

From: Philip McMahon <[REDACTED]>
Sent: 10 December 2020 15:22
To: McLeod, Stuart <Stuart.McLeod@southlanarkshire.gov.uk>
Subject: Planning Application P/20/0469 - Notice of Review

Dear Mr McLeod,

Please consider these responses re the above application on behalf of Philip McMahon & Gerardine McMahon
21 Dunedin Drive
East Kilbride
G74 8QQ

1. We suggest that there has been a material change with regard to this Planning Application. It appears that the Applicant has sold the house at 15 Dunedin Drive with only part of the original garden ground being included. The remaining part of the feu appears to have been annexed for the purpose of development. Does this mean the original application is no longer valid and the wish to build on the remaining ground should be subject to a new Planning Application or at least some form of planning variation?

2. Unless further information with regards to this appeal has been proffered, and that we are not aware of, we fail to see how the reasons for refusal of the Planning Application will have changed in any way. Rather, we regard the point made above in (1) as an attempt to manipulate that decision and to reduce the amenity of the area held so precious in your original decision.

3. In our previous communication of 12/5/20 under Criterion 5 we commented on the status of protected garden ground purchased by homeowners from EKDC in 1979 and the presumption that No 15 was party to the same obligation of not being able to build on that. You commented on that suggesting that we would require to seek clarification from the legal department. Since the application was refused there was no need for us to seek clarification on your response. However, we were somewhat surprised by this response. Our thinking was and is along the lines that, having had it pointed out to you, the Planning Department would seek clarification from your legal services in order that you would not (potentially) be granting permission to build on restricted land.

Thank you for your consideration of these responses.

Yours sincerely,
Philip McMahon
Gerardine McMahon