

James Stannard
Planning Department
High Peak Borough Council



35 Huntley Road
Sheffield
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ELECTRONICALLY ONLY

02 March 2023

Dear James

Proposed replacement of dilapidated garage building with new garage and workshop with home office space. Land Adjoining, No.2 Sylvan Cliff, Buxton, Derbyshire, HPK/2022/0572

Please find attached amended plans for the proposed development above. In line with our discussion this has been amended to a single storey garage with an offshoot workshop/store/home office.

Some additional openings have been added into the workshop area as this will now function as a multi-functional space with workshop/storage/home office use. It is intended to power the building off grid as far as possible and solar panels are now shown on the rear elevation. The additional openings will also ensure that artificial lighting use is minimised.

As set out in my email of 28 February, the site is outside of the domestic curtilage of 6 Sylvan Cliff, but is currently occupied by the resident of that property which is located 19m to the east of the application site, with two other residential properties in the intervening space. The current use does not include any bedroom, bathroom or kitchen facilities and so is best described as a use incidental to the dwellinghouse (rather than ancillary).

The application does not seek a change of use. The site is already in an incidental use as a garage and is used for storage, parking and as a garden area. This use is long established and has always been separate to the immediately adjacent property. The use will remain as an incidental domestic building.

Notwithstanding this, the scheme does introduce use as a home office and workshop and I can understand why the matter of relationship to the applicant's residential property has arisen.

My client, the applicant Mark Hornsey, runs Babbaling Vagabonds. This is a theatre arts company which was established 20 years ago and creates work for theatres, schools and communities in and around the East Midlands. The theatre company is a registered charity and is supported by the Arts Council. Mark has always worked from home, including from the garage, not only in the administrative sense but also in terms of producing puppets and props and working on music and scripts and storing items not currently being used in productions. This use has remained incidental to the enjoyment of the dwellinghouse, and incidental to the domestic use of the garage. It is

proposed that the development merely delivers a more robust building to continue these uses in, so that they can continue in the long term. It will also be used (as the current garage is) to house and store domestic vehicles and equipment and the additional space will allow the family to use it to play instruments.

It is entirely possible to tie the site to 6 Sylvan Cliff if this is preferable to the planning authority. I agree that the garage is outside of the residential curtilage but curtilage does not necessarily extend to the same area as the 'planning unit'. It is a matter of fact that the existing garage is occupied and used by the occupier of number 6 Sylvan Cliff and thus already forms part of the same planning unit on this basis.

There are many examples incidental uses which are outside the domestic curtilage, but within the same planning unit and these are tied by condition or legal agreement to a nearby residential property. This includes, for example:

1. menages, which are regularly constructed outside of domestic curtilages but are restricted to use by the occupiers of the residential property forming part of the same planning unit, or
2. garages on housing estates which are physically separate but are tied to specific properties in order to avoid commercial use or being let out to non-residents for parking/storage.

It would therefore be entirely possible to tie the incidental use of the garage to the residential use of 6 Sylvan Cliff. The applicant would be happy to agree to a condition or provide a unilateral undertaking to secure this tie. It would be for the Local Planning Authority to decide if it meets the tests of reasonableness or necessity given that an incidental building is proposed to replace an existing incidental building.

It also is the case that no kitchen or bathroom is proposed in the building and therefore it is not ancillary accommodation. The applicant would be happy to agree to a condition which prevented the use of the building for overnight accommodation.

I trust this helps to explain the proposal in more details. Please contact me or Joe Oldfield if you have any further queries about the scheme or you wish to discuss the amendments further.

Yours sincerely,

Jane Newman MTCP (Hons) MRTPI