

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 10/00404/ENBOC2

To: Angus MacKenzie
Canna View
Calgary
Isle of Mull
Argyll and Bute
PA75 6QH

SERVED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is served by Argyll and Bute Council, under Section 145 of the Town and Country Planning (Scotland) Act 1997 (as amended), because it is considered that there is non-compliance with conditions or limitations regulating the use of land imposed upon a grant of planning permission. It is considered that you should be required to comply or secure compliance with the condition specified in this notice.

2. **THE LAND AFFECTED BY THE NOTICE**

That plot or area of ground shown delineated in red on the attached plan forming part and portion of the subjects known as **Canna View, Calgary, Isle of Mull, Argyll and Bute, PA75 6QH**.
(hereinafter referred to as 'the Land Affected')

3. **THE RELEVANT PLANNING PERMISSION**

The planning permission to which this notice relates is the permission granted by Argyll and Bute Council (**Reference Number 07/00803/DET**) on the **12th November 2007** for the **erection of a dwellinghouse upon the Land Affected**.

4. **BREACH OF CONDITION**

The following conditions subject to which the planning permission has been granted have not been complied with:

4. Prior to the commencement of development a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

7. Prior to work starting on site, the access hereby permitted shall be formed in accordance with the Council's Highway Drawing No. NA/32/05/2a with the bellmouth area surfaced in dense bitumen macadam for a distance of 5 metres back from the existing carriageway edge and dropped kerbs formed to the satisfaction of the Planning Authority or as otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to comply/secure compliance with the stated conditions by taking the following steps:

- (1) Upgrade the access at the junction with the public road in accordance with the Council's Road Engineers Drawing Number NA/32/05/2a with the bellmouth area surfaced in dense bitumen macadam for a distance of 5 metres back from the existing carriageway edge and dropped kerbs formed.**
- (2) Submit a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.**

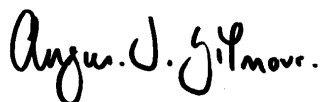
6. TIME FOR COMPLIANCE

You are required to comply with requirement 1 of this notice within 3 months of receipt of this notice and requirement 2 of this notice within 28 days from receipt of this notice.

7. DATE THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 13th November 2013



Head of Planning and Regulatory Services
Kilmory

Lochgilphead

On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE
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PENALTIES FOR NON-COMPLAINE WITH A BREACH OF CONDITION NOTICE
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Section 136A of The Planning etc. (Scotland) Act 2006 provides the Planning Authority with power to issue a fixed penalty notice for breaching the terms of a breach of condition notice. There is no right of appeal against a fixed penalty notice. The Town & Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2008 sets out that the penalty for breach of a breach of condition notice is £300. Payment of the penalty does not discharge the requirement to comply with the terms of the breach of condition notice, while prosecution proceedings can be taken where a fixed penalty notice is unpaid.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence is £1000.00.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately by telephone, followed by written enquiry to:

Planning Services, Municipal Building, Albany Street, Oban, Argyll, PA34 4AW.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial review. A lawyer will advise you on what procedure this process involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE
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