

58 Waldie Griffiths Drive
East Broomlands
Kelso
TD5 7UH

21 November 2023

Clerk to the Local Review Body
Democratic Services
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

Dear Sir,

My name is John Fleming. My wife, Sandra, and I live at the above address in Kelso. We moved into our house on Tuesday 20th December last year. I would like to appeal the Planning Decision, reference 23/00684/FUL.

The following statement is my recollection of events that happened in the Autumn of 2022 when we initially approached M&J Ballantyne Ltd with an enquiry to buy the property and I spoke with Michael Ballantyne at the site.

I felt that the fence on the piece of land towards the roadside of the property came rather close to the side of the house and the downward concave arc of the proposed fencing would make our potential garden rather small. I spoke with our solicitors, Aberdein Considine and asked that they approach the Builders' Solicitors (Taits) formally about the matter before offering to buy the property. I proposed that the concave arc curved upwards with the same starting and finishing points. That can be seen in pink on the Application that M&J Ballantyne's Architects later submitted on my behalf (23/00684/FUL). There was quite a bit of correspondence between both sets of Solicitors and when I spoke informally with Michael Ballantyne, he seemed hopeful that there would be no issues about the shape of the side fencing. At this time I was travelling from our home in Perthshire on a number of occasions to see how the building was coming on.

Michael then confirmed that we would have to get Council Planning permission to change the concave shape of the fence. He told us that he was surprised by that but he would arrange with his Architects to submit a Planning Application. Sandra and I did were not involved with this but we were told that this had been done.

We were then devastated to hear from Michael that the Application had been turned down and he asked if we wanted to appeal the decision. We immediately said yes and put all of our gardening plans on hold.

I have enclosed a number of photographs that I have taken over the last few months.

Photos 1-8 show the extent of the land that M&J Ballantyne started landscaping some months ago. I believe that it shows that the piece of land required to change the shape of the fence is quite small. Photos 9-14 were taken this week. I believe that photo 9 shows how close the fence is to our living room window and photo 14 shows that there will still be a large piece of open land below the fence.

I hope that this Appeal will be viewed favourably as it would make a significant difference to us, as a family. I have spoken with all of my neighbours and they have also wished me all the best with the Appeal.

Yours faithfully
John Fleming