

***Proposed Change of Use of Land to Domestic Garden at
Gamesley Fold Farm Higher Gamesley Charlesworth
PLANNING STATEMENT***

The Proposed Development

The proposed development consists of the change of use of mixed horticultural and lawned gardens to a single domestic curtilage to the rear of an existing farmhouse. The purpose is to unify existing parcels of land into a single recognisable plot; and to define which land properly belongs to the house as part of its garden curtilage, as distinct from other land belonging to the house in use as a kitchen garden and for family leisure.

As the application for planning permission is one for the change of use of land only, a Design and Access Statement is not required under DCLG Circular 01/2006. This statement is however submitted to explain the proposal. It is supported also by a letter from Ms.Chrstine Holgate who lived at Gamesley Fold Farm from 1945 to 1966 and is able to explain something of the origin of the back garden to the Farm. The application is made without prejudice to taking other steps to ascertain to status of the land as garden land and curtilage to the farmhouse.

The Site and Surroundings

Gamesley Fold Farm is located to the west side of Glossop Road, Higher Gamesley. It is part of a small cluster of cottages in different ownerships set behind Sandy Oak Farm. They are all served by a single-width track with a mainly tarmac surface, from a point on Glossop Road opposite the Catholic Primary School. The surrounding area is open farmland falling within Green Belt.

The land now belonging to the Farm is shown edged blue on the location plan. The greater part of the land consists of the field to the east of the cottages of Higher Gamesley and enclosed by the lane to them to the north and Glossop Road. An annual hay crop is taken from this field by a neighbouring farmer. Gamesley Fold Farmhouse stands at the highest point of the remainder of the land which falls to the west over a distance of about 120 metres. It forms a tongue of domesticated grassland between two converging stream beds.

The present assumed curtilage of the farmhouse is the area edged green on the site plan. In area it is approximately 550 square metres, including the footprints of the farmhouse and double garage. This consists almost entirely of hard surfaced areas, with a parking and turning area to the south of the farm house, a paved patio across the rear, and to the north side, and a small cultivated area to the front. All of this area is at the same level as the farm house whereas the garden area which is the subject of the application is at a lower level. It comprises mainly laid to lawn and is the natural private garden area to the house. In area it extends to 890 square metres.

It consists of two parts, namely the lawned area to the north of the garden path. It contains a garden summer house in timber which is lawful by lapse of time. The garden path leads down to the horticultural area beyond. This area coincides with the area indicated by Ms. Holgate in her letter as being laid out to garden by her grandfather in the 1920s. The second part of the site consists of the rougher grassed area to the south of the path. The latter is important as access and ancillary space to the three buildings in this part of the site and recently authorised by planning permission reference HPK/2010/0500 dated 13/12/2010. The application site includes the land on which these buildings stand, and adjoins the existing curtilage to the dwelling.

Some of the boundary lines shown on the Ordnance Survey plan within the site have now disappeared. The northern boundary of the application site is however marked by a dry stone wall. The western boundary has no physical features and is drawn parallel to the back wall of the farm house to provide an appropriate length of garden to what is a large detached dwelling. The southern boundary of the site is the top of the bank of a stream which runs along the south side of the house. This is obvious on the ground.

National Planning Guidance

This Statement is prepared in accordance with Section 42 of the Planning and Compensation Act 2004 and DCLG Circular 01/2006; and with the principles of sustainability in PPS1 Delivering Sustainable Development. PPS1 encourages local planning authorities and developers to 'deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone.'

Planning Policy Guidance Note 2: Green Belts introduced a general presumption against inappropriate development within Green Belts. Paragraph 3.4 of the Note says that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain purposes. These include essential facilities for outdoor sport and outdoor recreation...and for other uses of land which preserve the openness of the Green Belt. They also include the limited extension, alteration or replacement of dwellings.

The main purpose of the application is to achieve certainty with regard to the curtilage of the property. For estate management reasons it is necessary to be clear to the applicants as the present occupants, and to potential buyers in the future what garden area is comprised in the dwelling. A secondary purpose is to achieve the status of 'curtilage' for the dwelling to which Schedule Part 1 Class E of the Town and Country Planning General Permitted Development Order 1995 rights would apply. However, it is intended that as garden it would remain open, being the main outlook from the dwelling and facing west, and have no effect on the openness of the Green Belt.

The present large undefined 'garden' area behind the house extends to approximately 0.49 hectare (1.3 acres). It is used for the growing of vegetables, the keeping of chickens and the maintenance, enclosure and cultivation of the land. It is valued by all the family and especially the six children for its freedom and recreation.

Planning Policy Statement 7: Sustainable Development in Rural Areas says at paragraph 14:

'Whilst much of the land use activity in the countryside that separates cities, towns, and villages is outside the scope of the planning system, planning has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so.'

Whilst much of PPS7 has been cancelled by PPS4: Planning for Sustainable Economic Growth, and Regional Spatial Strategies by ministerial announcement, there remains encouragement in it towards rural living and enterprise. The applicants have a great sympathy with the countryside and its opportunities for sustainable

living and outdoor recreation for their family. They chose Gamesley Fold Farm for its land and setting.

Local Planning Guidance

The development plan for the area is the Local Plan for High Peak adopted in March 2005. Policy OC2 Development in Green Belts follows national policy and the same case for the applicant given above applies also to this local guidance.

Policy OC1 (of the Local Plan) – Countryside Development permits development which is an integral part of the rural economy and which can only be carried out in the countryside provided that individually or cumulatively:

- the development will not detract from an area where the open character of the countryside is particularly vulnerable because of its prominence or the existence of a narrow gap between settlements; and
- the development will not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanising influence; and
- the development will not have a significant adverse impact on the character and distinctiveness of the countryside

The proposed development would meet all of the above criteria. It is essentially a private domestic development which uses an inconspicuous site for sustainable living in a countryside location.

Conclusion

The applicant seeks to determine the status of land belonging to him to the rear of Gamesley Fold Farmhouse. The land is to all intents and purposes already in use as private garden exclusively for the use of his dwelling, Gamesley Fold Farm. The proposed change of use would do no harm to the openness of the Green Belt or be contrary to relevant policies in the High Peak Local Plan.

JRAM July 2010