

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 07/00288/ENFBOC

To: Diane Waddell & William Oliver
Cladach
Ardfern
PA31 8QN

Mr Colin Lindsay MacDougall
Lunga House
Ardfern
PA31 8QR

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 **access to Anniewell 2 development, Soroba Road, Ardfarn**

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: 03/01726/DET**) on the **24th November 2004** for the **Erection of dwellinghouse (Plot A)**

4. BREACH OF CONDITION

The following conditions have not been complied with:

2. The proposed access shall be formed in accordance with the Council's Highway Drawing No. G300 and shall have visibility splays of 2.5 x 90 metres in each direction formed from the centre line of the proposed access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

Condition no.3 states:

3. Prior to work starting on site, the access hereby permitted shall be formed in accordance with the Council's Highway Drawing No. G300 with the bellmouth area surfaced in dense bitumen macadam for a distance of 5 metres back from the existing carriageway edge and dropped kerbs formed to the satisfaction of the Planning Authority or as otherwise agreed in writing with the Planning Authority.

Reason: In the interest of road safety.

3. 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:

Form the access to the Council's Highway Drawing No. G300 including the required visibility requirements and surfaced in dense bitumen macadam for a distance 5 metres back from the existing carriageway edge in accordance with condition nos. 2 and 3.

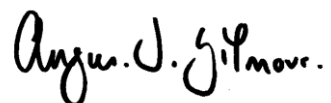
4. TIME FOR COMPLIANCE

Time for compliance: 35 days from the date the notice takes effect.

5. DATE THIS NOTICE TAKES EFFECT

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

Dated: 13 May 2011

A handwritten signature in black ink, reading "Angus J. Gilmore". The signature is written in a cursive style with a large initial 'A' and a distinct 'J'.

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

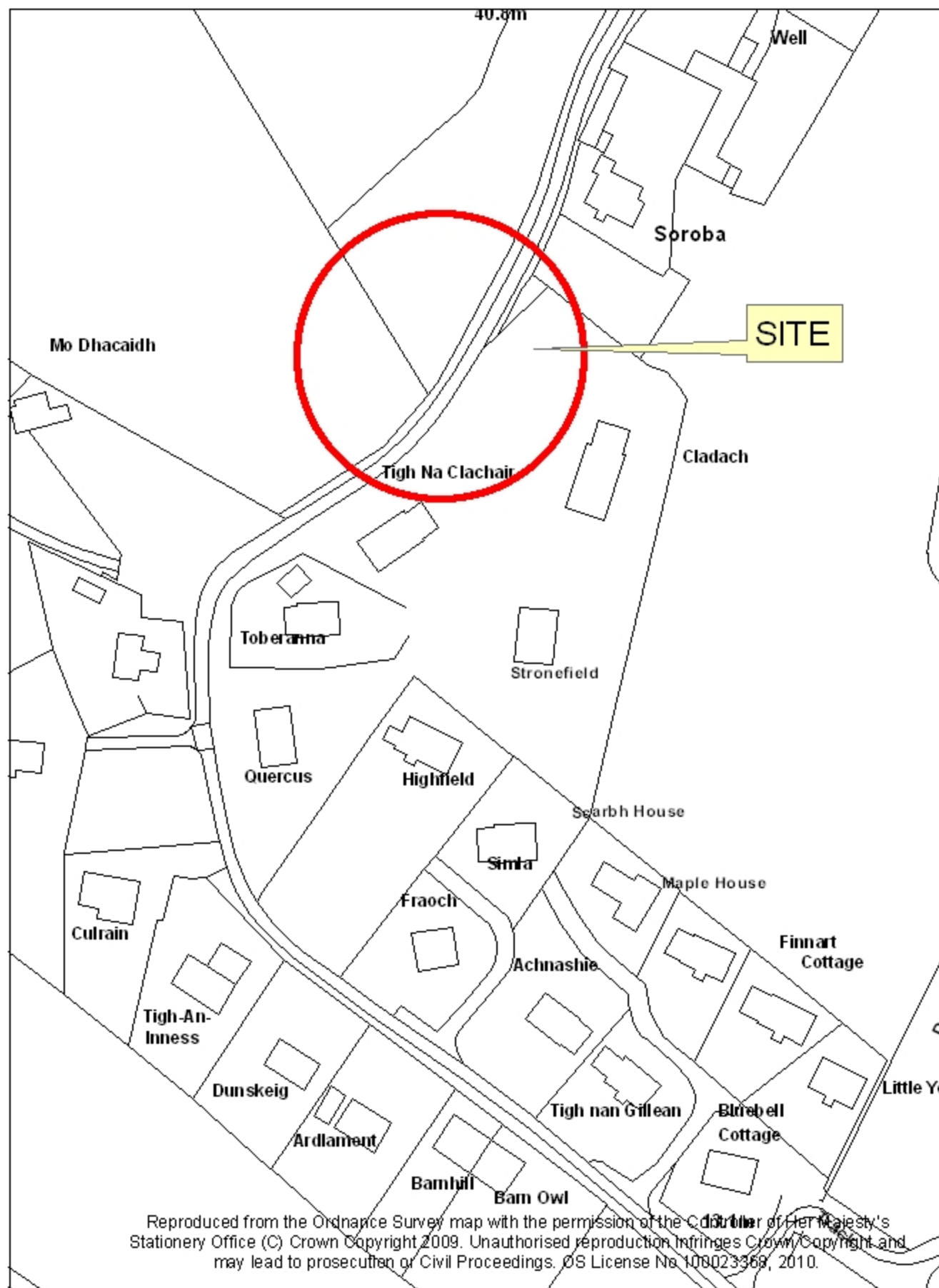
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial 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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**Location Plan relative to Cladach
Ardfern, Lochgilphead
Enforcement Ref. No. 07/00288/ENBOC**

Date: 13.05.11

Drawn By: KMK

Scale: 1:1,250

