

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

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

**ENFORCEMENT NOTICE**

**REFERENCE NUMBER: 16/00013/ENOTH3**

To: Robert Grenfell Campbell-Preston  
Inverawe House  
Inverawe  
Taynuilt  
Argyll  
PA35 1 HU

Development Plan 2015 where Policy LDP DM 1 only gives encouragement to small scale development of appropriate infill, rounding off, redevelopment or change of use of building development basis, subject to compliance with other associated policies and supplementary guidance. This policy further states that in exceptional circumstances development in the open countryside up to and including large scale, may be supported on appropriate sites if it accords with an Area Capacity Evaluation (ACE).

The unauthorised development does not constitute small scale development of appropriate infill, rounding off, redevelopment or change of use of building development. In order for the development to find policy support, it must be demonstrated that an exceptional circumstance exists to warrant it. The development must then accord with an ACE, being an assessment undertaken by the planning authority to establish the capacity of the wider countryside area containing the application site to successfully absorb development (this wider area may be the whole or part of the development management zone or an 'area of common landscape character' containing the site). The development has not been assessed against the required criteria.

The development is not regulated by means of appropriate planning conditions

It is considered expedient for the planning authority to issue this notice having regard to the Local Development Plan and to other material considerations.

## 5. WHAT YOU ARE REQUIRED TO DO

You are required to:

1. Cease the use of Land Affected for the purpose of storing and maintaining finfish cages.

Time period for compliance: **3 months from the date this notice takes effect.**

## 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the **18<sup>th</sup> September 2017** subject to section 131(3) of the Act which provides that where an appeal is made to the Scottish Government before the date this notice takes effect that this notice shall be of no effect pending the final determination or the withdrawal of the appeal.

## 7. YOUR RIGHT OF APPEAL

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government **before** the **18<sup>th</sup> September 2017** Schedule 1 to this notice gives information on your rights of appeal. **READ IT CAREFULLY.**

8. ~~WHP 122R~~ WHP 122R ENS0ub.04 70.92 760.92T

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

**DIRECT ACTION FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE**

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

Issue of enforcement notice. 127.- (1) The planning authority may issue a notice (in this Act referred to as an "enforcement notice") where it appears to them

- (a) that there has been a breach of planning control, and
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served

- (a) on the owner and on the occupier of the land to which it relates, and
- (b) on any other persons having an interest in the land, being an interest which, in opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place

- (a) not more than 28 days after its date of issue, and
- (b) not less than 28 days before the date specified in it as the date on which it is to take effect.

Contents and effect of notice. 128.- (1) An enforcement notice shall state

(d) the contour of a deposit of refuse or waste materials on land to be altered if altering the gradient or gradients 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 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 applying 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 this subsection (including regulations modifying paragraphs (a) and (b) of this subsection).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to section 131(3), shall take effect on that date.

(9) An enforcement notice shall specify the period for compliance with the notice, the end of which any steps are required to have been taken or any activities are required to have ceased, and may specify different periods for different steps or activities.

(10) Where different periods apply to different steps or activities, references in Part 2 to the period for compliance with an enforcement notice, in relation to any activity, are to the period at the end of which the activity is required to have been taken or the activity is required to have ceased.

(11) An enforcement notice shall specify such additional matters as may be prescribed.

(12) Regulations may require every copy of an enforcement notice served under section 127 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 130.

(13) Where

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so, and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted under section 33 in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(14) Where

- (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.



allowed.

(2) An appeal under this section shall be made either

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect, or

(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

(a) specifying the grounds on which he is appealing against the enforcement notice, and

(b) giving such further information as may be prescribed.

Appeals: supplementary provisions.

131.- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 130 and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, in so prescribing may-

(a) specify the matters on which information is to be given in a statement under section 130(3);

(b) require the planning authority to submit, within such time as may be specified, a statement indicating the submissions which they propose to put forward on the appeal;

(c) specify the matters to be included in such a statement;

(d) require the authority or the appellant to give such notice of an appeal as may be specified to such persons as may be specified;

(e) require the authority to send to the Secretary of State within such period from the date of the bringing of the appeal as may be specified, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) Subject to section 132(3), the Secretary of State shall, if either the appellant or the planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Where an appeal is brought under section 130 the enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(4) Schedule 4 applies to appeals under section 130, including appeals under that section as applied by

regulations under any other provisions of this Act.

General provisions relating to



(9) Any planning permission granted under subsection 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

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Old Park  
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Dun Leigh

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