

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**PERTH AND KINROSS COUNCIL
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)(SCOTLAND) ACT 1997
LISTED BUILDING ENFORCEMENT NOTICE
SERVED BY PERTH & KINROSS COUNCIL**

TO: Mr John Gordon Tulloch Works, Tulloch Road Perth,

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 issued by the Council because it appears to them that works have been, or are being, executed to the listed building described below and are such as to involve a contravention of Section 6 of the Act. They consider that 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 is** Flat 4-16 Atholl Street Perth as shown outlined in red on the attached plan
3. **THE CONTRAVENTION ALLEGED is that** without listed building consent you have removed three timber sash and case windows on the south west roof dormer of the building referred to at 2 above and replaced them with UPVC fully reversible windows
4. **WHAT YOU ARE REQUIRED TO DO**
 - (1) Submit a specification and drawing detail for the prior approval of the planning authority for three replacement windows on the south west roof dormer of the building referred to at 2 above.
The windows should match the design, material and specification of the south east roof dormer windows of the same building block.
Time for compliance: 2 months after this notice takes effect.
 - (2) Remove the existing UPVC windows on the south west roof dormer and replace with the windows approved by the planning authority
Time for compliance: 4 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 24th 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 First Minister before 24th 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 24th 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(s) 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:

16 April 2009

Signed:

on behalf of Perth and 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 24th 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

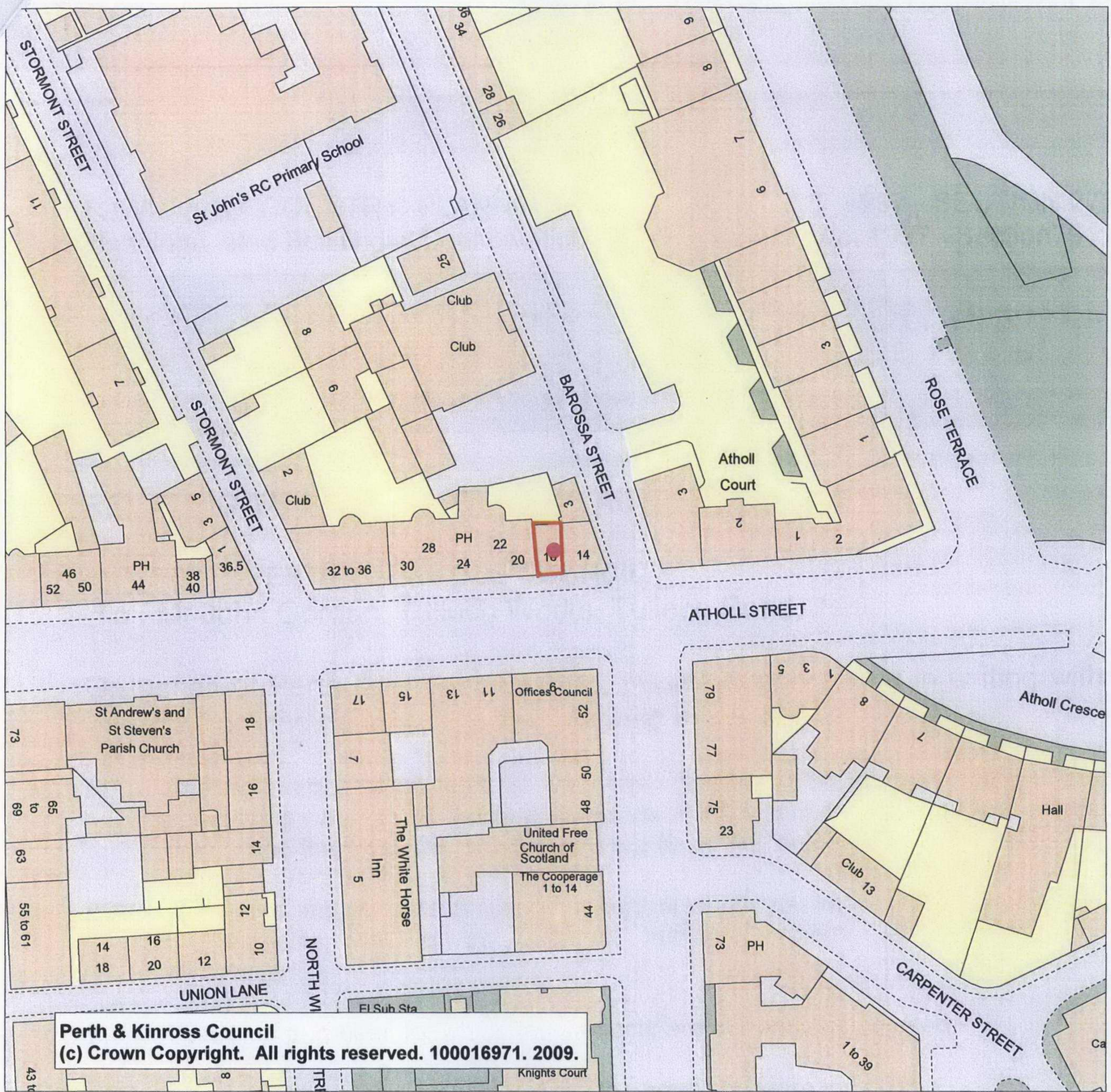
Where an Enforcement Notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or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

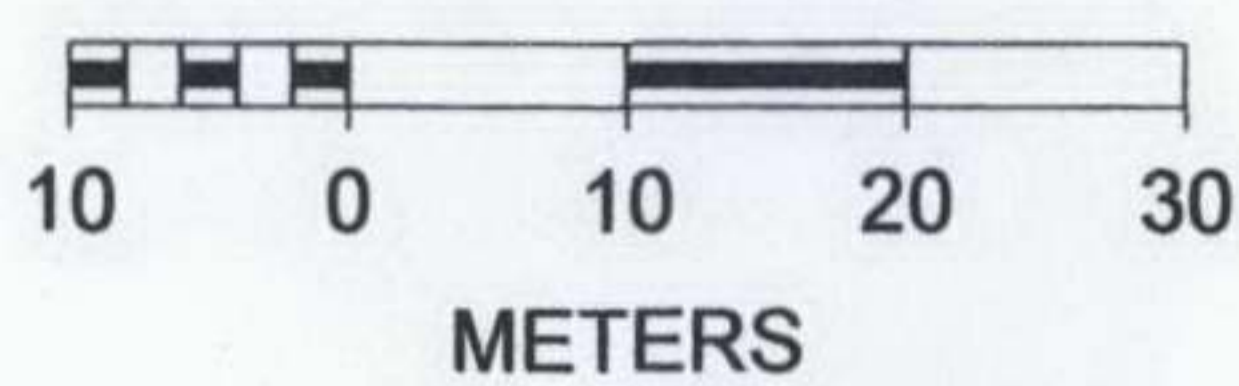
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- Building-Outlin
- General Featu
- General Featu
- General Featu
- General Featu

Title:

Flat4-16AthollStreet Perth

Scale:

SCALE 1 : 1,135



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Date:

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 1st Thursday of each
month.*

Mr John Gordon
Tulloch Works
Tulloch Road
PERTH
PH1 2RW

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 0800021window

Your ref

Date 16 April 2009

Dear Mr Gordon

Town & Country Planning (Scotland) Act 1997
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
Unauthorised Replacement windows in Cat C Listed Building
Flat 4-16, Atholl Street Perth - Service of a Listed Building Enforcement Notice

Thank you for responding to our Section 272 Notice sent to you on 17 February 2009.

Despite reminders to your Agent you have not yet lodged an application or agreed a suitable window design.

Enclosed is a Listed Building Enforcement Notice which details what you are required to do and which also has an explanatory note at Schedule 1 of the Notice.

Yours sincerely



Ray Short
Planning Enforcement Officer

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