

**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: 12/00166/ENBOC2

To: Geoffrey Nicholsby
Dundonald
North Connel
Oban
Argyll
PA37 1RE

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**

That plot or area of ground, south of Dundonald North Connel, Oban, PA37 1RE shown delineated in red on the attached plan (hereinafter referred to as 'the Land Affected').

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

In terms of Section 123(1)(b) of the above Act, failing to comply with the conditions and/or limitations subject to which planning permission reference 08/01309/DET, authorising the development of the Land Affected, ('the Planning Permission') has been granted.

It appears to Argyll and Bute Council that you have failed to comply with the following condition/limitation attached to the Planning Permission and that there has therefore been a breach of planning control;

Condition 2: *"The gazebo hereby permitted shall not be occupied otherwise than as an annexe to Shodh t plafdereb"*

4.

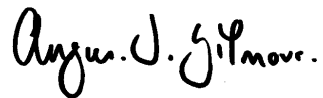
Signed:



Stephen Fair
Area Team Leader
Oban, Lorn and the Isles

Andrew Barrie
Planning and Enforcement Officer
Oban, Lorn and the Isles

On behalf of



Angus Gilmore
Head of Planning & Regulatory Services
Kilmory
Lochgilphead

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.

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 128(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were reissued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the planning authority to issue a further enforcement notice.

Appeal against enforcement notice.

130. - (1) A person on whom an enforcement notice is served or any other person having an interest in the land may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice on any of the following grounds-

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 127;

(f)

(3) The Secretary of State may-

(a) dismiss an appeal if the appellant fails to comply with section 130(3) within

Grant or modification of planning permission on appeal against enforcement notice.

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