

To Local Review Body Scottish Borders Council

From-The Residents of Kirkburn

6 September 2017

Subject Appeals references- 17 00032 RREF

17 00033 RREF

17 00034 RREF

We thank you for this opportunity to reaffirm our unanimous objection to these proposals. We ask you to consider the impacts on the building group and our residential amenity these proposals would create.

The appellant has submitted forty planning applications in his smallholding since 2015 he fully understands how the planning system works.

We are content with existing access arrangements to our small building group. We do not take our own safety or that of others lightly. Statistical modelling and interpretation of risk potential is an incumbent duty of Roads planning officers. The existing junction and access road serves the building group well as empirical evidence suggests. The junction could be considered awkward in usage in respect of left turns into the minor road but drivers seem to manage without incident.

We ask you to respect the Planning officers judgement and note that there is a precedent here.

The appellants existing planning consents and there business plans are not dependant on these applications. Access to facilitate and service proposed developments are containable within field 0328. We do not interpret these proposals as an act of altruistic largesse but rather an attempt to blur the previously accepted boundary between the building group as it exists and the proposed tourist developments with a view towards future planning revision.

Should the appellant choose to do so he could easily secure footpath access to Cardrona forest walks by directing pedestrians to use the route he uses when walking his dog (via the gate at the rear of the graveyard and down the south side of the graveyard dyke to the fence adjacent to forest access road). The applicant states he leases this land. This route would inconvenience no one in the building group. Such a route would not require access to forestry land a simple stile or kissing gate and some fencing would suffice.

We ask you to note a further refused planning application in your deliberations regarding these three appeals before you today, application 17 00809 FUL. (Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins)

This application (not yet being appealed) was submitted shortly after (17 00806 ful) 17 00034 REF. We however feel it is of relevance as a memo for Craig Miller from A J Cleghorn dated received by planning 7 AUG 2017 concludes with the following lines .

"I have decided to revert to the original access through the Kirkburn Road. It is my intention to appeal the planning refusal notice for the Kirkburn Access upgrading."

Upholding the officers decisions will not impact upon the planning applications the appellant has consent for, nor their financial requirements. Reversal however would impact on the existing landscape, residential amenity and setting of the listed buildings.

Thank you for your consideration of our concerns we are

J Wilson 8 Kirkburn Cottages

I & K Jackson 7 Kirkburn Cottages

A Johnston & C Goodsir William Cree Memorial Church

S & C Mitchell 4 Kirkburn Cottages

E Barber 3 Kirkburn Cottages

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

06 September 2017

Ms Fiona Walling
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Ms Walling

Appeal for application 17/00384/FUL – Alterations to existing bell-mouth and formation of new access at Kirkburn

With regard to the appeal for the application to change our access road; the same criteria apply as to our original objections. There is nothing wrong with the access road to Kirkburn Cottages. All the residents, and their family and friends, have driven up and down it for decades with no problems or accidents. The local Police can be contacted to confirm that there have been no accidents reported on our road. (As previously stated, we would be highly suspicious if one occurred now, while this application is being considered.) Delivery vehicles negotiate it without difficulty. Any good driver should be able to drive it. We are more than satisfied with our access road. There are no safety issues here.

There are many smaller rural roads that are much more difficult to negotiate than this, and they are not in danger of being changed to suit a property developer's whim. The developer in question already has a council approved access road to his property, therefore, why does he need another one?

It should also be noted again that our access road is not owned by the developer, therefore, how can he submit an appeal to a planning application for a piece of land that is not in his remit to make decisions upon?

Incidentally, Mr Cleghorn has been submitting dozens of planning applications over a number of years, and therefore should be more than conversant with the Scottish Borders planning system.

We urge you to refuse this appeal.

Yours sincerely

Stuart & Cath Mitchell

Stuart and Cath Mitchell

