

Mr Mrs Stewart

13 Caledonian Crescent

Prestonpans

East Lothian

EH32 9GF

With reference to our recent application for planning permission.

We wish to appeal the decision to refuse planning. The reason you refused were on the grounds that moving the fence was harmful to the character, appearance and visual amenity of the area.

If you look around the whole housing estate at the same style of houses you will see that the style of house we own all houses are on a end/corner plot, our property as it stands marries up with the surrounding area, therefor unharmed to the surrounding characters visual appearance.

The house builder maintained no objection to moving the fence within our own boundary. The title deeds at no stage what-so-ever point to the area as 'Open Space'. We solely own completely all the land to the pavement, as a full plot. This was one of the appealing factors of the existing plot, allowing us a larger garden space. Had the mention of 'Open space' been brought up prior to purchase we would have opted out of the purchase of our current property. However we have had various professional bodies scrutinise our title deeds, there is absolutely without a doubt no mention of 'Open space' stated anywhere in our title deeds and our solicitor is one hundred per cent confident.

We have no intention to build onto the side of our property we solely wish the garden space for our own use. The plot we own has been confirmed as a full plot not part as indicated.

Further more to the letters received for objection, we are currently aware of one, as your colleagues divulged this confidential information in writing to us last year. In relation to one of the points of objection, we are not applying and have never done so for a change of ownership (refer to No 2 in your grounds for objection). This is not the case, we have the title deeds to prove we own the land upto the pavement.

The roads department has passed with no objection. (In reference to point No3) They certainly have not deemed the fence as a 'road safety hazard'. The development has been passed and adopted with no comments regarding our fence. In a previous letter the council have stated the roads dont have a problem.

Regards

Mr Mrs Stewart

# Taylor Wimpey

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Your ref: MAO/JA

2 December 2015

Dear Sirs

**Mr & Mrs G Stewart**  
13 Caledonian Crescent, Prestonpans, East Lothian, EH32 9GF

I refer to your letter dated 28 August 2015 and my recent telephone conversation with your client, Mr Stewart.

I can confirm that the whole garden ground is incorporated in the feu which is also confirmed in the plan attached to your client's title deeds. I can also confirm that the area within your garden which we discussed was not intended as common open space.

Our Customer Services Manager, Mr Andy Goldthorpe, wrote to your client on 21 November 2014 confirming we have no objections to the fence being moved within your client's feu as long as it was approved by East Lothian Council. Unfortunately if East Lothian Council has refused this for any given reason, Taylor Wimpey cannot become involved in this matter.

I hope this helps clarify our position.

Yours faithfully

  
**Fiona Brannen**  
Adoptions Co-ordinator

Cc: Mr and Mrs Stewart

Taylor Wimpey UK Limited  
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Taylor Wimpey East Scotland is a  
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Our Ref: MAO/JA  
Your Ref: 14/00640/P

19 June 2015

East Lothian Council  
John Muir House  
HADDINGTON  
East Lothian  
EH41 3HA

Dear Sirs

Mr and Mrs G Stewart  
13 Caledonian Crescent, Prestonpans, East Lothian EH32 9GF  
Planning Application Reference: 14/00640/P

We have been consulted by Mr and Mrs Gary Stewart, the owners of the property at 13 Caledonian Crescent, Prestonpans and we have received from them the various documents in relation to the application which required to be made regarding a fence which was erected at the property. We understand that you have treated this as an application of change of use in relation to the garden, but we would advise you that the garden ground owned by Mr and Mrs Stewart is exactly as on the plan which is enclosed herewith and there is no reason for them not to build whatever they wish on the ground, including a fence.

In the refusal notice which you sent to our clients on 13<sup>th</sup> April 2015, you advised them that the application for change of use was refused, but as far as our clients are concerned, there is no change of use, they own the garden ground and there is no reason why they would not be able to build the appropriate fence on it as they required as they are the owners of the ground.

Please advise us as to the reason why the application has proceeded by way of a change of use application when there has been no change of use as the ground owned by Mr and Mrs Stewart is not common ground.

We are already advised by our clients and we have seen the correspondence over November and December 2014 and this year and in particular the letter from Taylor Wimpey to Mr and Mr Stewart dated 21<sup>st</sup> November 2014 confirming that they have no concerns regarding the fence.

We would be pleased to know as to the reason why they are being refused permission to build the fence on their own ground.

We await hearing from you in this regard in early course.

Without prejudice.

Yours faithfully

# Taylor Wimpey

Mr & Mrs Stewart  
13 Caledonian Crescent  
Prestonpans  
EH32 9GF

21 November 2014

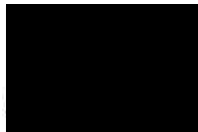
Dear Mr & Mrs Stewart

I refer to our recent conversations concerning the relocation of your boundary fence.

As requested, I can confirm that having spoken with all concerned within Taylor Wimpey East Scotland, we have no objection to you moving the fence within your Feu line. However, as previously advised, you will have to ensure that you obtain the correct statutory consents from the local authorities.

I hope the above confirms our position and allows you to move on with this issue.

Yours sincerely



**Andy Goldthorpe**  
Customer Services Department

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