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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (As Amended)

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (SCOTLAND) REGULATIONS 1984

ADVERTISEMENT ENFORCEMENT NOTICE

REFERENCE NUMBER: 24/00231/ENADV

To: Ko Dokani Ltd c/o Arbil Barbers Ltd
Top Cuts
29 Lochnell Street
Lochgilphead
Argyll
PA31 8JL

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll & Bute Council under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 because it appears to them that there has been a breach of advertisement control at the land described below. They consider that it is expedient to issue this Notice, having a regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED: 29 Lochnell Street, Lochgilphead**

3. **THE BREACH OF CONTROL ALLEGED**

The carrying out of the following work without the benefit of Advertisement Consent: -

Erection and display of illuminated fascia sign and illuminated barbers pole

4. **REASONS FOR THIS NOTICE**

The unauthorised signage conflicts with National and Local Development Plan policy by reason of its scale, materials, illumination, design and prominent location within the Lochgilphead Conservation Area. The signage therefore has a materially adverse impact on visual amenity and character of the Conservation Area is contrary to the provisions of NPF4 Policies 4 and 7 and Policies 12, 13, 15 and 17 of LDP2. And the Council's Technical Note 2 – Advertisement & Signage Policy (Sept 2017).

The signage by reason of its design, finishing materials and prominent location in the Lochgilphead Conservation Area is not in keeping with the character and appearance of the building nor its surroundings. The sign has a materially adverse impact on the character and appearance of the surrounding area, the conservation area as a whole it

is therefore contrary to the requirements of NPF4 Policies 4 and 7 and Policies 12, 13, 15 and 17 of LDP2.

There has been a breach of advertisement control, and it is expedient to issue this notice having regard to the provisions of the National Planning Framework 4 and Development Plan and other material considerations.

5. WHAT YOU ARE REQUIRED TO DO

The following steps require to be taken in order to regularise the breach:

(i) Remove the shop front signage
(ii) Remove the illuminated barbers pole

Time for Compliance: **1 month** after this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **7th December 2026**, unless an appeal is made against it beforehand, as explained in Schedule 1 of this Notice.

7. YOUR RIGHT OF APPEAL

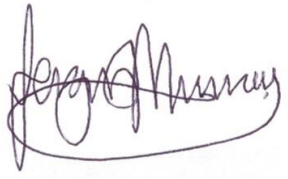
You can appeal against this Notice, however any appeal must be received by the Scottish Executive before **7th December 2026**. Schedule 1 to this Notice gives information on your rights of appeal. **Please read it carefully**.

8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Notice, it will take effect on **7th December 2026** 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 a Notice that has taken effect can result in prosecution and/or remedial action by the Council, as outlined in Schedule 1 of this Notice

Date: **3rd November 2026**

Signed:



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

ENFORCEMENT NOTICE

SCHEDULE 1

EXPLANATORY NOTE FOR THOSE IN RECEIPT OF AN ENFORCEMENT NOTICE

RELEVANT LEGISLATION

A copy of the relevant sections of the Town and Country Planning (Scotland) Act 1997 and Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 are attached.

Right of Appeal

A notice of appeal must be lodged in writing on a form supplied by the Scottish Executive and the grounds of appeal must be clearly stated. Appeal form P/ADE is available from the Scottish Executive Inquiry Reporters Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Your appeal must be received by them before the date on which the Notice is to take effect.

The Scottish Executive has no power to consider an appeal lodged out of time.

The appeal which must be made in writing must be based on one or more of the grounds set out in Regulation 25 of the 1984 Regulations, and you should state the facts on which you propose to rely in support of each of the grounds of appeal. The grounds of appeal and the statement of facts must be submitted with your appeal. Copies of all correspondence regarding the appeal should be sent at the same time to your Area Planning and Building Standards office.

If you lodge an appeal, the Notice is suspended and will not take effect unless the appeal is withdrawn or dismissed.

Penalties for Non-Compliance with an Enforcement Notice

A person who displays an advertisement in contravention of these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale and, in the case of a continuing offence, one-tenth of level 5 on the standard scale for each day during which the offence continues after conviction.

Direct Action for Non-Compliance with an Enforcement Notice

If the steps required by an Advertisement Enforcement Notice (other than the discontinuance of the use of land), are not taken within the specified period(s) the Council may enter on the land, take those steps and recover the cost from the owner or lessee of the land.

Further Offences

Compliance with the terms of an Advertisement Enforcement Notice does not discharge the Notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.

Relevant Section of the Town & Country Planning (Scotland) Act 1997 (as amended)

Enforcement of advertisement control

186-(1) regulations under section 182 may make provision for enabling the planning authority to require-

(a) the removal of any advertisement which is displayed in contravention of the regulations, or

(b) the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.

(2) For that purpose the regulations may apply any of the provisions of Part VI with respect to enforcement notices or the provisions of section 143(1) to (5), subject to such adaptations and modifications as may be specified in the regulations.

(3) Without prejudice to any provisions included in such regulations by virtue of subsection (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed, not exceeding level 5 on the standard scale and, in the case of a continuing offence, one-tenth of level 5 on the standard scale for each day during which the offence continues after conviction.

(4) Without prejudice to the generality of subsection (3), a person shall be deemed to display an advertisement for the purposes of that subsection if-

(a) he is the owner or occupier of the land on which the advertisement is displayed, or
(b) the advertisement gives publicity to his goods, trade, business or other concerns.

(5) A person shall not be guilty of an offence under subsection (3) by reason only-

(a) of his being the owner or occupier of the land on which an advertisement is displayed, or

(b) of his goods, trade, business or other concerns being given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

Relevant Sections of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended)

Enforcement of advertisement control

24-(1) If it appears to a planning authority that any advertisement has been displayed without a consent required by these regulations or that any condition or limitation subject to which such consent was granted or was deemed to be granted has not been complied with, then the planning authority may serve a notice under this regulation.

(2) an enforcement notice shall be served on the owner, lessee and occupier of the land to which it relates and on any other person known to the planning authority to be displaying the advertisement without such consent, or in contravention of any condition or limitation or subject to which consent was granted or deemed to be granted.

(3) An enforcement notice shall specify the advertisement which is alleged to have been displayed without consent or the matters in respect of which it is alleged that any condition or limitation has not been complied with, and may specify steps that shall be taken within a given period to restore land to its condition before the display was begun or to secure compliance with the condition or limitation; but may in addition specify, as an alternative, steps required to be taken to bring the display to a condition acceptable to the planning authority having regard to the provisions of these regulations and in particular any such notice may for this purpose require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(4) Subject to regulation 25, an enforcement notice shall take effect on the date specified in the notice, which date shall be-

(a) in the case where the planning authority consider it urgently necessary in the interests of

public safety that the advertisement to which the notice relates should be altered or removed, or where they are satisfied that any steps required by the notice to be taken can be taken without the removal or substantial modification of any structure or the carrying out of any building or similar operations on land, 7 days; and

(b) in any other case 28 days, from the date of the latest service of the notice.

(5) Compliance with an enforcement notice shall not discharge the enforcement notice.

(6) Without prejudice to paragraph (5) above, any provision of an enforcement notice requiring the use of land to be discontinued shall operate as a requirement that it shall be discontinued permanently to the extent that it is in contravention of these regulations; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

(7) if any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice, the notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in

relation to the buildings or works as reinstated or restored as out applied in relation to the buildings or works before they were demolished or altered.

Appeals to the Scottish Ministers

25-(1) Any person on whom an enforcement notice is served may, at any time before the date specified in the notice as the date on which the notice will take effect, appeal against the notice to the Scottish Ministers on the following grounds:

(a) that the matters alleged in the notice do not constitute a display of an advertisement without a consent required by these regulations or a failure to comply with any condition or limitation subject to which any such consent was granted or deemed to be granted;
(b) that the enforcement notice was not served as required by regulation 24;
(c) that the specified period for compliance with the notice falls short of what should reasonably be allowed;
(d) that the steps required by the notice to be taken exceed what is necessary for the purpose identified under regulation 24(3).

(2) An appeal under this regulation shall be made by notice in writing to the Scottish Ministers and shall indicate the grounds of appeal and state the facts on which it is based.

(3) Where an appeal is brought under this regulation, an enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(4) On an appeal under this regulation, the Scottish Ministers may:

(a) correct any informality, defect or error in the enforcement notice if he is satisfied that the informality, defect or error is not material;
(b) in a case where it would otherwise be a ground for determining the appeal in favour of the appellant that a person required by regulation 24 to be served with the notice was not served, disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him;

(5) The Scottish Ministers shall, if either the planning authority or the appellant so desire, afford to each of them an opportunity of appearing before and being heard by, a person appointed by them for the purpose.

(6) On the determination of an appeal under this regulation, the Scottish Ministers shall give direction for giving effect to his determination, including where appropriate, directions for quashing the enforcement notice or for varying the terms of the notice in favour of the appellant.

(7) Schedule 7 to the Act (a) determination of appeals by appointed person) shall apply to appeals under this regulation as it applies to appeals under section 47 of the Town and Country Planning (Scotland) Act 1997.

Execution and costs of operations required by enforcement notice

26.- (1) If within the period specified in an enforcement notice, or within such extended time as the planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the planning authority may enter on the land and take those steps and, subject to the proviso to this regulation, may recover as a civil debt from the person who is then the owner or lessee of the land any expenses reasonably incurred by them in taking those steps; and if that person, having been entitled to appeal to the Scottish Ministers under regulation 25, failed to make such an appeal, he shall not be entitled in proceeding under this paragraph to dispute the validity of the action taken by the planning authority in accordance with the notice:

Provided that where the person who is then the owner or the lessee of the land would have been entitled, under section 185 of the 1997 Act, to compensation in respect of any expenses reasonably incurred by him in removing the advertisement, the planning authority shall not be entitled to recover their expenses from that person.

(2) Any expenses incurred by the owner, the lessee or the occupier of any land for the purpose of complying with an enforcement notice, and any sums paid by the owner or by the lessee of any land in respect of the planning authority in taking steps required to be taken by such a notice, shall be recoverable as a civil debt from the person by whom the display was carried out.

(3) Where a planning authority seek to recover any expenses under this regulation from a person on the basis that he is the owner of any land, and such a person proves:

(a) that he has no interest in the land except in the capacity of a trustee, tutor, curator, factor

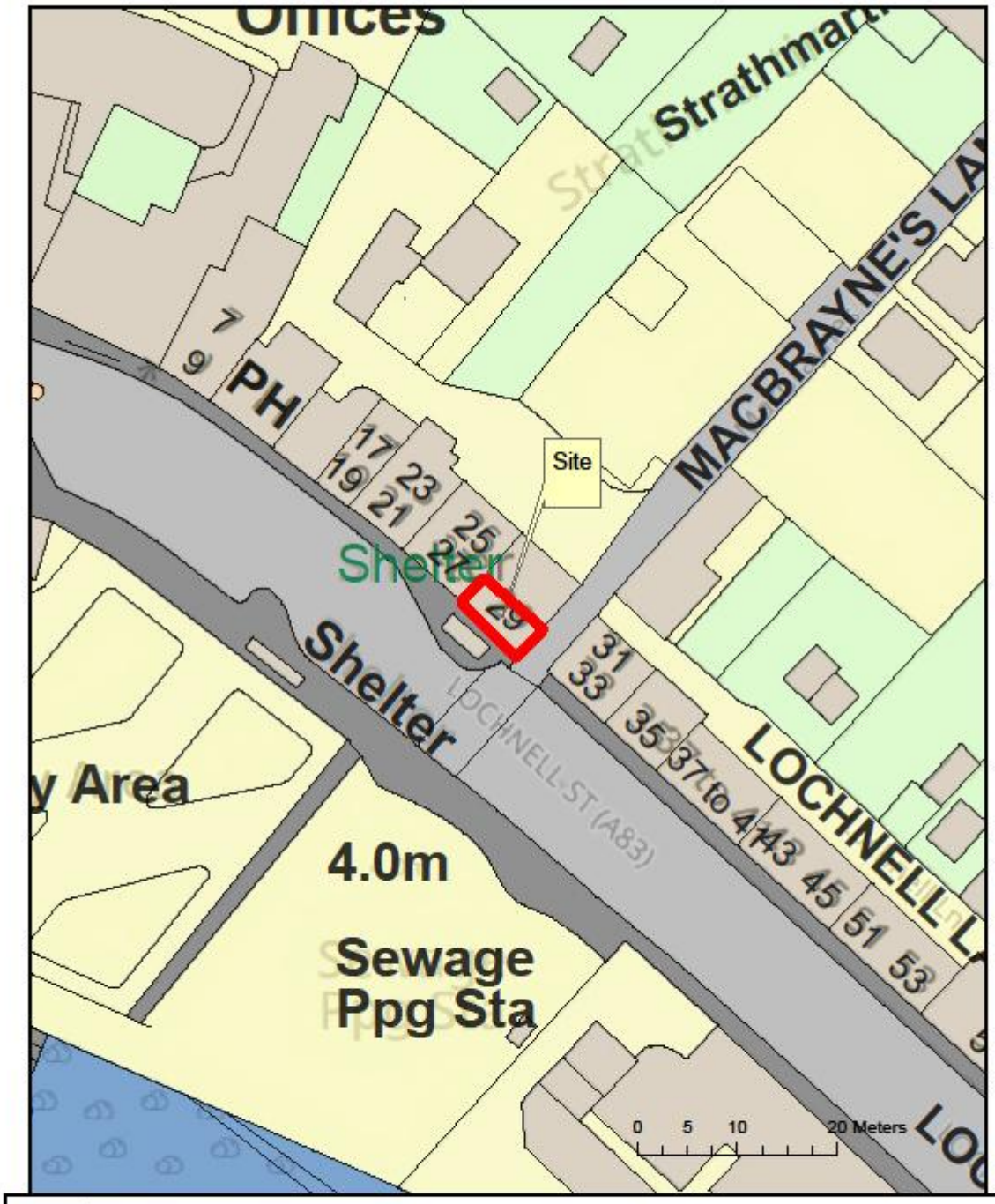
or agent of some other person; and

(b) that he has not, and since the date of service on him of the demand for payment has not

had, in his hands on behalf of that other person sufficient money to discharge the whole of

the demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid; but a planning authority who by reason of the foregoing provisions of this regulation have not recovered the whole of any such expenses from a trustee, tutor, curator, factor or agent may recover any unpaid balance from the person on whose behalf the rent is received.



Enforcement Plan relative to: 24/00231/ENADV

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