

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 11/00079/ENOTH2

To: Mrs Linda Crossley
Calle Choplillos 16
29/09 Tolox
Malaga
SPAIN

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 (as amended), 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 **Ardmore Fish, Ardmore Road, Salen, Isle of Mull, Argyll, PA72 6JL.**

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 02/01664/OUT**) on the **7th March 2003** for the **site for the erection of 5 dwellinghouses.**

4. BREACH OF CONDITION

The following conditions have not been complied with:

5. Any details pursuant to condition 1 above shall show the first 5 metres of the access surfaced in a dense bituminous material. Prior to the occupation of any of the dwellinghouses hereby approved, the vehicular access shall be fully formed in accordance with the approved details, to the satisfaction of the Council as Planning Authority.

Reason: *In the interests of road safety.*

7. Any details pursuant to condition 1 shall show full details, in plan form, of the private way serving the development. Such details shall include the surface treatment, width and method of construction of the private way, to the satisfaction of the Planning Authority.

Reason: *In the interests of visual amenity and road safety.*

6. 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 by taking the following steps:

- **Submit full details of the access**
- **Surface the access road in accordance with the approved details**

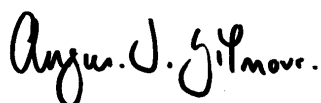
7. TIME FOR COMPLIANCE

28 days to submit full details of the access and 4 months to surface the access in accordance with the approved details, from the date the notice takes effect.

8. DATE THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 12th June 2013



Head of Planning
Kilmory
Lochgilphead

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

WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

PENALTIES FOR NON-COMPLIANCE WITH A BREACH OF CONDITION NOTICE

Section 136A of The Planning etc. (Scotland) Act 2006 provides the Planning Authority with power to issue a fixed penalty notice for breaching the terms of a breach of condition notice. There is no right of appeal against a fixed penalty notice. The Town & Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2008 sets out that the penalty for breach of a breach of condition notice is £300. Payment of the penalty does not discharge the requirement to comply with the terms of the breach of condition notice, while prosecution proceedings can be taken where a fixed penalty notice is unpaid.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence is £1000.00.

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, Municipal Building, Albany Street, Oban, Argyll, PA34 4AW.

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.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE

* A separate copy of this notice is being served on DM MacKinnon Solicitors as it has been asserted that they had power of attorney to attend to the planning conditions on your behalf at this time.

