

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/23/46	Land Between Deaflawhill and Glenburn Cottage, Cockpen Road, Bonnyrigg	28/11/2023	Mr. Thomas Love	28/12/2023	Unauthorised change of use of land from vacant land to storage of waste materials (sui generis)	Remove all items of waste from the land and permanently cease the use of the land for storage of waste materials		
E/23/45	Land Between Deaflawhill and Glenburn Cottage, Cockpen Road, Bonnyrigg	28/11/2023	Mr. Ian Dickson	28/12/2023	Unauthorised change of use of land from vacant land to storage of waste materials (sui generis)	Remove all items of waste from the land and permanently cease the use of the land for storage of waste materials		
E/22/41	Land at 10 Kirkhill Terrace, Gorebridge, 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 Farmhouse, Edgehead Road, Edgehead, EH37 5RL	24/08/2022	Mr. Lee 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 6 Ashbank, Gorebridge, EH23 4NJ	30/06/2022	Peter Joyce and Son Ltd. & Ashbank 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 Road, Mayfield, Dalkeith, EH22 5HT	17/02/22	Mr. James Beavis and Ms. Louise 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.	

E/22/05	The Aggregate Factory Ltd., 7a Newbattle Road, Newtongrange, EH22 4RN & Mr. Richard Mackie	17/02/22	Mr. Richard Mackie	23/03/22	Unauthorised material change of use of land from contractors yard (sui generis) to industrial use (Class 5)	Permanently cease: the operations on the land relating to the unauthorised processing / mechanical sorting of waste and materials; the importation of unprocessed waste and materials and the removal of all machinery associated with the unauthorised use of the land for Class 5 purposes. All steps to be taken by 23/04/22.	Appeal made to DPEA on 22/03/22. Outcome 16/05/22 - EN upheld, with variation to some of the EN text.	
E/23/11	8 Johnston Place, Penicuik, EH26 0LB	08/02/23	Mr Barry Gibson	08/03/23	Installation of a fence which varies from what is approved under application 21/00382/DPP	Reduce the height of the fence forward of the front and side elevations to a maximum height of 1 metre from ground level.		
E/23/32	8 Johnston Place, Penicuik, EH26 0LB	16.08.2023	Mr Barry Gibson	09.09.2023	Installation of fence which varies from what is approved under application 21/00382/DPP	Reduce the height of the fence forward of the front and side elevations to a maximum height of 1 metre from ground level		

Breach of Condition Notices (Section 145 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	Details of the relevant planning permission and summary of the condition not complied with	Summary of the requirements of the notice, including the period within which any required steps are to be taken;	Date Notice complied with
E/22/45	Lawfield Farm, Dalkeith	28/11/2022	WS Dunsire & Sons Ltd	28/11/2022	16/00579/DPP – Conditions 18 & 20	Complete the construction of a 3m wide lit cycleway/footpath extending from the application site to the public footway network in Mayfield in accordance with approved plans	

Stop Notices (Section 140 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 activity prohibited by the notice regard to relevant enforcement notice	Summary of the requirements of the notice, including the period within which any required steps are to be taken;	Date of withdrawal of notice with regard to relevant enforcement notice	Date Notice complied with

Temporary Stop Notices (Section 144A 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 activity prohibited by the notice	Summary of the requirements of the notice, including the period within which any required steps are to be taken;	Date on which the temporary stop notice ceases to have effect	Date Notice complied with

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/22/43	8 Johnston Place, Penicuik, EH26 0LB	23/11/2022	Mr Barry Gibson	23/12/2022	
E/23/19	9A Ancrum Bank, Dakeith, EH22 3AY	04/05/2023	Mr Graeme Peddieson	26/05/2023	
E/23/22	8 Johnston Place, Penicuik, EH26 0LB	24/05/2023	Mr Barry Gibson	10/07/2023	
E/23/40	7 Rose Path, Bonnyrigg, EH13 3RP	27/09/2023	The Owner	31/10/2023	
E/23/42	33 Roanshead Road, Easthouses, Dalkeith, EH22 4HH	27/09/2023	The Owner	31/10/2023	

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;	Date Notice complied with
E/22/39	130 High Street, Dalkeith, EH22 1AU	08/11/2022	Mrs G Silvestri Miss A Gavril & Mr G Nst Mr W Williams Mr I & Mrs T Francis 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.	
E/23/32	41 High Street, Dalkeith, EH22 1JB	31.05.2023	Mr Sam Flynn Roberts Properties (Scotland) Limited	08.07.2023	Without listed building consent the installation of fascia sign	Remove the fascia signage panel from the shopfront and make good any holes created for fixings	
E/23/34	118 High Street, Dalkeith, EH22 1HZ	16.08.2023	USA Nail and Spa The Property Owner The Occupier Ashiq Commercial Properties Limited	16.09.2023	Without listed building consent, the repainting of the shopfront, installation of fascia signage and installation of vinyl graphic signage	Remove the fascia signage panel from the shopfront and make good any holes created for fixings Repaint the shopfront in any of the following colours, RAL1014, RAL7000-7006 or RAL7009-7012 or RAL5008. Removal of vinyl graphics from the shop windows	Appeal Submitted (14/09/23) – Applicants have repainted the shop, however, signage and vinyl remains in place. Appeal has been dismissed. However report has extended period for compliance to February.
E/23/44	South Church Hall, West Street, Penicuik	06.10.2023	The Property Owner The Company Secretary, Southfield Homes Edinburgh Limited	06.11.2023	Without listed building consent, the removal of the original timber storm doors to the north elevation and replacement with unacceptable alternative. The removal of all windows to the north elevation and replacement with unacceptable alternatives	Removal of the unauthorised storm doors to the north elevation and replace either with original doors or with replacement doors of the same material, finish and detailing as those doors. Remove unauthorised windows and replace with windows of the same dimensions, profile and finish as those on a plan.	Appeal submitted (01/11) – awaiting decision.

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 S34
E/23/41	Land at 10 Kirkhill Terrace, Gorebridge, EH23 4LL	Enforcement Notice S127
E/22/43	8 Johnston Place, Penicuik, EH26 0LB	Development Already Carried Out S33A
E/22/45	Lawfield Farm, Dalkeith	Breach of Condition Notice
E/23/11	8 Johnston Place, Penicuik, EH26 0LB	Enforcement Notice S127
E/23/19	9A Ancrum Bank, Dalkeith, EH23 4LL	Development Already Carried Out S33A
E/23/22	8 Johnston Place, Penicuik, EH26 0LB	Development Already Carried Out S33A
E/23/23	41 High Street, Dalkeith, EH22 1JB	Listed Building Enforcement Notice S34
E/23/32	8 Johnston Place, Penicuik, EH26 0LB	Enforcement Notice S127
E/23/34	118 High Street, Dalkeith, EH22 1HZ	Listed Building Enforcement Notice S34
E/23/40	7 Rose Path, Bonnyrigg, EH13 3RP	Development Already Carried Out S33A
E/23/42	33 Roanshead Road, Easthouses, Dalkeith, EH22 4HH	Development Already Carried Out S33A
E/23/45	Land Between Deaflawhill and Glenburn Cottage, Cockpen Road, Bonnyrigg	Enforcement Notice S127
E/23/46	Land Between Deaflawhill and Glenburn Cottage, Cockpen Road, Bonnyrigg	Enforcement Notice S127