

*Play Equipment installed Register.  
Area 2009.*

**IMPORTANT : THIS COMMUNICATION AFFECTS YOUR PROPERTY**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
PART VI, SECTION 145

## **BREACH OF CONDITION NOTICE**

**SERVED BY PERTH & KINROSS COUNCIL**

**RELATING TO LAND AT BALGOWAN SAWMILL TIBBERMORE PERTHSHIRE.**

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**THIS NOTICE IS SERVED ON:**

**THE COMPANY SECRETARY, MANOR KINGDOM(SCOTLAND) LTD REGENCY HOUSE  
HALBEATH DUNFERMLINE. FIFE .KY11 7EG.**

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1) **THIS IS A FORMAL NOTICE** which is served by the Council under Section 145 of the above Act because it considers that a condition imposed on a grant of planning permission relating to the land described below has not been complied with. It considers that you should be required to comply with the conditions specified in this notice.

2) **THE LAND AFFECTED BY THIS NOTICE**

The site to which this notice relates (shown edged in red on the attached location plan), is the land at Balgowan Sawmill Tibbermore Perthshire

3) **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission 03/00504/FUL issued by Perth & Kinross Council on 22<sup>nd</sup> October 2003 for the erection of 13 detached dwelling houses with detached double garages and erection of 15 terrace houses with open court car parking on the land mentioned at 2 above.

4) **THE BREACH OF CONDITION**

**The following Condition has not been complied with.**

21. Prior to the commencement of any work on site a detailed layout of the proposed children's play area indicated on the approved drawing no 1214(00)001 shall be submitted for the further approval of the planning authority. The play area shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within 6 months of completion of the first dwelling house on the site. The play area and its facilities/ equipment shall thereafter be maintained.

**5) WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach of condition specified in paragraph 4 of this Notice, you are required to comply with the stated condition by doing the following:-

- Install equipment /facilities, complete the play area and make the area available for use.
- The play area and its facilities/ equipment to be maintained thereafter.

**Time of Compliance:** Within 90 days of this Notice taking effect.

**6) WHEN THIS NOTICE TAKES EFFECT**

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

Signed: .....  .....

Authorised Officer

Dated: ..... *4 February 2009* .....

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

**WARNING - THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE**

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It is an offence to contravene any requirement stated in paragraph 5 of this notice after the end of the compliance period. The maximum penalty for such an offence is £1,000.

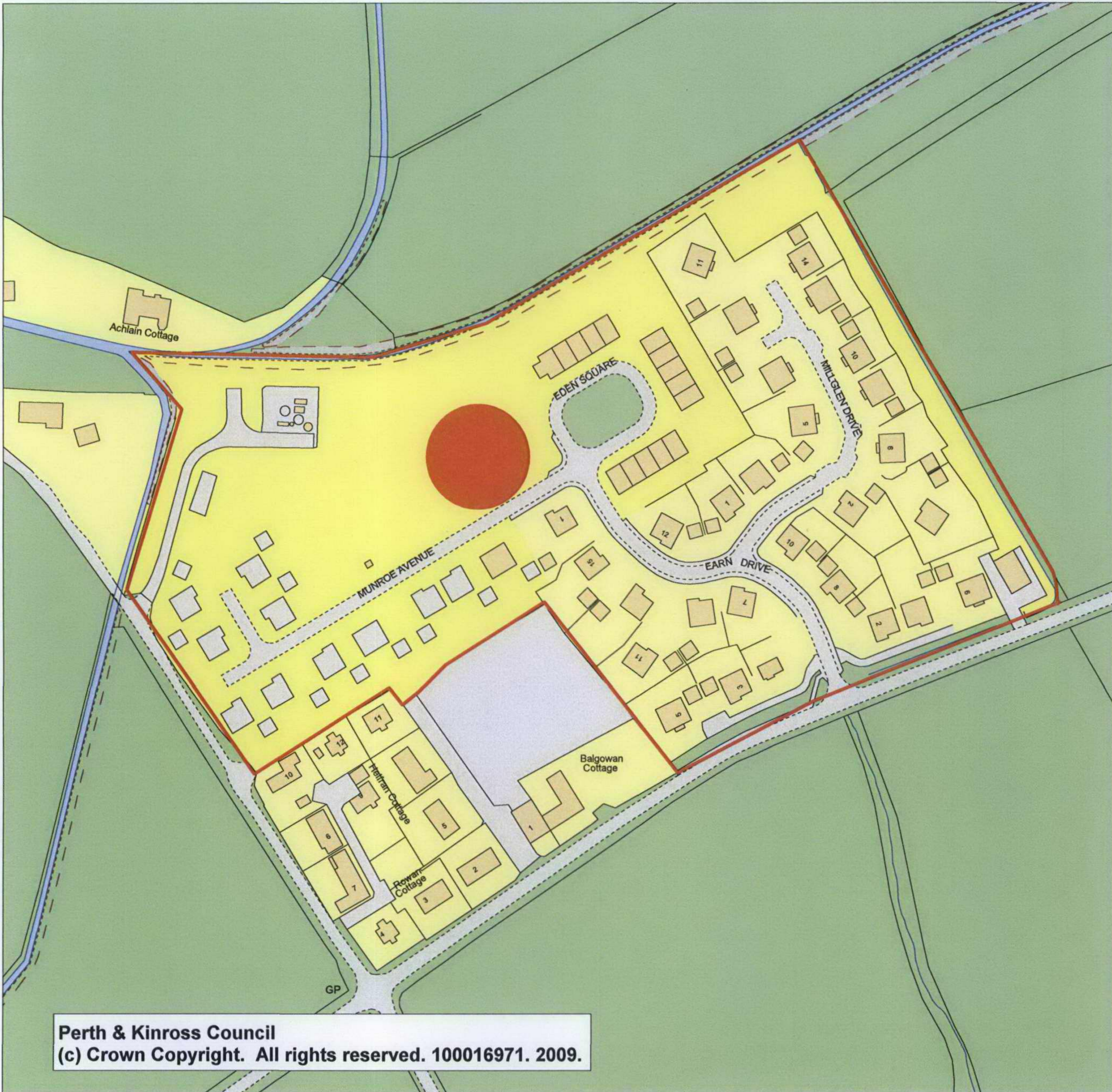
If you are in any doubt about what this Notice requires you to do you should get in touch immediately with;

**RAY SHORT, ENFORCEMENT OFFICER  
THE ENVIRONMENT SERVICE  
PERTH AND KINROSS COUNCIL  
PULLAR HOUSE, 35 KINNOULL STREET, PERTH.  
01738 475291**

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or another professional adviser 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 this procedure involves.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE**



Perth & Kinross Council  
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Legend:

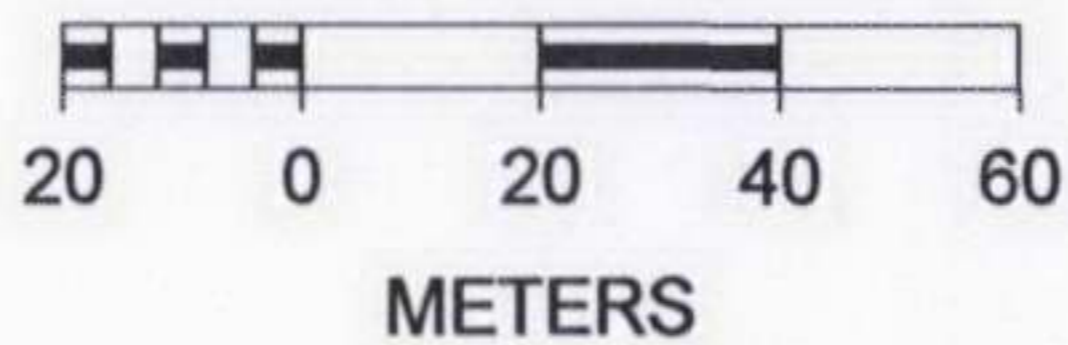
-  Red
- Admin Boundaries**
- Large Scale Mapping**
- Abc **Mastermap Tex...**
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- Building-Divisic
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Title:

# Land At Balgowan Sawmill

Scale:

SCALE 1 : 2,660



N



Date:



**PERTH & KINROSS COUNCIL**

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

Delayed Office Opening for Employee  
Training  
This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month.

The Company Secretary  
The Manor Kingdom Group.Limited  
Regency House Halbeath  
Dunfermline  
KY11 7EG

**Planning**  
*Head of Service* **Roland Bean**

Pullar House, 35 Kinnoull Street,  
PERTH, PH1 5GD.

Contact Ray Short  
Direct Dial (01738) 475291  
E-mail: Rshort@pkc.gov.uk

Our ref 0800350playarea

Your ref

Date 4 February 2009

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**Section 145 Breach of Condition Notice**  
**Land at Balgowan, Tibbermore, Perthshire Planning Consent 03/00504/FUL**

Thank you for your letter dated 12 December 2008 in response to the Planning Contravention Notice issued on 1 December 2008 advising us that you were pursuing an installation date for the play area.

I advised your Ed Rogers in an e-mail dated 5 January 2009 that we expected a firm date by the end of January 2009 with reminder on 19 January 2009 and to date have not received a reply.

We now enclose a breach of condition notice which gives you 90 days to complete the play area, failing which the matter will be reported to the Procurator Fiscal.

Yours faithfully

Ray Short  
Planning Enforcement Officer.

Encl