

Livingston woman vows to fight on against order by councillors to tear down fence

A Livingston woman has vowed to fight on against an order by councillors to tear down a fence she put up to protect her garden.

Dawn Gardner accused West Lothian Council's Development Management Committee of "bullying" behaviour, and of ignoring a decision by Scottish ministers, which agreed the land belonged to her.

Mrs Gardener partially won an appeal to the Scottish Government last year and had to retrospectively apply for new permission to keep the fence.

She told the Local Democracy Reporting Service that the fence had been put up to stop persistent dog fouling and littering over the area of land beside her home.

The corner site is in her title deeds, and she has to maintain it, as did the previous owner of the house in Waverley Crescent.

Before the fence was put up the land was frequently used as a shortcut by some, and the last straw for Mrs Gardner was seeing drunks urinating against a garden wall just feet from her back door.

Mrs Gardner paid thousands of pounds to have the area fenced off to create more privacy around her home. While most of the fence is low enough to be allowed as permitted development one section is just a few inches above the height permitted.

Council planning officers told a meeting of the DMC that, while they did not fully agree with the Scottish Government's Reporter's partial upholding of the appeal, they did recommend retrospective planning permission for the fence along with planning permission to build a double garage within the garden of the house be approved.

Eliburn Community Council complained last year about the enclosure of open space, and it reiterated that when Steve Egan appeared before the committee.

He said: "The community council's objection was to the loss of open space. Why have stated policies and not follow them. The officer's report is wholly silent on this."

An agent for Mrs Gardner said Mr Egan had an "unhealthy obsession" with the issue of open space around Mrs Gardner's home, adding she had fenced in land she owned to protect her home against criminal behaviour.

However, councillors did not not like the fence.

Councillor George Paul said "the quality of finish is very poor. I don't think it's very aesthetic to the area."

Councillor Pauline Stafford said: "It appears that the fence is in breach of planning legislation; the height of the fence detracts from the streetscape which most other properties have quite an open aspect."

Chairing the meeting, Councillor Tony Boyle said the fence was "really intrusive".

He added: "I note there are no objections from neighbouring householders but that's beside the point."

Having sought clarification from planning and legal officers, the DMC agreed to grant permission for the garage but refused permission for the fence.

After the meeting a furious Mrs Gardner told the LDRS: "A new appeal goes in tomorrow."

She added: "The councillors took no notice of what the Scottish ministers said. They didn't even listen to the planning officer."

Referring to the councillors she said: "They were making really personal remarks. Some of the comments were very personal. There's nothing wrong with the fence.

"I thought it was bullying. There was not one decision based on fact; it was all personal opinion they didn't even look at what the ministers said.

Mrs Gardner said she had the support of surrounding neighbours who have told her the fence is better than the unkempt open ground there previously.

As for the objection, "Eliburn Community council didn't even discuss it, it was never on their agenda," she added.

By Stuart Sommerville, Local Democracy Reporter