

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 10/00331/ENBOC2**

To: Mr Duncan MacGregor  
Castle Lea  
Harbour Street  
Tarbert  
Argyll  
PA29 6UD

**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 **Plot 2 South of Redhouse, Whitehouse**

**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: 08/01768/REM) on the 14<sup>th</sup> November 2008 for the Erection of dwellinghouse

#### **4. BREACH OF CONDITION**

The following condition has not been complied with:

*Prior to the commencement of any works on site, full details of the proposed landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include planting to the north and western boundaries of the site and shall be accompanied by a full tree survey which shall include indications (i.e. location and canopy width) of all existing trees, shrubs and hedgerows on the land, and details of any to be felled/lopped and of any to be retained, together with the measures for their protection in the course of development. The approved landscaping scheme shall be fully implemented to the satisfaction of the Council as Planning Authority no later than the first planting and seeding season following commencement of development and thereafter shall be maintained to the satisfaction of the Council as Planning Authority for a period of 10 years. No trees shall be felled or lopped within the landscaping scheme (without the prior written consent of the Planning Authority) and any losses of plant species to be included within the scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.*

*Reason: In the interests of visual amenity and to assist in the integration of the proposal into its surrounding landscape setting and no such details having been submitted.*

#### **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:

**Implement the submitted landscaping scheme as agreed on your submitted site plan (drawing number 04-1103-03 Rev. E)**

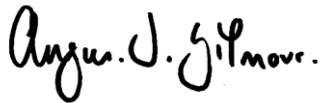
#### **6. TIME FOR COMPLIANCE**

**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: 03 February 2011



Head of Planning  
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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