

Lissa Rowan

From: [REDACTED]
Sent: 05 October 2017 22:51
To: Lissa Rowan
Subject: Your Ref LR/LR191 Appeal 17/00735/app

Good morning Lissa

I would like the Moray Planning Review body to consider the following factors relating to this case

1. Much reference has been made of planning application 15/00600/FUL and the requirement to remove a fence to comply with this. As I own all the fence line up to, and beyond, Kempston House I can apply to Moray Council for a change to my application such that I do not enter the Maverston road at the point shown in the application. However, I have no intention of developing this site meantime, if at all.
2. When I purchased the ground relating to this site, it was a legal obligation set by Aberdeen and Northern Marts that I fenced all along the boundary, including the track down to Sunnybank and either side of the right of access. This was inspected by ANM surveyors and approved.
3. CM Design state that the occupants of Sunnybank have been using this track entrance for years without incident. This cannot be substantiated. There has been a continual increase of traffic from the Maverston Golf Course and traffic coming from Sunnybank are moving closer to my fence line to get better visibility. A site inspections will highlight this point.
4. There is a lot of wildlife on this site. Aside from badgers, there is now a rookery and is active with red squirrels.
5. About 20 lorry loads of imported material was dumped on the site to raise the ground. This point was noted by the Moray Council Environmental Officer who said that this site would have to be inspected.
6. The Right of Access from the Sunnybank track to the site of the proposed development site is simply too narrow to allow anything larger than a car to enter. As stated earlier it was a legal obligation for me to fence off this Right of Access.
7. There was a planning application submitted (around 2010) for two house sites on this ground. It was withdrawn due to legalities relating to the Right of Access. It no longer appears on the Moray Council website but shows that there has been lots of attempts to build on this ground.
8. This site appears on the Moray Solicitors Property website, sold through R&R Urquhart, as having full planning approval when it clearly does not.

Finally, I would just like to add that CMDesign and the applicant submitted the appeal when they knew that I would be out of the country and unable to respond and that the deadline for any response would have passed before I returned. I was only made aware of this by one of the other objectors. Hence why I apologise if I do not reply in the correct manner.

I request that this appeal be overruled by the Review Body and approval is not granted.

Kind regards



Sent from my iPad

Lissa Rowan

From: [REDACTED]
Sent: 10 October 2017 18:53
To: Lissa Rowan
Subject: Appeal 17/00735/app

Good morning Lissa

Further to my earlier email I would also like to know if this case has Right of Access at all along the Maverston road. I would respectfully add this point to my areas of concern

Kind regards

[REDACTED]

Sent from my iPad

Lissa Rowan

From: [REDACTED]
Sent: 11 October 2017 12:58
To: Lissa Rowan
Subject: Appeal 17/00735/app

Good afternoon Lissa

I am sorry to keep pestering you with data regarding the appeal concerning 17/00735/app. However, I have another issue to raise. Normally I would have been able to make one submission but CM Design and the appellant submitted this appeal when then knew I was out of the country and I would not be back until the deadline date for comments had passed. Accordingly I am writing them as I remember them, sorry!

There is an issue regarding servitudes rights to this proposed site. The appellant does have servitude rights across the small Right of Access at the south of the site for electricity and water. This is noted in the Land Register on ground I own. However, there is no wayleave in place for services to the area. This includes water, electricity or media cables. This will either have to be obtained from Aberdeen and Northern Marts or myself who own the ground leading to the access point. No servitude rights exist at all for any media cables i. e. Telephone, fibre, cable etc across any land I own. This will have to be agreed if planning is granted.

Can you please add these issues to the ones previously passed.

Kind regards

[REDACTED]

[REDACTED]