

As per the rectified Minute of 3rd March 2009 no planning enforcement notice was served by the Council in respect of this matter

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 3 March 2009**

Agenda Item	5
Report No	11/09

**Enforcement Notice for the Removal of Unauthorised Yurt/ Marquee/ Tent used for
Residential Purposes at Croit Clais Na H-Airgh Bhig, Upper Lybster**

Report by Area Planning and Building Standards Manager

SUMMARY

Authorisation is requested to issue an Enforcement Notice to secure the removal of an unauthorised marquee/tent, also known as a yurt, that is being used for unauthorised residential purposes at Croit Clais, Na H-Airgh Bhig, Upper Lybster.

The Recommendation is to grant authorisation to issue an Enforcement Notice to secure its removal.

Ward Number 4 – Caithness Landward

Landowners – Mr R and Mrs S Waterson, Rhinduie, Lybster, Caithness, KW3 6BW

1. PROPOSAL

- 1.1 Authorisation is requested to issue an Enforcement Notice to secure the removal of an unauthorised yurt/marquee/tent used for residential purposes.

2. PLANNING HISTORY

- 2.1 Following a verbal complaint, a letter was sent to the landowners Mr R and Mrs S Waterson on 29 October 2007 seeking clarification as to whether the site had been used for residential purposes.
- 2.2 A letter was received on 12 November 2007 from Mrs S Waterston indicating that they considered the Mongolian tent/yurt to be a temporary and moveable structure, being 6 metres wide and 2 metres high and made from wood and canvas. The structure is pitched on the ground and does not have a floor/foundation. It is not connected to any services and was being used as a shelter to get out of the elements whilst working on the croft. The intention of the landowners was to move into the yurt temporarily whilst they built a house. They indicated that they were intending to submit a detailed planning application for the house in the very near future.

- 2.3 As no application had been received for either the yurt/marquee/tent or the house, a further letter was sent on 11 June 2008 indicating that both the structure and the site appeared to be used for residential purposes and that this was considered to be a material change in the use of the land requiring planning permission. As no response had been received, another letter was sent on 10 October 2008 requiring a response within 14 days of the date of the letter.
- 2.4 With no response forthcoming, a Section 272 Notice was served on 13 January 2009 requiring confirmation of ownership and use.
- 2.5 For Members' information, the most recent proposal for this croft was a Prior Notification (reference 07/00358/AGRCA) for the erection of an agricultural shed and composting bin.

3. LEGAL FRAMEWORK

- 3.1 In accordance with Section 127(1) of the Town and Country Planning (Scotland) Act 1997, the Planning Authority may issue a notice (in this Act referred to as an "enforcement notice") where it appears to them that there has been a breach of planning control.

4. RECOMMENDATION

- 4.1 Given all the above, it is recommended that authorisation be granted to issue an Enforcement Notice in order to ensure that the yurt/marquee/tent is removed off the site.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

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Background Papers: As referred to in the report above and case file reference number 07/00358/AGRCA

Date: 18 February 2009

