

EAST RENFREWSHIRE COUNCIL

PLANNING APPLICATIONS COMMITTEE

30 November 2016

Report by Director of Environment

Planning Enforcement – 15 Montfort Park, Barrhead

1.0 INTRODUCTION

- 1.1. This report is the request that Members authorise that formal enforcement action be taken in respect of the unauthorised incorporation of an area of shared landscaping to form an enlarged garden at 15 Montfort Park, Barrhead.

2.0 BACKGROUND

- 2.1. In June 2015 a complaint was received regarding the removal of a number of trees which formed part of a woodland strip at the rear of houses at Montfort Park, Barrhead. Montfort Park is the site is a former priory. Planning permission was approved in 2007 (2007/0242/TP) to develop the priory house as flats and the erect 7 detached houses with the grounds. A number of amendments to the original consent have been approved since however at no stage was there any indication that the woodland strip to the rear of 15 Montfort Park would be removed. The trees had been shown on various approved plans as being retained and were considered of particular value to the general landscape setting of the development.
- 2.2. Contact was made with the householder at 15 Montfort Park. He accepted responsibility for removal of the trees and indicated that he was in the process of purchasing this area from the developer of the Montfort House site. The change in ownership and alterations in ground levels which had accompanied the tree removal led the Planning Service to suspect that the intent was to enclose this area as private garden ground. The householder was then repeatedly advised that the Planning Service would resist a change of this nature. The householder then appointed the developer as his agent. He argued that the change to private garden ground did not constitute a change in use. A planting scheme to replace trees which had been removed was agreed however they have not as yet been planted.
- 2.3. In April 2016 a complaint was received that the householder at 15 Montfort Park was in the process of enclosing the area of former woodland within his garden by erecting a fence around it. A site visit was then undertaken and the breach of planning control was confirmed. The householder had enclosed an area 12.8m deep by 28m wide by erecting a 2.2m high wooden fence. A Planning Contravention Notice was served on the householder in May 2016. In response his agent continued to argue that no breach of planning control had taken place.
- 2.4. The Planning Service contends that a change of use has taken place without the benefit of necessary planning permission and that the loss of part of the woodland strip has detrimental impact on the open landscaping of the Montfort Park development. If left unchallenged there is a concern that other sections of the open landscaping could be subject to progressive enclosure by neighbouring householders.

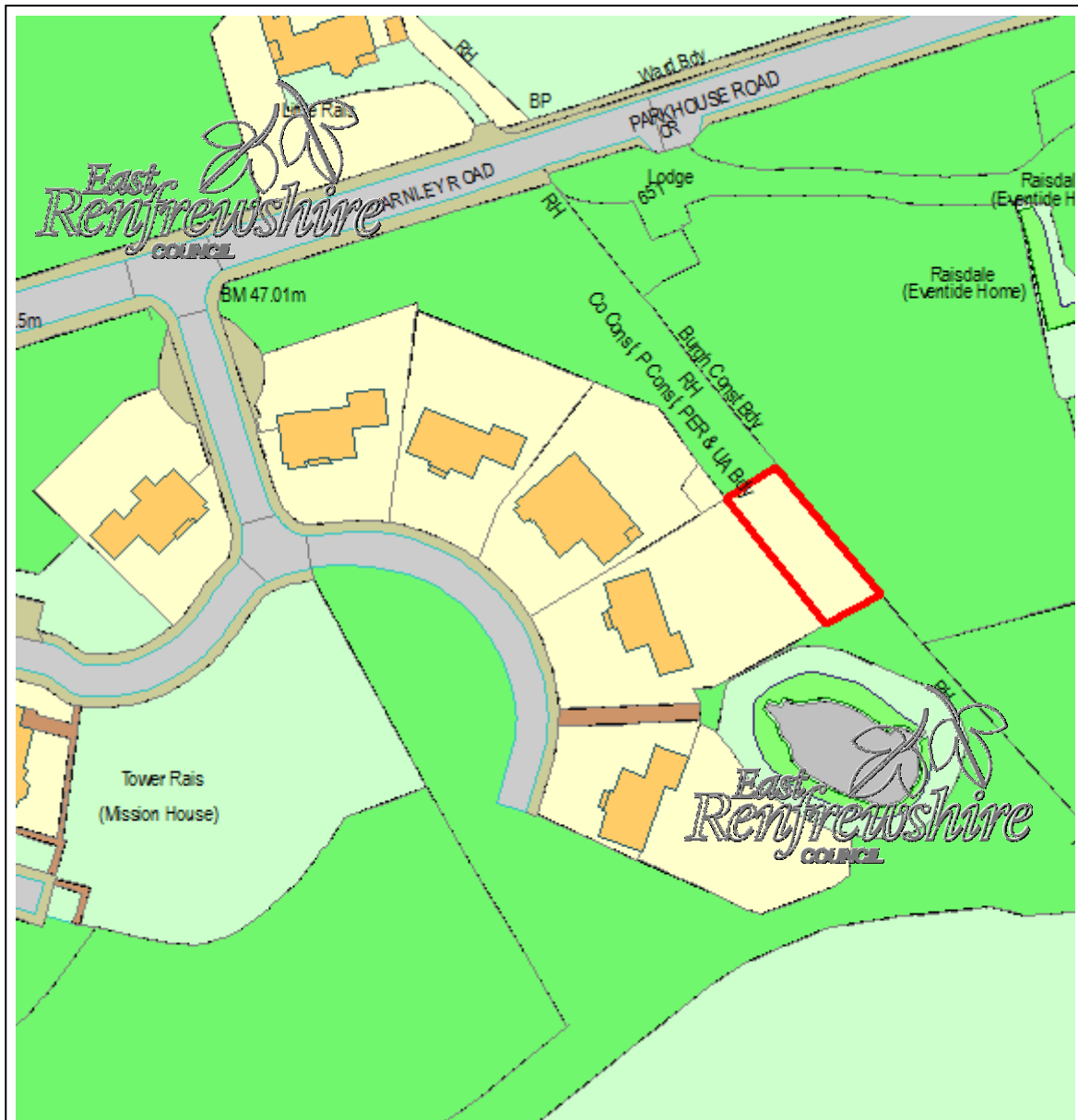
- 2.5. The householder has been advised that he has the option of submitting a planning application in an attempt to seek retrospective approval for this change of use. He was however also advised that the Planning Service would be unlikely to recommend approval.
- 2.6 Authorisation is sought to serve a Planning Enforcement Notice at the above address. This is formal Planning Enforcement which requires the approval of the Planning Committee. If the householder does not comply with the terms of the notice and thus remove the fence the Council will be able to do so and charge any costs to the householder.

3.0. MAIN ISSUES

- 3.1 The householder at 15 Montfort Park has without seeking planning consent incorporated an area of open landscaping into his private garden ground. It is considered this change has had negative impact on wider amenity. Attempts over a protracted period have failed to result in the return of this area to an area of open landscaping.
- 3.2 The issue of a Planning Enforcement Notice is appropriate and necessary in this case.

4.0 RECOMMENDATION

- 4.1 Members are requested to authorise the service of a Planning Enforcement Notice to require removal of the fence and thus return of the area enclosed by it to public open space/landscaping.



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Town and Country Planning (Scotland) Act 1997

This is the plan referred to in the Committee Report for Land to the rear of 15 Montfort Park, Barrhead, East Renfrewshire, G78 1SJ

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