

HIGH HEDGES (SCOTLAND) ACT 2013

HIGH HEDGE NOTICE

REFERENCE NUMBER: 18/01651/HH

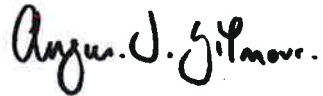
To: Mrs Fielman
Lower Flat
Roslyn
Cowal Terrace
Kames
PA21 2BH

The Council have decided that the high hedge described below adversely affects the enjoyment of the domestic property referred to in section 3 below that an occupant of that property could reasonably expect to have. It has been decided that action should be taken in relation to the high hedge with a view to remedying the adverse effect, and where stated, preventing its recurrence.

- 1. Description of the high hedge which is the subject of this notice:** The high hedge to which this notice relates is situated immediately south east of the rear of the lower flat situated within the building called Roslyn. The area within which the high hedge is situated is delineated in the attached plan in red. The hedge is comprised of a variety of tree species that are some five metres in height on average.
- 2. The land on which the high hedge is situated:** The high hedge to which this notice relates is situated within the identifiable curtilage of the lower flat, Roslyn. It is immediately south east of the rear wall facing out towards to the south east. It is wholly within the identifiable curtilage of the lower flat, Roslyn. The curtilage is identified by a low rise wooden fence.
- 3. The domestic property adversely affected by the high hedge:** Upper Flat, Roslyn, Cowal Terrace, Kames.
- 4. Initial Action to be taken by the persons on whom this notice is served:** The high hedge is to be topped to a height no taller than the lower sill of the upper flat bedroom and bathroom windows.
- 5. Time period within which the initial action must be taken by the persons on whom this notice is served:** 7th February 2019
- 6. Preventative action to be taken by the person on whom this notice is served:** The high hedge / trees are to be topped regularly to prevent it from advancing above the lower sill of the upper flat bedroom and bathroom windows.
- 7. Date of which this notice comes into effect:** 7th December 2018 unless an appeal is made against it beforehand.
- 8. Your right of Appeal:** You can appeal against this notice, but your appeal must be received by Scottish Ministers within 28 days of the date on which notification of the issuing of this notice is given by the Council. **The notes below** give information on your rights of appeal. **READ IT CAREFULLY.**

9. What happens if you do not appeal: If you do not appeal against this notice, it will take effect on the date specified in Section 7 above and you must then ensure that the required steps, specified in Section 5 above, for complying with it, for which you may be held responsible, are taken within the period specified. The Council is entitled to authorise a person to take action under section 22 of the Act where there is a failure to comply with a High Hedge Notice and the Council may recover the expenses of that action. It is an offence under section 24 of the Act intentionally to prevent or obstruct a person authorised to take action from acting in accordance with the Act. This is further explained in the notes below.

Dated: 5th November 2018

A handwritten signature in black ink that reads "Angus J. Gilmore". The signature is written in a cursive style with a large initial 'A'.

Head of Planning and Regulatory Services
Kilmory
Lochgilphead

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

Notes

1. In the event of a failure to comply with this notice, Argyll and Bute Council is entitled to authorise a person to take action under section 22 of the High Hedges (Scotland) Act 2013, and may recover the expenses of that action.
2. It is an offence under section 24 of the High Hedges (Scotland) Act 2013 intentionally to prevent or obstruct a person authorised to take action from acting in accordance with the said Act
3. This notice is binding on every person who is for the time being an owner of the Neighbouring Land specified in the Notice
4. This notice has been copied to every owner/occupier of the domestic property referred to in the Notice
5. Every owner and occupier of the domestic property identified in Section 3 of the Notice, and every owner and occupier of the Neighbouring Land identified in Section 2 of this Notice has a Right of Appeal against this notice under section 12(2)(b) of the High Hedges (Scotland) Act 2013.

An appeal must be lodged in writing on a form supplied by the Directorate for Planning and Environmental Appeals. An appeal form is available from the Directorate for Planning and Environmental Appeals 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. The grounds for appeal must be clearly stated.

An appeal will not be registered unless and until it has been received by Scottish Ministers. Please note that your appeal must be received by them within 28 days beginning with the date on which notification of the issuing of this notice was given to you by the Council. Scottish Ministers have no power to consider an appeal lodged outwith that period

If you lodge an appeal, this High Hedge Notice will be suspended and will not take effect unless the appeal is withdrawn or dismissed

