IMPORTANT – THIS NOTICE AFFECTS YOUR PROPERTY AND HAS IMMEDIATE EFFECT.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

NOTICE REQUIRING SUBMISSION OF A PLANNING APPLICATION FOR DEVELOPMENT ALREADY CARRIED OUT

REFERENCE NUMBER: 21/00105/ENOTH2

To: Mr S. Wright
Barmolloch
Kilmichael Glen
Lochgilphead
Argyll
PA31 8RJ

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council, as Planning Authority, under s33A of the Town and Country Planning (Scotland) Act 1997, as amended, ('the Act'), because there has been a breach of planning control under Section 123(1) (b) of the Act as development has been carried out in, on, over or under the Land Affected described below without the required planning permission.

2. **THE LAND AFFECTED**

That plot or area of ground shown delineated in red on the attached plan which plot or area of ground forms **Barmolloch Farm, Kilmichael Glen, Lochgilphed PA31 8RJ** ('hereinafter referred to as the Land Affected').

3. THE BREACH OF PLANNING CONTROL

In terms of Section 123(1)(a) of the above Act, the carrying out of development without the required planning permission, relative to:

Unauthorised change of use to form retreat centre with associated infrastructure

The location of this alleged unauthorised development is outlined on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

Argyll and Bute Council, in exercise of their power under section 33A of the Act, require you to submit an application to them, as Planning Authority, for planning permission to regularise the breach(s) listed in Section 3 of this notice.

5. WHAT YOU ARE REQUIRED TO DO

As the owners of the Land Affected you are required to make an application to Argyll and Bute Council, as Planning Authority, for the development of the Land Affected that represents the breach of planning control.

Time period for compliance: **4 weeks from the date the notice takes effect**.

6. FAILURE TO COMPLY

Please note that section 123(2) of the Act provides that, for the purposes of the Act, the issue of this notice constitutes taking enforcement action.

Failure to comply with this notice may result in further enforcement action.

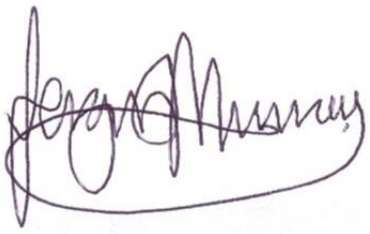
7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the date on which it is received by you.

8. YOUR RIGHT OF APPEAL

You do not have a right of appeal against this notice.

Dated: 24th August 2022



Fergus Murray
Head of Development & Economic Growth
Kilmory
Lochgilphead

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

EXPLANATORY NOTE FOR THOSE IN RECEIPT OF A NOTICE REQUIRING SUBMISSION OF A PLANNING APPLICATION FOR DEVELOPMENT ALREADY CARRIED OUT.

Relevant Legislation

Copies of s33A and s123 of the Town and Country Planning Scotland Act 1997, as amended, are attached.

What does this notice mean?

You have received this notice because the planning authority believe that you have either built something or are doing something on your property for which you should have obtained planning permission, or built something having failed to comply with any condition or limitation subject to which planning permission has been granted The planning authority has therefore issued you this notice requiring you to submit a planning application for the work that has been carried out (a retrospective planning application).

What happens next?

You need to submit a planning application by the date stated in the Notice. When submitting a planning application you will require to pay the requisite fee.

What happens if I don't submit an application?

If you don't submit an application the planning authority may take further enforcement action. This can ultimately mean that you may be required to remove the development and/or, should you fail to comply with further enforcement action, that you could face prosecution. You should note that a notice issued under s33A of the Act constitutes the taking of enforcement action and this notice may accordingly affect the timescales in which the Council may take further enforcement action against you.

What happens if I think I should not have received the notice?

If you believe that you should not have received this notice; for example, because you have no interest in the land to which it relates, then you should contact the local planning department as soon as possible.

If I submit a retrospective planning application, how will it be dealt with by the planning authority?

Your application will be handled in exactly the same way as any other application. You should be aware that the fact that you have been served this notice does not mean that permission will be granted. If the planning application is unacceptable then the planning authority may refuse it (in which case you may appeal) or may grant it subject to whatever conditions or restrictions are considered necessary to make the application acceptable.

RELEVENT LEGISLATION

Town and Country Planning Scotland Act 1997

Section 33A

Where there is a breach of planning control the planning authority may issue a notice—

(a) requiring the owner of the land in, on, over or under which the development has been carried out to make an application to them for planning permission for the development,

(b) describing the development in a way that is sufficient to identify it,

(c) specifying a date by which the application is to be made, and

(d) setting out the terms of section 123(1).

Section 123

(1) For the purposes of this Act—

(a) carrying out development without the required planning permission, or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted, or

(c) initiating development without giving notice in accordance with section 27A(1) of this Act, or

(d) carrying out development without displaying a notice in accordance with section 27C(1) of this Act, constitutes a breach of planning control.

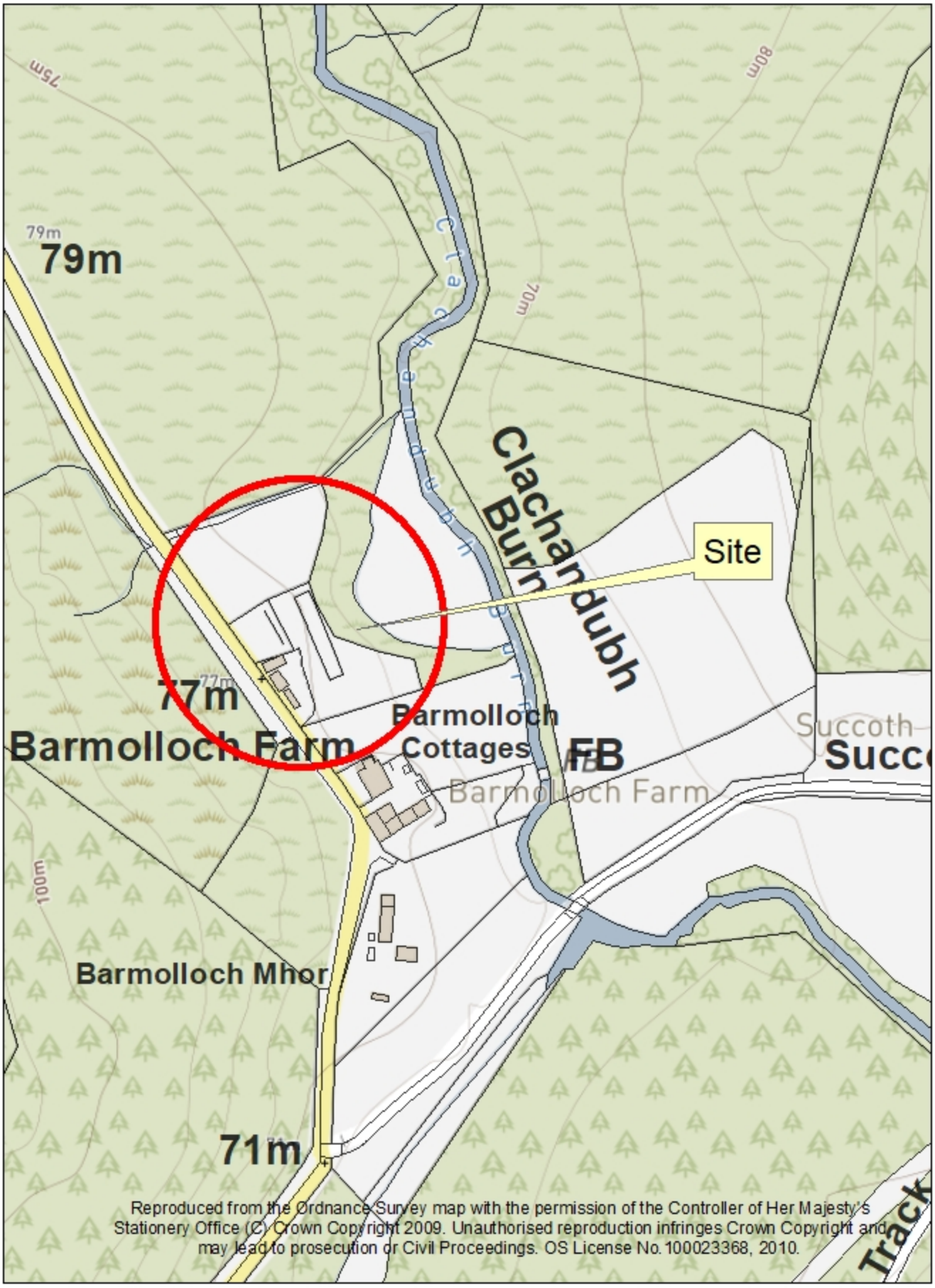
(2) For the purposes of this Act—

(a) the issue of an enforcement notice, or

(b) the service of a breach of condition notice,

under this Part constitutes taking enforcement action as does the issuing of a notice under section 33A

(3) In this Part “planning permission” includes planning permission under Part III of the 1947 Act and Part III of the 1972 Act.



Argyll & Bute COUNCIL

Location Plan relative to:
Barmolloch Farm, Kilmichael Glen,
Enforcement Ref. No.21/00105/ENOTH2

Date: 24.05.22 Drawn By: kmk Scale: 1:2,500