

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 17/00212/ENBOC2

To: Dr Norman MacDonald
Altnavullin
Benderloch
Oban
Argyll and Bute
PA37 1QS

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 (as amended), because it is considered that there is non-compliance with conditions or limitations regulating the use of land imposed upon a grant of planning permission. 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

That plot or area of ground shown delineated in orange on the attached plan forming part and portion of the subjects known as Land North East of Altnavullin, Benderloch, Oban, Argyll And Bute. (hereinafter referred to as 'the Land Affected')

3. THE RELEVANT PLANNING PERMISSION

The planning permission to which this notice relates is the permission granted by Argyll and Bute Council (**Reference Number 11/00875/PP**) on the **12 August 2011** for the **Redevelopment of 2 existing barns, 1 stable building and a static caravan, to erect a dwellinghouse and form a new private vehicular access** upon the Land Affected.

4. BREACH OF CONDITION

The following condition subject to which the planning permission has been granted have not been complied with:

2. Prior to the initial occupation of the dwellinghouse hereby approved, both of the existing barns and the stable building shall be removed from site to the satisfaction of the Planning Authority.

Reason: To underpin the justification of redevelopment for the dwellinghouse hereby approved.

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 conditions by taking the following steps:

1. Remove both existing barns and the stable building, in their entirety, from the land affected.

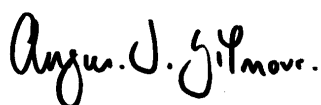
6. TIME FOR COMPLIANCE

You are required to comply with step 1 as listed above on or before the date this notice takes effect.

7. DATE THIS NOTICE TAKES EFFECT

This notice takes effect from 31 March 2018.

Dated: 24th November 2017

A handwritten signature in black ink that reads "Angus J. Gilmore". The signature is written in a cursive, flowing style.

Head of Planning and 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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PENALTIES FOR NON-COMPLAINE WITH A BREACH OF CONDITION NOTICE
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Section 136A of The Planning etc. (Scotland) Act 2006 provides the Planning Authority with power to issue a fixed penalty notice for breaching the terms of a breach of condition notice. There is no right of appeal against a fixed penalty notice. The Town & Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2008 sets out that the penalty for breach of a breach of condition notice is £300. Payment of the penalty does not discharge the requirement to comply with the terms of the breach of condition notice, while prosecution proceedings can be taken where a fixed penalty notice is unpaid.

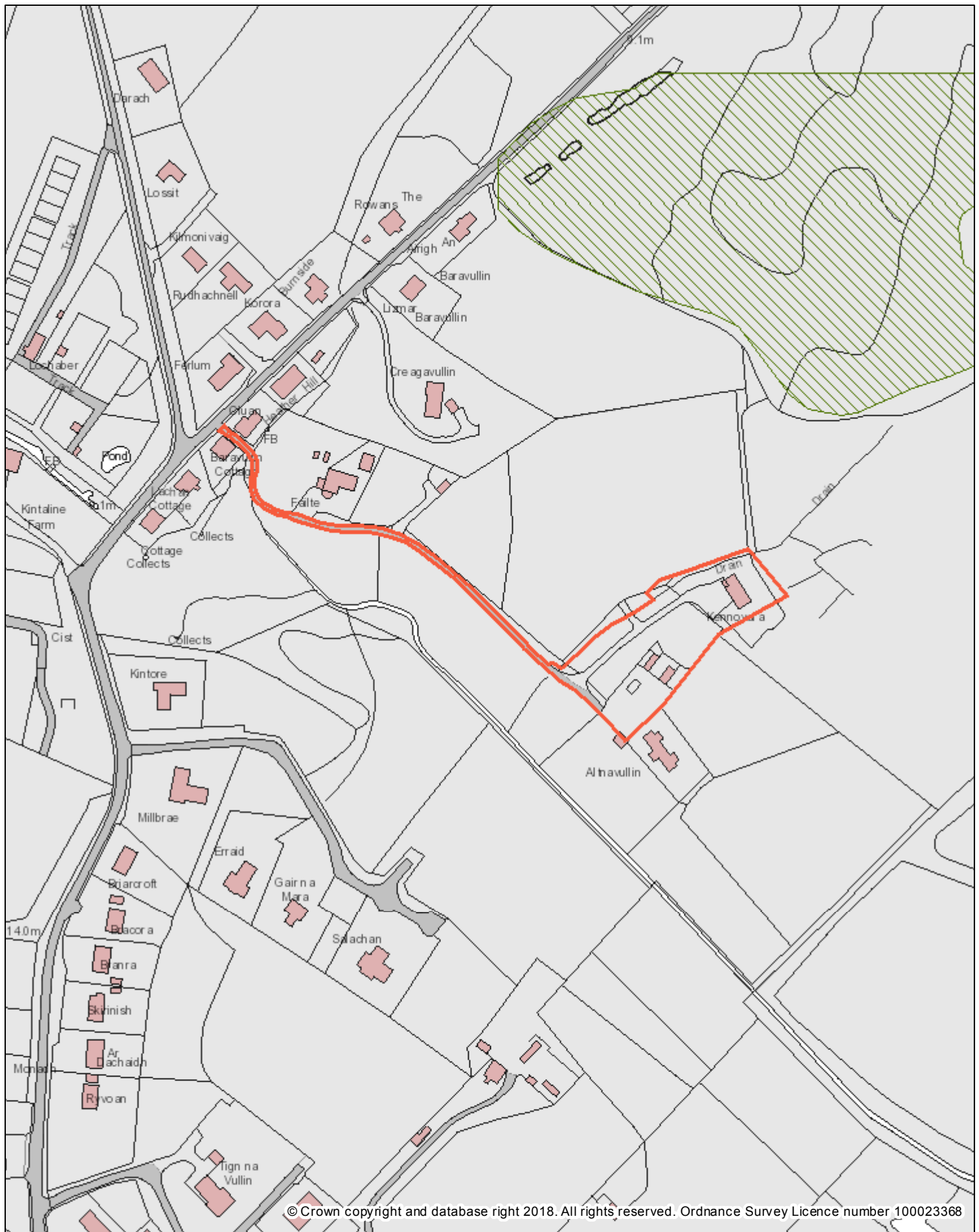
It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence is £1000.00.

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, Municipal Building, Albany Street, Oban, Argyll, PA34 4AW.

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.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE
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Location Plan



SNH - Semi Natural Ancient Woodland

Author: ABC

Date: February 27, 2018

Scale: 1:2,500

