From:	Swithenbank, Arne
To:	"Bailey, Debra (E,I&S)"; "land.charges@staffordshire.gov.uk"
Subject:	Your ref R8633 re The Commons Act 2006 - Notice to Deregister
Date:	03 December 2019 13:15:35
Attachments:	image001.png The Haven from SMDC Planning Application file reference SM 09854.pdf

Dear Ms Bailey

Thank you for consulting this Council re your 'Notice to de-register' reference R8633 in respect of The Haven, Bank End, Brown Edge. Having looked to see if the LPA has any information which could have a bearing on whether there is a building on the land or the land is within the curtilage of a building I can find no evidence for either circumstance.

In the attached note I provide you with details of a 1981 planning application which clearly shows the land in question to be outside of the curtilage to The Haven. Curtilage is held in planning to be original to the building and not something which can be accrued or added to later. [If there has been encroachment, planning may regard this as an extension to the garden but not, strictly speaking, as additional 'curtilage'.] There were no buildings on the land at the time and no planning applications have led to there being a building there subsequently.

Taking the stone wall along the western edge as being the boundary of the registered common land, as a matter of fact the land is not within any building curtilage and does not have a building on it.

I do note a slight discrepancy by c.1m in the electronic overlay position of the Common Lands register plan to the Local Authorities' digital mapping. I think there could be several reasons why this arises but it appears to me most likely to be an artefact of the updates in mapping since the date of the OS base map used for the original commons register, coupled with the small map scale of the original commons survey, rather than a result of any change on the ground. Alternatively, at most there may have been a partial encroachment (of c. 1m) of the building curtilage on to the common land. If this latter is the case then it may be appropriate for an application to be made in respect of this marginal strip but I see no obvious case for this. There would appear to be no case whatsoever for the land east of the frontage boundary wall to The Haven.

Yours sincerely
Arne Swithenbank

Arne D. Swithenbank
Planning Officer and Ecologist
Regulatory Services: Planning Applications
Staffordshire Moorlands District Council
Moorlands House
Leek ST13 6HQ
Staffordshire
also at High Peak Borough Council
Buxton Town Hall, Buxton

tel **01538 395578**
Mbl 07766 160 460
e-mail: arne.swithenbank@staffsmoorlands.gov.uk

From: Bailey, Debra (E,I&S) [mailto:debra.bailey@staffordshire.gov.uk]
Sent: 29 November 2019 13:55
To: Swithenbank, Arne
Subject: FW: The Commons Act 2006 - Notice to Deregister
Importance: High

For the attention of Arne Swithenbank

Dear Sir,

We write to advise you that an application has been received to de-register common land at Bank End Brown Edge.

For your information please see attached copy of the Notice together with plans showing the registered Common Land and area of land in connection of this application to be removed.

Any person who wishes to make any representations in this matter must do so by7th January 2020.

If you believe that anyone else within your organisation should be made aware of this application please advise accordingly.

Yours faithfully,

Debra Bailey
Highway Data Coordinator
No 1 Staffordshire Place
Stafford
ST16 2LP

Postal Address – Staffordshire County Council, 2 Staffordshire Place,Tipping Street, Stafford ST16 2DH

Tel: 01785 854882
debra.bailey@staffordshire.gov.uk
land.charges@staffordshire.gov.uk
www.staffordshire.gov.uk
www.amey.co.uk

Disclaimer

This e-mail (including any attachments) is only for the person or organisation it is addressed to. If you are not the intended recipient you must let me know immediately and then delete this e-mail. If you use this e-mail without permission, or if you allow anyone else to see, copy or distribute the e-mail, or if you do, or don't do something because you have read this e-mail, you may be breaking the law.

Liability cannot be accepted for any loss or damage arising from this e-mail (or any attachments) or from incompatible scripts or any virus transmitted.

E-mails and attachments sent to or received from staff and elected Members may be monitored and read and the right is reserved to reject or return or delete any which are considered to be inappropriate or unsuitable.

Do you really need to print this email? It will use paper, add to your waste disposal costs and harm the environment.