

APPENDIX I

REPRESENTATIONS

Cairngorms National Park Authority
Planning Committee

17th June 2011

Mr & Mrs N Dudgeon
Feisidh
Feshiebridge
Kingussie
Invernesshire
PH21 1NG



Dear Sir/Madam,

OBJECTION TO PLANNING APPLICATION NUMBER: 11/01586/FUL

FESHIEBRIDGE COTTAGE, FESHIEBRIDGE (REF: 08/312/CP)

I refer to the above planning application and write to make comment and to object to the granting of planning permission. I am making comment as: 1) a Neighbour and 2) the owner of ground over which part of the development now exists.

I am not surprised that this Application has been entered as a Full Planning Application as on this occasion the Applicant has already developed and used that part of the site purchased from the Forestry Commission without Planning Permission.

11/01586/FUL

It is interesting that we now have an application to erect a boundary fence and hedge which is what was originally agreed on the Approved Plans, however, the Owner again in breach of planning consent preferred to place a very large number of massive boulders to the front of the house instead. This 'rock boundary' was not just a 'ground retention system' as stated but was in fact the finished article until it was brought to the attention of the CNPA. It is not in keeping with the local area and has been described by many Locals as an Ocean Breakwater. The original Cottage garden gradually sloped down to the original hedge and fence and so at road level it was only 1 metre high and did not obstruct visibility when pulling out of the drive in a vehicle. The garden at present has boulders over 6ft high at road level and visibility is greatly reduced. These boulders are to get pushed back to remain as a ground retention system but they will have to be moved 2 – 3 metres to allow a gap of 1 metre between boulders and the hedge and fence. The house already towers over the road and the new garden will have a huge drop.

It should also be noted that the line of these boulders to the front of the house (east boundary) are in the wrong position and have been placed approximately 1 metre over the boundary line and are positioned on 'mutual access ground'. As a result we have lost part of our shared mutual access amenity and this will have to be corrected. Our Lawyer has written to the Owner regarding this and is awaiting his response.

The Applicant is of course now applying for a boundary fence to the north of the property being land that he purchased from the Forestry Commission and had already developed, this time WITHOUT planning permission.

Again, the boulders along the north boundary will have to be moved back 2 – 3 metres if there is to be a 1 metre gap between boulders and the hedge and fence. I am concerned that if a fence is erected at the side of the road that it will cause a danger to road users and walkers at what is a busy stretch of road for vehicles and pedestrians at this popular location. The road also narrows along this stretch as vehicles approach or leave the single track bridge. There are no pavements at this location but the grass verge was used by pedestrians and should remain as an amenity.

Part of the land on the north boundary has been used for over 30 years as a passing place and layby for up to 3 vehicles. It has been used by locals to remove canoes and picnic equipment from their vehicles to take to the river and also by tourists stopping to take photographs at the Bridge and by the elderly who cannot walk the difficult path from the Feshiebridge Car Park. This piece of ground is a valuable local amenity and should not be fenced off.

I am also concerned that the double gates on the north boundary will be used by the Applicant for a second vehicle access and driveway as there already appears to be a track from this point along the rear of the house to his front driveway. Full planning permission would have to be applied for to use this as a 2nd vehicle entrance and driveway.

The septic tank is the original old tank but instead of being level with the ground it now has a new raised concrete cover which makes it a feature. Was this necessary?

It is very disappointing that the Applicant removed the existing boundary hedge which was a haven for wildlife and to the north side of the house provided them with some privacy.

I have spoken briefly with the Builder at the site and it would appear that he has not been fully briefed on this Application or consulted on whether the changes are feasible. He claims that the boulders to the front (east boundary) are already on a rock face (which begs the question why they needed more boulders in the first place) and it will be almost impossible to push them back and leave a 1 metre gap for hedge and fence. He stated that it was a similar problem with the north boundary line. It is worrying that an Application has been submitted to Planning when the Applicants own builder has concerns whether most of it can be achieved!

My main concern with this Application is the erection of a fence on the south boundary line which is impossible to do as the Applicants' Garage (which has been built in breach of planning consent) is on and over the boundary and the full length of the garage is on our land. Our Lawyer has written to the Applicant regarding this and is awaiting his response.

Due to the Garage being built in the wrong position a fence will have to be erected from the front wall of the garage and this will give very little room to manoeuvre vehicles in his driveway. Nearside passengers will be unable to alight from vehicles and there is insufficient room to turn a vehicle (which is usually a Planning stipulation) and therefore vehicles will have to reverse the length of the driveway and turn onto a busy road.

This situation would not have arisen if the Applicant had not instructed his Builder to erect the garage onto (and over) the boundary line and 2.9 metres further forward in breach of planning consent.

As this application is relating to garden ground I must also mention my concern that the Applicant has previously verbally announced his intention to tarmacadam his driveway and area between garage and house. This would not be in keeping with the neighbouring properties or indeed the Local Area which is a mixture of forest tracks and gravel and stone driveways. This would be in breach of Cairngorms National Park Local Plan Policy 16 C which requires developments to use materials and landscaping that will complement the setting of the development.

My neighbour to the South (Ord Cottage) and I have a way-leave for electricity which has for many years run underground from the rear of the original cottage along the rear of our house to the rear of Ord Cottage. The Builder moved the course of the electricity cables to the front of the new garage and if the Owner is permitted to tarmacadam this area it could be a costly exercise should the Electricity Company need access to the cables in the future. My Lawyer has also written to the Owner regarding this and is awaiting his response.

This Application should not be approved as it will negatively affect amenities enjoyed by locals and visitors alike. This includes road safety, parking/traffic issues (which affect access) and unsightly quarry boulders which spoil the views and character of this popular area and as such is contrary to part of the National Parks core aims of encouraging amenity and tourism.

For many years we have made our land, facilities and amenities available to the BBC Children's TV programme RAVEN which has been filmed in various locations in this Area. Our Feshiebridge location was filmed and referred to in the programme as Dead Mans' Gorge. We have been informed that Feshiebridge is a definite location for the new Batman movie with filming due to commence in July 2011. The regional director of VisitScotland recently quoted in the Strathspey and Badenoch Herald 'Feshiebridge is one of the most stunning parts of the Cairngorms National Park and would provide a wonderful backdrop which will generate a positive impression of the area to movie-goers'. Feshiebridge is a famous and extremely popular beauty spot and any changes to the landscape and amenities should be taken very seriously by the planning committee to ensure that there is no detrimental effect on this area. The quarried boulders (with dynamite holes) should be removed ASAP (This is also in breach of Cairngorms National Park Local Plan Policy 16 C).

We built our own property in 2003 and took the Planning Rules and Regulations very seriously. We were of the opinion that you could not deviate from the approved plans without consent but we seem to have this completely wrong, as in this case, the approved plans are not worth the paper they are written on and you are able to change whatever you want and sort the matter out later. Nobody has the right to build a garage or erect a fence on our land. I urge the Planning Committee to consider all the facts and act appropriately and in the best interests of the general public and the residents of the Cairngorms National Park.

Please note that we wish to make verbal comment and power-point presentation at the planning meeting.

Yours sincerely,

Mrs and Mrs N.Dudgeon.

APPENDIX 2

08/31/2/CP – DECISION NOTICE

CAIRNGORMS

NATIONAL PARK AUTHORITY

Application Reference: 08/312/CP

AGENT:

Leslie Hunter
4 Seafield Place
Cullen
Moray
AB56 4TF

APPLICANT:

Mr. John Ardill
Feshiebridge Cottage
Glenfeshie
Kingussie
Inverness-shire

The Cairngorms National Park Authority having considered your application to carry out the following development:

Demolition of existing House; Erection of Replacement House and Garage

at;

Feshiebridge Cottage, Feshiebridge, Glenfeshie, Kingussie

and in accordance with the plan(s) docketted as relative hereto and the particular given in the application, do hereby give notice of their decision to:

Grant Full Planning Permission

Subject to compliance with the following condition(s):

1. **The development to which this permission relates must be begun within five years from the date of this permission.**

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act, 1997

2. **Notwithstanding the Town and Country Planning (General Permitted Development (Scotland) Order 1992, the North, East and South garden boundaries shall be marked only by the existing hedge or by an alternative hedge in a native**

deciduous species, with or without a fence of equal height to the existing, unless an alternative is first approved by the Planning Authority.

Reason: In the interests of the visual amenity, character and biodiversity of the local area.

- 3. Boundaries other than those referred to in Condition 2, if marked, shall only be marked by traditional stone walling, or native deciduous hedging or traditional vertically boarded fencing or stock fencing, and by no other means, to the satisfaction of the Planning Authority.**

Reason: In the interests of the visual amenity and character of the local area.

- 4. Notwithstanding the details on the approved plans, the garage door shall be finished in vertically boarded timber.**

Reason: In the interests of the visual amenity and character of the local area.

Dated: 13th January 2009

Don McKee - Head of Planning

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

**THIS IS A LEGAL DOCUMENT -
PLEASE RETAIN WITH YOUR TITLE DEEDS**

NOTIFICATION TO BE SENT TO APPLICANT ON REFUSAL OF PLANNING PERMISSION OR ON GRANT OF PERMISSION SUBJECT TO CONDITIONS

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within six months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

NOTES

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that the mains water, drainage or other public services are, or will be available:
or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.