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East Dunbartonshire Council

www.eastdunbarton.gov.uk

Our Ref: **ED 2013/0139/ENF**

Your Ref:

Date: 3 April 2014

If calling please ask for: **Jim Jamieson**

GOVERNANCE & REGULATION

Broomhill Industrial Estate

Kilsyth Road

Kirkintilloch,

Glasgow

G66 1TF

Mr R. Russell,
"Sun Shack",
2 Freeland Place,
Kirkintilloch,
East Dunbartonshire,
G66 1ND.

Telephone: 0141 578 8600

Fax No: 0141 578 8575

Direct Line: **0141 578 8539**

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

Dear Sir,

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

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (SCOTLAND) REGULATIONS 1984, AS AMENDED:

ADVERTISEMENT ENFORCEMENT NOTICE – "SUN SHACK", 2 FREELAND PLACE, KIRKINTILLOCH G66 1ND.

I enclose for your attention an Advertisement Enforcement Notice served in accordance with the provisions of Regulation 24 of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, as amended. The Notice relates to the display of advertisements without a consent granted by the Council as planning authority under those Regulations at **"Sun Shack", 2 Freeland Place, Kirkintilloch, East Dunbartonshire, G66 1ND.**

Regulation 24 requires that the Notice is served on the owner, lessee and occupier of the land to which it relates and on any other person known to the Council as planning authority to be displaying the advertisements without such consent. From the records of the Council you are identified as the **occupier** of the land to which this Notice relates. A copy of this Notice is also served on Sun Shack Kirkintilloch, per Park Denholm & Co., 25 Stewarton Street, Wishaw, ML2 8AA and Gillies Muir Ltd, per Jeffrey Aitken Solicitors & Estate Agents, Fortune House, 74 Waterloo Street, Glasgow, G2 7DA.

Should you wish to discuss this matter further please do not hesitate to contact me direct via either of the above methods.

Yours faithfully,

Jim Jamieson

Jim Jamieson
Planning Enforcement Officer



Appeal Decision Notice

T: 01324 696 400

F: 01324 696 444

E: dpea@scotland.gsi.gov.uk



Decision by D T Alexander, a Reporter appointed by the Scottish Ministers

- Advertisement Enforcement Notice appeal reference: ADE-200-2000
- Site address: 2 Freeland Place, Kirkintilloch G66 1ND
- Appeal by Bare Architecture Limited against the advertisement enforcement notice served by East Dunbartonshire Council dated 3 April 2014
- The alleged breach of advertisement control: single sided illuminated fascia signs fixed to the Freeland Place and Townhead elevations of the appeal premises and full size multi coloured vinyl's attached to the internal surfaces on the ground floor display windows facing onto Freeland Place and Townhead.
- Date of site visit by Reporter: 19 June 2014

Date of appeal decision: 1 July 2014

Decision

I dismiss the appeal and direct that the enforcement notice dated 3 April 2014 be upheld. Subject to any application to the Court of Session the advertisement enforcement notice takes effect on the date of this decision, which constitutes the determination of the appeal for the purpose of Regulation 25(3) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Reasoning

1. Regulation 25 limits the grounds of appeal against an advertisement enforcement notice to matters of legal status and procedure, and does not permit an appeal to be pursued on the merits of the display, in terms of its effect upon the interests of amenity and public safety. This is not an appeal against the refusal of advertisement consent, and I have no powers to set aside the enforcement and grant a consent.

2. The appeal against the notice is made under the grounds of those allowed under Regulation 25(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Act 1984, namely (c) that the specified period for compliance falls short of what should reasonably be allowed.



3. The notice required the removal of all of the advertisements, including the associated fixtures, as in described in Schedule 1, within 10 weeks of the date the notice takes effect. The position of the appellants is that they have requested an extension of time to allow for the design of an alternative scheme and the submission of a fresh application which would be more sympathetic to the surrounding area and one which would comply with current local plan policy. The council state, that having regard to the simple nature of the works required, the 10 week timeframe is considered to be more than reasonable for work that could be undertaken within a few days.

4. In this case, having visited the appeal premises and noting that there is no dispute that the signage is unauthorised or suggestion that there might be technical problems in their removal, I agree with the council that the 10 week period is more than sufficient to meet the requirements of the notice. I also consider that as over two months have already elapsed from the date the notice was served, and the appellant knowing the breach of control can only properly be remedied by the removal of the signage, the processes to find an alternative acceptable proposal should have already started. I therefore find that there is no justification to extend the period of compliance.

5. I conclude that the steps required by the notice are reasonable, therefore the appeal under Regulation 25(1)(c) fails.

D T Alexander

Reporter

(JMCE)

CERTIFICATE OF INTIMATION

I, ANDREW MCLEAN, SHERIFF OFFICER, 22 Clydesdale Street, Hamilton, ML3 0DA, hereby certify that and upon the Eleventh day of April, Two Thousand and Fourteen years at 1pm, I lawfully served the within designed Mr R Russell trading as 'Sun Shack' with a copy of the attached Advertisement Enforcement Notice.

THIS I did by leaving a copy thereof, in a sealed envelope, for the said Mr R Russell trading as 'Sun Shack' in his place of business at 2 Freeland Place, Kirkintilloch, G66 1ND, in the hands of Vicky Castles, an employee therein, and that directed to be given to the said Mr R Russell trading as 'Sun Shack' as after making diligent enquiries I was unable to find him 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

976718 STDLETS\NOTICE_LPB.FRM EX NOTICE.SER LPB



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Messengers-at-Arms Sheriff Officers



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

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