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14 October 2013.

Mr Charles Reppke,  
Head of Governance and Law,  
Kilmory,  
Lochgilphead.

Dear Mr Reppke,

**Local review Body Ref 13/0015/LRB.**

Thank you for your letter dated 2 October re the planning application 12/01669/PP.

We submit that the enforcement notices previously served on Mr and Mrs Nicholsby should be upheld, and any new breaches of planning regulations dealt with vigorously.

As you will be aware, there has been a continuous creeping development at Dundonald since the 1990's. Much of this was done before nearby residents were aware of the scale and nature of the development, and as planning permission had not been requested, no neighbor notification was asked for by the Council. So by the time objections were sent to the council it was deemed that many were time expired and not contestable. Although it should be noted that at least one of these developments, namely the sea wall, was only partially complete. So there is now a sea wall, a pier, two slipways, and immediately beside the road a 2m high fence, all of which would be unable to gain planning consent if applied for in the correct manner.

Other developments which were not time expired, have subsequently been subject to retrospective planning applications, and these include a gazebo building on the shore, pontoons attached to the pier, and a walkway and decking from the main house to other outbuildings. All of these consents were granted retrospectively, but with clear and specific restrictions.

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These were that the gazebo should only be used and occupied for the sole use of the owners of Dundonald, (it was stated that it was to be an office), that the pontoons were also for the sole use of the owners of Dundonald and neither to be used for commercial purposes, and that the decking needed further work to be satisfactorily completed.

Since then the gazebo has been advertised widely for weekly letting and almost fully booked. The adverts states clearly that the short tenancy lets are able to take full advantage of the pier and pontoons, including use for boats, and many do. A new extension to the existing fence has been erected and is in a state of partial completion, despite council notices to have it removed. Further work to complete the walkway and decking has never been carried out.

You will also know that planning permission for three chalets at Dundonald has also been given, though work on this further development is at an early stage.

The problems with these developments are many:-

1. Dundonald is in a residential area and large scale commercial development of this nature is inappropriate.
2. The access to the pier, pontoons and gazebo is across a blind bend on a C category road which has a 60mph speed limit in force. The visibility at this point in the road is very poor and access is thus dangerous to users of the site and the road. Your Roads department is quite clear about this issue.
3. The existing fence and the additional gateway and fencing further reduce visibility at this corner. The only access to the gazebo, pier and pontoons is across the road at this point.
4. Access along the shore at Dundonald is now impossible for walkers and other users.
5. If the pier and pontoons continue to be advertised and used by short term tenants in the gazebo, then it seems likely that additional tenants in the chalets when they are completed will also do so, thus adding to the hazards and congestion at that part of the road.
6. As the gazebo was granted permission retrospectively for use as an office

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for the owners of Dundonald, we think it is unlikely to have a building warrant and facilities suitable for commercial use.

We therefore lodge our objection to any developments at Dundonald that are not fully compliant with existing Council regulations.

Yours sincerely,

Andrew and Doreen Henderson.