

Planning Consult
Darryl and Ashby
Ref:- SC1/DA/WC

Planning Proposal for Stables at Watermill Court.

CONFIDENTIAL

Introduction

Planning Consult has been employed as agents for Mr Darryl Ashby in matters relating to planning matters for the following address:-

Watermill Court
Dearne Hall Road,
Low Barugh,
Barnsley,
S75 1LX

Case Argument 1.

The land has been used as domestic curtilage for a number of years first by the previous occupants who used the land for storage of a motor-home a boat and also used the rear of a box wagon unit for commercial storage.

The wagon unit remains today and has been positioned in the same place for over 10 years; this can be witnessed on photograph evidence 1 to 3 in Appendix A.

The site has contained an hard standing made of rubble material that was also used for storage of vehicles in connection with the previous occupiers who had the site reclassified for Commercial Breeding in 1986 with an amendment in 1988, Barnsley Planning Ref:- ADPC/DR/LB/B86/0794/DT.

Therefore under amendment of the Town and Country Planning Act amended 2010 No.654 there has been no breach of planning in the erection of a hard standing. Under Part 8 Class C the erection of a hard standing is permitted development.

The storage of motor vehicles has been enjoyed by both the previous occupants for a period of over 10 years and therefore has become Legal use under section 171B(1) and per the Legal precedence of the rule in *Murfitt*.

It is therefore disputed under 174 (c) and under section 174(d) that there is no enforcement issue and the Enforcement Notice should be withdrawn or quashed.

Case Argument 2.

By virtue of deeds in possession of Mr Darryl Ashby there are two pieces of land referred to one area is unarguable agricultural land and is coloured Red. The land classed as domestic curtilage is clearly defined and coloured in yellow.

The Local Authority claims that because the land is segregated by a water course that this curtilage cannot form part of the domestic curtilage, however there are instances around the UK where properties are built on a water course for industrial purposes or due to past convenience of domestic properties. Where a water course runs through a property such as a watermill it does not automatically segregate neither ownership nor function of that property. Likewise this can also be true for domestic properties.

The claim that the land is not domestic curtilage is therefore disputed.

Please refer to the Land Deed map in Appendix B.

Mr Darryl Ashby has also signed with his solicitor a statutory declaration of use.

CONFIDENTIAL

Established Use Rights.

It is our claim that evidence suggests that in all probability that the land has been used as mixed use for domestic and commercial purposes between 1986 to current day and therefore under the Town and Country Planning Act has Established Use Rights and therefore there has been no breach of planning.

Again it is therefore disputed under 174 (c) and under section 174(d) that there is no enforcement case and the Enforcement Notice should be withdrawn.

By virtue of Section 191(2) and 191(3) of the Town and Country Planning Act 1990 the site has become immune by the passage of time.

Planning Consult,
Digital Media Centre,
County Way,
Barnsley,
South Yorkshire,
S70 2JW,

Tel:- (01226) 720814

CONFIDENTIAL

Appendix A

CONFIDENTIAL

Watermill Court 1999



Watermill Court 2002



Watermill Court 2008



CONFIDENTIAL

CONFIDENTIAL

Appendix B

H.M. LAND REGISTRY

TITLE NUMBER	
SYK 236311	
ORDNANCE SURVEY PLAN REFERENCE: SE 3108	SECTION: 1/1250 Enlarged from 1/2500
COUNTY: SOUTH YORKSHIRE — DISTRICT: BARNSLEY	© Crown copyright 1987

The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information.



FILED PLAN H.M. LAND REGISTRY

This title plan shows the general position of the boundaries. It does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.
This official copy shows the state of the title plan on 19 July 2004 at 11:19:50. It may be subject to distortions in scale.
Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
Issued on 19 July 2004.
© Crown copyright. Produced by HMLR. Further reproduction in whole or part is prohibited without the prior written permission of Ordnance Survey. Licence Number GD272728.
This title plan was issued by the Nottingham (East) District Land Registry.