

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director (Customer and Digital)	Planning Committee	3 November 2020

ADDENDUM

ITEM 3a – 19/01142/FUL – Land Adjacent to 715 Preston Road

The recommendation remains as per the original report.

An additional response has been received from the owner of Hawksclough Farm as follows:

'I maintain that the gatepost/gateway is absolutely the marker of the boundary of the listed building and it therefore very much represents the curtilage and not merely something which contributes to the setting of the building. This is not just my opinion, but that of Chorley Council as can be demonstrated through reference to email correspondence between me and the planning service at the time that the gatepost was unlawfully removed. Please see emails below.

I have now reinstated the gatepost in its original position as can be seen in the attached photographs. The gateway makes a clear and very significant statement as to the entrance to the old farm estate.

Now that the gatepost has been reinstated the applicant will not be able to fulfill the conditions applied to the application. Namely that the road widening, layout, pavements etc that the Highways Authority have specified as being requirements cannot be met. The gatepost is my private property as is the land on which it stands, so its removal would require my permission and also, as your former colleague Ian Heywood advised, Listed Building Consent.

For these reasons I would argue that the application should be refused. I have asked to speak again at Planning Committee to make these points to the members.'

The correspondence includes an email from March 2019 from the Council's former conservation officer who has since left the Council. The email states that *'I would argue that the gatepost was part of the listing and therefore the removal is a criminal offence'*. The assertion contains no assessment however of the three tests which have been established through case law and applied by the Council's current heritage advisor, these are:

1. The physical layout of the site – relationship between buildings;
2. The ownership – both past and present; and
3. Their use/function past and present.

The Council's current heritage advisor has assessed the proposal in detail and concluded that *'it is not considered that the post can be said to form part of the*

curtilage to Hawksclough, and since it is detached and divorced from it, fails in terms of the first test in relation to physical layout of the site... because of the distance separation, the gate post and Hawksclough cannot be appreciated in the same context and as such its contribution to the setting of the farmhouse is minimal.'

In light of the above, the gate post is not considered to be within the curtilage of Hawksclough Farm and is therefore not listed and so its removal would not require listed building consent

The issue of the removal of the gatepost requiring the permission from the owner of Hawksclough Farm is a civil matter and not a material planning consideration in the determination of this planning application. The applicant's agent has fulfilled the statutory requirement of completing the relevant certificate of the planning application form to identify that notice has been served on the landowner of Hawksclough Farm.

It is also recommended that an additional planning condition be attached requiring details of site levels to be submitted for approval, as follows:

Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.