

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

## **BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 09/00263/ENBOC2**

To: Mr J Gourlay  
2 Orchard Road  
Bridge Of Allan  
FK9 4BX

Mr J Gourlay  
Luachrach  
Clachan  
Tarbert  
PA29 6XN

**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 **Luachrach, Clachan, Tarbert, Argyll PA29 6XN**

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: 06/01143/DET) on the 13<sup>th</sup> February 2007 for the Erection of dwellinghouse, with detached garage/workshop and installation of septic tank

#### **4. BREACH OF CONDITION**

The following condition(s) has/have not been complied with:

9. Prior to the commencement of works on site, the access shall be formed in accordance with the Council's Highway Drawing No. G300, with the bellmouth area surfaced in dense bitumen macadam for a distance of 5m 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 condition(s) by taking the following steps:

- 1.) Form the access in accordance with the Council's Highway Drawing no. G300 and surface the bellmouth areas in dense bitumen macadam for a distance of 5m back from the existing carriageway edge.

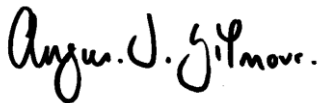
#### **6. TIME FOR COMPLIANCE**

**Time for compliance: 35 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: 18 March 2010



Head of Planning  
Kilmory  
Lochgilphead

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

|  |
|--|
| <b>WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE</b> |
|--|

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period.

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, 67 Chalmers Street, Ardrishaig PA30 8DX

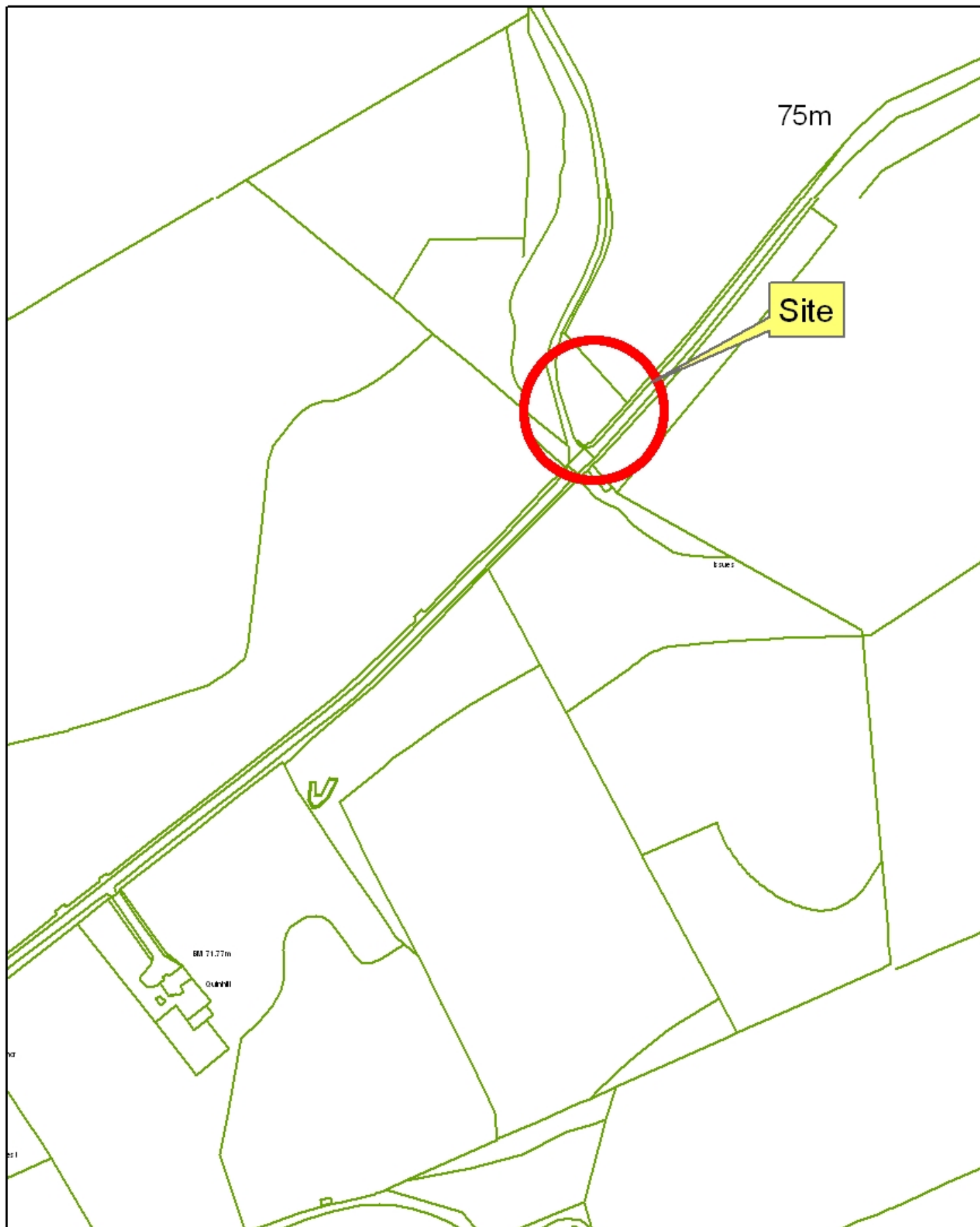
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial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

***PENALTIES FOR NON-COMPLIANCE WITH A BREACH OF CONDITION NOTICE***

*Failure to comply with this notice may result in the Planning Authority instigating further planning enforcement proceedings such as an Enforcement Notice or a Fixed Penalty Notice.*

*The 2006 Act amended the 1997 Act to introduce a new planning enforcement power enabling planning authorities to issue a fixed penalty notice (FPN) as an alternative to prosecution where a person fails to comply a breach of condition notice to correct a breach of planning control. Failure to comply with this notice may result a fixed penalty notice being issued, with a fine of £300 in respect of a breach of condition notice. Please note that while payment of this fine prevents future prosecution this does not remove your responsibility to comply with the terms of this notice and may, as a result, instigate the undertaking of further planning enforcement proceedings.*

|  |
|--|
| <b>DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE</b> |
|--|



## Location plan relevant to Enforcement Ref. No.09/00263/ENBOC2

Date 22.10.09

Drawn by: KMK

Scale 1:2,500

This map is reproduced from  
Ordnance Survey material with  
the permission of Ordnance  
Survey on behalf of the Controller  
of Her Majesty's Stationery Office.  
© Crown copyright. Unauthorised  
reproduction infringes Crown  
copyright and may lead to  
prosecution or civil proceedings.  
Aerial and Site Council,  
License Number 100023368, 2005.