

<b>To: PLANNING AND ENVIRONMENT COMMITTEE</b>	<b>Subject: Enforcement Action: Under Section 127 of the Town &amp; Country Planning (Scotland) Act 1997, Unauthorised Storage and Sale of Gravel, Chips and Sand at Cherrybank Nursery, Waterhead Road, Palacerigg, Cumbernauld.</b>
<b>From: DIRECTOR OF PLANNING AND ENVIRONMENT</b>	
<b>Date: 13th July 1999      Ref: GC/GL</b>	

### 1. Purpose of Report

- 1.1 The purpose of the report is to seek authorisation from the Committee to take appropriate enforcement measures against the owners/operators of Cherrybank Nursery, Waterhead Road, Palacerigg. It is considered necessary to enact Enforcement proceedings due to the continuing storage and sale of the above materials when the site is not operating in accordance with the permission granted for a nursery.

### 2. Background

- 2.1 Members may recall that these premises previously operated as a part-time nursery outlet. Consent was granted in July 1996 (application number N/96/0083/PL) for alterations to the existing nursery layout and a change of use of an adjoining area of open space to allow for an increased area for display of plants etc., and to utilise additional ground for growing more products on site. Regular visits by officers after the granting of this permission determined that despite repeated statements by the owner that the nursery was "almost ready" the only visible changes were the tidying of the proposed plant display area and the formation of storage bays containing the above materials. This situation continues today and most recently other unauthorised activities (a skip hire business and a contract landscaping business) have, after lengthy enforcement actions have been relocated elsewhere. There is no justification for the continuing storage and sale of the above materials, at this site, in the absence of the nursery.

### 3.0 Conclusions

- 3.1 Despite continued and lengthy discussions with the owners/operators of the site regarding the establishment of the nursery described in the planning permission this has not occurred and, therefore, the site should not be being used for the storage or sale of the above materials. It is considered that it would be appropriate to take enforcement action to secure the removal of these materials and cease this use.
- 3.2 The Committee should also be aware that if the Enforcement Notice is not complied with, it may be necessary to refer the matter to the Procurator Fiscal for determination.

### 4.0 Recommendation/

#### 4.0 **Recommendation**

4.1 It is recommended that the Committee authorises the following:

- (1) An Enforcement Notice be served, on all persons which it can be established have an interest in the site, under the terms of Section 127 of the Town and Country Planning (Scotland) Act 1997
- (2) The said Notice should specify the following:-
  - a) That the use of the site for the storage and sale of Gravel, Chips and Sand should cease and the stockpiles of the same should be removed from the site.
  - c) That the Notice should take effect 28 days from its service.
  - d) That the period of compliance will be 4 weeks from the date the Notice takes effect.

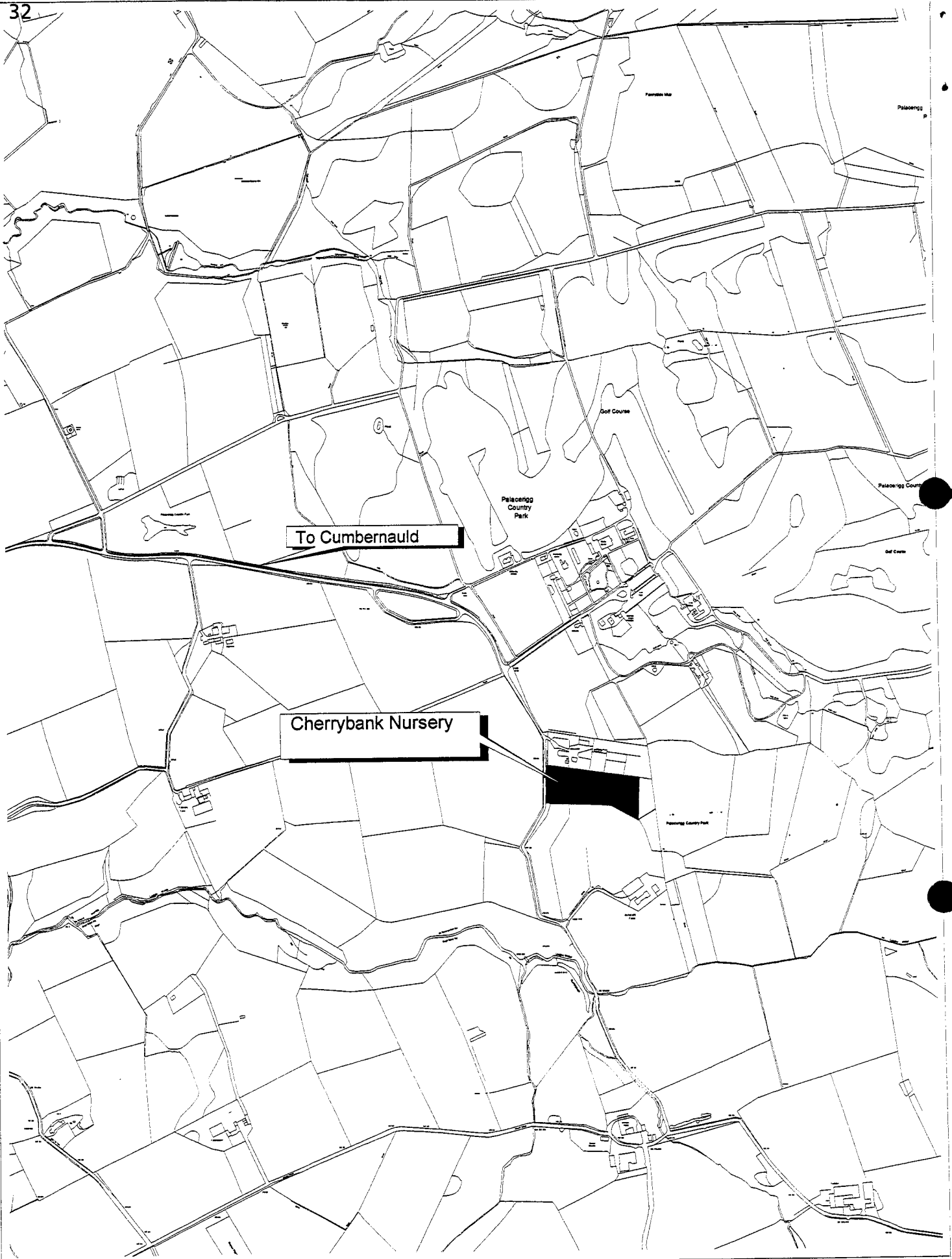


#### **DIRECTOR OF PLANNING & ENVIRONMENT**

Any person wishing further information on the above should contact Gordon Cameron on extension 01236-616471.

#### **List of Background Papers**

Files EN/89/2, EN/89/3 and Planning permission N/96/0083/PL



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**Enforcement Action,  
 Cherrybank Nursery, Waterhead Road,  
 Palacerigg, Cumbernauld.**

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