

## What is domestic curtilage?

“a small court, yard, garth, or piece of ground attached to a dwellinghouse, and forming one enclosure with it, or so regarded by the law; the area attached to and containing a dwellinghouse and its outbuildings.”<sup>1</sup>

Domestic curtilage is usually a garden, but can include parking areas, access roads, vegetable plots, children’s play equipment, and stables (where the horses are kept for pleasure rather than agricultural use). The domestic curtilage is not necessarily marked off or enclosed, but it should be clearly attached to the house or serving the purpose of the house in some useful and intimate way.<sup>2</sup>

## Change of use to domestic curtilage

National and local planning policy seeks to restrict encroachment of development into the countryside. Change of use of land to domestic curtilage will not be permitted where this would cause a significant adverse impact on countryside character, agricultural land, or designated interests (such as listed buildings, conservation areas, scheduled ancient monuments, sites of special scientific interest etc.)

The significance and type of impact depends on the context and on the development proposed. New domestic curtilage should be designed to fit into the local context and respect the established pattern without causing harm.

Harrogate District Local Plan Policy C18 deals with the extension of domestic curtilages into the countryside, which will only be permitted where there would not be an adverse impact on the character and appearance of the countryside or the setting of a settlement.

## Context and character

Think about:

- the existing pattern e.g. gaps, enclosures, accessways, plot sizes, field pattern, settlement form;
- the relationship with the dwelling house, existing curtilage and boundaries, countryside character and designated interests including listed buildings, Conservation Areas, landscape quality;
- the local tradition of garden location, shape, size and pattern e.g. in the Dales, small flower gardens/ vegetable plots are traditionally on the south side of

the dwelling with fields right up to the house wall on the north side;

- local garden boundaries e.g. gritstone walls, brick and cobble walls, hedges.

Creation of new domestic curtilages for conversions of barns in the open countryside to residential use is particularly sensitive. Where there are existing foldyard boundaries enclosing one or more sides of the barn, it is sometimes appropriate to treat the enclosed area as a small garden.

However, the essential character of a field barn in the Dales and its relationship with the countryside depends upon the field running right up to the side of the barn: any “garden” treatment will have a significant adverse impact on the character of the barn and of the countryside and will not be permitted (Local Plan Policy C18).



This barn sits comfortably in a wide open space and does not lend itself to conversion into a dwelling which would require the additional of a boundary wall.

## Impact

Think about:

- the type and significance of impact: e.g. on village form, on designated interests; and whether this can be mitigated;
- the “worst case scenario” (once the land becomes domestic curtilage, there is no control over future garden design style);
- the impact of associated uses or features within the domestic curtilage e.g. glasshouses, washing lines, fountains, children’s play equipment, colourful/exotic planting, lighting;
- whether the proposal is in itself harmful, or whether it causes harm through the loss of existing features e.g. gaps, views, grassland, trees, semi-natural habitats.
- boundaries - defining curtilage by using appropriate materials and styles for the immediate environment will help a development blend with its surroundings (see guidance sheets on fences, walls and hedges).

**Example:** (see drawing below)

Neither Site A nor Site B is appropriate as proposed domestic curtilage extension to *House X* in this specific landscape context:

Site A is **not acceptable** due to adverse impact on:

- the ancient monument, the setting of the listed building and their relationship;
- the established settlement form and plot boundaries;
- the historic field pattern.

Site B is **not acceptable** due to adverse impact on:

- the historic field pattern and settlement form which is characterised by fields running right up to the main street;

- strong visual link between the countryside and the main street;
- the amenity of the public right of way; in addition, the proposed conifer hedge boundary does not respect the local distinctiveness of stone wall boundaries.

Site C domestic curtilage extension to *House Y* further along the street is **acceptable** since it respects countryside character and settlement form, fitting into established plot boundaries and the historic field pattern without causing adverse impact on any interests.

- 1 Oxford English Dictionary
- 2 General Permitted Development Order 1995, Schedule 2 Part 1 para. 3B-2055

