

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 11/00302/ENBOC2**

To: Laird Henderson  
The Ice house  
Crinan Ferry  
Kilmartin  
Argyll  
PA31 8QH

**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 ICE HOUSE, CRINAN FERRY, KILMARTIN**

**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: 03/01634/DET**) on the **3<sup>rd</sup> December 2003** for the **Change of use of and alterations/extension to former ice house to form dwelling**

#### 4. BREACH OF CONDITION

The following conditions have not been fully complied with:

3. Prior to development being commenced, details, including levels and surface treatment, of the layby extension and private driveway, parking and turning area, shall be submitted to and approved by the Council as Planning Authority. The works to the Ice House shall only commence following the construction of the layby extension up to base course level to the satisfaction of the Council as Planning Authority. The wearing surface of the layby extension and the construction and surfacing of the private driveway, parking and turning area, as indicated on the approved plans, shall be completed prior to the first occupation of the building as a dwellinghouse.

*Reason: In the interest of highway safety.*

4. Prior to any of the works commencing, a landscaping scheme providing for planting of indigenous species along the eastern and shoreward side of the driveway, and indicating species, sizes of plants, and planting distances, shall be submitted to and approved by the Council as Planning Authority. All the planting/seeding as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise agreed in writing with the Planning Authority. Any of the plants in the aforementioned scheme, which within a period of ten years from the completion of the development die, become seriously diseased or are removed or damaged for whatever reason, shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

*Reason: In the interest of enabling the access works to be integrated into the landscape.*

7. The conservatory, including the conservatory door, the related deck handrail, external stair handrail and their supports, shall all be constructed with oak timbers and astragals, and allowed to weather to a grey colour before being treated with a colourless preservative, and retained as such thereafter.

*Reason: In the interest of maintaining the character and appearance of the Listed Building.*

9. The residential use hereby approved shall not be first commenced until the quantity/quality of the proposed has been agreed by the Council's Environmental Health Officer and the supply has been found to comply (following treatment if necessary), with the Private Water Supplies (Scotland) Regulations 1992.

*Reason: In the interests of public health and in order to ensure that the supply is adequate to serve the development proposed.*

## **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:

**Submit details of the levels and surface treatment of the private driveway, parking and turning area as per condition no.3, submit a landscaping scheme as per condition no.4, finish the conservatory including handrails and their supports as per condition no.7 and submit a report in relation to the quantity and quality of the private water supply as per condition no. 9 which shall be agreed with Public Protection.**

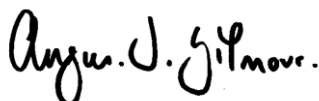
## **6. TIME FOR COMPLIANCE**

**Time for compliance: 3 months** 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: 22 March 2012



Head of Planning & Regulatory Services  
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>
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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

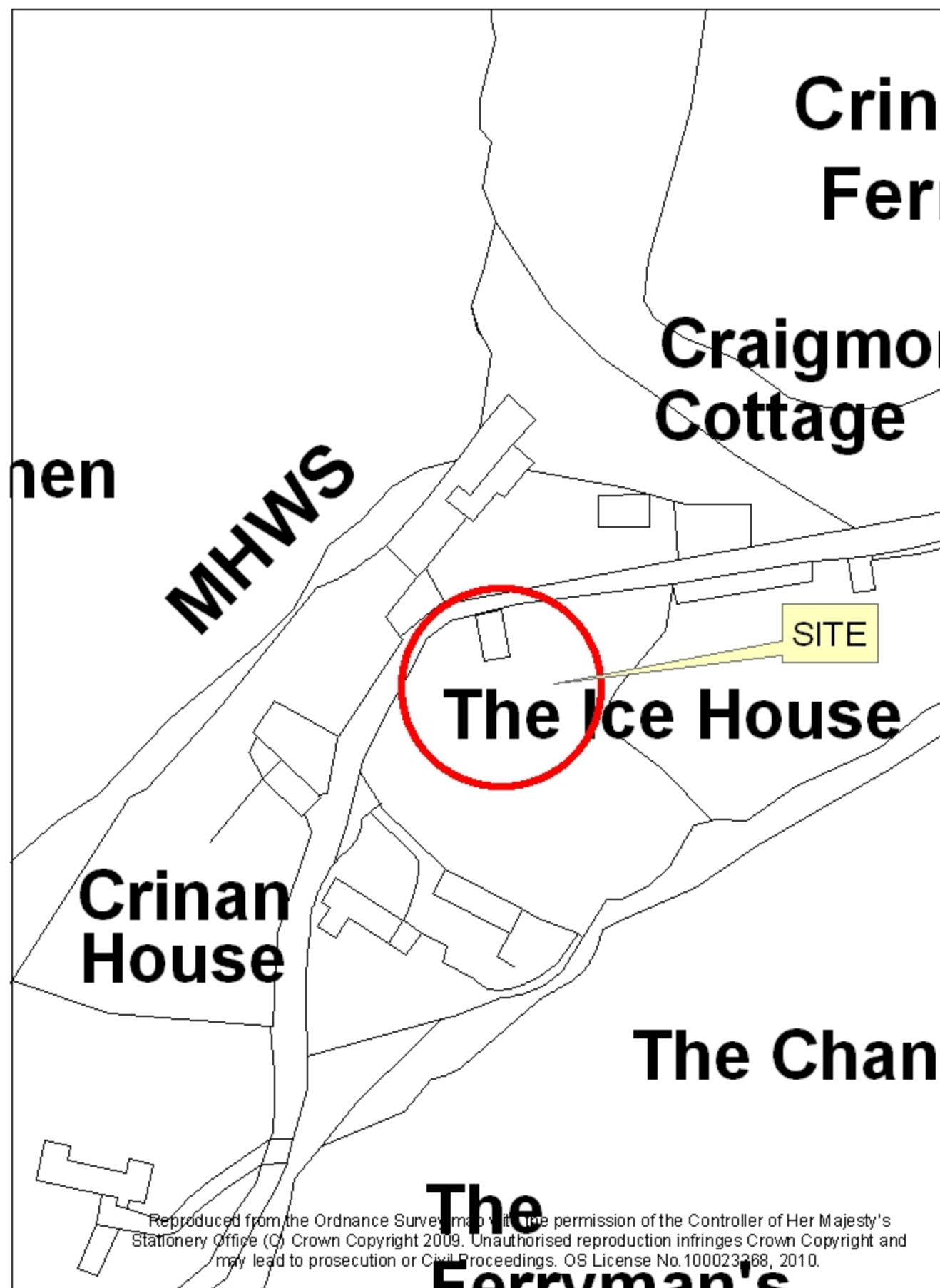
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial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

<b>DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE</b>
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**Location Plan relative to The Ice House**  
**Crinan Ferry, Kilmartin**  
**Enforcement Ref. No. 11/00302/ENBOC2**

Date: 22.03.11

Drawn By: KMK

Scale: 1:1,250

