

EAST RENFREWSHIRE COUNCIL

PLANNING APPLICATIONS COMMITTEE

30 November 2016

Report by Director of Environment

Planning Enforcement – 56 Harris Close, Newton Mearns

1.0 INTRODUCTION

- 1.1. This report is to request that Members authorise formal enforcement action be taken in respect of the unauthorised incorporation of an area of open space to form an enlarged garden at 56 Harris Close, Newton Mearns, G77 6TU.

2.0 BACKGROUND

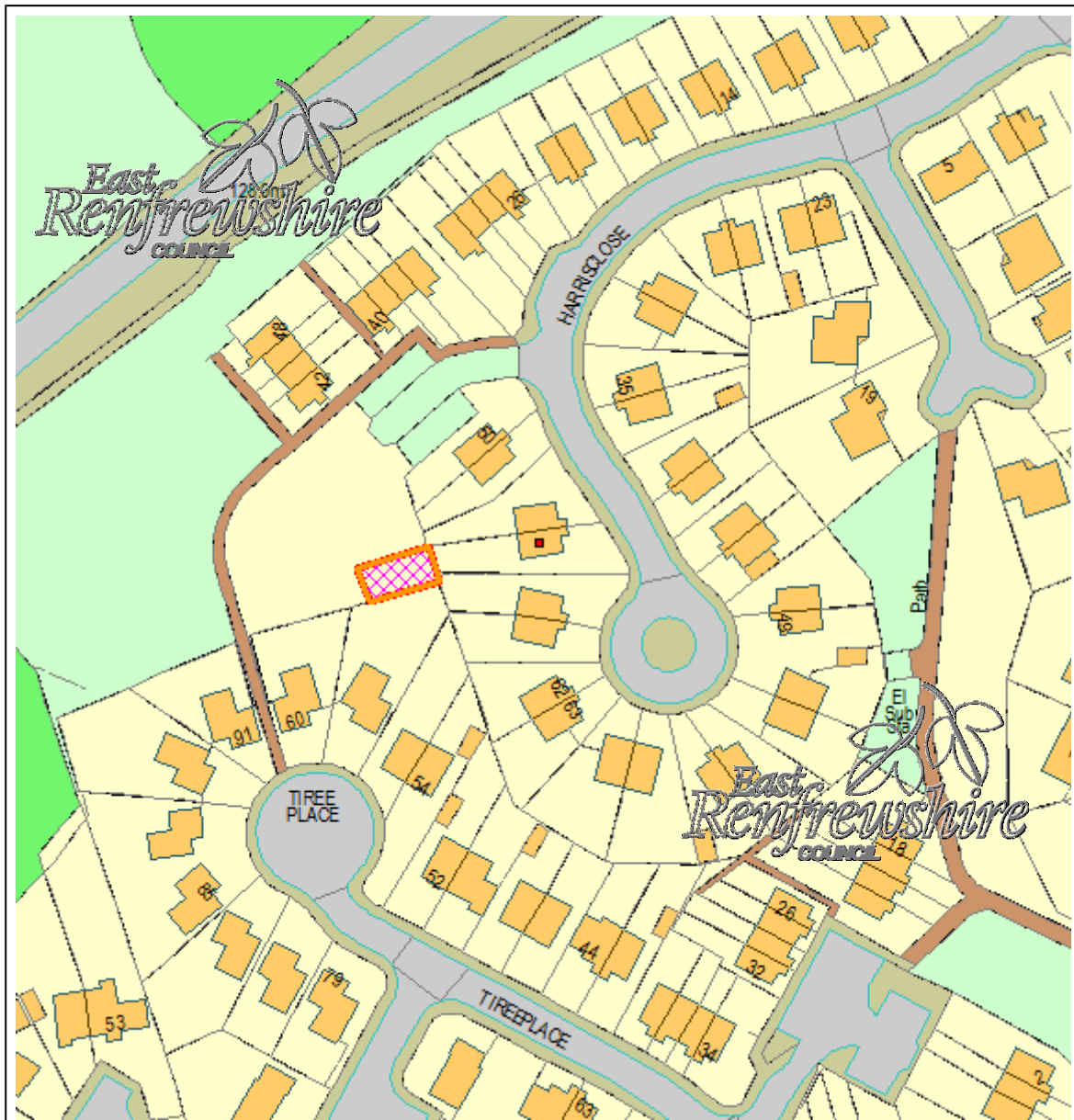
- 2.1. In March 2016 a complaint was received that an area of open space had been incorporated into the garden ground of the house at 56 Harris Close, Newton Mearns. A site visit was undertaken at that time. Part of an area of open space to the rear of the property had been enclosed and incorporated into the rear garden at this address by erecting new areas of fencing. An area 9m long by 6m wide had been enclosed by the fence. This area has since been turfed and is used as formal garden ground.
- 2.2 This area which the householder at 56 Harris Close has now partially enclosed served as an area of rough grass to one side of a public footpath which runs parallel with Stewarton Road. The other side of the path has been adopted by the Council and is subject to more regular maintenance. It is understood that the area now partially enclosed remained within the ownership of a housing developer. The householder at 56 Harris Close has not claimed any ownership of this area.
- 2.3 The householder was made aware that planning permission was required for the change of use of the area of open space to private garden ground. He has also been served with a Planning Contravention Notice. His contention is that the area served no meaningful purpose prior to being enclosed. The Planning Service is however of the opinion that this area of open space does have value, particularly given its relationship to the footpath and that the householder has, in enclosing part of, effectively eroded some of this value. If left unchallenged there is a concern that much of the remaining area could be subject to progressive enclosure by the householder or neighbours.
- 2.4. The householder has been advised that he has the option of submitting a planning application to seek retrospective approval for this change of use. He was however also advised that the Planning Service would be unlikely to recommend approval.
- 2.4 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 56 Harris Close has without seeking planning consent incorporated an area of public open space 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 public open space.
- 3.2 The service 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 the return of the area enclosed by it to public open space.



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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 56 Harris Close, Newton Mearns, East Renfrewshire, G77 6TU

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