

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 11/00178/ENOTH2

To: Lachie Strathern
Elderberry
6 Kiel Crofts
Benderloch
PA37 1QS

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, because it is considered that a condition imposed on the grant of planning permission, relating to the land described below, has not been complied with. 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**

The site to which this notice relates (shown edged in red on the attached plan) forms an area of land known as **ELDERBERRY, 6 KIEL CROFTS, BENDERLOCH, PA37 1QS.**

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission granted by Argyll and Bute Council (**Reference Number 08/00165/COU** on the **15th April 2009** for the **change of use from agricultural site to caravan site.**

4. **BREACH OF CONDITION**

The following conditions have not been complied with:

4. Notwithstanding the detailed layout as submitted a further layout shall be submitted within 3 months of the date this approval which
- (i) shall illustrate the provision of the timber chalets on the front row of the development layout as approved.
 - (ii) The phasing of the replacement of the existing caravans on the front row with the approved timber chalets. This phasing shall in the first instance demonstrate the replacement of the existing caravans with timber chalets before the expiry of one calendar year from the written approval of the Planning Authority to (i) above, and
 - (iii) The development to undertaken in full accordance with (i) and (ii) above.

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings

- 5 Notwithstanding the details of caravans as submitted, all new and existing caravans shall be finished with an external timber cladding, details of which shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site any such colour as may be agreed shall be dark and recessive, details of the timescale for the implementation of these works shall also be submitted to and approved in writing by the Planning Authority prior to any work starting on site

Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings

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 condition by taking the following step:

- **Submit a layout as per the requirements of condition 4 of planning permission 08/00165/COU.**
- **Submit full details of the external timber cladding as per the requirements of condition 5 of permission 08/00165/COU.**

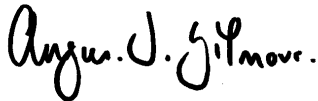
6. TIME FOR COMPLIANCE

28 days from the date the notice takes effect

7. DATE THIS NOTICE TAKES EFFECT

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

Dated: 19th September 2012



Head of Planning
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-COMPLIANCE WITH A BREACH OF CONDITION NOTICE

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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