

Davidson's Mains & Silverknowes Association

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Further Information on the Field at Lauriston Farm Road

A few weeks ago we advised residents about the lease of the field by the Council Estates Department to Edinburgh Pet Care for a period of five years for the training and exercising of dogs. We expressed concerns about the conditions which would apply and the fact there had been no prior consultation with residents.

Subsequently, for information, and to seek to address queries from residents, we asked the Council for information about the legislation which applied to the use of the field and how it had been used to support the decision to award the lease.

In response we were directed to Section 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, with Class 7 of the Order applying to the construction of fences and other structures on agricultural land (the current defined use for the field). A copy of the relevant section of the Order is provided on the reverse of this document as Addendum 1.

Of particular relevance is sub Clause 2 (a) which informs that the construction or erection of a fence is not permitted if it would be within 20 metres of a road or exceed one metre in height above ground level. It is clear that the 1.8 metre high fencing which was under construction in the field at a distance of about only 2 metres from the footpath on Lauriston Farm Road is in conflict with the legislation on both these grounds.

The Council Estates Department have now conceded that the agreed lease is not legal (and the basis of the decision to award it is under review by the Council's Planning Enforcement Team).

However, in response to this situation, Edinburgh Pet Care have now submitted a Planning Application to the Council for a change of use to permit the training and exercising of dogs and to gain approval for fencing and other structures. A brief summary of the contents of the application has been provided by the Planning Manager and is copied on the reverse of the document as Addendum 2. This application is likely to be on the public notification list shortly.

The Association welcomes the fact that the proposals for the field are now subject to the approval of a planning application and that all residents will be entitled to comment on the proposals. It takes this issue back to where it should have been before the illegal signing of the lease. We will make further comment to residents after we have had the opportunity to consider the full details of the Planning Application.

Yours sincerely

Charlotte Cowe
Secretary

Addendum 1 – Extract from Town and Country Planning (General Permitted Development) (Scotland) Order 1992 .

Class 7.—(1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

(2) Development is not permitted by this class if—

(a) the height of any gate, fence, wall or other means of enclosure to be erected or constructed within 20 metres of a road would, after the carrying out of the development, exceed one metre above ground level;

(b) the height of any other gate, fence, wall or other means of enclosure to be erected or constructed would exceed two metres above ground level;

(c) the height of any existing gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater;

(d) it would involve development within the curtilage of, or in respect of a gate, fence, wall or other means of enclosure surrounding, a listed building

Addendum 2 — Application reference 20/01927/FUL.

Information received from the Planning Manager:

A planning application was received on 8 May 2020 for a change of use from agriculture to a private hire dog field, erection of a 1.8m tall fence, 2m in from original fencing around the perimeter of the field, building a small open front shelter, 3m by 2m and 2m tall, building a temporary structure for private use. Once checked and validated, the associated documents will become publicly available to view and neighbours will be notified of the application.