

**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: 19/00025/ENOTH2

To: Mr Malcolm and Mrs Tracy McArthur
Homeston Farm
Campbeltown
Argyll
PA28 6RL

ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

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8. **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this notice, it will take effect on **10th April 2020** and you

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

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A summary of Sections 127 to 134 of the Town and Country Planning (Scotland) Act 1997 (as amended) are 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,

DIRECT ACTION FOR NON-

(d) the control of a deposit of refuse or other material on land to be modified by altering the gradient or gradient of its sides

(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 section (7), is as similar as possible to the demolished building.

(7) A replacement building -

- (a) an enforcement notice requires the construction of a replacement building, and
 - (b) all the requirements of the notice in respect of 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 -

- (a) withdraw enforcement notice issued by them, or
- (b) vary 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 enforcement 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, if he is not named in the notice, 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 the matters have not occurred;
- (c) that the 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) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters, or, as the case may be, to remedy any injury to amenity which has been caused by

regulations under any other provision of this Act

General provisions relating to
determination of appeals

132.- (1) On the determination of an appeal under section 130, the Secretary of State shall give directions for giving effect to the determination, including, where appropriate, directions for quashing the enforcement notice.

(2) On such an appeal the Secretary of State may -

(a) correct any defect, error or misdescription in the enforcement notice, or

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the planning authority

(3) The Secretary of State may -

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

(b) allow an appeal and quash the enforcement notice if the planning authority fails to comply with any requirement imposed by virtue of paragraph (b), (c) or (e) of section 131(1).

(4) Where it would otherwise be a ground for determining an appeal in favour of the appellant that a person required by section 127(2) to be served with a copy of the enforcement notice was not so served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

Grant or modification of planning
permission on a

certificate under section 150.

(2) The provisions of

(9) Any planning permission granted under section (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant

(10) In relation to a grant of planning permission or a determination under section (1) the Secretary of State's decision shall be final.

(11) For the purposes of section 36 the decision shall be treated as having been given by the Secretary of State in dealing with an application for planning permission made to the planning authority

Validity of enforcement notices

134. The validity of an enforcement notice shall not be questioned in any proceedings whatsoever on any of the grounds specified in section 130(1)(b) to (e) except by appeal under that section

