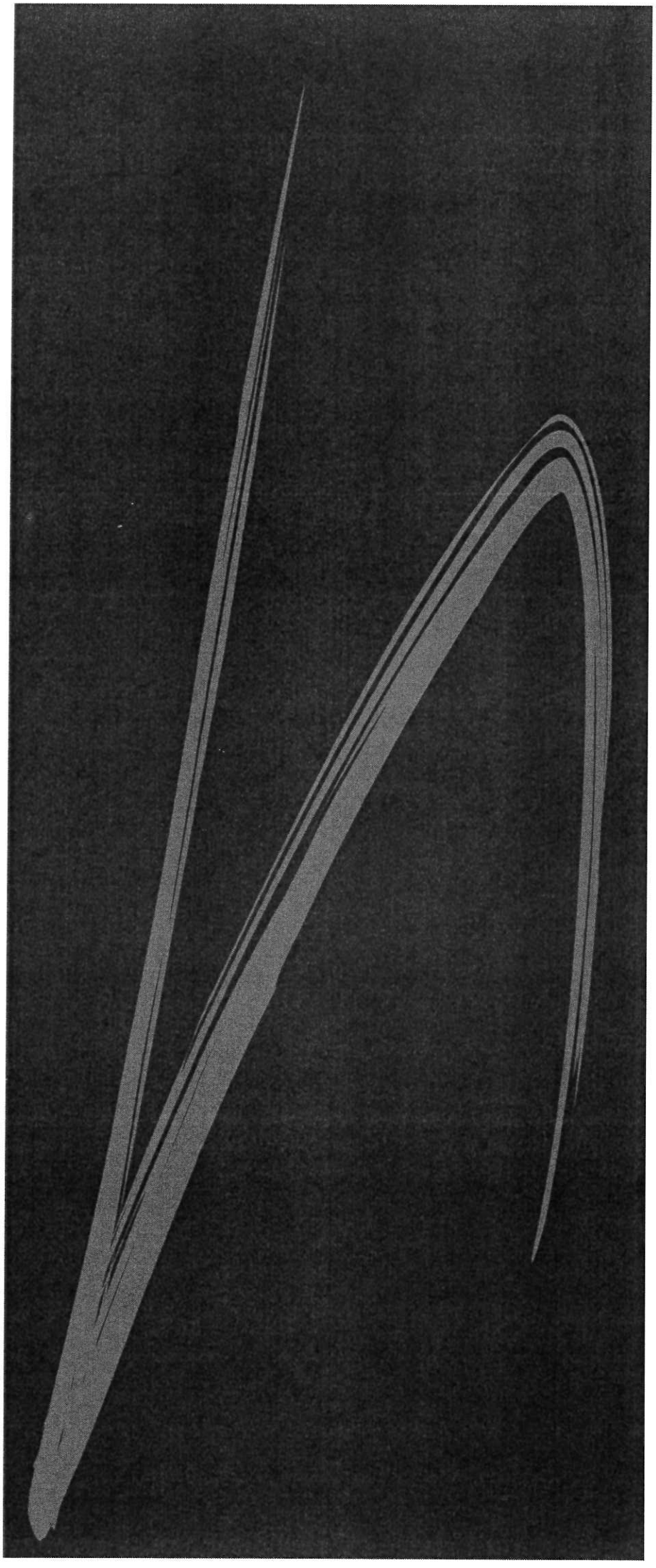

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PLANNING STATEMENT

Application for a Lawful Development Certificate for Domestic Garden and Curtilage at 44 Clough Lane, Werrington Stoke on Trent, ST9 0DD.

Client: Ms H Johnson
Ref: N1067/C2

Date: May 2018

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1.0 Introduction

1.1 Hulme Upright have been instructed by Ms H Johnson to prepare and submit to Staffordshire Moorlands District Council an application for a Lawful Development Certificate to confirm the use of the land within the red edge as domestic garden and the domestic curtilage of 44 Clough Lane Werrington, ST9 0DD. This statement has been prepared to accompany the application under s191 (1)(a) of the Town and Country Planning Act 1990

1.2 This Planning Statement and accompanying documents seek to demonstrate beyond reasonable doubt , evidence that supports the case and that the area of domestic garden and curtilage is lawful and therefore immune from enforcement action by the local Authority.

2.0 Site

2.1 The application site comprises of 44 Clough Lane, and well established domestic gardens to it's East, South, and West. The green belt is shown on plan as a line arbitrarily dividing the southern part of the garden . This line however is not evident on the site in any form of fence, hedge, or defining feature. Instead the site flows as continuous well laid out and maintained garden from the dwelling all the way to the southern boundary. This garden has existed for over 30 years.(see accompanying photographs).

3.0 Proposal.

3.1 This Lawful Development Certificate seeks confirmation that ;

The land identified in the red edge has been used continuously as a domestic garden for a period in excess of 10 years. Domestic garden is an unacceptable use in the green belt, however the area identified on plan, but not the site, as greenbelt has been used continuously as a domestic garden for over 30 years and therefore immune from enforcement action by the local Authority. The accompanying photographs confirm the garden is continuous to the southern boundary and has existed as such for over 30 years.

4.0 Relevant Planning History

4.1 In 1991 the current occupants of 44 Clough Lane made a planning application to Staffordshire Moorlands DC for 'The erection of a private garage.' This garage was to be sited close to the southern boundary of the curtilage of the dwelling.

4.2 In correspondence from Staffordshire Moorlands planning department dated 18th June 1991 the use of the land where the garage was to be sited was questioned (see Staffordshire Moorlands DC letter dated 18th June 1991 reference AK/JMG/SM.91-0513).

4.3 In the above mentioned letter dated 18th June 1991 the applicant was asked ; *'Would you please confirm you do not intend to use the garage for purposes other than ones incidental to the use of the main dwelling house.'* This was confirmed by the applicant as being the case

4.4 On the 17th July 1991 Staffordshire Moorlands DC wrote to the applicant confirming that the proposed garage was in fact permitted Development as defined by Class E of Part 1 to schedule 2 of the Town and Country General Development Order 1988. Class E states ; *'For the purposes of class E purpose incidental to the enjoyment of the dwellinghouse..... for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.* (see Staffordshire Moorlands District Council letter dated 17th July 1991 reference AK/JMG/91-0513 and extract from the Town and Country General Development Order 1988 showing Class E attached to the letter)

5.0 Summary

5.1 By confirming the garage was in fact permitted development by virtue of being for purpose incidental to the use of the main dwellinghouse by definition the access too, andland around the garage are also for purposes incidental to the main dwellinghouse and therefore form part of the domestic cartilage of 44 Clough Lane.

5.2 The accompanying photographs confirm beyond reasonable doubt that the garage and land around it have been used for purposes incidental to the use of the main dwelling house.

6.0 Conclusion

6.01 The information provided in this statement, and particularly the Confirmation in 1991 by Staffordshire Moorlands DC that the garage and land it is on is permitted development demonstrate beyond reasonable doubt that the area shown within the red edge plan is continuous domestic garden forming the total domestic cartilage of 44 Clough Lane,Werrington

6.02 The evidence provided to support this application is consistent and it is therefore with due respect that the Local Planning Authority is politely requested to grant a lawful Development certificate for the use as domestic garden.