

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

TEMPORARY STOP NOTICE UNDER Section 144C

To:

Gail Crawford
4 West Lennox Drive
Helensburgh
Argyll and Bute
G84 9AD

REFERENCE NUMBER: 23/00099/ENOTH3

ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council, having their head office at Kilmory, Lochgilphead, Argyll, PA31 8RT, a local authority constituted under the Local Government etc (Scotland) Act 1994, and as such the Planning Authority for the area of Argyll and Bute in terms of the Town and Country Planning (Scotland) Act 1997, as amended ('the Act'), because it appears to them that there has been a breach of planning control in relation to the Land Affected as hereinafter defined, the breach consists in engagement in an activity, and it is expedient that the activity is stopped immediately.

2. **THE LAND AFFECTED**

The garden grounds of 4 West Lennox Drive, Helensburgh, as shown delineated in red on the plan annexed hereto (hereinafter referred to as 'the Land Affected').

3. **THE UNAUTHORISED ACTIVITY**

The carrying out of engineering and/or other operations constituting 'development' as defined by Section 26 of Part III of the Town and Country Planning (Scotland) Act 1997, as amended, in on and over the Land Affected without Planning Permission ('the Unauthorised Activity').

4. **PROHIBITION OF ENGAGEMENT IN UNAUTHORISED ACTIVITY**

The Unauthorised Activity is prohibited from the time and date that this notice has effect.

5. **REASONS FOR ISSUING THE NOTICE**

The Unauthorised Activity does not benefit from planning permission and it is expedient that the activity is stopped immediately. The unlawful development of the Land Affected has the potential to cause material harm to residential amenity, has the potential to materially affect the setting of the adjacent Category A listed Building (Brantwoode), and Category B Listed Buildings (Strathmoynes and Whincroft). The Unauthorised Activity has the potential to cause material harm to the character of the Hill House Conservation Area. The site is subject to a Planning Application that remains under consideration, and the Owner has been informed that the Unauthorised Activity would be in breach of planning control. Despite warnings from planning officers, including on site, the Unauthorised Activity has continued at pace. It is therefore considered that the service of this notice is proportionate in that it temporarily prohibits the Unauthorised Activity to allow time for the proposed development to be appropriately assessed and the existing planning application to be determined. It should, however, be noted that the Planning Authority may decide to take further formal planning enforcement action should it be considered expedient to do so.

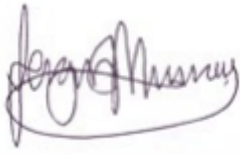
6. WHEN THIS NOTICE TAKES EFFECT

This notice has immediate effect from the 23rd June 2023 being the date at which a copy of it was first displayed on the Land Affected. This notice will cease to have effect at the end of the period of 28 days from the 23rd June 2023.

7. YOUR RIGHT OF APPEAL

There is no statutory right of appeal against this notice.

Dated: 23rd June 2023

A handwritten signature in blue ink, appearing to read 'Fergus Murray', is written over a faint, light blue grid background.

Fergus Murray
Head of Development and Economic Growth
On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

**STATEMENT AS TO THE EFFECT OF SECTION 144C of the Town and Country Planning (Scotland)
Act 1997, As Amended**

RELEVANT LEGISLATION

WARNING

THIS NOTICE TAKES EFFECT ON THE DAY IT IS FIRST DISPLAYED ON THE LAND TO WHICH IT RELATES.

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE.

Section 144C of the Town and Country Planning (Scotland) Act 1997 is set out below. You will wish to note in particular the points referred below.

It is an offence for a person to contravene a temporary stop notice which has been served on them, or a copy of which has been displayed in pursuance of section 144A(4) of the Town and Country Planning (Scotland) Act 1997, as amended. It is also an offence to cause or permit contravention of the notice. An offence may be charged by reference to a day or to a period of more than a day. A person may be convicted of more than one offence if they repeatedly breach the temporary stop notice.

A person convicted of contravening a temporary stop notice is liable on summary conviction to a fine not exceeding £50,000 and on conviction on indictment to a fine.

Section 144C Temporary stop notices: offences

(1) A person is guilty of an offence if he contravenes a temporary stop notice—

(a) which has been served on him, or

(b) a copy of which has been displayed in pursuance of section 144A(4).

(2) Contravention of a temporary stop notice includes causing or permitting the contravention of it.

(3) An offence under this section may be charged by reference to a day or to a period longer than a day.

(4) A person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different days or different periods.

(5) It is a defence in any proceedings under this section that—

(a) the temporary stop notice was not served on the accused, and

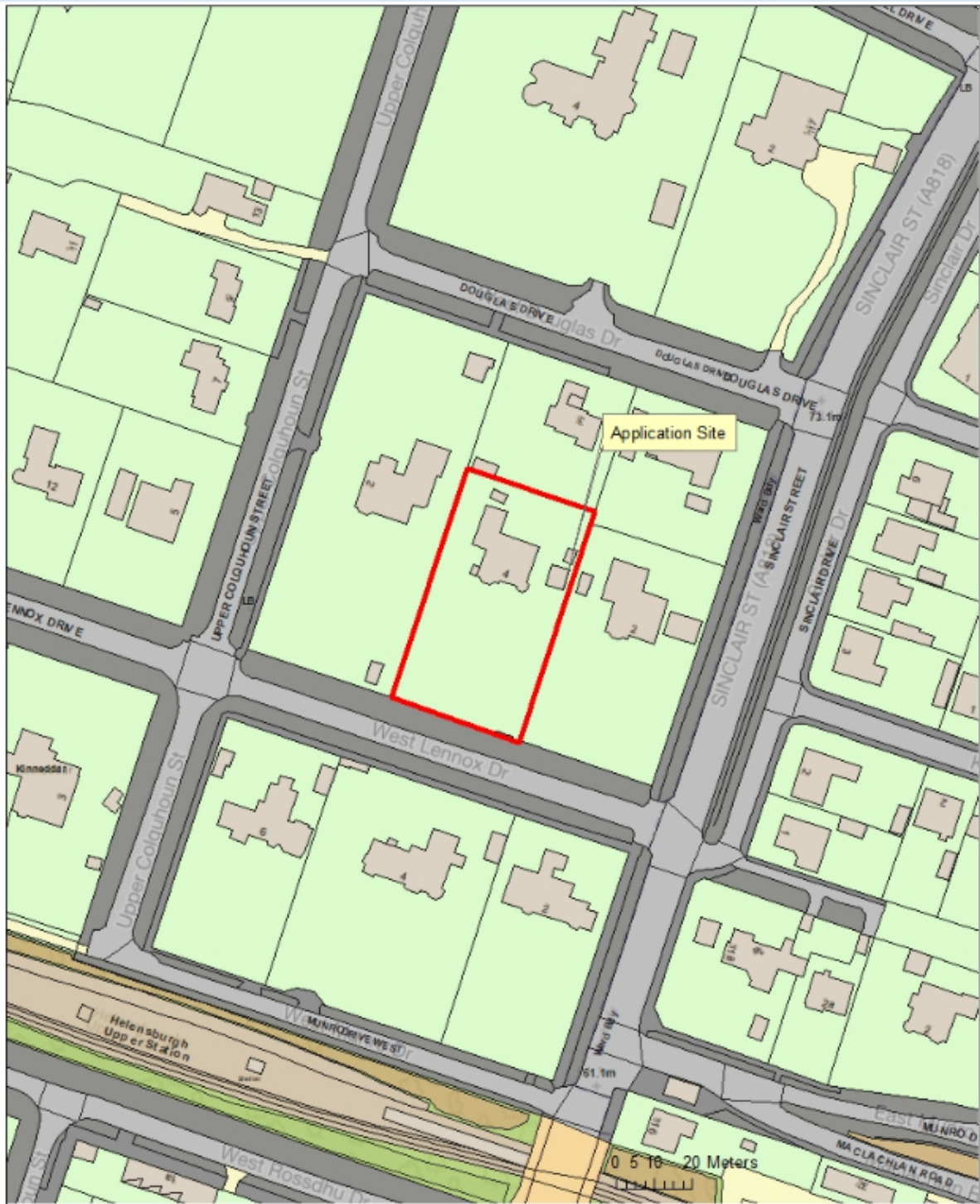
(b) he did not know, and could not reasonably have been expected to know, of its existence.

(6) A person convicted of an offence under this section is liable—

(a) on summary conviction, to a fine not exceeding £50,000,

(b) on conviction on indictment, to a fine.

(7) In determining the amount of the fine, the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the activity which constituted the offence



**Location Plan Relative to Enforcement
Temporary Stop Notice 23/00099/ENOTH3**



1:1,250

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