

1. SERVED by SHERIFF OFFICER ON 4 JULY 2017 @ 10:40AM.
 2. APPLICATION RECEIVED ON 5 JULY 2017; REF No.: TP/ED/17/0515.
- NOTICES FULLY COMPLIED WITH.



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East Dunbartonshire Council

www.eastdunbarton.gov.uk

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 BY THE PLANNING ETC. (SCOTLAND) ACT 2006.**

NOTICE REQUIRING SUBMISSION OF AN APPLICATION FOR PLANNING PERMISSION FOR DEVELOPMENT ALREADY CARRIED OUT

REFERENCE NUMBER: ED2017/0027/ENF

ISSUED BY: East Dunbartonshire Council

ISSUED TO: Owner of the Land: Parminder Singh Bansal
96 Drumlin Drive
Milngavie
East Dunbartonshire
G62 6NG

ISSUED TO: Owner of the Land: Ben Bansal
96 Drumlin Drive
Milngavie
East Dunbartonshire
G62 6NG

ISSUED TO: Occupier of the Land: Robin Stephan Bansal
96 Drumlin Drive
Milngavie
East Dunbartonshire
G62 6NG

WHEREAS:

1. In respect of the development already carried out on land at 96 Drumlin Drive, Milngavie, East Dunbartonshire, G62 6NG as identified by the Land Register of Scotland under Title Number DMB26541 and 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 the aforementioned developments as specified in **Schedule 1** to this Notice has taken place without the required planning permission and therefore constitutes a breach of planning control under Section 123(1)(a) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. A copy of section 33A and section 123 of the Town and Country Planning (Scotland) Act 1997 is attached as **Schedule 2** to this Notice.

Schedule 3, noted as such, and attached and annexed to this Notice contains explanatory notes for those in receipt of a "Notice Requiring Submission of an Application for Planning Permission for Development Already Carried Out".

3. East Dunbartonshire Council considers it expedient that Parminder Singh Bansal/Ben Bansal being the landowner and Robin Stephan Bansal being the occupier of the property and the person(s) responsible for the development as specified in **Schedule 1** submits an application for retrospective planning permission in respect of the identified breaches of planning control.
4. Notice is hereby given that East Dunbartonshire Council, in exercise of its powers in accordance with section 33A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 formally requires the submission of an application for retrospective planning permission.
5. The application for retrospective planning permission is to be submitted to East Dunbartonshire Council no later than Monday 24 July 2017.
6. The issue of this Notice constitutes enforcement action under the terms of section 123(2) of the Town and Country Planning (Scotland) Act 1997. Failure to comply with the requirements of this Notice may result in further enforcement action which may include prosecution.
7. Should you wish to discuss this matter, please contact:

Jim Jamieson, Planning Enforcement Officer **OR** Max Wilson, Planner at:

East Dunbartonshire Council,
Place Neighbourhood and Corporate Assets,
Southbank House
Strathkelvin Place
Kirkintilloch
Glasgow
G66 1XQ

Tel: 0141 578 8600

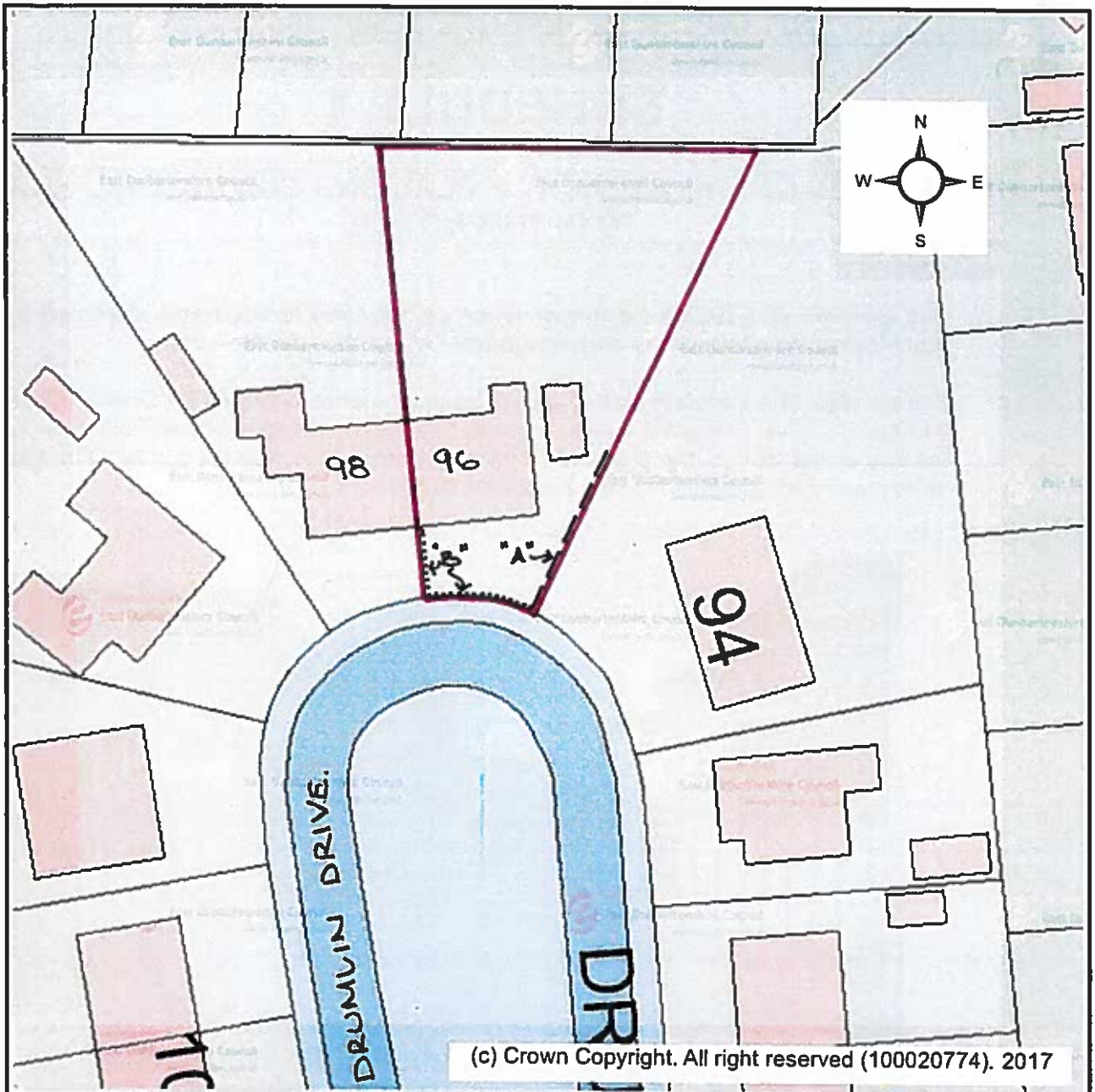
Dated: 3.7.17

Signed: 

Thomas Glen
Depute Chief Executive Place Neighbourhood and Corporate Assets

On behalf of: **East Dunbartonshire Council**
Southbank House
Strathkelvin Place
Kirkintilloch
Glasgow
G66 1XQ

LOCATION PLAN



This is the plan referred to in the foregoing **Notice Requiring Submission of an Application for Planning Permission for Development Already Carried Out** in accordance with the terms Section 33A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 relating to the land and premises as shown edged in red at 96 Drumlin Drive, Milngavie, G62 6NG.

Dated: 3.7.17

Signed: 

Thomas Glen, Depute Chief Executive Place Neighbourhood and Corporate Assets, East Dunbartonshire Council, Southbank House, Strathkelvin Place, Kirkintilloch, Glasgow, G66 1XQ.

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PLANNING PERMISSION FOR DEVELOPMENT ALREADY CARRIED
OUT UNDER REFERENCE ED2017/0027/ENF**

SCHEDULE 1

**DESCRIPTION OF THE BREACH OF PLANNING CONTROL REFERRED
TO IN THIS NOTICE**

1. The erection of a timber boundary fence on the land located and identified by the black coloured dashed line and annotated "A" on the Location Plan.

The erection of a vertically slatted timber boundary fence between 96 Drumlin Drive and 94 Drumlin Drive, Milngavie which exceeds one metre in height where it extends beyond the line of the wall of the principal (front) elevation that is nearest a road. The fence is more particularly identified in the photograph below.



2. The erection of a metal boundary fence on the land located and identified by the black coloured dotted line and annotated "B" on the Location Plan.

The erection of a metal boundary fence and vehicular entrance gate which exceeds one metre in height where it fronts a road i.e. Drumlin Drive. The fence is more particularly identified in the photographs below.



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SCHEDULE 2

EXTRACTS OF RELEVANT ENFORCEMENT LEGISLATION

Sections 33A and 123 of the Act.

Section 33A. Notice requiring application for planning permission for development already carried out

Where there is a breach of planning control the planning authority may issue a notice—

- (a) requiring the owner of the land in, on, over or under which the development has been carried out to make an application to them for planning permission for the development,
- (b) describing the development in a way that is sufficient to identify it,
- (c) specifying a date by which the application is to be made, and
- (d) setting out the terms of section 123(1).

Section 123. Expressions used in connection with enforcement.

(1) For the purposes of this Act –

- (a) carrying out development without the required planning permission, or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted, or
- (c) initiating development without giving notice in accordance with section 27A(1) of this Act, or
- (d) carrying out development without displaying a notice in accordance with section 27C(1) of this Act,

constitutes a breach of planning control.

(2) For the purposes of this Act –

- (a) the issue of an enforcement notice, or
- (b) the service of a breach of condition notice, under this Part constitutes taking enforcement action as does the issuing of a notice under section 33A.

(3) In this Part “planning permission” includes planning permission under Part III of the 1947 Act and Part III of the 1972 Act.

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SCHEDULE 3

**EXPLANATORY NOTE FOR THOSE IN RECEIPT OF A NOTICE
REQUIRING SUBMISSION OF AN APPLICATION FOR PLANNING
PERMISSION FOR DEVELOPMENT ALREADY CARRIED OUT**

What does this notice mean?

You have received this notice because the planning authority believe that you have either built something or are doing something on your property for which you should have obtained planning permission. The planning authority has therefore issued you with this notice requiring you to submit an application for planning application for the work that has been carried out i.e. a retrospective planning application.

What happens next?

You need to either submit a planning application by the date stated in the Notice or reinstate the land by the date stated in the Notice. When submitting a planning application you will also be required to pay the appropriate fee.

What happens if I don't submit an application?

If you don't submit an application the planning authority may take further enforcement action. This can ultimately mean that you may be required to remove the development and/or, should you fail to comply with further enforcement action, that you could face prosecution. You should note that a notice issued under section 33A of the Act constitutes the taking of enforcement action and this notice may accordingly affect the timescales in which the Council may take further enforcement action against you.

What happens if I think I should not have received the notice?

If you believe that you should not have received this notice; for example, because you have no interest in the land to which it relates, then you should contact the local planning department as soon as possible.

If I submit a retrospective planning application, how will it be dealt with by the planning authority?

Your application will be handled in exactly the same way as any other application. You should be aware that the fact that you have been served this notice does not mean that permission will be granted. If the planning application is unacceptable then the planning authority may refuse it (in which case you may appeal) or may grant it subject to whatever conditions or restrictions are considered necessary to make the application acceptable.

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

