H12-0493-26 – Eastview, Lutton – Summary of Points

There are three principal areas of disagreement concerning the application: the status of the land to the north of Eastview, the height of the proposed garage, and the design of the proposed extension.

Land to the north – residential curtilage
Our position is that the land has always formed part of the residential planning unit and curtilage of Eastview. Historic mapping, aerial photography, Land Registry information and historic deeds all support this position. The land:

- has remained within the same ownership and property demise;
- has no separate access and is not physically separated from the dwelling or garden;
- is distinct from the adjoining agricultural field, including its western boundary; and
- has never operated as a separate planning unit or agricultural holding.

It is accepted that the land was historically cultivated. However, this was domestic vegetable growing by the previous occupier, rather than agricultural use. There was no commercial activity, agricultural machinery access or connection to the adjoining agricultural land. The small size and location of the plot, together with the domestic shed, are consistent with a private kitchen garden.

Domestic cultivation for personal consumption is capable of being incidental to the enjoyment of a dwellinghouse and does not, in itself, establish a material change to agricultural use. There is no evidence of planning permission for such a change or of any previous enforcement action on this basis.

An independent planning opinion, based on the established legal tests of physical layout, ownership and use/function, concludes that all three factors support the land remaining within the residential curtilage. In particular, there is no compelling evidence that the land ever ceased to form part of the domestic planning unit. Historic mapping and title information further confirms the established curtilage boundary.

Conclusion

The principal issue is the alleged agricultural status of the northern land. The available evidence supports its continued status as residential curtilage and does not demonstrate a material change of use in any way.

We respectfully ask that the historic title/deed evidence be taken into account so the application can be progressed positively.