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**DARLINGTON GOLF CLUB, PROPOSED ACCESS**

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**Responsible Cabinet Member - Councillor Stephen Harker  
Efficiency and Resources Portfolio**

**Responsible Director - Paul Wildsmith, Director of Resources**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To approve the grant of an easement to Darlington Golf Club to allow them to create a new access across Council owned land at Sparrow Hall Drive to the Golf Club and Elm Tree House farm.

**Summary**

2. Darlington Golf Club wish to build a new access from Sparrow Hall Drive across Council owned land (shown hatched on the **attached plan**) to their existing access instead of using Green Lane which is narrow and in poor condition.
3. Outline planning permission for the new access has been approved by the Planning Applications Committee subject to the Golf Club entering into a S106 agreement to close off Green Lane, despite objections from residents of Whinfield, and terms have been provisionally agreed for the grant of an easement in perpetuity which will allow the Golf Club and the owner of Elm Tree House farm to create and use the new access.

**Recommendation**

4. It is recommended that the grant of an easement in perpetuity to the Golf Club and the owner of Elm Tree House farm be approved on the terms detailed in this report.

**Reasons**

5. The recommendation is supported by the following reasons :-
  - (a) To facilitate provision of a better access to Darlington Golf Club;
  - (b) To put the Council in the best position to be able to control any future residential development of Elm Tree House farm.

**Paul Wildsmith  
Director of Resources**

## Background Papers

No Background papers were used in the preparation of this report.

Richard Adamson : Extension 2737

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Well Being	There are no Health and Well Being Issues
Carbon Impact	There are no sustainability issues
Diversity	There are no diversity issues
Wards Affected	Haughton West
Groups Affected	Not Applicable
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	There are no issues adversely affecting the Community Strategy
Efficiency	A capital receipt from the grant of a right of access would help the Councils budget.

## MAIN REPORT

### Information and Analysis

6. The existing access to Darlington Golf Club and Elm Tree House farm is via Green Lane off Whinfield Road. Whilst the surface of Green Lane is metalled it is narrow and badly potholed with limited space for vehicles to pass. It is not adopted as public highway although it is a public bridleway. The proposal does not relate to Green Lane but relates to a new access on Sparrow Hall Drive.
7. Darlington Golf Club initially asked the Council to improve Green Lane but this is not possible because the ownership of the Lane is unknown. A Land Registry search has revealed that there is no registered owner of the land; however, there is a caution registered by Theakston Estates. A caution is not a registration of ownership. It is a means to trigger notification to the person who lodged the caution when an application for first registration is made. The Land Registry does not have any details of what interest Theakston Estates are claiming in the land. Enquiries are underway to find this out from Theakston Estates' solicitor, but it could be, for example, a right of way over the land.
8. Subsequently the Golf Club requested that it be allowed to form a new access from Sparrow Hall Drive, across a small piece of land owned by the Council, shown hatched on the **attached plan**, and then to tie in with their existing access where they do have ownership. The Golf Club have stated that both they and the owner of Elm Tree House Farm will be prepared to give up any rights that they may have over the lower part of Green Lane so that their existing access can be blocked up at the point where it leaves Green Lane in order to stop any traffic using Green Lane accessing Sparrow Hall Drive.
9. The Golf Club submitted a planning application for their proposed access road which has recently been approved by the Planning Applications Committee subject to the Golf Club entering into a S106 Agreement to close off Green Lane. If the closure of the Lane cannot be achieved by the Golf Club through an Agreement then the matter may have to be reconsidered by the Planning Applications Committee. The Council as Highway Authority with responsibility for the bridleway has powers to install bollards irrespective of the ownership, or alternatively the bollards could be installed off Green Lane on land owned by the Golf Club.
10. Now that the Planning Applications Committee are minded to grant planning permission the Golf Club are pressing for a right of access across that part of the land which is owned by the Council.
11. It is considered that if the Council does not grant a right of access to allow the Golf Club to build the new access then they could open negotiations with the adjacent landowner, to take access over their land instead.
12. Further, if the Council does grant a right of access to the Golf Club, it will be possible to place covenants on the agreement restricting use to reasonable use of the Golf Club and Elm Tree House farm, thus giving the Council a degree but not complete of control over any future development on Elm Tree House farm.

## **Proposed Terms**

13. In informal negotiations the Golf Club have provisionally agreed to pay £25,000 together with the Councils reasonable legal and surveyors costs for an easement in perpetuity which will allow them and the owner of Elm Tree House Farm to build and use the new access road but with covenants preventing use of the road for access to any substantial residential or commercial development of the Golf Club or Elm Tree House farm.

## **Outcome of Consultation**

14. Consultations carried out under the planning process elicited many objections from residents of Whinfield however these were considered by the Planning Applications Committee and planning permission has been approved.