

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
OR PROPERTY THAT YOU HAVE AN INTEREST IN**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

ENFORCEMENT NOTICE

REFERENCE NUMBER: 09/00472/ENOTH2

To:

Mrs Jill Galbraith
Croig
Dervaig
Isle Of Mull
PA75 6QS

Mr and Mrs Halbert
Croig
Dervaig
Isle of Mull
PA75 6QS

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 **Croig, Dervaig, Isle Of Mull, Argyll And Bute, PA75 6QS**, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

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

1. The permanent siting of a residential caravan
2. The erection of a wooden extension

The location of this unauthorised development is in the position shown on the attached plan marked with a black boxed 'X'.

4. REASONS FOR ISSUING THIS NOTICE

Town and Country Planning (Scotland) Act (1997)

The permanent siting of a caravan constitutes development in terms of being a material change in use of the land and operational development under Section 26 (1) of the Town and Country Planning (Scotland) Act 1997. The erection of a wooden extension constitutes operational development under Section 26 (1) of the Town and Country Planning (Scotland) Act 1997.

Argyll and Bute Development Plan

The site currently occupied by the caravan and wooden extension is allocated as 'Sensitive Countryside' in the Argyll and Bute Local Plan (2009). Argyll and Bute Structure Plan (2002) policy SRAT DC5 'Development in Sensitive Countryside' states that within sensitive countryside encouragement shall only be given to small scale infill, rounding off, redevelopment and change of use of building development. The permanent siting of a caravan and erection of a wooden extension does not accord with this policy and is therefore contrary to the adopted development plan.

Argyll and Bute Local Plan policies LP ENV 1 'Development Impact on the General Environment' and LP ENV 19 'Development Setting, Layout and Design' are applicable in this case. Both policies seek to minimise the impact of development on the natural, human and built environments. It is considered, by virtue of its size and appearance, that the caravan is visually intrusive in the countryside landscape and has a detrimental impact on the amenity of the area. The permanent siting of a caravan and erection of a wooden structure does not accord with this policy and is therefore contrary to the adopted development plan.

Argyll and Bute Local Plan LP HOU 6 'Residential Caravans' states that no new caravans (except on the basis of temporary necessity) will be permitted for permanent homes. The term 'temporary necessity' will apply only to emergency situations where re-housing is urgently required as a result of fire, flood or storm damage to a principal residence. This caveat is not considered applicable in this instance. The permanent siting of a caravan and erection of a wooden structure does not accord with this policy and is therefore contrary to the adopted development plan.

5. WHAT YOU ARE REQUIRED TO DO

1. Cease the use of the caravan for permanent residential accommodation
2. Sever all service connections, including the stopping up of pipework and the reinstatement of ground to that found adjacent to the site
3. Remove the timber extension and all associated materials from the site and reinstate the ground to that found adjacent to the site

Time period for compliance: **12 months from the date this notice takes effect.**

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 13 April 2010 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 **13 April 2010**. 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 **13 April 2010** 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: 12 March 2010

Angus J. Gilmore.

Head of Planning
Kilmory
Lochgilphead

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



