

**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: 17/00215/ENOTH3

To: William Love
Ballygown Farm
Glenlonan
Oban
PA34 4 QE

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 shown delineated in red on the attached plan, forming part and portion of the subject land identified within Land Registry of Scotland, Land Certificate ARG23873 (hereinafter referred to as 'the Land Affected').

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

[(r)-6 (ed 334.9 (m)-6 (1)(a)) of the Act. The siting of development without the required planning permission, relative to:

1. **The material change of use of land, to land for siting of a caravan,**
2. **The erection or siting of a timber framed extension affixed to the aforementioned caravan,**
3. **The siting of a shipping container,**
4. **The siting of a small animal shed and or aviary structure.**

in, over, and/or under the Land Affected.

4. REASONS FOR ISSUING THIS NOTICE

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the land affected is situated within the Countryside Zone where Policy LDP DM 1 only gives encouragement to small scale development, on appropriate infill, rounding off, redevelopment and change of use of existing buildings. This policy further states that, in exceptional cases, development in the open countryside may be supported on appropriate sites if it accpaD appr)co s1Eea Capacity E1(c)-2valuation (C11(s)-26)nce, the site does not represent an opportunity fpaD4.9 ()0.7 (i)2.6 (n)10.6 (f)-17.5 (i)2.6 (l)2.6 (l)2.6 (,)6.6 ()0.7 (r)-6 (oundi)2

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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

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

Issue of
enforcement
notice.

127. - (1) The planning authority may issue a notice (in this Act referred to as a

(d) the contour of a deposit of refuse or waste materials on land to be altered by altering the gradient or gradients of its sides.

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 the post, it is likely to reach him before the date specified in the enforcement notice as the date on which it is to take effect.

regulations under any other provisions of this Act.

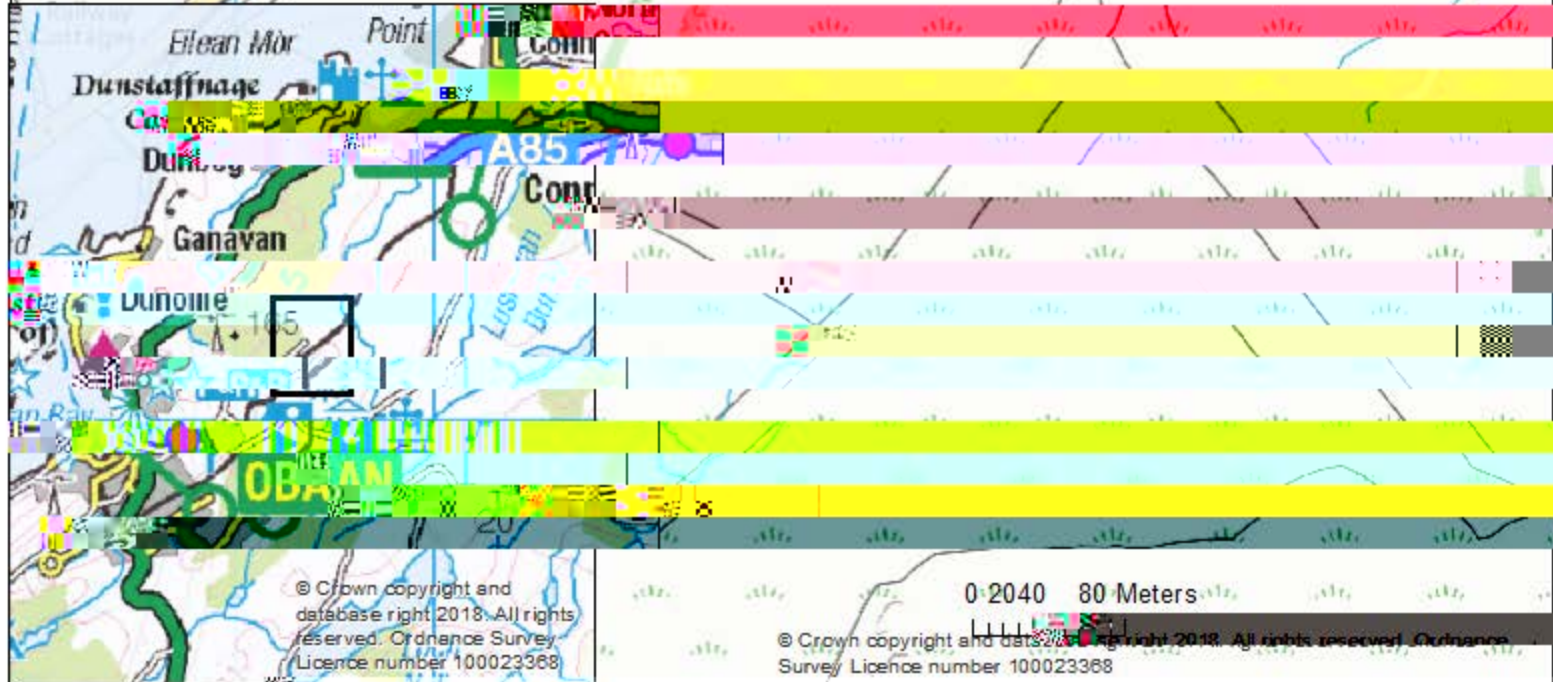
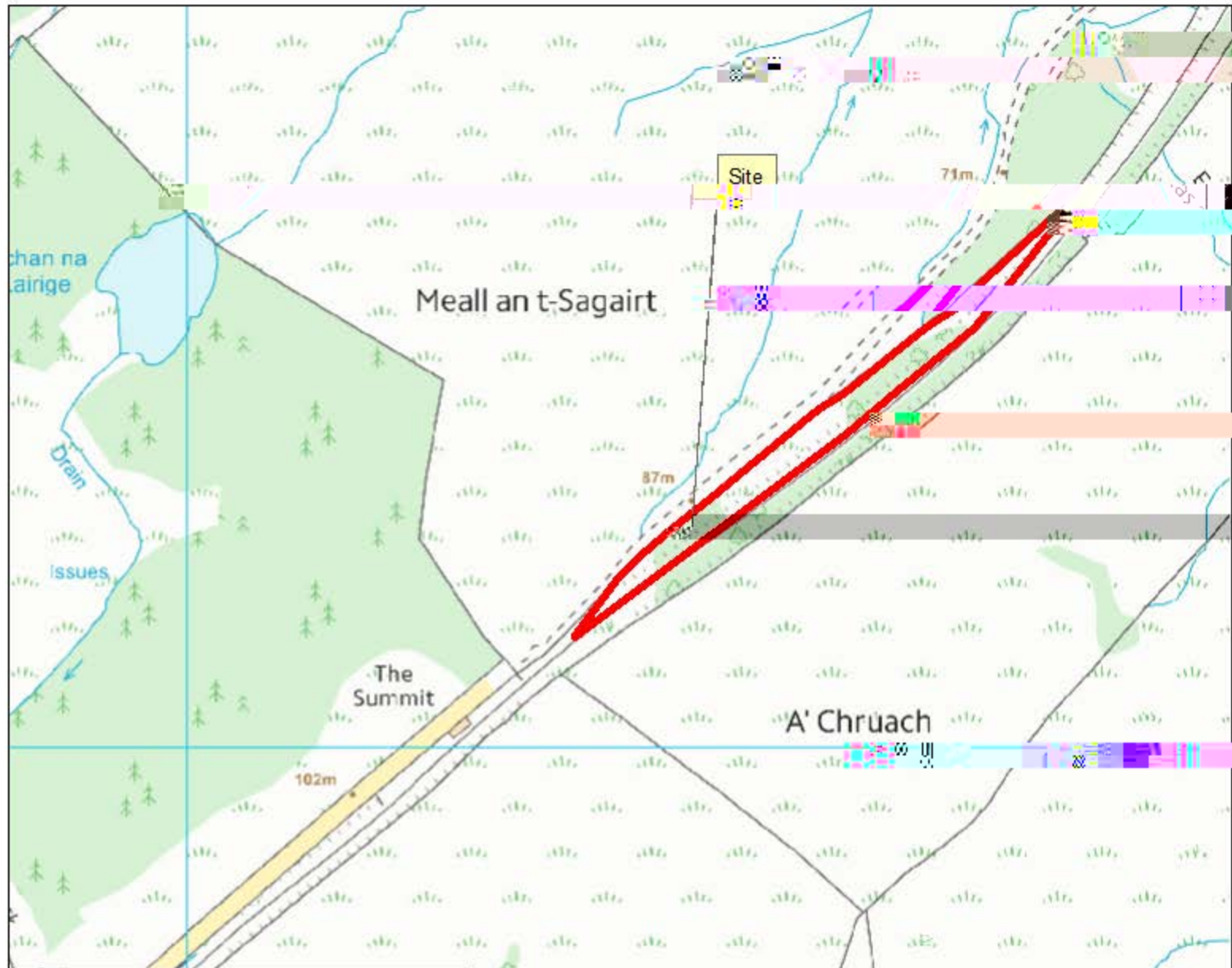
(9) Any planning permission granted under subsection on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(10) In relation to a grant of planning permission or a determination under subsection (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



Argyll & Bute Council

Location Plan Relative to Enforcement Case 17/00015/EN01H3

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