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Our Ref: 10/00217/ENOTH2

13th August 2010

Ms Mhairi Blue And Mr Laurance Lamour  
Barbeith  
North Connel  
Oban  
PA37 1QX

Dear Sir/ Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**BREACH DETAILS: Unauthorised caravan**  
**SITE ADDRESS: Barbeith North Connel Oban Argyll And Bute**

Following receipt of a copy of your recent appeal statement I consider that the department's enforcement notice dated 24 June 2010 was not served in accordance with Section 127 of the Town and Country Planning (Scotland) Act 1997.

On this ground please accept this letter as confirmation that the enforcement notice has been withdrawn. I have notified the Scottish Government.

I note your comments regarding your situation and the lack of "positive assistance" from the planning department. With this in mind I wonder if there may be some worth in meeting on site and discussing the planning issues?

Should you wish to discuss this matter further please contact myself on 01631 567 955.

Yours sincerely

Daniel Addis  
Planning Enforcement Officer  
Oban, Lorn and the Isles

Argyll and Bute Council's Planning Enforcement Charter is available in hard copy format at your local library or can be viewed electronically online at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk).

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

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

**ENFORCEMENT NOTICE**

**REFERENCE NUMBER: 10/00217/ENOTH2**

To: Ms Mhairi Blue and Mr Laurance Lamour  
Barbeith  
North Connel  
Oban  
PA37 1QX

**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 (as amended), 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 **Barbeith, North Connel, Oban, Argyll and Bute, PA37 1QX** 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

**4. REASONS FOR ISSUING THIS NOTICE**

**History**

On the 13 December 2006, full planning permission (Our Ref: 06/02283/DET) was granted for the temporary siting of a residential caravan for a period of 18 months on condition that the use of the land as a caravan site should cease on the December 2008.

A further application was submitted on 18 December 2008 (Our Ref: 08/02208/COU) for the temporary siting of the residential caravan for an additional period of 18 months. This application was refused on 22 May 2009.

The caravan remains on site at the time of writing this report.

## **Town and Country Planning (Scotland) Act (1997) (as amended)**

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

### **Argyll and Bute 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 has a detrimental impact on the amenity of the area. The permanent siting of a caravan does not accord with these policies 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 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, and reinstate the land to that found adjacent to the site. All to the satisfaction of the planning authority.

Time period for compliance: **3 months from the date this notice takes effect.**

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

**This notice takes effect on 23 July 2010** unless an appeal is made to the Scottish Government before the date the notice takes effect.

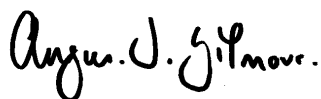
### **7. YOUR RIGHT OF APPEAL**

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government before **23 July 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 **23 July 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: 24 June 2010



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

