

Ardarroch
7 Lower Castleton
Glenlivet
Ballindalloch
AB37 9DE
27th July 2022

Dear Ms McGeoch

Re Appeal Ref 22/00024/RREF

Thank you for your correspondence dated 12th July. As per the comment on the planning portal, I would like to confirm that Simon Forder represents me, the owner of Cavers Castle, the boundaries of which adjoin those of Hillhead of Cavers, and he writes on my behalf.

We were surprised by the decision of The Borders Council to refuse the application for the erection of a new dwelling house on land adjacent to Hillhead of Cavers. It is particularly surprising that the reason given is that the development ran contra to the Housing in the Countryside policy HD2. The opening sentence of the policy states that the pattern of development focused on defined settlements is to be encouraged.

The Hillhead of Cavers property was constructed on parkland that historically lay within the policies of the Cavers estate following the breaking up of that estate in the mid 20th century, and forms part of the historic landscape of the estate. Historically the core of the Cavers estate was Cavers Castle and the Auld Kirk, and remained so for centuries. The medieval settlement of Cavers, largely abandoned by the 18th century lay, as today, generally to the east of the Auld Kirk and north of the castle.

Insofar as pedestrian and wheeled traffic through this core of the estate was concerned, the route is now principally represented by what are now referred to as the East Drive and West Drive, incorporating a section of road running generally to the south of East Lodge and the occupied building site known as Orchard Lodge.

The parkland nature of the policies is reflected in the retained names of fields in the vicinity of the castle, which historically formed the policies of the castle and core of the estate, such as Annfield Park, Nursery Park, Castle Park, Mansefield Park, the Deer Park, and the Pillar Park. This area formed the historic core of the Cavers Estate. Hillhead was built within the Pillar Park, part of the historic policies of the Cavers Estate. As Hillhead also lies between the East and West Lodges, and is accessed directly from the estate road between the two lodges, it is clearly within the wider settlement group associated with the castle.

In our own recent legal case it was clearly proven and accepted by the court that the Hillhead property also retains access rights along the East Drive as well as the section of road running generally to the south of East Lodge and Orchard Lodge. It is a matter of fact that traffic servicing Hillhead uses the East Drive by preference due to it being tarmacked, whereas the West Drive is not. Therefore, it is our opinion that the proposed building can only really be considered as being within the Cavers settlement group.

The refusal also states that the development is in a “previously undeveloped field.” This is not the case. Examination of historic maps, and the satellite imagery on Google Earth shows that prior to forestry works carried out in 2019/20, this piece of land had in fact been incorporated into the Arbourlaw Plantation, not a field. The neighbouring property of Hillhead was constructed within the

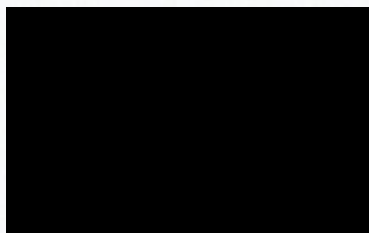
Pillar Park, and the boundaries of the domestic property were regularised at the time with clear boundaries with the plantation and the Pillar Park area.

We would not support any “sporadic expansion” within the historic landscape of the castle policies. The original application states that the intended use of the property is restricted to occupancy associated with the management of the Hillhead estate owned by Mrs Campbell, the applicant’s grandmother. The planned house is not in a prominent location from outwith the Hillhead estate, including the Core Path, and is immediately adjacent to the principal residence, Hillhead of Cavers.

Furthermore, we are of the opinion that since Mr McGlone is intended to operate as the estate manager for his vulnerable and elderly grandmother (who lives on her own at Hillhead), and has his own family, it is entirely appropriate for the property adjacent to be built as it enables his grandmother to be cared for by her family in her old age, and for her welfare and security to be attended to. This is over and above the economic argument that has been put forward – which centres on the management, support and development of the estate and the family businesses based in and around the Cavers Retreat area by Mr McGlone. These businesses operate outside the core area of the historic landscape of the parkland policies now lying within the Hillhead estate.

We do not therefore see that the proposed development as outlined in the application is intended to be a precursor to “sporadic expansion” as suggested by the terms of the refusal, or that the proposed development lies outside current planning policy. Should such expansion be considered in the future within the historic landscape, however, we do not see how it could be justified.

Yours sincerely



Simon Forder

pp Julie Sharrer

Cavers Castle & Estate