

**IMPORTANT – THIS NOTICE AFFECTS THIS PROPERTY AND HAS IMMEDIATE EFFECT. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE MAY RESULT IN PROSECUTION.**

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

**NOTICE REQUIRING SUBMISSION OF A PLANNING APPLICATION FOR  
DEVELOPMENT ALREADY CARRIED OUT**

**REFERENCE NUMBER: 11/00253/ENOTH2**

To: Henrietta Ashley  
8 Lochnell Road  
Dunbeg  
Oban  
PA37 1QJ

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council because there has been a breach of planning control, under Section 123(1)(a) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) 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 other material considerations.

2. **THE LAND AFFECTED**

8 Lochnell Road, Dunbeg, Oban, PA37 1QJ (shown edged red on the attached plan).

3. **THE BREACH OF PLANNING CONTROL**

In terms of Section 123(1)(a) of the above Act, the carrying out of development without the required planning permission, relative to:

1. The unauthorised installation of garden shed (between the side elevation and an adjacent road).
2. Erection of fencing exceeding 1 metre high within 20 metres of a road

The approximate location of this alleged unauthorised development is outlined on the attached plan.

4. **REASONS FOR ISSUING THIS NOTICE**

- 1) Notice is hereby given that Argyll and Bute Council, in exercise of their power in the terms of section 33A of the Town and Country Planning (Scotland) Act 1997 as amended, formally require the submission of an application for planning permission to regulate the breach listed in Section 3 of this notice.

5. **WHAT YOU ARE REQUIRED TO DO**

- 1) Remove the unauthorised shed and fencing from the site

OR

2) Submit a retrospective planning application for the installation of the shed and fencing

Time period for compliance: **28 days from the date the notice takes effect.**

#### **6. FAILURE TO COMPLY**

Please note that the issue of this notice constitutes enforcement action under section 123(2) of the 1997 Act. Failure to comply with the notice may result in further enforcement action which may include prosecution.

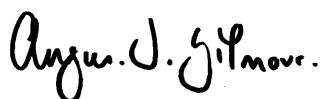
#### **7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect when it is received by you through recorded postal delivery.

#### **8. YOUR RIGHT OF APPEAL**

You do not have a right of appeal against this notice.

Dated: 19<sup>th</sup> September 2012

A handwritten signature in black ink, appearing to read 'Angus J. Gilmore'.

Head of Planning  
Kilmory  
Lochgilphead

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

## **Notice requiring submission of a planning application for development already carried out.**

### **What does this notice mean?**

You have received this notice because the planning authority believe that you have either built something or are doing something on your property for which you should have obtained planning permission. The planning authority has therefore issued you this notice requiring you to submit a planning application for the development that has been carried out (a retrospective planning application).

### **What happens next?**

You need to either submit a planning application by the date stated in the notice remove the shed and fence from the site.

### **What happens if I don't submit an application?**

If you don't submit an application the planning authority may take further enforcement action. This can ultimately mean that you would face prosecution.

### **What happens if I think I should not have received the notice?**

If you believe that you should not have received this notice; for example, because you have no interest in the land to which it relates, then you should contact the local planning department as soon as possible.

### **If I submit a retrospective planning application, how will it be dealt with by the planning authority?**

Your application will be handled in exactly the same way as any other application. You should be aware that the fact that you have been served this notice does not mean that permission will be granted. If the planning application is unacceptable then the planning authority may refuse it (in which case you may appeal) or may grant it subject to whatever conditions or restrictions are considered necessary to make the development acceptable.

