

EAST RENFREWSHIRE COUNCILPLANNING APPLICATIONS COMMITTEE4 October 2017Report by Director of EnvironmentNotice Requiring Proper Maintenance of Landat 21 Wellpark Terrace, Neilston**INTRODUCTION**

1. This report is to request that Members authorise the service of a Notice Requiring Proper Maintenance of Land under Section 179 of the Town and Country Planning (Scotland) Act 1997 in relation to at 21 Wellpark Terrace, Neilston, G78 3JY.

RECOMMENDATION

2. Members are requested to authorise the service of a Notice Requiring Proper Maintenance of Land, in terms of Section 179 of the Town and Country Planning (Scotland) Act 1997 for the front garden of the property at 21 Wellpark Terrace, Neilston.

BACKGROUND

3. The Council's Planning Service first received a complaint about the condition of the front and rear garden of the house at 21 Wellpark Terrace in March 2013. The matter was investigated at the time and site visits were undertaken. Views into the rear garden of the house proved difficult given the presence of high trees and hedges. However, the limited views which were available revealed that the rear garden was largely filled by an assortment of wood and other building materials. The front garden had a caravan, a van and a car, a wooden hut, various wooden items including pallets, and assorted discarded household items. Significant areas of the garden were however relatively clear. No personal contact with the householder was achieved during any of the various visits made that year. Letters sent to the householder resulted in a representation from a health care professional asking that the householder be given some months to tidy the front garden. This work was never undertaken however it was eventually decided that the state of the front garden did not warrant service of a Notice Requiring Proper Maintenance of Land at that time.

4. A new complaint from a different party raising the condition of the front garden of the property was received in March 2017. By that date the quantity and variety of items stored within the front garden had grown significantly. There was still a caravan, a van and a car within the front garden however by this time the number of huts had increased to three. Various vehicle trailers were also stored in the front garden as were timber pallets, other timber items, some old metal fence/gate panels, various wheelie bins, bicycles, and building materials and surplus/discarded household items. The Council's Environmental Health service has taken the view that the condition of the front garden does not constitute a health issue. The opinion of the Planning Service is however that the condition of the front garden has deteriorated markedly since 2013 to an extent that it now has significant adverse effect on the amenity of the immediate residential area. The house sits at one of the access routes to the houses in Wellpark Terrace and it is also in close proximity and within open views of neighbouring householders.

5. Access to the front door of the property is difficult given the accumulated items in the front garden between the gate and the front door. Further letters have however been delivered placed in a metal post box positioned at the entrance gate. The householder has failed to respond to these letters. Meanwhile the concerns of the neighbours have grown as further items have been discarded within the garden.

6. A recent letter warning of formal action has been delivered to the householder. No response has been received.

7. A Notice Requiring Proper Maintenance of Land is served in circumstances when it is considered that the appearance of the land has significant adverse effects on the amenity of the area. The notice will give the householder opportunity to comply with it by removing specified items. However, if the works are not undertaken the Council is then tasked with undertaking the works and recovering the associated costs from the house owner.

8. It should be noted that there is a right of appeal to the Scottish Ministers in relation to the service of this type of notice.

MAIN ISSUES

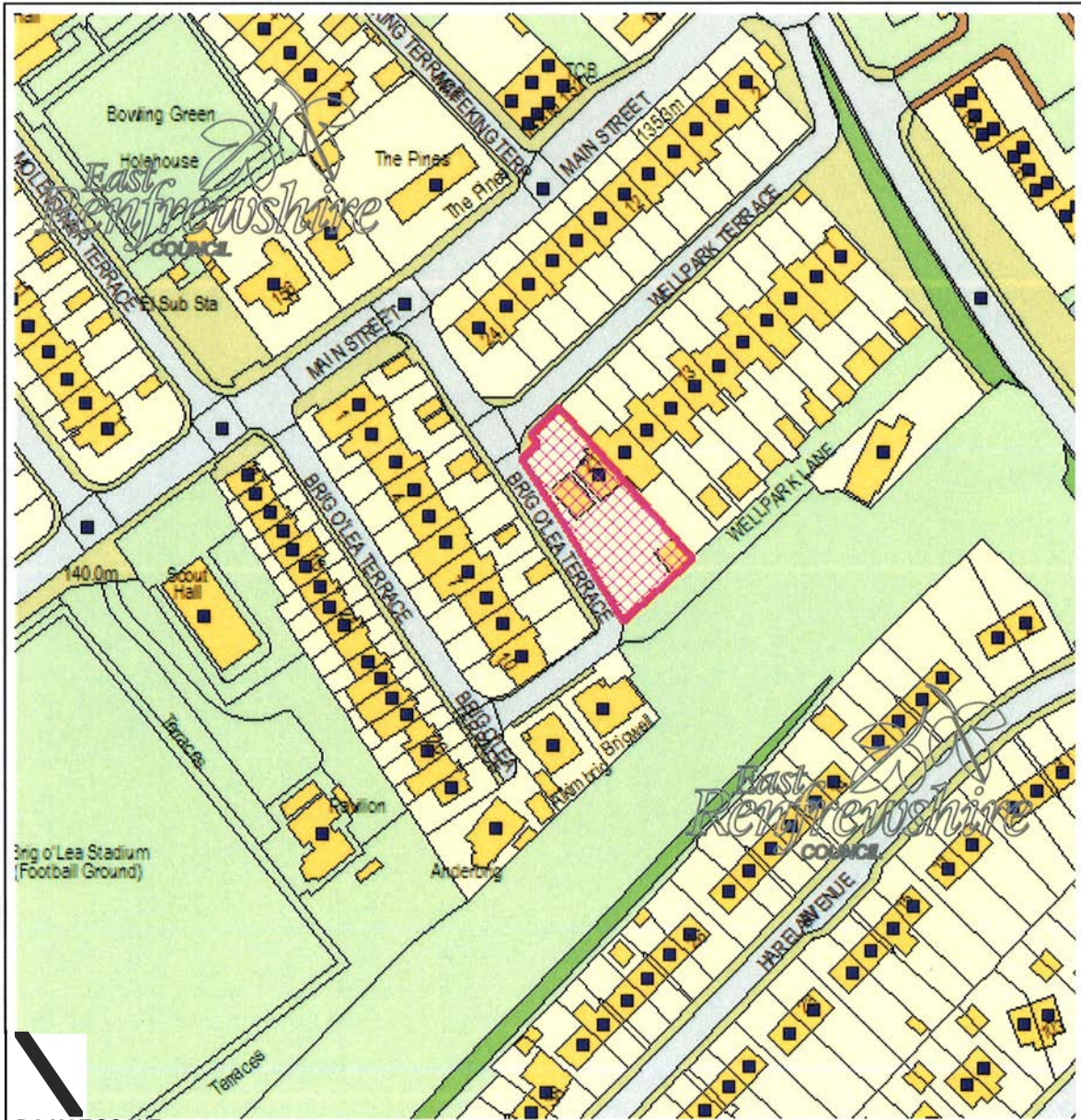
9. The householder at the property at 21 Wellpark Terrace, Neilston has over recent years accumulated various items which are stored in a haphazard fashion in the front garden of his house. These items have the cumulative effect of having significant impact on residential amenity. Attempts over a protracted period have failed to result in the removal of these items from the front garden.

10. In order to address the adverse effects on the amenity of the area the service of a Notice Requiring Proper Maintenance of Land is considered appropriate and necessary in this case.

RECOMMENDATION

11. Members are requested to authorise the service of a Notice Requiring Proper Maintenance of Land, in terms of Section 179 of the Town and Country Planning (Scotland) Act 1997 for the front garden of the property at 21 Wellpark Terrace, Neilston.

Director of Environment
October 2017.



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