

**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: 10/00052/ENBOC2

To:

Mr T Reade
Island Bakery
Tobermory
Isle Of Mull
PA75 6PY

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 **Lephain, Tobermory, Isle Of Mull, Argyll And Bute, PA75 6PY**, 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:

Planning Condition 3 of Planning Permission 07/00653/DET – provision of a report giving full details of the proposed means of water supply to serve the development.

Planning Condition 4 of Planning Permission 07/00653/DET – details of all external lighting to serve the property.

Planning Condition 5 of Planning Permission 07/00653/DET – form the access in accordance with the Council's Highway Drawing No. NA/32/05/2A.

The location of this alleged unauthorised development is in the position shown on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

1. Details of the water supply to serve the property have not been submitted to and approved in writing by the planning authority prior to the commencement of development on site.
2. Details of all external lighting to serve the development have not been submitted to for written approval prior to the commencement of development.

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

5. WHAT YOU ARE REQUIRED TO DO

1. Submit a water report in accordance with the requirements of planning condition 3 of planning permission 07/00653/DET.
2. Submit full details of all external lighting in accordance with the requirements of planning condition 4 of planning permission 07/00653/DET.
3. Surface the private access for the above property as required by the approved drawings of planning permission 07/00653/DET in accordance with highway drawing number NA/32/05/2A.

Time period for compliance: **2 months from the date the notice takes effect.**

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 22 May 2010 unless an appeal is made to the Scottish Government before the date the notice takes effect.

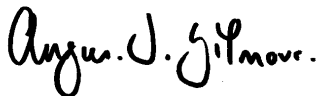
7. YOUR RIGHT OF APPEAL

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government before **22 May 2010**. Schedule 1 to this notice gives information on your rights of appeal. **READ IT CAREFULLY.**

8. WHAT HAPPENS IF YOU DO NOT APPEAL

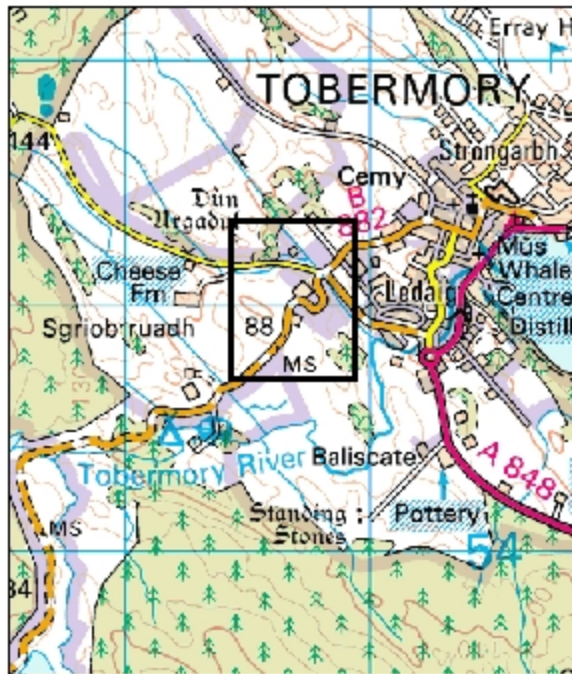
If you do not appeal against this notice, it will take effect on **22 May 2010** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 20 April 2010



Head of Planning
Kilmory
Lochgilphead

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



PLANNING ENFORCEMENT **PLANNING REFERENCE: 07/00653/DET**

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