

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 09/00517/ENBOC2

To: Mr and Mrs David Blair
Caol Mara
Crinan
Argyll
PA31 8SW

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 **Caol Mara (annex), Crinan, Lochgilphead**

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: 09/00200/COU) on the 16th April 2009 for the change of use of garage to residential annex

4. BREACH OF CONDITION

The following condition(s) has/have not been complied with:

2. *Prior to any aspect of this development commencing, the access first permitted under Reference 06/02603/DET in connection with the original two dwellings, within blue edged land, shall be created in accordance with condition 2 of that consent, specifically it shall be formed in accordance with the Council's Highway Drawing No. G300 and TM377 type C construction, with the bellmouth area surfaced in dense bitumen macadam for a distance of 5 metres back from the existing carriageway edge to the satisfaction of the the Councils' Network and Environment Manager and the Planning Authority or as otherwise agreed in writing with the Planning Authority. The access shall have a visibility splay of 2.0 by 70.0 (distance) by 1.05 metres (height) formed in both directions 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 interest 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:

- 1.) Form the access in accordance with the Council's Highway Drawing no. G300 an TM377 type C construction and surface the bellmouth areas in dense bitumen macadam for a distance of 5m back from the existing carriageway edge in consultation with the Council's roads Department.

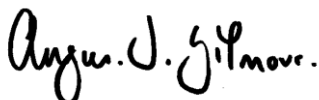
6. TIME FOR COMPLIANCE

Time for compliance: 2 months 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: 22 June 2010



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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