

# Midlothian Council

## The Town and Country Planning (Enforcement of Control) (No. 2) (Scotland) Regulations 1992 as amended

### Register of active waste land notices, enforcement notices, breach of condition notices and stop notices

#### Enforcement Notices (Section 127 of the Town and Country Planning (Scotland) Act 1997)

| Council case reference | Address of the land to which the notice relates                      | Date of service of notice | Names of person(s) on whom the notice has been served   | Date on which notice is to take effect | Summary of the breach of planning control alleged any waiver or relaxation of any requirement of the notice made in accordance with section 84AB (1) (b) of the Act. | Summary of the requirements of the notice, including the period within which any required steps are to be taken;                             | Information on any postponement of the date specified in the notice on which it is to take effect where an appeal has been made against the notice; and, if applicable, whether any correction or variation was made to the notice by the Secretary of State on appeal; | Date Notice complied with |
|------------------------|--|---------------------------|---|--|--|--|---|---------------------------|
| E/24/02                | Land to the rear of :<br>79 Main Street<br>Pathhead,<br>EH37 5PZ     | 02/02/2024                | The Owner,<br>79 Main<br>Street,<br>Pathhead,<br>EH37 5PZ<br><br>Preston Hall<br>Estate,<br>The Estate<br>Office,<br>Preston Hall,<br>Pathhead,<br>EH37 5UG | 02/03/2024                             | Without planning permission, the installation of a contiguous pin kerb   | Remove a 1.5 metre section of the kerb   |   |                           |
| E/22/41                | Land at<br>10 Kirkhill<br>Terrace,<br>Gorebridge,<br>EH23 4LL        | 18/11/2022                | Ms. D Allan   | 20/12/2022                             | Unauthorised erection of dwellinghouse.  | Remove unauthorised works to match approved plans or demolish dwellinghouse.   | Appeal to DPEA submitted out of time. EN requirements remain outstanding.   |                           |
| E/22/27                | Edgehead<br>Farmhouse,<br>Edgehead<br>Road,<br>Edgehead,<br>EH37 5RL | 24/08/2022                | Mr. Lee<br>Tweedie  | 24/09/22                               | Unauthorised installation of clear glazing panels (in breach of approved PP Reg. No 21/00477/DPP).   | Remove the glazing panels and replace with obscured glass.   | No appeal to DPEA. EN not complied with. Fixed Penalty Notice served.   |                           |
| E/22/24                | Land North of<br>6 Ashbank,<br>Gorebridge,<br>EH23 4NJ               | 30/06/2022                | Peter Joyce<br>and Son Ltd.<br>&<br>Ashbank<br>Yards Ltd.   | 31/07/2022                             | Unauthorised: change of use of vacant land to a builder's yard (sui generis); siting of shipping containers and formation of a hardstanding.                         | Remove all shipping containers; remove the hardstanding; return the land to a grass field and cease the use of the land as a builders' yard. | Appeal made to DPEA on 29/07/22. Appeal dismissed 06/10/22. EN requirements remain outstanding. Matter has been reported to the Procurator Fiscal.  |                           |
| E/22/06                | 1 Laurelbank<br>Road,<br>Mayfield,<br>Dalkeith,<br>EH22 5HT          | 17/02/22                  | Mr. James<br>Beavis and<br>Ms. Louise<br>Axon   | 23/03/22                               | Unauthorised erection of detached garage and sun room  | Dismantle the building and remove all dismantled materials permanently from the land. All steps to be taken by 23/08/22.                     | Appeal made to DPEA on 21/03/22. Appeal dismissed 23/06/22. EN not complied with by compliance date. Fixed Penalty Notice served.   |                           |



**Waste Land Notices (Section 179 of the Town and Country Planning (Scotland) Act 1997)**

| Council case reference | Address of the land to which the notice relates | Date of service of notice | Names of person(s) on whom the notice has been served | Date on which notice is to take effect | Summary of the circumstances giving rise to the notice. | Information on any postponement of the date specified in the notice on which it is to take effect where an appeal has been made against the notice; and, if applicable, whether any correction or variation was made to the notice by the Secretary of State on appeal; | Date Notice complied with |
|------------------------|---|---------------------------|---|--|---|---|---------------------------|
|                        |   |                           |   |  |   |   |                           |

**Notice Requiring Application for Planning Permission for Development Already Carried out (Section 33A of the Town and Country Planning (Scotland) Act 1997)**

| Council case reference | Address of the land to which the notice relates                                     | Date of service of notice | Names of person(s) on whom the notice has been served | Date by which an application for planning permission for the development to which the notice relates is to be made | Date Notice complied with |
|------------------------|---|---------------------------|---|--|---------------------------|
| E/23/19                | 9A Ancrum Bank, Dakeith, EH22 3AY   | 04/05/2023                | Mr Graeme Peddieson                                   | 26/05/2023   |                           |
| E/24/13                | Access drive to: Borthwick Lodge at Currie Cottage, Borthwick, Gorebridge, EH23 4RA | 03/12/2024                | Walter Munro  | 31/01/2025   |                           |

**Listed Building Enforcement Notices (Section 34 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997)**

| Council case reference | Address of the land to which the notice relates | Date of service of notice | Names of person(s) on whom the notice has been served  | Date on which notice is to take effect | Summary of the breach of listed building control                                   | Summary of the requirements of the notice, including the period within which any required steps are to be taken;   | Information on any postponement of the date specified in the notice on which it is to take effect where an appeal has been made against the notice; and, if applicable, whether any correction or variation was made to the notice by the Secretary of State on appeal; | Date Notice complied with |
|------------------------|---|---------------------------|--|--|--|--|---|---------------------------|
| E/22/39                | 130 High Street, Dalkeith, EH22 1AU             | 08/11/2022                | Mrs G Silvestri<br>Miss A Gavriil &<br>Mr G Nst<br>Mr W Williams<br>Mr I & Mrs T Francis<br>Mr S & Mrs A Cazan | 01/03/2023                             | Removal of 16 timber framed windows, and installation of replacement uPVC windows. | Remove all uPVC windows of the property and replace them with white painted, timber frame, sash and case windows which match the removed timber windows in glazing pattern, profile of frames and astragals and all externally visible parts of the case/frames. | Appeal against Notice submitted to DPEA. Appeal dismissed 1 March 2023 (subject to slight variation to LBEN). Compliance period extended beyond original compliance LBEN date of 31 May 2024.   |                           |

**Preservation of Trees in Conservation Areas (Section 172 of the Town and Country Planning (Scotland) Act 1997)**

| Council case reference | Address of the land to which the notice relates | Date of service of notice | Names of person(s) on whom the notice has been served | Date on which notice is to take effect | Summary of the breach of tree preservation in a conservation area | Summary of the requirements of the notice, including the period within which any required steps are to be taken; | Date Notice complied with |
|------------------------|---|---------------------------|---|--|---|--|---------------------------|
|                        |   |                           |   |  |   |  |                           |

**Index of all Extant Notices Served under Abovementioned Legislation.**

| Council case reference | Address of land to which a notice relates                              | Type of notice                        |
|------------------------|--|---------------------------------------|
| E22/05                 | 7a Newbattle Road, Newtongrange  | Enforcement Notice S127               |
| E22/06                 | 1 Laurelbank Road, Mayfield  | Enforcement Notice S127               |
| E/22/24                | Land to North of 6 Ashbank, Gorebridge                                 | Enforcement Notice S127               |
| E/22/27                | Edgehead Farmhouse, Edgehead Road, Edgehead                            | Enforcement Notice S127               |
| E/22/39                | 130 High Street, Dalkeith, EH22 1AU                                    | Listed Building Enforcement Notice 34 |
| E/22/41                | Land at 10 Kirkhill Terrace, Gorebridge, EH23 4LL                      | Enforcement Notice S127               |
| E/23/19                | 9A Ancrum Bank, Dalkeith, EH23 4LL                                     | Development Already Carried Out 33A   |
| E/24/02                | Land to the rear of 79 Main Street Pathhead                            | Enforcement Notice S127               |
| E/24/13                | Access Drive to Borthwick Lodge at Currie Cottage, Borthwick, EH23 4RA | Development Already Carried Out 33A   |