



Robin N Thomson
Cakemuir Cottage
Nenthorn
Kelso, TD5 7RY
Sunday 1st November 2021

Scottish Borders Council,
Clerk to the Local Review Body at Council Headquarters,
Newtown St Boswells,
Melrose, TD6 0SA

Dear Madam/Sir,

I would like to submit the following regarding the planning review 21/00028/RREF.

Effects of allowing this appeal, please see attached plan.

In the original Local plan, Nenthorn Village was a defined village and Cakemuir was a separate building group. Nenthorn village is clearly demarked by the wooded area that bounds White Horse Field.

Applications 21/01000 and 21/00999 are clearly additions to the Cakemuir Building Group, and not to Nenthorn Village.

While I understand that individual applications can only be judged on their merits, a review should take into account the wider implications of the possible planning consent.

If the Local Review Body allow this appeal, and grants planning permission for applications 21/00999 (Plot 1) and 21/01000 (Plot 2) then Scottish Borders Council would be unable to refuse an application for Plot 3, directly opposite Cakemuir House.

The applicant has indicated the area encompassed by the brown lozenge and 'Residential' (See 5.11 Figure 5 and 5.22 Figure 10), so permissions for Plots 4 and 5 would follow.

Bearing in mind the SBC has previously granted planning permission 09/00230, then Plot 6, 7 and 8 would naturally follow.

As Plot 1 and 2 and separated from the Cakemuir Building group by a minor road, it also follows that permission for residential development must be granted for Area One, which is the much more logical area for the development of Nenthorn. And possibly Area Two. Allowing these permissions will have significant repercussions.

The applicant has linked these applications with a planning consent that he already has for four houses to the north of the Old School in Nenthorn 07/01848/OUT. He has offered to substitute two of those four consents for the two current applications. This offer raises various questions, such as does he intend to offer up the other two consents for two more? The consent 07/01848/OUT contains a requirement (para 4) for the provision of a play area prior to the development. If these applications are linked, should not this provision be carried over to the new applications? or is this just a scheme to avoid having to provide a play area for the children in Nenthorn? Why, if the applicant has permission to build four houses does he not carry out that project rather than substituting two houses at a less suitable location, better still, why not apply to build houses on the numerous suitable sites at Gerrick Farm.

Road Traffic.

In 2013 Mr Cooper at Nenthorn House applied for permission for a Storage Barn and Workshop (12/01260). The Roads Department was concerned about the amount of traffic that would be generated, and they had previously indicated that an application to open a Market Garden would be opposed, again due to the insufficiency of the road. The planning department received assurances from Mr Cooper via his agent: 'I also wish to confirm that the workshop is intended for private use only to store machinery and equipment to service the applicants property/registered small holding'. And planning consent was granted with the condition

The workshop and barn shall be used only for purposes ancillary to the residential enjoyment of Nenthorn House.

Reason: In the interests of rural amenity and in the interests of road safety so as to ensure that the traffic generation arising from the building is appropriate to the site.

Mr Cooper jnr now operates a thriving building and roofing business based at this site, and there are numerous vans and lorries that run up and down the road every day.

The lane running from Nenthorn Village to Cakemuir and on to Nenthorn House is narrow for it's length. The section nearest the village, up to the fork to Nenthorn Stables is open with good visibility, after which there are high hedges and blind corners. The lane is used by walkers and horse riders and already has too much vehicle traffic.

Application deficiencies.

In the applications there are various factual inaccuracies, such as existence of a public drainage network and the Land Ownership. The Appeal Statement does nothing to respond to these inaccuracies. The Planning procedure requires that an advert is placed in the local newspaper. No such advert has been placed. It is a requirement of Policy PMD2: Quality Standards: to make provision for sustainable drainage. There is no such provision. The ground fails porosity tests and there is no watercourse for the septic run off, and the applicant does not have ownership of the access to the, often dry, roadside ditch.

Application Form

In response to the question

Are you/the applicant the sole owner of ALL the land? The answer was given as yes.

This is not true. Mr Forster owns the field up to the field fence, as shown in his title deed. On the southern edge, outside the field fence there is a hedge, wall and ditch. These are in my ownership and I attach my title deed plan as registered with the Registrars of Scotland.(BER5926).

The Proposed Layout Plan, Figure 4 in 3.2 confirms that the entrance to the development is out with the applicants ownership. Traditionally the Council does not own the hedges, walls and ditches, and only has a right of use and passage over the road and verge.

The applicant can not achieve sight lines for the entrance as this would involve removal of a hedge he does not own, and can not lay pipes to carry away rain and foul water for the same reason.

I repeat my opposition to these planning application and hope that the Local Review Board will reject this appeal.

Yours sincerely,

A large black rectangular redaction box covering the signature of Robin Thomson.

Robin Thomson.

