

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

C O C

REFERENCE NUMBER: 17/00005/ENOTH1

To Mr GILBERT JOHN MACKECHNIE
Glenrigh Private House Hotel
Corran Esplanade
Oban
Argyll and Bute

PA34 5AQ

ISSUED BY: ARGYLL A

THIS IS A FORMAL NOTICE UNDER SECTION 18(1) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

4. REASONS FOR ISSUING THIS NOTICE

Operations have been undertaken to culvert/pipe a watercourse and form a hardstanding in

[REDACTED]

[REDACTED]

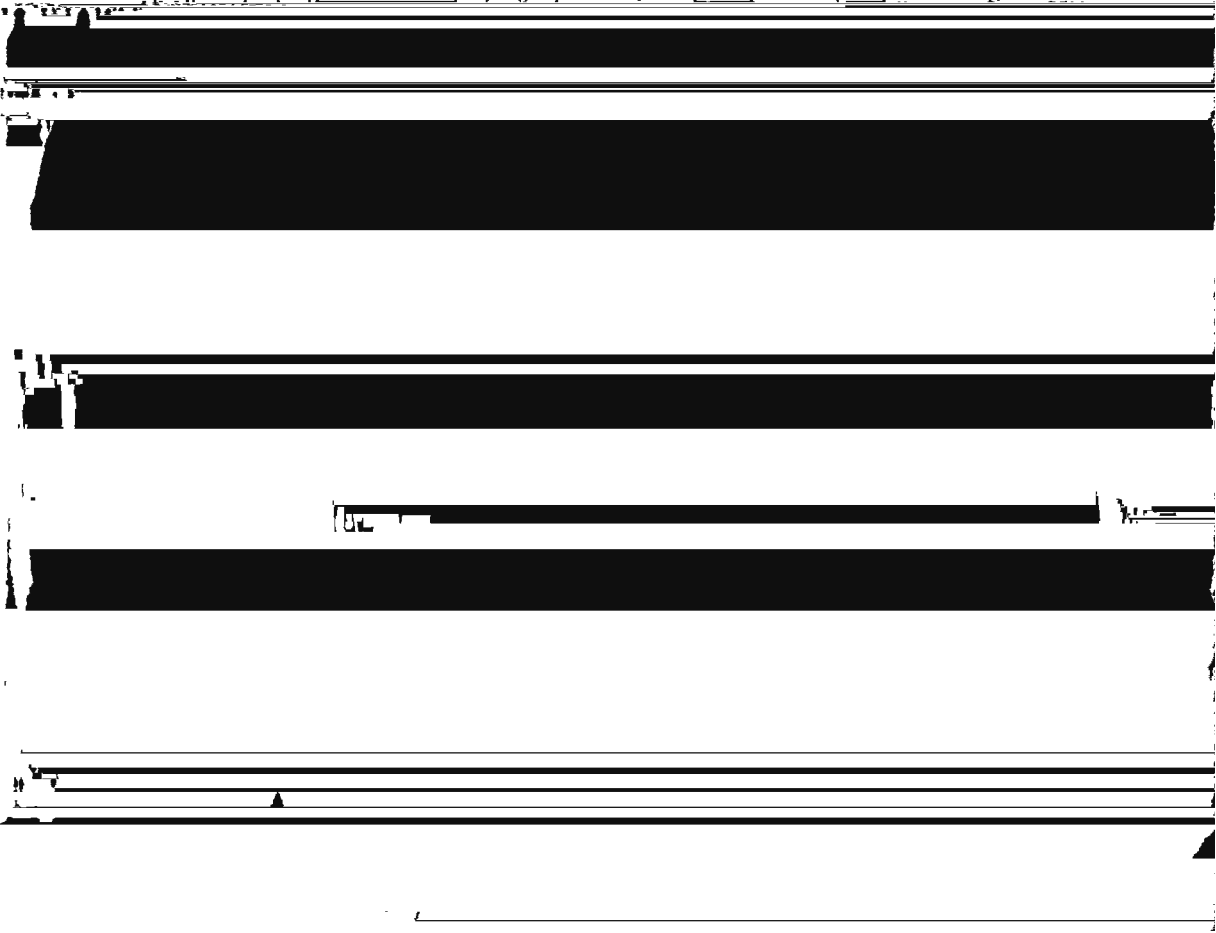
[REDACTED]

[REDACTED]

5. WHAT YOU ARE REQUIRED TO DO

You are required to:

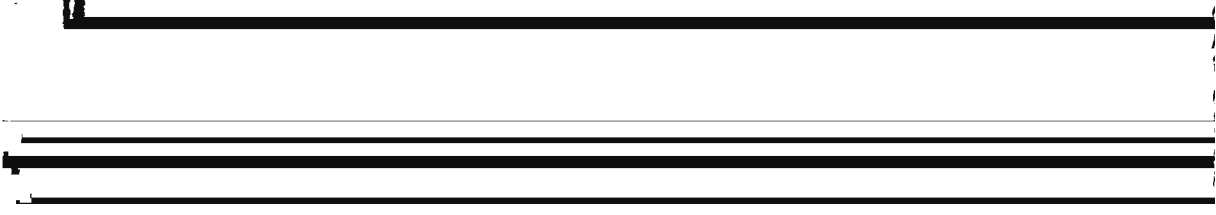
1. Remove the culvert crossing and hardstanding area from the Land Affected. This



Time period for compliance: **28 days from the date this notice takes effect**

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 5th April 2017 subject to section 121(2) of the Act which



**SCHEDULE 1
EXPLANATORY NOTE FOR THOSE IN RECEIPT OF
AN ENFORCEMENT NOTICE**

RELEVANT LEGISLATION

[REDACTED]

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, Falkirk, FK1 1XR. The appeal must be received, or posted in time to be received, by the Scottish Government before the **5th April 2017**. The Scottish Government has no power to consider an appeal lodged out of time.

The appeal, which must be made in writing, must be based on one or more of the grounds set out in Section 130 of the 1997 Act, and you should state the facts on which you propose to rely in support of each of the grounds of the appeal. The grounds of appeal and statement

[REDACTED]

[REDACTED]

of facts must be submitted with your appeal or within 14 days of your being required to do so

NOTICE OF ACTION FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE

[REDACTED]

[REDACTED]

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

[REDACTED]

notice.

(a) that there has been a breach of planning control, and

(b) that it is necessary to issue the notice, having regard to the provisions of the

[REDACTED]

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

(6) An enforcement notice issued in respect of a breach of planning control

~~... of a building ... require the construction of a building ...~~
[The remainder of the page is heavily redacted with black bars.]

- (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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

notice.

- (a) withdraw an enforcement notice issued by them, or
- (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

[REDACTED]

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,

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.

- (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-

certificate under section 150.

(2) The provisions of sections 150 to 153 mentioned in subsection (3) shall apply for the purposes of subsection (1)(d) as they apply for the purposes of section 150, but as if-

[REDACTED]

reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made, and

(b) references to the planning authority were references to the Secretary of State.

(3) Those provisions are sections 150(5) to (7), 152(4) (so far as it relates to the form of the certificate), (6) and (7) and 153.

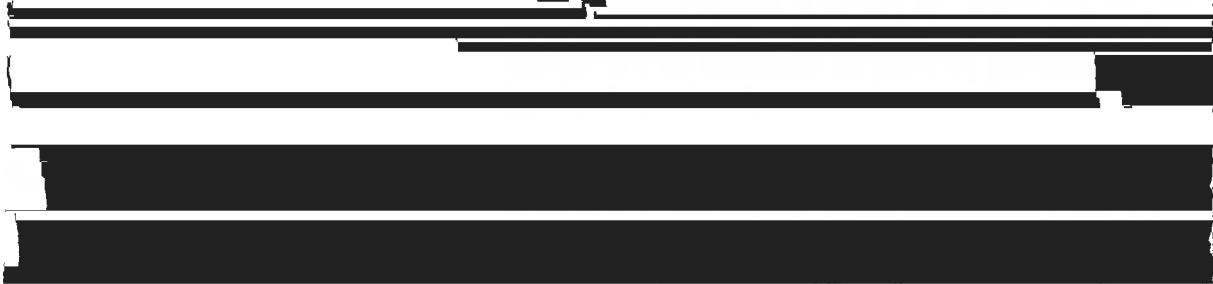
(4) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(5) [REDACTED]

(9) Any planning permission granted under subsection (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 subsection (1) the Secretary of State's decision shall be final.

(11) For the purposes of section 26 the decision shall be



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