

Appendix 2(c)

Representations

Representation From

- ◆ Mr Gavin Struthers, Moat Mains Farm, Hawksland, Lesmahagow
- ◆ Mr S Hunter, Moat Cottage, Hawksland, Lesmahagow
- ◆ Mr Gavin Struthers, Moat Mains Farm, Hawksland, Lesmahagow

Dated

23 February 2008
6 February 2009
11 November 2010

ENTERPRISE RESOURCES
CLYDESDALE AREA OFFICE

26 FEB 2008

Recorded on mvm 27/2/08

385423

ALLOCATED
ACTION

Moat Mains Farm
Hawksland
LESMAHAGOW
ML11 9PY

Date: 23rd February 2008

Dear Sir

Application by Mr & Mrs P Burns

Regarding proposed conversion of coach house at Moat House, Hawksland, Lesmahagow. ML11 9PY

As owner of the adjacent property, Moat Mains Farm, and owner of existing access track to Moat House, I wish to make representation regarding traffic, both pedestrian and vehicular.

Historically, Moat House holds right to access along the single track running from Hawksland Road to the entrances of Moat House. The track then continues towards Moat Mains Farm where it ends.

This track is used by me to operate my normal business of farming. I use the track for the movement of dairy cattle, approximately 50 - 100, during the summer. This track is also used by large modern agricultural machinery for crop gathering and manure disposal.

During all of these activities the narrow track is wholly required and leaves no room for pedestrian traffic of any description.

Currently I accept the burden of access to Mr & Mrs Burns dwelling in good grace, as I have with all the previous owners.

I endeavour to keep cattle from entering the entrance to Moat House by ensuring my staff close the access gate on fetching cattle home and likewise before cattle pass outward bound.

Unfortunately this is not foolproof as a member of the Moat House on finding the access gate closed, reopened it presuming the cattle had already passed by, with the result being over 50 dairy cows in their courtyard, which ultimately does not bode well for good neighbourly relations.

I believe this development to be a commercial venture and therefore should be responsible for its own burden and not infringe on my farm business. I accept the current situation but feel with further development this burden will at the very least double, which I find unacceptable.

I propose, in the interest of safety, especially children as the proposed development means two family homes with little scope for play, that the development be held responsible for:

1. Creating a walkway, in their own field, the full length of the access track from Moat House to Hawksland Road. This would be suitable for the safe passage of pedestrians, ponies, walkers and bikes, without infringing on my farming activities.

2. That a lay by should be created at the end of the single track, large enough to allow tractors with trailer attachments or construction traffic to park off the public road, allowing cattle or vehicles to pass onto Hawksland Road safely.

3. That suitable gates be sighted at the exits of both properties, perhaps even electronically controlled, which should remain closed apart from access. The sloping exits of both properties are obscured by the boundary hedgerows of Moat House to traffic passing through from Moat Mains Farm. This would be extremely dangerous for young children, which can only lead to anxiety.

I request that the concerns I have highlighted and the suggestions on how they can be eliminated be considered by the planning committee in a favourable light as all I seek is to live in harmony with my neighbours as I have done for the last forty years.

LEGALITY OF ACCESS

Counsel view has been sought to clarify my position regarding legal access, not only for the proposed development of the coach house but also for planning application on further developments in the future. I am still waiting for a reply on this matter.

I feel bound to state that if what I have proposed is found to be unacceptable or out with the planning committees remit, then the only course left available to me would be to resolve the matter through the court of law, which I will pursue but only as a last resort.

If any clarification is required regarding the above, I would be happy to make myself available and would welcome an on site inspection with an appropriate authority.

Yours faithfully

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Gavin Struthers

[REDACTED]

HEAD OF PLANNING AND BUILDING, SOUTH VENNEL, LANARK.

From; MR. S. HUNTER, MOAT COTTAGE, LESMAHAGOW. ML11 9PY.

[REDACTED] - date: feb. 06/09

With reference to; Application No. CL/08/0054
Submitted by MR. & MRS. P. BURNS for the conversion of The Coach House at Moat
House Hawksland, Lesmahagow ML11 9PY

Dear Sirs

Please find enclosed a copy of the Land Register Certificate Ref. No. LAN
189381 outlining the land owned by Mr. Hunter & Mr. McRandle about to reside at
Moat Cottage of which this application effects.

Please note the outline drawing for amendment planning application
No. CL/08/0054 submitted by MR. & MRS .P. Burns does intend to utilise land that
belongs to MR. HUNTER & MR. McRANDLE without express authority or
permission from the owners.

The applicants, Mr. & Mrs. P. Burns have no Legal Right to utilise this land, and
permission is not given.

If any clarification is required regarding this point, please do not hesitate to
contact myself immediately.

Yours Sincerely,

Mr. S. Hunter

[REDACTED]

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| ENTERPRISE RESOURCES CLYDESDALE AREA OFFICE | |
| 09 FEB 2009 | |
| ALLOCATED TO | [REDACTED] |
| BY | [REDACTED] |



LAND REGISTER
OF SCOTLAND

Officer's ID / Date

2911
9/8/2006

TITLE NUMBER

LAN189381



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

Scale

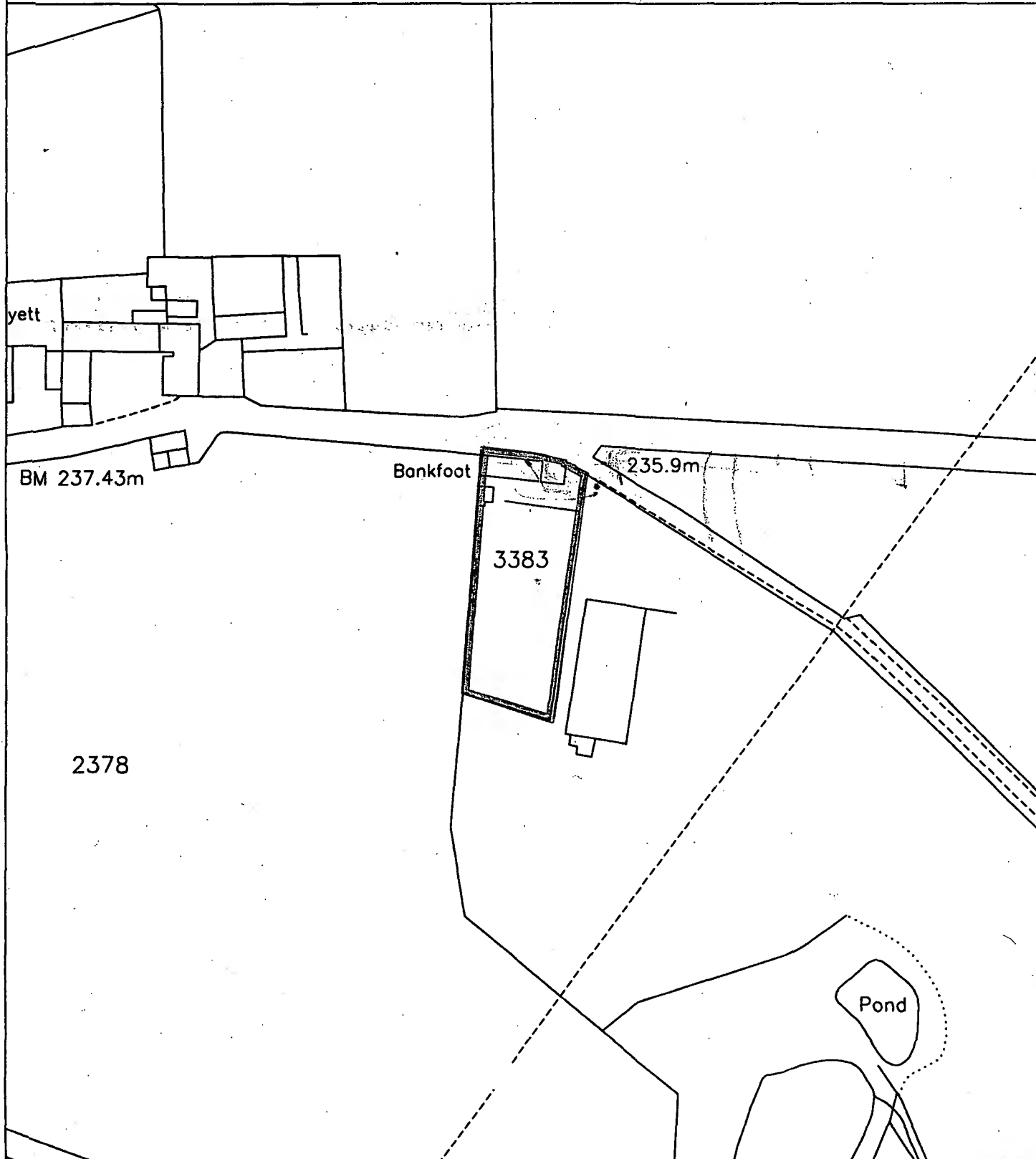
1/1250

NS8439 NS8440 NS83NW

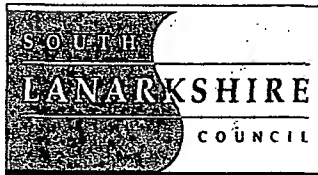
Survey Scale

1/2500

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IN RELATION TO EXISTING PLANNING
APPLICATION NO: CL/08/0054



Enterprise Resources

Form
0W-C
07/08

Notice under Article 8

Notice for service on owners or tenants of agricultural holdings : Clydesdale Area

Town and Country Planning (Scotland) Act 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Notice under article 8(2)(a) and 3(a) of application for planning permission
for service on owners and tenants of agricultural holdings

Proposed development at:

(a) MOAT HOUSE
HAWKSLAND ROAD, LESMAHAGOW
ML11 9PY

Notice is hereby given that:

1. Application is being made to South Lanarkshire Council by:

(b) MR & MRS P. BURNS

For planning permission to:

(c) CONVERT / EXTEND COACH HOUSE

2. If you wish to make representations about the application you should make them in writing no later than (d) 12 February 2009 to the Head of Planning and Building Standards Services, Council Offices, South Vennel, Lanark, ML11 7JT.

Signature

Date



22/01/09

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Note for neighbours: It is recommended that you contact Planning and Building Standards Services Telephone: 08457 406080 to ensure that the plans will be available when you propose to call. Please note that this notification has been served on you by the applicant and NOT the Council.



Rev A OWNERS PROPOSED DEVELOPMENT

| | |
|---|----------------|
| TITLE: PROPOSED CONVERSION OF COACH HOUSE AT MOAT HOUSE HAWKSLAND - LAYOUT PLAN | |
| FOR: MR & MRS BURNS MOAT HOUSE | |
| MOAT HOUSE HAWKSLAND ROAD HAWKSLAND S.M.A.H. DEVELOPMENT | |
| DRAWN BY: JAG | DATE: 19/10/04 |
| CHECKED BY: | DATE: 19/10/04 |
| DATE: 19/10/04 | SCALE: |

16.30
15 NOV 2010

[REDACTED]
Moatmains Farm
Lesmahagow
South Lanarkshire
ML11 9PY

[REDACTED]
11/11/2010

Dear Planning Officer,

I am writing further to information presented to me concerning a planning application proposed by Mr and Mrs Burns, Moat House, Lesmahagow; where apparently the planning department have been informed that a verbal agreement has been reached between Gavin Struthers regarding sale of land at the entrance to the public highway from Moat house access road. I would like to take this opportunity to refute this allegation and inform yourselves that I have made no agreement; verbal or otherwise to such purchase.

Yours sincerely
[REDACTED]

Gavin Struthers.