

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

BREACH OF CONDITIONS NOTICE

REFERENCE NUMBER: 06/00122/ENFOTH

To:

Welchs Parks
c/o Montgomery Forgan Associates
Eden Park House
Cupa
Fife
KY15 4HS

SERVED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. THIS IS A FORMAL NOTICE which is served by Argyll and Bute Council, under Section 145 of the Town and Country Planning (Scotland) Act 1997, because it is considered that conditions imposed on the grant of planning permission, relating to the land described below, has not been complied with. It is considered that you should be required to secure compliance with the conditions specified in this notice.

2. THE LAND AFFECTED BY THE NOTICE

The site to which this notice relates (shown edged in red on the attached plan) forms an area of land known as **Manor Park (formerly Cowal Caravan Park), Victoria Road, Hunters Quay, Argyll And Bute, PA23 8JY.**

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is planning permission 08/00402/DET granted by Argyll and Bute Council on 9th June 2008 **for the formation of road stances for static caravans, associated ground engineering works and boundary treatment works (partially retrospective).**

4. BREACH OF CONDITION

The following condition(s) has/have not been complied with:

1. Within three months of this permission (9th September 2008), the approved landscaping and boundary treatment scheme detailed on Drawing No. 4356/C/12, titled '*Development Proposal*', received on 25th February 2008 shall be fully implemented. The screen planting shall include the use of Lawson Cypress species and shall thereafter ensure the maintenance of the landscaped/screening areas for a period of five years or

until established, whichever may be longer. The trees shall be maintained at a height which does not exceed 2.4 metres. Any trees removed or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the implementation of a satisfactory scheme which will in due course improve the environmental quality of the development and mitigate against potential overlooking and privacy issues with neighbouring properties.*

2. Within three months of this permission (9th September 2008), the concrete caravan/lodge base located at the south eastern corner of the park and as detailed on Drawing No. 4356/C/12, titled 'Development Proposal', received on 25th February 2008 shall be lowered by a height no less than 600mm, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of preventing overlooking with neighbouring properties.*

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of conditions specified in section 4 of this notice, you are required to secure compliance with the stated conditions by taking the following steps:

- i) Undertake the necessary works on site as stipulated by the conditions specified in section 4 of this notice.

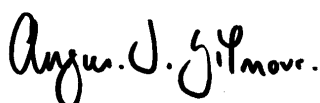
6. TIME FOR COMPLIANCE

47 days from the date this notice takes effect (no later than 28th February 2009).

7. DATE THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 12th January 2009



Head of Planning
Kilmory
Lochgilphead

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

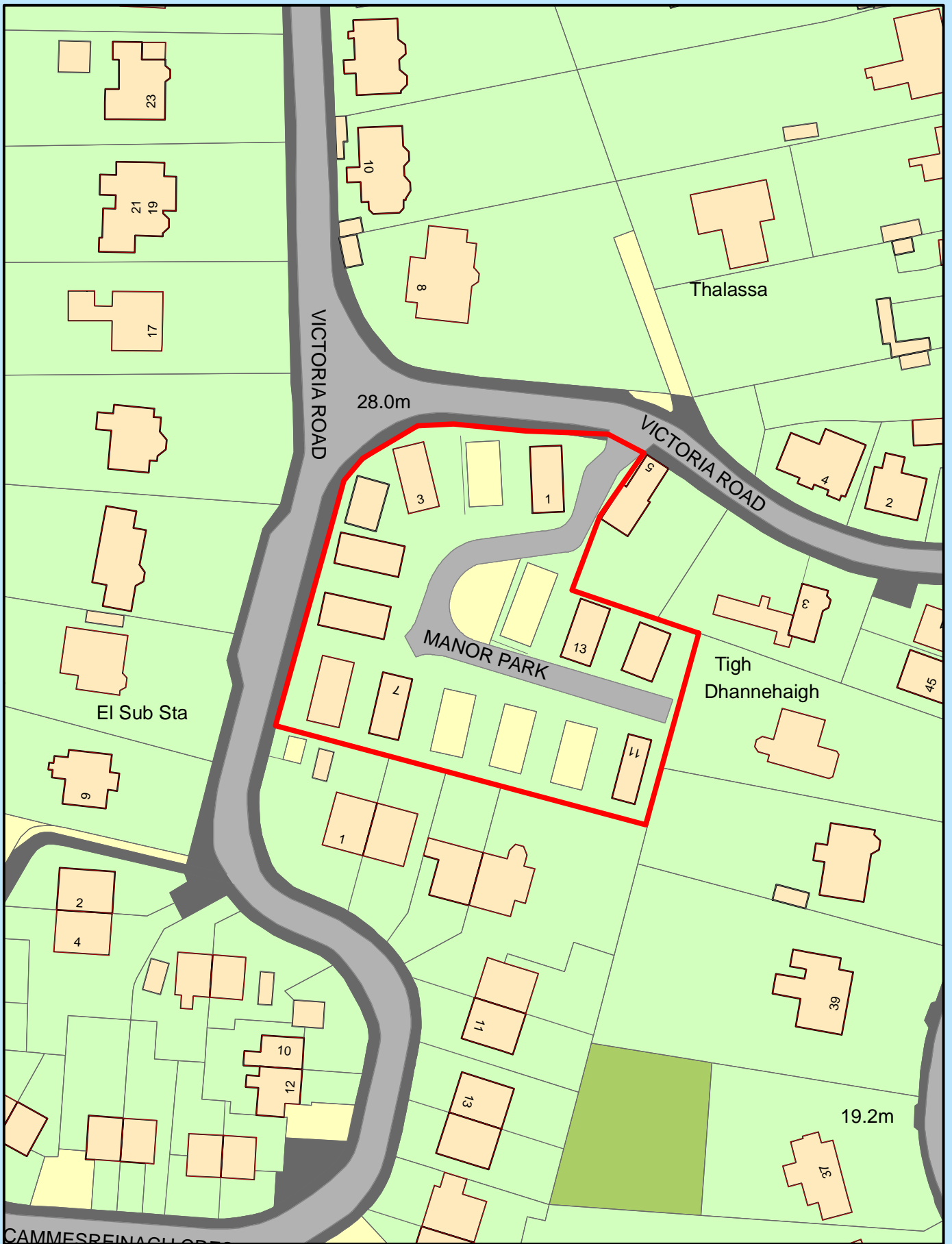
WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence is £1000.00.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately by telephone, followed by written enquiry to Planning Services, Milton House, Milton Avenue, Dunoon, Argyll, PA23 7DU. Tel: 01369708621.

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional advisor specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the Court of Session for judicial review. A lawyer will advise you on what procedure this process involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE



**BREACH OF CONDITIONS
NOTICE RELEVANT TO
06/00122/ENFOTH**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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