

<p>IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY OR PROPERTY THAT YOU HAVE AN INTEREST IN</p>

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE
(PLANNING ETC) SCOTLAND ACT 2006**

<p>ENFORCEMENT NOTICE</p>

REFERENCE NUMBER: 09/00148/ENBOC2

To:	Mr John Fisher	Mrs Marilyn Fisher
	Willowbank	Willowbank
	Ardtun	Ardtun
	Isle Of Mull	Isle Of Mull
	PA67 6DH	PA67 6DH

ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council because it appears to them that there has been a breach of planning control, under Section 127 of the Town and Country Planning (Scotland) Act 1997, at the land described below. Argyll and Bute Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. THE LAND AFFECTED

Land at **Willowbank, Ardtun, Isle of Mull, Argyll And Bute, PA67 6DH**, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

In terms of Section 123(1)(b) of the above Act, failing to comply with any condition or limitation subject to which planning permission has been granted, relative to:

The access to serve the development approved under reference 04/02305/REM has not been upgraded in accordance with Condition 3.

4. REASONS FOR ISSUING THIS NOTICE

1. The access has been reported to the planning authority by the roads authority as it is unsafe and represents a danger to both users of the access and users of the public road.
2. The access is unsurfaced and its continual use is degrading the edge of the public road.
3. The access contravenes Local Plan Policy LP TRAN 4 (C) 1-4. This policy requires that a new private access must have appropriate visibility splays, must ensure that no surface water runs off onto the public road, must be surfaced for the first five metres, and have dropped kerbs if required.

5. WHAT YOU ARE REQUIRED TO DO

Surface the private access for the above property as required by Condition 3 of planning permission 04/02305/REM in accordance with highway drawing number NA/32/05/2A.

Time period for compliance: **1 month from the date this notice takes effect.**

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 07 August 2011 unless an appeal is made to the Scottish Government before the date the notice takes effect.


7. YOUR RIGHT OF APPEAL

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government before **07 August 2011**. Schedule 1 to this notice gives information on your rights of appeal. **READ IT CAREFULLY.**

8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice, it will take effect on **07 August 2011** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 07 July 2011

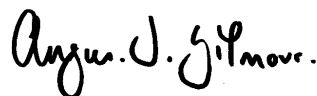


Stephen Fair
Area Team Leader
Oban, Lorn and the Isles



Daniel Addis
Planning Enforcement Officer
Oban, Lorn and the Isles

On behalf of



Angus Gilmour
Head of Development and Infrastructure Services
Kilmory
Lochgilphead

