



YORKSHIRE DALES
National Park Authority

PLANNING ADVICE



Do I need planning permission?

Householder development

Introduction

Many householders will, at some point, wish to carry out alterations or extensions to their property. This may be something relatively minor, such as a new satellite dish, or something much more significant, such as an extension to create additional living space.

Whatever your proposal, the starting point should be to establish whether you will be required to apply for planning permission. It is vital that you are certain of this prior to starting work, as failure to obtain the proper consents may lead to difficulties further down the line.

This advice note provides some general guidance on the types of householder developments that may or may not require planning permission. It is intended as a guide, not a definitive statement of what will or will not require permission. As a minimum, you should always obtain written confirmation of this from the Authority before proceeding.

Is my proposal ‘development’?

Planning control only normally extends to works that fall within the definition of ‘development’. Development covers a wide range of building, engineering, mining and other operations, including changes of use to land. This will include many alterations to domestic properties, for example new buildings, extensions to existing buildings or alterations that result in a noticeable change in their appearance, significant excavations and changing the use of buildings or land.

There are, however, certain operations or uses that are excluded from the definition of development. The most common examples are:

- changes that affect the interior of a property only (replacement kitchen/bathroom suites, decoration, changes to internal layout), and;
- changes to the exterior of a building that are so minor as to not significantly affect its appearance (such as minor repairs or strictly like for like replacements).

Permitted development

Once you have established that your proposal constitutes ‘development’, the next step is to find out whether it will fall under the description of ‘permitted development’.

Many forms of minor development are exempt from the need for formal planning permission by virtue of permitted development rights. This helps to prevent the planning system from becoming overloaded with minor proposals that are unlikely to have a significant impact.

Does my property have permitted development rights?

Permitted development rights apply to the majority of residential properties. However, there are some exceptions to be aware of:

- *Is your property a dwellinghouse, and will the development take place within its curtilage?*

Householder permitted development rights only extend to properties classed as a 'dwellinghouse'. The definition of dwellinghouse will include most types of house, whether detached, semi-detached or terraced, *but will exclude flats or apartments*. Commercial premises are also subject to different rules regarding permitted development.

Permitted development rights for dwellinghouses also only extend to their 'curtilage'. A curtilage is the area of land immediately surrounding and closely associated with your house, normally including any garden, yard, parking or other amenity space. It does not extend to areas of land detached from the main house, regardless of whether they are in the same ownership (eg. if you own a parking area on the opposite side of a road from your house, this area of land will not attract permitted development rights). It also does not extend to adjoining areas that are not used for residential purposes, regardless of whether they are in the same ownership (eg. even if you own a field next to your house, unless this has an established ancillary domestic use, it will not be classed as curtilage).

- *Have permitted development rights been removed from your property?*

In some cases, permitted development rights may have been reduced or completely withdrawn from certain properties to allow the Authority to exercise a greater degree of control over changes to their appearance. Permitted development rights are normally withdrawn by virtue of a condition attached to a previous planning permission. Many more recent barn conversions and new houses have had their permitted development rights removed or reduced. Older houses, particularly those that pre-date planning control (i.e. pre-1947) tend to retain full permitted development rights. We are able to find out if your property still has permitted development rights by checking its planning history. This service is free.

- *Is your property Listed?*

Although works you propose may not require *planning permission*, if the property is Listed you may well require separate *Listed Building Consent*. Listed Buildings are those that are classed as being of special architectural or historic interest. The vast majority of alterations, whether internal or external, will require consent. If you are unsure of whether your property is Listed, please contact us and we will check this for you. Other forms of permission, for example Conservation Area or Advertisement consent may also apply (please see the section at the end of this advice note).

Is my proposal permitted development?

Once you are satisfied that your property retains its permitted development rights, you will need to establish whether your proposal satisfies a number of criteria.

These criteria vary according to the type of development, but are usually related to the overall size, height, location and appearance of your proposal. If these criteria are met, then the proposal will be permitted development, and you will not normally be required to apply for planning permission.

The rules associated with permitted development can be quite complicated so you should always check with the Authority before proceeding with any works. Although it is easy to be sure of whether some permitted development criteria have been met, others are less clear-cut and a matter of judgement. We have [householder enquiry forms](#) that can be filled in to give us all of the relevant information we need to judge whether permission is required.

Below is a list of the types of work that are normally classed as permitted development. **Please note that this is intended as a rough guide and is not an authoritative statement of what will or will not require permission. Always check with the Authority before proceeding.**

Extensions (including conservatories and sunrooms) – in the National Park, only single storey extensions projecting from the rear of a property will usually be capable of being classed as permitted development. Extensions projecting from the principal or side elevations of a property, or any two-storey extensions, will usually require planning permission.

If the extension is single storey and at the rear it will normally be permitted development provided:

- It doesn't cover more than half of the curtilage (garden/yard area immediately surrounding the house);
- Its eaves and ridge heights are no higher than the corresponding ones on the existing house;
- Its overall height is no more than 4 metres – or, if within 2 metres of a boundary of the property - no more than 3 metres high;
- It doesn't project beyond the wall of the original house* by more than 3 metres (if your property is terraced or semi-detached) or 4 metres (if your property is detached);
- It uses similar external materials to the main house (although this doesn't apply to conservatories);
- Any upper floor windows in a side elevation are obscure glazed and non-opening (unless the opening part is more than 1.7 metres above internal floor level).

** 'original house' refers to the house as it stood in 1948, or where built since this date, the house as originally constructed.*

Painting – painting the exterior of your house is normally permitted development provided it is not for the purpose of advertisement, announcement or direction.

Cladding – cladding your house will always require planning permission within the National Park. Render and pebbledash are included within the definition of ‘cladding’ for these purposes and will also require planning permission.

Porches – are permitted development where they:

- have a floor area (measured externally) of no more than 3 square metres;
- are no more than 3 metres high;
- are at least 2 metres from a highway (any way over which there is a public right of passage).

Outbuildings and other detached garden structures – erecting a detached outbuilding may be permitted development provided it is used for incidental or ancillary purposes (i.e. it supports, is integral to, or dependent upon the residential use of the main house and not capable of operating independently from it). Incidental uses include a shed, greenhouse, hutches for pets and sun rooms. Detached ‘annexes’ containing primary living accommodation (bedrooms, bathrooms, kitchens) will not normally be considered as incidental uses.

Provided the building is used for incidental purposes, it will be permitted development provided:

- It doesn’t cover more than half of the curtilage (garden/yard area immediately surrounding the house);
- It isn’t situated on land that is further forward than the principal elevation of the house or on land between a side elevation and a boundary of the property;
- It is single storey;
- It would be no more than 4 metres in height (if double pitched roof), or 3 metres (if single pitch or flat roof). If, however, it is within 2 metres of one of the property’s boundaries, it must not exceed 2.5 metres in height;
- Its eaves would be no higher than 2.5 metres;
- It isn’t within the curtilage of (ie. land surrounding and associated with) a Listed Building;
- It is no more than 20 metres away from the main house if its ground area is more than 10 square metres.

Replacement or new windows/doors – replacement windows/doors or the creation of new openings do not normally require planning permission regardless of whether the materials, style or method of opening will be altered. If, however, new openings are created in an upper floor that forms a side-elevation of the property, they can only be permitted development if they are obscure glazed and non-opening (unless the opening part is more than 1.7 metres above internal floor level).

Accesses – a new access, for example to create an off-road parking area, may be permitted development if the road from which the access is being made is not classified (ie. does not carry an A, B or C classification). The County Councils will be able to confirm what status a road has.

Fences, walls, gates – Permitted development rights allow new fences, walls and gates provided they are no higher than 1 metre if adjacent to a highway used by vehicles, or 2 metres high elsewhere. If you are replacing an existing fence, wall or gate, you can do so up to its former height, or the relevant 1 or 2 metre limits, whichever is the greater. These rights do not apply to fences, walls or gates surrounding or associated with a Listed Building, and there may also be added restrictions if you propose to demolish all or part of a fence/wall/gate in a Conservation Area.

Hard surfaces – New or replacement hard surfaces - for example patios, concrete or tarmac ground coverings - are permitted development irrespective of the ground area covered, provided they are not situated on land between the principal elevation of the house and a highway. If however a hard surface is to be installed between the principal elevation and a highway, it must be made of porous materials, or drain to a permeable or porous area, unless it has a surface area of less than 5 square metres.

Verandas, balconies and raised platforms (including decking) – If these structures are raised above ground level by more than 30 centimetres, they will require planning permission. If they are below this level, they will normally be permitted development provided they do not cover more than half of the property's curtilage.

Roof alterations – Loft conversions that make use of an existing roof space do not usually require planning permission. Dormer windows, alterations in roof pitch or ridge height **are not** classed as permitted development, and will need planning permission.

Replacing your roofing material will also not require planning permission, even if this is with a different material, provided that the roof pitch or ridge/eaves heights are not altered.

Rooflights are usually permitted development if they do not protrude more than 15 centimetres beyond the existing roof plane and do not exceed the highest part of the roof. If, however, rooflights are created in a roof slope that forms a side-elevation of the property, they can only be permitted development if they are obscure glazed and non-opening (unless the opening part is more than 1.7 metres above internal floor level).

Chimneys and flues – Conventional chimneys or flues that are installed on a wall or roof slope which forms the principal or side elevation of the building, and that faces a highway (any way over which there is a public right of passage), will require planning permission. Elsewhere, they may be permitted development provided they do not project above the highest part of the roof by more than 1 metre.

Flues that form part of a biomass (e.g. woodchip boiler) or combined heat and power system will not require planning permission provided they do not exceed the highest part of the roof by more than one metre, irrespective of where on the property they are located.

Wind turbines - Domestic wind turbines, whether attached to the roof of a dwelling or freestanding within the curtilage, will normally require planning permission.

Ground source heat or water pumps - A ground-source heat or water pump installed within the curtilage of a dwellinghouse is usually classed as permitted development.

Solar panels

In all cases solar panels should, as far as is practicable, be installed in such a way as to minimise their visual impact upon the building and the wider locality. Failure to do so will result in planning permission being required. This normally means that the panels should be located where they are the least prominent, provided this does not impact significantly on their functionality. In addition to this requirement, the following criteria apply.

Roofs & walls - Photovoltaic or solar water heating panels on the roof or walls of your house, or of a domestic outbuilding, are usually permitted development provided they do not project beyond the plane of the roof or wall plane by more than 20 centimetres and do not protrude above the highest part of the roof (excluding a chimney). If, however, your property is within a [Conservation Area](#) and the panels are installed on a wall that is visible from a highway, planning permission will be required (but they can still be permitted development if they are installed on the roof of a property in a Conservation Area). Solar panels installed on a building within the curtilage of Listed Building will also require planning permission.

Stand-alone - Where a proposal involves the installation of a stand-alone solar installation (mounted on the ground or a plinth) within the curtilage of a dwellinghouse, planning permission will not normally be required if there is only one installation within the curtilage. Size limitations also apply - they must not exceed 4 metres in height, must not come within 5 metres of any of the property's boundaries and must not have a surface area of more than 9 square metres or measure more than 3 metres in any one dimension. If your property is in a [Conservation Area](#), they should also not be visible from any highway. Finally, stand alone installations are not permitted development if they are within the curtilage of a Listed Building.

Fuel tanks – Provided a fuel tank is to be used for domestic heating purposes only, and has a capacity of no more than 3,500 litres, it will be permitted development provided:

- It doesn't cover more than half of the curtilage (garden/yard area immediately surrounding the house);
- It isn't situated on land that is further forward than the principal elevation of the house;
- It would have an overall height of no more than 3 metres or, if it is within 2 metres of one of the property's boundaries, it must not exceed 2.5 metres in height;
- It isn't within the curtilage of a Listed Building;

Satellite dishes – A satellite dish will not be permitted development if it faces onto and is visible from a highway (ie. any way over which there is a public right of passage). Elsewhere, dishes may be permitted development provided:

- There are no more than two dishes on the property;
- The dish(es) are no higher than the highest part of the roof where there is no chimney. If a chimney is present, they must be no higher than the top of a chimney, (or 60 cm above the ridge – whichever is lower);
- Single dishes measure no more than 100cm in any one dimension, or where two dishes are present, the first is no more than 100cm and the second is no more than 60cm.

Changes of use

If you wish to change the way in which a domestic property and the land or buildings surrounding it are used, planning permission may be required. Whether or not a change of use has taken place is not always a straightforward matter, and will often depend on the particular circumstances of a case, including the nature and intensity of different uses. This is why you should **always seek advice from the Authority before proceeding**.

The following are some examples of where a change of use connected with a residential property may take place:

Converting existing buildings

Converting existing buildings, for example, adapting a garage or domestic store to create additional living accommodation, may not require planning permission. The following requirements do however need to be satisfied:

- In all cases the building must be within the domestic curtilage of the property (so buildings that are on land used as farmyards, allotments, or other non-residential uses will not qualify);
- The building must currently be used in association with the main house, for example as a garage or domestic store – barns that have an agricultural use will not qualify, nor will buildings used for commercial purposes;
- The proposed use is a domestic one, not commercial or non-residential;
- The proposed use must be ancillary to the main house, so should not be capable of operating independently from it. Converting a building to create a study, an additional guest bedroom or gym would normally be capable of being ancillary to the main residential use. Self-contained annexes however, that are of a size and have the type of facilities/accommodation to support independent occupation, will not normally be considered as ancillary to the main house;
- The building must not have a planning condition attached requiring it to be retained for a particular use. This is sometimes the case with garages, where retention for car parking is required, for example where there are concerns about on-street parking. Such a condition would be attached to a previous planning permission, and we can check our records to see if this is the case. Where such a condition exists, you will need to apply for planning permission to convert your garage.

Extending your garden

If you wish to extend your garden into adjoining land, for example an agricultural field, this will be a change of use requiring planning permission.

Uses of Gardens, Yards, Driveways etc.

The use of the curtilage of your property for domestic purposes does not require any planning permission, whether this be as garden, play space for children, or storing bins, vehicles, or a caravan etc. These are all incidental or ancillary uses of land, so are integral to the residential use of the whole property.

You can also use a caravan parked within your curtilage for domestic storage purposes or as additional living accommodation, provided it is not used as an independent residential unit (i.e. any occupants must not reside solely in that caravan, and must continue to form part of the main household).

If a use became non-domestic in nature, planning permission is likely to be required. Using your garden/yard to store business vehicles and equipment may also require permission where this alters the residential character of the property.

Running a business from home

This may involve a change of use depending on circumstances. If, for example, you intended to use your garage as a workshop in connection with your business, generating visitors to the property and additional noise, this is likely to involve a change of use. If however you are merely using your study to work from home and this would not result in a noticeable difference to the residential character of the property, it is unlikely that planning permission would be required.

Running a bed & breakfast operation

Again, much will depend on the degree of use and whether this alters the residential character of the property. If, for example, a property has five rooms, only one of which is let for bed and breakfast purposes, and there is little noticeable difference in the residential character of the property, it is unlikely that a change of use would result. If, however, three or four of these rooms were let out, the dominant use of the property alters and is likely to require planning permission. Other factors such as the adequacy of parking provision and impact upon neighbours are also likely to influence a decision about whether a change of use will take place.

Subdividing your property

If you wish to subdivide your property into two or more self-contained units, planning permission will always be required. This would not apply if you were using a room for a lodger, provided you all live together as one household. Were you to divide off part of your house as a self-contained bedsit, or to sublet part of it to a separate household, this is likely to involve a change of use. Combining two existing self-contained dwellings into one is not however considered as a change of use and will not normally require planning permission.

How can I check if planning permission is required?

You should always obtain written confirmation from the Authority of whether planning permission is required or not. In order to help ensure that we have all the information we require to make this judgement, we have produced [householder enquiry forms](#) for you to complete.

Please note that these enquiry forms do not constitute a planning application. They are simply there to enable us to provide you with advice. We can offer an informal opinion on whether permission is required, and confirm this in writing free of charge.

If, however, you wish to obtain formal confirmation that your proposal is permitted development, you will need to submit an application for a Certificate of Lawfulness for a Proposed Use or Development. These are formal applications that take around eight weeks to be decided and require a fee.

Carrying out works without the appropriate planning permissions will render you liable to enforcement action by the Authority. Always check with us first.

Other consents

Whether or not planning permission is required for your proposal, you may require a number of other consents. Below are some common examples:

- Listed Building Consent – If your property is Listed, many alterations and extensions, including internal works, will require Listed Building Consent from the Authority. Please note that where a building is Listed, the whole structure and any buildings or structures associated with it are too;
- Conservation Area Consent – Demolition of structures, walls or other means of enclosure within a designated [Conservation Area](#) may require Conservation Area Consent from the Authority. Please note that consent may be required even if demolition is only partial;
- Advertisement Consent – Signage or other advertisements may require separate consent. There are some exemptions, for example small house name plaques, house numbers, 'beware of the dog' or 'no parking' type signs. Estate Agents' for sale signs are also normally exempt from advertisement control – please check with the Authority for further details;
- Building regulations – Craven, Richmondshire and South Lakeland District Councils oversee the Building Regulations, which are concerned with the health and safety aspects of building works and appropriate standards of building design and construction. There are some exemptions from the need for Building Regulations approval for minor developments in the same way as there are for planning permission. You should, however, always check with your relevant District Council whether approval will be required.

- Works to protected trees – Works to trees that are the subject of a Tree Preservation Order (TPO) or that are within a designated [Conservation Area](#) are likely to require approval from the Authority;
- Rights of Way – The Authority is responsible for the management of public rights of way within the National Park. Where development will affect a public right of way, it may be necessary for the Authority to issue a temporary closure order. Please contact our Access & Recreation Team for further advice.
- Protected habitats – Separate legislation protects some species and their habitats from disturbance or destruction, for example bats which may be roosting in your roof space or an outbuilding. Please contact our Wildlife Conservation team for further advice.
- Highways Authority – If you want to create an access from an adopted road, or otherwise carry out any works that would affect such a road (e.g. kerb dropping), you will need to obtain the consent of the relevant Highways Authority (either North Yorkshire or Cumbria County Council). The Highways Authority is also responsible for drainage within the bounds of any highway.
- Party walls – Works to a common wall or boundary, or excavations close to neighbouring buildings are subject to the provisions of the Party Wall Act. Where this is the case, you will be required to inform adjoining owners of the works and ensure that they do not cause unnecessary inconvenience.
- Environmental consents – If you intend to carry out works close to a designated watercourse, you may require consent from the Environment Agency. If you intend to abstract water from, or discharge into a watercourse, or carry out waste disposal operations, you may also require consent from the Environment Agency.
- Environmental health - Craven, Richmondshire and South Lakeland District Councils are in charge of a wide range of public health regulations including air quality, noise pollution, land drainage, food safety, pest control and contaminated land.
- Sewers and drains – Public sewers are normally the responsibility of your local waste disposal company, typically Yorkshire Water or United Utilities. The same bodies are also normally responsible for public water supply. If you need to connect to a public sewer, or obtain a water supply, you should contact these bodies. Some drains are privately owned, while others are the responsibility of a variety of bodies, including local District and County Councils.
- Covenants – Regardless of the need for planning permission, there may be restrictions within the title deeds or tenancy agreement for your property that preclude certain activities or works. These matters are not subject to planning law and you may wish to consult a solicitor for further advice.

What if I need Planning Permission?

Even if your proposal requires planning permission, this is not to say that it will not be acceptable. It just means that it will need to go through the planning application process to be formally considered by the Authority. Our Planning Officers will help you to draw up a proposal that has the best chance of getting planning permission and as a result a large majority of applications in the National Park are approved. Further advice about applying for planning permission is contained in a separate advice note 'The Planning Application Process'.

Where can I find out more?

You can find more information about planning in general from the Government's [Planning Portal](#) website. This includes a specific section on the [requirement for planning permission](#) together with an [interactive house guide](#) that gives a visual representation of the types of developments that require permission.

Contact details

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Websites

Yorkshire Dales National Park Authority: www.yorkshiredales.org.uk

Planning Portal: www.planningportal.gov.uk

Planning Inspectorate: www.planning-inspectorate.gov.uk

Local Government Ombudsman: www.lgo.org.uk

Environment Agency: www.environment-agency.gov.uk

Richmondshire District Council: www.richmondshire.gov.uk

Craven District Council: www.cravencdc.gov.uk

South Lakeland District Council: www.southlakeland.gov.uk

North Yorkshire County Council: www.northyorks.gov.uk

Cumbria County Council: www.cumbria.gov.uk