

Reference Number	Address	Date of Development Standards Committee	Details of Breach/ Complaint	Summary of Action	Future Action/Update
08/00007	Strathmartine Hospital	08.01.2008	Deterioration in condition of listed building.	<p>Several fire damaged buildings at the site have been demolished for safety reasons. The ground floor openings to the listed building, exposed by the demolition of link buildings, have been built up with concrete blockwork.</p> <p>Council resolved to approve application 13/00268/EIAM (for the redevelopment of the hospital) at its meetings of 18 December 2014 and 12 February 2015. The application was subsequently called-in for determination by Scottish Ministers and on 17 September 2015 they issued a notification of intention to approve the application subject to conclusion of a Planning Obligation (Report No 395/15 refers). As a result of a failure by the developer to enter into a Planning Obligation within timescales prescribed by the Scottish Government, Ministers have now issued planning permission in principle subject to conditions including a condition requiring a Planning Obligation to be entered into prior to the commencement of development. Notice was received that Ministers had issued planning permission on 25 April 2018.</p>	<p>Building Standards regularly visit the site to ensure the buildings remain boarded/ blocked up however the site continues to be targeted by vandals.</p> <p>The case remains open at this time until progress is made in respect of the redevelopment of the site.</p> <p>At the meeting of 18 June 2019 it was indicated that In light of the ongoing issues with the site the Planning Service intended to invite relevant parties to a meeting to explore available options for securing the redevelopment of the site.</p> <p>A meeting was held at Angus House on 23 July 2019 between all relevant services and agencies along with a prospective developer and their agents. Various matters were discussed and the Planning Service is now in dialogue with the developer regarding options to bring new proposals forward for the site.</p> <p>The Planning Service met with prospective developers and their agent on 04 October 2019. Discussions are ongoing with a view to realising the potential of the site and bringing it forward for development.</p>

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12/00230	Barry & Downs Caravan Park Barry Carnoustie	18.02.2014	Allegation that the site is not being used for 'holiday use' and that permanent residential accommodation of caravans may be taking place.	<p>A Planning Contravention Notice (PCN) was served on the owner of the site. The PCN Response Forms were returned on 30 May 2014.</p> <p>A Section 33A Notice was served on the owner of the site requiring the submission of a planning application for the use of the land for the siting of caravans for residential purposes.</p> <p>The site operator submitted an application for a Certificate of Lawful Use to cover the site. The application was refused on 3 April 2015 and the site operator submitted an appeal against the decision to the Scottish Government, which was dismissed on 2 September 2015.</p> <p>The site operator submitted a legal challenge against the decision of the Scottish Ministers to the Court of Session. The legal challenge was dismissed and the Reporter's decision of 2 September 2015 stands.</p> <p>Planning application 15/00506/FULL for the use of land for siting of park homes as a principal or primary or sole residence was submitted in response to the S33A Notice. The application was refused under delegated powers on 18 July 2016</p>	<p>The site owner submitted a further application for a Certificate of Lawful Use (16/00428/CLU) that was refused on 28 August 2016.</p> <p>The applicant's agent lodged an appeal in respect of the Council's decision with the DPEA.</p> <p>The Reporter's decision on the appeal was issued on 7 February 2017. The Reporter granted a Certificate of Lawfulness for part of the application site.</p> <p>The site operator has indicated that he may be in a position to demonstrate that the activities at the site are lawful on the basis it has operated in a particular manner for a continuous period of time. Officers have provided information in relation to the planning history of the site and have suggested that an application for a certificate of lawfulness of existing use should be submitted for those areas of the site where it is considered that lawfulness can be demonstrated.</p> <p>The Planning Service met with the site operator on 19 June 2019. Following that meeting the site operator's legal representative contacted the Planning Service to indicate that they would be appraising the situation with their client with a view to seeking to regularise the matter.</p>

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					The land owner's agent indicated on 08 September 2019 that they are in the process of completing the compilation of an application and supporting evidence. No application has been made to date.
16/00165	Land 125 Metres West of North Mains Croft Logie Kirriemuir	02.08.2016	The site has been cleared of vegetation and the ground levelled with a layer of rubble and crushed stone. 1 static and 1 touring caravan have been brought on to the site.	<p>An Enforcement Notice was served on the landowner on 19 August 2016.</p> <p>The site owner submitted an appeal against the Enforcement Notice to the DPEA and submitted an application for retrospective Planning Permission (ref: 16/00738/FULL).</p> <p>The Reporter's decision on the Enforcement Notice was published on 23 November 2016. The Reporter allowed the appeal and corrected the terms of the notice to show that the earthen bund should be "levelled" rather than "removed" and varied the periods for compliance with the Notice to allow time for the current planning application to be determined and any appeal thereon to be decided (to remove the caravans from the site on or before 3 August 2017 and to complete the remaining steps on or before 3 September 2017).</p>	<p>Committee authorised the use of direct action to bring the site into compliance with the outstanding actions from the Enforcement Notice that is effective on the site at the meeting of 13 November 2018. The recovery of any expenses incurred from the site owner and/or other interested parties was also authorised. A further planning application was submitted and this identified that amongst other things, the personal circumstances of the occupant have changed.</p> <p>Application 19/00023/FULL was refused on 30.04.2019 and a request for a review of that decision by the DMRC was submitted on 23 July 2019. Direct Action in respect of unauthorised development was not pursued until that appeal was determined.</p> <p>Following a site visit on 23 October 2019, the DMRC upheld the appeal and granted planning permission. The enforcement case will now be closed. The Enforcement notice remains extant in relation to other areas of the site.</p>

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17/00008	Former Hooks Hotel 3 Bank Street Kirriemuir DD8 4BE		There is demonstrable damage to the Category C Listed building caused by water ingress, defective roof membrane, missing / broken windows and inadequate ventilation.	<p>An Urgent Works Notice has been served on the owner notifying Angus Council's intention to instruct the following works no sooner than 13 February 2017:</p> <ol style="list-style-type: none"> 1. Insert a temporary rainwater disposal system and the front and rear of the building and repair and test drains. 2. Secure a temporary robust membrane to the roof until the roof is re-slatted. 3. Secure all openings at the building currently open to the elements. 4. Provide ventilation throughout the building to comply with the British Standard. 	<p>Contractors have undertaken the required works at the site and costs will be recovered from the owner.</p> <p>An appeal against the serving of the Notice for Liability for Expenses (LBE0120-2001) for the site was lodged on 01 November 2017.</p> <p>A report and recommendations from a DPEA Reporter were submitted to Scottish Ministers for consideration. On 1 August 2018 the Scottish Ministers agreed with the Reporters conclusions and recommendation that the full amount claimed by Angus Council is recoverable.</p> <p>A letter has been sent to the site owner's solicitor requesting payment but no response had been received at the time of writing. An appropriate notice has been registered with the Land Registry. This will be triggered in the event that the site owner attempts to sell the property without paying the costs. This item will remain on the update until costs have been recovered.</p>
16/00276	Storage Shed Muirloch Liff	08.08.2017	<p>Unauthorised operation of a biomass production facility at the site of a storage shed that is authorised for the storage of biomass.</p> <p>Subsequent complaint</p>	<p>Planning application ref: 16/00987/FULL was approved by the Development Standards Committee on 24 April 2018 subject to conditions.</p> <p>The applicant submitted information to discharge conditions relating to the management of noise, artificial light and vehicles crossing the national</p>	<p>A revised Noise Management Plan (NMP) was submitted on 19 October 2018 and was subject of consultation with Environmental Health in order to determine its acceptability. The applicant's consultant was written to on 2 November regarding minor amendments that were required to</p>

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			received on 23 July 2018 alleging chipping operations have taken place outside of the approved hours	grid pipeline.	<p>the NMP following that consultation. The scheme to mitigate artificial light is acceptable. Confirmation has been sought from the applicant's consultant that the agreed scheme of mitigation has been implemented.</p> <p>Information regarding the pipeline crossing was sent to National Grid who indicated that the proposal is acceptable.</p> <p>The temporary fencing has been moved in order to improve public access over the track and details of the proposed permanent fencing have been provided and approved. An updated NMP has been submitted. The acoustic fence has now been erected. It has further been indicated that a contractor has been nominated to undertake pipeline crossing works and that the developer is in the process of arranging National Grid supervision for the work to form the pipeline crossing however this is proving difficult. The Planning Service attempted to make contact with National Grid directly to ascertain its programme in this regard. No response has been received. The applicant's agent has further contacted National Grid and is currently in dialogue with them in order to establish a time for the supervised undertaking of the requisite pipeline crossing works.</p>

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13/00195	Land at Gagie Filters, Kellas	03.10.2017	<p>Unauthorised works have been undertaken to the filter beds which are listed and the site is being used for the storage of various items without planning permission</p>	<p>Listed Building and Planning Enforcement Notices were served on 30 January 2017 requiring the reinstatement of the filter beds and the removal of the various items from the site.</p> <p>An appeal against each Notice was dismissed by the DPEA with the date for compliance being three months from that date 19 September 2017. The appeal decisions were the subject of previous reports to Committee, ref 254/17 and 255/17.</p> <p>The owner did not undertake the required works within the specified timescales.</p> <p>A fixed penalty notice was issued but no payment was made.</p>	<p>An update was provided to Committee on 07 August 2018 by means of a separate report (Report No 226/18) and Committee approved the use of direct action as necessary in order to bring the site into compliance with the terms of the Enforcement Notice.</p> <p>The owner has now undertaken works to level the sand bund over Filter Bed 3 and has been progressively removing unauthorised items from the site.</p> <p>Direct action has not been pursued whilst there is evidence of satisfactory progress. A monitoring site visit undertaken on 1 March 2019 confirmed that satisfactory progress has been made to bring the site to a satisfactory condition.</p> <p>The site owner submitted a planning application (19/00322/FULL) for the erection of 9 shed structures for the keeping of poultry and pigeons. That application was approved and planning permission was granted on 25 October 2019. The enforcement case will be closed.</p>
18/00016	Field 440M East of Cross Roads Cottage Balnuith Tealing	13.02.2018	<p>Observation received regarding the alteration to ground levels and the laying of crushed aggregates at the site</p>	<p>A Temporary Stop Notice was posted at the site on 29 January 2018 requiring the cessation of the importation of crushed aggregates and alteration of ground levels within the site. The Notice expired on 28 February 2018.</p>	<p>Officers have attempted to serve a number of Enforcement Notices on the owner of the site but these have been returned as the owner was no longer registered at that address.</p>

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				<p>An Enforcement Notice served under enforcement case ref: 16/00202/UNDV remains effective on the land. The notice prevents the storage of caravans at the site.</p>	<p>Touring caravans were subsequently brought on to the site. While on a further visit to the site a copy of the extant Enforcement Notice was served by hand on the owner of the caravan.</p> <p>Caravans have now left the site however a portable building (unfit for any form of habitation) and earth bunds remain in situ.</p> <p>The portable building and the earth bunds are not causing any significant harm and there is no wider public interest in pursuing the matter further at this time. The case will be closed but the site will be monitored.</p>
18/00072	Former NOSWA Sewage Pumping Station Yard, Craig O'Loch Road, Forfar	07.08.2018	Importation of soil, rubble, hard core, building materials and other detritus etc., compaction of these materials and altering of ground levels at a vacant yard without the benefit of planning permission.	<p>A Temporary Stop Notice (TSN) was served on 15 May 2018 requiring that the importation of materials into the site cease with immediate effect.</p> <p>An Enforcement Notice was served by Sherriff Officers. The notice took effect on 14 December 2018 and required that all non-inert material be removed from the site and that all remaining inert material be capped with a membrane and topsoil by 14 January 2019.</p>	<p>An Enforcement Notice has been served at the last known address of the landowner by Sheriff Officers, and an Amenity Notice was to be served by similar means. Direct action to remediate the site was authorised by Committee and discussions were underway with the Parks and Burial Grounds Service with a view to costing the works in order that costs could be recovered from the site owner.</p> <p>At the time of serving the Amenity Notice however the Sheriff Officers ascertained that the site owner is longer be resident at that address.</p> <p>On this basis, the notice was returned unserved. The Planning Service continues</p>

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					<p>to explore alternative options to ascertain the site owner's current address in order that the Amenity Notice can be served or alternatively, if there is some other means by which the notices can be served.</p> <p>The absence of any known address for the site owner also raises questions regarding the ability of the council to recover costs from the land owner should direct action be taken.</p>
19/00033	Field South of Tinkers Ave Oathlaw Forfar	14.05.2019	A game bird rearing facility has been formed on the land without planning permission.	Report 106/19 was presented to Committee on 09 April 2019 outlining the circumstances of the case. The report highlighted that a planning application was submitted for the erection of a poultry shed on the land. In March 2019 observations were received that works were being undertaken on the land and investigations established that a game bird rearing facility was being formed on the land. The use of the land for the rearing of game birds requires planning permission for which none has been granted. The owner indicated that birds are due to be delivered in May 2019 and cessation without an alternative site for relocation would have a significant impact on the business. The owner indicated their intention to submit a planning application for a game bird rearing facility on the land. However the owner continued to develop the site and it was considered expedient to serve a planning enforcement notice.	<p>A planning enforcement notice was served on the owner on 15 April 2019 requiring them to remove from the land the buildings, caravan/s, structures and pens and other related equipment and materials associated with the rearing of the game birds for sporting purposes and return the land to an agricultural or fallow condition. The notice was due to take effect on 14 May 2019 unless an appeal was submitted beforehand.</p> <p>An appeal was submitted to the DPEA on 12 May 2019 and has subsequently been dismissed by the Reporter on 2 August 2019.</p> <p>The Reporter's decision can be viewed on the DPEA website. The landowner had until the 30 September 2019 to comply with the actions set out in Report No 106/19</p>

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					The rearing of pheasants has currently ceased at the site. The site owner is in discussion with the Planning Service and has indicated his intention to seek to regularise the future use of the site through the submission of an application for planning permission.
17/00130	Craig O' Loch Rd Forfar	10.08.2019	A number of scrap motor vehicles had been deposited at the site which was impacting on the amenity of the neighbouring properties.	It was established that the units and land at the site were being used for the repair and maintenance of vehicles and for general storage. A caravan on the site was also being used for residential purposes. Planning application 19/00077/FULL for Retrospective Consent for Use of Lock Ups for Class 5 (General Industrial) and Class 6 (Storage and Distribution) was submitted but was subsequently refused by Committee on 6 August 2019.	Enforcement Notices have been served on the owner and the occupiers of the units requiring them to cease the class 5 use on the site. In addition, it has been indicated that unless the matter of the residential occupation of a caravan is resolved by 6 November 2019, then additional and separate action will be taken in respect of that matter. Appeals against the decision of the council to refuse planning application ref: 19/00077/FULL and the Enforcement Notice were submitted to the DPEA on 23 September 2019. Any subsequent action will be delayed pending the outcome of those appeals. The appointed Reporter is scheduled to visit the site on 06 November 2019.
18/00096	Millfield Feus Dance Studio Arbroath	10.08.2019	Loud music and shouting from the dance studio was audible within neighbouring residential properties.	Planning Permission 13/00388/FULL was granted for Change Of Use From Show Room/Work Shop To A Dance Studio. Condition 3 of that permission states <i>'That all amplified music or vocals associated with the use shall be controlled in such a way as to be inaudible when assessed within</i>	Allegations continued to be received that assert that the premises continues to be operated in breach of the condition however recent enquiries indicate that noise from activity within the premises may have abated to an acceptable degree. Further

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				<p><i>any habitable room of a dwelling or other room of a noise sensitive premise with the receiver rooms windows partially open for ventilation.'</i></p> <p>It was initially established that the dance studio was operating in breach of the condition and a Breach of Condition Notice was served on the operator on 9 May 2019 requiring them to undertake steps to comply with the condition by 12 June 2019.</p>	<p>monitoring is being undertaken to ascertain whether these observations are accurate but site visits undertaken to date have indicated that noise breakout is not occurring to an unacceptable degree.</p>
18/00098	Former Ashludie Hospital Monifieth	10.08.2019	A wall has not been constructed on the site boundary as required by Condition 1 of planning permission ref 15/00099/FULM.	Planning application 19/00440/FULL to Erect a 2m Timber Fence along the North West Site Boundary between the Miller Homes Development and the Existing Properties within 'The Stables' was refused by Committee at the meeting of 6 August 2019.	A Breach of Condition Notice was served on the developer on 30 August 2019 requiring the wall to be constructed by 2 December 2019 and the associated landscaping to be completed by 1 April 2019.
19/00096	Site Due East of The Knowe Kinnaber Rd Hillside	10.08.2019	Caravans and vehicles have returned to the site which is in breach of a pre-existing Enforcement Notice.	Officers visited the site on 19 August 2019 and advised the occupier that they were in breach of an Enforcement Notice that is effective against the site that requires the removal of caravans and structures. The current occupier was served with a Planning Contravention Notice requiring the Response Form to be completed and returned by 11 September 2019.	<p>It has been ascertained that the ownership of the site has been transferred and investigations are ongoing in order to establish who would be liable in the event that further action is required to be undertaken.</p> <p>The approach in respect of this case is being reviewed in light of the decision of the DMRC to grant a second planning permission for gypsy/traveller accommodation at North Mains Croft, Logie, Kirriemuir in similar circumstances as that decision is material to further considerations of the matter.</p>

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17/00036	56 Broomwell Gardens Monikie	12.11.2019	Concerns raised regarding smoke coming from domestic biomass plant in the detached garage at the property.	It was established that a biomass plant and associated flue had been installed in the domestic garage of the property. The flue was determined not to benefit from deemed planning permission and planning application ref: 18/00152/FULL was submitted in an attempt to regularise the situation. The application was subsequently refused as it was determined that the location of the flue resulted in an unacceptable amenity impact on neighbouring property as a result of impacts arising from insufficient dispersal of the products of combustion.	An Enforcement Notice was served that required the removal of the flue by 08 October 2019. The flue remains in situ although the boiler has been decommissioned. The developer's agent has been contacted to ascertain timescales for the removal of the flue.