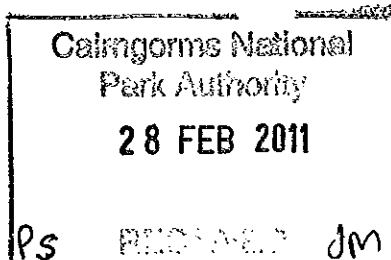


Our Ref: TMB/PBJ/CMH/C6721

25 February 2011

Mr Robert Grant  
Cairngorms National Park Authority  
Albert Memorial Hall  
Station Square  
Ballater  
Aberdeenshire  
AB35 5QB



16 Grosvenor Court,  
Foregate Street,  
Chester CH1 1HN

Telephone:  
01244 328141 (Valuation, Rating & Sales)  
01244 310237 (Planning)  
Facsimile:  
01244 343232 (Valuation, Rating & Sales)  
01244 344551 (Planning)  
Website: [www.charlesjones.co.uk](http://www.charlesjones.co.uk)

Dear Mr Grant

**RE: 10/448/CP – PLANNING APPLICATION FOR APPLICATION UNDER SECTION 42 – DEVELOPMENT OF STATIC AND TOURING CARAVAN SITE WITHOUT COMPLYING WITH CONDITIONS OF PREVIOUS PERMISSIONS PROHIBITING OPENING IN NOVEMBER (REF. BS/1976/96 AND 10/041/CP) AT CARAVAN SITE, DESHAR ROAD, BOAT OF GARTEN FOR BOAT OF GARTEN CARAVAN PARK**

I refer to the above planning application and to your email dated 25 January 2011.

Firstly, by way of clarification, planning consent ref 10/041/CP only covers the western element of the site. The approved plan attached to the consent document shows the western element of the site (the application site) edged red and the balance of the park edged blue. I would be most grateful for your confirmation that consent ref: 10/041/CP only covers the western element of the site and not the whole site.

Following the approval of planning consent ref 10/041/CP, I was informed by my client that the park has indeed been operated on an all year round basis ever since he purchased the park in September 2005. Furthermore, my client has also informed me that many of the longstanding holidaymakers on the park have confirmed that the park was open during the month of November prior to Mr Durant purchasing Boat of Garten Holiday Park.

Whilst there is a wealth of evidence to support a Certificate of Lawful (existing) Use on the eastern element of the park, we thought it would be expedient to submit a planning application for a uniform 12 month season across the whole park as opposed to having different seasons on the park. This would also be very difficult to enforce from a development control perspective and provides the local authority with a degree of control by way of planning Conditions attached to any consent granted.

The fallback position, if this application is refused, would naturally be for my client to submit a Certificate of Lawful (existing) Use on the eastern element of the park for a 12 month operating season.



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It was commented in our planning application covering statement for consent ref 10/041/CP that my client did not have sight of the originating consent when he purchased the park and erroneously relied on the Site Licence for development control purposes hence the reason static caravans were sited on an area of the park specified for touring caravans. It should also be noted the Site Licence does not specify that the park should close during the month of November so on the same basis, the park did not close during November

Therefore, the subject application has been submitted to regularise this matter.

In terms of the operation of the site, all of the static caravans on the site are owner occupied (owned by third parties) however my client does allow the subletting of caravans to other holidaymakers.

By way of providing you with reasoned justification for this application, my client informs me that closing the site would be a burden to him particularly as there is a strong market for people to holiday on the site during the month of November. Furthermore, the trend for holidaying in the United Kingdom is for more frequent but shorter holidays.


It was commented in our covering statement that the application has not been submitted as a back door route for the residential use of caravans on the park. A planning Condition was suggested that would prevent this. The residential occupation of caravans can be the local authority's only concern on an application of this nature.

In order to provide you with confirmation, the application is submitted to extend the operating season on both the touring and static elements of Boat of Garten Holiday Park.

Finally, I also enclose herewith a revised 1:2500 Location Plan which shows the correct boundaries of the site edged red.

In the meantime, should you require any further information or clarification, please do not hesitate to contact this office.

Yours sincerely



**PHILIP B. JONES BSc (Hons)**  
**CHARLES F. JONES & SON LLP**