

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 : 79 Main Street Pathhead, EH37 5PZ	02/02/2024	The Owner, 79 Main Street, Pathhead, EH37 5PZ Preston Hall Estate, The Estate Office, Preston Hall, Pathhead, 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 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. Complaint received December 2024 that new operator on site breaching the requirements of the EN.	
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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

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/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	
E/25/07	13 Saw Mill Terrace, Bonnyrigg, EH19 3FY	02.06.2025	Mrs. Geraldine Hignett	30.06.2025	
E/25/11	5 Beechgrove Avenue, Dalkeith, EH22 3HP	02.06.2025	Mr Alec Crow	30.06.2025	
E/25/12	31 George Drive, Loanhead, EH20 9DL	02.06.2025	Mr P Louden	30.06.2025	

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 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.	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
E/25/07	13 Saw Mill Terrace, Bonnyrigg, EH19 3FY	Development Already Carried Out 33A
E/25/11	5 Beechgrove Avenue, Dalkeith, EH22 3HP	Development Already Carried Out 33A
E/25/12	31 George Drive, Loanhead, EH20 9DL	Development Already Carried Out 33A