

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	13 February 2007
Report by:	Executive Director (Enterprise Resources)

Subject:	Enforcement Action - Removal of Spoil Heap, Removal of Temporary Access and Reinstatement of Ground Extension to Residential Curtilage at Millrig Road, Wiston
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ request approval for Enforcement Notices to be served on the owner of Plot 2, Millrig Road, Wiston to remove an existing spoil heap and a temporary access, reinstate the land to its original condition, and to reduce the size of existing residential plot to accord with the approved plan granted on 19 August 2002 under Decision Notice CL/02/0254.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that an Enforcement Notice be served on the owner of Plot 2, Millrig Road, Wiston to secure removal of the existing spoil heap from the site. This notice to come into effect within one month of the date of service and a period of two months should be allowed for compliance with the notice;
- (2) that an Enforcement Notice be served on the owner of Plot 2, Millrig Road, Wiston to secure removal of the existing temporary access road and reinstatement of the land in accordance with the conditions attached to planning consent CL/05/0793 granted on 15 February 2006. This notice to come into effect within one month of the date of service and a period of two months should be allowed for compliance with the notice; and
- (3) that an Enforcement Notice be served on the owner of Plot 2, Millrig Road, Wiston to secure the reduction of the size of the residential plot at Millrig Road, Wiston to accord with the approved plan granted on 19 August 2002 under decision notice CL/02/0254.

3 Background

3.1 Planning permission was granted for the erection of a house and domestic garage at Plot 2, Millrig Road, Wiston on 19 August 2002 (Ref no CL/02/0254). During the course of construction, substantial excavated material from the plot was deposited to the rear of the site. Several letters of concern have been received from residents in Wiston regarding this matter.

- 3.2 In addition to the unauthorised spoil heap, the owner of the site also created an additional access to the east of the new house. The developer advised that this access was intended to allow commercial vehicles to enter the site and remove the existing unauthorised spoil heap. On 20 June 2005, the owner was advised that planning consent would be required for this temporary access.
- 3.3 On 14 November 2005, an application was received for the formation of site access to allow removal of building spoil and excess top soil from this location. This application was granted on 15 February 2006 for a temporary period of 6 months. Condition 2 of this consent required that the access be removed, the uses discontinued and the land restored to its former condition on or before 14 August 2006.
- 3.4 The owner of the site has also extended the curtilage of the plot to the rear of the house. On 16 February 2006, Mr Bellshaw was advised that this extension would require planning permission. To date, however, despite assurances, no planning application has been submitted to take account of this alteration to the plot boundaries.
- 3.5 To summarise, the existing situation is as follows. The excavated spoil material remains on site. On 4 December 2006, a letter was received from the owner of the site advising that it was unlikely that this material would be removed. The temporary access remains on site and, to date, no works have commenced to restore the area to its original condition. The plot area has been extended and, to date, no planning application has been submitted to take account of the changes. The retention of the spoil heap and access is adversely affecting the character of the rural area and is detrimental to the amenity of the surrounding countryside and residential properties in Wiston. In addition, the creation of an enlarged plot is detrimental to the amenity of the area. It is, therefore, considered appropriate to serve Enforcement Notices to:
- (a) remove the existing excavated spoil material from the site;
 - (b) remove the existing temporary access and restore the site to its condition prior to the creation of this access; and
 - (c) reduce the size of the existing plot boundaries to accord with the approved plans granted on 19 August 2002 under Decision Notice CL/02/0254.

4 Employee Implications

- 4.1 There are no employee implications.

5 Financial Implications

- 5.1 Staff costs in preparing and submitting Council's case.

6 Other Implications

- 6.1 None.

7 Consultations

- 7.1 None required.

Iain Urquhart
Executive Director (Enterprise Resources)

25 January 2007

Link(s) to Council Objectives

? Living in the Community.

Previous References

? None.

List of Background Papers

? None.

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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