

Welland Partnership

**Supplementary Planning
Guidance**

Garden Extensions

Draft for Consultation

East Northamptonshire Council
Melton Borough Council
Rutland County Council
South Kesteven District Council

September 2003

WELLAND PARTNERSHIP

Supplementary Planning Guidance on Garden Extensions

1 Introduction

1.1 This draft guidance note has been prepared by four of the local planning authorities within the Welland Partnership:

- East Northamptonshire Council
- Melton Borough Council
- Rutland County Council
- South Kesteven District Council

1.2 To ensure that planning decisions are rational, consistent and in keeping with an agreed development strategy, local planning authorities are currently required to prepare a local plan for their area. These plans set out the main considerations which will guide development in each area. This draft note provides further detailed advice on the matters that will be taken into account in determining applications for the extension of gardens onto other land.

1.3 This draft guidance has been prepared as the basis for consultation with local people and interested organisations. Following consultation, the authorities will consider objections and representations and revisions will be made to the Brief where necessary. The Brief will then be formally approved by the four authorities as Supplementary Planning Guidance. The guidance will be an important material consideration in determining planning applications for the extension of gardens.

2 General Principles

2.1 The inclusion of agricultural land (see Section 3) within the curtilage of a dwelling or the incorporation of 'open space' (see Section 4) within residential areas into a garden is a material change of use requiring planning permission. In these cases a planning application should be submitted to your local planning authority. However, agricultural land that is required to form wildlife areas and nature conservation measures will not normally require planning permission.

2.2 All applications received will be determined on their merits having regard to policies in the local plan, this Guidance and any other material considerations. Any retrospective applications for garden extensions will be considered in the same way.

3 Extensions Involving Agricultural Land

- 3.1 The area covered by the guidance is largely rural in nature and it is important that the landscape setting to its towns and villages is not harmed. However, there is pressure from householders who wish to extend their garden into the open countryside, thereby incorporating agricultural land into their residential curtilage. Strict planning controls apply to prevent the gradual loss of agricultural land in accordance with national planning policy advice.
- 3.2 Since 1988, the Government has produced planning policy guidance notes (PPGs) on a wide variety of planning issues. PPG 7 'The Countryside – Environmental Quality and Economic Development' provides guidance on land-use planning in rural areas. Para 2.14 of the guidance states '... the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection'. The guidance also indicates that development in the countryside should maintain or enhance the environment.
- 3.3 The policies of the authorities' local plans seek to protect the countryside from inappropriate development. Any proposal for garden extensions will be assessed against these policies.
- 3.4 Some proposed garden extensions may be contrary to policies that seek to protect the countryside from inappropriate development and will, therefore, be resisted by the planning authority. Although there may be no intention to build on the land concerned, the effect of garden fences, garden sheds and other domestic paraphernalia (eg. greenhouses, climbing frames, washing line, garden ornaments) can have a detrimental effect on the otherwise open and undeveloped character and appearance of the land. In some landscape settings, the enclosure of the land itself may harm the character of the countryside. Your planning authority will use the following criteria to assess planning applications for garden extensions:

Limits to Development

- 3.5 In all cases, garden extensions should relate well to the existing built form of the settlement and have an affinity with the built-up part of the settlement as opposed to the surrounding open countryside.
- 3.6 Planned limits to development (sometimes known as 'settlement envelopes') have been defined for many towns and villages in the area. In principle, garden extensions onto land that falls within the defined limits to development of settlements are likely to be considered acceptable,

provided that the land involved would not detract from the special characteristics of:

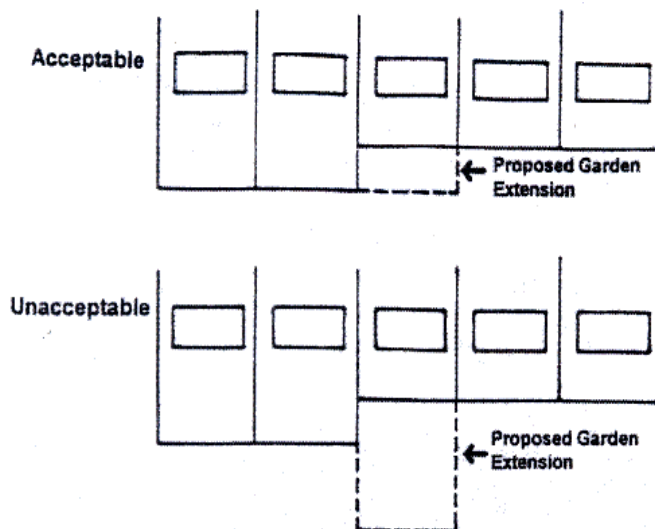
- land designated as 'Important Open Land' (East Northamptonshire Local Plan) Protected Open Areas (Melton Local Plan) or Important Open Spaces and Frontages (Rutland Local Plan) or
- other land that forms an important part of the form and character of the settlement.

3.7 Proposals for garden extensions that extend beyond the limits to development will only be acceptable where they would comply with other criteria in this guidance and where their impact on the countryside would be minimal.

Size of garden extension

3.8 Garden extensions should not be of an excessive scale and size. Proposals that involve a small amount of land are more likely to be considered acceptable. Garden extensions that are larger than the existing garden associated with the property are unlikely to be approved.

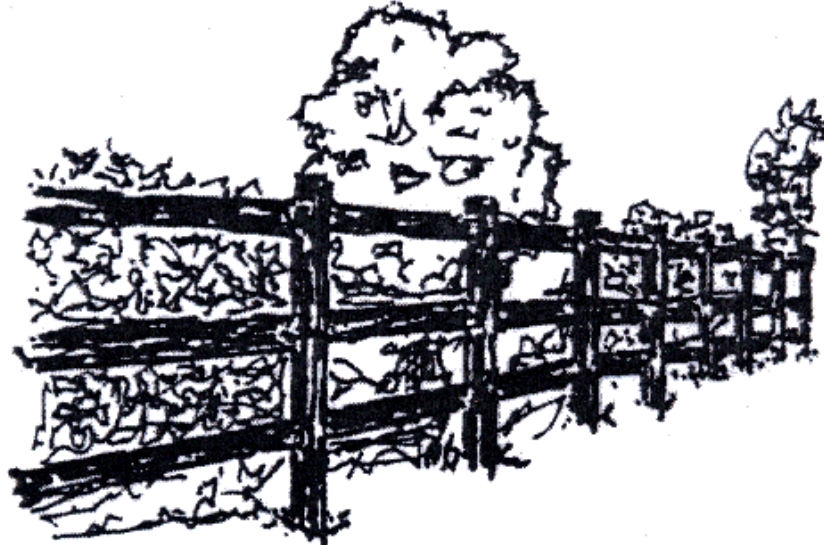
3.9 Garden extensions that consist of a 'rounding-off' of a rear garden boundary to a line similar to that of neighbouring properties or to a prominent natural boundary are likely to be more appropriate.



Garden extensions that involve a small amount of land take and consist of a rounding off of a rear garden boundary to a line similar to that of neighbouring properties or about a prominent natural boundary are more likely to be considered appropriate.

Boundaries

- 3.10 Garden extensions that would abut an established boundary (eg. field hedgerow or fence) are likely to fit into the landscape and therefore be more acceptable to the local planning authority than a proposed extension with no natural boundaries.



A post and rail fence underplanted with a native hedgerow and tree mix is normally an appropriate boundary treatment where a garden extension abuts open countryside.

- 3.11 Where a new boundary is to be established it should reflect the landscape character of the area. However, in general it is considered that a wooden post and rail fence underplanted with a native hedgerow and tree mix is the most appropriate solution. The native hedgerow and tree mix should reflect the composition of native hedges in the area. The local planning authority may attach conditions to planning consents requiring details of the boundary treatment and proposed planting to be submitted and approved. Close-boarded timber fences will not normally be appropriate, particularly where they would abut the open countryside.

4.0 Open Areas In Housing Developments

- 4.1 Open areas are common features in most housing developments and are provided for a number of reasons:
- Some may take the form of highway verges or visibility splays, to provide good safety standards for drivers, cyclists and pedestrians.

- Others may be set aside as children's play areas, or may simply be available for informal recreation.
 - In addition, areas of tree or shrub planting, or other forms of landscaping, are often provided simply to improve the appearance of a housing estate.
- 4.2 Such areas will have been included as part of the overall design of the development, for the wider benefit of its residents, and are usually intended for public ownership. It is therefore very unlikely that approval would be forthcoming to incorporate such land within private gardens.
- 4.3 On corner plots or other similar locations, the land between fences or walls and the adjacent road or footpath is normally conveyed to the owner of the house. In some cases, moving these fences or walls to enclose more of this land as private garden may not require planning permission. This could depend on:
- The height of the fence or wall
 - Its proposed new position in relation to the road or footpath
 - Relevant conditions imposed on previous planning approvals.
- 4.4 It is always advisable to check the position with the Council before taking any action. It may also be worthwhile checking your house deeds to make sure you will not be contravening any restrictive covenants.
- 4.5 In cases where planning permission is required, approval may be given to extend private gardens where the overall appearance of the area would not be harmed as a result. It will often be important to retain some open space in the 'public' realm, however, to provide continuity and retain the open character of the area. The most suitable position and form of any new boundary will therefore depend largely on local conditions, and it will probably be helpful to discuss your proposal with a planning officer before making an application.

5.0 Permitted Development Rights

- 5.1 Planning permission is not normally required to erect garden fences, garden sheds, greenhouses, climbing frames etc. (although you should check with your planning authority whether planning permission is needed first). However, because these structures can have a detrimental effect on the otherwise open and undeveloped character and appearance of the land, your planning authority may withdraw certain 'Permitted Development Rights' on applications involving a change of use to residential garden. This will be done to mitigate the impact of the development on the character of the area, by, for example, not allowing

buildings to be erected on land incorporated into the residential curtilage. Normal permitted development rights will continue to exist within the original garden area.

6.0 Nature Conservation

- 6.1 The planning authority will expect proposals for garden extensions to respect land supporting protected species or displaying biodiversity importance. In general it will resist the incorporation of sites of ecological importance into private garden areas. In addition, care must be taken to ensure that semi-natural habitats (e.g. floodplains, field ponds etc) are not incorporated into private gardens given their importance to the natural environment. In circumstances where the proposed garden extension may affect a site of ecological interest the applicant will be expected to submit an ecological survey with the planning application identifying the interest on the site and any measures to mitigate the impact of the proposed development.

7 Help and Advice

- 7.1 Objections and representations with respect to this draft guidance may be made to any of the following four authorities:

Head of Planning and Development
Rutland County Council
Council Offices
Catmose
Oakham
Rutland LE15 6HP

01572 722577
planningpolicy@rutland.gov.uk

Team Leader, Planning Strategy
Land Use Planning Services
South Kesteven District Council
Grantham
Lincolnshire
NG31 6PZ

01476-406465
planning@skdc.com

Manager of Planning Policy and Economic
Development
Melton Borough Council
Council Offices
Nottingham Road
Melton Mowbray
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Cedar Drive
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