

EXTENSION OF RESIDENTIAL CURTILAGE INTO THE COUNTRYSIDE

SUPPLEMENTARY PLANNING GUIDANCE

1.0 INTRODUCTION

1.1. At the 10th December 1996 meeting of the Forward Planning Working Group, Report 025 outlined the potential dangers of the Department of the Environment's proposal to take the extension of residential curtilages outside of planning control. It was explained that the greatest threat related to large extensions on the rural edge of settlements, which had the potential of eroding the rural character of the locality and extending the build-up area into the surrounding countryside. In fact, the District Council has recently refused planning applications for large extensions of curtilages into the countryside.

1.2. However, this does not necessarily mean that absolutely all applications for curtilage extensions should be refused. The planning legislation makes it clear that each planning application needs to be treated on its merits, and your Officers are aware that, in some limited circumstances, small extensions may be acceptable, subject to strict criteria and conditions.

1.3. The existing Local Plan Policies provide general guidance on development in rural areas, but it is considered that more detailed guidance on the particular issue of residential curtilages is required.

2.0 PLANNING POLICIES

2.1. The relevant Policies in the Local Plan are as follows:-

POLICY 3.4 IN THE RURAL AREA OUTSIDE VILLAGES AND MINOR SETTLEMENTS, NEW DEVELOPMENT WILL NOT NORMALLY BE PERMITTED AND EXISTING LAND USES WILL REMAIN FOR THE MOST PART UNDISTURBED UNLESS SUCH PROPOSALS ARE COMPATIBLE WITH OTHER POLICIES OF THE LOCAL PLAN.

POLICY 9.1 IN CONSIDERING PROPOSALS FOR ANY NEW DEVELOPMENT IN THE RURAL AREA OUTSIDE DEFINED SETTLEMENTS, THE DISTRICT COUNCIL NEEDS TO BE SATISFIED THAT:

- a) THERE IS JUSTIFICATION FOR THE DEVELOPMENT TO BE IN THE RURAL AREA, PARTICULARLY WHERE IT IS NOT RELATED TO EXISTING BUILDINGS;
- b) SUITABLE ALTERNATIVE BUILDINGS, INCLUDING REDUNDANT BUILDINGS WHICH COULD BE CONVERTED, ARE NOT AVAILABLE;

- c) THE DEVELOPMENT WILL NOT INVOLVE AN UNACCEPTABLE LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND;
- d) THE RATE AT WHICH AGRICULTURAL LAND IS BEING TAKEN FOR DEVELOPMENT IS ACCEPTABLE;
- e) THE DEVELOPMENT WILL FACILITATE ECONOMIC ACTIVITY THAT WILL, IN TURN, PROVIDE EMPLOYMENT;
- f) THE DEVELOPMENT WILL NOT HAVE A SIGNIFICANTLY ADVERSE IMPACT ON THE LOCAL HIGHWAY NETWORK; AND AN ACCEPTABLE SITE ACCESS SHOULD BE PROVIDED;
- g) THE RELEVANT SERVICES ARE, OR CAN, BE MADE AVAILABLE;
- h) THE DEVELOPMENT WILL NOT CAUSE WASTE DISPOSAL AND/OR POLLUTION PROBLEMS;
- i) THERE WILL BE NO SIGNIFICANT DETRIMENTAL IMPACT ON THE VISUAL AMENITY OF THE LANDSCAPE;
- j) THERE WILL BE NO SIGNIFICANTLY DETRIMENTAL EFFECTS ON THE NATURE CONSERVATION INTEREST OF THE AREA;
- k) SITES OF ARCHAEOLOGICAL INTEREST AND THEIR IMMEDIATE SURROUNDINGS WILL BE SAFEGUARDED.

POLICY 9.2 DEVELOPMENT PROPOSALS IN THE RURAL AREA OUTSIDE DEFINED SETTLEMENTS, REQUIRE A HIGH STANDARD OF LAYOUT AND DESIGN. NEW BUILDINGS SHOULD, WHERE POSSIBLE, BE RELATED TO AN EXISTING BUILDING OR GROUP OF BUILDINGS. PARTICULAR ATTENTION WILL BE PAID TO ENSURING THAT THE SCALE, SITING, CONFIGURATION, FORM, MATERIALS AND DETAILING OF A BUILDING, OR GROUP OF BUILDINGS, HAS AN APPROPRIATE RURAL CHARACTER AND APPEARANCE. DESIGNS THAT ARE PREDOMINATELY URBAN OR SUBURBAN IN CHARACTER AND APPEARANCE WILL NOT NORMALLY BE PERMITTED. LANDSCAPING, SURFACE AND BOUNDARY TREATMENT SHOULD ALSO BE OF AN APPROPRIATE RURAL CHARACTER.

3.0 PROPOSED SUPPLEMENTARY PLANNING GUIDANCE

- 3.1. Policy 3.4 in the Local Plan states quite clearly that new development will not normally be permitted in the rural area, outside existing settlements, and that existing land uses will remain for the most part undisturbed. Only if proposals are compatible with other Policies will proposals to extend garden areas be permitted.
- 3.2. Policy 9.1 sets out the criteria against which proposals would be assessed. In the context of any proposals to extend garden areas into the rural area, the requirements of criteria:
 - a) - relating to justification for the development;
 - c) - requiring that no unacceptable loss of agricultural land occurs;
 - i) & no significant detrimental or visual amenity or nature conservation
 - j) - interests; and

k) - protection of archaeological sites

are particularly relevant.

- 3.3. Policy 9.2 relates to development proposed in the rural area, outside defined settlements and requires that landscape and boundary treatment is of an appropriate rural character. This is particularly relevant to those properties that involve extending the garden areas and require the erection of fencing and planting to the newly formed boundary.
- 3.4. Extensions of curtilages which are too small to ever give the potential for the erection of an additional dwelling may not cause any demonstrable harm. In other circumstances a small extension may even result in planning gain because it allows space for a safer vehicular access to be constructed.
- 3.5. It is considered that the following supplementary guidance should be agreed by the District Council for development control purposes:-
- 3.6. "Small, unobtrusive, extensions of residential curtilages into the surrounding countryside, which will not adversely affect the rural amenities of the locality, may be approved, provided that the proposal satisfies all of the following requirements:
 - (a) The proposed extension to the garden area is both necessary and can be justified, bearing in mind the size of the existing garden and characteristics of the site;
 - (b) the area is not large enough to give potential for an additional dwelling to be erected on the land, or likely to lead to future proposals to extend the existing dwelling;
 - (c) the development will not involve an unacceptable loss of the best and most versatile agricultural land;
 - (d) the proposal will not threaten the loss of an important hedgerow, tree(s) or other important landscape feature;
 - (e) the proposal does not threaten the loss of an attractive, traditional rural building or the loss of an attractive, historic boundary feature;
 - (f) there will be no significant detrimental effect on nature conservation interest in the locality;
 - (g) provision is made for satisfactory landscaping, through a combination of tree and hedgerow planting and fencing, if required, to ensure that the boundary treatment is of an appropriate rural character; and
 - (h) that due regard is had to the impact of the development on the setting of any nearby listed buildings, and the character/appearance of any Conservation Area.
- 3.7. Any planning permission granted will be conditional on the removal of all residential permitted development rights over the extended area, and may also be subject to a legal agreement."

4.0 RECOMMENDATION

- 4.1. It is recommended that Members agree the supplementary planning guidance outlined in this report.

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PN/JS/wp
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BACKGROUND PAPER

Report No.025 to Forward Planning Working Group, 10th December 1996.

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