

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY  
OR PROPERTY THAT YOU HAVE AN INTEREST IN**

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

# **ENFORCEMENT NOTICE**

**REFERENCE NUMBER: 08/00094/ENFBOC**

To:

Mr And Mrs Petrie  
Tigh Toiram  
Fionnphort  
PA66 6BL

### **ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD**

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council because it appears to them that there has been a breach of planning control, under Section 127 of the Town and Country Planning (Scotland) Act 1997, at the land described below. Argyll and Bute Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

#### **2. THE LAND AFFECTED**

Land at **Tigh Toiram, Fionnphort, Isle Of Mull, Argyll And Bute, PA66 6BL**, shown edged red on the attached plan.

#### **3. THE BREACH OF PLANNING CONTROL ALLEGED**

In terms of Section 123(1)(b) of the above Act, failing to comply with any condition or limitation subject to which planning permission has been granted, relative to;

The access to serve the development approved under 05/01085/DET has not been upgraded in accordance with Condition 2.

The location of this alleged unauthorised development is in the position shown on the attached plan.

#### **4. REASONS FOR ISSUING THIS NOTICE**

1. The access has been reported to the planning department by the roads department as it is wholly unsafe and represents a danger to both users of the access and users of the public road.
2. The access is unsurfaced and its continual use is degrading the edge of the public road.
3. The access contravenes Local Plan Policy LP TRAN 4 (C) 1-4. This policy serves to ensure that all new private accesses have appropriate visibility splays, ensure that no surface water runs off onto the public road, is surfaced for the first five metres, and has dropped kerbs.

## 5. WHAT YOU ARE REQUIRED TO DO

- 1) Surface the private access for the above property as required by Condition 2 of planning permission 05/01085/DET in accordance with highway drawing number NA/32/05/2A.

Time period for compliance: **2 months from the date the notice takes effect.**

## 6. WHEN THIS NOTICE TAKES EFFECT

**This notice takes effect on 22 May 2010** unless an appeal is made to the Scottish Government before the date the notice takes effect.

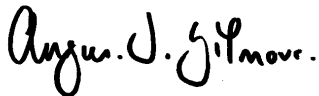
## 7. YOUR RIGHT OF APPEAL

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government before **22 May 2010**. Schedule 1 to this notice gives information on your rights of appeal. **READ IT CAREFULLY.**

## 8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice, it will take effect on **22 May 2010** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 20 April 2010



Head of Planning  
Kilmory  
Lochgilphead

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

