

THE HIGHLAND COUNCIL

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

Agenda Item	4
Report No	10/09

**Enforcement Notice for the Removal of Unauthorised Yurt and Caravan used for
Residential Purposes at Corrie Habbie Croft, Upper Lybster**

Report by Area Planning and Building Standards Manager

SUMMARY

Unauthorised development in the form of a “Mongolian Yurt” and a mobile caravan are present on land known as Corrie Habbie Croft, Upper Lybster. This report requests authorisation to issue an Enforcement Notice on the croft’s owners for the removal of both the yurt and the caravan.

The Recommendation is to grant authorisation to issue an Enforcement Notice.

Ward Number 4 – Caithness Landward

Landowners – Mr Inglis and Ms Young, 28 Cairndhuna Terrace, Wick

1. PROPOSAL

1.1 This report is a formal request for authorisation to issue an Enforcement Notice on Mr Inglis and Ms Young in relation to unauthorised development on their land at Upper Lybster.

2. PLANNING HISTORY

2.1 An application (reference 08/00326/FULCA) for the demolition of an existing house and erection of house, installation of septic tank and soakaway and formation of vehicular access was received for a site 230 metres North West of Newlands of Smerlie, Lybster, also known as Corrie Habbie Croft, Upper Lybster.

2.2 This application was refused on 14 August 2008 due to an objection received from TEC Services stipulating that the road was unable to sustain any additional traffic due to engineering and safety reasons.

2.3 Since refusal, a “Mongolian Yurt” and a mobile caravan have been sited on the land. A letter was sent to Mr Inglis and Ms Young on 23 December 2008 requesting removal of the yurt and the caravan. No response to this letter was received and neither the caravan nor the yurt has been removed.

- 2.4 A Section 272 Notice was served on Mr Inglis and Ms Young on 21 January 2009, requiring clarification of land ownership and use.
- 2.5 A letter in response to this Notice was received from Mr Inglis and Ms Young on 4 February 2009. Within the letter they state that the tent is not for residential purposes, as they have a flat in Wick, although they do sometimes stay in the tent as they have animals there which require tending. They confirm that Corrie Habbie Croft is a registered croft and that is their only use for it, being registered sheep and pig keepers. They confirm they are the sole owners of the croft and it is of no interest to anyone else. They advise that the caravan is only being parked on the croft for the winter months.

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 As neither the yurt nor the caravan has been removed from the site, it is recommended that authorisation be granted to issue an Enforcement Notice on Mr Inglis and Ms Young to ensure removal of the unauthorised development.

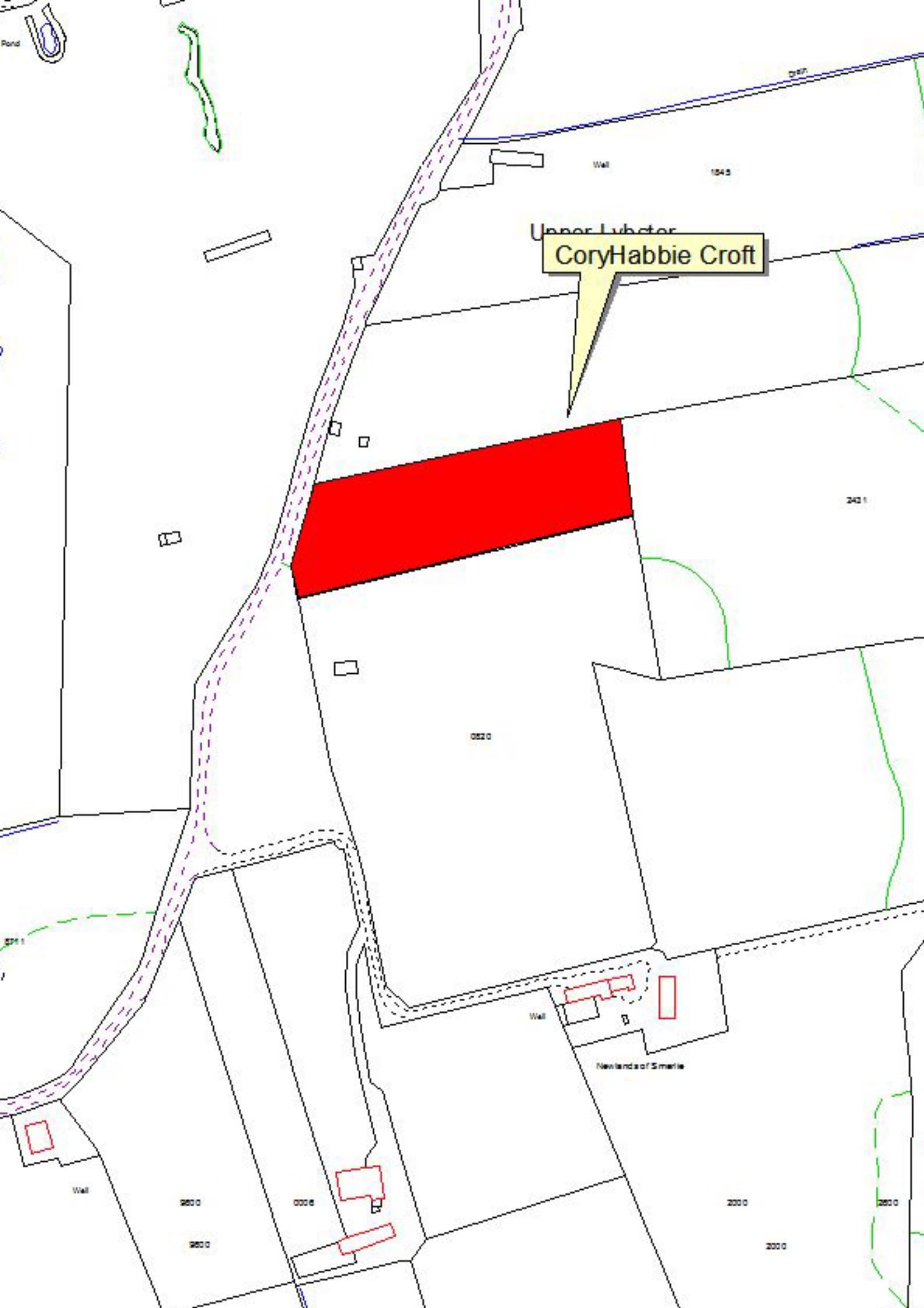
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Morag Goodfellow 01955 607754

Background Papers: As referred to in the report above and case file reference number 08/00326/FULCA

Date: 18 February 2009



Upper Lybster
CoryHabbie Croft

Newlands of Smarke

Pond

Wall

1545

2421

0820

Wall

B

Wall

2000

0006

2000

2000

2000

2000

2000