DC/26/1524
Re: Application for a lawful Development Certificate to regularise the "Unauthorised change of use of the land " for the use of garden at Rowan.

Statutory Declarations have been submitted in relation to this matter by the current and previous owners.
We live in the property, which is adjacent to 'Rowan' and our rear garden is adjacent to and runs along the full length of the field, which is the subject of this application. The field and our garden are separated by a chain link fence.
This means we have a view over most of the field, either at ground level or from above.

We have lived in our house for nearly 27 years and have had no reason to complain about the use of the agricultural field for occasional family events.

We have however, complained about the installation of a zip wire structure running West to East across the field outside of the residential curtilage, with the take-off platform having been built into a tree in close proximity to the boundary fence and at a height giving direct line of sight into our master bedroom window on the first floor, into our ground floor Conservatory and across a large part of our garden.

The application is aimed at having the field designated as garden land, or as described in one of the statutory declarations the field is described as a large 2 acre field or as "extended garden land" and is accompanied by a selection of photographs showing various family members, within what is obviously a field with grass at waist level, with the grass having been cut short to facilitate walking around the perimeter and giving access to a circle in the middle.

There is no obvious planting of flowers or shrubs within the field and no permanent structures, apart from the zip wire which appeared last year and which was refused in a planning application, but remains in use.

There is reference to the existing domestic curtilage boundary in previous planning applications and reference to the agricultural field.

It has been referred to in **application DC/22/2316 dated 23/2/2023** in the HDC Delegated applications – assessment sheet, regarding Solar panels being located east of the plot on the boundary of the existing residential curtilage and open field, it is also noted under "principal of Development", that the solar arrays would be sited in an area that is currently open field and subsequently would involve some loss of grazing land.

Application DC/23/1295 has a site location plan clearly showing the outline, marked in red, of the existing domestic curtilage, where it meets the boundary of the Agricultural field.

Application DC/24/0757 has a location plan with the whole of the plot outlined, clearly indicating the boundary between the domestic curtilage and the field.

Application DC/25/0606 – Detailed plan of entire site outlined in red, showing boundary between the domestic curtilage and the field. Within the planning Statement, under the heading "Site surroundings and Background" item 2.3 states that the wider site benefits from a large rear Paddock/field to the South which is classed as being outside of the residential curtilage. Item 2.4 refers to the paddock/field to the rear of the site.

Item 6.10, relating to parking, states that the underdeveloped nature of the rear Paddock/field would be preserved.

Application DC/25/1834 "Site Surroundings and Background" item 2.3 refers to a large open area to the rear of the Site (field).
Item 2.4 states that the applicant has confirmed via the previous owner that the large open area to the rear of the dwelling was always used as part of their residential garden. I would refer you to the items under the "Proposals heading", confirms the installation of timber framed play equipment consisting of swings, a slide, steps and bridges that may not comply with the necessary regulations regarding height and the Zip Wire structure, all of which have been refused in a planning application, yet remain in place and in Use.
Item 6.6 states that the site (field) has historically always been used as part of the garden, which has been confirmed by the previous owners of the site and has never been used for formal Agricultural purposes or as a paddock, whilst I am informed by a neighbour that has lived here for many years that the field was occupied by two donkeys, prior to our moving in next door.

DC/26/1524 Location plan, clearly shows an outline of the field as it is currently and as shown in application **DC/24/0757** and relates to an application for a Lawful Development Certificate for an existing use.
Statutory Declarations have been provided by both the current owner and previous owner of the property – 'Rowan', Statutory Declaration issued by the previous owner and Statutory Declaration 2 issued by the current owner.
Both have opted to refer to the agricultural field as "extended garden land".
They have both provided photographic images of people within the extended garden land or field , with some images in what is obviously a field, some pictures show the obvious characteristics of a field with grass at waist height, others where it has been cut short and others with a combination of the two, with the grass cut short to form a path around the perimeter, across the diagonals and forming a circle in the middle.

There are no solid structures within the Boundaries of the field to suggest it is anything other than a 2 acre field.
The whole field had the surface stripped off, turned over, levelled, flattened and then seeded in June 2025, which I enquired about at the time by email and was advised by email, that the surface was uneven and visiting family members had been injured when trying to walk over it.

Just because the field has had occasional use for family games, does not justify a change of use from an agricultural field to a residential garden.

This planning application has already been refused as extension of the incidental residential curtilage would result in the incremental erosion of the character in this Countryside location and would undermine the rural qualities of the setting, also the raised platform and zip wire would result in unacceptable harm to the neighbouring amenity through increased overlooking causing a harmful loss of privacy, also, there is an unacceptable increase in noise created when the zip wire is in use.

We believe the object of this application is to have the field re-classified as a garden using the ten year Rule, showing the use has been continuous and uninterrupted, which doesn't appear to be the case.

In this instance , with the current owners having moved here in June 2022, the previous owners moving out in June 2022 but having only moved there in November 2012 a period of nine years and seven and a half months and prior to that another owner who lived there for eight years and six months.

We don't believe this to be continuous or uninterrupted.

Regards,

[redacted]
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