



Decision by Trevor A Croft, a Reporter appointed by the Scottish Ministers

- Enforcement notice appeal reference: ENA-270-2030
- Site address: Crown House, 54 Crown Drive, Inverness, IV2 3QG
- Appeal by Mr Coinneach MacMillan against the enforcement notice dated 24 May 2019 served by Highland Council
- The alleged breach of planning control: The application of paint to previously unpainted quoins and architectural detail to the front elevation of the property without the required planning permission (section 123(1)(a) of the Act) within the Inverness (Crown) Conservation Area
- Date of site visit by Reporter: 11 September 2019

Date of appeal decision: 20 September 2019

Decision

I dismiss the appeal and direct that the enforcement notice dated 24 May 2019 be upheld. Subject to any application to the Court of Session, the enforcement notice takes effect on the date of this decision, which constitutes the determination of the appeal for the purpose of Section 131(3) of the Act.

Reasoning

1. The appeal against the enforcement notice was made on the following ground as provided for by section 130(1) of the Town and Country Planning (Scotland) Act 1997:

(b) the matters stated in the notice to involve a breach of planning permission have not occurred.

Ground (b)

2. The appellant's statement of appeal acknowledges that a scissor lift was delivered to the property on 8 April 2018 for the purpose of painting the quoins. The council confirms that officials visited the property on 10 April and found fresh paint on previously unpainted quoins and architectural detail. The appellant was advised to stop work as planning permission had not been obtained.



3. My own site inspection confirmed that the quoins and architectural detail on the front of the property had indeed been painted in a cream colour and that this was clearly freshly applied. This confirmed to me that the matters alleged to have occurred have occurred.
4. The appeal under ground (b) therefore fails. As this was the only ground pled the appeal as a whole fails and I uphold the enforcement notice.

Trevor A Croft

Reporter