

GUYDER BOTTOM FARM
COOPER LANE HOYLANDSWAINE

PERMITTED DEVELOPMENT ANALYSIS & REPORT

26275(06)01
November 2011



Introduction

The purpose of this report is to accompany an application for certificate of lawfulness for proposed operational development, to cover proposed extensions to an existing dwellinghouse and the construction of proposed outbuildings within the curtilage of the dwellinghouse.

The focus of the report is the definition of the curtilage relating to the dwellinghouse in order to demonstrate the extent of development which would be lawful within the curtilage, as allowed under the General Permitted Development Order.

Section A - Overview of use and planning history

Overview

Guyder Bottom Farm is privately owned land entirely in residential use. Accessed off Cooper Lane, it consists of a detached dwellinghouse at the end of a long driveway extending roughly north-south, with a separate detached garage and tarmac forecourt, and a separate outbuilding adjacent the driveway, which is used a small private stable / garden maintenance store housing equipment, lawnmowers etc.

The dwellinghouse is two-storey and occupies a footprint area of approximately 360sq.m.

The grounds surrounding the dwellinghouse, extending to the boundaries of the planning unit are cultivated and maintained for a range of uses associated with private enjoyment of the dwellinghouse. The diagram below demonstrates what is understood to be the planning unit, consisting entirely of land in private residential use. This is equivalent to an area of approx 19,890 sq.m (4.9 acres) and is shown outlined in red. Additional land in ownership of the applicant is edged in blue.

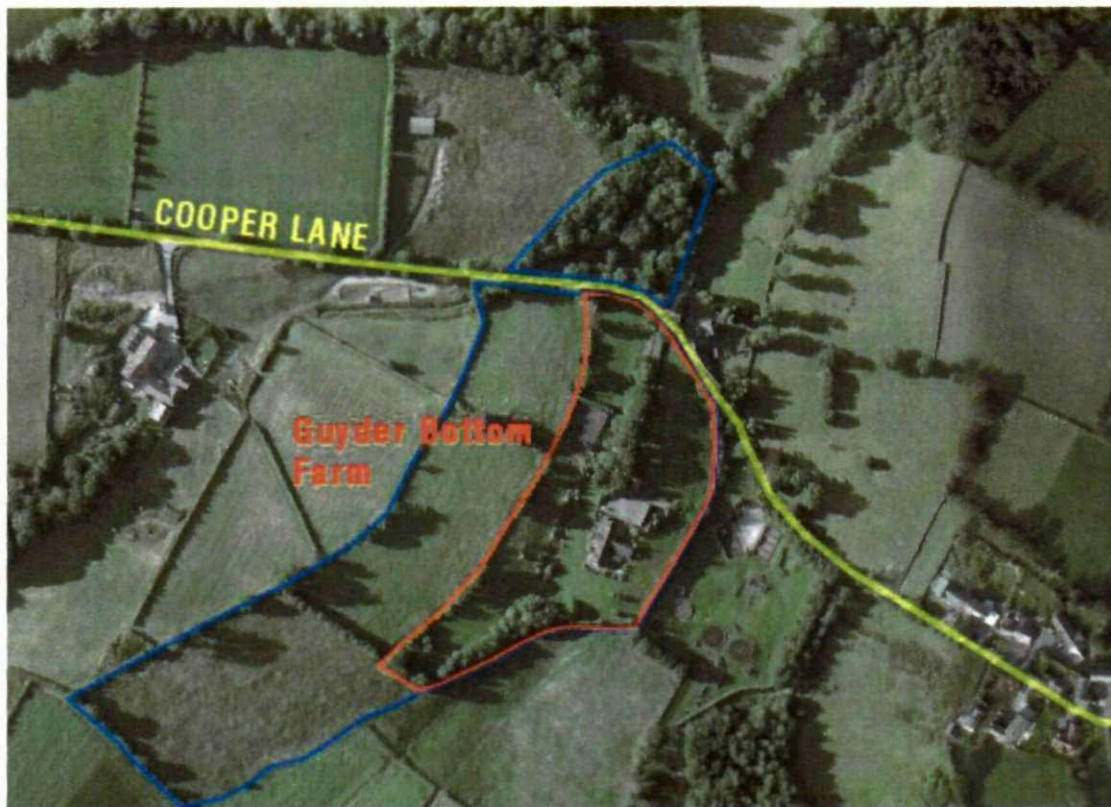


Figure 1- Aerial photo - source: Google maps

History - The site in 1980

The applicant acquired the land including the dwellinghouse in 1980, when the land was in agricultural use. At this time, the dwellinghouse formed part of a much larger and widespread collection of buildings which together made up the farm complex, as can be seen from the aerial photograph and photos of the house. The house itself was joined to a barn, part of which was within the same two-storey pitched roofed structure as the house, with the remainder occupying open-sided single storey buildings adjoining the house on the south and west sides, including a cow shed and pig sties.

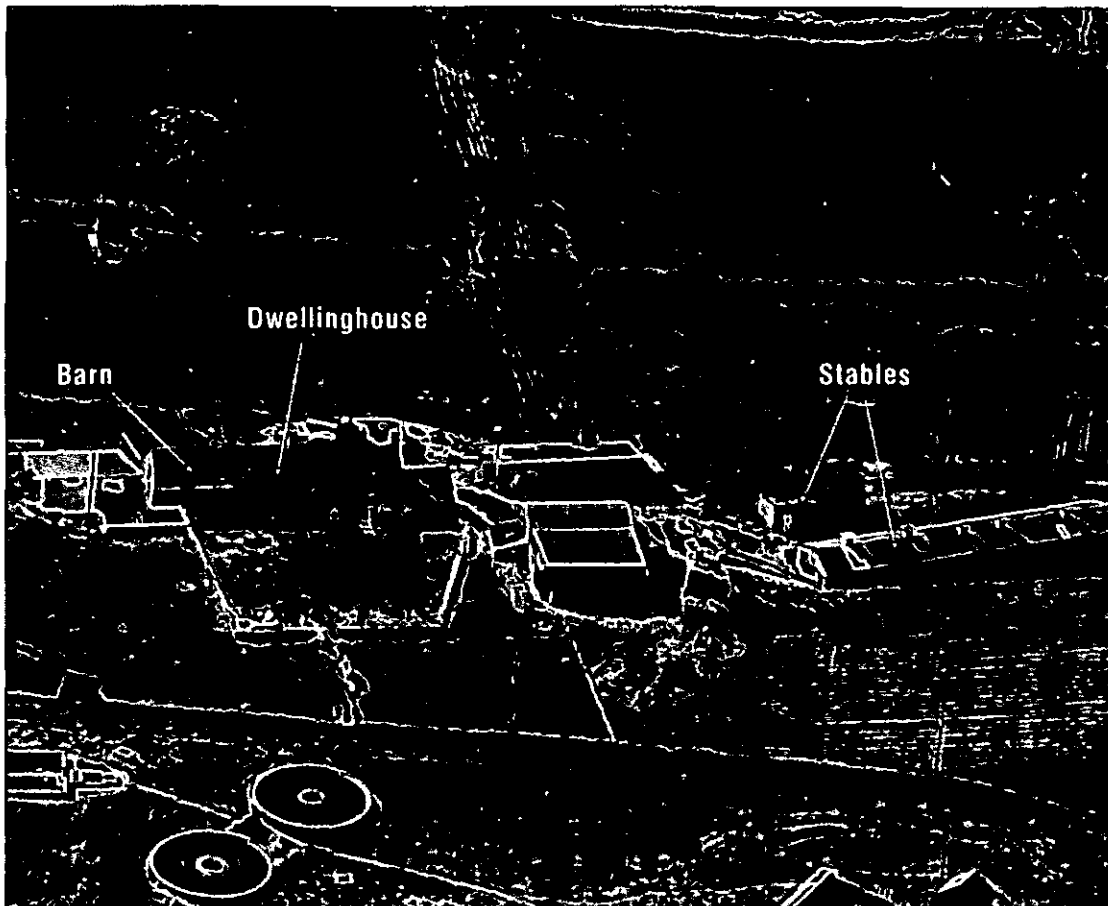


Figure 2 - Aerial photograph of Guyder Bottom Farm circa 1980:

To the north of the house were four substantial outbuildings for livestock, including a two-storey building occupying broadly the same position as the present garage (but with a much greater footprint area); a smaller single storey building opposite; further north a substantially long single-storey stable block running north-south, and a separate smaller open-sided structure opposite. Only the latter remains in place today as the stable/equipment store adjacent the driveway.

Land immediately around the house and farm buildings was rough land of an agricultural nature, bounded from surrounding fields with hedgerows and dry stone walls. The watercourse which runs north-south through the site appears essentially

as a ditch on photographs from around the time, with the land falling away without any obvious signs of physical intervention or landscaping.

Lean-to single storey extensions were present on the West elevation, including a porch to the main entrance of the house.



Figure 3 - Existing house in 1980 with agricultural outbuildings

A garden area was bounded by the rear of the dwellinghouse on the East side and enclosed on three other sides by dry stone walls. As can be seen from the photographs, the garden had an immediate association with the house and was much more carefully tended than surrounding land.



Figure 4 - Existing house in 1980 with garden to rear of house



Figure 5 - Existing house in 1980 with garden to rear (East side) of house. Old barn to the left

Prior to alterations and extensions to the dwellinghouse, as authorised by the planning application made in 1980, it would seem reasonable to consider that the curtilage of the dwellinghouse at the time would have at least included this enclosed garden to the East of the house. Consultation from Graham Northern, BMBC's planning officer, on 27th June 2011 demonstrates that with reference to an ordnance survey map dated 1960, the local authority considers the same area to represent the current curtilage of the dwellinghouse. The applicant disputes this, and this report sets out to confirm what is believed to be the curtilage with historical evidence to support the argument.

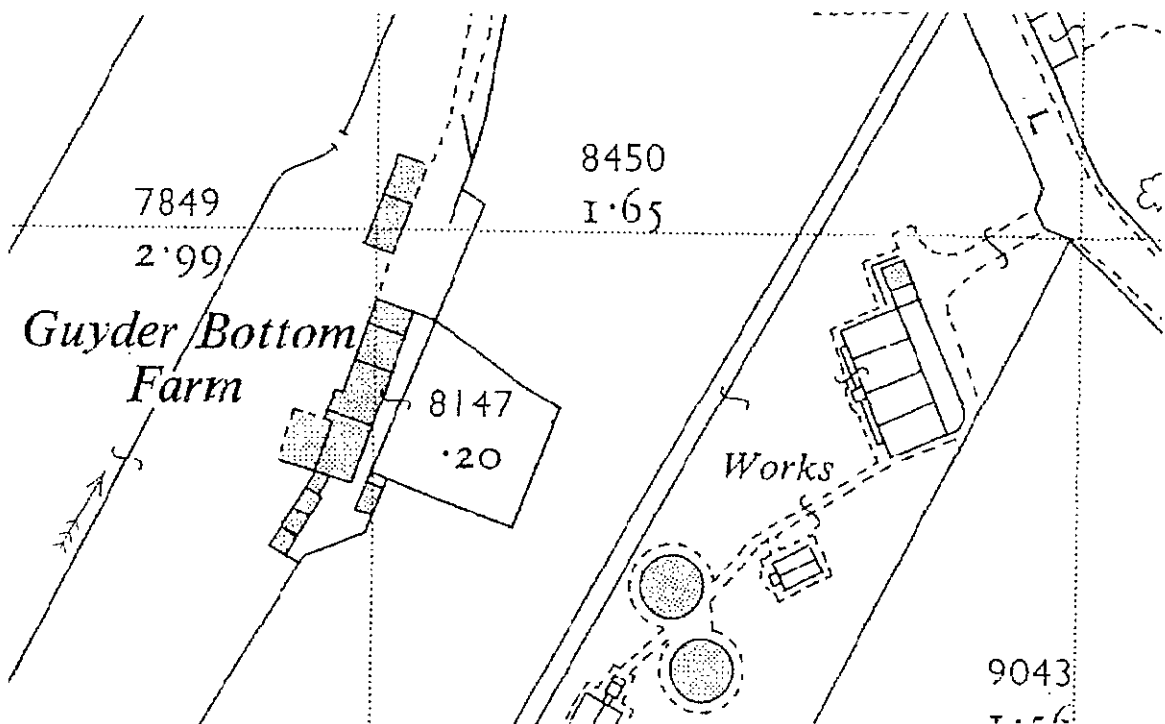


Figure 6 - Map of Guyder Bottom Farm - 1960 (source BMBC Planning)

History -1980 to Present Day

In the intervening years a wide range of changes to the land and dwellinghouse have taken place, principally the change of use from agricultural to residential, including extensions and alterations to the dwellinghouse (following the planning approval of 1980), and the improvement of all the land falling within the planning unit to create a much more extensive garden area and land maintained for enjoyment in association with the use of the house.

All of the outbuildings associated with livestock use including those adjoining the dwellinghouse were demolished, with the exception of the smallest, adjacent the present driveway, which remains in use as a stable/garden equipment store.



Figure 7 - Front of house (West elevation) in 1980's after demolition of outbuildings, and during construction of extensions



Figure 8 - Front of house (West elevation) as existing (2011)

The majority of extensions to the dwellinghouse took place on the East elevation, extending approximately 14 metres into the (previously enclosed) rear garden. The barn to the south of the house, which was attached to the house and contiguous with its two-storey form, was demolished and rebuilt to a similar footprint to provide additional living space over two storeys. The single-storey lean-tos on the West elevation were demolished and the two-storey house extended approximately 3 metres forward from the main elevation of the house, creating a prominent gable frontage and bringing the eaves line closer to the ground for part of the elevation. The existing garage joined to the North end of the house was demolished and rebuilt as a single storey with a similar footprint, to house the kitchen. At the same time, a detached garage was built to the North-east of the house on the site of one of the larger former outbuildings, but to a much smaller footprint.

As part of the improvement of the grounds and the cultivation of a maintained garden area to the front of the house (West elevation), landscaping work was carried out on the watercourse / ditch to form two ponds with substantial planting around to provide a focal point for the garden to the front of the house, overlooked by the living room and main dining room. The provision of two bridges across the watercourse allowed the open land to the West to be more easily accessed and readily incorporated into the garden serving the house.



Figure 9 - Aerial photograph circa 2010

Further improvements to the land surrounding the house effectively extended the garden immediately serving the house to the east and south boundaries, replacing uncultivated land with hard and soft landscaping, tended lawns and planting. There are patio areas on the South and West sides of the house, opening onto the surrounding lawns. Dry stone walls, including the enclosure to the garden previously existing to the rear of the dwellinghouse, were removed. Land to the North of the house has been maintained as a garden for many years, and the hedgerow running East-West between the garage and East boundary was removed in 2009 (after the above photograph was taken) such that the land to the North is continuous with the garden to the immediate rear of the house. This land, where the larger stable block previously stood, remains in frequent residential use and is maintained for activities in close association with the use of the dwellinghouse, including horse-riding, outdoor parties & picnics, bonfires, clay-pigeon shooting, family sports & games, and charity events.

Photographs provided by the owner demonstrate the use of this land over the years for horse-riding.



Figure 10 - Photograph from 1980's - Use of the land to the East of the driveway for residential activities.



Figure 11 - Photograph from 1980's - use of land to East of driveway for residential activities

An outdoor tennis court was completed in 1992 on open land to the West of the driveway and is regularly used by the applicant and visiting family and friends.

The extent to which the land has been carefully landscaped and maintained to support a range of private outdoor domestic uses in close association with the occupation of the dwellinghouse, clearly demonstrates that the entirety of the planning unit is used for purely residential purposes, and obviously reflects that the previous agricultural use of the site is long since defunct, having been drawn to a close over 30 years ago.

If it was not the case that an express approval for change of use from agricultural to residential had taken place as a result of the 1980 planning approval, then owing to the fact that over 10 years' continuous unbroken use of all of the land for residential purposes has taken place, the residential use of the planning unit remains lawful and cannot be challenged.

Section B - Analysis of Original Dwellinghouse and Principal Elevation

1. Original Dwellinghouse

With photographs of the dwellinghouse in 1980 as it existed before extensions & alterations and prior to demolition of agricultural outbuildings, the applicant has a very clear record of the house as it previously existed - two storeys in a simple linear form, adjoined by a barn on the South end. Having referred to a range of historic maps focussing on Guyder Bottom Farm, there is evidence of the house having existed with this footprint as far back as the 1890's.

For the purposes of defining the "original" dwellinghouse, it is necessary to identify the footprint of the house as it was on 1st July 1948. The "original" dwellinghouse is critical in establishing the scope of operational development which may be lawful under the General Permitted Development Order.

Whilst we have only been able to gain access to a large scale 1:10,500 map for the period 1938-1948, where the exact extent of the house is not clearly discernible, the smaller scale map for 1931 demonstrates the building divided into 4 sections, which appear to match the known footprint of the building in 1980. The southernmost section would appear to correspond to the barn which still adjoined the house in 1980. The 1931 map also shows one small outbuilding to the north and a small outbuilding to the south, flanked with a small enclosure on each side.

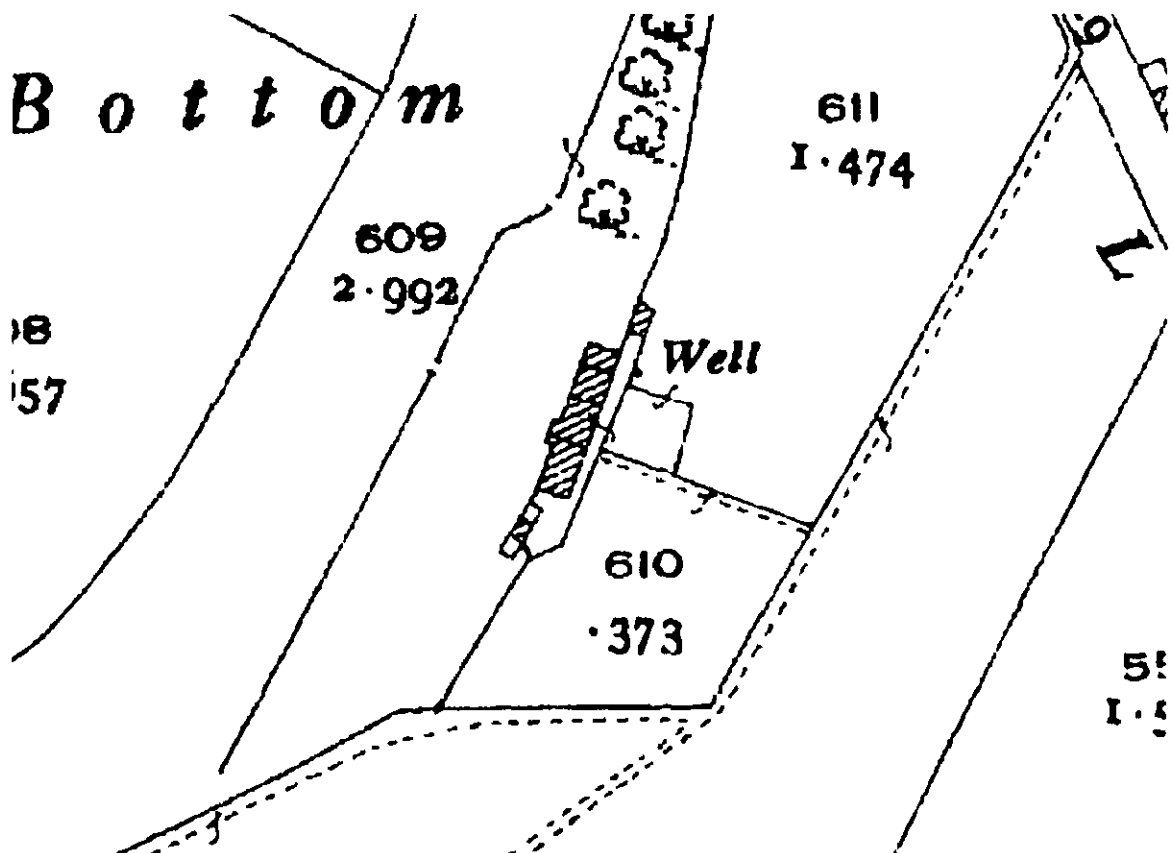


Figure 12 - Detail of 1931 Map, source: old-maps.co.uk

The 1:2500 map for 1960 shows the main dwellinghouse in exactly the same arrangement, with the addition of several outbuildings, one adjoining the house on the West side. From the photographic records from 1980, it is apparent that this is an open-sided lean-to which had previously been used as a cow shed.

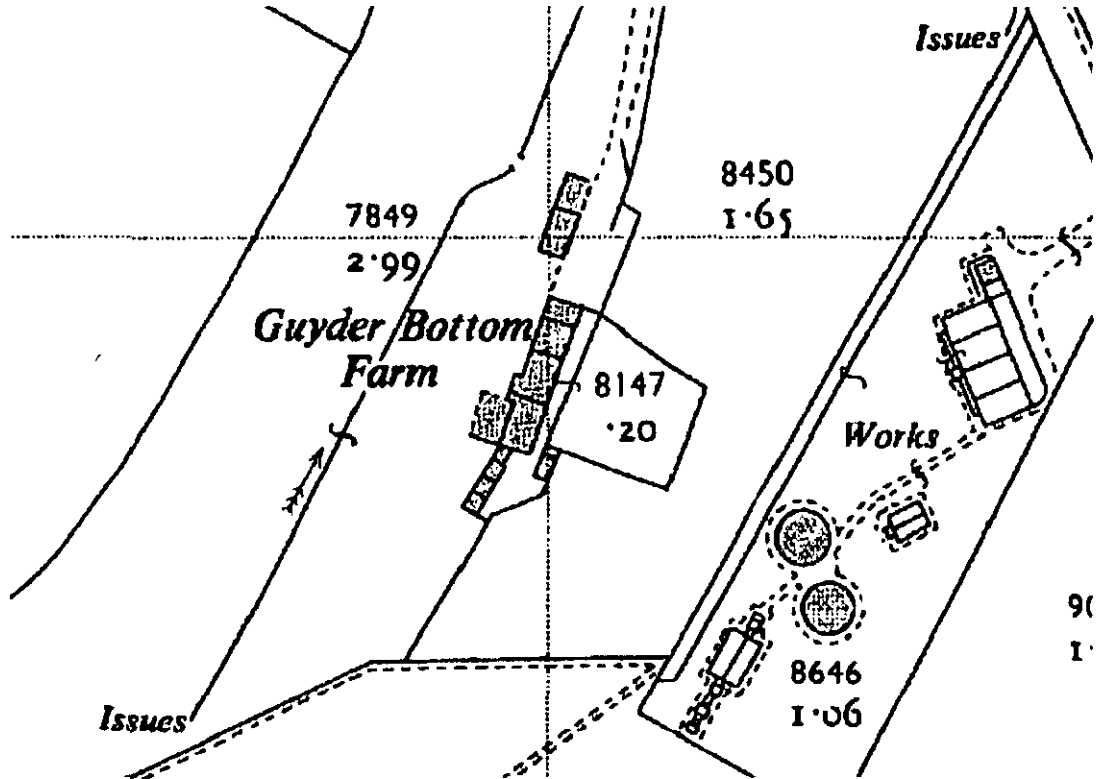


Figure 13 - Detail of 1960 map, source: old-maps.co.uk



Figure 14 - West elevation and cow shed / barn circa 1980

Having established the extent of the dwellinghouse in 1931 and 1960, and that there was no apparent alteration to its footprint in the intervening period, we can assume that both are representative of the footprint of the "original" dwellinghouse as it stood in 1948.

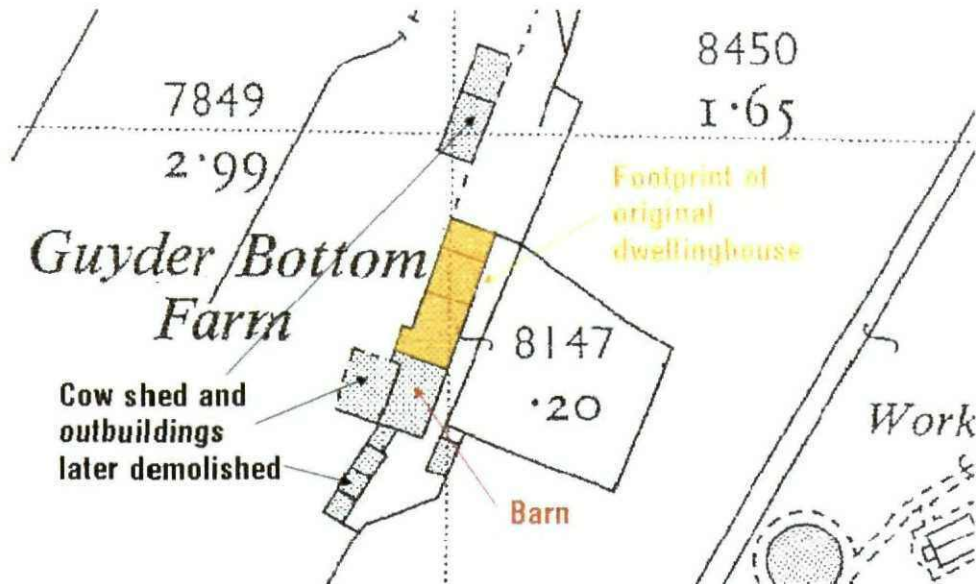


Figure 15 - Diagram of original dwellinghouse (1960 map)

Given that the footprint of the house in 1931 and 1960 would appear to match the physical extent of the house as documented in photographic records from 1980, and likewise, the enclosed area to the East of the house, it is reasonable to assume that in 1948 the footprint of the house would have been the same, with its main entrance on the West elevation and including an enclosed garden to the rear on the East elevation.

The following plans show how the footprints of the house in 1980 and 1948 compare to the existing dwellinghouse. Based on historic records and with the aid of plans of the house as it currently stands, we believe the footprint of the original dwellinghouse would have been equivalent to 103 square metres.



Figure 16 - Annotated photo of West elevation after demolition of cow shed & outbuildings (1980's)

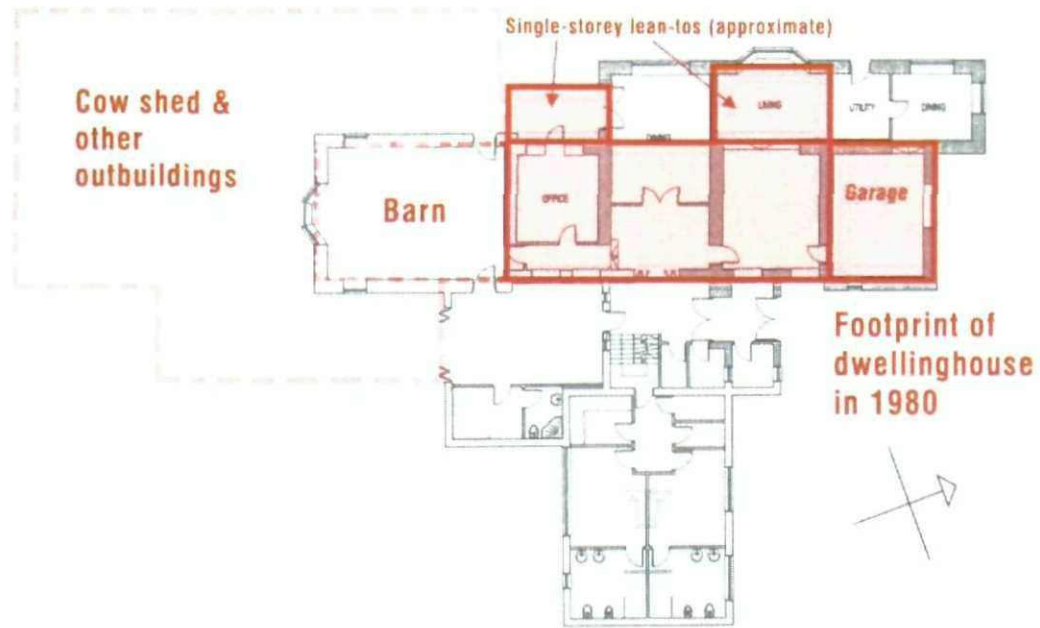


Figure 17 - Footprint of dwellinghouse in 1980 overlaid over existing ground floor plan

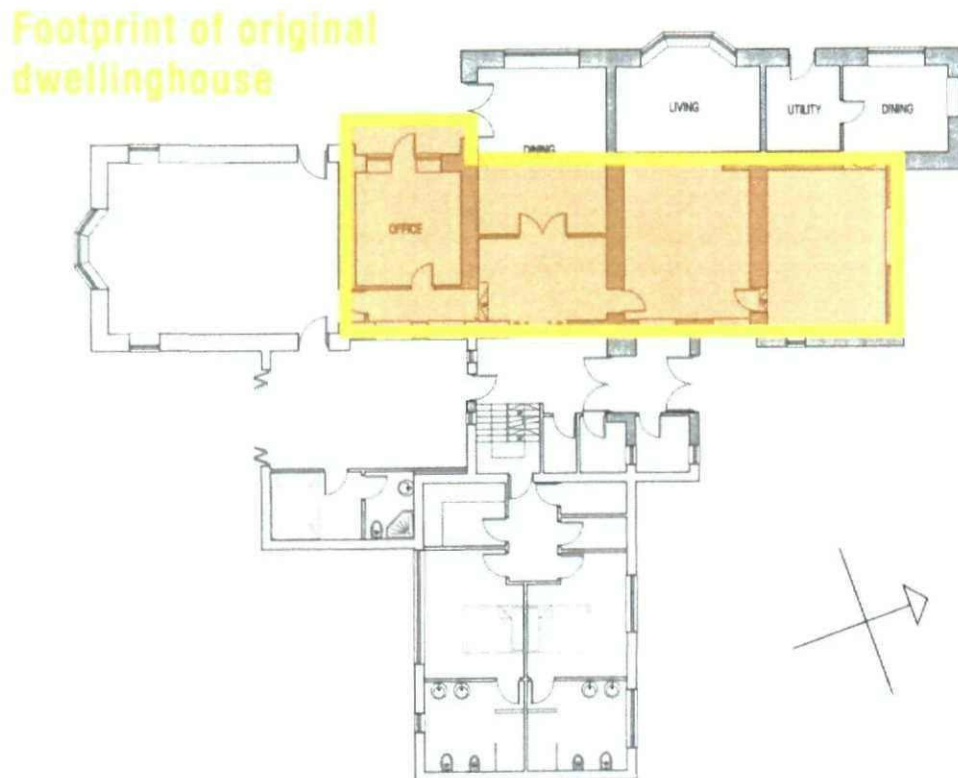


Figure 18- Footprint of "original" dwellinghouse overlaid over existing ground floor plan

2. Principal Elevation

The significance of **principal elevation** in relation to permitted development is:

- Under Class A, restrictions on extensions to the dwellinghouse beyond a wall forming the principal elevation of the original dwellinghouse (but only when 'fronting' a highway)
- Under Class E, restrictions on the siting of new buildings, enclosures, pools or containers beyond a wall forming the principal elevation of the original dwellinghouse

There is no specific definition of principal elevation within the GPDO. There is also no clear confirmation of whether it relates exclusively to the characteristics of the "original" dwellinghouse, or whether or not it applies to a dwellinghouse as it may presently exist having been subject to alterations later than 1948. However, the DCLG guidance advises that:

"In most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned)."¹

Whether assessing the dwellinghouse as it presently exists, or as the "original" dwellinghouse in 1948, in both cases we firmly believe the West elevation to be the principal elevation, not the North elevation which faces Cooper Lane.

The approximate distance between the North elevation of the house and Cooper Lane, following the line of the private driveway is approximately 120 metres - a significant distance - and as such we do not believe that the house can be said to 'front' the highway. In support of this, page 15 of the guidance states that "the extent to which an elevation of a house fronts the highway will depend on (factors such as)....the distance between the house and highway - in cases where that distance is substantial, it is unlikely that a building can be said to 'front' the highway."

¹ Department for Communities and Local Government (2010): "Permitted development for householders - Technical Guidance p13

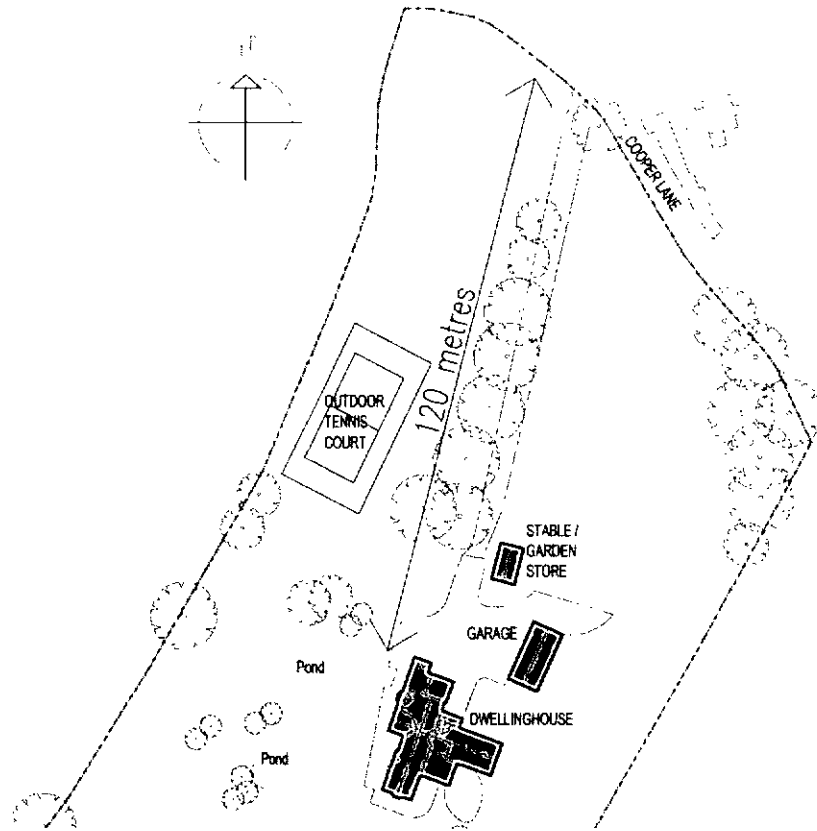


Figure 19 - Position of house relative to highway (Cooper Lane)

Following this guidance, although the North elevation does face towards the highway, as it is a substantial distance away from the highway, it does not ‘front’ the highway and as such cannot be considered as the principal elevation based on this characteristic. It is not an absolute requirement for the principal elevation always to be the elevation that ‘fronts’ a highway.

The DCLG guidance further advises that:

“(the principal elevation) will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.”²

The North elevation of the original dwellinghouse in 1948 was highly unlikely to have included the main architectural features. The photographs from 1980 show that this terminated with a single storey gable end forming the garage, and from the historic maps from 1931 and 1960 we can see a line dividing what would appear to be the main part of the house from a smaller part of the house to the North, suggesting that the same arrangement existed in 1948.

² Department for Communities and Local Government (2010: “Permitted development for householders - Technical Guidance); p13



Figure 20 - Photo of North elevation (circa 1980)



Figure 21 - Photo of North elevation (2011)

For both the existing dwellinghouse and “original” dwellinghouse, the North elevation has the characteristics of a side elevation rather than the principal elevation. The DCLG guidance states that:

“A wall forming a side elevation of a house will be any wall that cannot be identified as a front wall or a rear wall”³

There is no evidence to suggest that the main entrance was on the North side of the house in 1948. The photographs from 1980 demonstrate that the main entrance to

³ Department for Communities and Local Government (2010: “Permitted development for householders - Technical Guidance); p22

the house was on the West elevation which at the time included a porch - indicating that this was the front of the house.



Figure 22 -Photo of main entrance on West elevation - circa 1980

Given that the house maintained the same footprint in the years between 1931 and 1980, it is reasonable to assume that the main entrance was on the West elevation in 1948 which therefore would have been understood to be the front of the “original” dwellinghouse, which would support the argument that this is the principal elevation.

In the case of the existing house, the West elevation clearly contains the main architectural features of the house, including a prominent stone gable, strong eaves lines, dormer windows and a substantial stone chimney. The setting of the existing house within the curtilage, in particular its relationship to the garden, strongly reinforces the perception that this is the main elevation and the front of the house, with the landscaped open lawns and ponds arranged so as to exhibit and enhance the appearance of the house, without concealment by trees, planting or fencing.



Figure 23 - Photo of West Elevation (2011)

For these reasons, which are derived entirely from the DCLG guidance, we firmly believe that the West elevation, and not the North elevation, must be defined as the principal elevation.

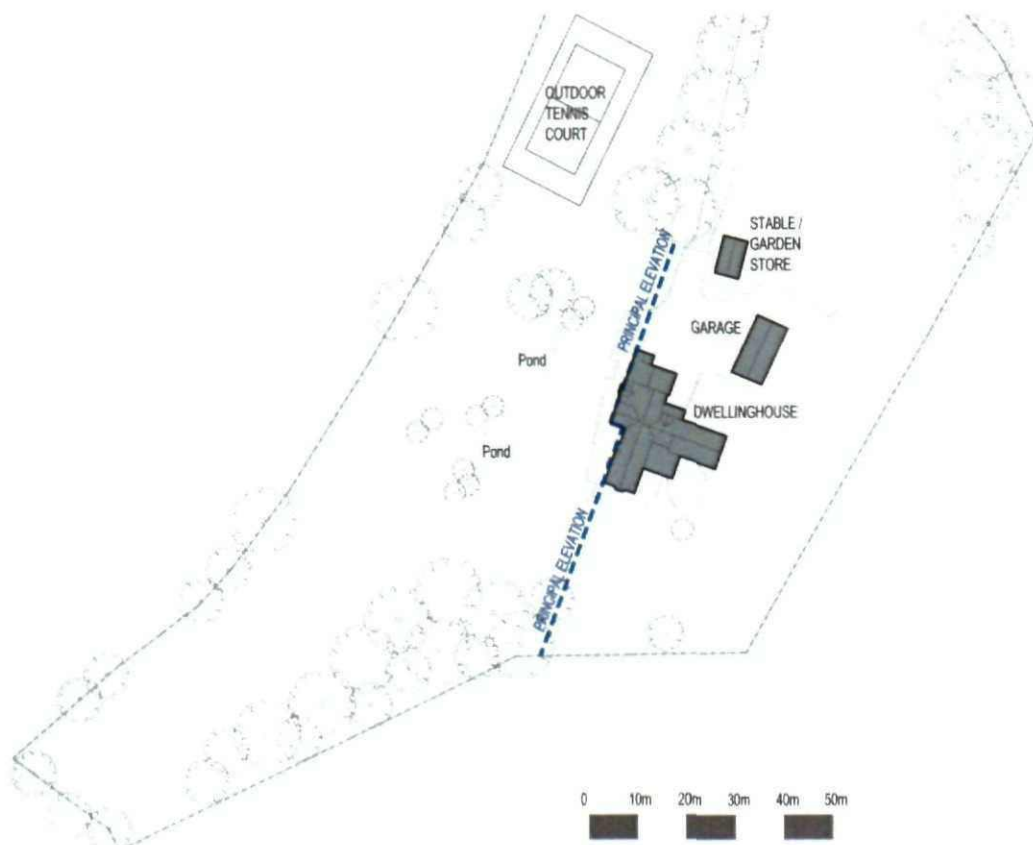


Figure 24 - Diagram of Principal Elevation

Section C - Analysis of Curtilage

It is accepted that the curtilage of the dwellinghouse around 1980 could be retrospectively interpreted by observing physical boundaries in close proximity to the house, defining a well-maintained area of domestic character in contrast to the relatively unmanaged land surrounding the house that had been used for agricultural purposes. This is in recognition of the fact that the house at that time represented a small domestic component within a much larger and functional agricultural complex.

Earlier than 1980, without evidence showing the use of the land around the house, or any means to compare this with the extent of land used purely for agricultural purposes, it is much more difficult to attempt to define a curtilage, other than to observe apparent boundaries or dividing lines on historic maps. The historic maps for 1931 and 1960 both indicate the dwellinghouse with an enclosed area to the rear/ East side of the dwellinghouse which would apparently match that of the 1980 aerial photograph.

However, this is not to assume that curtilage is only exclusively defined by a physical boundary line, or indeed can continue to be defined by a physical boundary that is no longer present. It need not be an area that is marked off or enclosed in any way: "it is enough that it serves the purpose of the house or building in some reasonably useful way"⁴.

In the present situation, not only is the existing dwellinghouse significantly larger than its previous form (as it was prior to development in 1980), but the apparent extent of cultivated garden in close association with the dwellinghouse is significantly greater. Where previously the house and garden represented a small pocket within a wider agricultural setting, now the whole site is under residential use, both in planning terms and in practical terms. Therefore, as both the dwellinghouse and its setting within its grounds have changed, it is entirely logical that a new attempt to define the curtilage of the dwellinghouse should be made, particularly where it is instrumental in determining the extent of future operational development which may be deemed lawful under the General Permitted Development Order.

Where there is apparently no universally agreed clear definition of 'curtilage', the following commonly referred to definitions can be observed:

- "the area attached to and containing a dwellinghouse and its outbuildings"
Oxford English Dictionary
- "In most cases it will comprise the area of land around the original house (i.e. what is understood to be the garden/grounds of the house)" *DCLG Technical Guidance - Permitted Development for Householders, p.9*

⁴ *Sinclair-Lockhart's Trustees v Central Land Board (1950) I.P. & C.R. 195: Scots Court of Session*

Case law has shown that land in residential occupation may not be considered as curtilage if it does not serve the dwellinghouse in some necessary or useful manner.⁵ In this instance, all the private residential land within the planning unit is used to serve the dwellinghouse in a necessary and useful manner (for sports, horse-riding, entertaining etc as outlined above in section A). It is also notable that there are barely any prominent physical barriers between the dwellinghouse and the surrounding cultivated domestic land, extending to the planning unit boundary.

On this basis, it could be argued that the whole of the planning unit represents the curtilage, as follows:

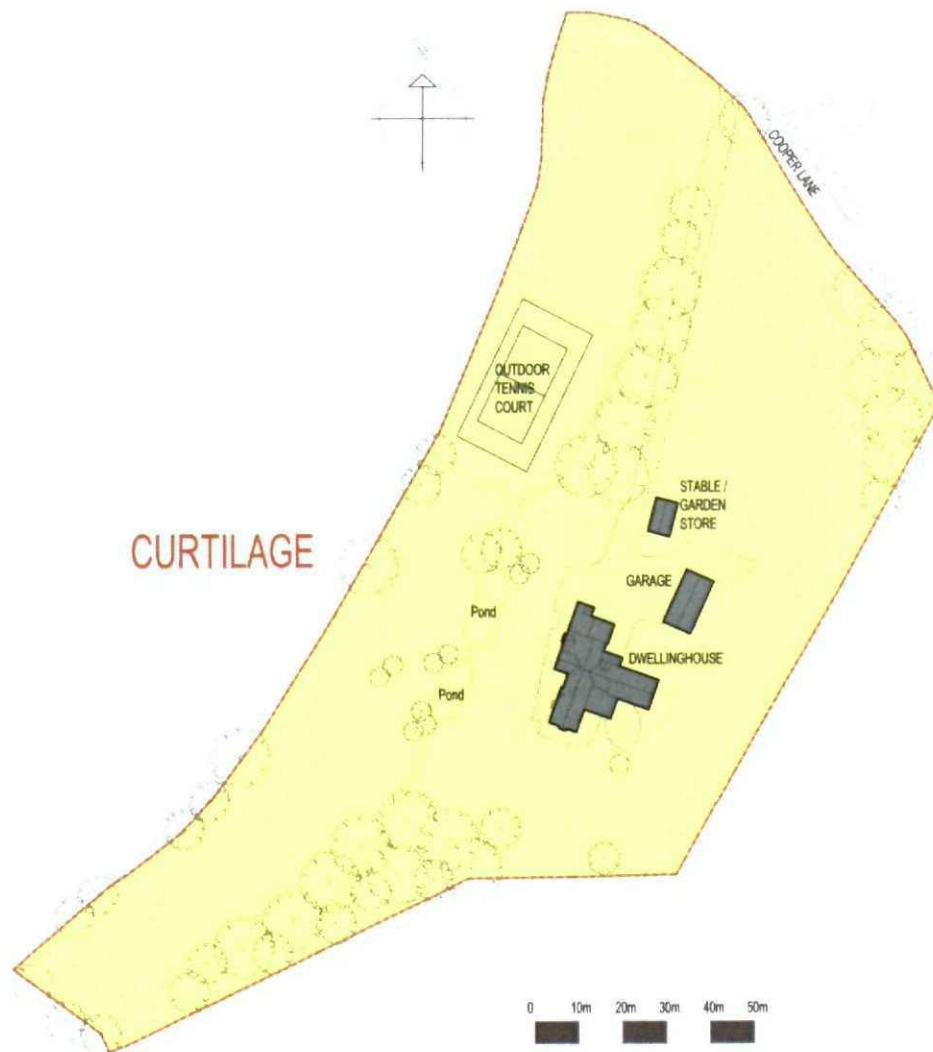


Figure 25 - Curtilage coexistent with residential planning unit

⁵ *Collins v Secretary of State for the Environment* [1989] 1 P.L.R. 58

However, Planning lawyer Martin Goodall comments on his online weblog that:

“The curtilage of a dwelling (or of any other building) is not necessarily co-extensive with the property as a whole”⁶, in particular where a house stands in larger grounds.

Goodall also notes that:

“(curtilage)...is unlikely to embrace any area which lies outside the formal cultivated garden close to the house. Any rough grass, paddock or other area of informal recreation is likely to be seen as falling outside of the curtilage”⁷.

Notwithstanding this, we would consider the minimum area of curtilage (if not coextensive with the planning unit) to include the areas of cultivated garden around the house which share a direct visual connection to the house, and are used with the greatest frequency for domestic purposes, including for recreation. This would include both outbuildings (the garage and stable/garden store) and the tarmac forecourt, as follows:

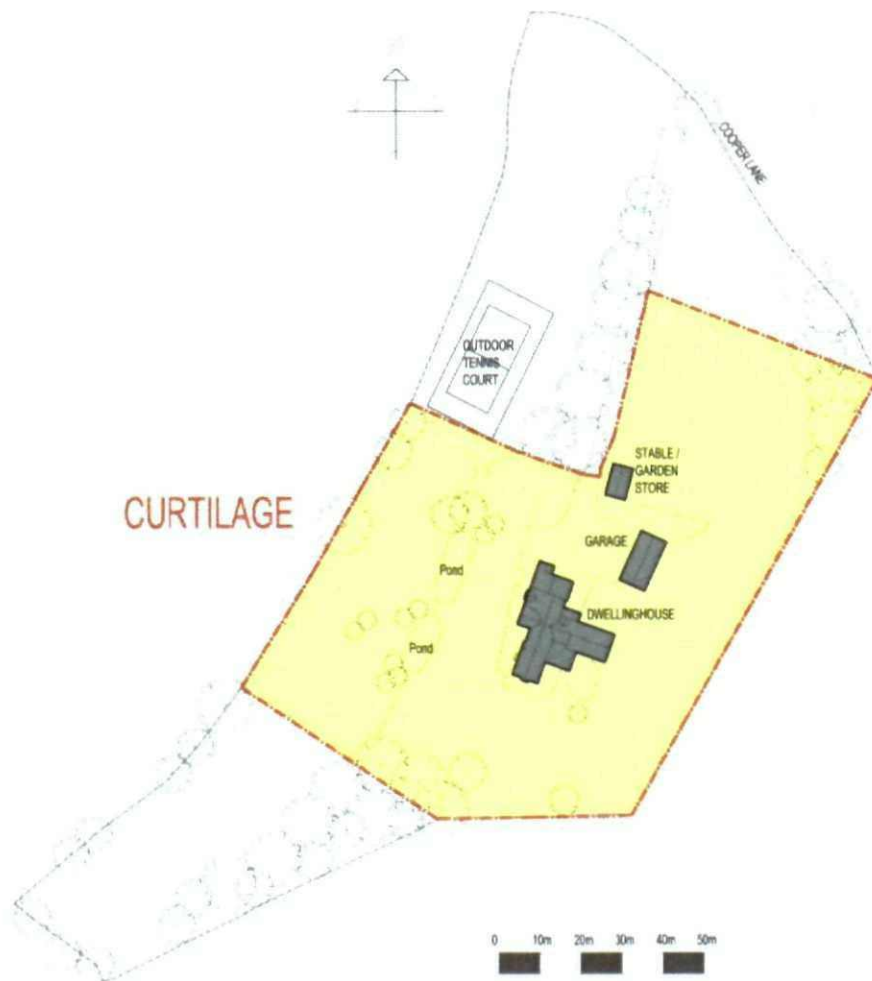


Figure 26 - Diagram of Curtilage

⁶ planninglawblog.blogspot.com - As posted 12th August 2011 'Curtilage confusion - some further thoughts'

⁷ planninglawblog.blogspot.com - As posted 18th August 2011 'Curtilage problems - a practical example'

This definition of the curtilage can be justified for the following reasons:

- It represents the garden within the grounds of the house which are entirely and exclusively privately owned.
- All the land within the curtilage is maintained to a standard consistent with that of a domestic garden.
- The curtilage represents the land immediately surrounding the house and has the appearance of forming one contiguous enclosure with the house
- It includes both existing outbuildings (garage and garden store/stable) which are ancillary to the use and enjoyment of the house
- All the land within the curtilage is used to serve the dwellinghouse in a necessary or useful manner

This is equivalent to an area of 10719 sq.m (2.65 acres) and would include the area of land previously described as the curtilage by BMBC, but would exclude the remaining 46% of the residential planning unit, that is, part of the garden to the North, part of the garden to the South-West, the tennis court to the West across the driveway and land to the North of the tennis court.

The curtilage includes part of the land North of the dwellinghouse to the East of the driveway, which is cultivated garden close to the house used for a wide range of domestic purposes, as described above. Access to the stable / garden store is gained through this part of the garden, and the land immediately in front of the building is where horse-riding and other family outdoor activities most frequently take place within the grounds of the house. Where this area of land has been divided on the diagram above by the curtilage line, this accurately reflects the extent of gardens around the dwellinghouse used most frequently.

North of the proposed curtilage line, further away from the dwellinghouse, the ground falls away more steeply, and whilst it is maintained to the same standard as land within the curtilage, as the ground is not level it tends not be used quite as often for domestic purposes. It could therefore conceivably be discounted from the curtilage.

The outdoor tennis court could be considered to be outside of the curtilage because it serves one specific use rather than a range of domestic uses, and as such is used less frequently. It is partially screened by trees and planting when viewed from the dwellinghouse, and does not share the sense of close association and continuity with the dwellinghouse that the remainder of the gardens enjoy.

Similarly, the area of garden to the South-West of the site beyond the watercourse could be discounted as it is well screened by trees and does not have such a direct visual connection to and from the house.

Where the enclosed rear garden visible on the aerial photo of 1980 and earlier historic maps has previously been described as forming the curtilage, justification for a larger domestic curtilage to include the wider areas of garden developed since 1980 beyond the original rear garden can be backed up with case law; in *McAlpine*

vs *Secretary of State for the Environment [1994]* where a characteristic of a curtilage was identified thus:

“An intimate association with land which was undoubtedly within the curtilage was required in order to make the land under consideration part and parcel of that undoubted curtilage land.”

The post-1980 areas of garden identified above ('the land under consideration') share an intimate association with the land previously forming the pre-1980 garden ('land undoubtedly within the curtilage'), in the sense that they are now physically continuous and unbounded from each other, and in the sense that they are both immediately adjacent the dwellinghouse and serving it in the same manner, that is, the use of a domestic garden. Therefore, the post-1980 areas of garden must be considered 'part and parcel' of the curtilage.

Section D - Permitted Development

Based on the above definitions of original dwellinghouse, principal elevation and curtilage in relation to the site, an analysis follows of what enlargements, improvements and alterations to the existing house would be lawful under permitted development.

This analysis forms the basis of the proposals for new development within the curtilage.

Class A

A.1(a)

(Development is not permitted if the)total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

Area of curtilage = X = 10719 sq.m

Ground area of original dwellinghouse = Y = 103 sq.m

Area of curtilage less area of original dwellinghouse = X-Y = 10616 sq.m

Z = 50% of (X-Y) = 5308 sq.m

Therefore the maximum area of ground allowed to be covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) is 5308 square metres. This includes any existing extensions and outbuildings as well as proposed extensions and outbuildings.

Area of existing extensions = E = (Ground area of existing house - Y)

E = 360 - 103

E = 257 sq.m

Area of existing outbuildings = F = (Area of garage + Area of stable)

F = 90 + 39

F = 129 sq.m

Total area of existing extensions and outbuildings = (E+F)

= 386 sq.m

Therefore the maximum area of ground allowed to be covered by proposed extensions and outbuildings (P) within the curtilage of the dwellinghouse

$$= Z - (E+F)$$

$$P = 5308 - 386$$

$$P = 4922 \text{ sq.m}$$

Maximum permissible ground area of new development within curtilage of dwellinghouse = 4,922 sq.m

This would include any outbuildings separately proposed under Class E.

A.1(d)

(Development is not permitted if) The enlarged part of the dwellinghouse would extend beyond a wall which

- i) fronts a highway and***
- ii) forms either the principal elevation or a side elevation of the original dwellinghouse***

This concerns the West elevation as principal elevation, and North & South elevations as side elevations.

No wall of the dwellinghouse represents a wall which fronts a highway **and** forms the principal elevation. Therefore subject to limits under the 50% curtilage rule and limits on the height of any extension relative to the eaves and roof height of the existing dwellinghouse, extension beyond the principal elevation would be permissible. There are no restrictions to limit this to a single storey and so a two storey extension would be lawful, where extending from a two-storey part of the existing dwellinghouse.

No wall of the dwellinghouse represents a wall which fronts a highway **and** forms a side elevation. Therefore subject to limits under the 50% curtilage rule, and limits on proximity to the curtilage boundary, extensions to both side elevations of the existing dwellinghouse would be permissible providing the rules on depth, width and height for extensions beyond a side elevation are observed.

A.1(e)

(Development is not permitted) If the enlarged part of the dwellinghouse would have a single storey and

- i) extend beyond the rear wall of the original dwellinghouse by more than four metres in the case of a detached dwellinghouse or***
- ii) exceed four metres in height***

The majority of the extensions to the dwellinghouse completed after 1980 are beyond the rear wall of the original dwellinghouse on the East side. Only a short section of the rear wall remains unextended in its original position, forming the external wall to the kitchen at ground floor.

Under permitted development, as a detached house this part of the rear of the house could be extended as a single storey up to 4 metres from the rear wall of the original dwellinghouse. As it would be extending from a single storey part of the existing house, it would need to remain a single storey extension to keep below the existing eaves & roof heights.

A.1(h)

(Development is not permitted) If the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would

- i) exceed four metres in height***
- ii) have more than one storey or***
- iii) have a width greater than half the width of the original dwellinghouse***

A permitted extension to the North (side) elevation could only be single storey up to 4m height (whilst keeping below existing eaves line) and its overall depth would need to be less than half the width of the existing dwellinghouse.

A.2

The land in question is not Article 1(5) land and so the restrictions under A.2 are not applicable.

A.3

a) Any proposed extensions would need to be executed with external materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

b) The rule under section A3b) regarding upper-floor windows in a wall or roof slope forming the side elevation of the dwellinghouse would not be applicable, as any proposed extensions to the North (side) elevation would need to remain single storey without an upper floor.

c) Any two-storey extensions would need to adopt the same roof pitch as the original dwellinghouse, so far as practicable.

Class E

This provides permitted development rights within the curtilage for:

- a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or for the maintenance, improvement or alteration of such a building or enclosure, or**
- b) A container used for domestic heating purposes for the storage of oil or liquid petroleum gas**

'Purpose incidental to the enjoyment of the dwellinghouse as such' is defined to include the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

E.1a)

(Development is not permitted if) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

As has been demonstrated with the Class A rules, the total development allowed within the curtilage of the dwellinghouse, including proposed and existing extensions and outbuildings but excluding the original dwellinghouse, is 5308 sq.m.

Taking into account the area of existing extensions and outbuildings, under permitted development the maximum area of ground allowed to be covered by proposed extensions and outbuildings within the curtilage is 4922 sq.m.

E.1b)

(Development is not permitted if) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse

The West elevation has been defined as the principal elevation, and so any proposed outbuildings must not be positioned beyond this elevation of the original dwellinghouse.

However, it is worth noting that substantial outbuildings and enclosures have previously existed forward of the principal elevation of the dwellinghouse, when the site was a working farm.

E.1c), d), e) & i)

There are restrictions governing the height of any outbuildings, which must be confined to a single storey to be permitted development.

Any proposed containers must not have a capacity greater than 3,500 litres.

Restrictions on outbuildings within the curtilage of a listed building, or on land where the curtilage is within Article 1(5) land, are not applicable in this instance.

Section E - Summary of Proposals (Refer to attached plan)

- i) Extensions to Dwellinghouse (permitted under Class A)
 - 1 and 2-storey extensions to West elevation (Ground area 250 sq.m)
 - Single storey extension to North elevation (Ground area 23 sq.m)
 - Single storey extension to East (rear) elevation (Ground area 25 sq.m)

- ii) Outbuildings within the curtilage (permitted under Class E)
 - Animals pavilion and store (Ground area 468 sq.m, single storey)
 - Oil / LPG store for domestic heating purposes with capacity of less than 3500 litres (Ground area 58 sq.m, single storey)
 - Extensions to existing garage (additional ground area of 180 sq.m)
 - Entertainment pavilion (Ground area 345 sq.m)

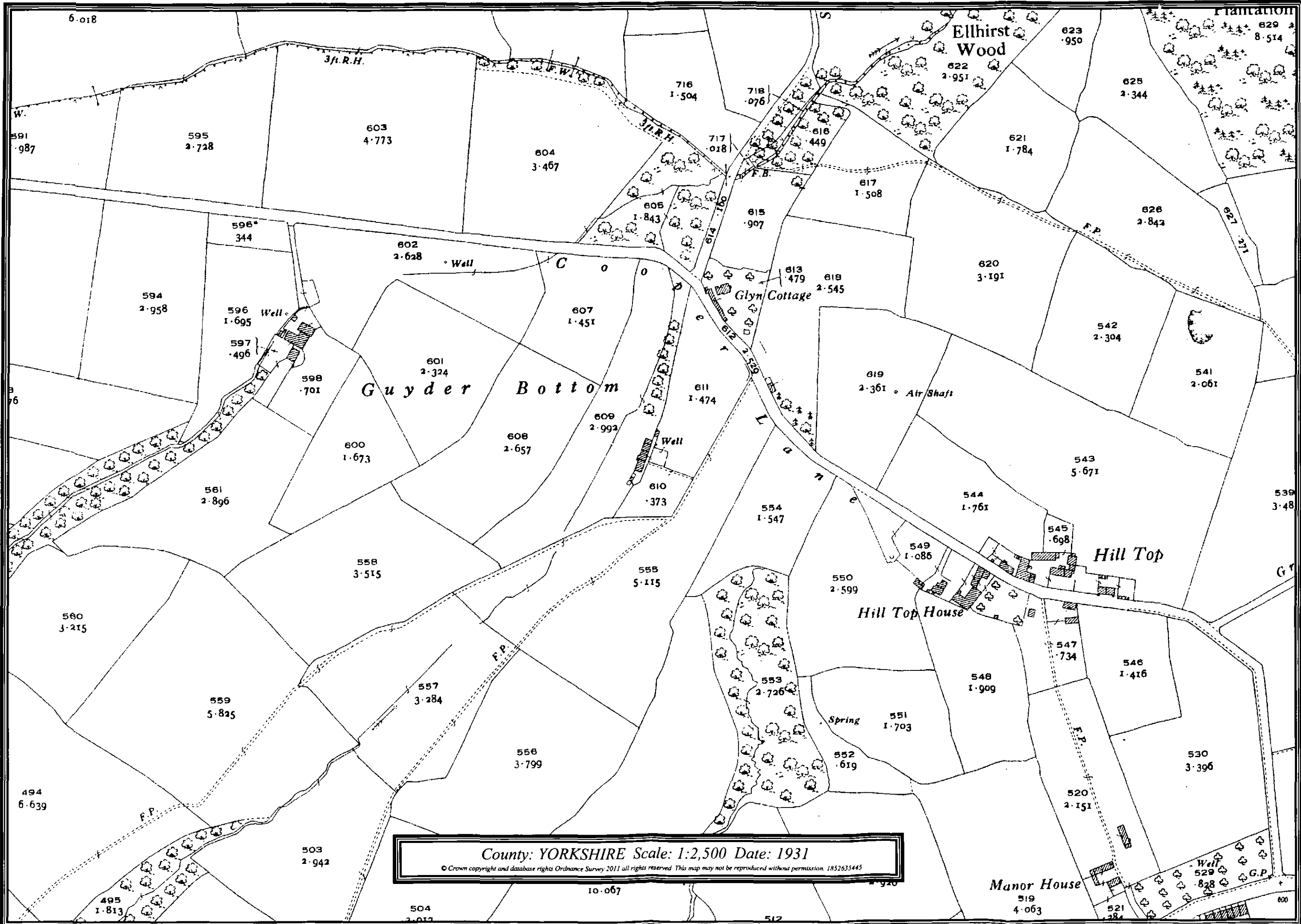
Appendix

Historic Maps

- 1931 map - 1:2500 scale
- 1960 map - 1:2500 scale

AXIS Architecture Drawings

- 26275(00)00 Site Location Plan
- 26275(00)01 Existing Site Plan
- 26275(00)02 Permitted Development Analysis & Proposals



County: YORKSHIRE Scale: 1:2,500 Date: 1931
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6.018

3 ft. R.H.

Ellhirst Wood

Plantation

W.

591
1.987

595
2.728

603
4.773

604
3.467

716
1.504

718
0.076

717
0.018

618
4.49

623
0.950

625
2.344

629
8.514

621
1.784

596
3.344

602
2.628

Wall

C O O

606
1.843

615
0.907

617
1.508

626
2.842

620
3.191

594
2.958

596
1.695

Well

597
0.496

598
0.701

601
2.324

607
1.451

613
0.479

618
2.545

Glyn Cottage

F.P.

542
2.304

541
2.061

Guyder Bottom

611
1.474

619
2.361

Air Shaft

543
5.671

600
1.673

608
2.657

609
2.992

Well

610
0.373

554
1.547

544
1.761

539
3.48

561
2.896

558
3.515

555
5.115

Hill Top House

Hill Top

545
0.698

549
1.086

550
2.599

560
3.215

559
5.825

557
3.284

556
3.799

553
2.726

Spring

551
1.703

548
1.909

546
1.416

494
6.639

F.P.

503
2.942

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10.067

3.920

Manor House

519
4.063

Well

529
0.828

G.P.

495
1.813

504
2.017

512

600

STABLE / GARDEN STORE (Existing)

Ground area 39m²

MAIN DWELLINGHOUSE (Existing)

Single and 2 storey extensions permitted under Class A

Existing ground area 360m²

Ground area of original dwellinghouse 103m²

PERMITTED DEVELOPMENT WITHIN THE CURTILAGE

CLASS A:

Extensions to dwellinghouse permitted under Class A.

A1 & A2 - Footprint 250m²

Extensions forward of the principal elevation permissible as principal elevation does not front a highway. Eaves & ridge heights of extensions not to exceed existing eaves & ridge heights.

Extensions 1 or 2 storey as annotated (1S/2S)

A3 - Footprint 23m²

Single storey extension to side elevation not exceeding four metres in height or existing eaves height.

A4 - Footprint 25m²

Single storey extension to rear elevation not exceeding four metres in depth or height and not exceeding existing eaves height.

Curtilage area = 10,719m² = X

Ground area of the original dwellinghouse = 103m² = Y

Total area of new development within the curtilage - including new and proposed buildings, containers, and extensions to the existing dwellinghouse - must not exceed 50% of (X-Y) = 5,308m² = Z

Total ground area of existing extensions and outbuildings = (360-103) + 39 + 90 = 386m²

Maximum permissible ground area of proposed new outbuildings and extensions to main dwellinghouse within the curtilage

P= 5308 - 386

P= 4,922m²

Total ground area of proposed new outbuildings (B+C+D+E) + total ground area of proposed extensions to dwellinghouse

= 1051 + 298

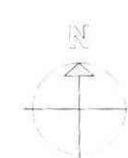
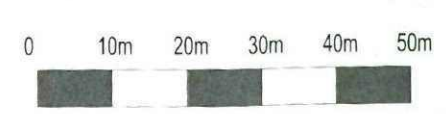
= 1,349m²

which would be equivalent to 27.4% of maximum permissible developable area within the curtilage

Boundary of planning unit (C3 dwellinghouse)

CURTILAGE
10,719m² (2.65 acres)

No restriction to depth of extension subject to overall 50% curtilage rule



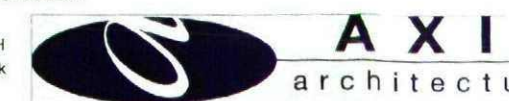
GUYDER BOTTOM FARM

PERMITTED DEVELOPMENT ANALYSIS & PROPOSALS

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SCALE 1:1000@A3

26275(00)02

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All new outbuildings proposed under Class E - No new development to be situated on land forward of the principal elevation of the dwellinghouse.

Outbuilding B ENTERTAINMENT PAVILION

Ground area 345m²

Single storey entertainment / games pavilion with swimming pool, gym and games room NOT to include any primary living accommodation - i.e. bathrooms, kitchens or bedrooms

4m high with dual pitched roof, eaves height 2.5m.

Building located on site of former stables with approximately same footprint and massing - refer to report submitted with application for photo.

GARAGE (Existing)

Extension (C) permitted under Class E.

Existing single storey garage enlarged for classic car storage.

Existing ground area 90m²

New ground area 270m²

Outbuilding D OIL / LPG STORE

Ground area 58m²

Single storey for domestic heating purposes. 4m high with dual pitched roof, eaves height 2.5m.

Maximum storage container volume 3,500 litres

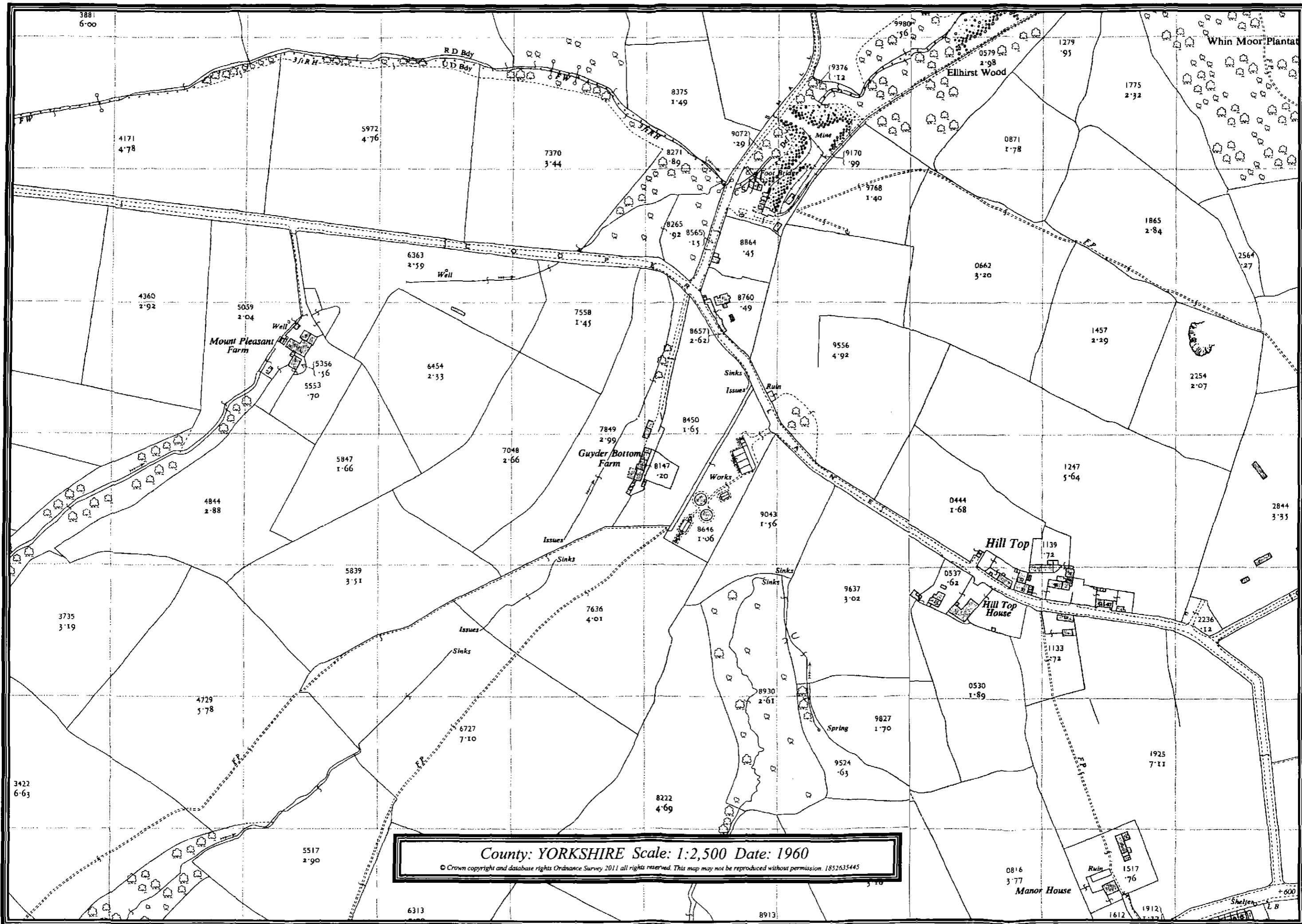
Outbuilding E ANIMALS PAVILION & STORE

Ground area 468m²

Single storey detached building for :
- Keeping of pets, poultry, birds, livestock and bees, only for domestic (non-commercial) needs and personal enjoyment of occupants of dwellinghouse.

- Storage of garden / grounds maintenance equipment and domestic tools.

Ridge height 4.0m, eaves height 2.5m



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3881
6-00

4171
4-78

5972
4-76

7370
3-44

8375
1-49

9072
-20

9980
-56

1279
-95

1775
2-32

Whin Moor Plantat

0579
2-98

0871
1-78

1865
2-84

2564
-27

4360
2-92

5039
2-04

Mount Pleasant Farm

5356
-56

5553
-70

6363
2-59

Well

7558
1-45

6454
2-33

8265
-92

8565
-15

8864
-45

0662
3-20

1457
2-29

2254
2-07

Well

8760
-49

8657
2-62

Sinks

Issues

Ruin

9556
4-92

1247
5-64

2844
3-35

5847
1-66

7048
2-66

Guyder Bottom Farm

8450
1-65

8147
-20

Works

8646
1-06

9043
1-56

0444
1-68

Hill Top

1139
-72

Hill Top House

Sinks

Sinks

Sinks

9637
3-02

2236
-12

3735
3-19

5839
3-51

Issues

Sinks

7636
4-01

8930
2-61

Spring

9827
1-70

0530
1-89

1133
-72

4729
5-78

6727
7-10

1925
7-11

3422
6-63

5517
2-90

County: YORKSHIRE Scale: 1:2,500 Date: 1960

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0816
3-77

Manor House

Ruin

1517
-76

6313

8913

1612

1912

+600

Shejfen

L B

STABLE / GARDEN STORE
Ground area 39m²

MAIN DWELLINGHOUSE
Existing ground area 360m²
Ground area of original dwellinghouse 103m²

CURTILAGE
10,719m² (2.65 acres)

Boundary of planning
unit (C3 dwellinghouse)

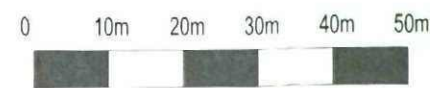
OUTDOOR
TENNIS
COURT

STABLE /
GARDEN
STORE

GARAGE

DWELLINGHOUSE

GARAGE
Ground area 90m²



GUYDER BOTTOM FARM

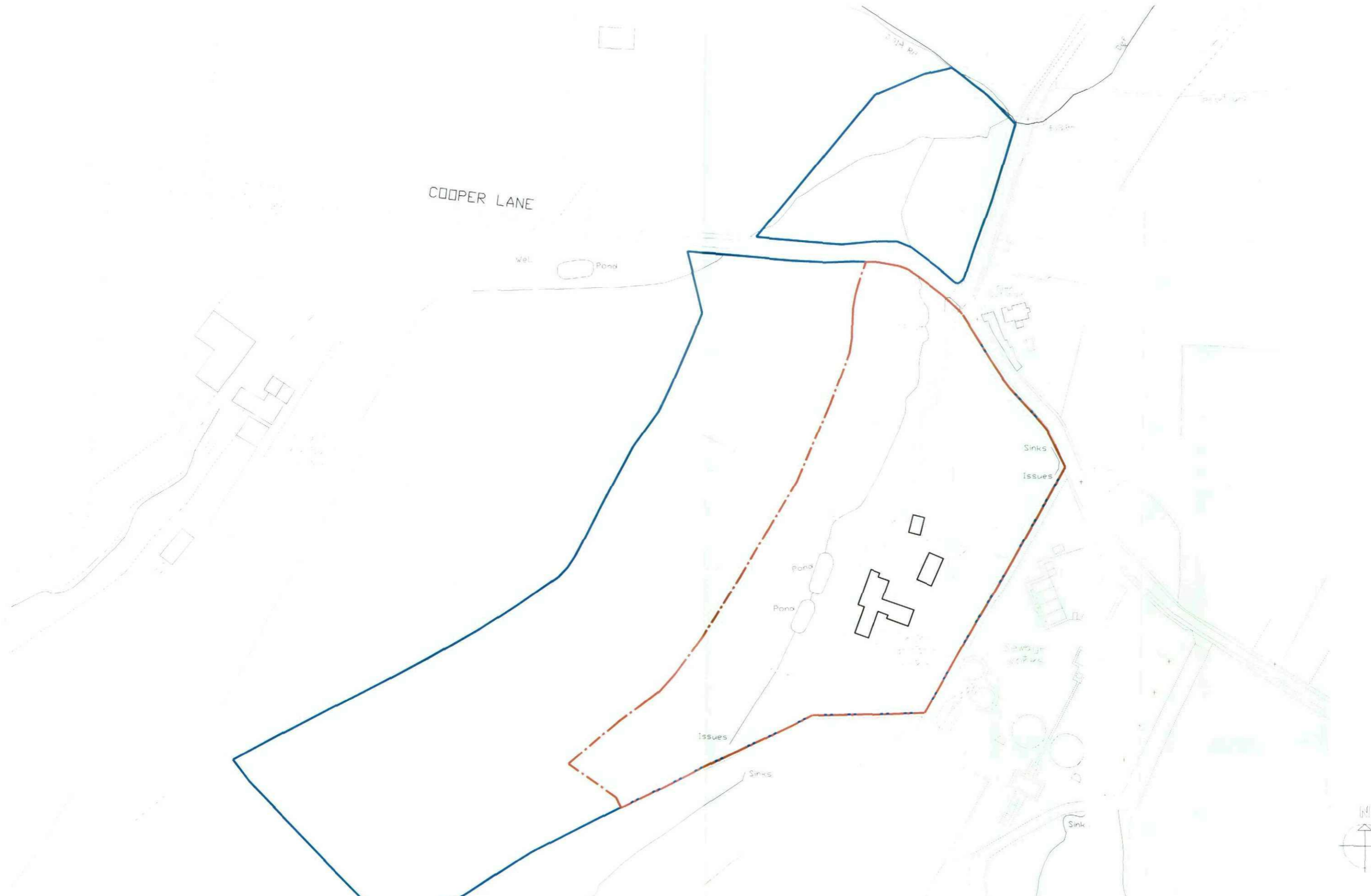
EXISTING SITE PLAN

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COOPER LANE

Wet Pond

Pond

Pond

Sinks

Issues

Issues

Sinks

Issues

Sinks

Sink

GUYDER BOTTOM FARM

LOCATION PLAN

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