

**IMPORTANT – THIS COMMUNICATION AFFECTS THIS PROPERTY
AND HAS IMMEDIATE EFFECT. FAILURE TO COMPLY WITH THE
REQUIREMENTS OF THE NOTICE MAY RESULT IN PROSECUTION**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)**

TEMPORARY STOP NOTICE

REFERENCE NUMBER: ED2022/0069/ENF

PLANNING PERMISSION REFERENCE NUMBER: TP/ED/22/0371

ISSUED BY: East Dunbartonshire Council

DATE AND TIME OF DISPLAY: 31 August 2022, 14:00

WHEREAS:

1. In respect of development on land at: The Rambler, 17 Main Street, Torrance ,East Dunbartonshire, G64 4EX as identified and delineated in red on the Location Plan, noted as such, and attached and annexed to this Notice.
2. East Dunbartonshire Council, being the planning authority for the land identified above and to which this notice relates, considers that:
 - (a) There has been a breach of planning control under section 123(1)(a) of the Town and Country Planning (Scotland) Act 1997 (as amended) (“the Act”) at the land described in paragraph 1 above.
 - (b) That the said breach of planning control consists of the engagement in the activity which is described in Schedule 1 to this Notice; and,
 - (c) That for the reasons set out in Schedule 2 to this Notice it is expedient that the said activity is stopped with immediate effect.
3. NOTICE IS HEREBY given that as of the time and date recorded above, being the time and date of display of this Notice, East Dunbartonshire Council, in exercise of its powers in

accordance with Section 144A of the Act now prohibit the carrying out of the activity specified in Schedule 1 to this notice with immediate effect.

4. After this Notice has taken effect it is an offence under section 144C of the said Act for any person to either; carry out the specified activity/activities or to permit others to carry out the activity/activities identified in Schedule 1 and shall be liable on summary conviction to a fine not exceeding £50,000 and on conviction on indictment to an unlimited fine. Section 144C “Temporary stop notices: offences” is set out in Schedule 3 of this notice.

5. Unless it is otherwise withdrawn by East Dunbartonshire Council, this notice shall remain in effect until 10 October 2022, 14:00

Signed: *Heather Holland*

Dated: 31 August 2022

Heather Holland
Executive Officer – Land Planning & Development

On behalf of: East Dunbartonshire Council
Place, Neighbourhood and Corporate Assets
Strathkelvin Place
Kirkintilloch
G66 1XQ

If you require any further information in respect of this Notice please contact:

Michael Murphy Enforcement Officer
Development Applications
East Dunbartonshire Council
Place, Neighbourhood and Corporate Assets
Strathkelvin Place
Kirkintilloch
G66 1XQ

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LOCATION PLAN



This is the Location Plan referred to in the foregoing Temporary Stop Notice in accordance with the terms of Section 144A of the Town and Country Planning (Scotland) Act 1997 (as amended) relating to the land and premises as shown outlined in red at 17 Main Street, Torrance, G64 4EX.

Signed: *Heather Holland*

Dated: 31/08/2022

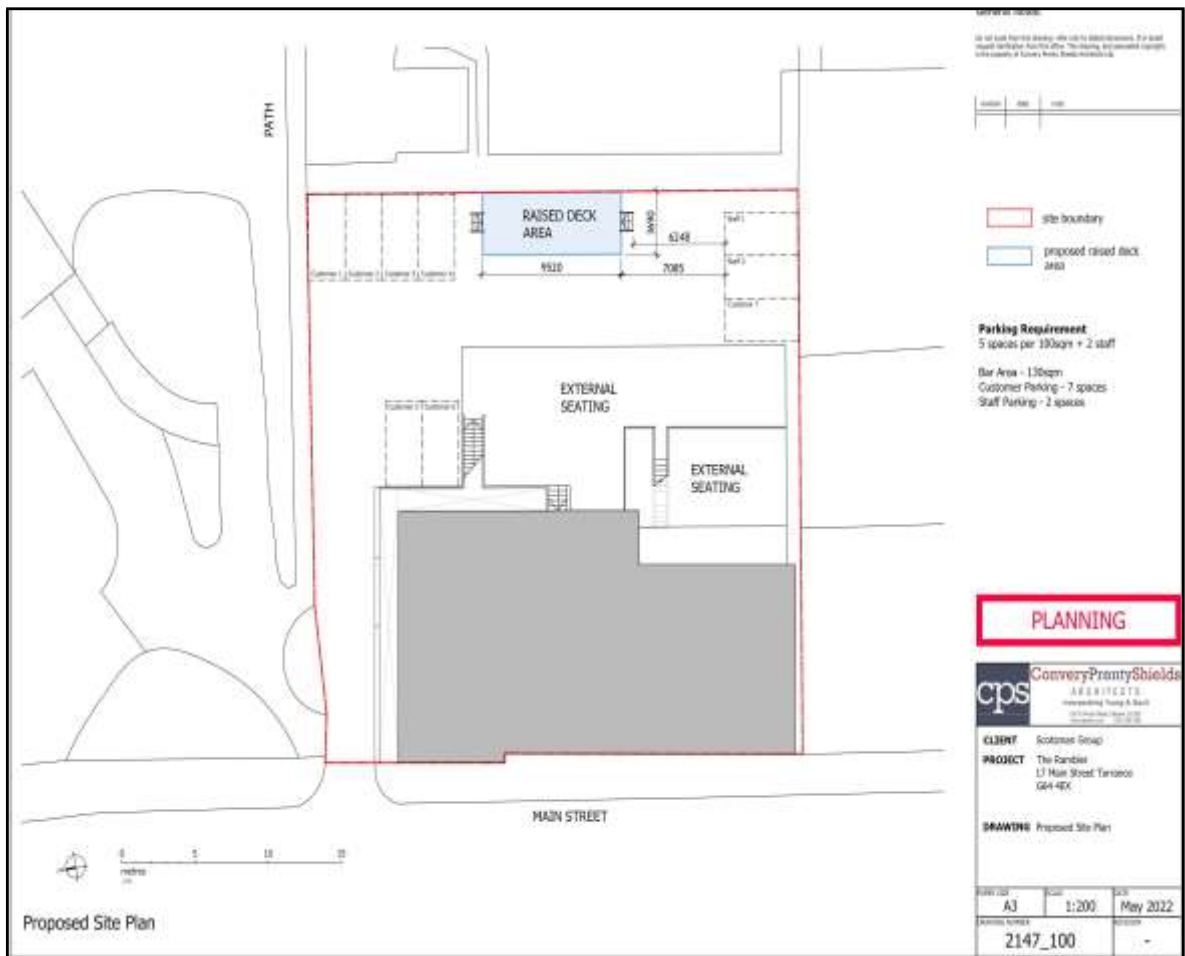
Heather Holland, Executive Officer – Land Planning & Development, on behalf of East Dunbartonshire Council, Place, Neighbourhood and Corporate Assets, Southbank House, Strathkelvin Place, Kirkintilloch, G66

SCHEDULE 1

DESCRIPTION OF ACTIVITY/ACTIVITIES OF THE BREACH OF PLANNING CONTROL REFERRED TO IN THIS NOTICE

The activity to which this notice relates is the change of use from car park to outdoor seating area within the area marked as RAISED DECK AREA in the plan extract below which constitutes a change of use under section 26 of the act. Planning Permission for the change of use was refused by application TP/ED/22/0371, for the reasons outlined in the decision notice issued in relation to this application, see extract below. The use of the raised deck as a seating area associated with the public house/restaurant must cease immediately.

Site Plan Showing raised decked area



Reason for Refusal

1. The raised decking and additional outdoor seating associated with the Rambler pub/restaurant would result in an unacceptable detrimental impact on neighbouring residential amenity. The raised terrace is significantly closer to, raised higher above the ground level, and less well screened from residential properties than the existing beer garden. The proposal is therefore considered to conflict with Policy 2 - Design and Placemaking, which states that developments "be designed to ensure a positive impact on the character, function and amenity of the surrounding area, including compatibility with existing uses"
2. The raised decking will reduce the available parking for the Rambler pub/restaurant, resulting in an insufficient parking provision for the facility. The proposal therefore conflicts with Policy 4 - Sustainable Transport, which states that "Council car parking and cycle guidelines should be met". And the LDP Supplementary Guidance - Road Layout and Design and Parking Standards which sets the maximum parking standards for developments.

SCHEDULE 2

REASONS FOR ISSUING THE TEMPORARY STOP NOTICE

East Dunbartonshire Council's reasons for issuing this notice are that the raised decking and additional outdoor seating associated with the Rambler pub/restaurant would result in an unacceptable detrimental impact on neighbouring residential amenity.

SCHEDULE 3

EXTRACTS OF RELEVANT LEGISLATION FOR THOSE IN RECEIPT OF A TEMPORARY STOP NOTICE

Relevant Legislation

A copy of Sections 144A, 144B, 144C and 144D of the Town and Country Planning (Scotland) Act 1997 (as amended) is below.

144A Temporary stop notices

- (1) If a planning authority consider that—
 - (a) there has been a breach of planning control in relation to any land,
 - (b) the breach consists in engagement in an activity, and
 - (c) it is expedient that the activity (or any part of the activity) is stopped immediately, they may issue a temporary stop notice.
- (2) The notice must be in writing and must—
 - (a) specify the activity in question,
 - (b) prohibit engagement in the activity (or in so much of the activity as is specified in the notice), and
 - (c) set out the authority's reasons for issuing the notice.
- (3) A temporary stop notice may be served on any of the following—
 - (a) a person who appears to the authority to be engaged in the activity,
 - (b) a person who appears to the authority to have an interest in the land (whether as owner or occupier or otherwise).
- (4) The authority must display on the land—
 - (a) a copy of the notice, and
 - (b) a statement as to the effect of section 144C.
- (5) A temporary stop notice has effect from the time a copy of it is first displayed in pursuance of subsection (4).
- (6) A temporary stop notice ceases to have effect at the end of the period of 28 days starting on the day the copy notice is so displayed.
- (7) Except that if a shorter period starting on that day is specified in the notice, the notice instead ceases to have effect at the end of that shorter period.
- (8) And if the notice is withdrawn by the authority before that period of 28 days, or as the case may be that shorter period, expires the notice ceases to have effect on being so withdrawn.

144B Temporary stop notices: restrictions

- (1) A temporary stop notice does not prohibit—
 - (a) the use of a building as a dwellinghouse, or
 - (b) engagement in an activity (either or both)—
 - (i) of such description,
 - (ii) in such circumstances,as may be prescribed.
- (2) A temporary stop notice does not prohibit engagement in any activity which has been engaged in (whether continuously or not) for a period of more than 4 years ending with the day on which a copy of the notice is first displayed in pursuance of section 144A(4).
- (3) But subsection (2) does not prevent a temporary stop notice prohibiting—
 - (a) activity consisting in, or incidental to, building, engineering, mining or other operations, or
 - (b) the deposit of refuse or waste materials.
- (4) For the purposes of subsection (2), any period during which the activity in question is authorised by planning permission is to be ignored.
- (5) A second or subsequent temporary stop notice must not be issued in respect of the same activity unless the planning authority have in the meantime taken some other enforcement action in relation to the breach of planning control which is constituted by the activity.
- (6) In subsection (5), “enforcement action” includes obtaining the grant of an interdict under section 146(2).

144C Temporary stop notices: offences

- (1) A person is guilty of an offence if he contravenes a temporary stop notice—
 - (a) which has been served on him, or
 - (b) a copy of which has been displayed in pursuance of section 144A(4).
- (2) Contravention of a temporary stop notice includes causing or permitting the contravention of it.
- (3) An offence under this section may be charged by reference to a day or to a period longer than a day.
- (4) A person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different days or different periods.
- (5) It is a defence in any proceedings under this section that—
 - (a) the temporary stop notice was not served on the accused, and
 - (b) he did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable—
 - (a) on summary conviction, to a fine not exceeding £50,000,
 - (b) on conviction on indictment, to a fine.
- (7) In determining the amount of the fine, the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the activity which constituted the offence.

144D Temporary stop notices: compensation

- (1) A person who, as at the date on which a temporary stop notice is first displayed in pursuance of section 144A(4), has an interest (whether as owner or occupier or otherwise) in the land to which the notice relates is entitled to be compensated by the planning authority in respect of any loss or damage directly attributable to the prohibition effected by that notice.
- (2) But subsection (1) applies only if the circumstances are as set out in at least one of the following paragraphs—
 - (a) the activity which is specified in the notice is authorised by planning permission granted on or before the date mentioned in that subsection,
 - (b) a certificate in respect of the activity is issued under section 150 or granted under that section by virtue of section 154,
 - (c) the authority withdraws the notice other than following such grant of planning permission as is mentioned in paragraph (a).
- (3) Subsections (3) to (7) of section 143 apply to compensation payable under this section as they apply to compensation payable under that section; and for the purpose of that application references in those subsections to a stop notice are to be taken to be references to a temporary stop notice.