

[redacted]

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**From:** [redacted] [redacted]  
**Sent:** 01 May 2020 12:19  
**To:** [redacted]  
**Cc:** DPEA  
**Subject:** Re: ANA-400-2002 Comments Invited On Planning Authority Response  
**Attachments:** Response to WLC reply to Appeal ANA.pdf

Dear [redacted]  
[redacted]

Please find attached our response to WL Council's document regarding our Appeal.

Kindly confirm receipt and that it is in order.

Best wishes,

[redacted]

*For and on behalf of*  
[redacted]

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**From:** DPEA [redacted] @scot.gov.uk>  
**Reply to:** <[redacted] @scot.gov.uk>  
**Date:** Monday, 27 April 2020 at 18:00  
**To:** [redacted][redacted]  
**Subject:** ANA-400-2002 Comments Invited On Planning Authority Response

Sir/Madam,

Please find attached a document related to the case: ANA-400-2002 - Removal Of All Alleged Imported Garden Waste From The Site; Removal Of All Alleged Imported Branches From The Site; And Carry Out A Vegetation Cut Back To The Satisfaction Of The Planning Authority

Regards,

[redacted]



[Case Publication Website](#)

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[redacted]  
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[redacted]  
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1 May 2020

The Reporter  
Directorate for Planning & Environmental Appeals  
4 The Courtyard, Calendar Business Park  
Calendar Road  
Falkirk  
FK1 1XR

Dear Sir/Madam,

Please find below our response to WL Council's arguments. Below each point raised, we have embedded our response in red text, to avoid doubt.

We have also summarised our case at the end, for your perusal.

We apologise in advance for the extreme length of the document; however, we have had to make it this extensive in order to fully explain our plight.

Yours faithfully,

[redacted][redacted][redacted]

# Appeal ANA-400-2002

Land at Nevis Drive, Murieston, Livingston, West Lothian, EH54 9HH

Observations of West Lothian Council 4/21/2020



## Contents

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## 1. Introduction and Background

1.1 This statement is submitted in response to the grounds of appeal set out by [redacted][redacted] (the appellants) in respect of their appeal against the Amenity Notice served on the 27<sup>th</sup> February 2020, in relation to Land at Nevis Drive, Murieston, Livingston, EH54 9HH. The area of land identified in the plan attached to Amenity Notice was deemed by the Planning Authority to be adversely affecting the amenity of neighboring land and residential properties.

1.2 The site of this appeal is an area of scrub open space which is formally designated as open space in the West Lothian Local Development Plan. The site was once an area of planting designed as part of the residential estate, on completion of the estate Scottish Greenbelt took over ownership and management of the site. As with many other areas of open space in the county, Scottish Greenbelt then went on to sell this area of land to the appellants.

Prior to purchase, the site was a dense, overgrown "woodland strip" owned by Scottish Greenbelt, who were supposed to maintain it but who allowed it to deteriorate. Over a period of 9 years, WL Council was ineffective in getting Scottish Greenbelt to manage the site properly. There was a large tree trunk which had been abandoned on the site. This, together with the dense overgrowth made us worried that it would become a smoking and drug taking den for the local louts.

1.3 On purchasing this land, the appellants chose to remove all vegetation and trees from the site. This decision was undertaken by the appellants and was not requested or supported by the Council. Over time the site began to self-vegetate and the appellants did some work in trying to re-plant and manage the plot to some extent.

We did not remove ALL vegetation and trees from the site. We kept a lot of the trees and shrubs but reduced their heights. The plan was to hang bird boxes on their branches, fence the area with post and wire mesh fencing and plant a pleached hedge of cherry blossoms and a lower hedge of red and green dogwood. This would give year-round interest and would create a sanctuary for birds and insects. The reason for removal of the rest of the trees from the site was to thin out the overgrowth, because the site was very overgrown and untidy, as per email communication with the local councillor (See 2: Expense and Maintenance of the Land).

[redacted][redacted][redacted][redacted] of WLC Planning Department were aware of the work we intended to do regarding tidying up of the plot. Neither lodged any complaint regarding this.

We have only been able to manage it to “some extent” because of the following:

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]

[redacted][redacted][redacted][redacted][redacted][redacted][redacted]

- 2) [redacted] of [redacted][redacted] continues to pull out freshly planted stalks of shrubs which means that I have to redo all the work, halting any progress I can make further into the plot during the season.

1.1 The most recent complaints relating to this site and which led to the serving of an Amenity Notice date from June 2019. On visiting the site, it was noted that there had been garden waste and felled tree branches dumped on the site, and generally the site had become very overgrown with weeds and other vegetation. The complainers were also able to provide video evidence of a gentleman dumping this material on site

This plot of land is not supposed to be well-manicured as confirmed by WL Council in 2.6 below. It is a “woodland strip” as stated in the Title Deeds. This means that it should contain trees and wildflowers and weeds, which provide a habitat for wildlife.

Since the initial removal and cut back of trees in 2009, the plot has been regularly maintained 2/3 times a year depending on the weather, by coppicing the self-seeded trees. The soil is very poor due to the removal of the top layer during the decontamination process when dumped Edinburgh ash and chemical waste were removed from the area many years ago.

Garden waste is composed of prunings, grass clippings, autumnal clearance of dead vegetation and coppiced branches. Instead of being recycled and then brought back as compost, it is mixed into the soil once it has broken down, thus negating the use and waste of carbon footprints.

The tree surgeon, employed by WL Council to trim the conifers along the trail opposite the plot, dumped all the chippings onto the plot in a pile, **without our permission**. Furthermore, leaves and twigs fall from the trees surrounding the plot every year, too. WL Council have ignored our queries as to whether they will arrange to clear this, in the interest of fairness in this matter.

We also have video evidence of [redacted][redacted][redacted][redacted] [redacted] of [redacted][redacted] the suspected complainer, harassing the elderly gentleman while he placed the branches on the plot. [redacted] deliberately obstructed him, while he was carrying out our instructions to place the branches beyond the 2m boundary of the grass verge and on our land. If she had any problem with this, she should have called the Police rather than take matters into her own hands. We have heard, subsequently, that the Police interviewed the gentleman. The gentleman did not harass or push [redacted] – she deliberately put herself in that position and stumbled. According to our video evidence, she was the one at fault. This video evidence will be provided if it is required.

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted]

1.2 The Council initially wrote to the land owners to ask them to remove the imported garden waste and branches, and to request that they carry out a vegetation cut back. The owners refused to carry out the requested works and alleged that the Council was harassing them. The appellants have since gone through the internal complaints procedure and their complaint was confirmed to be unfounded and not upheld.

The Council insist on the vegetation being cut back when they are well aware that this is carried out 2/3 times a year.

I refuse to cut back the wildflowers as these encourage bees and other insects.

The vegetation has, indeed, been cut back twice since June 2019, during favourable weather. [redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted] The Council cannot give me such a short period of time (as stipulated in the Amenity Notice) to carry out the work when they are well aware that:

- 1) I do, indeed, carry out the work 2/3 times a year, weather permitting and that the work had already been done twice since June 2019;
- 2) The weather has to be conducive to working on the plot, which is dangerous to work on at the best of times, as the plot is covered with tree stumps and is quite uneven. This is why we had initially requested for it to be fenced. We will not be liable for anybody getting hurt when going on to the plot. [redacted] also tripped and fell when she went onto it while trying to film the gentleman laying down the dead hedging and then tried to accuse him of pushing her! We have video evidence of her harassing him.
- 3) The internal complaints procedure is biased, as it was carried out by someone from the same department, instead of by an independent party.

## 2. Response to appellants statement

2.1 The appellants have selected a number of reasons for appeal from their application form. The Council will address each of these points below and will then go on to address any other matters raised by the appellant within their statement.

### **(a) neither the amenity of any part of the planning authority's district nor that of any adjoining district has been adversely affected**

2.2 The Council does not agree with this ground for appeal. Having visited the site, it was found it to be in a generally untidy condition and not in keeping with the surrounding area. There was evidence of dumped material on the site although this had become partly hidden by extensive weed and wildflower growth on the site.

In our Appeal, we have provided pre-purchase and post-purchase photographic evidence to show the difference in the height of vegetation on the plot. Due to weather conditions, one cannot keep it maintained in pristine condition throughout the year – see 2.6 below. It is a wildflower site (woodland strip as per the Title Deeds), not a manicured garden. Furthermore, the definition of a weed is a wild plant growing in a place where it is not wanted. As long as it has flowers and it is not invasive, it should be allowed to grow on the plot, in order to encourage bees and other wildlife.

WL Council insist on the vegetation being “cut to death” and this draws attention to all the prunings, especially in winter, when the wildflowers die back. This is supposed to have been a woodland strip not a manicured garden ground. A woodland strip is synonymous with wildlife and wildflowers. I have tried to plant an attractive hedge consisting of a mixture of red and green dogwood, willow and hawthorn. However, we have video evidence of [redacted] pulling the freshly planted stalks and throwing them onto the plot, onto the pavement and grass verge and leaving some of them lying on top of the other planted stalks. Each stalk has to be cut and prepared for planting. I plant over 100 stalks each time, only to find my work has been destroyed. It takes me a long time to cut and prepare the stalks for planting. Due to the hard, sticky, clay soil, I then have to create a hole in order to plant each stalk.

On 29 April 2020, the following photographs were taken showing some of the stalks which have been pulled out.



[redacted] complained to the Council that the place was untidy after one of her many bouts of vandalism. The Council then contacted us to tidy up the plot. This ridiculous cycle is never-ending and has now become a standing joke with many people who use the Murieston Trail and stop to admire my hard work.

Our plot is a buffer strip like all other buffer strips in Murieston. The only differences are:

- 1) it is not fenced off like the other buffer strips and WL Council will not allow us to fence it off. WL Council cannot provide evidence of planning approval of fencing off on the other buffer strips – please see Page 9 of the Appeal for photographic proof;
- 2) our plot is regularly maintained compared to the other buffer strips – no other buffer strip owner is being “bullied” into maintain their land;
- 3) our plot has three open sides compared to other buffer strips which tend to be a strip of land in between fenced properties and have just two fenced ends – this makes them sealed and not “public open spaces”, which they should be.

Therefore, our plot is ideal for building on, for the following reasons:

- 1) to enhance the visual amenity of the area – being in its current state of a wildflower plot, vegetation is not in flower throughout the year and the site is less visually appealing during the winter months. If houses are built on the plot, this would result in well-manicured gardens being created instead;
- 2) to put an end to the endless cycle of complaints to WL Council from the [redacted] envious households and communication from WL Council to us;
- 3) because it is bordered by a road (Murieston Mews/Nevis Drive) rather than houses, it makes very little sense being a buffer zone, as the road serves this purpose.
- 4) Currently there is a danger that Travellers could use it as a camp due to WL Council’s unreasonable condition in the Amenity Notice and previous communications to keep all the vegetation cut back, despite regular maintenance;
- 5) [redacted][redacted][redacted] As I grow older, maintaining this plot on my own will become more difficult. I am unable to employ anyone to work on the plot [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted] [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted] [redacted][redacted][redacted][redacted][redacted][redacted] [redacted] harassed him, too. Each time I plant stalks, they get vandalized. This means that I have to go over the same work over and over again, reducing the time I have during the season, to make much progress further into the plot.

2.3 On the numerous visits to the site also it was also noted that the section of this site which is opposite to the appellants property on Nevis Drive was found to be in a much better condition to that of the area of the site furthest from the appellants property. Photograph 1 below is the section of site opposite the appellants property. Photograph 2 is the section of the site furthest away from the appellants property.

I call into question “numerous visits to the site”. If WL Council had, indeed, made “numerous visits to the site”, they would have noted that the site had been regularly maintained since the letter of June 2019.

The photographs shown below are biased and unfair. They do not reflect the true picture, namely that the untidy area depicted in the second photograph is

the grass verge, maintenance of which is the responsibility of WL Council. Why are all grass verges in Murieston being maintained by WL Council except this particular one? Furthermore, the kerbside is covered in weeds when the kerbsides in the rest of Murieston are all weed free. I have weeded the kerbsides along and opposite my house boundary but refuse to do the rest as it is not my responsibility. I believe this is partly what I pay Council Tax for.



1<sup>st</sup> photograph: WLC are supposed to maintain the grass verge. They do not and I have had to maintain it to the best of my ability. I do not have the strength to maintain the whole strip, though.

2<sup>nd</sup> photograph: This photograph mainly shows the untidy grass verge which should be being maintained by WL Council. The brown leaves on the dead hedging have already decomposed and are no longer visible today. Therefore, in the second photograph, WL Council have highlighted their own mess which they are responsible for. It is this unsightly mess which is causing a negative impact on the visual amenity of the area. Are WL Council deliberately not maintaining this grass verge and kerb in order to create the impression that our pot is unsightly?

We draw your attention to the following:

**MURIESTON COMMUNITY COUNCIL MINUTES OF MEETING ON 13 FEBRUARY 2020**

***“14. Any Other Business: [redacted][redacted] noted that grass verges generally needed cutting.”***

In the interest of fairness, both photographs above should have been taken at approximately the same height/angle, rather than portray the land in such an overgrown state as shown in the second photograph. This second photograph further proves that it is, indeed, the grass verge, which is the untidy bit. The grass verge was adopted by WL Council and is their responsibility to maintain. Furthermore, the grass verge is not included in the plot drawing forming part of the Amenity Notice, therefore, it does not form part of instructions of the Amenity Notice.

The photographs below, taken on 29 April 2020, give one a better idea:

Uncut, untidy grass verge



Verge cut with a push mower



Unkempt, kerb and verge



Weeded, tidy kerb



The reason why the area opposite my driveway is better maintained is because [redacted] is not able to destroy it, as she would be in full view of my windows and she is aware of the presence of CCTV cameras in operation. I have tried to plant shrubs all along this side of the plot as well as the side bordering Murieston Valley. However, [redacted] keeps uprooting them and leaving them on top of the rest of the planting or throws them onto the pavement/grass verge or further onto the plot. I have evidence of this on film as well. I have advised WL Council of this and was told to contact the Police. The Police have spoken to [redacted] to no effect. She was charged and taken to Court but was let off on a first offence. [redacted] has let it be known to us that as her husband is a Freemason, nothing will happen to her and that the Policeman [redacted] who charged her had been punished by being placed on Court duties and would no longer have the opportunity to earn overtime.

I draw your attention to page 19 of my Appeal, where I wrote the following:

*“[redacted] “network” has informed us that she is carrying out a process of alienation against us. We have noticed that anyone seen chatting with us stops talking to us shortly after. We have also been informed that if this does not work, a fire may be started on our property. “*

I now confirm that there was an arson attack on the plot on Tuesday, 21 April 2020 just before midnight. The Fire Service were called to put out the fire on the edge bordering the Murieston Trail. **We are not sure what more WL Council require to take this matter seriously.** If it had not been for prompt action from the neighbours at Murieston Tower House and the Fire Service, it could have burned down a property in Roy Drive. There is dead wood all over Murieston, not just on the plot. The reason I had to place dead wood against the fence was to prevent children from bouncing on the loose and damaged wires of the WL Council owned fences. I had requested WL Council Planning Department on several occasions to repair the fence and that it had become a Health and Safety Hazard after a tree had fallen on it. Both fences are damaged

and should be repaired as a matter of urgency. We were also informed that if the fire did not make us leave, there would be death threats issued to us. Should anything happen to us, West Lothian Council will be held responsible.

There are certain individuals in this area who have become a law unto themselves and are resorting to vigilante activities.

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted]

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted]

The Council are wasting taxpayers' money on unnecessary involvement in a matter involving a vindictive vandal and two people who purchased the plot of land to beautify it and encourage wildlife for the enjoyment of everyone, without asking for payment.

Perhaps [redacted] does not understand that not everyone in the world is selfish and that there are some who like to share what they have, be it material objects or time and effort. Unfortunately, [redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted] I have to do all the work myself.  
[redacted][redacted][redacted] I am unable to operate or handle heavy tools like chainsaws and have to rely on portable hand tools, which makes working on the plot extremely difficult.

**(b) the steps required by the notice to be taken exceed what is necessary to remedy any such adverse effect.**

2.4 The Council does not consider the steps within the Amenity Notice to exceed what is necessary to remedy the adverse effect of the site.

The Amenity Notice required the work to be done by 28 March, during inclement weather. The ground was either sodden or frozen during most of March and working on it was a Health and Safety Hazard. Nobody works on land in adverse conditions. [redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted] s mentioned in the Appeal as well as above, the plot gets maintained 2/3 times each year, when the weather is favourable. If it gets too wet, the soil gets sticky and slippery; if it gets too dry, the ground becomes hard and impossible to weed or dig. I reiterate, this is supposed to be a wildflower plot, not a well-manicured garden.

2.5 The steps within the Notice are considered by the Council to be fair and reasonable. The owners should not be importing tree branches or garden waste

onto this land, or allowing any other third party to dump any waste. It is reasonable and proportionate to ask for these branches and waste to be removed from the site.

I can confirm that all waste on the plot is of a vegetative nature. The soil is in very bad condition due to the decontamination that took place all over Murieston. As a result, the topsoil, containing dumped ash and chemical waste from Edinburgh, was removed, leaving behind almost solid clay. The plot has very sticky, heavy, muddy clay when it is wet, which then goes hard, and dusty when it is dry. When the vegetation, garden waste and tree branches decompose with the help of microorganisms, they create a layer of humus which is nutritionally dense and changes the composition of the clay soil, making it friable and much easier to work with. Some of the dead hedge (composed of tree branches, vegetation and garden waste) has already decomposed and has started creating a crumbly layer. I have planted stalks behind this dead hedge, in order to protect them from being vandalised by [redacted] [redacted] By the time the branches have decomposed completely, the stalks should have rooted and grown into bushes, helped by the increased nutrients from the decayed dead hedge, making the area attractive. The planting is a mix of red and green dogwood, willow and hawthorn, all of which will provide an attractive display of variegated leaves in summer and lovely red and green bare stems in winter.

2.6 The site is also very overgrown, and while the Council does not expect the site to have the appearance of a well-manicured garden, it does expect that the owner will carry out the required maintenance to ensure the site does not impact on the amenity of the area.

Prior to purchase of the plot, the vegetation was at least 10m high. Today, apart from the willow saplings, the average height is less than 1.5m, so how can it be overgrown? Maintenance work has been carried out 2/3 times a year since purchase in 2009. WL Council have already been advised that I cannot employ anybody to work on the plot [redacted][redacted][redacted][redacted][redacted] [redacted][redacted][redacted][redacted][redacted] . I am not strong enough to use large power equipment and have to make do with portable hand tools which makes the work extremely laborious. [redacted][redacted][redacted] I can only work on the plot [redacted][redacted] when the weather conditions are conducive to doing so [redacted][redacted] As I grow older, maintaining this plot on my own will become more difficult.

**(c) the specified period for compliance with the notice falls short of what should reasonably be allowed**

2.7 As noted within the Introduction and Background to this case, the Council first approached the appellants regarding the most recent enforcement case regarding this site in June 2019. A letter was sent to the appellants in June 2019 which set out the Councils requirements in terms of what works were needed to improve the amenity of the site. The appellants refused to carry out the works stated within the letter which was to remove all imported garden waste and branches. We are now over nine months from the date of this original

request and the Council has not seen any evidence of any of the imported waste or branches being removed from this site. The Council therefore believe that they have acted reasonable and proportionate in its timescales for enforcement and the compliance periods given. The Council would encourage the appellants to seek assistance from the gentleman who dumped this waste, to come and help remove it from this land.

The Council insist on the vegetation being cut back when they are well aware that this is carried out 2/3 times a year. I refuse to cut back the wildflowers as these encourage bees and other insects. The vegetation has, indeed, been cut back **twice since June 2019**, during favourable weather. [redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted]

The Council cannot give me a short period of time to carry out the work when they are well aware that:

- 1) I do, indeed, carry out the work 2/3 times a year, weather permitting;
- 2) The weather has to be conducive to working on the plot, which is dangerous at the best of times, as the plot is covered in tree stumps and is quite uneven. This is why we had originally requested for it to be fenced. We will not be liable for anybody getting hurt when going on to the plot. [redacted] also tripped and fell when she went onto the plot while trying to film the gentleman laying down the dead hedging and then tried to accuse him of pushing her! We have video evidence of her harassing him.

I have explained about “dead hedging” in my Appeal (Pages 60-62):

- 1) it allows the vegetation to break down and enrich the soil without a carbon footprint cost.
- 2) It provides a haven for insects and birds.
- 3) It prevents dogs from defecating on the plot. We have video evidence of [redacted] training her dog to do so at about 11pm, when few people are out and about to witness her deeds.
- 4) The dead hedging has also prevented litter being blown onto the plot and
- 5) protected some stalks from being vandalised by [redacted]. Hopefully, they will take root and grow into bushes, replacing the dead hedging which will have decomposed and enriched the sticky, clay soil.

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted]

This further confirms our long-term suffering at the hands of [redacted],  
[redacted][redacted][redacted][redacted]

**(d) the condition of the land is attributable to, and such as results in the ordinary course of events from, a continuing lawful use of the land or from continuing lawful operations carried out thereon**

2.8 The Council does not consider an unlawful change of use of land has occurred, therefore we are unsure why this ground of appeal has been selected. The Council would however at this point, comment that if the appellants were to fence off this area to prevent other members of the public from entering it, then the Council would consider this to be a change of use from open space to private land. The Council would further comment, that this area of land, is not considered to be garden ground or curtilage of the appellants property and as such they have no householder permitted development rights for this land.

This is, indeed, **private land** as we have purchased it bona-fide and we hold the title deeds in our names, rather than it being owned by the Council or another public body.

The reasons for fencing the plot were several-fold:

- a) To prevent litter from blowing onto the plot;
- b) To prevent dogs from defecating on the plot – [redacted] had trained her dog to do so and we have video evidence of this. Furthermore, the dog defecated on the plot, in my presence, when it was out for a walk with her husband, [redacted] He did not pick up the faeces;
- c) To prevent dogs from disturbing nesting birds in the bird houses we were planning to place all over the plot;
- d) To prevent theft and vandalism of the shrubs;
- e) To prevent Travellers from camping on the plot.

However, it has been mutually agreed with the Planning Enforcement Officer that fencing the plot is no longer a viable option, as this matter will never be resolved, as long as the plot remains as its current designation of an open space. This is why we are seeking Outline Planning Permission for 3 houses. Once they are built and inhabited, with well-manicured gardens, peace should hopefully be restored.

2.9 The appellants further written appeal statement is very lengthy; however, I have picked out the other key matters noted within the appeal statement and will respond to them individually below:

WL Council have no right to pick and choose “key matters” which they believe will best win their case. This is a formal process and we have stipulated in our Appeal, that in order to look at this case objectively, the whole of the sum of its parts must be addressed. There are no “key matters” in this case as all issues are relevant and pertinent to the case, whether or not WL Council think them to be trivial. WL Council does not have the right to dismiss aspects as irrelevant. It is this arrogant attitude of theirs which has resulted in the constant communication over the years, where they have ignored what we have had to say, and which has resulted in this case reaching this far. Instead of paying lip service to [redacted] WL Council should have looked at the case impartially from the very beginning. They would have realized that all this is just the result of envy and jealousy from a person who probably has nothing better to do with her life and wants to take it out on people who do.

According to Human Psychology, people crave attention. Those who cannot get a positive stroke, e.g. praise or acknowledgement, look for a negative stroke such as punishment or confrontations, e.g. arguments, vandalism, etc. A negative stroke is considered to be better than no stroke at all. We do not acknowledge [redacted][redacted][redacted] , [redacted][redacted][redacted]

[redacted] Therefore, they get no positive strokes from us. Their human nature makes them look for the alternative – a negative stroke - as it is better than no stroke at all. This is why we have had this trouble all these years. The fact that we keep ourselves to ourselves and are trying to make the area better for everyone rather than just ourselves, does not seem to sit well within their psyche.

The Appeal is lengthy because we have been bullied by [redacted][redacted] [redacted] Mrs [redacted] of [redacted][redacted] [redacted][redacted] [redacted][redacted] for about 20 years, with the attacks intensifying over the last 10 years, after purchasing the plot.

The detail in the Appeal helps one to understand the reasons behind the issuing of the Amenity Notice and why it has reached this stage, even though the plot is maintained on a regular basis, albeit in favourable weather conditions.

Although the Council have been informed of this regular maintenance and the fact that [redacted] vandalises my hard work and then calls the Council to complain, they seem to continue to condone her destructive behaviour. Had the Council intervened properly a long time ago, we would not have had such an escalation of this matter or this negative behaviour. WL Council have only served to fuel this hatred. Have WL Council deliberately stopped maintaining this grass verge so that the overall appearance of the plot seems far worse than it really is? It is a coincidence that we received the first letter a few months after the maintenance of the grass verge ceased. Perhaps the complainer is under the misapprehension that I am responsible for the grass verge, hence the abusive attitude towards the elderly gentleman and the subsequent complaint?

The plot contains natural vegetation, the appearance of which is controlled by the weather and seasonal variations. The appearance is not static. Therefore, one must accept variations in the visual amenity at different times of the year. Alternatively, if houses were built on the plot, the owners would maintain their gardens in a more manicured form and enhance the visual amenity of the whole area.

## **1. Harassment and Anti-social behaviour.**

2.10 The appeal statement makes extensive reference to relationships with other residents and claims of assault, racially motivated abuse and the involvement of the Courts and Police Scotland. These are not matters in which Planning Enforcement can become involved in, and the Council would comment that these cannot be considered within the remit of this appeal. These matters as previously advised should be reported to Police Scotland. The appellants may also wish to seek separate legal advice on these matters.

In order to understand what is going on and why the Amenity Notice has been issued, one has to understand the underlying issues.

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]

[redacted] pulls up freshly planted stalks and throws them on the pavement or on the plot. She then calls the Council to complain that the plot is untidy. Each time I have to keep going back to redo work. This prevents me from progressing. [redacted] then complains again to the Council when it is she all along who has created the delay in the work. The Council, on the other hand, do not mind having their time wasted – they send out Amenity Notices at the wrong time of the year, send out letters but do not follow up to ensure that the work is done, then send out more letters when the weather has turned. In 2.6, the Council confirm that “*the Council does not expect the site to have the appearance of a well-manicured garden*”, then what am I supposed to do?

I cannot cut back the vegetation any lower than I am, 2/3 times a year. The plot is a wildflower meadow rather than a formal garden; therefore, weeds and wildflowers are supposed to be growing there. I regularly maintain the plot with hand tools as I cannot use a chainsaw.

I cannot employ anyone to work on the plot [redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted]

When I prepare and plant stalks of dogwood, hawthorn and willow, [redacted] lifts them and tosses them onto the plot or leaves them on top of the other stalks, rendering them useless, when they dry up, as they are no longer viable for replanting. This means that I have to go over the same work over and over again, reducing the time I have during the season, to make much progress further into the plot.

I have reported the arson attack which took place on the plot on 21 April 2020 to the Police. [redacted][redacted][redacted][redacted][redacted] I am still awaiting receipt of a call from the local Police team, 10 days after the fire.

Sadly, we no longer have faith in the Police or the Judicial system as a result of everything that has happened over the years.

## 2. Expense & Maintenance of the Land.

2.11 On purchasing the land, the appellants took over the maintenance and management responsibilities of the land.

2.12 The appellants were well aware of the responsibilities of the land owner to maintain the site, they previously complained about a lack of maintenance by

the previous owner Greenbelt Scotland. In addition, the Council would comment that the appellants were well aware of their responsibilities as they had been advised by a local Councillor in the email dated 11/09/09 of the requirements.

When we purchased the plot, the plan was to hang bird boxes on the tree branches, fence the area with post and wire mesh fencing and plant a tall pleached hedge of cherry blossoms and a lower hedge of red and green dogwood, in order to create a wildlife sanctuary. The cherry blossoms would provide colourful flowers in springtime and then the dogwoods would provide a mixture of variegated and green leaves during the summer. During the winter season, the bare stems would provide red and green colour.

We did not remove ALL vegetation and trees from the site. We kept a lot of the trees and shrubs but reduced their heights. The reason for removal of the rest of the trees from the site was to thin out the overgrowth, because the site was very overgrown and untidy, as per email communication with the local councillor (See 2: Expense and Maintenance of the Land).

Since then, we have maintained the plot on a regular basis, 2/3 times a year. All other buffer zones along Murieston Valley have had absolutely no maintenance at all for the last 20 years since we have lived in the area. In his response to me on 10 August 2005, the local councillor said, "...but I am endeavouring not only to resolve problems with the particular site near your house but the other sites in the valley as well." Almost **15 years on, none of the other sites in the valley has been tidied, yet we are pursued constantly by WL Council. They then deny any discrimination in their actions, when we complain!**

2.13 As Noted within Appendix 1 of the appellants appeal statements, they wrote to a local councillor on the 08/08/05 complaining about the overgrowth of the vegetation on site and that other residents were dumping garden waste of site. These are the two very reasons why the Council are now taking enforcement action against the current appellant. It is unclear why the appellant now feels that these two matters are acceptable and that the site is now in an acceptable condition.

#### 1) Overgrowth and Maintenance:

Between 2000 and 2009, the plot was in a very overgrown state (see photographs below) and nothing was done by the Council to enforce a tidy up or regular maintenance. Prior to purchase of the plot, the vegetation was at least 10m high.



From 2000 – 2009, **neither WL Council nor the neighbours bullied Scottish Greenbelt into properly maintaining the plot.**

From 2009 – present, **we have been bullied continuously!**

Does WL Council think it is acceptable to have turned a blind eye on the inactivity of Scottish Greenbelt for 9 years, just because they were a corporate body, yet believe that it is okay to bully us incessantly, despite our carrying out regular maintenance, just because we are two individuals, [redacted]  
[redacted]

Currently, apart from the willow saplings, the average height is less than 1.5m as shown in the photograph below, taken on 2 March 2020. The vegetation on the plot has since been cut down even further.

Please note the untidy, unmaintained state of the grass verge.

Please also note the height of the vegetation which does not even reach halfway up [redacted][redacted][redacted] red front fence (The fence borders the plot on the right-hand side of the photograph below).



Between 2009 (after we purchased the plot) and today, the plot has been regularly maintained with the bushes coppiced 2/3 times a year at our own cost. It is not a formal garden; it is a wildflower garden. What one considers a weed is actually a wildflower.

2) Dumping garden waste on the site:

We do not know what some of the residents were dumping on the site. The tree log I complained about to the local councillor, was large enough to suffice as a bench and we were concerned that it would attract local louts who would use the plot as a meeting place, potentially creating a night-time den for drinking and drug-taking amongst the tall trees. The garden waste, while decomposing, provides shelter for birds and is a haven for insects. Once rotted, it is mixed into the clay soil in order to improve it. There is no carbon footprint cost when nourishing the soil in this manner and it encourages wildlife activity. Therefore, we consider this constant communication from WLC Planning Department a form of harassment, and it could be construed as condoning the actions or even aiding and abetting the actions of the envious neighbours at taxpayers' expense.

We have requested WL Council Planning Department to consult with the WL Council Chief Arborist regarding this; however, they have ignored this request.

There is a difference between "dumping garden waste in a pile and abandoning it" and "dumping garden waste and then working it into the soil after it has decomposed".

If it was wrong to dump garden waste, why did the Council allow the tree surgeon (employed by the Council), who was tidying up the conifers on the Trail to dump all the chippings onto the plot in a pile? Why does the Council not collect all the fallen leaves and twigs which fall onto the plot from the surrounding trees? Surely this is also a form of garden waste?

### 3. Other sites within Murieston.

2.14 The Council in previous correspondence has advised the appellants that should they have concerns over other sites within West Lothian, they should complete the planning enforcement complaint form and the team will investigate each complaint received.

2.15 To date, the Council has not received any planning enforcement complaints regarding other sites in Murieston from the appellants.

We do not understand why a special form has to be completed when a simple email will suffice. All the other departments in WL Council as well as other Councils elsewhere accept email notifications. Therefore, we do not understand the unnecessary bureaucracy around drawing your attention to other sites and our request to be treated **fairly** rather than constantly being picked upon and singled out. We have even warned you of the presence of Japanese knotweed in Castle Lane, which spreads very quickly.

The Planning Enforcement Complaint Form requires an address including a postcode. The following do not have postcodes and I have given as much information as I have been able to and all are located in Murieston, EH54:

- 1) Condition of similar strips of land along Murieston Valley and Murieston Road;
- 2) Overgrown plants and hedging along footpaths on Murieston Valley and Murieston Road;
- 3) Overgrown hedging along Murieston Trail;
- 4) Muddy sections on the Murieston Trail;
- 5) Potholes and uneven road surfaces especially the deteriorating rumble strips on Murieston Valley and Bellsquarry Road South, which should be removed, as they do nothing to slow down traffic;
- 6) Absence of the motorised sweeper which was used to clean the kerbs along Murieston Mews/Nevis Drive – the kerbs are covered in weeds except for where I remove them;
- 7) Requirement of salt containers at two points in Nevis Drive – preferably outside 6 Nevis Drive and on the corner outside 2 Nevis Drive – this would be a great help when I clear the snow off the pavements each Winter. So far, I have had to purchase the salt out of my own funds. The road into Nevis Drive is of monobloc construction and gets very slippery when the snow turns to ice;
- 8) Requirement of wooden bollards on the Murieston Trail, either side of the entrance to Murieston Mews – quite a few vehicles are being sent onto the Trail by their GPS systems and a bollard would prevent this. The previous bollards were removed by vandals and left to one side;
- 9) Broken post and wire fencing on Murieston Trail behind the houses from 8 Nevis Drive all along to the houses behind Roy Drive. In m a previous letter, I brought your attention to the fact that the state of this fence is a **Health and Safety issue** – why has it not been fixed by the owners of the tree that fell? I am given to believe that the tree was on council owned land which means WL Council is liable. It has been further damaged by the arson attack on 21 April 2020.

#### 4. Requests for meetings

2.16 On serving the Amenity Notice on the appellants, the Council received a further request for a site meeting from the appellants in which they wanted to discuss the Notice and visit others sites within West Lothian.

2.17 The Council responded to this complaint, and advise the appellants that as the Notice had been served, if they disagreed with the Councils position then they should appeal the Notice. They were also then advised to report any other sites which they had concerns over via the planning enforcement complaint form.

Please see point made in 3, 2.15 above. Surely a meeting to discuss this matter would have saved a lot of time, effort and money and may have been resolved without it being escalated?

The WL Council Planning Enforcement Complaints Form requires the same information that I have given. It also requires addresses and postcodes which are irrelevant for my information as the information concerns general locations, e.g. Murieston Valley/Road, Bellsquarry South Road, Murieston Trail, etc. If it is not relevant to their department, they should be passing on this information to the relevant departments.

#### 5. Ownership of Land.

2.18 The Council does not dispute ownership of the land. The Council carried out a land ownership enquiry prior to serving the Amenity Notice, and it was found that the appellants are the land owners.

2.19 Owning the land however does not allow the appellants to privatise the use without the need for planning permission. The land is designated as open space in the West Lothian Local Development Plan and therefore it should remain unfenced and be accessible to the public.

We are not privatising it. We are maintaining it and increasing the fertility, thereby improving the condition of the soil and attracting wildlife. The plot was extremely overgrown when we purchased it, which is why we had to cut down some of the trees. The others are coppiced regularly, 2/3 times a year. However, WL Council now wish them to be cut down even further. This then exposes all the undergrowth and creates a negative visual impact.

What are the public going to do on the land, when it is a Health and Safety Hazard due to the presence of all the tree stumps and the uneven ground? There is a playground and cricket pitch a very short distance away. Why should this be accessible to the public? Why have the other amenity strips been fenced off, apparently without planning permission, and are not accessible to the public? Why just this plot? WL Council have glossed over this question and continue to discriminate.

Why should we have to apply for planning application to fence it when other plots have been fenced with no evidence of planning applications being granted?

This is yet more proof of discrimination, unless the Council can provide proof of the planning applications that were granted for the other fenced plots of land in the area.

The plot is in private ownership. Therefore, it is private open land. Any person who steps onto it does so at their own risk. We will not be liable for any mishap.

## 6. Travellers.

2.20 The appellants refer to the land possibly attracting the travelling community, and them using the land without permission to site their caravans. The Council disputes this claim, and would comment that most residential developments within the county have areas of open space and these are not utilised by the travelling community to set up unauthorised encampments.

We have seen, on numerous occasions “shady individuals” observing the plot, as mentioned in our Appeal (Pages 7, 12, 24, 50 and 57).

Why was the matter of Travellers discussed at the Murieston Community meeting held on 14 September 2017, in our presence, unless this had been a matter worthy of important discussion?

On numerous occasions, Traveller encampments have been seen on Brucefield Industrial Estate and Kirkton Campus. These are not designated Traveller sites; therefore, this is proof that WL Council’s argument is baseless.

2.21 In addition, the Council would comment that the Notice is not requiring the site to be cleared of all vegetation, instead a cut back to improve the visual appearance of the site. Carrying out a vegetation cut back will not allow the site to become accessible to vehicles.

The bushes are regularly coppiced 2/3 times a year, weather permitting. Apart from one cluster of willows, the current height of the vegetation does not exceed 1.5 metres. What height does WL Council want it to be cut back to? However much it is tidied, in winter, everywhere looks unsightly.

It is painfully obvious that it is the unsightly grass verge which requires to be tidied and maintained on a regular basis and the kerbsides weeded regularly by WL Council, as per the photographs below.



2.22 The Council will also not responsibility for the site if it is utilised by the travelling community as an unauthorised encampment. The land owners would be responsible.

This is why it needs to be built upon.

WL Council are constantly demanding that the vegetation is cut back, despite regular maintenance. We no longer know how low they want us to cut it down to. Furthermore, removal of vegetation and cut branches will clear the land too much and attract Travellers, who would be attracted as a direct result of WL Council's Amenity Notice requirements. Surely this means that WL Council would be responsible for removal and clearance and returning back to original state of the plot? Why should we be responsible for Travellers camping on it if WL Council are insisting on the site being cleared?

## 7. Council can carry out required works.

2.23 The Council will only consider carrying out the required works where the appeal is dismissed and the owners fail to carry out the required works within the timescales stated within the Amenity Notice.

The time scale (28 March 2020) stated within the Amenity Notice has passed. Within the last few weeks, as the weather has improved, I have tidied part of the plot and have begun coppicing the bushes and saplings as part of my bi-annual tidy up. I have had to cut the grass on the grass verge despite this being the responsibility of the Council. Kindly arrange for the full length of the grass verge to be maintained as it is extremely hard work cutting it with a push mower. My other mower is a ride-on and the verge is extremely bumpy, rendering it dangerous and damaging to the ride on mower to use it on this strip.

2.24 These works would be carried out in line with section 135 Of the Town and Country Planning (Scotland) Act 1997, therefore the associated costs with carrying out the works would be recovered from the land owner.

We believe that it is unfair to be charged for something when we are already trying our best to maintain it with limited resources. We cannot employ anyone to work on the plot [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted] and cannot operate large petrol driven machinery. I have to rely on hand tools which is physically exhausting. The plot is quite large (0.65 acres) and it takes me a week each time, just to coppice the trees and about a week to recover from the exhaustion. We cannot let the trees grow too tall. This is because of the location of the site. It is open on three sides and this was the initial reason for lowering the height of the trees and cutting down some of them – we were concerned that the local louts would create a den amongst the trees, for drinking and drug taking. If we cut the vegetation too low, it becomes a defecation ground for certain dogs. It could also attract Travellers. The best thing to do with this plot is to allow it to be built upon.

## **8. Request for Planning Permission in Principle to be Granted.**

2.25 There is no remit within this appeal to grant planning permission for any development on this site.

We have already been advised by a Planning Enforcement Officer, and we concur, that fencing the plot will make matters worse rather than resolving the issue at hand. Once the plot is sold and built on, [redacted] households will no longer be envious of the fact that we own it. Furthermore, they will have nothing to complain about and hopefully, peace will be restored to the area.

2.26 The appellants previously submitted a pre-application enquiry for development on this site, however they have not followed this up with a planning application. Should they make a planning application for residential development on this site, it is unlikely to be supported for the reasons set out in the pre-application response however they would then have the right to appeal this determination.

In our Appeal, we have refuted the objections raised in the Pre-Application Response. In addition, we have provided alternative plans for just three houses.

However, from the content of point 2.26, it is clearly obvious that WL Council have not studied the Appeal in any great detail. If they had, they would have realized that we have proved that most of the objections to the pre-planning application were irrelevant. We even provided an alternative plan of 3 houses, albeit with graphical representation rather than an architect's drawings, which could be provided if required.

We believe that building on this plot is the only way forward as fencing the plot will make matters worse, as mentioned previously.

We request planning permission to build on our plot for the following reasons:

- 1) to enhance the visual amenity of the area – in its current state of a wildflower plot, vegetation is not in flower throughout the year and the site is less visually appealing during the winter months. If houses are built on the plot, this would result in “well-manicured gardens” being created instead;
- 2) to put an end to the endless cycle of complaints to WL Council from the [redacted] envious households and communication from WL Council to us, thus saving everyone’s time and effort and taxpayers’ money from being wasted;
- 3) because one of the long sides of the plot is bordered by a road (Murieston Mews/Nevis Drive) rather than houses, it makes very little sense in the plot being a buffer zone, as the road already serves this purpose;
- 4) Currently there is a danger that Travellers could use it as a camp due to WL Council’s unreasonable condition in the Amenity Notice and previous communications to keep all the vegetation cut back, despite regular maintenance;
- 5) [redacted][redacted][redacted] As I grow older, maintaining this plot on my own will become more difficult. I am unable to employ anyone to work on the plot [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted] [redacted][redacted][redacted] Each time I plant stalks, they get vandalized. This means that I have to go over the same work over and over again, reducing the time I have during the season, to make much progress further into the plot.

## 9. Compensation

2.27 As noted previously, the appellants have exhausted the Councils complaint procedure with accusations of harassment and unfair treatment by Council officers. The complaints were not upheld.

The complaint was dealt with internally instead of being investigated by an independent party. This puts pressure on colleagues who do not want to end up in a position like ours, where you get targeted if you stand up to bullies. Hence the outcome of the complaint.

It is quite clear that there has been discrimination on the part of WL Council.

- 1) No other amenity strip owner has been harassed by WL Council to tidy up their plot;
- 2) Other amenity strips have been fenced off, despite being “public open spaces”;
- 3) No other amenity strip owner tidies up their plot regularly.

2.28 The appellants purchased the land and therefore took over all responsibilities for it, including management, maintenance and all associated costs. The Council does not accept that there should be any compensation to the appellants as they have failed to comply with the requests of Council officers on numerous occasions which has led to an Amenity Notice having to be served.

We would like to know if we are the only owners of land in the whole of Murieston being asked, repeatedly, to cut back the vegetation “to death”. Who

else, in the interest of fairness, has been issued with an Amenity Notice? I have drawn your attention to various other sites in my Appeal.

The only request we have failed to comply with is the removal of the tree branches and garden waste. These are in the process of decay and will enrich the poor quality soil layer left after all the top soil containing dumped ash and chemical waste from Edinburgh was removed.

We are asking for compensation for all the harassment from the Council. Sending us never-ending letters when the work cannot just be done on a whim or fancy. It is not the same as flicking a switch - there are certain weather conditions one must wait for, before embarking on a tidy up of the plot.

- 1) One cannot go onto it when it is wet and muddy as the sticky, slippery clay soil is hazardous.
- 2) When it is too cold, the soil is frozen and unworkable.
- 3) When it is too dry, the ground gets hard, dry and dusty and cannot be weeded or worked. (This is why other vegetation is required to rot in situ, in order to enrich the soil and make it more workable).
- 4) Cutting the vegetation in full leaf, results in brown leaves being visible once the vegetation starts to decompose, impacting on the visual amenity. Unfortunately, this needs to be done, in order to maintain the height of the vegetation.
- 5) The best time to work on the plot is just before the sap has risen and weather conditions are fine, not when WL Council, at the insistence of [redacted], think it is time to cut back the vegetation. Once leaves have fallen in the autumn, and weather conditions permit, the vegetation can be worked into the soil and allow the rain and frosts to aid in the enrichment process.

I have already begun my first tidy up session for this year and carried out two sessions between June and October 2019. [redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted]

### 3. Conclusion

3.1 The Council has previously used its discretion with this site, and chose not to take any formal enforcement action due to the efforts of the appellants to carry out some maintenance. However, since using that discretion, the appellants have allowed a third party to dump branches and garden waste onto the site and has allowed the site appearance to worsen.

I had tried planting stalks along two sides of the plot. Unfortunately, [redacted] [redacted] kept vandalising them and then complaining to the Council that the plot was untidy. I did not have enough garden waste to rot down, in order to plant the stalks in large enough numbers, so that some would escape her notice and start rooting. When the opportunity presented itself, I grabbed it. The cut branches were placed on the plot, inside the 2m boundary, interlocked, to

create a “dead hedge”. As the branches are rotting down, they provide a barrier to protect the newly planted stalks from [redacted] Furthermore, as the branches decompose, they will enrich the soil, enabling the stalks to grow into large bushes. I have planted a mix of red and green dogwood, which should have attractive, variegated leaves in summer and beautiful red and green bare stems in winter, as well as willow and hawthorn. By the time the dead hedging has decomposed, the stalks should have taken root and grown into bushes. [redacted] has only complained because the dead hedging has thwarted her efforts to destroy my work and she can no longer get her dog to defecate on the plot.

**3.2** The site is now deemed to be having a negative impact on the visual and residential amenity of the surrounding area. The Council therefore respectfully requests that the appeal is dismissed and the Amenity Notice requiring the removal of all imported garden waste and branches are removed from the site and a vegetation cut back is carried out, is upheld.

The negative impact on the visual and residential amenity of the surrounding area is due to:

- 1) the over-cutting of the vegetation at the over-insistence of the Council. If the vegetation was allowed to grow, it would look like the wildflower woodland strip that it is supposed to be. What about other fenced areas in Murieston? Why are they not being cut down? They, too, have a negative impact on the visual and residential amenity of the surrounding area;
- 2) the vandalism by [redacted]
- 3) **WL Council have stopped maintaining the grass verge and kerb.**

If WL Council had visited the site before completing this form, it would have been clearly evident that work has already begun on the spring tidy up and that some of the bushes have already been coppiced, as part of my regular maintenance work. I do not require an Amenity Notice to do the work – I have been carrying out this task for the last 10 years, without the need of an Amenity Notice or any outside interference.

I have already assured WL Council that we are law-abiding and do not want any trouble. Yet, we are being bombarded with hate behaviour [redacted] [redacted] and this is being condoned by WL Council.

I cannot employ anyone to work on the plot [redacted][redacted][redacted] [redacted][redacted][redacted][redacted][redacted][redacted][redacted] and cannot operate heavy machinery or a chain saw. I have to use portable hand tools which make the work quite difficult. Yet I persevere, because I want to put something back into the community and share plants with others who walk by and hopefully enjoy them.

It is a shame that [redacted] has resorted to such low tactics, of vandalising my hard work and then complaining to the Council about the plot being untidy. She was unable to destroy my reputation on Google, (see Page 17 of our Appeal for evidence) because I managed to convince the website administrator

of her vindictiveness and he removed the Freedom of Information article she had intended to defame me with. Therefore, she has now resorted to maligning me on the WL Council website, by having the Amenity Notice sent to us. We have been advised that she has considerable influence in the West Lothian Council Planning Department.

Therefore, we believe that the best use of the land would be to build on it as per the Appeal and for the reasons stated herein (see 2.26). This would transfer ownership of the plot onto others and would resolve the issues surrounding the plot.

We dread to think how much taxpayers' money has been wasted due to the numerous Police callouts and related administration work and WL Council visits and paperwork since 2009 when we purchased this plot. We know we have had to spend a lot of time and effort in justifying our ownership and maintenance of the plot.

**If this issue is not resolved, then I dread to think how much more taxpayers' money will be wasted in the future.**

**Summary:**

WL Council continuously send us letters to cut the vegetation on this woodland strip/wildflower plot. As the vegetation is not being allowed to grow, all cut branches are visible. During the winter, the vegetation dies back, and this causes further negative impact on the visual amenity of the plot.

Garden waste and branches are left to decompose in order to enrich the soil, currently sticky clay soil left after the ash and chemicals from Edinburgh, dumped years ago, were removed. While decomposing, they create a haven for insects and birdlife. Once decomposed, this forms a nutritious layer on which other plants can grow. This is already evident in places, at the bottom of the dead hedge.

We purchased the plot in 2009 with the intention of tidying it, as it was in an extremely overgrown state. We reduced the height of some of the trees and cut others down altogether. We were advised by Scottish Greenbelt, the seller, to put up a fence. We intended to fence it with a post and wire meshed fence in order to prevent dogs and people trampling all over the wildflowers and from disturbing the nesting birds in the bird boxes. We intended to plant a pleached hedge of flowering cherry trees for blossoms in spring, with a lower hedge of red and green dogwood for a mixture of variegated and green leaves in summer and red and green bare stems in winter. This would provide interest all year round.

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted] [redacted] of [redacted][redacted] then contacted WL Council and we were told to stop all tree cutting and fencing work. We were later told we could proceed with the tree cutting as there were no Tree Preservation Orders on the plot. However, we were not allowed to put up the fence. We have already purchased the fencing materials which we were unable to return as some of it had already been used and we had to pay the workers to retain them, while WL Council decided, over a few days, whether we could or could not continue with the tree cutting and the fencing. We then had to pay to remove the fencing.

[redacted] has been caught pulling and discarding stalks I have planted. This means that I have to constantly redo work and this stops me from progressing further into the plot during the season.

[redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted]  
[redacted][redacted][redacted][redacted][redacted][redacted]

[redacted] contacted Freedom of Information to defame me on the Internet by asking the Police about complaints against me. She would not remove her enquiry from the website, despite the Police refusing to give out any information. I was able to have the posts removed from Google after convincing the website administrator of her vindictiveness. She has now embarked upon using her influence in WL Council's Planning Department to get my name onto the Internet searches by complaining constantly to WL Council in order that they send us the Amenity Notice. As this will be published on the website and cannot be removed, her mission of besmirching our names has been accomplished. Unfortunately, we have been advised that all references to her name will be redacted on the documents published on the website. **This is very unfair that our names should be displayed on searches whereas those responsible for all this total waste of resources will remain anonymous.**

[redacted] then resorted to pulling up stalks that I had freshly planted and complained to WL Council to ask us to tidy it up. She and the Council are well aware that I tidy it 2/3 times a year, weather permitting, as explained previously.

She was finally caught on camera and the evidence was used to charge her. She was taken to Court; however, she was let off on a first offence. Her "network" advised us that she boasted that as she is the wife of a Freemason, nothing will happen to her. Instead, [redacted], who charged her, was moved to Court duties and will not be able to earn overtime again. She also boasted that she has considerable influence over WL Council and they will take her side in matters.

We cannot place our wheelie bins out on the kerb for collection the night before, because we have caught [redacted] letting her dog urinate on them. We have to wait until just before the bin truck arrives to take the bin out and as soon as it is emptied, we have to retrieve it. As mentioned in my appeal, she has trained her dog to urinate on the stone I had engraved our house number on, at the

entrance to our driveway and that wooden flowers I had carved and placed near the carved stone have all “disappeared”.

Her “network” further advised us that if we did not move from the area, there would be an alienation program set in place. If this did not work, an arson attack would happen on the plot, after which we would receive death threats. We installed CCTV cameras on our property. We have looked at moving elsewhere, but it will cost about £100,000 in fees, taxes and expenses for a similar property. We have noticed that a few people have stopped talking to us. However, not everyone has stopped talking to us. As this ploy failed, there was an arson attack on the plot on 21 April 2020, just before midnight. I informed the Police [redacted][redacted][redacted] and am still awaiting receipt of a telephone call from the local police station.

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[redacted][redacted][redacted][redacted]

Most people who walk past the plot comment on how lovely the flowers are and thank me for doing the work, as they know that I cannot see it from my property due to the fact that the plot is obscured from my vision by my fence and hedge.

We would like to know why WL Council have deliberately glossed over so many of the relevant points we raised in our appeal. They keep referring us to the Police, despite the fact that all this is happening because [redacted] are envious of our ownership of the plot and have, over the years, made our lives almost intolerable with all their shenanigans. This clearly indicates that WL Council are condoning the pitiful behaviour [redacted][redacted].

In their response to our Appeal, WL Council have omitted to address the following:

- 1) our response to the Pre-Planning Application in the Appeal (Pages 42-59);
- 2) the explanation regarding dead-hedging and the fact that due to the decontamination of the site, the plot was left with very poor soil and requires enrichment for vegetation to thrive and that the healthy branches and garden waste are a cheaper form of adding nutrients, without a cost in terms of money and carbon footprint (Appeal Pages 60-62);
- 3) The email confirming that what I have done is correct, from **Dr [redacted]**, a **renowned World authority on the subject, and who has worked on re-forestation projects in Indonesia and the Caledonian Forest Project** (Appeal Page 63);
- 4) We can only assume that they have not consulted the WL Council’s Chief Arborist in order to obtain clarification regarding the processes I have described in relation to dead hedging and over-cutting of the trees thereby

- exposing the site and the fact that the plot can have a negative impact on visual amenity during some seasons;
- 5) WL Council employed a tree surgeon to cut conifers on the Murieston Trail. **He subsequently dumped the chippings onto our plot without our permission. WL Council have quietly ignored this point, where they are also guilty of dumping waste onto our plot**, yet we are not allowed to place any garden waste in a responsible manner on the plot;
  - 6) leaves and twigs and branches from the surrounding trees fall onto the plot in autumn and during storms. This is also a form of dumping of garden waste;
  - 7) this grass verge and kerb need to be maintained regularly, in the same manner as the grass verges and kerbs in the rest of Murieston;
  - 8) there are more important areas in Murieston which require attention, such as muddy parts of the Murieston Trail, overgrown hedging along Murieston Trail, overgrown hedges along footpaths/pavements on Murieston Valley and Murieston Road, the condition of the road on Murieston Valley and Bellsquarry Road South, especially the deterioration of the rumble strips; absence of the motorised road sweeper; requirement of salt containers in front of 2 and 6 Nevis Drive, broken post and wire fencing (now partly burnt) all along from behind 8 Nevis Drive to behind the houses in Roy Drive and replacement of the vandalised wooden posts on the Murieston Trail to prevent vehicles from being driven there due to faulty GPS systems;
  - 9) arranging a meeting with The Head of Planning, WL Council, The Chief Arborist, The local Police Inspector and my husband and me in order to work out a solution to this matter which has been going on for 20 years, and which increased in intensity when we purchased the plot 10 years ago;
  - 10) we require Planning Permission to fence our plot whereas they cannot provide proof of Planning Permission being granted to the other similar plots which are fenced.

Our plot is a buffer strip like all other buffer strips in Murieston. The only differences are:

- 1) it is not fenced like the others and WL Council will not allow us to do so, yet cannot provide evidence of planning approval of fencing on the other buffer strips;
- 2) our plot is regularly maintained compared to the other buffer strips – no other buffer strip owner is being asked to maintain their land;
- 3) our plot has three open sides compared to other buffer strips which tend to be a strip of land in between fenced properties and have just two fenced ends – this makes them sealed and not “public **open** spaces”, which they should be.

Therefore, our plot is ideal for building on, for the following reasons:

- 1) to enhance the visual amenity of the area – being in its current state of a wildflower plot, vegetation is not in flower throughout the year and the site is less visually appealing during the winter months. If houses are built on the plot, this would result in well-manicured gardens being created instead;
- 2) to put an end to the continuing cycle of complaints to WL Council [redacted] [redacted][redacted] and communication from WL Council to us;

- 3) because it is bordered by a road (Murieston Mews/Nevis Drive) rather than houses, it makes very little sense being a buffer zone, as the road serves this purpose.
- 4) Currently there is a danger that Travellers could use it as a camp due to WL Council's unreasonable condition in the Amenity Notice and previous communications to keep all the vegetation cut back, despite regular maintenance;
- 5) [redacted][redacted][redacted] As I grow older, maintaining this plot on my own will become more difficult. I am unable to employ anyone to work on the plot [redacted][redacted][redacted][redacted][redacted][redacted][redacted][redacted] [redacted][redacted][redacted] Each time I plant stalks, they get vandalized. This means that I have to go over the same work over and over again, reducing the time I have during the season, to make much progress further into the plot.

We have nobody to turn to. She has now blackened the name of the charitable organisation of Freemasonry. It would appear that the Police have their hands tied.

We have no faith in the Judicial System or WL Council's impartiality.

The money we had set aside for fencing, hedge planting and installation of bird boxes has since been donated to another charity. I now maintain the plot and try to beautify the area in order to put something back into the community. The kerbs are weeded and swept regularly, the pavement and road outside our house are cleared of snow in the winter. I no longer replant uprooted stalks and have left these in situ for inspection during the site visit.

We respectfully request for the designation of the plot to be changed from a "woodland strip/private open space" to "Outline Planning Permission for 3 detached houses", please. Once the 3 plots are sold, the incessant bullying should end.

#### 4. Proof of Service

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