



**Change of Use of land from unregistered amanity land
to residential garden.**

**Land adjacent to 36 Burnaby Road Northfleet Kent
DA11 9JT**

Mr Adrian Porter

12 November 2021

BARRONEDWARDS
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Gravesham Borough Council

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1.0 Introduction

1.1 This application is made in support of this planning application by Mr. Adrian Porter for a Change of Use of land from unregistered amenity land to residential garden at land adjacent to 36 Burnaby Road Northfleet Kent DA11 9JT.

1.2 In addition to the application form and certificates the following documents are submitted;

Application plans:

- Drawing No. OSF001 Rev. 001 (Location Plan)
- Planning Statement
- Declarations by Applicant

2.0 Site and its Surroundings

2.1 The application site is located on the eastern side of Burnaby Road, a cul de sac, at its southern end where it adjoins the turning head for the road. It is a two storey Victorian end of terraced property with single storey porch and bay projection fronting the highway. It is located approximately 150m south of its junction with London Road (A206) and immediately north of an area of open space. The land is a piece of unregistered amenity adjacent to the residential garden at 36 Burnaby Road which has been used by the applicant since he purchased the property in September 1998. The land was accessed via a set of double gates in the original boundary fence. The land, and adjoining parking space, has recently been enclosed by 1.8m close boarded fencing supported by concrete posts following an approach to the Land Registry for adverse possession. – see image below.

2.2 The land is shown as being unregistered on the Land Registry title deeds although has been used by the applicant ancillary to his residential garden since he purchased no. 36 Burnaby Road in 1998 and is in the process of being registered in the title of No.36 on the ground of adverse possession. The amenity area being approximately 3.6 wide and some 12m in depth.

2.3 We are not aware of any planning history of the application site or the piece of land in question. On historical mapping it appears as an access leading

to a footpath to the rear of the properties fronting Beresford Road - a similar area exists on the western side of the road.



2.2 The site has been used by the applicant since he purchased No. 36 as he has the parking area toward the front of the property. This area of previously unregistered amenity land has been used by the applicant as residential garden accessed by double gates – see above image. He has over the years clear many tons of rubbish that have been flytipped on the land. For this reason he has recently enclosed the land by 2m high close boarded fencing to formally incorporate it into his residential garden.



3.0 Evidence

a) Land Registry.

3.1 The land Registry have confirmed that the land in question is unregistered and does not form part of the adjacent 'park land'. The front part of the land has been used as a parking space by the owner (applicant) of No.36 and is subject of a separate LDC application. This front section has been fenced off from the 'park land' since at least September 2006 as is shown in the GoogleEarth image below.



Circa September 2006i – the land is segregated from the open area by low trip fencing. The area is tarmacked with a dropped kerb.

Declaration by the Applicant:

3.2 Written confirmation from the client as to when he purchased the property and started to use the front section, defined by the low fencing, and the rear area as part for his residential garden accessed via double gates. The declaration is attached as a separate document Appendix 1.

Certificate B:

3.3 Has been served on the Land Registry in view of the applicants claim of adverse procession of the land. It is our understanding that there are no registered rights of access over the land

4.0 Conclusion

4.1 We are satisfied that the submitted documentation, particularly the Land Registry documentation clearly shows that there is no reason why this

application should not be supported and will result(has resulted) in a visual improvement in the area.

James Barron BA(Hons) DipTP MRTPI