

Dear Mr Westmacott,

20 November 2014

**Planning Application 14/01478/APP - Proposed Gable Extension and Alteration to External Store at The Old School House, Rathven, Buckie**

We write with response to the Representation that has been made by Rathven Parish Church, dated 29<sup>th</sup> October 2014.

We have consulted with a solicitor (Sam Bennion at Stewart & Watson) who has confirmed that the strip of land in dispute is legally owned by us as it is within our boundary, as shown on our Land Register of Scotland certificate. The area of land is also shown as belonging to the house on the historical title deeds. Therefore, we are the legally recognised owners of this land, as the separately submitted letter from our solicitor and the accompanying documentation confirms.

To date, the Church has been unable to provide full Title Deeds or a Land Register Certificate to prove their ownership of the strip of land. In contrast, we are providing the following documents as confirmation of our ownership:

- (i) Copy of the Land Certificate from the Land Registry of Scotland – confirming the land is owned by us;
- (ii) Original General Register of Sasines (1959) – our historical title deeds which also show the land as belonging to the house;
- (iii) Deed of Servitude for vehicle access (Seafield Estates) – showing the land as belonging to the house;

In addition, it should be noted that the Church have previously acknowledged the above boundary as it currently exists in plans they submitted for their new hall (10/01093/LBC drawing 3 and 00/00022/FUL).

The strip of land is not located beside the proposed extension, or in any way connected to the extension application. Thus we believe this boundary dispute should not be used to hinder the progress of our extension appeal any further, and that the Church should withdraw their objection, as we legally own the land.

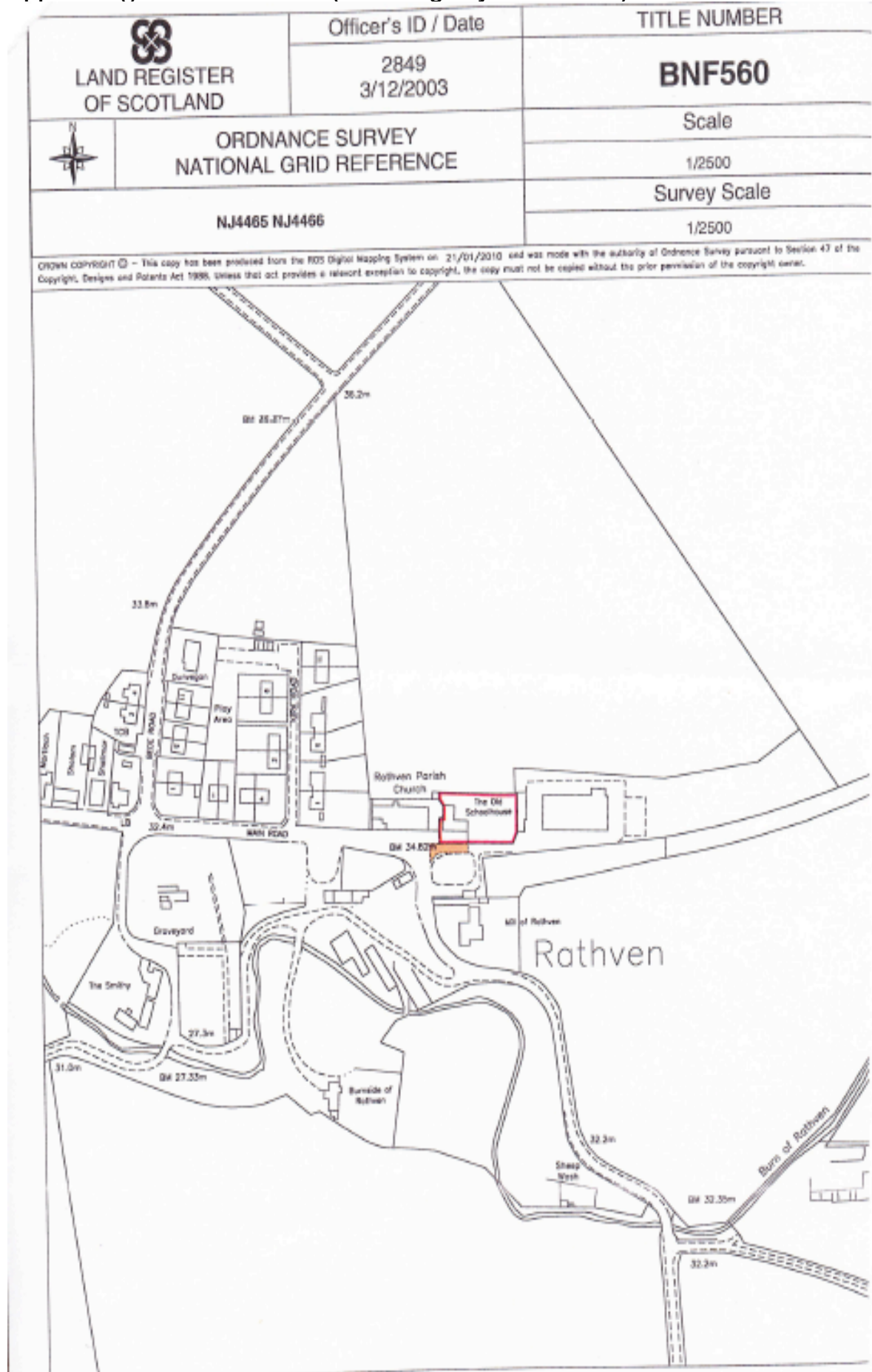
As far as we are concerned, this now concludes the boundary dispute matter.

Yours sincerely

M & N Slater.

Cc. Ann Grant, Session Clerk, Rathven Parish Church & Rev. Isabel Buchan, Rathven Parish Church

# Appendix (i): Land Certificate (Land Registry of Scotland)



# Appendix (ii): Historical Title Deeds

ML-Rath  
7 1/2

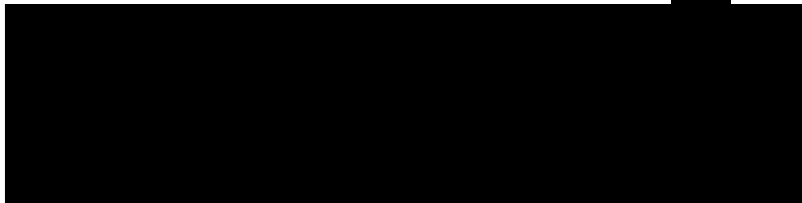
## REGISTERS OF SCOTLAND GENERAL REGISTER OF SASINES COUNTY OF BANFF

Fiche... 21 ..... Frame... 1 .....  
Presented and Recorded on 29 JAN 1990

I, MISS MARGARET McLEAN, residing at Mill of Rathven, Buckie, Banffshire, unfeft proprietrix of the subjects hereinafter disposed; CONSIDERING that the said subjects hereinafter disposed were purchased in Nineteen hundred and Fifty-nine at a price of THIRTY POUNDS (£30) STERLING but that no Title at that time was obtained and FURTHER CONSIDERING that after extensive enquiries it appears that there is no registered or recorded Title to the said subjects; THEREFORE, I the said Miss Margaret McLean do hereby DISPONE to and in favour of W. & A. McLEAN (RATHVEN) LIMITED, a Company incorporated under the Companies Acts and having its Registered Office at Mill of Rathven, Buckie, Banffshire and to its successors and assignees whomsoever, heritably and irredeemably ALL and WHOLE that area of ground in the Parish of Rathven and County of Banff consisting of One hundred and Ten decimal or One hundredth parts of a hectare or thereby Imperial Measure and extending as follows, namely:- On or towards the north or thereby a distance of Forty-five metres and Ninety-five centimetres or thereby; On or towards the west or thereby firstly in a south westerly direction a distance of Two metres and Forty-five centimetres or thereby; thereafter in a south easterly direction a distance of Four metres and Eighty centimetres or thereby; thereafter in a southerly direction a distance of Six metres and Thirty-five centimetres or thereby; thereafter in a westerly direction a distance of One metre and Fifty-two centimetres or thereby and again in a southerly direction a distance of Twelve metres and Ninety centimetres or thereby; On or towards the south or thereby a distance of Forty-three metres and Twenty centimetres or thereby and finally on or towards the east or thereby firstly in a north easterly direction a distance of Five metres and Ninety centimetres or thereby and then in a northerly direction a distance of Eighteen metres and Forty-five centimetres or thereby all as the said area of ground is delineated and coloured pink on the plan annexed and signed as relative hereto; Together also with (One) the dwellinghouse and other buildings erected thereon known as The Old Schoolhouse, Rathven; (Two) the fittings and fixtures in and upon the said subjects; (Three) the pertinents, rights and privileges thereof and (Four) my whole right, title and interest, present and future in and to the said subjects; WITH ENTRY and vacant possession as at the Fourth day of November, Nineteen hundred and Fifty-seven, notwithstanding the date hereof; And I grant warrandice from my own facts and deeds only; And I certify that the transaction hereby effected does not form part of a larger transaction or of a series of

EX 90 21

transaction in respect of which the value or the aggregate value of the property conveyed exceeds the sum of Thirty Thousand Pounds Sterling; And I consent to registration hereof for preservation: IN WITNESS WHEREOF these presents typewritten on this and the preceding page together with the plan annexed are subscribed by me the said Miss Margaret McLean at Aberdeen on the Twenty-second day of June, Nineteen hundred and Eighty-nine before these witnesses Lorna Margaret Davidson, Secretary and Kathleen Giulianotti, Receptionist, both of Eight Rubislaw Terrace, Aberdeen



REGISTER on behalf of the within-named *L. & A. McLEAN* (BATHVEN) LIMITED in the REGISTER of the COUNTY of BANFF.

Advocates in Aberdeen .  
Agents

EA 90 21

2



# PLAN OF SUBJECTS

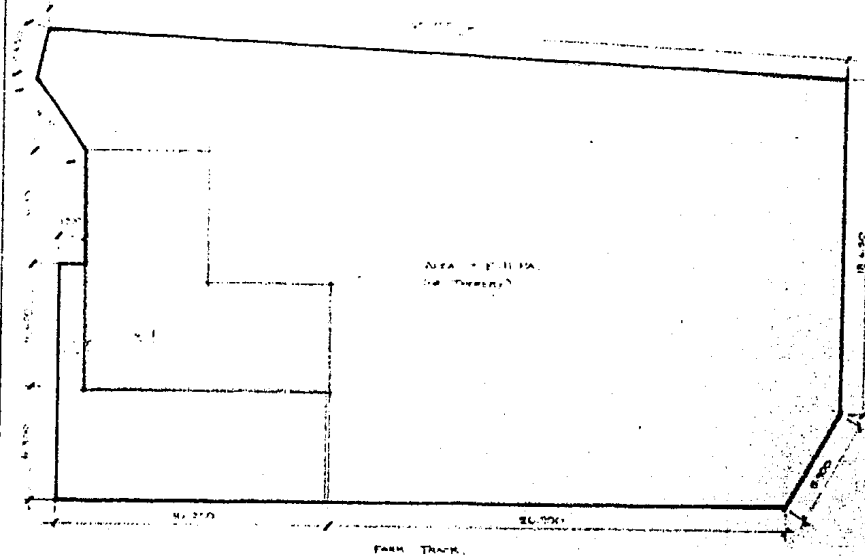
at

THE OLD SCHOOLHOUSE, RATHVEN,  
BUCKIE.

scale

1:250

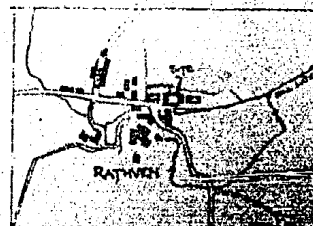
0 10 20 30 40 50 60 70 80 90 100



This is the plan referred to in the foregoing  
Disposition granted by me the said Miss Margaret  
McLean in favour of W & A. McLean (Rathven)  
Limited of today's date



Location  
Plan



DAVID A. SMITH, A.R.I.B.A., A.R.I.A.S., Dip Arch.  
Chartered Architect

Linen Bank Buildings, 9 Balmollie Street, Turriff.

1:50 21

Appendix (iii): Deed of Servitude (from Seafield Estates)

