# Aberdeen couple ordered to remove garden fence amid public land dispute



In a noteworthy case highlighting the tensions between private aspirations and public spaces, a couple from Aberdeen has been ordered to dismantle a timber fence enclosing a parcel of land they had transformed into a private garden. Pamela Horne and her husband entered into a dispute with Aberdeen City Council over the piece of land situated behind their Middleton Circle home in Bridge of Don, which they had adopted as part of their garden after finding it in a neglected state.

Mrs Horne maintained that her four years of stewardship had significantly enhanced the area. She invested in ecological improvements, removing hazardous vegetation and installing bat boxes and birdhouses to promote local biodiversity. These efforts, while well-intentioned, clashed with planning regulations, as revealed during a recent review by the local authority. According to the council’s planning team, the land in question—identified as a valued area of open space—was under threat from the couple's modifications. The planners expressed concern that the irregular boundary created by the couple’s actions could negatively affect the suburban character and appearance of the neighbourhood.

Council planners noted their uncertainty regarding the true ownership of the land. This ambiguity had led Mrs Horne to believe that she could claim the area as her own without objection, a viewpoint echoed in Councillor Neil Copland’s remarks during the review process. He characterised the couple's actions as tantamount to a "land grab" and stressed the dangerous precedent it could set for future cases of unauthorised land use. “We simply cannot allow someone to just grab a bit of land and put a fence around it,” Mr Copland asserted, reinforcing the council's commitment to preserving public space.

This case is not an isolated incident. A similar situation unfolded in Livingston, where another couple, Adam and Barbara Keatinge, found themselves in conflict with local authorities after investing £22,000 to transform adjacent land into their private garden. Like the Horne couple, they believed their modifications fell within permissible limits due to similar projects undertaken by neighbours. However, West Lothian Council ordered them to revert the land, a decision subsequently upheld by the Scottish Government as a reminder of the need for adherence to planning regulations.

In East Lothian, Ronald and Jennifer Anderson faced their own struggles when they attempted to replace a 20-foot hedge with a six-foot fence to improve safety for their dog and limit overshadowing. Their appeal against local council decisions illuminates the complexities of balancing personal property desires with community aesthetics, a balance echoed in the Aberdeen case.

These local incidents raise broader questions about the management of public spaces and the community’s role in maintaining open land. David Lawrie, a former BP Exploration director, similarly encountered backlash after constructing a 1.8-metre fence around a public area to deter vandalism. He argued that his fence effectively functioned as a community garden for shared use, but the council determined that proper permissions were lacking.

Across Scotland, these stories reflect a growing recognition that while individual homeowners may have noble intentions in enhancing their surroundings, such actions require careful navigation within the framework of local planning laws, aimed fundamentally at safeguarding community spaces for all.

As the Horne couple prepares to dismantle their beloved enhancements, their journey serves as a poignant reminder of the delicate balance between personal ownership and public responsibility in maintaining the integrity of communal environments. The respective councils' decisions highlight a continuous commitment to preserving open spaces, vital not just for biodiversity but also for the community’s welfare.

In an age where the value of green spaces is increasingly recognised, these cases reinforce the necessity for clear communication and adherence to planning protocols to ensure that the collective needs of the community are met without prejudice to individual efforts to beautify and safeguard their immediate environments.

### Reference Map

1. Paragraphs 1-4
2. Paragraphs 5-7
3. Paragraph 8
4. Paragraph 9
5. Paragraph 10
6. Paragraph 11
7. Paragraph 12

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.pressandjournal.co.uk/fp/news/aberdeen-aberdeenshire/6760319/bridge-of-don-garden/> - Please view link - unable to able to access data
2. <https://www.pressandjournal.co.uk/fp/news/aberdeen-aberdeenshire/6760319/bridge-of-don-garden/> - An Aberdeen couple, Pamela and her husband, transformed a neglected public land behind their home in Bridge of Don into a private garden by installing a timber fence, gate, and steps. They argued that their enhancements, including removing hazardous vegetation and adding bat boxes and birdhouses, improved biodiversity. Despite their efforts, Aberdeen City Council ordered them to remove the fence, stating it resulted in the loss of valued open space and negatively impacted the suburban area's character. Councillor Neil Copland emphasized the potential precedent set by such unauthorized land use.
3. <https://readsector.com/couple-who-spent-22000-on-garden-forced-to-return-it-to-a-wasteland/> - Adam and Barbara Keatinge from Livingston, Scotland, spent £22,000 transforming adjacent land into a private garden for their family. They believed no planning permission was needed, as similar projects had been undertaken by neighbors. However, West Lothian Council ordered them to revert the land to its original state, citing unauthorized development. The Scottish Government upheld the council's decision, emphasizing the importance of adhering to planning regulations and the impact on open spaces.
4. <https://news.stv.tv/east-central/east-lothian-couple-who-replaced-20ft-hedge-with-6ft-fence-in-battle-to-keep-it> - Ronald and Jennifer Anderson from East Lothian replaced a 20ft hedge with a 6ft fence to prevent overshadowing and maintain safety for their dog. East Lothian Council rejected their planning application for the new fence, leading the couple to appeal. They argued that the fence, covered with climbing plants, would blend into the environment. The case highlights the complexities of planning permissions and the balance between personal property modifications and community aesthetics.
5. <https://www.aberdeenlive.news/news/aberdeen-news/offshore-boss-ordered-remove-fence-8830995> - David Lawrie, a former BP Exploration (Delta) director, built a 1.8-meter timber fence around a public area behind his Aberdeen home to prevent vandalism. Despite informing Aberdeen City Council, the council ordered him to remove the fence, stating it was unauthorized and impacted public open space. Lawrie argued the fence served as a community garden accessible to all residents. The council's decision underscores the importance of obtaining proper permissions for property modifications affecting public spaces.
6. <https://www.telegraph.co.uk/news/2016/05/31/highlands-couple-in-row-with-neighbours-over-34ft-high-hedge-ref/> - Karen and Duncan MacRae from Ballachulish, Argyll, faced a dispute with neighbors over a 34ft-high hedge and a cypress tree separating their properties. The neighbors claimed the hedge blocked light and views, while the MacRaes argued the cypress tree was a wedding gift with sentimental value. Highland Council ordered the hedge to be reduced to 2.5 meters. The case highlights the challenges of managing high hedges and the importance of balancing personal preferences with neighborly relations.
7. <https://www.inverness-courier.co.uk/news/inverness-family-garden-home-refused-380214/> - Hugh Barron applied to build a three-bedroom house in his family's garden in Inverness. Despite reducing the size of the proposed house, Highland Council refused planning permission, citing concerns over the impact on mature trees and local biodiversity. Local residents objected, emphasizing the potential loss of biodiversity and the impact on protected trees. The decision underscores the council's commitment to preserving green spaces and the challenges of balancing development with environmental conservation.