

EAST RENFREWSHIRE COUNCILPLANNING APPLICATIONS COMMITTEE6 April 2016Report by Director of EnvironmentPLANNING ENFORCEMENT – 1 CONVENT ROAD, BARRHEAD**1.0 INTRODUCTION**

- 1.1. This report is to request that Members authorise that formal enforcement action be taken in respect of the unauthorised incorporation of an area of open space to form an enlarged rear garden at 1 Convent Road, Barrhead, G78 2FD.

2.0 BACKGROUND

- 2.1. In June 2014 a complaint was received that an area of open space was in the process of being incorporated into the garden ground of the house at 1 Convent Road, Barrhead. A site visit was undertaken at that time. The existing boundary fence between the area of open space and 1 Convent Road was in the process of being removed and a new boundary fence was being erected to divide the enlarged garden from the remaining area of open space. The area concerned more than doubles the size of the garden.
- 2.2. The house at 1 Convent Road and the open space immediately to the east of it form part of the site of a former convent. Planning permission was approved for the erection of 34 dwellinghouses and 32 flats with associated roads, landscaping and open spaces on the site of the former convent in 2008 under 2007/0203/TP). The area of open space to the side of 1 Convent Road had not been formally landscaped or planted but had remained accessible via a gate behind the adjacent properties at 1 to 5 Dunlop Avenue. It is understood that the area of open space is jointly owned by the home owners within the development. The householder of 1 Convent Road has not claimed ownership of the ground.
- 2.3. The householder was made aware that planning permission was required for the change of use of the area of open space to garden ground and for the associated fencing however the work continued and later erected two buildings, a shed and a barbeque hut, in this area. These buildings resulted in further complaint being made to the Council. The householder continued to assert that there had not been a breach of planning control and in August 2014 submitted an application for a Certificate of Lawfulness (2014/0538/CLU). This application was refused as it had not been demonstrated that the ground had been used as garden ground for a period of 10 years prior to the submission of the application. The refusal was not appealed to the Scottish Government.
- 2.4. Communication with the householder then continued in an attempt to have him return his garden to its original boundary. He then appears to have left the UK for an extended period during which time no communication took place. He has however been reminded of this unresolved breach of planning control since his return. Despite refusal of his Certificate of Lawfulness application he has continued to assert that no change of use of the land has taken place.

- 2.5. The option exists to issue a Notice Requiring Application for Planning Permission for Development Already Carried Out. This notice would require the householder at 1 Convent Road to submit a planning application to seek to gain approval for the change of use of this area and the associated buildings. This form of notice constitutes formal enforcement and is likely to appear on any future property search. The notice would prevent the unauthorised change of use of the land becoming “lawful” after a period of 10 years. If the applicant does submit a planning application it will give the neighbouring property owners opportunity to make comment on the change of use which has taken place.

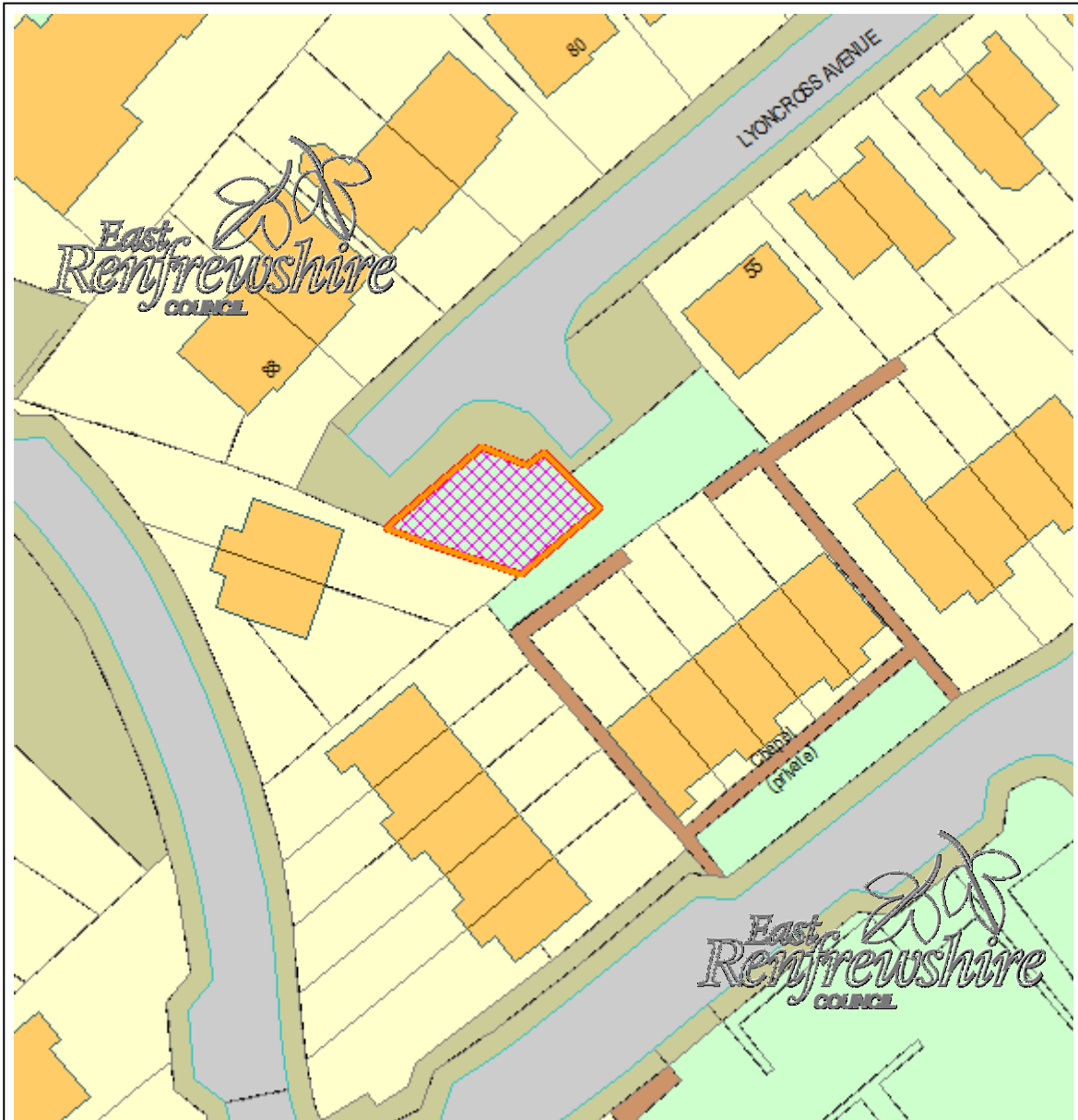
3.0. MAIN ISSUES

- 3.1. The owner of the property at 1 Convent Road has without seeking planning consent incorporated an area of shared open space into his private garden ground. This change and the associated buildings could be considered to have had at least some impact on the amenity of neighbouring householders. Attempts over a protracted period have failed to result in the return of this area to open space or have the householder submit a planning application.
- 3.2. The issue of a Notice Requiring Application for Planning Permission for Development Already Carried Out would appear appropriate and necessary in this case.

4.0. RECOMMENDATION

- 4.1 Members are requested to authorise the service of a Notice Requiring Application for Planning Permission for Development Already Carried Out to require the submission of a planning application for the incorporation of an area of open space to form an enlarged rear garden at 1 Convent Road, Barrhead.

Director of Environment
April 2016.



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This is the plan referred to in the Planning Committee Enforcement Report for 1 Convent Road, Barrhead, East Renfrewshire

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