

copy of Notice served on Tom Bate by Sheriff Officer on 25 June 2014. } Land owners.
" " Notice served on Samuel Lowby Sheriff Officer on 26 June 2014. }



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East Dunbartonshire Council

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" " Notice served on Marion Bate by Sheriff Officer on 25 June 2014
" " Notice served on John McClelland by Sheriff Officer on 26 June 2014 } Interest in the land.
" " Notice served on Leeds Building Society via Recorded Delivery Post on 23 June 2014 - Interest in the land.
NOTICE FULLY COMPLIED WITH VIA DIRECT ACTION.

**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).**

ENFORCEMENT NOTICE

REFERENCE NUMBER: ED2010/0150/ENF

ISSUED BY: East Dunbartonshire Council

**ISSUED TO: Mr Tom Bate,
Flat 20,
46 Speirs Wharf,
Glasgow,
G4 9TH.**

**ISSUED TO: Mr Samuel Forrest Low,
51 Birdston Road,
Milton of Campsie,
East Dunbartonshire,
G65 8BX.**

- 1. THIS IS A FORMAL NOTICE** issued under the provision of section 127 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 (hereinafter referred to as the "the Act") by East Dunbartonshire Council (hereinafter referred to as "the Council") as Planning Authority because it appears to the Council that there has been a breach of planning control, as defined by section 123(1)(a) of the Act, at the land hereinafter described. The breach of planning control has also caused injury to amenity.

The Council believes it is expedient to issue this Notice, as development in the form of a material change in the use of the land, and the consequential injury to amenity, has taken place without planning permission having been granted by the Council, and with such permission being required by the Act.

- 2. THE LAND AFFECTED BY THE NOTICE**

The site (hereinafter referred to as "the Site") to which this Notice relates forms an area of land lying to the south of 51 Birdston Road, Milton of Campsie, G66 8BX, and is tinted pink and blue on the Title Plan as referred to and described on the Land Certificate with Title Number STG59145

as being under exception of a one half pro indiviso share in and to the access road tinted blue on the Title Plan, and with the Title Plan area (hereinafter referred to as the "Location Plan") attached and annexed to this Notice.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without the required planning permission there has been the carrying out of development comprising of a material change in the use of the land from uncultivated land to land upon which refuse and waste material has been deposited. Without prejudice to generality, such deposit includes refuse and waste material in the form of, amongst others, plastic bags and sheeting, broken window frames, timber fragments, paving slab fragments, disused and broken bricks, stone block fragments, disused and broken roof tiles, sand and general rubble (all hereinafter referred to as "the Refuse and Waste Material"). Further, the depositing on the Site of the Refuse and Waste Material has caused injury to amenity

4. REASONS FOR ISSUING THIS NOTICE

- a) The material change in the use of the land described in this Notice constitutes development as defined by subsection (1) of section 26 of the Act, and by reference to subsection (3)(b) of that section.
- b) The material change in the use of the land described in this Notice does not fall within the terms of Article 3(1) and by reference to Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, as amended.
- c) As the material change in the use of the land does not fall within the terms of Article 3(1) and by reference to Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, as amended, planning permission by either the Council or the Scottish Ministers is required and no such permission has been granted.
- d) The breach of planning control described herein has occurred within the last 10 years.
- e) Conditional Planning Permission subject to a signed Section 75 Agreement was granted on 1 February 2008 under reference of TP/ED/02/0504 for the erection of a dwellinghouse on the Site. The terms of the Agreement include the width of the access to the dwellinghouse to be the full width of the ground owned by Tom Bate, and that prior to construction work relative to the erection of the dwellinghouse commencing, sight lines approved by the Council must be achieved at the access. Reference is made to the Land Certificate with Title Number STG59145 described herein. Whilst plans for the sight lines were submitted to the Council, they were never approved. A non-material variation as Amendment No. 1. to the Planning Permission was granted on 26 October 2010. The terms of the Amendment were communicated by letter dated 28 October 2010 to the Building Design Services who were dealing with the Planning Permission. Reference is made to the letter 28 October 2010, a copy of which is reproduced as **Schedule 1** attached and annexed to this Notice. It is understood that the Refuse and Waste Material deposited on the Site were claimed to be for levelling the access prior to the commencement of construction work. The Council views the Refuse and Waste Materials as having been deposited on the Site for other than levelling the access. The Conditional Planning Permission has now lapsed.
- f) The Council's letter of 15 October 2012 addressed to "Mr & Mrs T. Bate" and noted as **Schedule 2**, and attached and annexed to this Notice, has not resulted in the removal of the Refuse and Waste Materials from the Site.
- g) The depositing of the Refuse and Waste Materials on the Site has caused injury to amenity.

5. WHAT YOU ARE REQUIRED TO DO

You shall take the following steps:

- (1) Discontinue the use of the Site for depositing Refuse and Waste Materials.

Time Period for Compliance: 6 weeks from the date this Notice takes effect.

- (2) Remove the Refuse and Waste Materials from the Site.

Time Period for Compliance: 6 weeks from the date this Notice takes effect.

- (3) Restore the Site to uncultivated land, as the condition it was in, before the deposit of Refuse and Waste Materials on the Site.

Time Period for Compliance: 6 weeks from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **28 July 2014**, unless an appeal is made to the Scottish Ministers before the date the Notice takes effect.

7. YOUR RIGHT OF APPEAL

You can appeal against this Notice. Your appeal must be received, or posted in time for receipt, by the Scottish Ministers before this Notice takes effect.

Schedule 3, noted as such and attached and annexed to this Notice, contains explanatory notes for those in receipt of an "Enforcement Notice". The Schedule contains information on your right of appeal.

Schedule 4, noted as such and attached and annexed to this Notice, contains extracts of relevant legislation. It is reproduced to assist you. It is your responsibility to check the legislation that you consider is relevant to this Notice.

8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Notice, it will take effect on **28 July 2014** and you must ensure that the required steps for complying with it have been taken by the end of the Time Period for Compliance, and as specified in this Notice. Failure to comply with the requirements of this Notice can result in prosecution and/or the taking of certain measures by the Council, as hereinafter described.

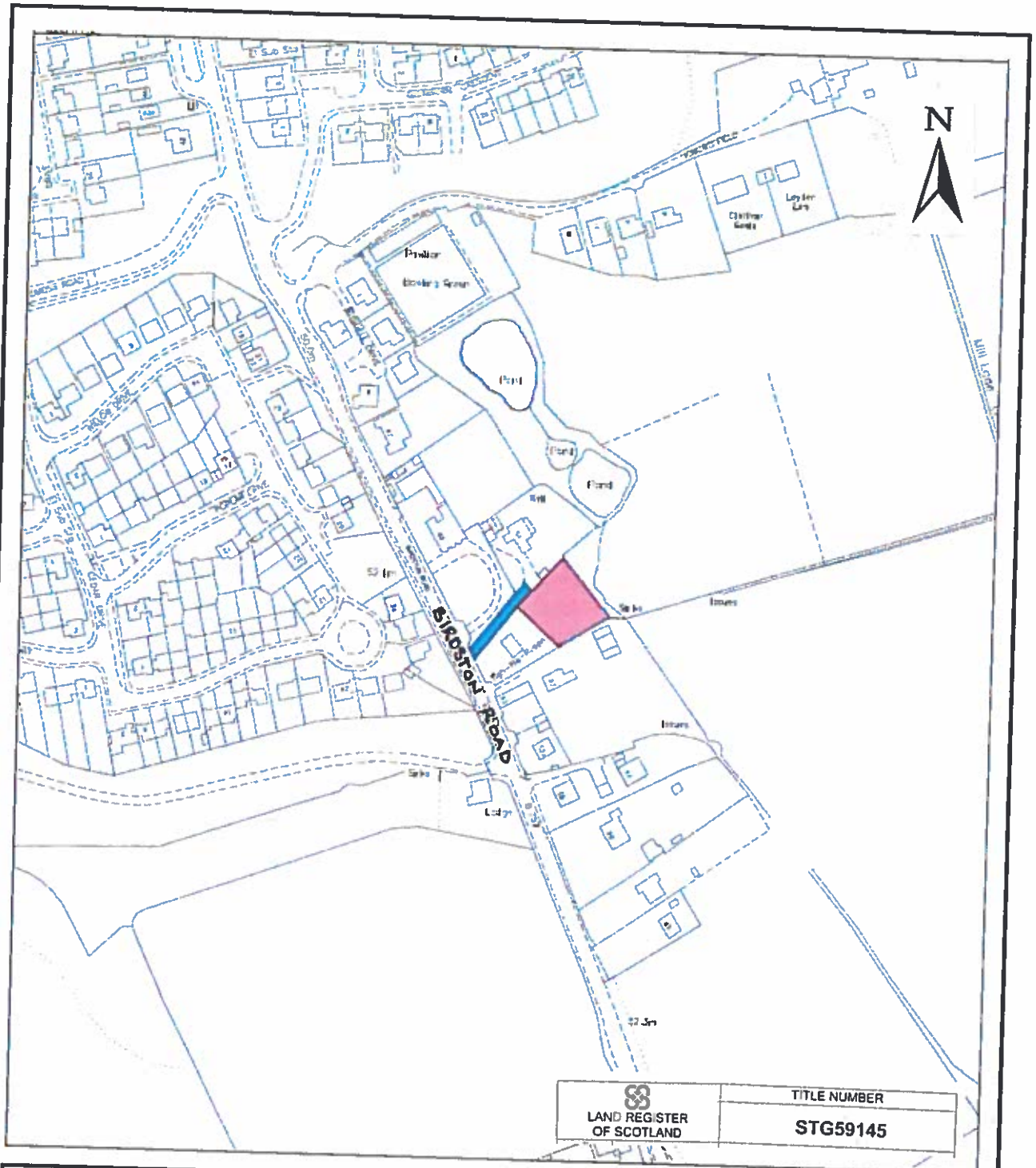
Dated: 19/6/14

Signed: 

Diane Campbell
Director of Governance & Regulation

On behalf of: **East Dunbartonshire Council**
12 Strathkelvin Place,
Kirkintilloch,
East Dunbartonshire,
G66 1TJ.

LOCATION PLAN



This is the Location Plan referred to in the foregoing Enforcement Notice issued under the provision of section 127 of the Act regarding the land tinted pink and blue on this Title Plan as referred to and described on the Land Certificate with Title Number STG59145.

Dated: 19/6/14

Signed:

Diane Campbell, Director of Governance & Regulation, East Dunbartonshire Council, 12 Strathkelvin Place, Kirkintilloch, East Dunbartonshire, G66 1TJ.

ENFORCEMENT NOTICE

SCHEDULE 1

FILE COPY

Our Ref: TP/ED/02/0504
Date: 28 October 2010
If calling please ask for: Maria Porch

Alan Agnew
Building Design Services
3 Aurs Place
Barrhead
Glasgow
G78 2RU

DEVELOPMENT & INFRASTRUCTURE

2nd Floor
William Patrick Library
2-6 West High Street
Kirkintilloch
G66 1AD

Telephone 0141 578 8600
Fax No: 0141 578 8575
Direct Line: 0141 578 8637
E-mail: maria.porch@eastdunbarton.gov.uk

Dear Mr Agnew,

PLANNING APPLICATION TP/ED/02/0504 – Erection of dwellinghouse at 51b Birdston Road, Milton of Campsie.

AMENDMENT No. 1

Thank you for your letter dated 19 August 2010 with associated plans regarding a proposed variation to the approved scheme at the above address.

I note the following variations to the approved planning permission:-

Alterations to ground levels to allow access to the site, which will in turn see the dwelling located at a lower level within the site.

Internal Alterations

Provision of additional bathroom at first floor level;
Removal of garage facility at ground floor level with kitchen/dining area being repositioned at this location;
Repositioning of shower room at ground floor level;
Provision of additional W.C. at ground floor level; and
Provision of a study at ground floor level.

North-western Elevation

Introduction of steps from patio door;
Velux window alterations;
Installation of additional window; and
Additional steps to be provided with additional balustrade to accommodate ground level changes.

South-western Elevation

Removal of balcony at first floor level;
Garage doors replaced with windows;
Reconfiguration of Velux windows;
Replacement of windows with patio doors; and
Design of door altered.

H:\Public\Planning\Maria Porch\dc\mm\2010\51b birdston letter.doc

North-eastern Elevation

Repositioning of windows;
Introduction of an additional window;
Installation of patio doors; and
Reconfiguration of Velux windows.

South-eastern Elevation

Alterations to window proportions and number;
Addition of velux windows;
Alteration to door style; and
Introduction of patio doors.

I can confirm that the proposed amendment as submitted to the Planning Department, is considered reasonable to be treated as a non-material variation in accordance with Section 64 of the Town and Country Planning (Scotland) Act 1997, as amended.

I am arranging for a duplicate set of the replacement plans (certified as a true copy) of the original consent to be scanned and copied. I will forward these for your clients records in due course under separate cover.

I trust the above is acceptable, however, should you have any queries please do not hesitate to contact the case officer Maria Porch as per the above contact details.

Yours sincerely


Graeme Macdonald
Senior Planner
Encl

ENFORCEMENT NOTICE

SCHEDULE 2

Our Ref: **ED 2010/0150, TP/ED/02/0504**
Your Ref:
Date: 15 October 2012
If calling please ask for: **Jim Jamieson**



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East Dunbartonshire Council

www.eastdunbarton.gov.uk

DEVELOPMENT & INFRASTRUCTURE

Development & Enterprise

William Patrick Library

2nd Floor

2-4 West High Street

Kirkintilloch

Glasgow

G66 1AD

Telephone: 0141 578 8600

Fax No: 0141 578 8575

Direct Line: **0141 578 8539**

E-mail: jim.jamieson@eastdunbarton.gov.uk

Mr & Mrs T. Bate
Flat 20
46 Speirs Wharf
Glasgow
G4 9TN

Dear Sir & Madam,

ERECTION OF DWELLINGHOUSE AT GLENBURN, 51B BIRDSTON ROAD, MILTON OF CAMPSIE.

As you are aware, the Council as planning authority granted Conditional Planning Permission on 1 February 2008 under TP/ED/02/0504 for the erection of a dwelling-house on an area of land at 51B Birdston Road, Milton of Campsie. This particular planning permission was also the subject of a Section 75 Legal Agreement (copy enclosed) which was signed between 15 and 23 November 2007 by all relevant parties i.e. Alistair Crichton on behalf of the Council, Tom Bate (landowner) and John McClelland (applicant). This legal agreement requires the following:

1. The width of the access to the dwelling-house shall be to the full width of the ground owned by Tom Bate, as landowner; and
2. Prior to construction work relative to the erection of the dwelling-house commencing, sight lines of 2m x 60m x 1.05m must be achieved at the access onto Birdston Road, Milton of Campsie. The sight lines shall be approved by and completed to the satisfaction of the Council as Planning Authority and thereafter maintained in all time coming by Tom Bate, as landowner.

I am therefore writing to you on this occasion, as the Council continues to receive complaints in respect of the previously imported rubble and other extraneous materials, which remain on this land. I am aware that it has been previously claimed that these materials are required in respect of the raising of ground levels adjacent to the joint access track to the site from Birdston Road. However, from my most recent research of the Council's records I can confirm that despite, the Council being in receipt of plans (Drawing References: 2010-009 Revision "C" and 2010-009 Revision "D") showing details of the proposed sight-lines, no such proposal has been approved, nor indeed completed to the satisfaction of the Council as planning authority. In essence, the Council is of the opinion, that the Conditional Planning Permission has not been implemented and

as such, the importation of the rubble, which constitutes development in it's own right, by virtue of Section 26 (1) of the Town and Country Planning (Scotland) Act 1997 (as amended), cannot be considered to be lawful work associated with the construction of the dwelling-house and therefore it is in breach of planning control.

In the circumstances, I am obliged to formally request that you make the necessary arrangements to have the imported materials, which comprise of bricks, concrete, concrete tiles, metal, timber, plastic, UPVC window/door frames with glazing and any other extraneous materials removed from the site within a period of 28 days from the date of this letter.

I would advise you that failure to comply with this request will leave the Council with no option but to consider action pursuant to Section 127 of the Town & Country Planning (Scotland) Act 1997 (as amended). This could include formal action by way of service of an Enforcement Notice, which will legally require you to undertake the work as set out above. This is a course of action that the Council would rather avoid and I therefore seek your co-operation in arranging for these works to be carried out.

Should you wish to discuss any of the above in detail, I can be contacted on the direct dial number given.

Yours faithfully

Jim Jamieson
Planning Enforcement Officer

C.c. John McClelland, 7 Greens Avenue, Kirkintilloch, G66 4AE
Alan Agnew Building Design Services, 3 Aurs Place, Barrhead, Glasgow, G78 2RU

ENFORCEMENT NOTICE

SCHEDULE 3

EXPLANATORY NOTES FOR THOSE IN RECEIPT OF AN ENFORCEMENT NOTICE

Right of Appeal

If you wish to appeal against this Enforcement Notice, you should write to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively, you may submit your appeal online at <https://eplanning.scotland.gov.uk/WAM/>. The appeal must be received, or posted in time to be received by the Directorate before the date on which the Enforcement Notice takes effect. The Scottish Ministers have no power to consider an appeal received out of time.

The appeal, which must be made in writing, must be based on one or more of the grounds described in section 130(1) of the Act. You should state the facts on which you propose to rely in support of any grounds of the appeal. The grounds of appeal and the statement of facts must be submitted with your appeal or within 14 days of you being required to do so by the Scottish Ministers.

If you lodge an appeal, the Enforcement Notice will be suspended and will not take effect until such time as the appeal is withdrawn or dismissed.

Penalties for Non-Compliance with an Enforcement Notice

In terms of section 136 of the Act, where an Enforcement Notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, is guilty of an offence and liable on summary conviction to a **fine not exceeding £20,000, or on conviction on indictment to an unlimited fine**. Furthermore, if the use is continued after conviction the person may be convicted of a second or subsequent offence.

Fixed Penalty Notices

Alternatively, and in terms of section 136A of the Act, the Council may serve a fixed penalty notice offering you the opportunity to discharge any liability for conviction. The payment required under the terms of such a notice is £2,000 if paid within 30 days from the day following the date of service of the notice (and reduced to £1,500 if paid within 15 days). There is no right of appeal against a fixed penalty notice.

A fixed penalty notice can be served in respect of a failure to comply with each step required to be taken by an Enforcement Notice or each activity the Enforcement Notice requires cessation of. Consequently, several fixed penalty notices can be issued.

Measures that can be taken by the Council following failure to comply with an Enforcement Notice

If the steps required by an Enforcement Notice are not taken within the Time Period for Compliance, the Council can, under section 135 of the Act, enter the land in order to ensure that the required steps are taken. The Council can also recover all reasonable costs incurred, including administration costs. It is an offence for any person to wilfully obstruct a person acting in the exercise of the aforementioned measures that can be taken by the Council.

If a fixed penalty is paid, the Council retains the authority to take measures to remedy the breach of planning control by entering the land and recovering costs.

Further Offences

Compliance with the terms of an Enforcement Notice does not discharge the Notice. It continues to have effect and any repetition of the breach of planning control may incur further penalties or may result in the Council taking measures to remedy the breach by entering the land and recovering costs.

ENFORCEMENT NOTICE

SCHEDULE 4

EXTRACTS OF RELEVANT ENFORCEMENT LEGISLATION

Sections 123, 124, 127, 128, 129, 130, 136 and 136A of the Act.

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.

Section 124. Time limits.

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach.
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
- (4) Subsections (1) to (3) do not prevent—
 - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect, or
 - (b) taking further enforcement action in respect of any breach of planning control if, during the period of 4 years ending with that action being taken, the planning authority have taken or purported to take enforcement action in respect of that breach.

Section 127. Issue of enforcement notice

- (1) The planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where appears to them -
 - (a) that there has been a breach of planning control, and
 - (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served -
 - (a) on the owner and on the occupier of the land to which it relates, and
 - (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by this notice.
- (3) The service of the notice shall take place -
 - (a) not more than 28 days after its day of issue, and
 - (b) not less than 28 days before the date specified in it as the date on which it is to take effect.

Section 128. Contents and effect of notice.

- (1) An enforcement notice shall state -
 - (a) the matters which appear to the planning authority to constitute the breach of planning control, and
 - (b) the paragraph of section 123(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are -
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require -
 - (a) the alteration or removal of any buildings or works,
 - (b) the carrying out of any building or other operations,
 - (c) any activity on the land not to be carried on except to the extent specified in the notice, or
 - (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) An enforcement notice issued in respect of a breach of planning control consisting of demolition of a building may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building -
 - (a) must comply with any requirement imposed by or under any enactment applicable to the construction of buildings,
 - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control, and
 - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b) of this subsection).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to section 131(3), shall take effect on that date.

- (9) An enforcement notice shall specify the period for compliance with the notice at the end of which any steps are required to have been taken or any activities are required to have ceased, and may specify different periods for different steps or activities.
- (10) Where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (11) An enforcement notice shall specify such additional matters as may be prescribed.
- (12) Regulations may require every copy of an enforcement notice served under section 127 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 130.
- (13) Where -
 - (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so, and
 - (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted under section 33 in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
- (14) Where -
 - (a) an enforcement notice requires the construction of a replacement building, and
 - (b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted under section 33 in respect of development consisting of that construction.

Section 129. Variation and withdrawal of enforcement notice.

- (1) The planning authority may -
 - (a) withdraw an enforcement notice issued by them, or
 - (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 128(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
- (3) The planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were reissued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the planning authority to issue a further enforcement notice.

Section 130. Appeal against enforcement notice.

- (1) A person on whom an enforcement notice is served or any other person having an interest in the land may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice on any of the following grounds -
 - (a) [...]
 - (b) that the matters which, by virtue of section 128(1)(a) have been stated in the notice, have not occurred;
 - (c) that those matters (if they occurred) do not constitute a breach of planning control;
 - (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
 - (e) that copies of the enforcement notice were not served as required by section 127;

- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
 - (g) that any period specified in the notice in accordance with section 128(9) falls short of what should reasonably be allowed.
- (2) An appeal under this section shall be made -
- (a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect;
 - (b) by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or
 - (c) by sending such notice to them using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to them before that date.
- (3) A person who gives notice under subsection (2) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing -
- (a) specifying the grounds on which he is appealing against the enforcement notice, and
 - (b) giving such further information as may be prescribed.

Section 136. Offence where enforcement notice not complied with.

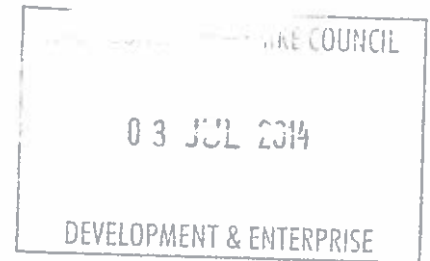
- (1) Where, at any time after the end of the compliance period in respect of an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.
- (2) Where the owner of the land is in breach of the notice he shall be guilty of an offence.
- (3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.
- (4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.
- (5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.
- (6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.
- (7) Where -
 - (a) a person charged with an offence under this section has not been served with a copy of the enforcement notice, and
 - (b) the notice is not contained in the appropriate register kept under section 147, it shall be a defence for him to show that he was not aware of the existence of the notice.
- (8) A person guilty of an offence under this section shall be liable -
 - (a) on summary conviction, to a fine not exceeding £20,000, and
 - (b) on conviction on indictment, to a fine.
- (9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

Section 136A. Fixed penalty notice where enforcement notice not complied with.

- (1) Where a planning authority have reason to believe that, by virtue of subsection (1) of section 136, a person is in breach of an enforcement notice they may, provided that the conditions mentioned in subsection (7) are satisfied, serve on him a fixed penalty notice as respects that breach.
- (2) The fixed penalty notice is to specify -
 - (a) the step specified, under subsection (3) of section 128, in the enforcement notice which has not been taken, or
 - (b) the activity so specified which has not ceased.
- (3) It is not competent to serve more than one fixed penalty notice in relation to a particular step or activity.
- (4) For the purposes of this section, a “fixed penalty notice” is a notice offering the person the opportunity of discharging, by paying to the planning authority, within the period of 30 days which immediately follows the day on which that notice is served, a penalty of an amount (being a prescribed amount) specified in the notice, any liability to conviction for an offence under section 136 as respects the breach of the enforcement notice.
- (5) But if payment is made within the first 15 days of the period mentioned in subsection (4) the amount payable is reduced by 25%.
- (6) The fixed penalty notice is to identify the period mentioned in subsection (4) and is also to state that if payment is made within the first 15 days of that period the amount payable is reduced by 25%.
- (7) The conditions are that the fixed penalty notice -
 - (a) is served within the period of 6 months which immediately follows the compliance period in relation to the enforcement notice, and
 - (b) is not served after the person has been charged with an offence under section 136 as respects the breach of the enforcement notice.
- (8) During the period mentioned in subsection (4) it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.
- (9) If the amount (or as the case may be the reduced amount) is timeously paid it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.
- (10) A penalty received by a planning authority by virtue of subsection (4) is to accrue to that authority.
- (11) In prescribing an amount for the purposes of subsection (4), the Scottish Ministers may make different provision for different cases or for different classes of case.

(JMCE)

CERTIFICATE OF INTIMATION



I, DAVID HYND, SHERIFF OFFICER, 22 Clydesdale Street, Hamilton, ML3 0DA, hereby certify that and upon the Twenty-Sixth day of June, Two Thousand and Fourteen years at 1:33 pm, I lawfully served the within designed Mr John McClelland with a copy of the attached Enforcement Notice.

THIS I did by depositing a copy thereof, in a sealed envelope, for the said Mr John McClelland in his dwelling place at 7 Greens Avenue, Kirkintilloch, East Dunbartonshire, G66 4AE, by means of a letterbox, as after diligent enquiries and having established that he resided at the above address, I was unable to find the said Mr John McClelland personally, or any person to accept service, having given six several audible knocks on the door of the said dwelling place, before and in presence of Robert McEwen, 22 Clydesdale Street, Hamilton, ML3 0DA, WITNESS to the premises and hereto with me subscribing. I further sent a letter containing a copy of the document by ordinary Post to his address as aforementioned.

WITNESS

SHERIFF OFFICER
22 Clydesdale Street
Hamilton
ML3 0DA
01698 285706

986133 STDLETS\NOTICE_DDP.FRM EX NOTICE.SER DDP



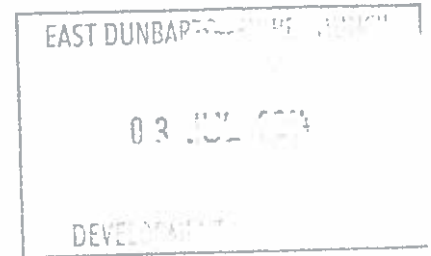
WalkerLove
Messengers-at-Arms Sheriff Officers



e: sheriffofficers@walkerlove.com w: www.walkerlove.com

(NRDK)

CERTIFICATE OF INTIMATION



I, STUART SINCLAIR, SHERIFF OFFICER, 16 Royal Exchange Square, Glasgow, hereby certify that and upon the Twenty-Fifth day of June, Two Thousand and Fourteen years at 4:02 pm, I lawfully served the within designed Marion Bate with a copy of the attached Enforcement Notice.

THIS I did by depositing a copy thereof, in a sealed envelope, for the said Marion Bate in her dwelling place at Flat 20, 46 Speirs Wharf, Glasgow, G4 9TH, by means of a letterbox, as after diligent enquiries and having established that she resided at the above address, I was unable to find the said Marion Bate personally, or any person to accept service, having given six several audible knocks on the door of the said dwelling place, before and in presence of Kyle Jones, 16 Royal Exchange Square, Glasgow, WITNESS to the premises and hereto with me subscribing. I further sent a letter containing a copy of the document by ordinary Post to her address as aforementioned.

WITNESS

SHERIFF OFFICER
16 Royal Exchange Square
Glasgow
G1 3AB
0141 248 8224

986133 STDLETS\NOTICE_DDP.FRM EX NOTICE.SER DDP



WalkerLove

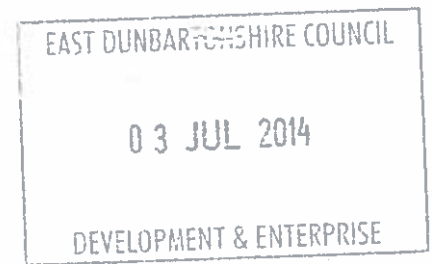
Messengers-at-Arms Sheriff Officers



e: sheriffofficers@walkerlove.com w: www.walkerlove.com

(JMCE)

CERTIFICATE OF INTIMATION



I, DAVID HYND, SHERIFF OFFICER, 22 Clydesdale Street, Hamilton, ML3 0DA, hereby certify that and upon the Twenty-Sixth day of June, Two Thousand and Fourteen years at 2:41 pm, I lawfully served the within designed Mr Samuel Forrest Low with a copy of the attached Enforcement Notice.

THIS I did by leaving a copy thereof, in a sealed envelope, for the said Mr Samuel Forrest Low in his dwelling place at 51 Birdston Road, Milton of Campsie, East Dunbartonshire, G65 8BX (Last Known Address), in the hands of Mrs Mary MacDonald, to be given to him as after due enquiry I could not find the said Mr Samuel Forrest Low personally, before and in presence of Robert McEwen, 22 Clydesdale Street, Hamilton, ML3 0DA, WITNESS to the premises and hereto with me subscribing.


WITNESS


SHERIFF OFFICER
22 Clydesdale Street
Hamilton
ML3 0DA
01698 285706

986133 STDLETS\NOTICE_LDP.FRM EX NOTICE SER LDP



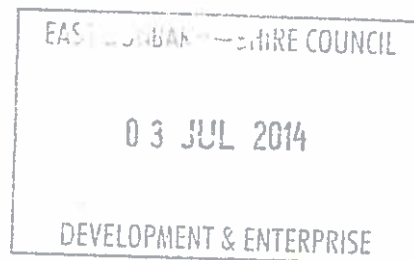
WalkerLove
Messengers-at-Arms Sheriff Officers



e: sheriffofficers@walkerlove.com w: www.walkerlove.com

(NRDK)

CERTIFICATE OF INTIMATION



I, STUART SINCLAIR, SHERIFF OFFICER, 16 Royal Exchange Square, Glasgow, hereby certify that and upon the Twenty-Fifth day of June, Two Thousand and Fourteen years at 4:02 pm, I lawfully served the within designed Mr Tom Bate with a copy of the attached Enforcement Notice.

THIS I did by depositing a copy thereof, in a sealed envelope, for the said Mr Tom Bate in his dwelling place at Flat 20, 46 Speirs Wharf, Glasgow, G4 9TH, by means of a letterbox, as after diligent enquiries and having established that he resided at the above address, I was unable to find the said Mr Tom Bate personally, or any person to accept service, having given six several audible knocks on the door of the said dwelling place, before and in presence of Kyle Jones, 16 Royal Exchange Square, Glasgow, WITNESS to the premises and hereto with me subscribing. I further sent a letter containing a copy of the document by ordinary Post to his address as aforementioned.

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WITNESS

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SHERIFF OFFICER
16 Royal Exchange Square
Glasgow
G1 3AB
0141 248 8224

986133 STDLETS\NOTICE_DDP.FRM EX NOTICE.SER DDP



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