



IMPORTANT: THIS NOTICE AFFECTS YOUR PROPERTY AND HAS IMMEDIATE EFFECT. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE MAY RESULT IN FURTHER ENFORCEMENT ACTION.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

**NOTICE REQUIRING SUBMISSION OF
A PLANNING APPLICATION FOR
DEVELOPMENT ALREADY CARRIED OUT**

REFERENCE NUMBER: 19/00297/UNAUSE

TO:

**DRYSDALES MILNATHORT LIMITED, LADESIDE YARD STIRLING ROAD,
MILNATHORT, KINROSS, KY13 9XR**

RELATING TO:

**The Premises Now Occupied by 'The Loft' at 27A Stirling Road, Milnathort,
Kinross KY13 9XS**

SERVED BY: Perth & Kinross Council ('the Council') as Planning Authority for the purposes of Section 33A of the Town and Country Planning (Scotland) Act 1997 (as amended) ("the Act").

1. THIS IS A FORMAL NOTICE that is issued by the Council, under Section 33A of the Act, because the Council considers that there has been a breach of planning control under Section 123(1)(a) of the Act at the land described below, in that development has been carried out without the required planning permission.

2. THE LAND AFFECTED

The land to which this notice relates (shown edged in red on the attached site plan) is the former workshop and store at 27A Stirling Road, Milnathort, Kinross KY13 9XS.

3. THE BREACH OF PLANNING CONTROL

The following development has been carried out in, on, over or under the land without the required planning permission:

Change of Use *from* Workshop and Store to Retail Premises

In terms of Section 123(1)(a) of the Act, this constitutes a breach of planning control.

4. WHAT YOU ARE REQUIRED TO DO

As the owner of the land in, on, over or under which the development has been carried out, you are required to make an application to the Council for planning permission for the development described in Section 3 of this notice.

The application for planning permission is to be made to the Council no later than **31 March 2020**.

5. WHAT HAPPENS IF YOU DO NOT MAKE THE APPLICATION

The issuing of this notice constitutes enforcement action under Sections 123(2) and 124 (4) (b) of the Act. Failure to comply with this notice may result in further enforcement action, which may include prosecution.

Signed: 
(Council's Authorised Officer)

Dated: 19/02/2020

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

Email: PlanningEnforcement@pkc.gov.uk
Phone: 01738 475300

EXPLANATORY NOTES

There is no right of appeal against this notice.

Details about applying for planning permission can be found at www.pkc.gov.uk/planning and www.eplanning.scot

The Council considers it expedient that the landowners submit an application for planning permission in respect of the breach of planning control described in Section 3 of this Notice. However, the issuing of this Notice does not guarantee the future outcome of any planning application.

RELEVANT SECTIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

33A Notice requiring application for planning permission for development already carried out

Where there is a breach of planning control the planning authority may issue a notice—

- (a) requiring the owner of the land in, on, over or under which the development has been carried out to make an application to them for planning permission for the development,
- (b) describing the development in a way that is sufficient to identify it,
- (c) specifying a date by which the application is to be made, and
- (d) setting out the terms of section 123(1).

123.— Expressions used in connection with enforcement.

(1) For the purposes of this Act—

- (a) carrying out development without the required planning permission, or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted, or
- (c) initiating development without giving notice in accordance with section 27A(1) of this Act, or
- (d) carrying out development without displaying a notice in accordance with section 27C(1) of this Act,

constitutes a breach of planning control.

(2) For the purposes of this Act—

- (a) the issue of an enforcement notice, or
- (b) the service of a breach of condition notice,

under this Part constitutes taking enforcement action as does the issuing of a notice under section 33A.

(3) In this Part “planning permission” includes planning permission under Part III of the 1947 Act and Part III of the 1972 Act.

124.—Time limits.

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.

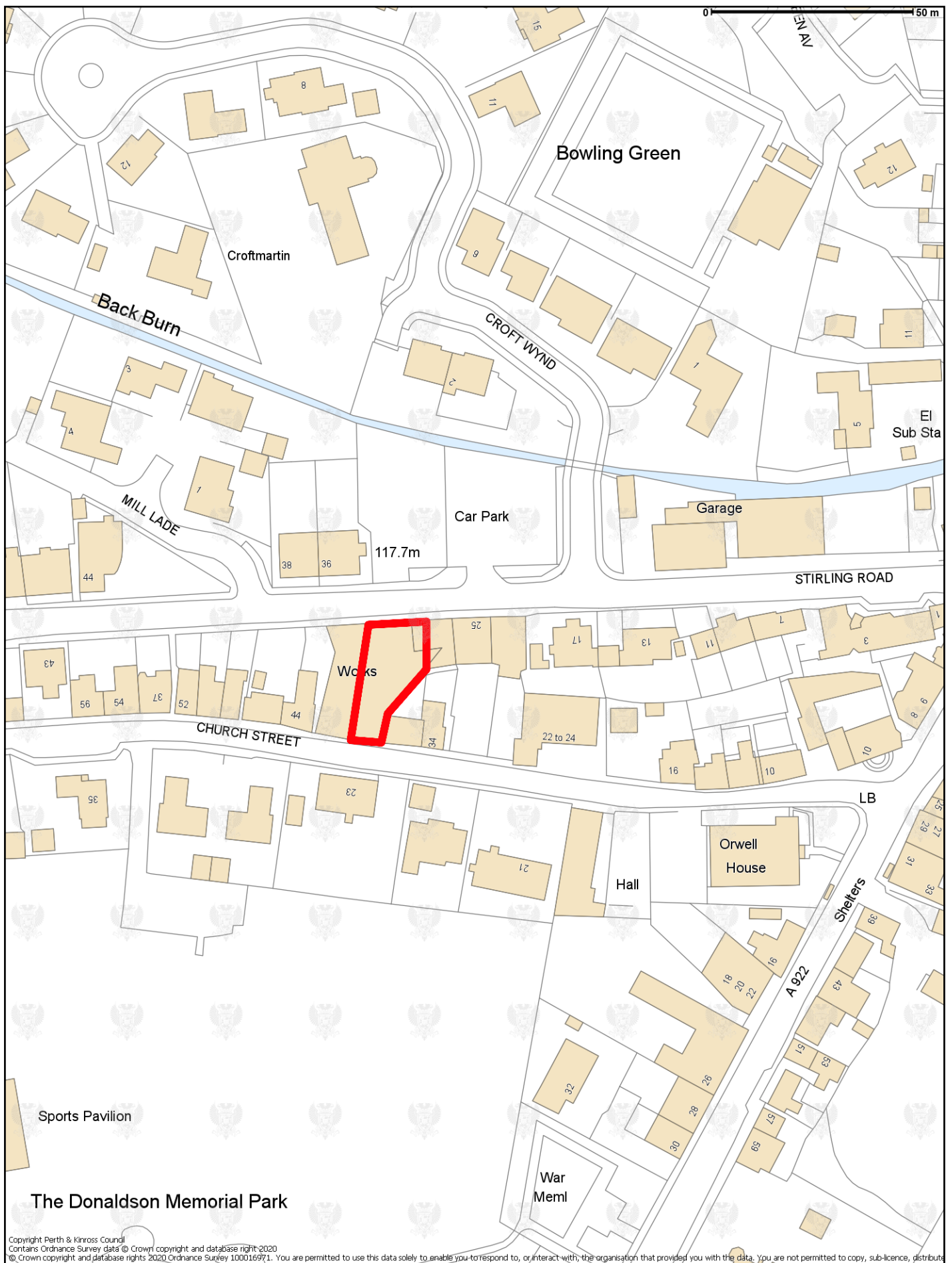
(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.

(4) Subsections (1) to (3) do not prevent

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect, or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of 4 years ending with that action being taken, the planning authority have taken or purported to take enforcement action in respect of that breach.



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Scale 1:1250

Plan Referred to in the Attached Notice

