

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

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

ENFORCEMENT NOTICE

REFERENCE NUMBER: 23/00022/ENOTH3

To: Mr Iain Brown
12 Crossapol
Crossapol
Isle of Tiree
Argyll and Bute
PA77 6UP

ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council, having their head office at Kilmory, Lochgilphead, Argyll, PA31 8RT, a local authority constituted under the Local Government etc. (Scotland) Act 1994, and as such the Planning Authority for the area of Argyll and Bute in terms of the Town and Country Planning (Scotland) Act 1997 (as amended) ("the Act") because it appears to them that there has been a breach of planning control, under Section 127 of the Act, at the Land Affected as hereinafter defined. Argyll and Bute Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land at **The Camp, Crossapol, Isle of Tiree, Argyll and Bute**, shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

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

Unauthorised erection of an agricultural building

4. REASONS FOR ISSUING THIS NOTICE

In terms of the adopted 'Argyll and Bute Local Development Plan', 2015, the application site is located within the Key Rural Settlement Zone of Crossapol which is subject to the effect of Policy LDP DM 1 which establishes a general presumption in favour of developments, up to medium scale, within settlements, provided it is of a scale and form compatible with the surrounding area and does not result in inappropriate densities, the loss of valuable open areas and is acceptable in terms of siting and compatibility with the established settlement pattern.

Policy LDP 3 requires assessment of applications for their impact on the natural, human and built environment, Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities and Policy LDP 9 seeks developers to produce and execute a high standard of app TD[ttand0.6 (i)-1 (ste)ds)-1.7 ()-1 (gh 0 Tn1.7 (to B)5.1.3 (, (i)-1 (s1

Demolish the agricultural building which has partially been built at the site along with the removal of any fixtures and fittings associated with the building. The demolition materials will then be required to be removed from the site.

Time period for compliance: **6 months from the date this notice takes effect.**

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 27th of March 2023

<p style="text-align: center;">SCHEDULE 1 EXPLANATORY NOTE FOR THOSE IN RECEIPT OF AN ENFORCEMENT NOTICE</p>

RELEVANT LEGISLATION

A copy of (a summary of) Section 127/134 of the Town and Country Planning (Scotland) Act 1997 is attached. You will wish to note in particular the points referred below.

RIGHT OF APPEAL

If you wish to appeal against this notice, you should write to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. The appeal must be received, or posted in time to be received, by the Scottish Government before the 27th of March 2023. The Scottish Government 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 Section 130 of the 1997 Act, and you should state the facts on which you propose to rely in support of each of the grounds of the appeal. The grounds of appeal and statement of facts must be submitted with your appeal or within 14 days of your being required to do so by the Scottish Government.

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

PENALTIES FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE

Where an enforcement notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, is guilty of an offence and liable on summary conviction to a fine not exceeding Fifty Thousand Pounds or on conviction on indictment to an unlimited fine. In determining the amount of the fine to be imposed the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the activity which constituted the offence. Furthermore, if the use is continued after conviction the person may be convicted of a second or subsequent offence.

DIRECT ACTION FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE

If the steps required by an enforcement notice 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 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.

Enforcement Sections of the Town & Country Planning (Scotland) Act 1997

Description Issue of enforcement notice.	127. -	<i>Enforcement notices</i>
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Description	<i>Enforcement notices</i>
	(6) An enforcement notice issued in respect of a breach of planning control consisting of demolition of a building may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.
	(7) A replacement building-
	(a) must comply with any requirement imposed by or under any enactment applicable to the construction of buildings,
	(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control, and
	(c) must comply with any regulations made for the purposes of

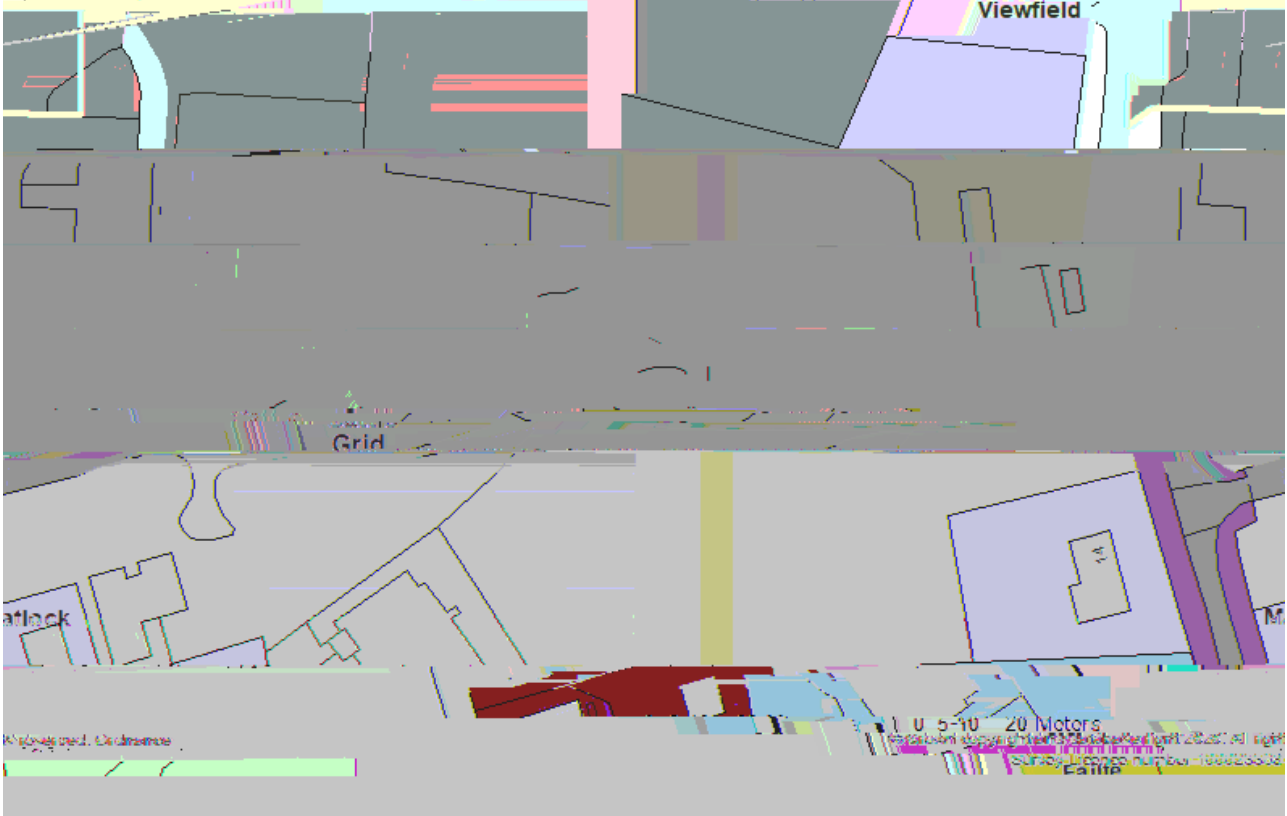
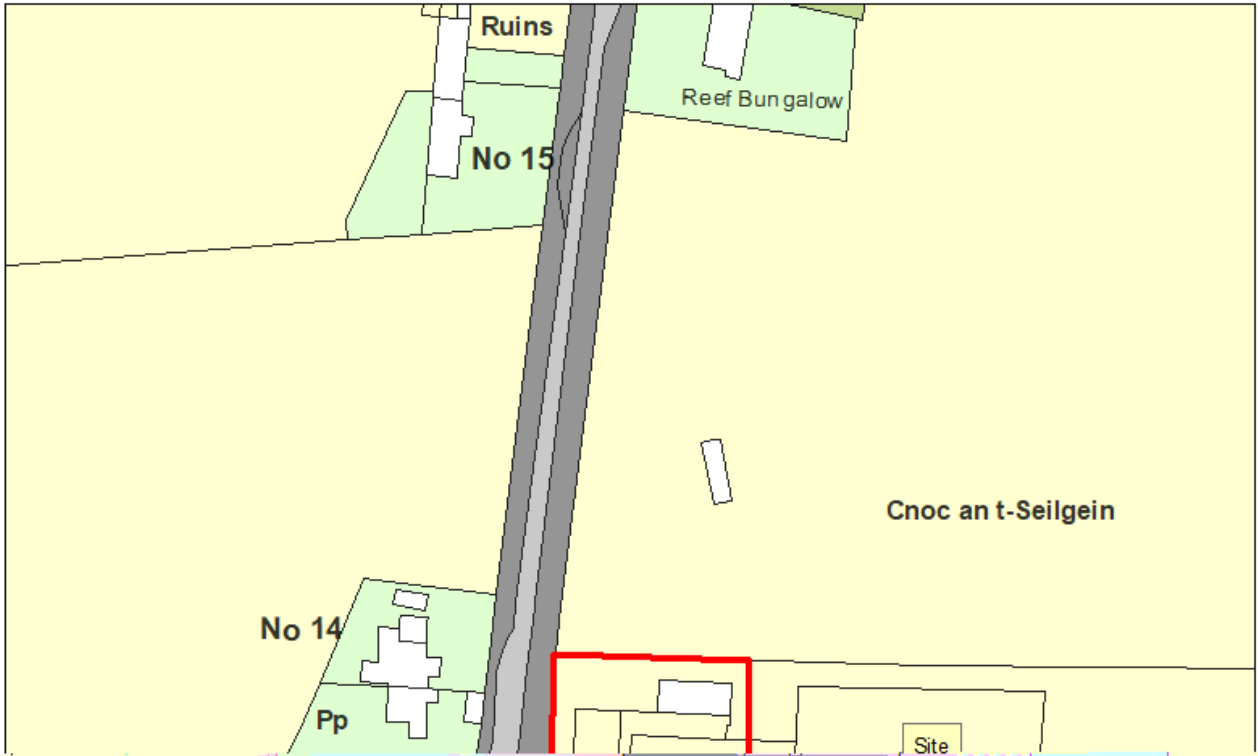
Description	<i>Enforcement notices</i>
	(a) an enforcement notice requires the construction of a replacement building, and
	(b) all the requirements of the notice with respect to that construction have been complied with,
	planning permission shall be treated as having been granted under section 33 in respect of development consisting of that construction.

Variation and withdrawal of enforcement notice.

129. - (1) The planning authority may-

Description	<i>Enforcement notices</i>
	(b) by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date.
	(3) A person who gives notice under subsection (2) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing-

Description	<i>Enforcement notices</i>
	enforcement notice, and to any other material considerations.
	(5) The planning permission which may be granted under subsection (1) is any planning permission which might be granted on an application under Part III.
	(6) Where the Secretary of State discharges a condition or limitation under subsection (1), he may substitute for it any other condition or limitation.
	(7) Where an appeal against an enforcement notice is brought under section 130, the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.
	(8) Where-
	(a) the statement under section 130(3) specifies the ground mentioned in subsection (1)(a) of that section, (b) any fee is payable under regula15 10.98 3779145.8 81g[s]-1.7 (



Aggravated Enforcement Notice



COUNCIL

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