

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 11/00235/ENBOC2

To: Mr Nairn
Nicholson Nairn Architects
Bishops Court
Rectory Lane
Newcastle Upon Tyne
NE16 4PA

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 **The Light House, Tarbert**

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: 09/00246/DET**) on the **9th May 2009** for the **Replacement of static caravan with dwellinghouse**

4. BREACH OF CONDITION

The following condition has not been complied with:

3. *"The gradient of the access road shall not exceed 1 in 25 metres for a distance of 5 metres from the nearside edge of the trunk road carriageway, and prior to the first occupation of the dwellinghouse the first 5 metres shall be surfaced in a bituminous material and measures shall be adopted to ensure that drainage from the site does not discharge onto the trunk road.*

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished; to ensure that material from the site is not deposited on the trunk road to the detriment of road safety; and to ensure that drivers of vehicles leaving the site are able to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely. Additionally to ensure that water run-off from the site does not enter the trunk road".

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:

Surface the access 5 metres back from the roadside edge in a bituminous material

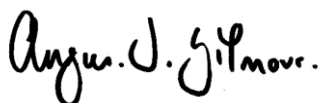
6. TIME FOR COMPLIANCE

Time for compliance: 28 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: 11 October 2011



Head of Planning & Regulatory Services
Kilmory
Lochgilphead

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

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE
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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.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE
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