

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

PLANNING (LISTED BUILDINGS AND CONSERVATION
AREAS)(SCOTLAND) ACT 1997

LISTED BUILDING ENFORCEMENT NOTICE

SERVED BY PERTH & KINROSS COUNCIL

**TO: THE COMPANY SECRETARY, YWCA SCOTLAND LIMITED, 7B
RANDOLPH CRESCENT, EDINBURGH, EH3 7TH.**

**THE COMPANY SECRETARY, ARKTX LIMITED, 187
STRATHMARTINE ROAD, DUNDEE, DD3 8BL.**

**ISSUED BY: Perth and Kinross Council ('The Council') as Planning Authority
for the purposes of Section 34 of the Planning (Listed Buildings
and Conservation Areas) (Scotland) Act 1997('The Act').**

1) THIS IS A FORMAL NOTICE which is served by the Council because it appears to them that works have been executed to the listed building described below and are such as to involve a contravention of Section 6 of the Act. They consider it is expedient to issue this notice, having regard to the effect of the works on the character of the building as one of special architectural or historic interest.

2) THE LISTED BUILDING AFFECTED

The YWCA Hall, Union Street, Coupar Angus, Perthshire, as shown and outlined in red on the attached plan.

3) THE CONTRAVENTION ALLEGED

Without listed building consent, the removal of the seven former timber sash and case windows and one small top hung casement window (on south east and north-west elevations) and their recent replacement with new windows.

4) WHAT YOU ARE REQUIRED TO DO

- i. Remove all recently installed windows from the building (8 in no.) Three from south east elevation and five from north-west elevation.

TIME FOR COMPLIANCE: Six months after this notice takes effect.

- iii. Submit to the planning authority for approval, specification and drawing details for eight replacement windows, seven timber sash and case, and one small top hung timber casement design window in south east elevation. Replacement window specification details should replicate the design, style and specification of the original windows.

TIME FOR COMPLIANCE: Two months after this Notice takes effect.

- iii. Following approval of the window specification details by the planning authority, install the eight new windows in the building, in accordance with the approved details.

TIME FOR COMPLIANCE: Four months after gaining the written approval of the planning authority for the window specification details.

5) WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 08th May 2009 unless an appeal is made against it beforehand.

6) 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 08th May 2009. Schedule 1 to this Notice gives information on your rights of appeal. Read it carefully.

7) WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 08th May 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: 3 APRIL 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 a listed building enforcement notice

Relevant Legislation

A copy of Sections 34, 35, 36, 37, 38, 39, 40 and 41 of the 1997 Act are 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 & 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 08th May 2009. The Scottish Government 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 35(1) 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 the statement of facts must be submitted with your appeal or within 14 days of your being required to do so by the Scottish Government.

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

PENALTIES FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE

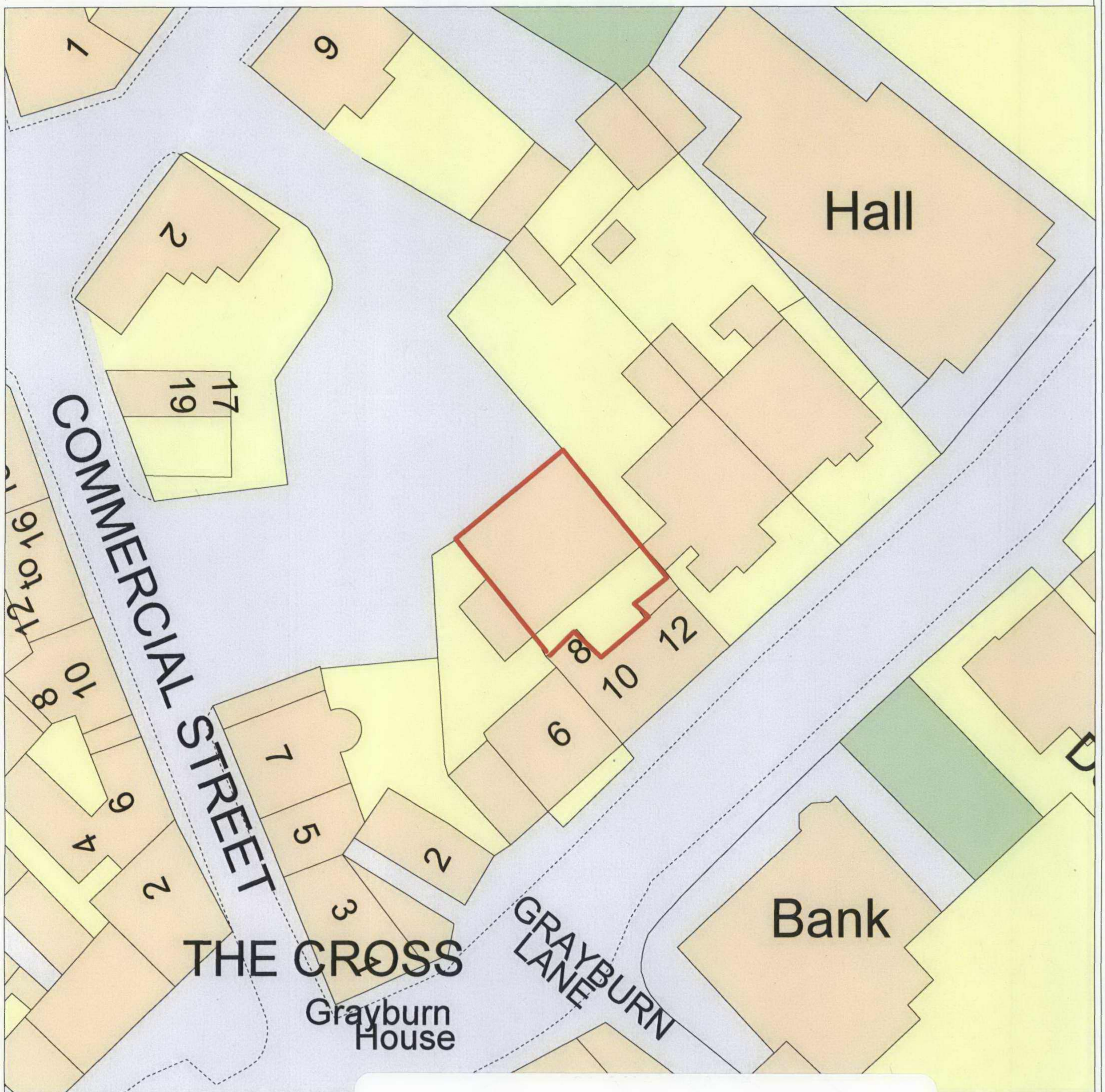
Where an Enforcement Notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or 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.

Direct Action for Non Compliance with an Enforcement Notice


If within the period specified in the Enforcement Notice, or such extended period as the Council may allow, 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.

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:

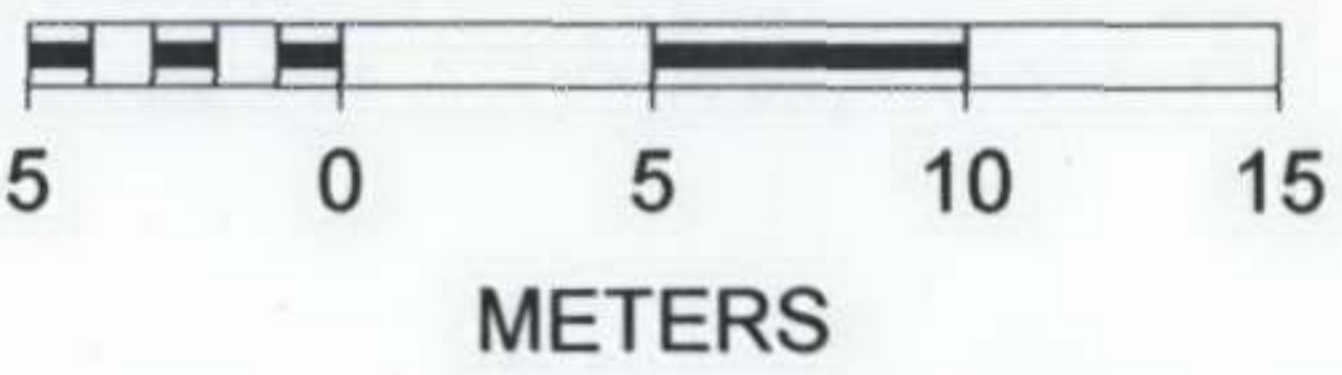
-  **Red**
- Admin Boundaries**
- Large Scale Mapping**
- Abc **Mastermap Tex...**
- Abc **Mastermap Tex...**
- **MasterMap (Ou...**
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- Building-Outlin
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Plan referred to in the foregoing Listed Building Enforcement Notice



Scale:

SCALE 1 : 500



Date:

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