and Mrs. Ewart who, over a number of years, have been in the process of constructing a large domestic garage.

3.2 Planning Permission had neither been sought nor obtained.

3.3 On a date in January 1995 lack of a formal consent was brought to the attention of Mr. Ewart and as a result an application in retrospect was submitted in the name of Mrs. M. Ewart.

3.4 On 27 April 1995 the aforesaid application was approved for the erection of a garage (retrospectively) and for a boundary wall.

3.5 Conditions were attached and condition No. 1 stated "that the garage be completed, including external materials, to the satisfaction of the Director of Planning within 12 months of the date of Planning Permission."

3.6 On 17 May 1996 a site visit was made when it was noted that no work had been carried out to the garage and it was now in a worse condition than when Planning Permission was granted.

- 3.7 On 22 May 1996 a letter was forwarded to Mrs. M. Ewart asking for an explanation but at the time of preparing the report no response had been received.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no significant financial implications.

#### **5 CONSULTATION**

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

#### **6 CONCLUSION**

- 6.1 The garage in question is in poor condition particularly in relation to the roof. It is only part slated and to the rear the felt has, in part, collapsed.
- 6.2 It represents a visual intrusion on the amenity of the area.
- 6.3 At the processing stage of the retrospective application representation was made by neighbours who, not objecting to a garage at that location, were concerned that it would be necessary to ensure that it was completed timeously and to a professional standard.
- 6.4 It would appear that the Ewart family have ignored the directions of the Planning Authority and no attempt has been made to comply with the conditions of the planning consent.

#### **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  
5 July 1996

Alex Anderson  
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