

**IMPORTANT – THIS NOTICE AFFECTS YOUR PROPERTY AND HAS IMMEDIATE EFFECT**

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

**NOTICE REQUIRING SUBMISSION OF A PLANNING APPLICATION FOR DEVELOPMENT  
ALREADY CARRIED OUT**

**REFERENCE NUMBER: 23/00012/ENFHS**

To: **Zarina Shah**  
Flat 2  
3 Shore Road  
Port Bannatyne  
Isle of Bute  
PA20 0LQ

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council, as Planning Authority, under s33A of the Town and Country Planning (Scotland) Act 1997, as amended,

## 5. WHAT YOU ARE REQUIRED TO DO

As the owners of the Land Affected you are required to make an application to Argyll and Bute Council, as Planning Authority, for the development of the Land Affected that represents the breach of planning control.

Time period for compliance: **8 weeks from the date of this Notice.**

## 6. FAILURE TO COMPLY

Please note that section 123(2) of the Act provides that, for the purposes of the Act, the issue of this notice constitutes taking enforcement action.

Failure to comply with this notice may result in further enforcement action.

## 7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the date on which it is received by you.

## 8. YOUR RIGHT OF APPEAL

You do not have a right of appeal against this notice.

Dated: **26<sup>th</sup> March 2024**



Fergus Murray  
Head of Development and Economic Growth  
Kilmory  
Lochgilphead

On behalf of Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT

**EXPLANATORY NOTE FOR THOSE IN RECEIPT OF A NOTICE REQUIRING SUBMISSION  
OF A PLANNING APPLICATION FOR DEVELOPMENT ALREADY CARRIED OUT.**

**Relevant Legislation**

Copies of s33A and s123 of the Town and Country Planning Scotland Act 1997, as amended, are attached.

### **What does this notice mean?**

You have received this notice because the planning authority believe that you have either built something or are doing something on your property for which you should have obtained planning permission, or built something having failed to comply with any condition or limitation subject to which planning permission has been granted. The planning authority has therefore issued you this notice requiring you to submit a planning application for the work that has been carried out (a retrospective planning application).

### **What happens next?**

You need to submit a planning application by the date stated in the Notice. When submitting a planning application you will require to pay the requisite fee.

### **What happens if I don't submit an application?**

If you don't submit an application the planning authority may take further enforcement action. This can ultimately mean that you may be required to remove the development and/or, should you fail to comply with further enforcement action, th6 (on y)-2 (ou )T0j EMC weowy 53k6 (o)4.2 ( ac)8.4 (ho

## Section 33A

Where there is a breach of planning control the planning authority may issue a notice—

- (a) requiring the owner of the land in, on, over or under which the development has been carried out to make an application to them for planning permission for the development,
- (b) describing the development in a way that is sufficient to identify it,
- (c) specifying a date by which the application is to be made, and
- (d) setting out the terms of section 123(1).

## Section 123

(1) For the purposes of this Act—

- (a) carrying out development without the required planning permission, or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted, or
- (c) initiating development without giving notice in accordance with section 27A(1) of this Act, or
- (d) carrying out development without displaying a notice in accordance with section 27C(1) of this Act, constitutes a breach of planning control.

(2) For the purposes of this Act—

- (a) the issue of an enforcement notice, or
- (b) the service of a breach of condition notice,

under this Part constitutes taking enforcement action as does the issuing of a notice under section 33A

(3) In this Part “planning permission” includes planning permission under Part III of the 1947 Act and Part III of the 1972 Act.

