

APPENDIX I

3x objection letters

Highland Council
 Badenoch and Strathspey
 Planning and Building Standards
 JOHN DAVISON
 LOCHEIL
 DRUMHILLIE
 BOARD OF GARTEN
 INVERNESS-SHIRE PH24 3BX
 25 MAR 2008
 Received
 30/3/08

To: Mr McCracken, Planning Officer.

Ref. Planning Application 08/00059/FULBS.

This applicant, like McDonalds, evidently doesn't "do" planning applications but acts first! Hence this retrospective planning application to approve work already done, viz. putting in septic-tank & effluent drainage; connection to public water & electricity supplies; instalation of large static caravan & driveway; change of use and occupancy.

Not to sanction retrospective planning applications seems to me to be an encouragement of further unauthorised work.

This planning application should have been preliminary to planning application 07/414/CP for outline planning permission to actually build on Lot 5, called in by the CNPB, discussed & dealt with at Board meeting held 6th March '08, decision deferred. Since we objected to the latter, it would be inconsistent not to object also to this the continuitive application.

Our grounds of objection remain as before, viz.

(1) The presumption under the Local Plan is against housing development in this area. The Local Plan takes years of consultation to be formulated and should not be ignored. The applicant is trying to utilise the one loophole that exempts landmanagers/crofters from compliance with the presumption if it can be demonstrated that a house is imperatively required on site for landmanagement purposes. So what is a croft, and what is a genuine crofter?

At the CNPB meeting on 6th March, some painted the applicant as a bona fide agriculturalist. That was a portrait I failed to recognize. Unfortunately for those of us living as neighbours. Our impression is that the 3 lots were originally purchased for horses, the land usage amounting to horse-riding, dressage, thence arrival of caravahs, stabling etc. During the 12 years of the applicant's ownership of these Lots we have had ample opportunity to study their land usage: dumped vehicles, trail-biking, late night caravan parties, noise, smoke, altercations involving the police, animals escaping onto the highway, dead animals.

(2) Our second ground of objection is that the vehicle access onto the A95 trunk-road is quite unacceptably sub-standard, the sight lines inadequate to be safe. This is where the Rapsons service bus-stop seems to be located. Is this where emergency services would attempt to climb onto the field?

If this application should succeed, it would prove a dangerous precedent,

housing applications spreading like a disease along lots to the east by other waiting & watching pseudo crofters - all contrary to the original intention of those drawing up the local plan.

Highland Council
 National Park Authority
 Planning Application No. 08/006/CP
 REPRESENTATION
 (NOTIFIED) 2 April 08



Locheil,
Drumuillie,
Boat of Garten
P.H.24 3 B.X.

Mr. A. McCracken
Planning & Building Standards Manager,
100, High Street,
KINGUSSIE
P.H.21 1 H.Y.

19th. March 2008

Highland Council
Badenoch and Strathspey
Planning and Building Standards

25 MAR 2008

Received

Dear Mr. McCracken,

Application number 08/59/FULBS

As a private individual I object to the granting of this application. I believe it to be a retrospective application since all that to which reference is made is already in place and the static (not mobile) caravan is occupied by the applicant.

My reasons for so doing are

1) the Local Plan developed over a great number of years with a good deal of consultation has a strong presumption against development at Drumuillie unless it can be proved that this development is required for land management.

Over the last twelve or so years the applicant has not in any way managed the land unless one counts the grazing of (from time to time) horses, up to perhaps five or six sheep and a few hens which have usually found their way under the wheels of passing traffic

2) access to the site is steep and joins the one shared by Mr. J. McBean who is, I believe, the owner of Lot 6 (north) and by Mr. & Mrs. G. Garrow and family whose house is on Lot 6 (south) at almost right angles to the main access to these other properties and to the main road (A95). The problem of access to the neighbours' properties is worsened by the way in which the applicant and his family park on the roadside and on to the access thus adding to the danger.

3) the infrastructure was put in place without permission. Only now is the applicant prepared to follow the correct procedures. I would be interested to know if Scottish Water, the Hydro Electricity Board and the septic tank installer were aware that their work was to an unauthorised building. To date I have been unable to check this. In particular the septic tank and soakaway should have a certificate stating that a test has been "undertaken in accordance with British Standard" In his application it is stated that this has been done but no certificate of the results is available. It begs the question was this "self certification by the installer or the applicant"? Has SEPA had any input? The matter of the removal of the static home also becomes an issue. How long does a temporary siting apply?

4) the applicant has recently sold his house in Boat of Garten. It is clear that this was an attempt to pressurise the Planning Committee to approve the application. This will set a precedent for others to follow and soon Drumuillie will cease to be a scattered community and become an area of ribbon development with other houses (posing as "crofts") being built on land adjoining and accessing an extremely dangerous trunk road. I most sincerely ask the Committee to refuse this application.

Yours sincerely,



Cairngorms National Park Authority	
Planning Application No.	08/086/cp
REPRESENTATION	
ACKNOWLEDGED	2 April 08

Cairngorms National Park Authority
Planning Application No. 08/0861CP
REPRESENTATION
ACKNOWLEDGED 2 APRIL 08

Mr & Mrs Garrow
Birch Cottage
Drumuillie
Boat of Garten
PH24 3BX

Highland Council Badenoch and Strathspey Planning and Building Standards
20 MAR 2008 ack 20/3/08 Received

18th March '08

Mr A McCracken
Planning & Development Service
100 High Street
Kingussie
PH21 1HY

Dear Mr McCracken

Re: Planning reference: 08/00059/FULBS Use of land for temporary siting of caravan; installation of septic tank and formation of new access at land 100m NW of Birch Cottage, Drumuillie, Boat of Garten.

Thank you for your letter dated the 10th of March about the above application submitted by Mr Grant of Lot 5. We object to the application for the following reasons

- The septic tank was installed in July 2007 without planning consent. We are unsure if the ground soak away has been tested to meet the required standard.
- The access was widened in January 2008, without permission.
- The static caravan has been on site since the 31st January. It is connected to electricity, water & the septic tank. All without permission.
- There has been a caravan on the land for a number of years without planning consent. Periodically their son would live in the caravan. This caravan is still on the site.
- 'Stables', with a concrete base, have been erected. Does this require planning consent?
- There is a presumption in the local plan against further development at Drumuillie.
- Drumuillie already has its quota of septic tanks which have planning consent.
- Mr & Mrs Grant recently sold their house which was about a mile away. Was this to force consent for this application?

We moved into Birch Cottage in November 1995. Mr & Mrs Grant purchased Lots 5, 7 & 8 from Mrs Sinclair, who was resident near Glasgow, about a year later. A few years ago they sold Lot 8 for a considerable financial gain. They have a few sheep, a pony & a Shetland pony. There have been no chickens for some time. During winter, days would go by without someone visiting the land.

For these reasons we do not consider the land as a croft. Mr Grant's mother may have stayed in Drumuillie but it is unclear when, how long and whether there is a genuine connection. I know a number of people who say they were born in the maternity unit at Drumuillie. They say they come from Drumuillie too.

The underhand steps leading to this application and the developments in progress around the caravan give the impression, house planning consent or not, the caravan won't be moving!

How much time is granted for a temporary site for a residential caravan?

Yours Sincerely

A large black rectangular redaction box covering the signature of Pauline A Garrow.

Pauline A Garrow

APPENDIX 2

Letter of reply

Planning ref 08/00059/Fu/Bs

in references to points

1 Septic Tank issues were put to planning at
Mingusie such as soakaway tests

2 Access from the Road to my gate-way is the same
as it was when the road was built

I have worked on my land entrance to take
away the steepness for vehicles such as
House Box, & cars.

3 Stables have been there for years

4 The sale of my family house was not sold
to house consent

* With references to the last four paragraphs
of the objections letter, I cannot see the
relevance of the statements
However I would like to point out that
They are totally incorrect.

* point one I rented the ground for 5 years
before buying it total 20 years

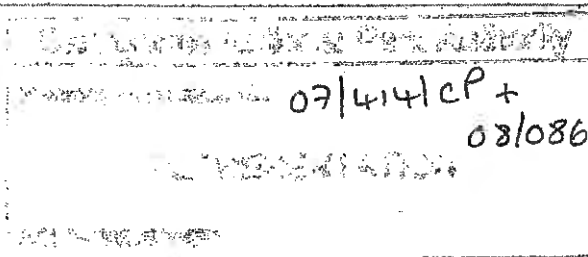
* There is a family connection for my
mother was born on lot 2. Stayed till she
started her married life, even got a Birth
Certificate to prove it

APPENDIX 3

Letters of support

Derek Manson

From: [REDACTED]
Sent: 30 June 2009 13:55
To: Derek Manson
Subject: A Grant Planning



Dear Mr Manson

07/414/CP + 08/086/CP

Further to our conversation last week regarding the planning application by Alexander Grant for a house on his croft at Drumuillie, Boat of Garten, I respectfully ask you to consider the following points when discussing the application.

I write on a personal level although I am a Director of the Scottish Crofting Federation and an Assessor for Badenoch and Strathspey appointed by the Crofters Commission.

Lot 5 Drumuillie is a croft registered with the Crofters Commission

There is an occupancy requirement in Crofting legislation which says that a crofter must live on the croft or within 10 miles of the croft. Because Mr Grant already lives on the croft in an unauthorised caravan it would regularise the situation if he were granted planning permission to build a house and undertake to remove the unauthorised caravan on taking up residence in the house.

Lot 5 is a bareland croft with the crofter, Alexander Grant, wishing to build a house and live on his croft. This is a reasonable expectation and one which all crofters would see as a right.

Mr Grant already has stock on his croft - sheep, hens, a horse and cultivates part of the ground for growing vegetables for his own use. Therefore he is using the croft in an acceptable way and on that basis there is an operational need for him to live there. He would expand his crofting activities if he had the security of living in a house on the croft.

His family have been there for generations and the croft is part of the Drumuillie crofting township which is less active than it used to be.

Mr Grant has children who would succeed him on this croft thus perpetuating the family association with Lot 5.

Please do not hesitate to contact me if you require any further clarification on any of the above points.

Yours sincerely

MARina Dennis

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30/06/2009

Derek Manson

From: Don McKee
Sent: 05 October 2009 16:52
To: Bill Stewart; Derek Manson
Subject: FW: Re Sandy Grant, development at Drumuillie
Letter of support.

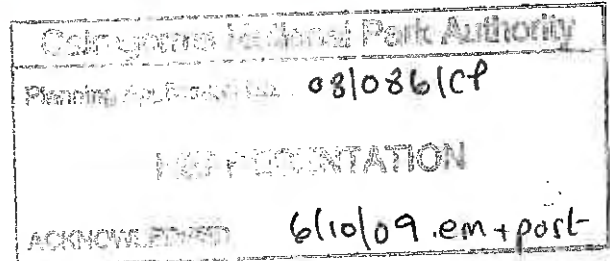


From: Rebecca Dixon [redacted] **On Behalf**
Of: Fergus.Ewing.msp [redacted]
Sent: 02 October 2009 16:20
To: Don McKee
Subject: Re Sandy Grant, development at Drumuillie

2nd October 2009

Don McKee [DonMcKee@cairngorms.co.uk]

Dear Don,



Re: Mr Grant, Drumuillie

I am writing as constituency MSP on behalf of Mr Grant to express my support for his wish to develop his croft for the use of himself and his wife. They have lived in a caravan in this site for two years in all weathers.

He has crofted the land. I understand that the history of this site shows that it was acknowledged at the time when the A95 was constructed that a house would be built at this location.

I hope that this matter can be fully researched by the officials involved both at the Park and Transport Scotland.

I am sure that the members of the Cairngorm National Park Authority will be extremely sympathetic to the plight of those who require to live in a caravan – and indeed those who have carried out crafting activity in the area.

I very much hope that planning permission can be granted for these constituents.

Yours sincerely,

Fergus Ewing MSP
Inverness East, Nairn and Lochaber

This year marks the 10th anniversary of the Scottish Parliament. Further information and a range of public engagement activities can be viewed at the Parliament's website

For latest news and information about all aspects of Parliamentary business, MSPs and our work, visit the Parliament's website at <http://www.scottish.parliament.uk/>.

APPENDIX 4

Copy of BEAR site report

Transport Scotland – Trunk Road Network Management Directorate
TR/NPA/2A

Development Application Information
To be Provided by the Management Organisation

Applicants name:- Mr A Grant	Council Reference: 08/00059/FULBS
Location and Trunk Road Affected: Northwest of Birch Cottage, Drumullie, Boat of Garten affecting the A95 Granish - Keith Trunk Road.	
Ordnance Survey Grid Reference (12digits): (294739, 820274)	Point of access to Trunk Road or nearest point to Trunk Road
Completed By:- Colin Watson	MO Reference:-
Signature:-	Date:- 17 March 2008
SE NMD Reference (to be completed by SE NMD):	

Requirements in Application		YES	NO	N/A
1	Sufficient Information and date received	X (13/03/08)		
2	Council's Comments (append to this form).	See note 2		
3	Traffic impact Assessment prepared (append to this form)		X	
4	Complies with local and Structure Plans	See note 4		
5	Parking, manoeuvring and servicing contained within site.	X		
6	Environmental measures (e.g. wheel wash, screening)		X	
7	Is Safety Audit required?		X	
8	Subject to previous application or inquiry? (Append decision notice)	See note 8		

Application Parameters		Details	Attached
9	Traffic Flow AADT and Peak Hour (including modal split and seasonality).	See Note 9	
10	Existing Speed Limit (extent, location, etc) and traffic Speeds.	60 mph on trunk road	
11	Cross Section of Trunk and adjacent roads (carriageway/footway width, crossfall, etc)	See Note 11	
12	Longitudinal gradient of Trunk Road, site access and side road (existing and possible)	See Note 12	
13	Visibility on Trunk Road, site access and side roads (existing and possible)	See Note 13	
14	Percentage Increase in traffic flows at site access junction.	See Note 14	
15	Junction spacing along Trunk and affected adjacent local Roads (spacing and type of junctions).	See Note 15.	
16	Presence and affect of proposals in Overtaking Opportunities.	No effect	
17	Accident statistics for trunk and Adjacent local roads (minimum 5 years record).	See Note 17	
18	Location and type of adjacent roadworks or other construction works.	No Roadworks	
19	Photographs covering site, all approaches, junctions affected etc.		X
20	Photographs showing all visibility splays from junctions affected		X
21	Existing and Proposed road layout (including road markings)	No proposed changes	
22	Extent of existing street lighting.	See Note 22	

Additional Comments and Data

2. From form TR/NPA/1 – “Temporary use which assumes permission would be granted for a house. Related house application called in by CNPA.”
4. From form TR/NPA/1 – Status of appropriate Structure Plan/Local Plan – “Approved/Adopted”. Does the application conform with the appropriate structure plan/local plan – “See Question 15” - (please refer to planning officer comments in note 2 above).
8. Previous application ref: 07/00279/OUTBS – refused Transport Scotland Trunk Road approval (see note 2 above).
9. From SERIS information –
A95 passing existing access – Total Aadf = 2840, HGV AADF = 420.
11. The A95 is single carriageway at this location, of average 6.8m width. Footways are not in existence at this location.
12. The longitudinal gradient of the A95 trunk road at this location is in the region of 0 - 4%.
13. Visibility at the existing access has been measured and found to meet the DMRB standard to the west but was found to be only 184 metres to the east.
14. The proposal is for siting of mobile home and installation of septic tank. The proposal could be anticipated to generate an additional 7 – 10 daily vehicle turning movements.
15. The site is accessed from the A95 trunk road using an existing trunk road access. No other trunk road access's are affected by this proposal.
17. From SERIS information, since 01/03/03 –
A95 within 250m of access – 0 accidents recorded. It should be noted that although outwith the search period SERIS shows a serious accident having occurred at the existing access junction proposed to be utilised by the development.
22. Trunk Road lighting is not in existence at this location.

General Note

The proposal is for siting of mobile home and septic tank with the proposal based on the presumption that permission will be granted for application 07/00279/OUTBS which was for the erection of a dwellinghouse. Visibility at the existing access is below the DMRB standard and there is accident history. I also have some concern regarding drainage within the site discharging onto the trunk road were any development to take place.

I therefore propose to advise against Transport Scotland Trunk Road approval for this application.

It should also be noted that the applicants address is given as Lot 5, Drumullie, Boat of Garten which may be the site in question.

Signed:-

Date:- 17/03/08

On behalf of the Management Organisation

08/00059/FULBS: North of Birch Cottage, Drumuillie, Boat of Garten, A95



Visibility from existing access looking west at 2.4 metres setback



Visibility from existing access looking west at 4.5 metres setback

08/00059/FULBS: North of Birch Cottage, Drumuillie, Boat of Garten, A95



Visibility from existing access looking east at 2.4 metres setback



Visibility from existing access looking east at 4.5 metres setback

08/00059/FULBS: North of Birch Cottage, Drumuillie, Boat of Garten, A95



View of existing access from position 215 metres west on eastbound approach



View of existing access from position 100 metres west on eastbound approach

08/00059/FULBS: North of Birch Cottage, Drumuillie, Boat of Garten, A95



View of existing access from position southwest looking northeast



View of existing access from position south looking north

08/00059/FULBS: North of Birch Cottage, Drumuillie, Boat of Garten, A95



View of existing access from position southeast looking northwest



View of existing access from position 100 metres east on westbound approach

08/00059/FULBS: North of Birch Cottage, Drumuillie, Boat of Garten, A95



View of existing access from position 185 metres east on westbound approach