

## ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23 OCTOBER 1997

SUBJECT: ENFORCEMENT ACTION, SLADE ROAD, KIRRIEMUIR

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 stone on an area of ground adjacent to Slade Road, Kirriemuir.

### 1 RECOMMENDATION

It is recommended that the Committee agree to enforcement action being taken against the storage of a large quantity of stone on an area of ground adjacent to Slade Road, Kirriemuir if it has not been removed from the site by 31 October 1997.

### 2 INTRODUCTION

2.1 Adjacent to Slade Road, Kirriemuir there lies an area of ground upon which there has been erected a large number of garages which are privately let to members of the public. There is, however, one section of the site that has not been developed and is the subject of this report.

### 3 CASE HISTORY

- 3.1 On 19 May 1997, a complaint was received by this Department to the effect that a large amount of stone had been introduced onto the land referred to at 2.1 above.
- 3.2 The site was visited on the same day when it was noted that there was a large quantity of both red sandstone and what appears to be stone setts.
- 3.3 Enquiry revealed that the storage was being carried out by G. & B. Contractors Ltd., Carseview Road, Suttieside, Forfar and on 21 May 1997, Mr. Milne, a Director of the aforesaid company was interviewed and informed that change of use of the land in question to what could be termed a builders' yard would require planning permission and it was extremely doubtful if such a consent would be granted.
- 3.4 On 22 May 1997, a letter confirming the interview content, referred to at 3.3, was sent to the company involved for Mr. Milne's attention. As the letter remained unanswered, Mr. Milne was seen again and asked to respond with a clear indication of his company's intention in this matter.
- 3.5 Once again there was no response and as a result, on 10 July 1997, a Planning Contravention Notice was sent to G. & B. Contractors Ltd. The required response revealed the land in question to be owned by Mrs. A. Milne, 5 Lilybank, Kirriemuir.

- 3.6 On 23 July 1997, Mr. Milne gave an undertaking to remove all of the stone by 30 September 1997. This has not been done, indeed only a very small amount has been cleared. Subsequently, Mr. Milne has given an undertaking to remove all the stone by 31 October 1997.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications.

#### **5 CONSULTATION**

- 5.1 The Chief Executive and Directors of Finance and Law & Administration have been consulted in the preparation of this report.

#### **6 CONCLUSION**

- 6.1 The area being used for this storage lies between the garages referred to at 2.1 and the residential area known as Slade Gardens and represents a major visual intrusion on the amenity of the area. This planning authority has provided G. & B. Contractors Ltd. with ample opportunity to rectify the situation but they have failed to remove all of the stone from the site although an undertaking has been given that this will be done by 31 October 1997. However, there is no guarantee that this undertaking will be complied with. Accordingly, it is considered that authority to commence enforcement action is necessary.

#### **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/IAL  
14 October 1997

Alex Anderson  
Director of Planning, Transport & Economic Development