

IMPORTANT : THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
SECTION 127

ENFORCEMENT NOTICE

SERVED BY PERTH & KINROSS COUNCIL

**RELATING TO LAND AT CLAIS AN DEOR, LOGIERAIT, PITLOCHRY, PERTHSHIRE,
PH9 0LH.**

THIS NOTICE IS SERVED ON

**MR. JOHN KARAGOUNIS (IOANNIS KARAGOUNIS), CLAIS AN DEOR COTTAGE,
LOGIERAIT, PITLOCHRY, PH9 0LH.**

**REBECCA CLARE KARAGOUNIS, CLAIS AN DEOR COTTAGE, LOGIERAIT,
PITLOCHRY, PH9 0LH.**

1) THIS IS A FORMAL NOTICE which is served by the Council because it appears to them that there has been a breach of planning control, under Section 123(1)(b) of the above Act, at the land described below. They consider it is expedient to issue this notice, having regard to the provision of the development plan and to other material planning considerations.

2) THE LAND AFFECTED

The site to which this notice relates (shown edged in red on the attached location plan), is the land at Clais an Deor, Logierait, Pitlochry, and is hereafter referred to as 'the site'.

3) THE BREACH OF PLANNING CONTROL ALLEGED

I. The failure to comply with Condition 2 of planning permission 08/01993/FUL, granted by Perth and Kinross Council 29 October 2008.

4) REASONS FOR THIS NOTICE

- I. Planning permission 08/01993/FUL for the erection of a retaining wall (in retrospect) was granted subject to three conditions.
- II. Condition 2 required the screen planting shown on the approved plans to be implemented during the next planting season, that being the planting season October 2008 – March 2009.
- III. A subsequent site inspection has confirmed that no planting has been undertaken at the site that accords with the approved plan for planning permission 08/01993/FUL.
- IV. The provision of screen planting was considered necessary to ameliorate the adverse impact the gabion basket wall has on the amenity of this area.
- V. In light of the open nature of the site, the failure to carry out screen planting is considered detrimental to the amenity of this area.
- VI. The failure to comply with a planning condition is a breach of planning control which in the circumstances is considered necessary to remedy through formal action.

5) WHAT YOU ARE REQUIRED TO DO

1. Supply and plant 50 x 2.5m high container grown shrubs or trees at the site in accordance with the layout shown on the approved plans of planning permission 08/01993/FUL.

TIME FOR COMPLIANCE – Before 31st November 2009

6) WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 15th July 2009 unless an appeal is made against it beforehand.

7) YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Scottish Government before 15th July 2009.

Schedule 1 to this Notice gives information on your rights of appeal. Read it carefully.

8) WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 15th July 2009 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the Notice.

Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 10 June 2009

Signed
(Council's Authorised Officer)

On Behalf of: Development Management
 The Environment Service
 Perth & Kinross Council
 Pullar House
 35 Kinnoull Street
 Perth
 PH1 5GD

SCHEDULE 1

Explanatory note for those in receipt of an enforcement notice

Relevant Legislation

A copy of Sections 127 - 129 of the 1997 Act is attached. You will wish to note in particular the points referred to below.

Right of Appeal

If you wish to appeal against this notice, you should write to The Directorate for Planning and Environmental Appeals, The Scottish Government, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. The appeal must be received, or posted in time to be received, by him before 15th July 2009. The Scottish Executive has no power to consider an appeal lodged out of time.

The Appeal, which must be 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 reply in support of each of the grounds of the appeal. The grounds of appeal and the statement of facts must be submitted with your appeal or within 14 days of your being required to do so by the Scottish Executive.

(An appeal against an Enforcement Notice is deemed an application for planning permission for the development to which the notice relates. In this case a fee of £145.00 is therefore payable to the Scottish Executive and to the Planning Authority and this should accompany the appeal).

The fee will be returned to you in certain circumstances, e.g., if the appeal succeeds on any of the grounds (b) to (e) in Section 130(1) of the 1997 Act, as amended, unless the appeal involves stationing residential caravan on land.)

If you lodge an appeal, the Enforcement Notice is suspended and will not take effect unless the appeal is withdrawn or dismissed.

(a) PENALTIES FOR NON - COMPLIANCE WITH AN ENFORCEMENT NOTICE

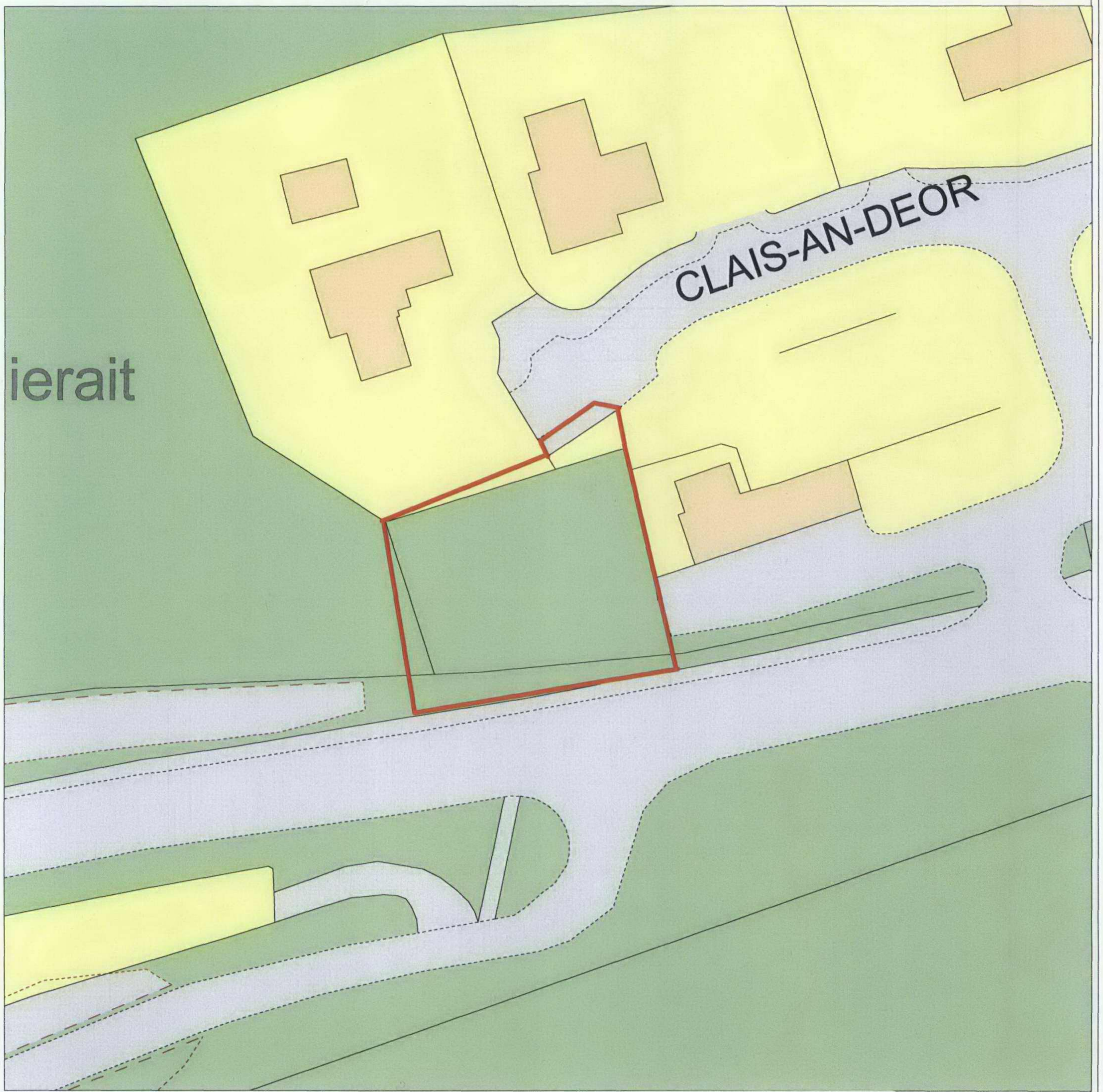
Where an Enforcement Notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000, or on conviction on indictment to an unlimited fine. Furthermore, if the use is continued after conviction the person may be convicted of a second or subsequent offence.

(b) 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 the land, take those steps and recover the cost from the owner or lessee of the land.

(c) Further Offences

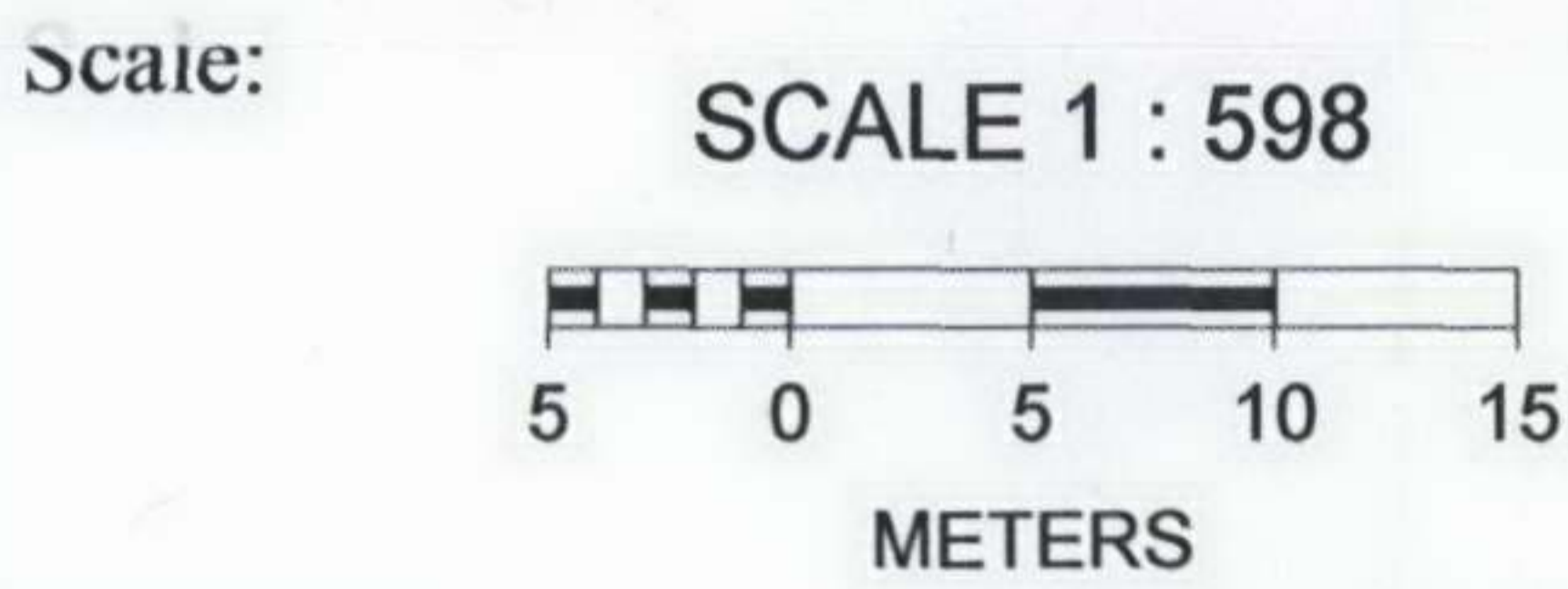
Compliance with the terms of an enforcement notice does not discharge the notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.



Legend:

-  **Red**
- Admin Boundaries**
-  **Perth and Kinro...**
- Large Scale Mapping**
- Abc **Mastermap Tex...**
- Abc **Mastermap Tex...**
- **MasterMap (Ou...**
- Building-Divisic
- Building-Outlin
- General Featur
- General Featur
- General Featur

Title:
Plan referred to in the foregoing Planning Enforcement Notice



Date:

Perth & Kinross Council
 Pullar House, 35 Kinnoull Street
 Perth, PH1 5GD
 Telephone (01738) 475000