

Chrysanthou, Christos

From: David Warder
Sent: 31 March 2021 01:55
To: Chrysanthou, Christos
Subject: RE: Chalkway House SP5 5JB - planning application 20/10665/FUL : curtilage

Mr Chrysanthou.

Thanks/noted. My objection statement was sent in this afternoon including extract below.

The statement/plan mentioned in a recent email was agreed but I decided that with time so short (see below) it was premature and unnecessary to provide this now and thereby involve the previous owners directly in a matter which could later become the subject of detailed enquiry and possibly even disagreement. Nor, I think, should a third party ie me be the conduit to you for evidence on the matter once it is apparent – as it is – that the further evidence is there.

What I have done is to summarise to the previous owners my understanding of information provided in recent exchanges we have had and ask them to confirm same. They were unavailable earlier today (hence slight delay) but have kindly done so this evening. The following now summarises the position and for your information my view of where we are.

My email to the previous owners said:

As explained (you have seen the new curtilage plan) the current planning application includes a historic use claim for an area extending some way beyond the 2000 curtilage you know all about. Your comments have raised a number of questions on whether the historic use claim is made out. If and when that is done there will be a separate question on how much of the new area is true curtilage for legal/planning purposes which is for others to decide taking into account layout, attachment and enclosure, use and other things.

I have submitted an objection statement which includes comments on the curtilage as follows:

The unusually tight 2000 curtilage (p 56 top), was carefully entrenched to protect the site long term. An extension to the west where the terraces are was ruled out in 2000 before permission was given and should in my view be refused now.

The 'existing lawful curtilage' on the plan (pink line) is much larger than the 2000 curtilage. The two aerial photos were insufficient last time but this time the report says'...no contrary evidence to suggest differently..'

Various objections have noted curtilage anomalies. The grassy banks to the south are mown but not enclosed, the fence to the west is just to keep out cattle, the copse across the track to the east does not look like curtilage, the farm track is used as such and is obviously not. Historic use needs to be properly checked out, as the planners advised the applicant last time, and someone then needs to decide how much of that is true curtilage.

The previous owners have confirmed by email that the last paragraph is correct as far as they are concerned. They have also said that the copse has never been thought to be curtilage and have confirmed the non-curtilage status of the strips on either side of the drive. There is now direct confirmation of items 1, 2, 3, 6 and 7 of my email 26 March 2021 16:53.

Item 5 is correct in relation to the enclosed area around the house. Item 4 will require further review. As shown above, it is mown but not enclosed. It is open to the farm track used by heavy farm machinery etc. Whether it is or is not part of the residential curtilage needs to be properly assessed. A similar comment applies to the area to east and north east just outside the house enclosure where there is unenclosed planting and grass etc and the status needs to be determined.

Other comments made to me in addition to the above look relevant and material but will need to be made available directly if needed.

What all this seems to me to show is that the historic use claim and then curtilage position needs to be properly investigated under whatever is the appropriate procedure with everything taken into account. This has not so far happened. It was of course what you advised after the historic use claim was rejected on the second application (see reference to this in statement).

Meanwhile it seems to me that there is more than is needed to merely 'suggest' to you that the new curtilage plan does not correctly show the existing curtilage. There is specific information from the previous owners on matters mentioned.

It has also been confirmed that if further information is needed in connection with the above someone should please let the previous owners know. My own comment is that they have been helpful this time at short notice bearing in mind that this matter is in the past – they left the house in 2018. They have provided curtilage input on both earlier applications as the position has looked puzzling from the outset.

The reason this information has appeared at a very late stage is that the need for it appeared at a very late stage. It was only when I read the report last Thursday/Friday that I saw that the previously rejected aerial photos were to be accepted in the absence of 'contrary evidence to *suggest* differently'. There had until then been no reason to think that the rejected photos were to be accepted this time.

While not relevant to the above I would add that I have no interest in quibbling about a line on a plan. The curtilage in this case has a very specific history and purpose (see my earlier objections) which is directly related to the preservation of the rural site and setting and thereby the surrounding landscape.

Kind regards.

David Warder
