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NYMNPA

29/07/2021

29 July 2021  
ABP Ref: CF-02

Dear Kelsey

**SUBJECT: PLANNING APPLICATION FOR A FORMAL EXTENSION TO THE DOMESTIC CURTILAGE OF CALFTHWAITE FARMHOUSE / ATTACHED OUTBUILDINGS (CHANGE OF USE), AND ERECTION OF SUMMERHOUSE, CLOUGHTON, SCARBOROUGH, YO13 0AX**

On behalf of my client, Mr G McQuade (the applicant), I am pleased to submit an application seeking full planning permission for an extension to the domestic curtilage of Calfthwaite Farmhouse / attached outbuildings, and the erection of a summerhouse in the extended curtilage.

**Background**

The proposals follow a formal pre-application inquiry submitted by the applicant (NYM/2021/ENQ/17656). The NYMNPA's formal response<sup>1</sup> to that inquiry confirmed that:

- The erection of the summerhouse in the location originally proposed as part of the pre-application submission (or in the property's original front garden) would require planning permission under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This is because the proposed structure would be located forward of a wall forming the principal elevation of the original house;
- The proposed summerhouse should be located within the domestic curtilage of the property, and in relation to the original property; and,
- The use of any land as a domestic garden outwith the existing curtilage of the property will require planning permission for a change of use of land.

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<sup>1</sup> Letter from Kelsey Blain to Mr McQuade (6 May 2021)

Further discussions have since been held with the case officer, who provided her initial thoughts on the proposals (without prejudice to the decision made on any future planning application). It was informally agreed that:

- Any planning application for an extension to the curtilage of Calfthwaite Farmhouse / outbuildings would be considered against Local Plan Policy CO19 'Extensions to Domestic Curtilage'. The scope of extending the curtilage was discussed, with the NYMNPA advising that it could be considered acceptable, in principle.
- Any planning application for the erection of the summerhouse would be considered against Local Plan Policy CO17 'Householder Development'. The summerhouse would need to be in the property's existing or extended curtilage, and as close to the original buildings as possible (preferably no further east than the existing formal garden area).
- A single planning application could be submitted for the extension to the curtilage and the erection of the summerhouse in that extended curtilage<sup>2</sup>.

### **Site and Surroundings**

Calfthwaite Farmhouse and its outbuildings comprise a traditional, albeit much altered, farmstead, with a U-shaped plan form, centered around a courtyard area. Internal and external modernisation works were implemented to the farmhouse and adjoining eastern range in the late C20 to give it its current appearance (NYMNPA ref: 40240041B). Planning permission has more recently been granted to convert the outbuildings to residential use (NYM/2016/0765/FL). Historic map regression (Appendix 1) shows the farmhouse's original formal garden area to the east of the principal elevation, with the curtilage also extending to the courtyard area to the west.

The site lies within the Parish of Cloughton in the North York Moors National Park. The North Yorkshire and York Landscape Characterisation Project classifies the site as falling within the 'Coastal Landscape', within the 'rugged cliffs and coastal valleys and bays' character type. It states that the area is characterised by (of relevance) individual farmsteads, often accessed by track and, a sense of remoteness and tranquillity. Within this context, the site sits within a rolling agricultural landscape, adjacent to an area of woodland (to the north). The village of Staintondale, a small ribbon settlement, lies to the north, with the village of Cloughton circa 3 miles to the south.

The existing buildings and surrounding land are well concealed in long term views of the landscape due to surrounding vegetation / woodland and topography.

### **The Proposals**

The current planning application reflects the NYMNPA's pre-application advice. It includes:

- Proposed extension of the domestic curtilage of Calfthwaite Farmhouse / outbuildings to the north and east. Historic map regression and an aerial image taken in the early C21 (Appendix 1) indicates that this land has historically not been planted, and is enclosed by

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<sup>2</sup> Email from Kelsey Blain, NYMNPA to Amanda Brocklehurst (26 May 2021)

woodland to the north. In recent years, the grassed area to the east of the buildings has been well maintained by the applicant.

- Proposed erection of a summerhouse in the extended curtilage, immediately to the east of the northern range of outbuildings. The summerhouse (325mm x 325mm x 332mm) will be heritage green pre-painted timber with a red tiled roof to reflect the existing buildings (see Figure 1 'Summerhouse Specification' and Figure 2 'Image of Proposed Summerhouse'). A shallow concrete base will be laid as close to ground level as possible to provide a solid, dry and level platform for the summerhouse to sit on. No ground levelling works will be required, and the summerhouse will not be connected to any services (i.e. water, gas or electricity). No trees are proposed for removal as part of the proposals.

### **Submitted Documentation**

The scope of the planning application was discussed at the pre-application stage and includes:

- Completed Application Form and Ownership Certificate A
- Covering letter including assessment against relevant Local Plan policy and design approach
- Drawings (bhd Partnership):
  - Site / Location Plan (drg. no. D10989-10 Rev A)
  - Existing Block Plan (drg. no. D10989-11 Rev B)
  - Proposed Block Plan (drg. no. D10989-12 Rev B)
- Figure 1: Summerhouse Specification
- Figure 2: Image of Proposed Summerhouse

The planning application fee of £462.00 has been paid by the applicant under separate cover.

### **Consideration Against Relevant Development Plan Policy**

As you are aware, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory Development Plan for the area, unless there are material considerations that outweigh that Development Plan Policy. The Development Plan covering the application site is the NYMPA Local Plan (July 2020). The pre-application process has identified the following key policies relevant to the determination of the application:

- Policy CO19 – Extensions to Domestic Curtilages
- Policy CO17 – Householder Development

Each aspect of the proposals is considered below, against these policies, as relevant:

## **Proposed Extension to the Domestic Curtilage of Calfthwaite Farmhouse / Outbuildings**

Policy CO19 sets out the criteria against which applications for the extension of existing domestic curtilages will be permitted. The application is seeking to extend the curtilage of the farmhouse and its attached outbuildings to the north and east, so that it can formally be used as a domestic garden, incidental to the enjoyment of the dwelling house.

Historic map regression (Appendix 1) shows that this land, in contrast to the wooded area to the north, has never been planted with trees, with aerial imagery from early C21 showing that it has historically been maintained in connection with the dwelling house. Today, the proposed curtilage land to the east is grassed, and of low landscape and visual quality. It is separated from the formal garden by a simple timber post fence, accessed via an archway, with the fence extending along the southern boundary where it adjoins the access road. The proposed curtilage land to the north is maintained by the applicant, used as external circulation space around the property and provides access to the rear of the outbuildings.

Whilst the curtilage of any property is a matter of fact and degree to be determined by the decision maker, case law has established that it must have a close spatial relationship with the property and share a functional relationship with it. Given the close physical and visual relationship between the farmhouse, the adjoining outbuildings, and the proposed curtilage land, together with the need for the applicant to use the proposed curtilage land to the north to access the outbuildings, there is a strong argument that part of the land already falls within the domestic curtilage of the buildings.

In terms of Policy CO19 criteria, the proposed curtilage extension:

- Will not have an adverse impact on local landscape character. With the exception of the erection of the summerhouse (which is discussed in more detail below), the proposals do not include the erection of any other structures (such as fences) as these are already in place, and all existing trees will be retained. The large, grassed area to the east of the farmhouse will simply be maintained and used as garden, as it has been historically (see Appendix 1). This area of land currently has (and has historically) a different landscape character to the wooded area to the north, and this will not change as a result of the proposals. The use of land as additional garden ancillary to the use of the farmhouse / outbuildings will in no way undermine the rural character or tranquillity of the wider area.
- The land proposed to be incorporated into the domestic curtilage does not form part of a Community Space, or a valuable local habitat or heritage asset.
- It is proposed to use the extended curtilage as an extension to the existing garden area. Given the relative isolation of the property, with the exception of the farming operation to the west, the proposed domestic use will not harm the amenity of neighbouring occupiers by reason of noise or disturbance (or any other adverse impact).

Overall, the application proposes a logical extension to the curtilage of the farmhouse and its outbuildings, by rounding off the existing domestic boundary running up to the woodland to the north. The proposals provide an opportunity for the land, which is already fenced off and of a different character to the woodland to the north, to be brought within the farmhouse's formal garden area and to be better maintained, whilst preserving local landscape character and without

detriment to the amenity of neighbouring occupiers. For these reasons, the proposals comply with Policy CO19.

### **Proposed Erection of Summerhouse in Extended Curtilage**

Policy CO17 'Householder Development' sets out the criteria against which planning applications for development (including outbuildings) within the domestic curtilage of dwellings, will be assessed. Based upon the advice received from the NYMNP at the pre-application stage, it is proposed to locate the summerhouse immediately to the east of the northern range of outbuildings, in the extended curtilage area. This location is close to both the farmhouse and its outbuildings, and well related to the formal garden area of the original farmhouse. The land is also concealed in views from the access road and the wider landscape by existing trees and vegetation.

Taking this into account, and with reference to the relevant criteria in Policy CO17:

- The modest scale, height, and form, visually concealed position, and traditional design of the summerhouse, are entirely in keeping with the rural character of the area and will not detract from the existing buildings or their setting in the landscape. The use of materials, including painted timber and a red tile roof, will complement the rural character of the area and the appearance of the existing buildings.
- Given the relatively isolated position of Calfthwaite Farm, and the proposed use of the summerhouse (which will not be connected to existing services), the development will not adversely affect the residential amenity of surrounding occupiers or the existing dwelling.
- The summerhouse will be used as a garden room by the residents of the farmhouse and will, therefore, be incidental to the residential use and enjoyment of the main dwelling only.
- The modest scale of the summerhouse is proportionate in size and very clearly subservient to the main dwelling and the adjoining outbuildings.
- The summerhouse will be located in very close proximity to both the farmhouse and its adjoining outbuildings.

Overall, the proposed location and design of the summerhouse will ensure that the proposals fully comply with relevant criteria in Policy CO17, and will preserve the character of the local area, the special qualities of the National Park, and residential amenity.

### **Conclusions and Next Steps**

In conclusion, this submission demonstrates that the proposed extension of the domestic curtilage of Calfthwaite Farmhouse / outbuildings, and the subsequent erection of a summerhouse within the extended curtilage, complies with the relevant policies in the Development Plan and should be approved on this basis.

We trust that the above and enclosed provides all the necessary information to enable you to validate the application and progress its determination. However, should you require any further information, or wish to discuss any aspect of the proposal in more detail, please do not hesitate to contact me.



We look forward to hearing from you soon.

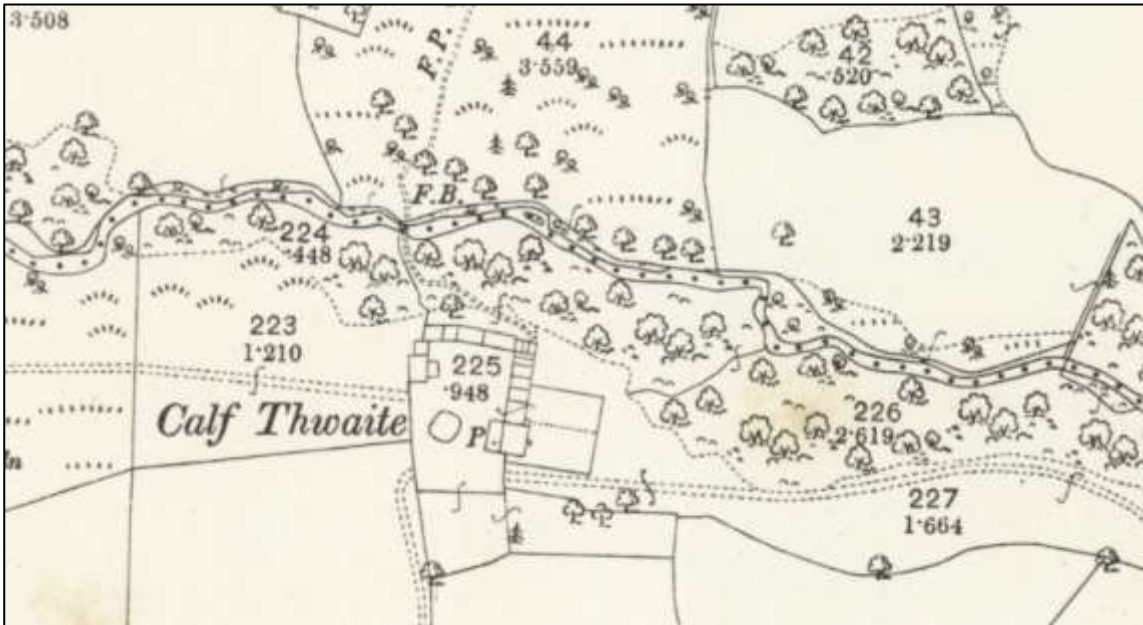
Yours sincerely

Amanda Brocklehurst MRTPI MA

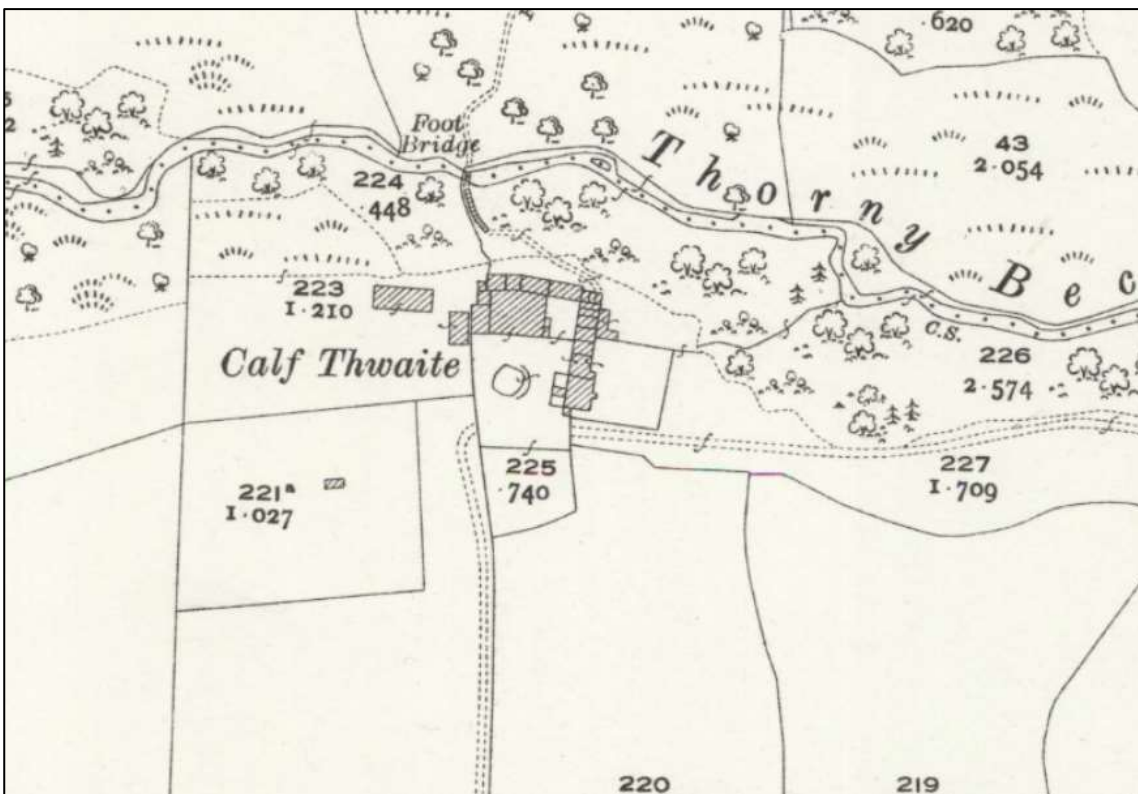
**Amanda Brocklehurst Planning and Heritage**

**APPENDIX 1: HISTORIC MAP REGRESSION AND AERIAL IMAGE**

**1891 OS Map**



**1926 OS Map**



1969 OS Map



Aerial Image (early C21)





**Figure 2: Image of Proposed Summerhouse**



NYMNP

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