

Design and Access Statement

August 2023

***Application for change of use of land adjacent 67 Meadow Lane to
residential curtilage at:***

67 Meadow Lane, Dove Holes SK17 8DB

- **Applicant**
Nicola Parsons
- **Planning Authority**
High Peak Borough Council
- **Proposal**
Change of use of land adjacent 67 Meadow Lane to residential curtilage
- **Location**
67 Meadow Lane, Dove Holes SK17 8DB
- **Agent**
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Contents

1.00 Background	3
2.00 The Proposal	6
3.00 Support for the Change of Use	7
4.00 Design	13
5.00 Planning Policy and Principle of Development	14
Principle of Development	15
Sustainable Development	15
6.00 Access	17
7.00 Heritage and Conservation	18
8.00 Conclusions	19

1.00 Background

The property lies partially within the Built up Area Boundary and Open Countryside (see Figure 1) and is not within the Conservation Area or listed.

As can be seen from Figure 1, the Built up Area Boundary line (bold black) is an anomaly in that it does not include part of the rear properties and garden areas of numbers 63, 65 and 67 Meadow Lane.

The Built up Area Boundary line also clearly extends northwards beyond #67 and beyond what was a domestic garage structure and is now a hard standing.

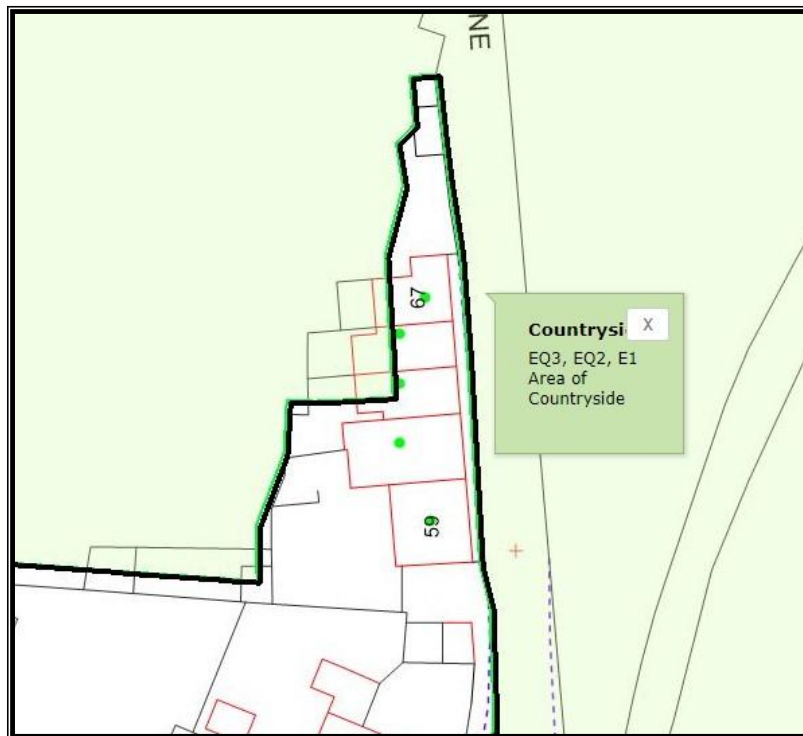


Figure 1: HPBC Local Plan Extract

The site area (red outline on drawing 100) is 295m².

The property was subject of a planning application (HPK/2022/0455, validated 26/10/2022) for a two storey side extension and single storey rear extension which was withdrawn on the 14/12/2022. The case officer was James Stannard who made it clear during the application that the proposed development was not acceptable.

The main issue during HPK/2022/0455, design matters aside, was the extent of the domestic curtilage of #67 and its constraints on possible extensions. Figure 2 broadly indicates the case officer's opinion on what is the domestic curtilage of # 67. This is substantiated by the following comments made by James Stannard on 12/12/2022:

'Firstly, as a matter of 'fact and degree' having regard to relevant planning case law, I do not accept that the area of mowed grassland to the side of the dwellinghouse constitutes domestic curtilage. My interpretation of domestic curtilage in this case is limited solely to the small yard area to the rear and is defined by the side elevation of the lean-to entrance porch and main gable end.'

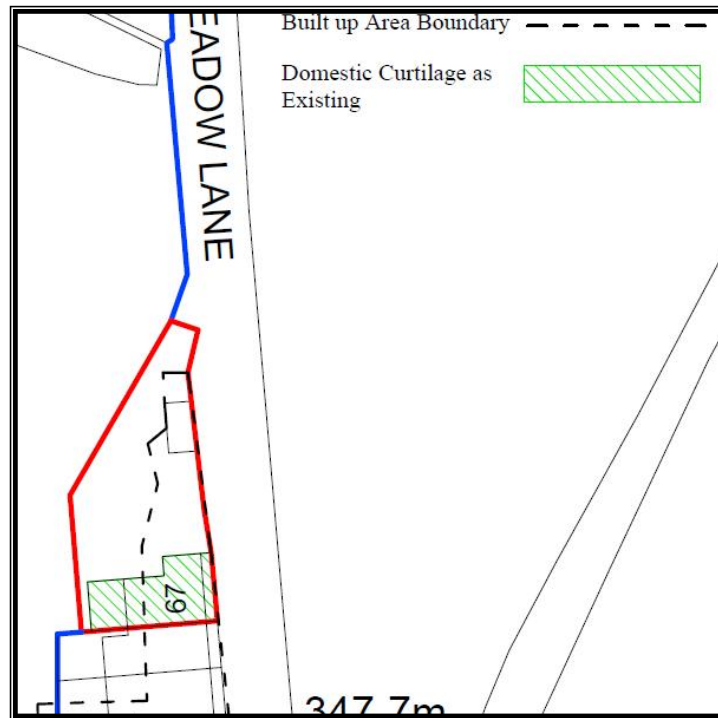


Figure 2: 'Existing' domestic curtilage indicated in green

The following comments were also made by the case officer during HPK/2022/0455:

12/12/2022

'...As such, the two storey extension would in fact involve the change of use of this parcel of land together with engineering cut and fill operations (i.e. Minor Full Application rather than a Householder application). As such, this type of application is not appropriate or correct.' (my emphasis)

12/12/2022

'The aspect of 'domestic curtilage' is not the same as land ownership. Put simply, it does not automatically follow that because an applicant owns an area of land adjacent to a property it constitutes domestic curtilage. This has been established in the courts. As such, my procedural point regarding the type of application stands, and that this application amounts to a change of use, and also includes engineering operations to create different land levels.'

13/02/2023

'The proposed changes in ground levels would involve changes to land that (in our view) lies outside the domestic curtilage. The assessment as to whether land falls within the domestic curtilage of the property is a matter of 'fact and degree' (i.e. a planning judgement) which is made having regard to relevant high court judgements on this matter.'

What is clear from the foregoing is that a new and full planning application will be needed in order to extend the domestic curtilage of #67.

What is also clear is that the Built up Area Boundary line is an anomaly in that it does not include part of the rear properties and garden areas of numbers 63, 65 and 67 Meadow Lane. It also clearly extends northwards beyond #67 and beyond what was a domestic garage structure and is now a hard standing.

2.00 The Proposal

This application seeks permission for change of use of land adjacent 67 Meadow Lane to residential curtilage.

The extent of the proposed change of use is indicated in Figure 3.

The total area of the extended domestic curtilage is 226m² of which 83m² is within the Built up Area Boundary.

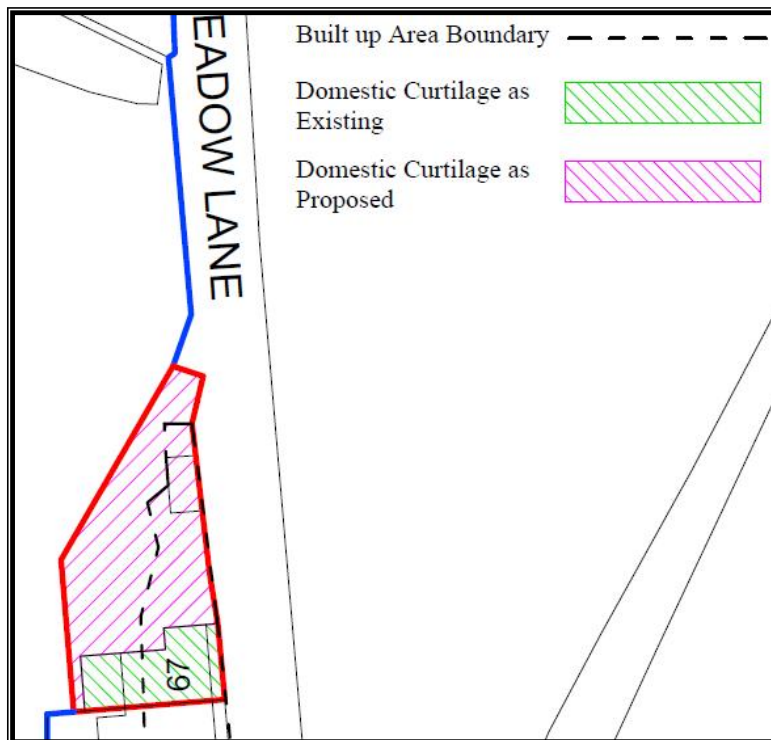


Figure 3: 'Proposed' additional domestic curtilage indicated in magenta

3.00 Support for the Change of Use

Figures 4 to 8 show Google Earth images dated from 1999 to 2013 showing the domestic garage structure and hard standing to the north of #67.

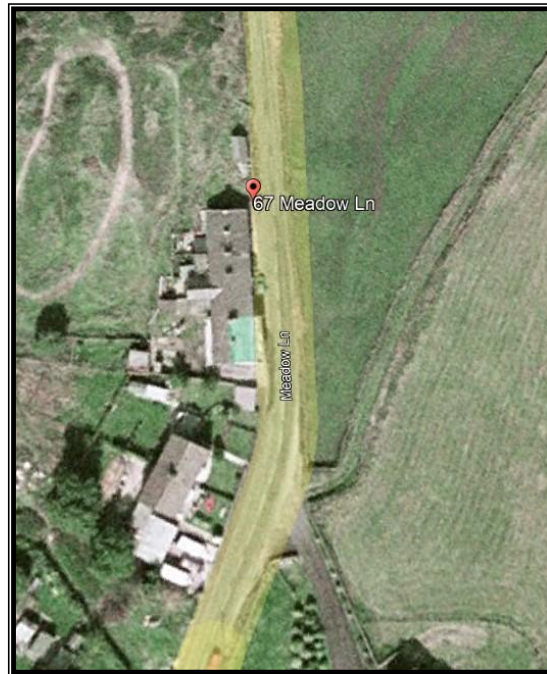


Figure 4: Google Earth 1999



Figure 5: Google Earth 2005



Figure 6: Google Earth 2017



Figure 7: Google Earth 2020



Figure 8: Google Earth 2023

Figures 9 to 13 show Street View images dated from 2009 to 2013 showing the gated access to the north of #67, domestic garage structure (from 2009 to 2018) and hard standing of both the removed garage structure and access.



Figure 9: Street View 2009



Figure 10: Street View 2011



Figure 11: Street View 2016



Figure 12: Street View 2018



Figure 13: Street View 2022

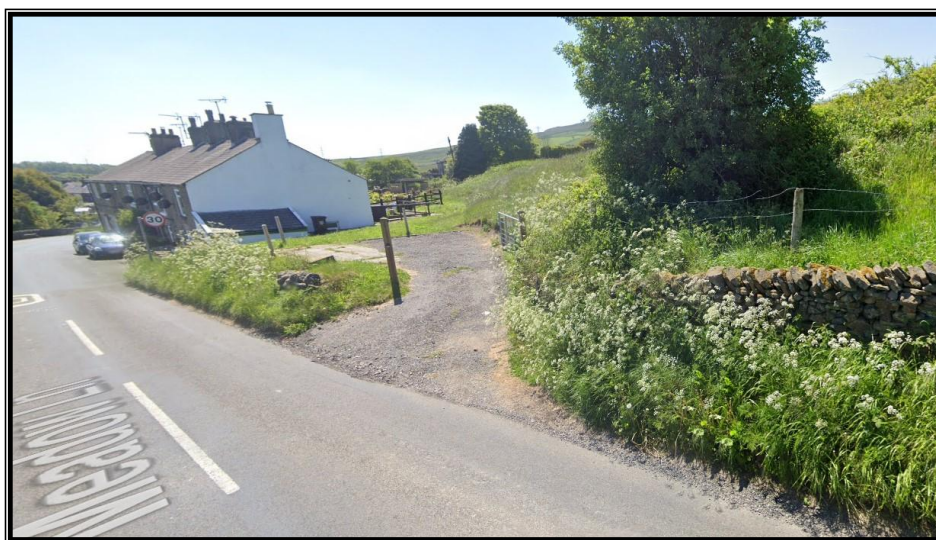


Figure 14: Street View 2023

It is clear from the above Google Earth and Street View images that a domestic structure (the garage) was present in what is considered, by the Local Authority, to be outside the domestic curtilage of #67. It is also clear that the domestic garage structure causes no intrusion or harm to the Open Countryside.

Furthermore, it is also clear from Figures 4 to 14 that despite the land to the north of #67 being partially within Open Countryside it is clearly not agricultural land and is, and has been for many years, domesticated.

The existing rear yard of #67 is extremely small (16m²) and terraced and does not provide adequate amenity space for the occupants of #67. Granting the extension to the domestic curtilage will improve the amenity and well being of the occupants and any future occupants of #67.

The applicant would be willing to negotiate the extent of the extended domestic curtilage with the Local Authority.

4.00 Design

The proposals require no new structures or alterations to existing structures or levels on site.

5.00 Planning Policy and Principle of Development

The site lies partly within the Built up Area Boundary and Open Countryside and is not within a conservation area or listed.

The main issue in this case is the effect of the development upon the character and appearance of the countryside.

It has been stated above that the site is clearly not agricultural. It had and has domestic features, such as the domestic garage, hard standings and tended lawn, that are clearly not agricultural and cause no detrimental impact upon the character and appearance of the countryside.

Also, part of the site lies within the Built up Area Boundary where development of the nature of that proposed would be acceptable.

Local Plan Policy

Policy EQ 2, 'Landscape Character' states:

'The Council will seek to protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan Area.'

This will be achieved by:

...Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment'

Comment:

The extension of the domestic curtilage, already partially within the Built up Area Boundary and had and still has domestic features, such as the domestic garage, hard standings and tended lawn, would not harm or be detrimental to the character of the local or wider landscape or the setting of the settlement: the site would be unchanged.

Policy EQ 3. 'Rural Development' states

'Outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.'

This will be achieved by:

- *Supporting the the redevelopment of a previously developed site... provided it does not have an adverse impact on the character and appearance of the rural area*

Allowing the following forms of new residential development:

- *Re use of redundant and disused buildings and/or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside.*

Comment:

The site, already partially within the Built up Area Boundary, is clearly a ‘previously developed site’ due to the fact it had and has domestic features, such as the domestic garage, hard standings and tended lawn. The proposed extension of the domestic curtilage would not have an adverse impact on the character and appearance of the rural area: the site would be unchanged.

Principle of Development

The National Planning Policy Framework makes it clear that planning applications should be considered ‘in the context of the presumption in favour of sustainable development’.

Paragraph 14 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay.

The proposed development would constitute sustainable development identified in the Framework satisfying the 3 dimensions - social; economic and environmental.

Sustainable Development

The National Planning Policy Framework makes it clear that applications should be considered ‘in the context of the presumption in favour of sustainable development’.

This development will constitute “sustainable development” for the following reasons:

- The proposed extension of the domestic curtilage, on a site already partially within the Built up Area Boundary, would not have an adverse impact on the character and appearance of the rural area or be detrimental to the character of the local or wider landscape or the setting of the settlement.
- Part of the site lies within the Built up Area Boundary where development of the nature of that proposed would be acceptable and is sustainable.
- The environmental impact of the proposal is negligible. Thus the proposals make a positive contribution to the site and locality in environmental terms.

- The existing rear yard of #67 is extremely small (16m²) and terraced and does not provide adequate amenity space for the occupants of #67. Granting the extension to the domestic curtilage will improve the amenity and well being of the occupants and any future occupants of #67.

6.00 Access

Access arrangements are unchanged.

7.00 Heritage and Conservation

The site is not within a conservation area. No heritage assets are affected by the proposals.

8.00 Conclusions

This application seeks permission for change of use of land adjacent 67 Meadow Lane to residential curtilage.

It is clear from the foregoing that the proposals would constitute sustainable development as identified in the National Planning Policy Framework satisfying the 3 dimensions - social; economic and environmental and complies with policies set out in the Adopted High Peak Local Plan (April 2016).

The proposed extension of the domestic curtilage, on a site already partially within the Built up Area Boundary, would not have an adverse impact on the character and appearance of the rural area or be detrimental to the character of the local or wider landscape or the setting of the settlement

The applicant would be willing to negotiate the extent of the extended domestic curtilage with the Local Authority.

In light of the above we would therefore urge High Peak Borough Council, in accordance with Local Policy and the National Planning Policy Framework, to grant permission for this application.