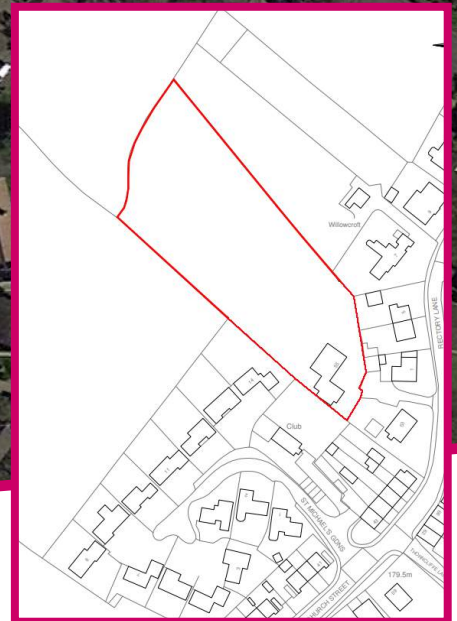


PLANNING STATEMENT

55 CHURCH STREET, EMLEY
HUDDERSFIELD, HD8 9RP

LAWFUL USE OF LAND AS GARDEN



Bradbury PM Limited

Planning, Development and Project Management Consultants

North East Office:

The Forge, North Charlton. Chathill, Northumberland NE67 5HP

Yorkshire Office:

2 Unity Hall Court, Haigh Moor Road, West Ardsley, Wakefield WF3 1ED

10th December 2024

PLANNING STATEMENT

Dated: 10th December 2024

Applicant:	Mr Darrel Woods
Proposed Development:	An application for a Certificate of Lawful Development for land used as a garden forming part of the curtilage of the dwellinghouse
Site Address	55 Church Street, Emley, Huddersfield, HD8 9RP

Contents:

1. Introduction
2. Proposal
3. Site Description
4. Background
5. Existing Use
6. Evidence

Appendices:

- A. Aerial Photos
- B. Garden Area (2023)
- C. Statutory Declarations

1 Introduction

- 1.1 This Statement has been prepared and submitted in support of our planning application.
- 1.2 It must be read in conjunction with our submitted drawings and any other documents submitted for approval as part of our application.
- 1.3 Any illustrations within this document do not take precedence over the formal application scheme drawings and are intended primarily to illustrate points made in the text.

2 Proposal

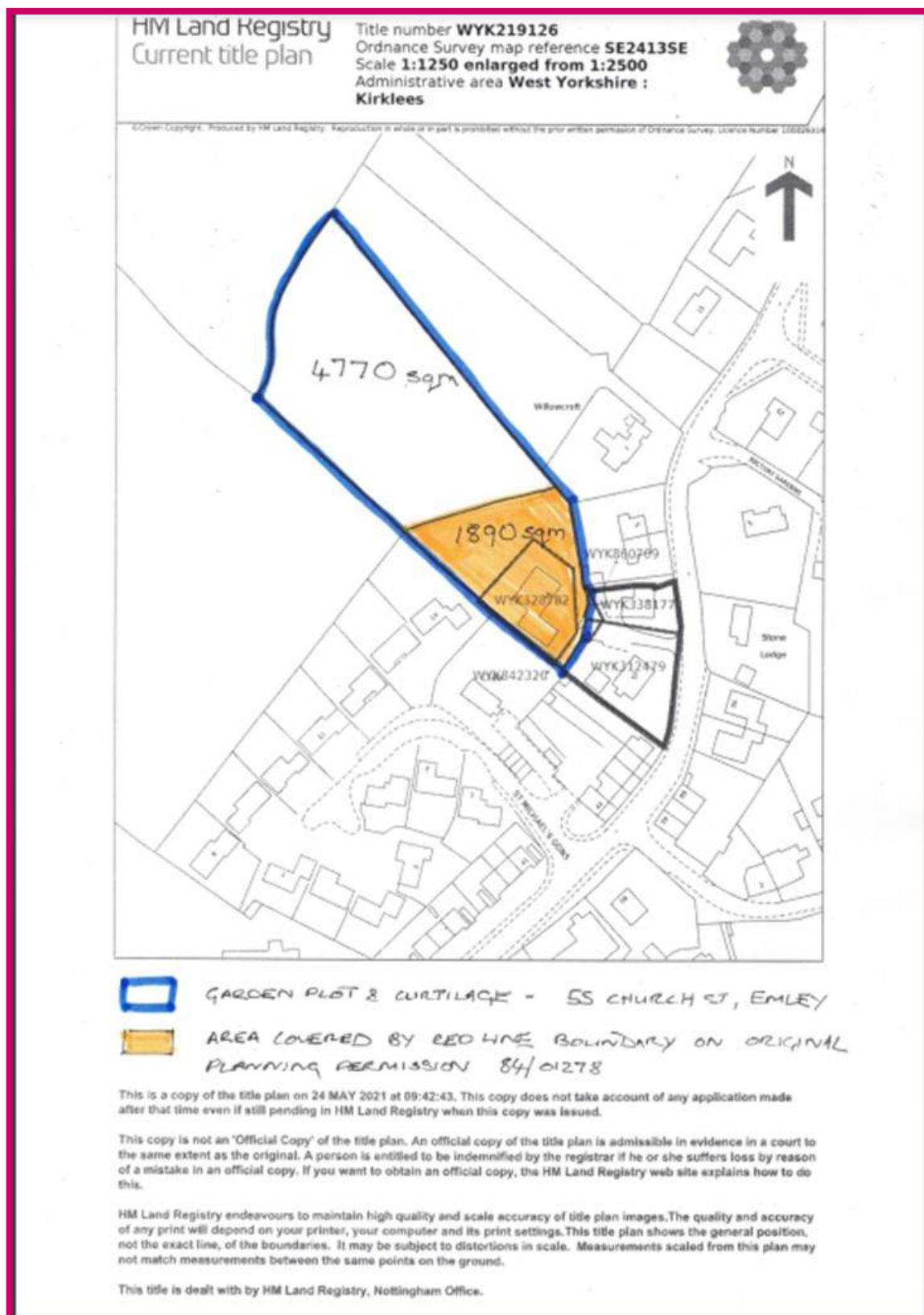
- 2.1 Permission is sought for:
[Lawful use of land as a garden forming part of the curtilage of 55 Church Street and within use class C3 \(Private Dwellinghouse\).](#)

3 Site Description

- 3.1 55 Church Street is a large stone- built detached residence set in formal gardens extending to some 0.57 hectares. The property is accessed from Church Street by a shared private drive. Its rear gardens are enclosed by drystone walls and fences and is overlooked by farmland on 3 sides.

4 Background

- 4.1 Planning permission was granted for the erection of 55 Church Street in May 1984 under application 84/02178. The house was constructed in 1984 and occupied in early 1985. At this time the gardens to the rear of the property were enclosed by fences and laid to lawn with fruit trees, ornamental trees, shrubs and borders. The gardens have been used and enjoyed continuously by the occupiers of 55 Church Street and maintained as such without interruption since 1985.
- 4.2 The land in question forms part of Title Number WYK219126. Out of this title 3 detached houses were built including 55 Church Street each with separate title numbers. The red line boundary of the original planning permission (84/02178) did not extend to include all of the formal gardens attached to 55 Church Street. This is illustrated in the Title Plan on the next page.
- 4.3 Nevertheless, the land in question has clearly been enclosed within the curtilage of 55 Church Street since 1985 and used as a garden and amenity space continuously ever since.



5 Existing Use

5.1 Land enclosed to the rear of 55 Church Street has been used as a formal garden for the amenity and enjoyment of the occupiers of the house since it was first occupied 39 years ago. The use has been continuous throughout with each successive occupier using and maintaining the gardens for their own private use. The open lawned area in the centre of the garden is used for children's play and family activities.

5.2 The appearance of the gardens hasn't changed too much since the late 1980's other than trees, hedges and shrubs have matured over time. The gardens are tiered and slope away from the house south to north. The top consists of surfaced paths, lawns, flower beds and shrub beds with an ornamental pond, greenhouse and arbour. About a quarter of this area lies outside the red line under the original planning consent.

5.3 The remainder of the gardens are laid to lawn with large trees around the perimeter of the site and occasional ornamental trees and fruit trees planted within the formal lawns.

6 Evidence

6.1 The evidence falls in two parts. Firstly, aerial photography courtesy of Google Earth Pro that provides a time lapse between 2002 and the present day. Selected images are for years 2002, 2003, 2009, 2016, 2019 and 2020 which provide the clearest images. These are attached in appendix A.

6.2 Secondly, people who have lived in Emley are well aware that the said land has been used as formal gardens as part of 55 Church Street since the house was built. The garden plot is highly visible from local footpaths to the north of the site and has been so since 1985.

6.3 Two residents who have lived in the village all of their lives and who have visited the property and walked around its gardens many times since 1985 have provided signed Statutory Declarations confirming its continued use. These are attached in appendix C.

6.4 It is clear from inspecting the site and by looking at both the photographic evidence and the sworn statements given by neighbours, that the land in question is clearly attached to 55 Church Street and forms part of the curtilage of the dwellinghouse. It has been used continuously as a garden and amenity space for 39 years and this exceeds the 10 year rule set out in Section 171B of the Town & Country Planning Act 1990.

Appendix A

Aerial Photos



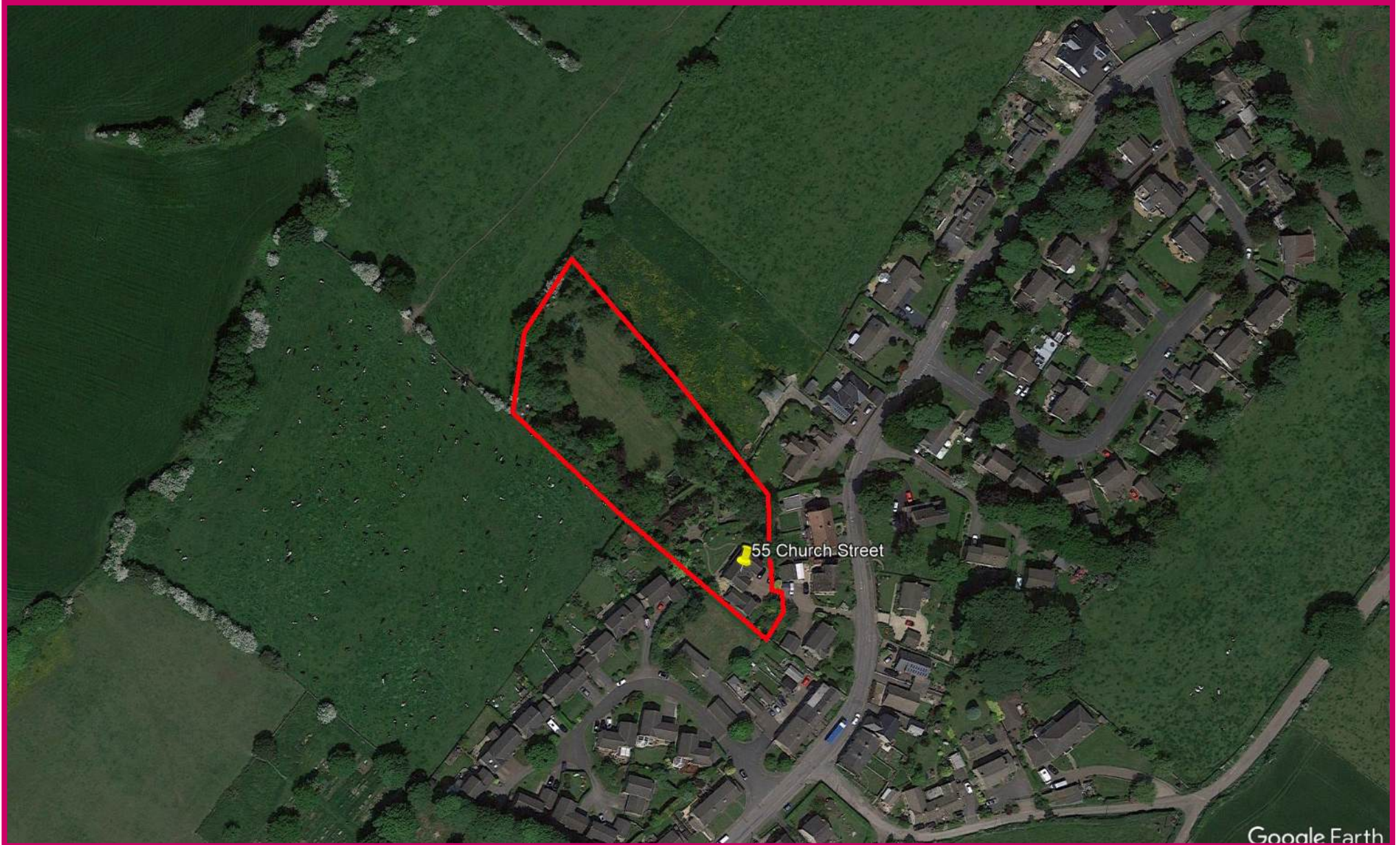
Google Earth Image Dated 2002



Google Earth Image Dated 2003



Google Earth Image Dated 2009



Google Earth Image Dated 2016



Google Earth Image Dated 2019



Google Earth Image Dated 2020

Appendix B

Garden Area (2023)



Garden Viewpoint A



Garden Viewpoint B



Garden Viewpoint C



Garden Viewpoint D

Appendix C

Statutory Declarations

- (i) Mr Andrew Hughes**
- (ii) Mrs Diane Hughes**

Statutory Declaration: (i) Mr Andrew Hughes

STATUTORY DECLARATION

I Andrew Hughes of Clough House Farm 1 Rectory Lane Emley Huddersfield HD89RR have lived in Emley village for 39 years.

Do solemnly and sincerely DECLARE and say as follows

1. I live adjacent to Wicstun Lodge, 55 Church Street, Emley HD8 9RP and I am familiar with this property, the house, its gardens and boundaries.
2. I have visited Wicstun Lodge frequently since the property was built in 1985 and spent time walking around its grounds.
3. David Lydon Barraclough (the original owners) purchased the building plot (Title Number WYK328782) and garden (Title Number WYK219126) in March 1984. This is shown in Plan A annexed hereto.
4. Stuart & Ruth Postill obtained planning permission for the construction of a detached dwelling in May 1984. The house was completed in early 1985 and the grounds enclosed by walls and fences and laid out as formal gardens consisting of lawns, ornamental trees, fruit trees, a pond and decorative shrubs. The garden also provided a safe and secure area for their children to play as well as cater for general family activities associated with the enjoyment of the dwellinghouse.
5. Since 1985, the land has been continuously used and maintained for this purpose and enjoyed by all subsequent occupiers of Wicstun Lodge.
6. Mr Woods bought Wicstun Lodge from Mr & Mrs Sparrow in April 2014 and he has continued to use and maintain the said land as formal gardens forming part of the curtilage of his property.

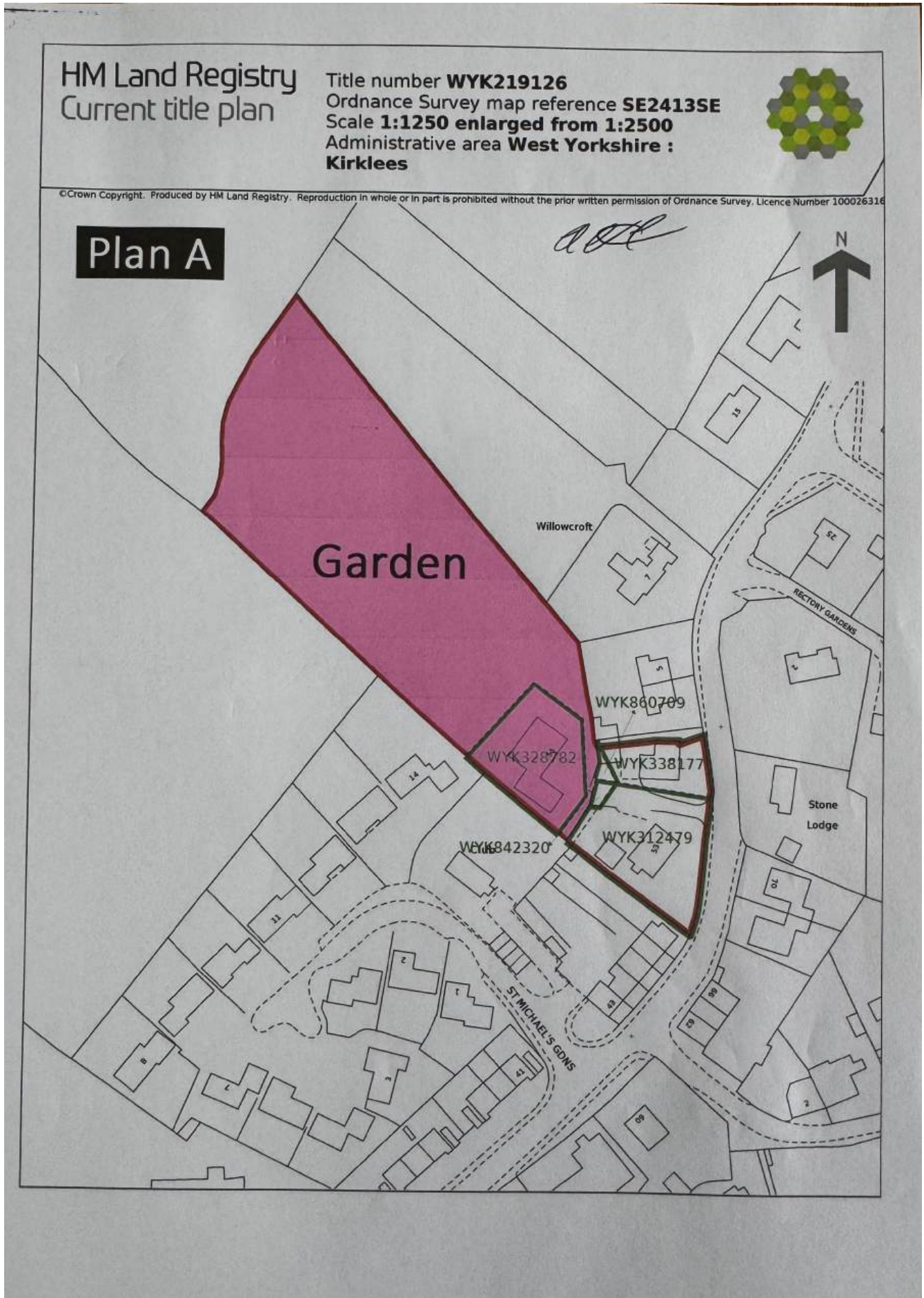
DECLARED on
the 4th day of December 2024)

At 55 Church Street Emley HD8 9RP

.....
(Name of solicitor)
.....
.....

Neil Coombes Solicitor Ltd
25 Penistone Road Fenay Bridge
Huddersfield West Yorkshire HD8 0AP

Statutory Declaration: (i) Mr Andrew Hughes



Statutory Declaration: (i) Mr Andrew Hughes



Curtilage of 55 Church Street

This is a copy of the title plan on 24 MAY 2021 at 09:42:43. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Nottingham Office.

Statutory Declaration: (ii) Mrs Diane Hughes

STATUTORY DECLARATION

I Margaret Dianne Hughes of Clough House Farm 1 Rectory Lane Emley Huddersfield HD89RR have lived in Emley village for 77 years.

Do solemnly and sincerely DECLARE and say as follows

1. I live adjacent to Wicstun Lodge, 55 Church Street, Emley HD8 9RP and I am familiar with this property, the house, its gardens and boundaries.
2. I have visited Wicstun Lodge frequently since the property was built in 1985 and spent time walking around its grounds.
3. David Lydon Barraclough (the original owners) purchased the building plot (Title Number WYK328782) and garden (Title Number WYK219126) in March 1984. This is shown in Plan A annexed hereto.
4. Stuart & Ruth Postill obtained planning permission for the construction of a detached dwelling in May 1984. The house was completed in early 1985 and the grounds enclosed by walls and fences and laid out as formal gardens consisting of lawns, ornamental trees, fruit trees, a pond and decorative shrubs. The garden also provided a safe and secure area for their children to play as well as cater for general family activities associated with the enjoyment of the dwellinghouse.
5. Since 1985, the land has been continuously used and maintained for this purpose and enjoyed by all subsequent occupiers of Wicstun Lodge.
6. Mr Woods bought Wicstun Lodge from Mr & Mrs Sparrow in April 2014 and he has continued to use and maintain the said land as formal gardens forming part of the curtilage of his property.

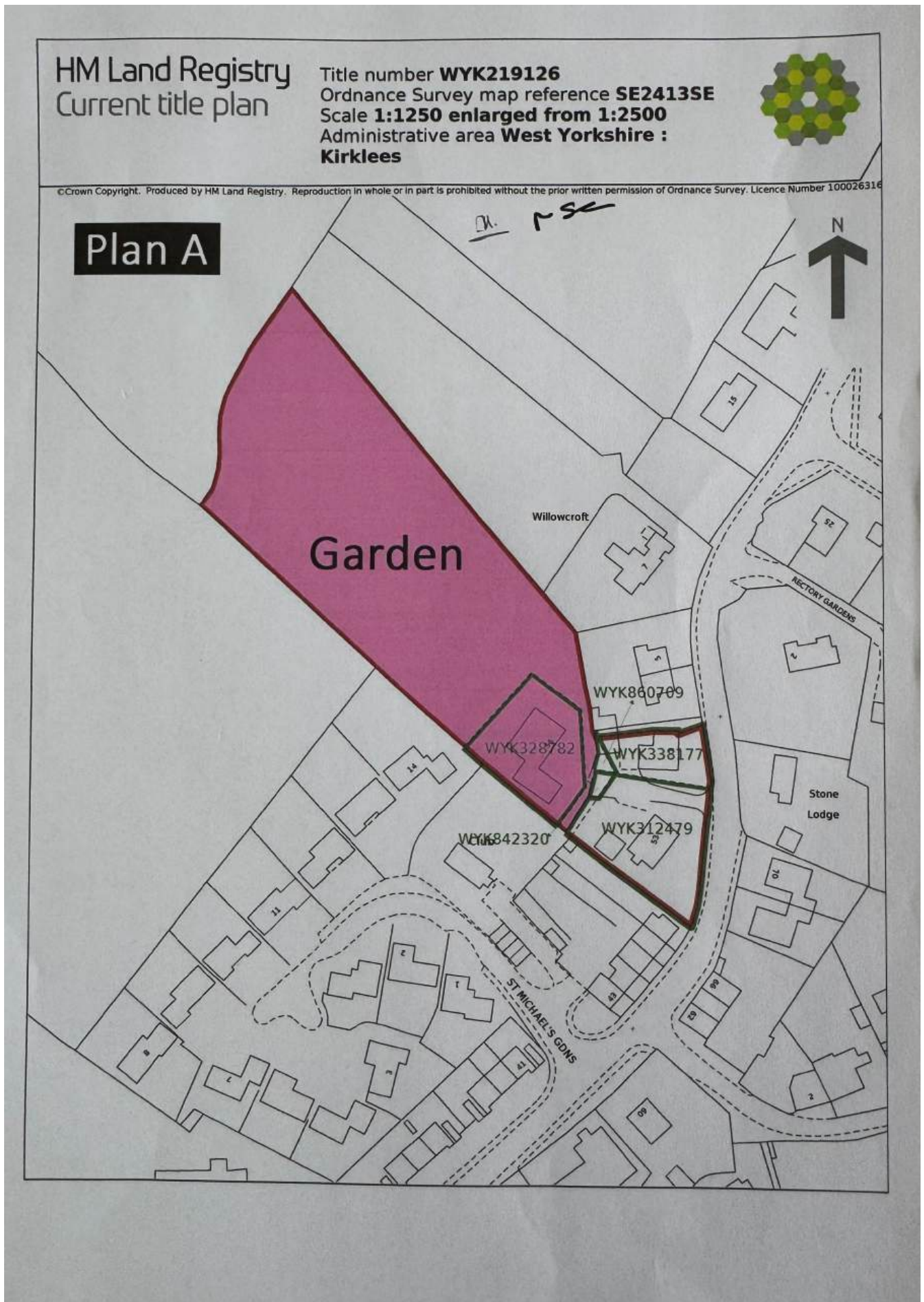
DECLARED on
the 4th day of December 2024)

At 55 Church Street Emley HD8 9RP
(place)

.....
(Name of solicitor)

Neil Coombes Solicitor Ltd
25 Penistone Road Fenay Bridge
Huddersfield West Yorkshire HD80AP

Statutory Declaration: (ii) Mrs Diane Hughes



Statutory Declaration: (ii) Mrs Diane Hughes



Curtilage of 55 Church Street

This is a copy of the title plan on 24 MAY 2021 at 09:42:43. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Nottingham Office.