

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

**BREACH OF CONDITIONS NOTICE**

**REFERENCE NUMBER: 07/00285/ENFBOC**

To: Iain Saunders  
Duine  
Ardfern  
PA31 8QN

Mr Colin Lindsay MacDougall  
Lunga House  
Ardfern  
PA31 8QR

**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 **access to Anniewell 2 development, Soroba Road, Ardfern**

**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: 03/02369/REM**) on the **8<sup>th</sup> March 2004** for the **Erection of dwellinghouse (Plot B)**

#### 4. BREACH OF CONDITION

The following conditions have not been complied with:

2. *No development shall be commenced until the road improvements required for the five dwelling estate, of which this property is one, (permitted subject to conditions under reference no. 02/01489/OUT) have been implemented pursuant to conditions 4, 5, 6 and 7 of that consent as follows:*

*2 c) No development shall be commenced until as such time as the proposed estate access has been formed in accordance with the Council's Highway Drawing No. G300 and shall have visibility splays of 2.5 x 90 metres in each direction formed from the centre line of the proposed access, the visibility splays being cleared of all obstructions over one metre in height above the level of the adjoining carriageway and maintained thereafter clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.*

*d) No development shall be commenced until the estate access has been formed in accordance with the Council's Highway Drawing No. G300 with the bellmouth area surfaced in dense bitumen macadam for a distance of 5 metres back from the existing carriageway edge and dropped kerbs formed to the satisfaction of the Planning Authority or as otherwise agreed in writing with the Planning Authority.*

*Reason: In the interest of highway safety.*

3. *The dwelling hereby approved shall not be occupied until the private way within the estate connecting the site with the junction on Soroba/Ardlarach Road, as permitted under reference no. 02/01489/OUT, has been constructed in accordance with the requirements of that permission to the satisfaction of the Council as Planning Authority.*

*Reason: In the interest of highway safety.*

#### 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:

**Form the access to the Council's Highway Drawing No. G300 with the required visibility splays and surfaced in dense bitumen macadam for a distance 5 metres back from the existing carriageway edge in accordance with parts c and d of condition no.2.**

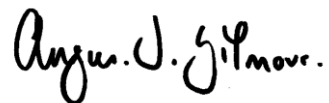
#### 6. TIME FOR COMPLIANCE

**Time for compliance: 35 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: 13 May 2011

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 & 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**

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

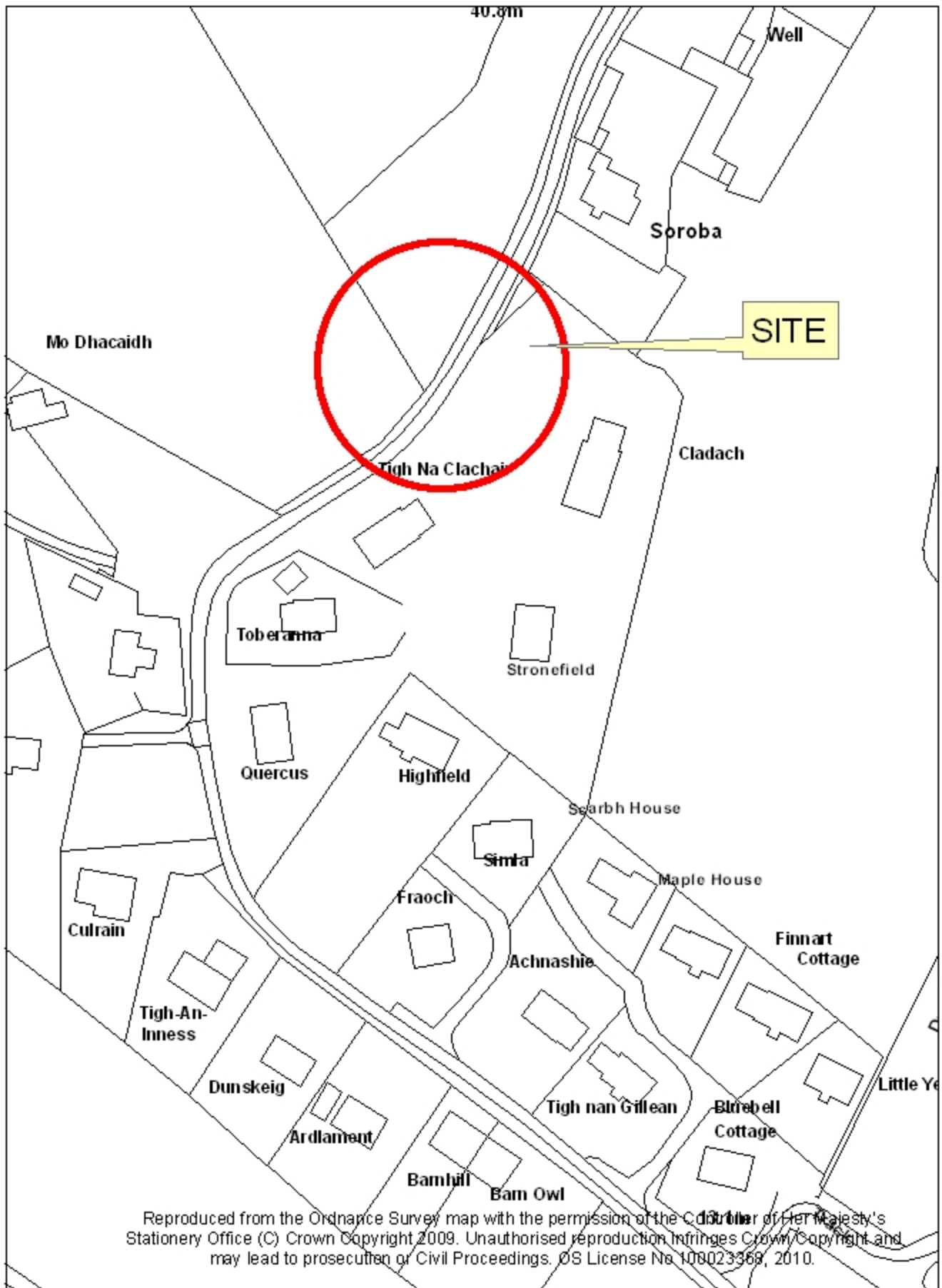
If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial 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.*

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE**



**Location Plan relative to Tigh Na Clachair  
Ardfern, Lochgilphead  
Enforcement Ref. No. 07/00285/ENBOC**

Date: 15.05.11

Drawn By: KMK

Scale: 1:1,250

