

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

9 JANUARY 1997

SUBJECT: ENFORCEMENT ACTION
SMALL HOLDING, MEMUS VILLAGE

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the current circumstances relative to a recommendation not to serve a Wasteland Notice in respect of the condition of the small holding occupied by Miss Betsy MacIntosh in the village of Memus.

1 RECOMMENDATION

It is recommended that the Committee -

- a) agrees not to serve a Wasteland Notice in respect of the condition of the small holding occupied by Miss MacIntosh: and
- b) to continue to monitor the site in an attempt to achieve a general tidying up of the area.

2 INTRODUCTION

2.1 This site has a long and complex history, the most salient points being:-

- a) Temporary consent was given to site a caravan on the land in 1973 and renewed in 1975 for a further two years.
- b) Angus District Council attempted to accommodate Miss MacIntosh in Council housing.
- c) Enforcement action was taken in 1979, and suspended when Miss MacIntosh accepted occupancy of a house in Kirriemuir however she continued to return to the site ostensibly to attend her animals (hens, ducks, geese, cats etc.).
- d) Enforcement action recommended which lead to a further planning application.
- e) Planning application refused in 1980 and the matter reported to the Procurator Fiscal.
- f) Planning refusal appealed; Procurator Fiscal deferred hearing.
- g) Appeal dismissed in 1982, at which time Miss MacIntosh was given time to respond however action resurrected through Procurator Fiscal.

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- h) Case heard at Forfar Sheriff Court in 1983 at which time Miss MacIntosh was "admonished".
- i) Continued action with Miss MacIntosh threatening to return to the site whatever action was taken. Director of Housing repossessed Kirriemuir house.
- j) In 1985 a decision was taken not to pursue further action.
- 2.2 Despite the above, following complaints received via the local member and the Community Council in respect of the condition of the small holding occupied by Miss MacIntosh the matter was reported to Angus District Council Planning Committee on 19 February 1996. At this meeting, a Mrs. Jones, proprietor of the nearby caravan site spoke of the "dreadful condition" of the small holding and on the disturbance caused by Miss MacIntosh's animals. Mr. Gillan spoke on behalf of Miss MacIntosh and indicated that he was attempting to work with Miss MacIntosh to secure improvements in the conditions by the erection of chicken runs and improved fencing etc.
- 2.3 Following discussion it was agreed:-
- a) That the Director of Planning meet with Mr. Gillan in an attempt to achieve an improvement to the site.
- b) That the results of the owner's attempts be awaited.
- c) That the matter be reviewed in six months.
- 3 PLANNING CONSIDERATIONS**
- 3.1 The main planning issue is whether or not it is appropriate to serve a Wasteland Notice.
- 3.2 Miss MacIntosh is elderly and obviously holds strong views on what she feels is acceptable in the countryside. The outcome of the criminal proceedings in 1980 have not helped the Council. The Legal Department have been consulted on the advisability of pursuing a new action against Miss MacIntosh however based on past experience, press coverage is unlikely to reflect well on the Council.
- 3.3 Since the matter was last reported to the Committee, Miss MacIntosh has made a limited attempt to improve the situation.
- 3.4 A fence has been erected between the land owned by Miss MacIntosh and the adjacent caravan park. In addition the ground has been rotovated and new grass seed planted, however, in view of the time of year when this work was carried out and that the hens owned by Miss MacIntosh were not satisfactorily controlled, this work has resulted in little improvement in the overall amenity of the area. Work has also commenced on the formation of chicken runs within the ground by Miss MacIntosh however this is also incomplete at the present time.

- 3.5 A previous complaint regarding smell emanating from the ground owned by Miss MacIntosh was discovered to be as a result of damage to a septic tank overflow which has occurred outwith Miss MacIntosh's ground but had been diverted through the field drain which crossed Miss MacIntosh's land. The damaged pipe has now been replaced and to my knowledge the problem has been resolved.
- 3.6 Following further discussions with Miss MacIntosh she has once more given assurances that she will attempt to tidy up the site further and come the spring will once more arrange for the ground to be ploughed and re-sown with grass seed which would result in a major improvement to the overall amenity of the area. She has however indicated that she would be unwilling to remove the caravan and sheds associated with the small holding.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications involved in adopting the recommendations proposed in this report.

5 CONSULTATION

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

6 CONCLUSION

The Council is confronted with a very sensitive situation given the circumstances of the occupier and the length of time Miss MacIntosh has occupied the holding. It is quite clear that she will not readily comply with the requirements of an Enforcement Notice, whatever these requirements might be, however, through continued negotiations a further improvement may be achieved. It is recommended therefore that the Council do not pursue a Wasteland Notice at this time, however, continue to monitor the site and report back to the Committee in 12 months time.

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/RMcN/IAL
27 December 1996

Alex Anderson
Director of Planning, Transport & Economic Development

