



East Dunbartonshire Council

[www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

COPY

Ref No. ED2014/0006/ENF

If Calling or telephoning please ask for  
David Patey

05.02.2014

Owner /Occupier  
279 Milngavie Road  
Bearsden  
East Dunbartonshire  
G61 3DQ

**GOVERNANCE & REGULATION**

Broomhill Industrial Estate  
Kilsyth Road  
Kirkintilloch,  
Glasgow  
G66 1TF

Telephone: 0141 578 8600

Fax No: 0141 578 8575

Direct Line: 0141 578 8544

E-mail: [david.patey@eastdunbarton.gov.uk](mailto:david.patey@eastdunbarton.gov.uk)

Reference Number: ED2014/0006/ENF

Served To: , 279 Milngavie Road, Bearsden, East Dunbartonshire, G61 3DQ,

Relating To: 279 Milngavie Road, Bearsden, East Dunbartonshire, G61 3DQ,

Dear Sir/Madam

I also enclose with this letter a Planning Contravention Notice pursuant to Section 125 of the Town and Country Planning (Scotland) Act 1997 (as amended), which requires you to provide information about the ownership of the property and of any other person who may have an interest in it.

**WARNING** – Failure to respond to the enclosed Planning Contravention Notice is an offence. Those found guilty of such an offence will be liable on summary conviction to a fine of up to £1,000. It is also an offence to make a false statement in response to this Notice and is punishable on summary conviction to a fine of up to £5,000. The Local Authority may seek prosecution of this matter in the Courts should there be a breach of this or any subsequent notice.

Please complete in full the Notice Reply form and return to me within 21 days of the date of this letter.

Should you wish to discuss any of the above in detail, you can contact the officer named above on the number given, who will be pleased to assist you. It is my hope that this matter can be resolved in a spirit of mutual co-operation.

Yours Sincerely,

David Patey  
Town Planning Enforcement Officer





**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED BY THE PLANNING ETC. (SCOTLAND) ACT 2006)**

## **PLANNING CONTRAVENTION NOTICE**

**Reference Number:** ED2014/0006/ENF

**Served By:** EAST DUNBARTONSHIRE COUNCIL

**Served To:** Owner /Occupier, 279 Milngavie Road, Bearsden, East Dunbartonshire, G61 3DQ,

**Relating To:** 279 Milngavie Road, Bearsden, East Dunbartonshire, G61 3DQ,

### **WHEREAS:**

1. It appears to the Council, being the Planning Authority for the purposes of Section 125(1) – (8) of the Town and Country Planning (Scotland) Act 1997 ("the Act"), that there may have been a breach of planning control in respect of the land described in the attached Schedule 1 below ("the land").
2. The breach of planning control which may have occurred is specified in the attached Schedule 2 below.
3. This notice is served on you as a person who:-
  - a) Is the owner or occupier of the land or has another interest in it; or
  - b) Is carrying out operations in, on, over or under the land or is using it for any purpose.
4. In exercise of their powers under Section 125(2) and (3) of the Act, the Council requires you, so far as you are able, to provide the following information in writing within twenty-one days, beginning with the day on which this notice is served on you:-





**East Dunbartonshire Council**

[www.eastdunbarton.gov.uk](http://www.eastdunbarton.gov.uk)

- (a) A statement declaring the nature of your interest in the land, your full name and designation and the names and addresses of any other persons with an interest in the land including a bank, building society, other lender, feu superior etc.
- (b) Details of any reason why you believe you did not have to give the Council as planning authority six weeks prior notice;

Dated:

A handwritten signature in blue ink, appearing to be 'DC'.

pp

Signed:

**Diane Campbell**  
Director of Governance & Regulation

On behalf of: **East Dunbartonshire Council**  
**Governance & Regulation,**  
**Broomhill Industrial Estate,**  
**Kilsyth Road,**  
**Kirkintilloch,**  
**G66 1TF**





## **SCHEDULE 1**

**The site to which this Notice relates forms an area of land and premises at 279 Milngavie Road, Bearsden, East Dunbartonshire, G61 3DQ, as shown edged in red on the attached Location Plan (Page 4 of 5 of this Notice).**







## SCHEDULE 2

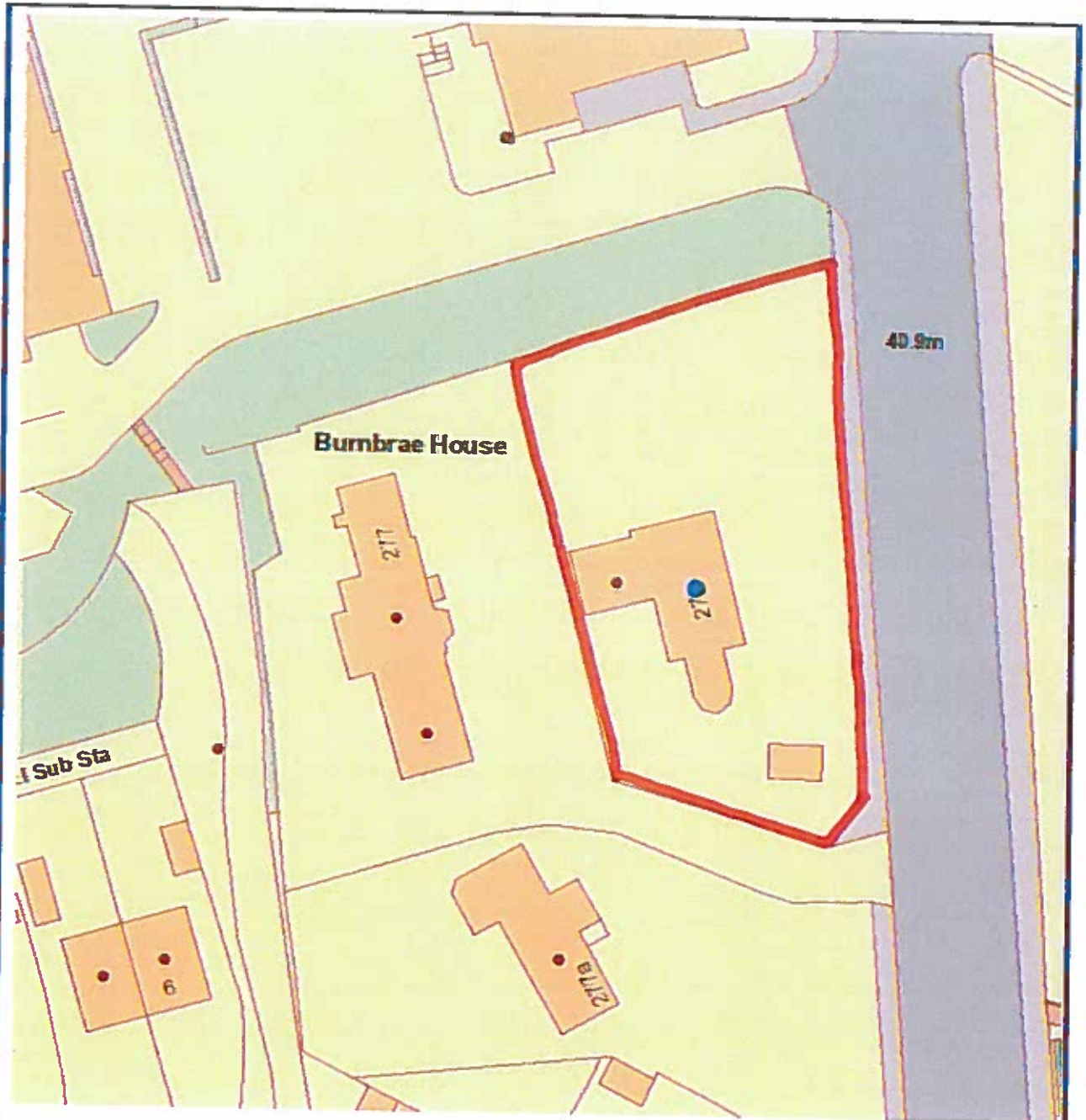
### **Suspected breach of planning control:**

**The wilful cutting down of 3 to 4 trees in an area covered by Tree Protection Order – reference CCD 05, Burnbrae House, Mingavie Road without giving the Council as planning authority the necessary six weeks prior notification.**





## LOCATION PLAN



This is the plan referred to in the foregoing **Planning Contravention Notice** served in accordance with the terms of Section 125 of the **Town and Country Planning (Scotland) Act 1997** as amended by the **Planning etc. (Scotland) Act 2006** relating to land and premises at **279 Milngavie Road, Bearsden, East Dunbartonshire, G61 3DQ** as shown edged in red.

Dated: 6/2/14

Signed:

**Diane Campbell, Director of Governance & Regulation, Broomhill Industrial Estate, Kilsyth Road, Kirkintilloch, G66 1TF**





### **ADDITIONAL INFORMATION**

- 1) If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice under S127 of the Act, requiring the breach, or any injury to amenity caused by it to be remedied.
- 2) If the Council serve a stop notice, under S140 of the Act, S143 (5)(b) of the Act provides that should you otherwise become entitled (under S143) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.



**GUIDANCE ON COMPLETING THE PLANNING CONTRAVENTION NOTICE RESPONSE FORM**

This form is supplied to assist you in providing the information required by my Notice dated the 6th day of February, 2013 served under the provisions of Section 125 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended.

Please answer the following questions and complete the declaration at the end of the questions. If a question is not applicable, please state that this is the case.

**The alleged breach of planning control.**

i. Provide a statement declaring whether the land at 279 Milngavie Road, Bearsden has been the subject of the operations specified i.e. The wilful cutting down of 3 to 4 trees in an area covered by Tree Protection Order – reference CCCD 05, Burnbrae House, Milngavie Road without giving the Council as planning authority the necessary six weeks prior notification

:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

ii. The date(s) this work took place?

.....  
.....  
.....

iii. Provide details of any planning permission granted for this work, including reference number. If appropriate provide a copy.

.....  
.....  
.....

iv. Provide a reason(s) why you believe planning permission is not required for this work.

.....  
.....  
.....





e) Any other person with an interest in the premises?

.....  
.....  
.....

Nature of interest?

.....  
.....  
.....

I [name] ..... hereby declare that the answers to the above questions comprise a true and correct statement of all the information required by the said Notice, so far as the same is within my knowledge.

Date:

.....

Signed:

.....

Address:

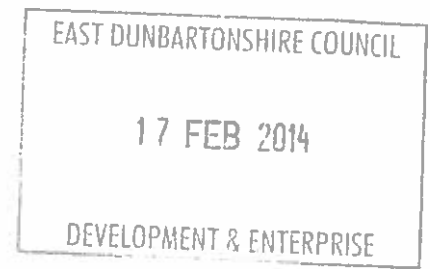
.....  
.....  
.....  
.....



David

Please find enclosed response form.

Appreciate you taking the time to talk me through it!



Regards  
John Pitt



v. Provide details of any listed building consent granted for this work, including reference number. If appropriate provide a copy.

*None*

**As to interests in the premises/land:**

i. What is the nature of your interest in the premises/land?

*owner*

ii. What is the FULL NAME, DESIGNATION AND POSTAL ADDRESS of:

a) The owner of the premises/land?

*KAREN DCHERTY  
277B MINGAVIE ROAD, BEARSDEN, GLASGOW, G61 3DG*

b) The occupier of the premises/land?

*As owner*

c) The lessee of the premises/land?

*n/a*

d) The mortgagee of the premises/land?

*n/a*

## GUIDANCE ON COMPLETING THE PLANNING CONTRAVENTION NOTICE RESPONSE FORM

This form is supplied to assist you in providing the information required by my Notice dated the 6th day of February, 2013 served under the provisions of Section 125 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended.

Please answer the following questions and complete the declaration at the end of the questions. If a question is not applicable, please state that this is the case.

### The alleged breach of planning control.

i. Provide a statement declaring whether the land at 279 Milngavie Road, Bearsden has been the subject of the operations specified i.e. The wilful cutting down of 3 to 4 trees in an area covered by Tree Protection Order – reference CCCD 05, Burnbrae House, Milngavie Road without giving the Council as planning authority the necessary six weeks prior notification

3 trees were removed from the land at 279 Milngavie Road. 1 of said trees was dead, and the other 2 had loose roots and were moving significantly in the wind. I genuinely thought I was doing the right thing by removing the trees, as they caused a threat to my property, but more likely to pedestrians & cars on milngavie road. I was unaware of the tree protection order and its implications.

ii. The date(s) this work took place?

28<sup>th</sup> & 29<sup>th</sup> JANUARY 2014

iii. Provide details of any planning permission granted for this work, including reference number. If appropriate provide a copy.

none

iv. Provide a reason(s) why you believe planning permission is not required for this work.

I was unaware of the need to get planning permission, and of the implications of the tree protection order.

e) Any other person with an interest in the premises?

.....  
.....  
.....  
.....  
.....

Nature of interest?

.....  
.....  
.....  
.....

I [name] KAREN DOHERTY hereby declare that the answers to the above questions comprise a true and correct statement of all the information required by the said Notice, so far as the same is within my knowledge.

Date:

.....

Signed:

.....  
.....  
.....

Address:

277B MILNGAVIE ROAD, G613DG  
.....  
.....  
.....

