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26 July 1999

Mr Glyn Jackson
AVDC,
Department of Planning Property and Construction Services,
Exchange Street,
Aylesbury
Bucks, HP20 1UB

Your Ref: 99/0301/CON

Alleged Unauthorised Use of Agricultural Land as Domestic Garden
Fox Farm House, Edgcott

Further to your letter dated 30 June and our subsequent telephone discussion regarding this subject, the following information is provided for clarification. I would also like to apologise for my delay in responding resulting in your letter of 20 July. Unfortunately, I have been commuting to London each day and am involved in a particularly busy period with my current project.

Fox Farm was initially purchased by my wife's father, Albert Brooks, in 1971 and included just under 100 acres of land stretching up the Quanton Road as well as the property known as Fox Farm House, map and extract from conveyance attached. Over the years various activities have taken place such that only the following O/S parcels (map attached) are now retained by my wife Fiona, and her brother, Jonathan Brooks.

- O.S. No. Pt 47 Pasture 14.329 acres;
- O.S. No. Pt 35 Orchard 0.273 acres;
- O.S. No. Pt 36 Farmhouse and Buildings 0.474 acres est; and
- O.S. No. Pt 34 Paddock 1.474 acres.

In December 1986, Mrs Brooks who had acquired the farm following the death of Mr Brooks, gifted Fox Farm House to Fiona. This gift entailed the house and approximately 0.23 acres of land. This land was the residual of O/S Pt 36 which comprises the Village Hall, the house known as Dromoland and Fox Farm House. These were collectively described as Farmhouse and Buildings in the 1971 conveyance (less the Hall). In August 1980, part of this land was developed to form Dromoland. The gifted property, see attached, is an L shaped plot with a base along the Buckingham Road. This is basically defined by the main road, the shared boundary with Dromoland and the hedge between parcels 36 and 37. We have seen various other maps detailing this outline.

-2-

Mrs Brooks passed away in 1988 and in the intervening period there have been numerous problems involved with finalising her estate. In April this year, my wife and her brother finally agreed a position that would allow the estate to be wound up. This entailed Jonathan exchanging O.S. No. Pt 35 Orchard and part of O.S. No. Pt 34 Paddock for my wife's part share of land at Ludgershall. The resulting land at Edgcott is now 0.74 acres as is shown in the Kirkby and White measurements attached.

One of the principal issues in the mother's estate was the ambiguity affecting most of the legal documentation. Consequently, we have been very keen to ensure a similar situation does not eventuate in the future. This has led to the fencing of the property and formal measurements being taken not just by us, but also by Will Abbott on Fiona's brother's behalf. It is the fencing of this land which has no doubt led to the complaint received by your office.

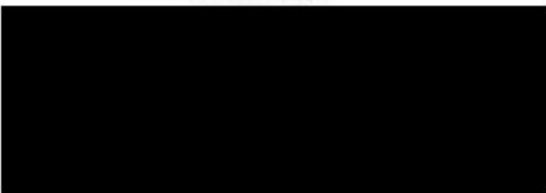
The area immediately to the rear of the house is shown as orchard though, only one apple tree remains, has been mown on a regular basis since at least the time my wife first acquired the property in the mid 80's and probably before. Throughout this time there have been no complaints. Part of the adjoining paddock area nearest to the farm house has been mown by us regularly over the last three and a half years. The area mown has depended upon the state of negotiations between my wife and her brother. The final agreed area contains only a small area that had not previously been mown. Again, this has not previously led to any formal complaint.

All of which leads to the conclusion that it is the fencing of the land which has led to the complaint. In the case of the newly acquired land nothing more than mowing has taken place. We fully understand that the land is agricultural, despite the fact that neither parcel of land has performed any agricultural purpose for many years.

In respect of our intentions with Fox Farm House and following discussions with our architect, Norman Machin, we are now in the process implementing his ideas for the front of the house. This involves the erection of fence behind which a new hedge will be grown which will eventually replace the fence when its time has passed. Furthermore, he has recommended a garden designer, primarily for the hedge composition, but has also in respect of tree planting in the newly acquired land. He has suggested that we may qualify for a grant for tree planting on this land. At this time we have only just finished the front fencing but are keen to continue as autumn I understand is an ideal hedge planting time. Copies of Norman's correspondence are attached.

In conclusion, I hope that I have been able to eliminate any concerns you may have had regarding the land immediately adjoining the house. We are pleased that we have been able to rescue a derelict character property and have placed considerable emphasis on recycling the materials available to us.

Yours sincerely,



AYLESBURY VALE DISTRICT COUNCIL

Department of Planning Property & Construction Services

Please ask for: Mr G Jackson

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Our Ref: GJ/0301/CON

Your Ref:

AYLESBURY VALE
DISTRICT COUNCIL

16th August 1999

C J & F Marslen
Fox Farmhouse
Buckingham Road
Edgcott
Aylesbury
Bucks HP18 OTR

Dear Sirs,

**Alleged unauthorised use of agricultural land as domestic garden area
Fox farmhouse Edgcott**


Thank you for your letter dated 26th July 1999 concerning the above matter.

The Area Planning Officer has given consideration to your comments and he is of the opinion that providing the boundary between the authorised domestic curtilage and the field is maintained, no further action will be necessary by the Local Planning Authority.

Notwithstanding that no visible boundary exists between the garden area and the field, the use of the field for any purpose other than agriculture or forestry would require the benefit of planning permission and, therefore, such an encroachment would be open to enforcement action.

Should you require any further information or clarification, please telephone me on the above direct line.

Yours faithfully,


Glyn Jackson
Enforcement Officer

Ian Henstock
Head of Development Control

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