

# Agenda Item 6

## Appendix 2

### Enforcement register

**PLANNING ENFORCEMENT REGISTER****Updated December 2023**

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
ENF/2011/0001	Allan Munro	Enforcement Notice	31/08/2011	28/09/2011	Notice complied with
<b>Address of Property or Land</b>	Granish Farm, Aviemore, PH22 1QD				
<b>Details of Breach</b>	Unauthorised material change of use of agricultural land for use of storage of materials associated with construction business				
<b>Requirements of Notice</b>	Cease the unauthorised use and remove the stored materials. Comply with various plans relating to cut & fill contouring, landscaping and management				
<b>Date for Compliance</b>	Ceasing use – 14 days Removal of materials – 100 days Compliance with plans – 56 days				

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ENF/2011/0002	John Ardill Bank of Scotland plc	Enforcement Notice	13/09/2011	17/10/2011	Full compliance with Notice Withdrawn - 13/11/2013
<b>Address of Property or Land</b>	Feshiebridge cottage, Glenfeshie, Kingussie				
<b>Details of Breach</b>	Erection of replacement house and garage which is not as approved planning permission. Unauthorised change of use of land from woodland to garden ground				
<b>Requirements of Notice</b>	Demolish the garage (and reconstruct on alternative approved site if required) Reinstate approved boundary line				
<b>Date for Compliance</b>	Demolition – 230 days Reinstate boundary line – 56 days Access works – 56 days Reduce site boundaries – 56 days Boundary planting – 84 days Reinstate woodland – 56 days				

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ENF/2011/0003	Alex Donald	Temporary Stop Notice	14/09/2011	14/09/2011	Notice withdrawn, 20/09/2011
<b>Address of Property or Land</b>	Waltzing Waters, Main Street, Newtonmore, PH20 1DR				
<b>Details of Breach</b>	Unauthorised development of building on land				
<b>Requirements of Notice</b>	Cease activity for 28 days				
<b>Date for Compliance</b>	Immediately				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
ENF/2012/0001	Tulloch Homes Ltd	Advertisement Enforcement Notice	24/02/2012	27/03/2012	Appeal submitted 21/03/2012 Notice withdrawn 26/04/2012
<b>Address of Property or Land</b>	Highburnside, Aviemore				
<b>Details of Breach</b>	Signage displayed without consent				
<b>Requirements of Notice</b>	Remove advertisement				
<b>Date for Compliance</b>					

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ENF/2012/0002	Waltzing Waters (Scotland)Ltd Alex Donald Clydesdale Bank PLC Messrs D & G Harley	Enforcement Notice	05/09/2012	02/10/2012	Notice withdrawn 28/09/2012
<b>Address of Property or Land</b>	Waltzing Waters, Main Street, Newtonmore, PH20 1DR				
<b>Details of Breach</b>	Unauthorised raising of boundary wall				
<b>Requirements of Notice</b>	Remove/reduce wall				
<b>Date for Compliance</b>					

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ENF/2012/0003	Waltzing Waters (Scotland)Ltd Alex Donald Clydesdale Bank PLC Messrs D & G Harley	Enforcement Notice	05/10/2012	05/11/2012	Appeal dismissed 10/01/2013
<b>Address of Property or Land</b>	Waltzing Waters, Main Street, Newtonmore, PH20 1DR				
<b>Details of Breach</b>	Unauthorised raising of boundary wall				
<b>Requirements of Notice</b>	Reduce wall and reinstate previous height				
<b>Date for Compliance</b>	42 days				

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ENF/2013/0001	Alex Donald The Co-op Group Messrs D & G Harley	Enforcement Notice	11/04/2013	10/05/2013	Notice complied with
<b>Address of Property or Land</b>	Waltzing Waters, Main Street, Newtonmore, PH20 1DR				
<b>Details of Breach</b>	Construction and installation of a ventilation grille				
<b>Requirements of Notice</b>	Remove the ventilation grille				
<b>Date for Compliance</b>	42 days				



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ENF/2014/0003	Craggan Outdoors Activities Ltd, Glenbea Estate	Enforcement Notice	02/11/2014	30/11/2014	Appeal upheld, 25/02/2015 Notice complied with
<b>Address of Property or Land</b>	Craggan Golf Course, Grantown on Spey PH26 3NT				
<b>Details of Breach</b>	Unauthorised use of agricultural land/woodland for commercial clay pigeon shooting				
<b>Requirements of Notice</b>	To cease unauthorised use and remove associated structures				
<b>Date for Compliance</b>	42 days				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
ENF/2015/0001	Speyside Trust	Section 33A	05/05/2015	Immediate upon receipt of Notice	Applications submitted May 2015 and approved November 2015 Notice complied with
<b>Address of Property or Land</b>	Badaguish Outdoor Centre, Glenmore Lodge Glenmore, Aviemore, PH22 1QU				
<b>Details of Breach</b>	Commencement of works without compliance with suspensive conditions, tree removal Development relating to mountain bike skills area/camping area and wigwams without compliance with planning permission				
<b>Requirements of Notice</b>	To submit retrospective planning application for unauthorised works				
<b>Date for Compliance</b>	120 days				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
2016/0002/ENF	Cluny Estate	Enforcement Notice	21/06/2017	19/07/2017	Notice Withdrawn
<b>Address of Property or Land</b>	Cluny Estate Laggan Newtonmore PH20 1BS				
<b>Details of Breach</b>	Unauthorized construction of hill track and the excavation of material from 8 borrow pits adjacent to tracks				
<b>Requirements of Notice</b>	To remove hill track and reinstate to previous Argo cat tramlines. To restore borrow pits				
<b>Date for Compliance</b>	11/10/2017				

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2017/0003/ENF	Glenlochy Estate	Section 33A	22/03/2018	Immediate upon receipt of Notice	Application Approved
<b>Address of Property or Land</b>	Aultcharn Farm, Tomintoul Road, Grantown On Spey, PH26 3NN				
<b>Details of Breach</b>	The surface of the existing track has been upgraded using imported material, widened and new drainage installed without giving prior notification to The Highland Council.				
<b>Requirements of Notice</b>	Submit a valid planning application to Highland Council for retrospective permission to upgrade, widen and install drainage along the track.				
<b>Date for Compliance</b>	14/05/2018				

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2017/0006/ENF	Glenbanchor Estate	Section 33A	22/03/2018	Immediate upon receipt of Notice	Application Approved
<b>Address of Property or Land</b>	Glenbanchor Lodge, Glen Road, Newtonmore, PH20 1BH				
<b>Details of Breach</b>	The surface of the existing track has been upgraded using imported material, widened and new drainage installed without giving prior notification to The Highland Council.				
<b>Requirements of Notice</b>	Submit a valid planning application to Highland Council for retrospective permission to upgrade, widen and install drainage along the track.				
<b>Date for Compliance</b>	14/05/2018				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
2017/0001/ENF	Glen Clova Estate	Enforcement Notice	23/09/2019	28/10/2019	
<b>Address of Property or Land</b>	Pitlivie Farm, Carnoustie, DD1 6LU				
<b>Details of Breach</b>	The building, engineering or other operations involved in the construction of a private track, drainage ditches and spoil mounds of up to 10 metres in width and 1.5km in length				
<b>Requirements of Notice</b>	Restore the Land to its condition before the breach took place				
<b>Date for Compliance</b>	28/10/2020				

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2017/0001/ENF	Glen Clova Estate	Section 33A	23/09/2019	Immediate upon receipt of Notice	
<b>Address of Property or Land</b>	Pitlivie Farm, Carnoustie, DD1 6LU				
<b>Details of Breach</b>	The surface of the existing track has been upgraded using imported material, widened and new drainage installed without giving prior notification to Angus Council.				
<b>Requirements of Notice</b>	Submit a valid planning application to Highland Council for retrospective permission to upgrade, widen and install drainage along the track.				
<b>Date for Compliance</b>	23/12/2019				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
2022/0002/ENF	Tulloch Homes Ltd	Breach of Condition Notice	21-Jun-22	Immediate upon receipt of Notice	
<b>Address of Property or Land</b>	Land at Bynack More, Aviemore				
<b>Details of Breach</b>	Engineering works that have raised ground within the 1:200 year (plus climate change) flood event boundary as delineated in orange on Drawing No 329406.SPO2 entitled 'Aviemore Resort Development: Site Layout and Location Plan, Flood Risk Assessment' dated 10 December 2007 (a copy of which is attached as Plan 2), reducing the flood storage capacity of that land and increasing risk of flooding elsewhere.				
<b>Requirements of Notice</b>	i) Remove all material that has raised ground levels within the 1:200 year (plus climate change) flood event boundary as delineated in orange on the plan within the notice and return the ground levels to levels no higher than shown on the plan ii) Provide the CNPA, acting as Planning Authority, with a topographical survey that demonstrates compliance with requirement part a.				
<b>Date for Compliance</b>	i) 02/08/2022 ii) 30/08/2022				



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2022/0006/ENF	R S McLeod Limited	Breach of Condition Notice	05/10/2022	Immediate upon receipt of Notice	
<b>Address of Property or Land</b>	Land 150M NW Of Beachan Court Grantown on Spey				
<b>Details of Breach</b>	More than twenty houses have been occupied and access road and associated footpaths/cycleways serving the occupied houses have not been constructed and surfaced in accordance with the approved details				
<b>Requirements of Notice</b>	Complete the surfacing of the roads and footpaths serving the occupied properties in accordance with the approved details				
<b>Date for Compliance</b>	05/02/2023				

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2022/0007/ENF	R S McLeod Limited	Breach of Condition Notice	05/10/2022	Immediate upon receipt of Notice	Complied with
<b>Address of Property or Land</b>	Land 150M NW Of Beachan Court Grantown on Spey				
<b>Details of Breach</b>	More than twenty houses are now occupied and the approved play area has not been provided in accordance with the approved details.				
<b>Requirements of Notice</b>	Provide the approved play area.				
<b>Date for Compliance</b>	05/01/2023				

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2022/0012/ENF	Wigwam Holidays	Breach of Condition Notice	16/03/2023	Immediate upon receipt of Notice	
<b>Address of Property or Land</b>	Tomintoul Wigwams, Main Street, Tomintoul				
<b>Details of Breach</b>	The first 15 metres of the access road has not been constructed and surfaced in accordance with the required standard.				
<b>Requirements of Notice</b>	Complete the surfacing of the first 15 metres of the access road to the required Moray Council Specification				
<b>Date for Compliance</b>	16/06/2023				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
2022/0004/ENF	Mr A Gillies and Ms Casci	Enforcement Notice	03/11/2023	01/12/2023	
<b>Address of Property or Land</b>	Cardine Wood, Baddengorm Woods, Carrbridge				
<b>Details of Breach</b>	The erection of a hut				
<b>Requirements of Notice</b>	The hut and all associated materials must be removed from the Land				
<b>Date for Compliance</b>	03/05/2024				

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2023/0018/ENF	Mr D Bell	Enforcement Notice	30/04/2024	10/06/2024	Appeal Dismissed
<b>Address of Property or Land</b>	Tulquhonie, Carrbridge, Highland				
<b>Details of Breach</b>	The use of land for the placement of two storage containers (being described as a 'caravan')				
<b>Requirements of Notice</b>	The two storage containers (being described as a 'caravan'), solar panels, water tanks, toilets, tents constituting				
<b>Date for Compliance</b>	10/09/2024 - now amended to 21/01/2025				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
2023/0018/ENF	Mr D Bell	Section 33A	30/04/2024	Immediate	Ongoing
<b>Address of Property or Land</b>	Tulquhonie, Carrbridge, Highland				
<b>Details of Breach</b>	The access off the road has been upgraded ("the Development") without applying for planning permission to the Highland Council				
<b>Requirements of Notice</b>	Submit a valid planning application to the Highland Council for retrospective permission				
<b>Date for Compliance</b>	30/08/2024				

<b>Reference Number</b>	<b>Notice Served on</b>	<b>Type of Notice</b>	<b>Date Served</b>	<b>Effective Date</b>	<b>Outcome</b>
2022/0012/ENF	Wigwam Holidays	Enforcement Notice	16/10/2024	16/11/2024	
<b>Address of Property or Land</b>	Tomintoul Wigwams, Main Street, Tomintoul				
<b>Details of Breach</b>	The first 15 metres of the access road has not been constructed and surfaced in accordance with the required standard.				
<b>Requirements of Notice</b>	Complete the surfacing of the first 15 metres of the access road to the required Moray Council Specification				
<b>Date for Compliance</b>	16/05/2025				

Reference Number	Notice Served on	Type of Notice	Date Served	Effective Date	Outcome
2024/0034/ENF	Allan Munro Construction	Temporary Stop Notice	19/11/2024	Immediate	Ongoing
Address of Property or Land	Lairig View, Aviemore, PH22 1QD				
Details of Breach	Commencing works to the site without the necessary planning permission				
Requirements of Notice	To cease all engineering operations with immediate effect				
Date for Compliance	The Temporary Stop Notice expires 16/12/2024				