

# **AGENDA ITEM 5**

## **APPENDIX 4**

**2021/0115/PPP**

**REPRESENTATIONS  
OBJECTIONS**

**From:**MORRIS Andrew

**Sent:**1 May 2021 19:08:10 +0100

**To:**Planning

**Subject:**Comments on Planning Application No. 2021/0115/PPP (HC 21/01141/PIP)

Dear Sir/Madam

21/01141/PYPIP – direction of four houses – land 35 m south of the snipe – Deshar Court Boat of Garten.

With reference to the above application for the election of four houses in Boat of Garten, **we wish to object** for the following reasons.

The application is **contrary to the Cairngorms National Park Local Development Plan**, which was agreed on Friday 26 March by the Board of the Cairngorms National Park Authority, replacing the previous five-year plan. The purpose of the plan is to inform future built development in the National Park.

The proposal is **clearly out-with the Settlement Boundary** as defined in the plan. The proposed development would detract from the settlement rather than ensuring that the character of the settlement is reinforced. The application therefore **does not consolidate the existing settlement**. Building lines will be compromised, and if approved, there is a scope for further detrimental development beyond the current proposal.

The proposed development will **damage a sensitive and valuable habitat** that supports species including red squirrels, crested tits, Scottish crossbills and wood ants. Badgers are also observed around the proposed development.

The development will be **corrosive to the woodland setting** and woodland structure of Boat of Garten that has significant nature conservation and recreation value. The site is included in the **Native Woodland Survey of Scotland and designated as 'Native Pinewood'**. The village and CNPA is to be applauded in its approach to date in protecting the woodlands which have high biodiversity value, not just because of the trees, but for the soil structure and diversity of flora created over time. Once destroyed, it cannot be recreated. The proposed development is therefore contrary to the primary aim of the National Park which is to conserve and enhance the natural and cultural heritage of the area.

**It will be necessary to remove 50 individual trees** to construct the proposed development, including Rowan, Scots Pine, Silver Birch and Aspen which are all in good condition. In addition, four trees just out-with the site boundary will also be affected.

The **visual appearance of the development is not in keeping with Boat of Garten**. Specifically, the application site will have a significant impact upon a very popular path officially designated by the Boat of Garten Paths network that leads from Kinchurdy Road to the Village Hall. This is used by walkers, dog walkers and cyclists. The proposal to maintain the path network by creating a narrow alley, bounded by a high fence around the rear of the proposed houses is completely out of keeping with the village.

Residents should also be able to rely on the published Plan when making important decisions regarding their own properties. We extended our house five years' ago relying on the settlement boundary as defined in the 2021 LDP and previous plans.

We would be very grateful if this objection could be acknowledged.

Yours faithfully

Andrew and Elspeth Morris

**Crimbie Cottage**

**1 Applegrove**

**Boat of Garten**

**PH24 3BN**

Professor Andrew Morris CBE MD FRCP FRSE FMedSci

Professor of Medicine

Vice Principal Data Science

University of Edinburgh

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# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Miss Cameron Wright

Address: Dunedin Orchil Road Auchterarder

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The erection of these houses will both destroy parts of the forest itself and disrupt natural habitats within it. Not to mention the cycle and walking routes that will no longer be able to be used. Overall they are not in keeping with the nature of the village and they should not be built.

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Miss Charlotte Allingham

Address: Craggie Farm Nairn

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Contrary to the Local Development Plan approved by the CNPA March 2021

Will destroy part of the forest

Will harm natural habitats

Will disrupt popular cycling and walking routes

Not in keeping with the character of the village

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Miss Charlotte Dunn

Address: 11 Eglinton Drive Glasgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Contrary to the Local Development Plan approved by the CNPA March 2021, the proposed site will destroy part of the forest and harm natural habitats. It will also disrupt popular cycling and walking routes. Finally, it is not in keeping with the character of the village.

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Mr David Morris

Address: 15 Alderston Gardens Haddington

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to register my objection to the above planning application.

As a frequent holiday visitor to Boat of Garten over many years I have grown to appreciate the unique beauty of the village and the surrounding woodlands and the sympathetic way in which planning for development has ensured that these valuable aspects were not compromised.

The above application would appear to be in direct contradiction to what has been achieved and appears to be opportunistic and speculative in nature.

Judged against the current Local Development Plan the proposal is contrary to important aspects of Policies 1 and 4 of the plan and approval in spite of this could set a precedent for future more extensive development in this environmentally important woodland. In this regard approval would also raise public questioning of the viability and effectiveness of Local Development Plans.



# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Dr Finlay Currie

Address: Mount Tabor Mount Tabor Road Perth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposed development. It conflicts with the Local Development Plan which was only approved by CNPA in March 2021. We are regular visitors to Boat of Garten. It is the most charming and undisturbed community. We are worried that the development will set an important precedent and lead to further building in the forest and woodlands that make Boat of Garten the special place that it is. This is a green field site. There are other brown field sites in the village that would accommodate these houses. I am in favour of affordable housing but note that only two of the four proposed houses fall into this category.

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Dr Graeme Houston

Address: Balnafoich Boat of garten

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to note my objection to the proposal. It believe it is contrary to the Local Development plan (2021), provides valuable amenity woodland close to village, will destroy natural habitat.

**From:**Graeme L Ogston

**Sent:**26 Apr 2021 14:59:42 +0100

**To:**Planning

**Cc:**MORRIS Andrew

**Subject:**Comments on Planning Application No. 2021/0115/PPP (HC 21/01141/PIP)

My wife, Vivien, and I are the owners of 3 Applegrove, Deishar Road, Boat of Garten. The plot which is the subject of this Application is not immediately behind our property but is not far away. Normally I would be in favour of Applications involving Affordable Housing as I am on the board of a Housing Association, but my objection to this Application is that the land is not zoned for housing in the Local Development Plan.

For many years this land was zoned for housing and this deterred us from carrying out major improvements to our property. The zoning for housing ended in the 2015 LDP, when a major development was proposed on land at the west end of the village near the new community hall. As a consequence of this change we extended our house. As I understand it, the zoning has not changed in the recently published 2021 LDP.

I consider that owners should be entitled to rely on the LDP, as it is surely one of the objectives of the Plan to alert owners to possible future development in the vicinity of their properties. There is little point in having a Plan if it is not adhered to.

There are other areas in the village more suitable for a small development. Allowing such an encroachment on an area of woodland much used for recreation would set an unfortunate precedent.

Please acknowledge receipt.

Graeme Ogston

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Mr Henry Bennett

Address: Broadlawns Molemer Road East Molesey

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the erection of these four houses being built on the grounds of the destruction of the beautiful natural woodland and the eyesore that these new buildings will create for other residents.

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Miss Imaan Kotadia

Address: Flat 3 Kinnessbrook 15 Kinnessburn road St Andrews

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a frequent visitor to Boat of Garten and a great lover of the beautiful Highland landscape, I believe this construction would be extremely detrimental to the area. I would be so disappointed if this stunning, natural area was spoilt by housing.

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Mr Jake Smerdon

Address: Willacys Ware

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Contrary to the Local Development Plan approved by the CNPA March 2021

Will destroy part of the forest

Will harm natural habitats

Will disrupt popular cycling and walking routes

Not in keeping with the character of the village

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Mr Jon Morris

Address: Craigard Dupplin Terrace Perth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The erection of the proposed buildings would be a stark scar on the the Scottish highland landscape. With the bordering forest teeming with wildlife, the deconstruction of the multiple ecosystems would be a significant loss to the community and wildlife preservation process.

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Mr Mark Edwards

Address: Flat 87 Southwold Mansions London

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this planning application.

I am a regular visitor to Boat of Garten, enjoying the village's unique charm and the important natural environment surrounding the village. This development contravenes the CNPR Local Development Plan (LDP) by building outwith the settlement boundary, the area of land is also not one already allocated by the LDP for housing. Further, the location of the site would damage the natural environment around Boat of Garten, which would have a severe impact on nature conservation and recreational activities.



# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Miss Anna Currie

Address: Mount Tabor Mount Tabor road Perth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Placing houses will destroy part of the forest harming natural habitats. It will also disrupt popular cycling and walking routes.

It is also contrary to the Local Development Plan approved by the CNPA 2021. Contrary to the Local Development Plan approved by the CNPA March 2021.



11 April 2021

Dear Sir / Madam

**21/01141/PIP – Erection of four houses – Land 35m south of The Snipe, Deshar Court, Boat of Garten**

With reference to the above application for the erection of four houses in Boat of Garten, we wish to strongly **OBJECT** for the following reasons:

**Contrary to Local Development Plan**

The proposal is contrary to Policy 1: New Housing Development (1.1 Housing delivery in settlements) in the recently adopted Cairngorms National Park Local Development Plan 2021 as it is not an identified allocated site nor is it within the identified settlement boundary. Further, it does not reinforce nor enhance the character of Boat of Garten. The application site lies outside the established and historic village envelope. It should not be considered as infill development as it lies beyond the established building lines in this area. This is a greenfield site. The application is speculative and such a development in this area would set a dangerous precedent for future piecemeal developmental erosion of this precious and valued landscape for both wildlife and inhabitants and visitors to Boat of Garten. It is important to conserve this part of the established woodland of plantation origin (such native woodland can be deemed to have the greatest value for nature conservation), in its historic format, so closely associated with the Village itself. The natural heritage designations, the need to protect priority species and habitats, the likely indirect effects on the surrounding area, outweigh the development gains of housing on this site. In summary, due to the environmental constraints of this site, **this housing proposal cannot be supported** under the Plan's general Housing policy.

**Negative impact upon established, valuable, designated and protected historic tree plantation**

The application would have a negative impact upon the historic and designated tree plantation / ancient woodland. The proposal is contrary to Policy 4: Natural Heritage (4.3 Woodlands, 4.4 Protected Species, 4.5 Other Biodiversity) of the adopted Cairngorms National Park Local Development Plan 2021. The proposal would necessitate the felling and removal of many valuable and protected tree species such as Scots Pine, many of which are likely to be self-seeded trees which have already created their own valued natural understorey habitat of dwarf shrubs, home to wildlife. This site is an established natural fringe of the existing plantation and plays a valuable role in the biodiversity and natural heritage of this plantation. The impact of the clearing of the site would have an unnatural negative knock on effect on the surrounding woodland / plantation and its wildlife by

forcing wildlife to further retreat back and destabilising existing trees who have grown with the established woodland as they are forced to become fringe trees at the full mercy of the weather.

### **Negative impact upon historic, established and extensive badger setts and other wildlife**

Our direct neighbours are regularly visited by badgers. There is an established and likely historic network of badger setts right behind Kinchurdy Road, only metres in to the plantation and these are not hard to find. The development would have a negative impact upon these. The setts are active and well used. The proposed development would undoubtedly unsettle the badgers and compromise the established setts. We are also regularly visited by other sensitive and protected wildlife species such as red squirrels and Scottish Wild cat. This site has never been developed and is a greenfied site which plays an important role in the usage of the established historic plantation.

### **Negative impact upon established and well used Boat of Garten Paths network**

The proposal is contrary to Policy 8: Open Space, Sport and Recreation (8.3 Redevelopment of other open space) as it would affect and potentially reduce public access through the woodland detrimentally. The proposal will have a detrimental impact upon the recreational value of the historic paths network that has been established within the woodland. This paths network is extremely well used and well-liked by both residents and visitors to the village. It is a popular route due to its proximity to the Village and easily accessible. The application site abuts one of the most popular routes from Kinchurdy Road towards the Village Hall and village playing fields and it would appear from the application site that this popular path (shown in grey on the Boat of Garten Paths network) accessed from the Village website would be severely compromised and visually completely destroyed by the proposal and especially the erection of such a horrendous visual stop such as the proposed high fence around the rear of the proposed houses. This wood and the core paths network is an extremely valuable community and recreational asset to the Village and this proposal would be detrimental to this part of the village. The proximity of this particular walk to the village itself and its high usage makes this path extremely important and worthy of protection and that includes its hinterland and associated historic woodland setting.

<http://www.boatofgarten.com/o/wp-content/uploads/2011/09/Boat-of-Garten-walks-map.pdf>

We look forward to receiving confirmation that you have received our objection and should you require any further information or clarification please contact us at the above address.

Yours Faithfully,

Mr and Mrs Sandilands

(Owners of Keppoch, Kinchurdy Road, Boat of Garten)

**From:**Kellie Kotze  
**Sent:**20 Apr 2021 11:08:32 +0100  
**To:**Planning  
**Subject:**FW: Small housing proposals in Boat of Garten - 21/01141/PIP

**From:** Iain Brodie of Falsyde  
**Sent:** 14 April 2021 11:50  
**To:** ePlanning; Roddy Dowell  
**Subject:** Small housing proposals in Boat of Garten

Mr. Moudie, thank you for your acknowledgement and response to my initial submission.

I am currently having mobility issues due to becoming increasingly disabled and had not fully understood the complete detail of this proposed development until it was pointed out to me that the Surface Water Discharge arrangements into the proposed soak away would deliver water at certain times of year directly onto the ground underneath my property at Cuilalunn Cottage, a similar concern must by implication adversely affect my neighbours Mr. Mrs. Aitken and their new building along the same boundary. This situation is a material impact to which with some regret I am left with little alternative but to regrettably object.

Surely other material concerns must also have an effect on such a determination including that one area of the site proposal is actually in the ownership of Mr. Mrs. MacDonald next door to ourselves. The MacDonalds purchased their land several years ago from Seafeld Estate, likewise we too had been in discussion with the previous Estate Factor but were recently advised via the newest Factor in place that they would not wish to proceed with selling that area immediately adjacent to our Cuilalunn Cottage. This is an area almost identical in size to that purchased by the MacDonalds and which my wife and I have been paying annual rent from Seafeld for almost 35 + years.

One particular additional comment worth drawing attention to is that the path[s] shown delineated on the plan accompanying the Planning Application passes immediately adjacent to our property removing any sense of privacy we might reasonably expect in future and that building has enjoyed since its construction in the first decade of the 1900s, i.e. over one hundred years ago. The logical path route if such is to be incorporated in any consent that might be issued would be along the line of the Fire Break which used to be regularly cleared by Seafeld Estate as a part of the function to protect the forest from accidental fire, something to my knowledge has happened at least twice. I imagine, as a former Forestry Consultant that the it seems exponential increase in public access to forest lands everywhere the re-instatement of the Firebreak underneath and adjacent to the long term existing Electricity Pylon Line.

In light of my concerns noted above I would respectfully ask that they be taken into account while determining the Planning Application. It is most definitely not my intention to obstruct the construction of housing intended to support disabled members of this or any other community, I am personally brought up sharp as to the consequences and difficulties that are attendant on Disability in its various forms. This communication is intended to superseded my initial first response now that I am aware of the various implications

Regards, Iain Brodie of Falsyde. Cuilalunn. Kinchurdy Road. Boat of Garten. PH24 3BP



Sent from [Mail](#) for Windows 10

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Miss Nicola Bell

Address: Kincaigie Farm Strathmiglo Cupar

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: These houses will destroy part of the forest and harm many animals homes as well as disrupting popular cycling and walking routes.

They do not fit the character of the village and will ruin the charm of the area. I strongly oppose the building of these homes.

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Ms Olivia Wiggins

Address: 14 Fraser Avenue St Andrews

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The planned development would contravene the Local Development Plan  
As a walker and cyclist and a lover of Boat of Garten it would ruin the village

# Comments for Planning Application 2021/0115/PPP

## Application Summary

Application Number: 2021/0115/PPP

Address: Land 35M South Of The Snipe 3 Deshar Court Boat Of Garten

Proposal: Erection of four houses

Case Officer: Alan Atkins

## Customer Details

Name: Miss Zoe Morris

Address: Craig Ard Perth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The planned development would contravene the Local Development plan

As a walker, cyclist and runner, I think it would ruin the village. I love the village and the endless, uninterrupted access to green space it offers

Local wildlife in the area seems to be picking up, I see red squirrels often on my walks, it would be gutting to ruin this.