

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 10/00272/ENBOC2**

To: Caledonian Trust  
61 North Castle Street  
Edinburgh  
EH2 3LJ

**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 **Bothy between Achadh Chaorunn and Dugalds Cottage, Ardpatrik**

**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: 06/02074/DET**) on the **16<sup>th</sup> November 2006** for the **Change of use, alterations and extension of existing bothy to dwellinghouse and formation of new access**

#### 4. BREACH OF CONDITION

The following condition has not been complied with:

4. *No development shall be commenced until the new access to the public road and the associated driveway have been constructed in the position indicated and in accordance with the layout details shown on the approved plans. The junction between the driveway and the public road shall be laid out and constructed in accordance with the details shown on the Council's roads drawings Nos. G300 and TM 377, with the first 5 metres back from the existing carriageway edge being surfaced in dense bitumen macadam, and the remainder of the driveway being surfaced in rolled stone, gravel, or such other surface as may be approved in writing by the Council as Planning Authority. The gradient of the driveway shall not exceed 1 in 15 within 5 metres of the carriageway edge.*

*Reason: in the interests of road safety.*

#### 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 existing carriageway edge in dense bitumen macadam.**

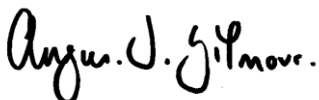
#### 6. TIME FOR COMPLIANCE

**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: 15 February 2011



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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