

PLANNING ENFORCEMENT REGISTER

Updated December 2023

| Reference Number | Notice Served on | Type of Notice | Date Served | Effective Date | Outcome |
|------------------------------------|---|-----------------------|--------------------|-----------------------|----------------------|
| ENF/2011/0001 | Allan Munro | Enforcement Notice | 31/08/2011 | 28/09/2011 | Notice complied with |
| Address of Property or Land | Granish Farm, Aviemore, PH22 1QD | | | | |
| Details of Breach | Unauthorised material change of use of agricultural land for use of storage of materials associated with construction business | | | | |
| Requirements of Notice | Cease the unauthorised use and remove the stored materials. Comply with various plans relating to cut & fill contouring, landscaping and management | | | | |
| Date for Compliance | 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| John Ardill Bank of Scotland plc | Enforcement Notice | 13/09/2011 | 17/10/2011 | Full compliance with Notice Withdrawn - 13/11/2013 |
| Address of Property or Land | Feshiebridge cottage, Glenfeshie, Kingussie | | | | |
| Details of Breach | Erection of replacement house and garage which is not as approved planning permission. Unauthorised change of use of land from woodland to garden ground | | | | |
| Requirements of Notice | Demolish the garage (and reconstruct on alternative approved site if required) Reinstate approved boundary line | | | | |
| Date for Compliance | 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| ENF/2011/0003 | Alex Donald | Temporary Stop Notice | 14/09/2011 | 14/09/2011 | Notice withdrawn, 20/09/2011 |
| Address of Property or Land | Waltzing Waters, Main Street, Newtonmore, PH20 1DR | | | | |
| Details of Breach | Unauthorised development of building on land | | | | |
| Requirements of Notice | Cease activity for 28 days | | | | |
| Date for Compliance | Immediately | | | | |

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|------------------------------------|-----------------------------------|----------------------------------|--------------------|-----------------------|--|
| 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 |
| Address of Property or Land | Highburnside, Aviemore | | | | |
| Details of Breach | Signage displayed without consent | | | | |
| Requirements of Notice | Remove advertisement | | | | |
| Date for Compliance | | | | | |

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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 |
| Address of Property or Land | Waltzing Waters, Main Street, Newtonmore, PH20 1DR | | | | |
| Details of Breach | Unauthorised raising of boundary wall | | | | |
| Requirements of Notice | Remove/reduce wall | | | | |
| Date for Compliance | | | | | |

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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 |
| Address of Property or Land | Waltzing Waters, Main Street, Newtonmore, PH20 1DR | | | | |
| Details of Breach | Unauthorised raising of boundary wall | | | | |
| Requirements of Notice | Reduce wall and reinstate previous height | | | | |
| Date for Compliance | 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 |
| Address of Property or Land | Waltzing Waters, Main Street, Newtonmore, PH20 1DR | | | | |
| Details of Breach | Construction and installation of a ventilation grille | | | | |
| Requirements of Notice | Remove the ventilation grille | | | | |
| Date for Compliance | 42 days | | | | |

| Reference Number | Notice Served on | Type of Notice | Date Served | Effective Date | Outcome |
|------------------------------------|--|-----------------------|--------------------|-----------------------|--|
| 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 |
| Address of Property or Land | Craggan Golf Course, Grantown on Spey PH26 3NT | | | | |
| Details of Breach | Unauthorized use of agricultural land/woodland for commercial clay pigeon shooting | | | | |
| Requirements of Notice | To cease unauthorised use and remove associated structures | | | | |
| Date for Compliance | 42 days | | | | |

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| 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 |
| Address of Property or Land | Badaguish Outdoor Centre, Glenmore Lodge Glenmore, Aviemore, PH22 1QU | | | | |
| Details of Breach | 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 | | | | |
| Requirements of Notice | To submit retrospective planning application for unauthorised works | | | | |
| Date for Compliance | 120 days | | | | |

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

| Reference Number | Notice Served on | Type of Notice | Date Served | Effective Date | Outcome |
|------------------------------------|--|-----------------------|--------------------|----------------------------------|----------------------|
| 2017/0003/ENF | Glenlochy Estate | Section 33A | 22/03/2018 | Immediate upon receipt of Notice | Application Approved |
| Address of Property or Land | Aultcharn Farm, Tomintoul Road, Grantown On Spey, PH26 3NN | | | | |
| Details of Breach | 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. | | | | |
| Requirements of Notice | Submit a valid planning application to Highland Council for retrospective permission to upgrade, widen and install drainage along the track. | | | | |
| Date for Compliance | 14/05/2018 | | | | |

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| 2017/0006/ENF | Glenbanchor Estate | Section 33A | 22/03/2018 | Immediate upon receipt of Notice | Application Approved |
| Address of Property or Land | Glenbanchor Lodge, Glen Road, Newtonmore, PH20 1BH | | | | |
| Details of Breach | 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. | | | | |
| Requirements of Notice | Submit a valid planning application to Highland Council for retrospective permission to upgrade, widen and install drainage along the track. | | | | |
| Date for Compliance | 14/05/2018 | | | | |

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| 2017/0001/ENF | Glen Clova Estate | Enforcement Notice | 23/09/2019 | 28/10/2019 | |
| Address of Property or Land | Pitlivie Farm, Carnoustie, DD1 6LU | | | | |
| Details of Breach | 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 | | | | |
| Requirements of Notice | Restore the Land to its condition before the breach took place | | | | |
| Date for Compliance | 28/10/2020 | | | | |

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

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| 2022/0002/ENF | Tulloch Homes Ltd | Breach of Condition Notice | 21-Jun-22 | Immediate upon receipt of Notice | |
| Address of Property or Land | Land at Bynack More, Aviemore | | | | |
| Details of Breach | 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. | | | | |
| Requirements of Notice | 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. | | | | |
| Date for Compliance | i) 02/08/2022 ii) 30/08/2022 | | | | |

| Reference Number | Notice Served on | Type of Notice | Date Served | Effective Date | Outcome |
|------------------------------------|--|----------------------------|--------------------|----------------------------------|----------------|
| 2022/0006/ENF | R S McLeod Limited | Breach of Condition Notice | 05/10/2022 | Immediate upon receipt of Notice | |
| Address of Property or Land | Land 150M NW Of Beachan Court Grantown on Spey | | | | |
| Details of Breach | 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 | | | | |
| Requirements of Notice | Complete the surfacing of the roads and footpaths serving the occupied properties in accordance with the approved details | | | | |
| Date for Compliance | 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 |
| Address of Property or Land | Land 150M NW Of Beachan Court Grantown on Spey | | | | |
| Details of Breach | More than twenty houses are now occupied and the approved play area has not been provided in accordance with the approved details. | | | | |
| Requirements of Notice | Provide the approved play area. | | | | |
| Date for Compliance | 05/01/2023 | | | | |

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

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

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

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

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

| Reference Number | Notice Served on | Type of Notice | Date Served | Effective Date | Outcome |
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| 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 | | | | |