



**DARLINGTON**

Borough Council

# Planning Applications Committee Agenda

1.30pm, Wednesday, 19 October 2022

Council Chamber, Town Hall, Darlington DL1 5QT

**Members of the Public are welcome to attend this Meeting.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meetings of this Committee held on 29 June 2022 and 7 September 2022 (Pages 5 - 12)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 13 - 14)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 15 - 16)
  - (a) Westholme Farm, Walworth Road, Heighington, Darlington (Pages 17 - 32)
  - (b) 30 Church Row, Hurworth, Darlington (Pages 33 - 42)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

**PART II**

8. Notification of Decision on Appeals –

The Chief Executive will report that the Inspectors appointed by the Secretary of State for the Environment have: -

Dismissed the appeal by Mr Liam Coates against this Authority's decision to refuse permission to undertake work to trees protected by a Tree Preservation Order (crown lift 3 Beach trees to 5m) at 16 Cardinal Gardens, Darlington, DL3 8SD (20/01163/TF) (Copy of Inspector's decision letter enclosed)

Dismissed the appeal by Mr Sharif Hunashi against this Authority's decision to refuse permission for the proposed is the installation of garden fence around front and side of property (behind existing brick wall). At 51 Neville Road, Darlington, DL3 8HZ (22/00437/FUL) (Copy of Inspector's decision letter enclosed)

Dismissed the appeal by Mrs Lesley Horner against this Authority's decision to refuse consent for the felling of 1 Pine tree (T1), (T62PINEA) protected under Tree Preservation Order (no. 3) 1962 at 12 Cardinal Gardens, Darlington DL3 8SD (20/00678/TF) (Copy of Inspector's decision letter enclosed)

**RECOMMENDED** – That the report be received.  
(Pages 43 - 52)

9. Notification of Appeals –

The Chief Executive will report that :-

Mr Sean Taylor has appealed against this Authority's decision to refuse permission for the Erection of detached double garage to front of property at 21A Merrybent, Darlington, DL2 2LB (22/00686/FUL)

Mr Simon Cavanagh has appeal against this Authority's decision to refuse permission for the Erection of 1 no. residential dwelling with associated works at 219 Carmel Road North, Darlington, DL3 9TF (21/01134/FUL)

**RECOMMENDED** – That the report be received.

### PART III

#### EXCLUSION OF THE PUBLIC AND PRESS

10. To consider the Exclusion of the Public and Press –

**RECOMMENDED** - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.

11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 7 October 2022 (Exclusion Paragraph No. 7) –  
Report of the Chief Executive  
(Pages 53 - 60)
12. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
13. Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Tuesday, 11 October 2022**

**Town Hall**  
**Darlington.**

**Membership**

Councillors Allen, Bartch, Cossins, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, Lister, McCollom, Sowerby and Tait.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: [paul.dalton@darlington.gov.uk](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805

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## PLANNING APPLICATIONS COMMITTEE

Wednesday, 29 June 2022

**PRESENT** – Councillors Cossins, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, McCollom and Tait.

**APOLOGIES** – Councillors Allen, Bartch and Heslop.

**ABSENT** – Councillors Lister and Sowerby.

**ALSO IN ATTENDANCE** – Councillor Snedker.

**OFFICERS IN ATTENDANCE** – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)) and Paul Dalton (Elections Officer).

### PA1 APPOINTMENT OF CHAIR FOR THE PURPOSES OF THIS MEETING ONLY

**RESOLVED** – That Councillor Mrs. D. Jones be appointed Chair for the purposes of the meeting only.

### PA2 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA3 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p><b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
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### PA4 QUEEN ELIZABETH SIXTH FORM COLLEGE, VANE TERRACE, DARLINGTON, DL3 7AU

**21/01438/FUL** – Erection of additional accommodation level above the existing two storey side extension (for existing students and a projected increase in students at the College from 2096 to 2329) comprising of 4 no. classrooms, 2 no. break out/other work areas, circulation spaces, storage and roof access and associated alterations (additional information and amended Travel Plan received 20 April 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), 14 letters of objection received, the views of the Council’s Environmental Health Officer, Highways Engineer, Travel Plan Officer and Sustainable Transport Officer, and the views of the Applicant and the Ward Councillor, whom the Committee heard).

**NOTE:** During discussion, the Principal for the Queen Elizabeth Sixth Form College indicated that he would be happy to enter into a unilateral undertaking to pay £25K to the Council for the provision of a crossing point at a location to be agreed on Stanhope Road North.

**RESOLVED** – That Planning Permission be granted subject to the following conditions:

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below
  - a. Drawing Number 18457.103b Rev A – Elevations as Proposed
  - b. Drawing Number 18457.101 Floor Plans as Proposed
  - c. Drawing Number 18457.102 Roof Plan as Existing and Proposed
  - d. Drawing Number 18457.104 Cross Section as Existing and Proposed
  - e. Drawing Number 18457.105 Site Plan as Existing and Proposed Location Plan

**REASON** – To ensure the development is carried out in accordance with the planning permission

3. Prior to the commencement of the development, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
  - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
  - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.
  - c) Construction Traffic Routes, including parking areas for staff and visitors.
  - d) Details of Contractor Parking and Compound
  - e) Pedestrian Routes
  - f) Details of wheel washing.
  - g) Road Maintenance.
  - h) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

**REASON** - In the interests of highway safety and the amenity of the surrounding area.

4. Prior to the occupation of the proposed development, precise details of a scheme to

provide 15 staff parking spaces at appropriate locations to the college site shall be submitted to and agreed' in writing, by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the development and remain in situ during the lifetime of the development. The scheme may be amended by agreement in writing by the Local Planning Authority.

**REASON** - In the interests of highway safety and to increase parking provision for the College.

5. The development shall not be carried out otherwise than in accordance with the submitted and approved Travel Plan which is a long-term management strategy for the QE Sixth Form College site. The Plan shall be regularly reviewed and monitored for the lifetime of the Plan by the Queen Elizabeth Sixth Form College in conjunction with Darlington Borough Council to ensure it continues to achieve its objectives.

**REASON** - In order to minimise the negative impacts of traffic as result of the proposed development and facilitate and promote the use of alternative sustainable transport.

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**PLANNING APPLICATIONS COMMITTEE**

Wednesday, 7 September 2022

**PRESENT** – Councillors Allen, Bartch, Cossins, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, McCollom, Sowerby and Tait

**APOLOGIES** – Councillors Lister.

**OFFICERS IN ATTENDANCE** – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

**PA17 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at the meeting.

**PA18 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 13 JULY 2022**

**RESOLVED** – That the Minutes of this Committee held on 13 July 2022 be approved as a correct record.

**PA19 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.  <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
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**PA20 LAND AT REAR OF HIGH STELL, MIDDLETON ST GEORGE, DARLINGTON (22/00503/FUL)**

**22/00503/FUL** – Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (phasing) attached to planning permission 17/01151/RM1 dated 14 March 2018 (Reserved matters relating to details of access, appearance, landscaping, layout, and scale, for residential development of 198 no. dwellings pursuant to outline planning permission 15/00976/OUT dated 01 July 2016) to remove reference to the house build trigger point.

**RESOLVED** – That consideration the application be deferred to a future meeting of this Committee to enable a further Traffic Survey to be undertaken.

**PA21 LAND AT REAR OF HIGH STELL, MIDDLETON ST GEORGE, DARLINGTON (22/00501/CON)**

**22/00501/CON** - Part Approval of condition 9 (CMP) attached to planning permission 15/00976/OUT dated 01 July 2016 (Outline planning permission for residential development up to 200 dwellings including highway improvements, public open space, landscaping, and

associated works).

**RESOLVED** - That consideration the application be deferred to a future meeting of this Committee to enable a further Traffic Survey to be undertaken.

**PA22 15 HIRST GROVE, DARLINGTON, DL1 4NX**

**22/00673/CU** - Change of use from single dwelling (use class C3) to holiday lets/serviced accommodation for short and long term let (use class C1).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), seven letters of objection received, and the views of the Applicant, whom the Committee heard).

**RESOLVED** – That Planning Permission be granted subject to the following conditions :

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

Site Location Plan  
Appendix 3A Layout Plan

**REASON** - To ensure the development is carried out in accordance with the planning permission.

3. The property shall only be let as a single booking at any one time (also known as 'entire household let') with a maximum of six residents per booking, unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – In the interests of residential amenity and highway safety.

4. The owners/operators of the accommodation shall maintain an up-to-date register of the details of all bookings made and shall make this information available at all reasonable times to the Local Planning Authority.

**REASON** - To allow records to be made available to assist in any monitoring of condition (3) of this planning permission).

**PA23 NOTIFICATION OF DECISION ON APPEALS**

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment had :-

Dismissed the appeal by DACR Design against this Authority's decision to refuse permission for the Demolition of garage block (four garages) and construction of 1 No. two bed residential dwelling (Class C3) incorporating the existing two storey dovecote, and the creation of a courtyard/garden at 63 Woodland Road, Darlington, DL3 7BQ (20/01213/FUL).

Dismissed the appeal by Mr William Gate against this Authority's decision to refuse permission for the change of use of land to Use Class B8 storage and/or distribution (noting this class includes open air storage) at Former Coal Depot Site Melland Street, DARLINGTON (21/00721/CU).

Allowed the appeal by Mr Donald Jones against this Authority's decision to refuse consent for the felling of 1 no. pine tree (T1) protected under group Tree Preservation Order (No3) 1962 G1at 225 Carmel Road North, Darlington, DL3 9TF (21/00497/TF).

Dismissed the appeal by CK Hutchison Networks (UK) Ltd against this Authority's decision to refuse prior approval for the installation of 5G telecoms equipment including 15m high slim-line Phase 8 H3G street pole c/w wrap around cabinet, 3 no. cabinets and ancillary work at Land Adjacent to Albert Hill Roundabout, Darlington DL1 1JL (21/01189/PA).

**RESOLVED** – That the report be received.

#### **PA24 NOTIFICATION OF APPEALS**

The Chief Executive reported that :-

Mr Sharif Hunashi had appealed against this Authority's decision to refuse permission for Erection of 1.9 m fence to front and side, behind existing 65 cm wall at L51 Neville Road, Darlington, DL3 8HZ (22/00437/FUL).

Town & Country Advertising Limited had appealed against this Authority's decision to refuse permission for Display of 2 no. internally illuminated LED digital display sign boards at Land at Former Dainton Business Park, Yarm Road, DARLINGTON (22/00398/ADV)

Mr and Mrs Brunton had appealed against this Authority's decision to refuse permission for Works to 1 no. Ash protected by Tree Preservation Order 1986 (No.4) - prune back over hanging branches to clear telephone wires and house at Garden Cottage, Low Middleton Hall, Low Middleton, Middleton St George, Darlington, DL2 21AX (22/00575/TF).

**RESOLVED** – That the report be received.

#### **PA25 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

#### **PA26 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 26 AUGUST 2022 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA16/July/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 26

August 2022

**RESOLVED** - That the report be noted.

When the time comes for the application to be considered, the Chair will use the following running order:

[This order may be varied at the Chair's discretion, depending on the nature/complexity of the application. The Chair will endeavour, however, to ensure that the opportunity to make representations are made in a fair and balanced way.]

- Chair introduces agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak;
- Members may question applicant/agent;
- Up to 3 objectors may speak
- Members may question objectors;
- Up to 3 supporters may speak
- Members may question supporters;
- Parish Council representative may speak;
- Members may question Parish Council representative;
- Ward Councillor may speak;
- Officer summarises key planning issues;
- Members may question officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

**Committee Date – 19 October 2022**

**SCHEDULE OF APPLICATIONS FOR CONSIDERATION**

**Background Papers used in compiling this Schedule:-**

- 1) Letters and memoranda in reply to consultations.**
- 2) Letters of objection and representation from the public.**

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**Index of applications contained in this Schedule are as follows:-**

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<b>Address/Site Location</b>	<b>Reference Number</b>
Westholme Farm Walworth Road, Heighington, Darlington	22/00294/FUL
30 Church Row Hurworth, Darlington	22/00788/FUL

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## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE: 19 October 2022**

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<b>APPLICATION REF. NO:</b>	22/00294/FUL
<b>STATUTORY DECISION DATE:</b>	21 October 2022
<b>WARD/PARISH:</b>	Heighington And Coniscliffe
<b>LOCATION:</b>	Westholme Farm, Walworth Road HEIGHINGTON DARLINGTON DL2 2TU
<b>DESCRIPTION:</b>	Change of use from agricultural land to touring caravan and camping site for 16 pitches with the erection of a toilet & shower block. Alterations to site entrance, boundary treatments, landscaping and other associated works (Retrospective Application) (amended plans received 22 August 2022)
<b>APPLICANT:</b>	Mr Ray Glasper

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

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Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

#### APPLICATION AND SITE DESCRIPTION

1. Westholme Farm occupies approximately 5.15 hectares of land to the south west of Heighington Village. A former agricultural building, now in residential use and known as South Barn, is located on the north boundary of the application site and a new residential development on the southern edge of Heighington Village is located beyond.
2. The majority of the land within the wider application site is in agricultural use but the site also consists of the farmhouse, domestic garage and garden space and former

agricultural buildings which are used for light industrial and office purposes. The site has recently been the subject of planning applications, both of which have been granted, subject to planning conditions:

- 22/00234/FUL - Change of Use of land and buildings from agricultural to light industry/office (steel fabrication)(Use Class Eg (iii)) incorporating removal of 2 no. storage containers, alterations to existing building including erection of extensions to west and north elevations, construction of mezzanine floor, subdivision of building to workshop and office areas and addition of windows and doors. Erection of detached light industry building, formation of hardstanding areas, additional boundary treatment and associated works (Part Retrospective)
  - 22/00487/FUL - Erection of two storey extensions to front, sides and rear of dwelling, and erection of porch (part retrospective) to front elevation, alterations to windows. Removal of existing garage/store and erection of replacement detached double garage with storage and change of use agricultural field into domestic use (Additional Bat Survey and amended plans received 10 August 2022)
3. One of the fields (approximately 0.95ha) located to the north of the farmhouse has been used for camping purposes for five caravans and 10 tents since at least 2017. When this activity was investigated by the Local Planning Authority in 2017, it was confirmed the Camping and Caravanning Club had obtained an exemption certificate issued under paragraph 5 of the First Schedule of the Caravan Sites and Control of Development Act 1960 and Section 269 of the Public Health Act 1936. This waives the need to apply for planning permission for any change of use and issues guidelines that the site must be run under to comply with this certificate. The site is not leased to the Camping and Caravanning Club but simply limits users of the site to people who are members of the same club. They also limit the number of caravans to 5 and tents to 10 at any one time to stay within these guidelines and the site has previously operated in this manner.
  4. This means that the site has a legal fallback position to continue operating in accordance with the above, and there are no restrictions on the number of days and months that it can operate.
  5. However, the applicant has advised that the general trend over the last few seasons has been towards visitors with caravans and much less to those with tents, with constant request from the visitors for more capacity for the caravans. The applicant is looking to increase the number of caravans to tent ratio on site in agreement with the Camping and Caravan Club's rules and increase the number of pitches from 15 to 16 and therefore planning consent for the change of use to the land is now required hence the submission of this planning application. As part of this planning application, the following associated works are included:

- Alteration of the entrance way into Westholme Farm off Walworth Road (retrospective)
- Installation of various boundary treatments and landscaping details to separate the caravan & camping site from the rest of the farm (retrospective)
- Erection of a toilet and shower block with washing facilities and cess pool (retrospective)

### **MAIN PLANNING ISSUES**

6. The main planning issues to be considered here are whether the proposed change of use is acceptable in the following terms
  - a. Planning Policy
  - b. Impact on the Character and Visual Appearance of the Local Area
  - c. Highway Safety, Parking Provision and Connectivity
  - d. Residential Amenity
  - e. Ecology
  - f. Land Contamination
  - g. Flood Risk and Drainage
  - h. Nutrient Neutrality

### **PLANNING POLICIES**

7. The relevant local development plan policies are set out below:

#### **Darlington Local Plan (2016-2036)**

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

E4: Economic Development in the Open Countryside

ENV3: Local Landscape Character

ENV4: Green and Blue Infrastructure

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Biodiversity

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

#### **Other relevant documents**

National Planning Policy Framework 2022

### **RESULTS OF TECHNICAL CONSULTATION**

8. The Council's Ecology consultant and Environmental Health Officer have not raised any objections to the principle of the use.

9. The Council's Highways Engineer and Transport Policy Officer have noted that there is no pedestrian footway from the site, along Walworth Road and into Heighington Village but they have not objected to the planning application.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

10. Objections have been received from three households following the Council's notification and publicity exercises. The comments can be summarised as follows:

- *Noise levels going into the early hours of the morning*
- *Large groups of campers cutting through the housing estate to get to the village especially late at night*
- *Use of quad bikes and off road motorbikes*
- *Drones being operated and flown across gardens*
- *Cars revving engines and playing loud music*
- *Excessive noise when the field is full*
- *Any application will only add to problems*
- *The application is a gross extension of the former use of this land*
- *Closeness to properties makes the application unacceptable*

## **PLANNING ISSUES/ANALYSIS**

### **a) Planning Policy**

11. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2021) supports the plan led system providing that planning decisions should be "genuinely plan-led" (NPPF para 15).
12. The planning application site is located beyond the development limits of Heighington and is therefore not within any of the defined settlements defined by the Policies Map of the Local Plan. The site is therefore identified as being within the 'open countryside'.
13. Policy E4 of the Local Plan provides in principle support for the sustainable growth and expansion of all types of businesses located in the open countryside including the development and diversification of agricultural and other land-based rural businesses subject to a range of criteria.
14. Part B i of Policy E4 states that new static and touring camping sites should be sited and screened through topography and/or vegetation in order to minimise visual impact. The materials and colours of the associated site services and infrastructure should blend with its surroundings. It also states that all sites should have good access to the road and footpath network and will be subject to conditions to prevent the permanent occupancy of the site.
15. This Report will assess the proposal against policy E4 of the Local Plan along with all other relevant policies and material planning considerations.

**b) Impact on the Character and Visual Appearance of the Local Area**

16. The character of the existing site is a mix of agricultural fields, the domestic farmhouse, outbuildings which have been converted to light engineering uses and a field for camping and caravanning. The proposal would not alter the existing character of the site other than changing the mix of visitors arriving via car to camp in a tent or staying in a caravan or motorhome.
17. The field which is the subject of the planning application and where the camping takes place is well screened from Walworth Road by existing trees and hedging on the highway boundary and also by an internal field boundary on its eastern boundary.
18. The field remains grassed (no hardstanding areas at the pitches) with electric and water points at each pitch.
19. The amenity block is located at the entrance to the field, adjacent to the access gates and parking areas. The building is single storey clad with horizontal timber boards with the roof finished in corrugated steel roofing sheets (dark grey). The post and rail fencing matches that already on site and close boarded fencing is approximately 2m high. The new entrance gates are close boarded hung from stone pillars (2.1m high) with a dwarf wall curving to Walworth Road from the southern stone pillar.
20. Whilst being well set back in the site, these structures and hardstanding areas are visible from Walworth Road at the access point, but the existing hedging and trees do provide good screening when viewed from the wider area and vantage points. These works are quite well visually related to the farmhouse, the outbuildings and the campsite field to create a grouping of buildings and activities located centrally within the wider setting of agricultural fields.
21. Overall, the continued use of the field for the stationing of caravans, motor homes and/or tents and the associated physical works do not have an adverse impact on the character and appearance of the site of the local area. The development would accord with policies DC1, ENV3 and E4 of the Local Plan in this regard.

**c) Highway Safety, Parking Provision and Connectivity**

22. Access to the campsite is via the main entrance off Walworth Road. The entrance to the camp site is approximately 25metres from the main site entrance via a set of double gates to the north of a parking/turning area. The access is sufficiently wide to enable two-way passage of vehicles including cars and caravans thereby addressing any conflict between incoming and outgoing vehicles and mitigating the requirement to reverse onto the public highway. The internal gates are also set well back into the site enabling vehicles to pull full clear of Walworth Road and access manoeuvring space to turn.
23. A desk top study of the site access and local highway conditions on Walworth Road would suggest that available visibility is below the recommended standard for a 60mph road, however it is expected that actual recorded traveling speeds would be lower than the national speed limit particularly traffic in the southbound direction, owing to the

bends located to the north. Visibility southbound is approximately 180m with northbound visibility limited to approximately 70m. This would equate to traveling speeds of 90kph and 50 kph respectively.

24. Traffic movements associated with developments of this nature are typically 'off peak' and given that the site consist of just 16 pitches, it is not considered to have any material impact on the local highway network, where approximately 4 vehicles movements would be expected in the peak hour. No further assessment of traffic impact is required.
25. A review of the past 5 years of Police accident data shows that there have been no recorded personal injury collisions on Walworth Road over the most recent 5 year period.
26. Whilst an intensification of use from any rural access is not necessarily a recommendation where visibility standards are not robustly evidenced via actual recorded speed surveys, it is acknowledged that there is a fallback position for the applicant, where the pitches can be used without the requirement for planning permission. Given this fallback position it is not considered to demonstrate an intensification of use, rather to change the mix of visitors arriving via car to camp in a tent towards greater occupation of visitors staying in a caravan or motorhome. Where no significant increase in numbers of visitors are demonstrated It would be difficult to recommend refusal on highway safety grounds.
27. The parking area to the righthand side of the entrance would be used mainly for short term visitors / postal deliveries. All guests to the campsite would park their vehicles adjacent their assigned pitches. In the unlikely event that a guest wants to park away from their pitch there is a footpath and pedestrian gate behind the toilet block giving direct access to the area.
28. Paragraph 85 of the National Planning Policy Framework 2021 advises that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
29. The application site is not accessible by bus as there are no bus stops within 400m and there is no safe pedestrian access route from the site into Heighington Village. It is evident that the site will be accessed primarily by private vehicles (motorhomes/cars with caravans) due to the very nature of the proposed use. No separate cycle parking areas would be provided within the site, but the expectation is that anyone visiting the site would bring all of their possessions with them and parking for their cars / caravans

would be at the designated pitches. Any cycles they bring with them would be expected to be secured to either their cars or caravans with a suitable rack.

30. The only staff working the caravan site are the applicant and his wife and if they have cycles, these would be stored within their domestic garage and would therefore be covered and secure.
31. With regard to the lack of a pedestrian route from the site to Heighington Village, it is not possible to mitigate for this due to land ownership issues, financial viability and lack of space to create a route, the applicant could potentially install pedestrian warning signs along the route in conjunction with the agreement of the local highway authority.
32. As stated above, the very nature of the proposed use means that the site would be accessed by private vehicles. There is no pedestrian route from the site to the amenities located within Heighington Village and it is not possible to install such a route. As a result, the proposed use does not fully accord with Part B i) of Policy E4 of the Local Plan which states that all sites should have good access to the road and footpath network. However, Officers acknowledge the legal fallback position of the existing camping and caravan site which has been operating for a number of years without such access arrangement and could continue to do so, if this application is not successful. This fallback position is a material planning consideration. The Council's Highways Engineer and Transport Policy Officers have not recommended that the planning application be refused on such grounds.
33. In these circumstances, it is considered that the lack of a pedestrian route to Heighington Village (approx. 400m to the north) does not carry sufficient weight to recommend a refusal of planning permission and the fallback position is a strong material planning consideration to recommend approval in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004.

#### **d) Residential Amenity**

34. South Barn is located on the northern boundary of Westholme Farm, to the northeast of the field where the camping takes place. A new housing development on the edge of Heighington is located further beyond along with the remainder of the village. The surrounding areas to the east, south and west are predominately agricultural fields interspersed with farmhouses and buildings.
35. As stated, the field which is the subject of this planning application is already used for camping purposes and in a manner, which does not require planning permission. Should this planning application not be successful, the applicant could continue to use the field for such purposes.
36. The field where the caravans etc are located is quite well screened by existing trees and hedging from South Barn and Heighington Village, which is on an elevated ground level. It is considered that the continued use of the field for camping, albeit with possible

changes made to the type of camping, will not have an adverse impact on the nearest dwellings in terms of outlook or loss of privacy.

37. The main consideration is therefore noise and alleged antisocial behaviour.
38. The Council's Environmental Health Officer has advised that a noise complaint in relation to the site was registered in June 2022 which was brought to the attention of the applicant and to date no further complaints have been received. The Officer has raised no objections to the planning application but recommended the imposition of planning conditions relating to controlling the extent of land upon which camping takes place; that caravans/mobile homes etc are used for holiday purposes only and not as a person's sole residence and that the operators keep a register of occupiers of the caravans which must be available for inspection.
39. In response to the comments made by the objectors to the planning application, the application has advised that each camping unit will be provided with a guidance note containing all site rules. This will also be displayed in the amenity block and added to their website / Facebook page, so people know what to expect before booking. This would cover as a minimum:
  - General site rules, how to setup on a pitch, 5mph speed limit etc
  - Access and restricted area
  - 11pm curfew
  - Parking for visitors
  - Use of drones
  - Walking from site
40. There will also be "No Access" signs on the boundary fencing around the site however once the new hedges are planted on the north boundary, this should provide a further barrier.
41. With regards to complaints, the applicant has advised that they have a contact page on their website which includes the telephone number and email address, and they also have a Facebook page which has the same features.
42. There is CCTV in operation, and would the applicant would speak to people to address issues and then ask them to leave if they were not receptive to their requests. Anyone breaking the law by breaching antisocial behaviour away from the site, the applicant would support the police etc by providing video footage as evidence where requested.
43. It is evident that the applicant has existing measures relating to investigating any inappropriate actions of persons using the site and is also looking to strengthen them. Westholme farmhouse adjacent to the field is the applicant's family home. Officers do not consider that it is appropriate for the local planning authority to police activities on the site or control such matters via planning conditions especially as there are other bodies, including the applicant, that would investigate any noise and antisocial



behaviour matters. As stated above, this is a site where camping activities occur already and would continue to do so in its current form, should this planning application not be successful.

44. The only external lighting on the site is a low level security light on the amenity building.
45. The retrospective planning application (ref no: 22/00234/FUL) for the conversion and extension of the existing outbuildings on the site to light industrial uses included the submission of a noise impact assessment. The assessment noted that the camping and caravanning field is owned and operated by the same applicant. The planning permission was granted subject to a planning condition which restricted the hours of the use and operations which take place both inside and outside of the buildings. The occupants of the campsite would not be adversely affected by the other approved activities which occur on the wider site.
46. It is considered that in visual terms, the proposal will not harm the amenities of the neighbouring dwellings and with the measures to be adopted by the applicant outlined above, officers recommend that the planning application should not be refused on amenity grounds and it would comply with policies DC3 and DC4 of the Local Plan in this regard.

**e) Ecology**

47. The application site is not situated within a statutory designated site and there are no such sites within 2km. There are no UK priority habitats present within 500m of the application site boundary. An Ecology Report submitted in support of the planning application states that the application site consists of amenity grassland with hedgerows and trees forming the boundaries. The site is of negligible and moderate value to birds, bats and hedgehogs. The Report states that the site remains a functional campsite. The amenity building has not reduced the ecological value of the site nor has it affected the ecological receptors within the site. Electrical hook up points and associated underground wiring have been installed, back filled and topped with topsoil which has not had an adverse impact on any floral diversity. The Report concludes that overall the development will have a negligible impact on the ecological nature of the site and no further surveys are required.
48. When the amenity building was erected on site in approximately 2019, 9m of species poor hedgerow was removed to facilitate the building. The Report recommends that approximately 20m of species rich replacement hedgerow should be planted along the northern site boundary to mitigate for the loss. This can be secured by the use of an appropriate planning condition.
49. No further trees or hedges would be removed to facilitate the development.
50. The Council's Ecology Consultant has advised that the ecological report is sound, and the compensatory hedgerow planting will deliver biodiversity net gain as required by

policies ENV7 and ENV8 of the Local Plan and the National Planning Policy Framework 2022

**f) Land Contamination**

51. There are no historical former contaminative land uses in the vicinity and a Screening Assessment has been submitted with the planning application. Based on the information provided in the Assessment, Environmental Health are satisfied that the site is suitable for its intended end use and land contamination does not require any further consideration. The proposal accords with policy DC1 in this regard.

**g) Flood Risk and Drainage**

52. The site is located within Flood Zone 1, with a low risk of flooding (Policy DC2 of the Local Plan). The planning application states that surface water would be disposed by an existing water course and foul drainage is via an existing cess pool located in close proximity to the amenity building. The cess pool is a plastic tank and fully encased in concrete which has no maintenance requirements during its working lifetime. All drainage to the system is inspected periodically to ensure no leaks are present. Planned emptying is completed in times when the caravan site is in operation with a dedicated contractor available to empty when required. Waste is then disposed of to the local sewage works. The amenity building and cess pool were both installed in 2019.

**h) Nutrient Neutrality**

53. As the site has been operational as a camping and caravanning site with amenities prior to the Natural England advice on nutrient neutrality (March 2022), along with the fact this planning application is not increasing existing nutrient loads, the planning application falls outside of the scope of nutrient neutrality guidance.

**THE PUBLIC SECTOR EQUALITY DUTY**

54. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

55. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

**CONCLUSION AND RECOMMENDATION**

56. The application site is field adjacent to a farmhouse and other outbuildings (in commercial use) which has been used for the purposes of camping benefitting from an exemption certificate issued under paragraph 5 of the First Schedule of the Caravan

Sites and Control of Development Act 1960 and Section 269 of the Public Health Act 1936. This planning application has been submitted in order to increase the number of pitches within the field from 15 to 16 and allow the operator to accept a more mixed ratio of visitors camping at the site in a tent, in a caravan or motorhome.

57. The field could continue to operate under the above exemption certificate (catering for 5 caravans and 10 tents) should this planning application not be successful and this fallback position is a material planning consideration.
58. The planning application site is identified as being within the 'open countryside' but Policy E4 of the Local Plan provides in principle support for the sustainable growth and expansion of all types of businesses located in the open countryside including the development and diversification of agricultural and other land-based rural businesses subject to a range of criteria.
59. Policy E4 also states that new static and touring camping sites can be supported in the open countryside provided the site is well screened to minimise visual impact, blends with its surroundings. have good access to the road and footpath network and are subject to conditions to prevent the permanent occupancy of the site.
60. It is acknowledged that the site does not benefit from a safe, pedestrian footway to Heighington Village and therefore the proposal does not fully accord with policy E4. However, the fallback position, set out above, is also fully acknowledged by officers and it is a material planning consideration which allows the planning application to be recommended for approval in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004.
61. There are no highway objections in terms of access, traffic generation or parking provision and biodiversity net gain provisions have been secured as part of the planning application.
62. The comments made by the objectors have been acknowledged along with the response from the applicant in terms of campsite rules and how reports of antisocial behaviour can be registered and investigated. Officers consider that the planning process is not the appropriate method of controlling such on site matters in view of the response from the applicant and there being other legislation and bodies that can be used to investigate matters.
63. Overall, it is considered that the use of the field for the proposed purposes is acceptable and the planning application is recommended for approval subject to planning conditions.

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 – Implementation Limit (Three Years)

2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
  - a. Drawing Number 2745 – 6C Proposed Block Plan
  - b. Drawing Number 2745 – 7C Proposed Site Plan
  - c. Drawing Number 2745 – 8A Proposed Ground Floor
  - d. Drawing Number 2745 – 9A Proposed Elevations
  - e. Drawing Number 2745 – 10A Proposed Elevations
  - f. Drawing Number 2745 – 11A Site Views
  - g. Drawing Number 2745 – 12B Toilet and Shower Block Elevations

REASON – To ensure the development is carried out in accordance with the planning permission

3. The proposed use hereby approved shall be for a maximum of sixteen pitches for touring caravans, motorhomes and tents only  
REASON: For the avoidance of doubt and in the interests of the amenity of the area
4. No caravan, motorhome or tent shall be pitched or stationed on the land other than within the area shown outlined in red on Drawing number 2745-6C (Proposed Block Plan), so long as the use hereby approved continues.  
REASON: For the avoidance of doubt and in the interests of the amenity of the area
5. All caravans, motorhomes and tents shall be occupied for holiday purposes only  
REASON: To ensure the development accords with policy E4 Bi) (Economic Development in the Open Countryside) of the Darlington Local Plan 2016 -2036
6. All caravans, motorhomes and tents shall not be occupied as a person's sole, or main place of residence  
REASON: To ensure the development accords with policy E4 Bi) (Economic Development in the Open Countryside) of the Darlington Local Plan 2016 -2036
7. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans, motorhomes and tents and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.  
REASON: To ensure the development accords with policy E4 Bi) (Economic Development in the Open Countryside) of the Darlington Local Plan 2016 -2036
8. There shall be no storage of unoccupied caravans, motorhomes and tents on site  
REASON: In the interests of the visual appearance and amenity of the site and local area
9. The development shall not be carried out otherwise than in complete accordance with the mitigation measures contained with Section 6.2 of the submitted Ecological Scoping Report (dated July 2022 and produced by Falco Ecology).

REASON: In order to meet biodiversity net gain requirements, set out in policy ENV8 of the Darlington Local Plan (2016 – 2038) and the National Planning Policy Framework 2021

10. The replacement hedge planting secured under condition 9 shall be planted during the next available planting season, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any section of the hedge or whips removed, dying, severely damaged or becoming seriously diseased shall be replaced to the satisfaction of the Local Planning Authority.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area and biodiversity net gain

## **INFORMATIVES**

### **Licensing**

The occupier of the land will be required to obtain a Caravan Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960, which would be granted subject to conditions being met. The applicant is advised to contact Licensing to ensure that any conditions will be fulfilled. E-mail [Licensing@darlington.gov.uk](mailto:Licensing@darlington.gov.uk)

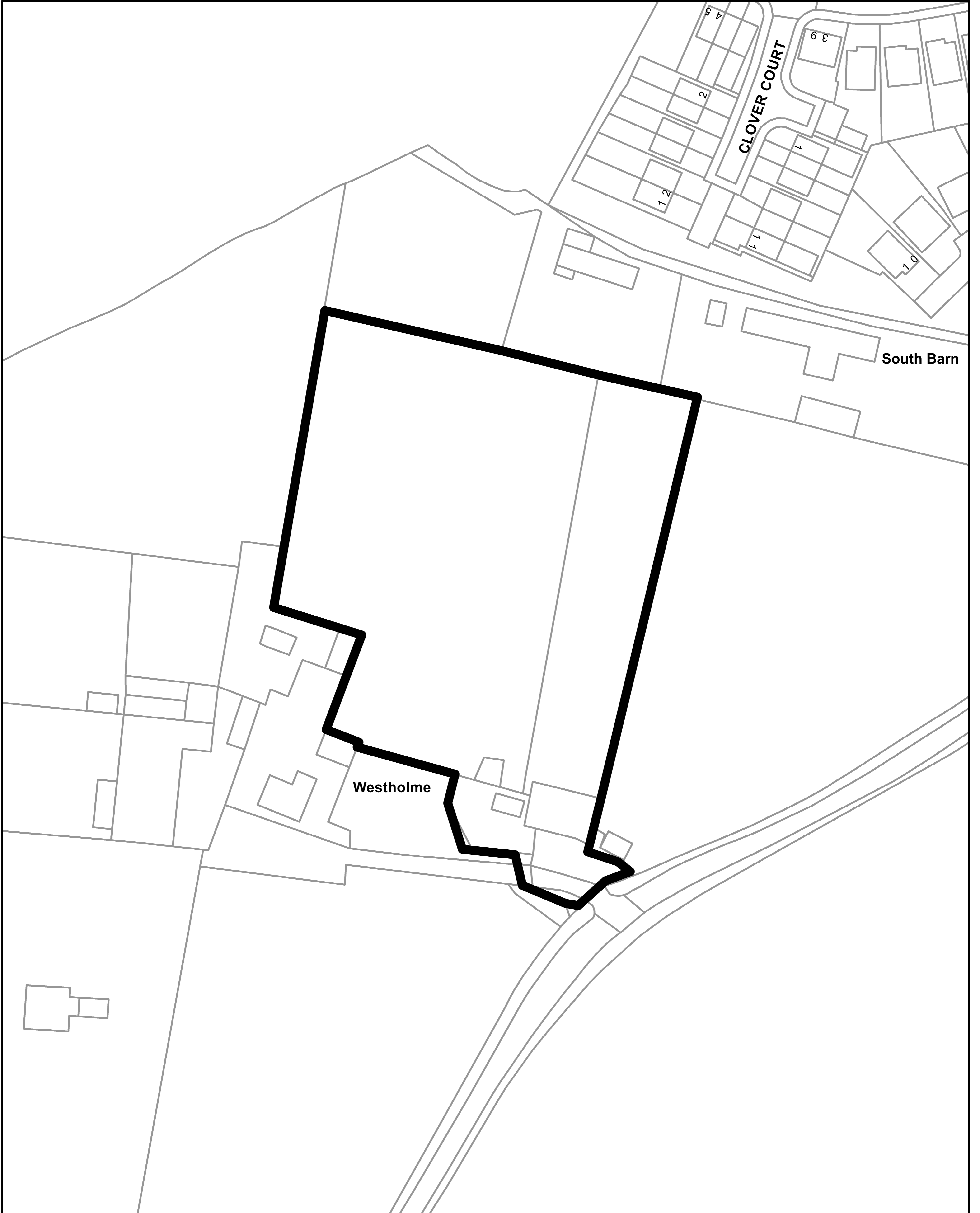
### **Water Supply**

The applicant has confirmed that the farm is connected to a metered mains water supply from a connection at the end of his drive, then using 32mm and 25mm hmpe pipe once within their boundary. The applicant is advised to consult with the Northumbrian Water Regulations Inspector to ensure that this is compliant.

### **Drainage**

The applicant has made reference to a cesspool and submitted a foul drainage assessment form. The applicant must ensure that contact is made with the Council's Building Control for approval and to ensure the system has been installed safely and effectively

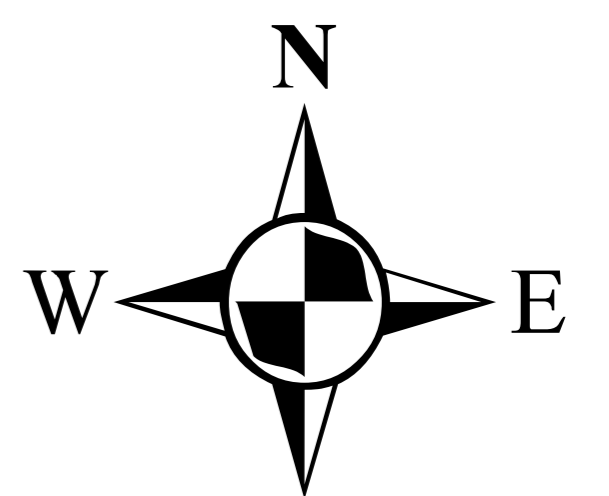
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**Planning Ref No: 22/00294/FUL**

DARLINGTON BOROUGH COUNCIL



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## DARLINGTON BOROUGH COUNCIL

## PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19<sup>th</sup> October 2022

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<b>APPLICATION REF. NO:</b>	22/00788/FUL
<b>STATUTORY DECISION DATE:</b>	27 <sup>th</sup> September 2021
<b>WARD/PARISH:</b>	HURWORTH
<b>LOCATION:</b>	30 Church Row Hurworth
<b>DESCRIPTION:</b>	Siting of mobile studio on terrace to the rear of property and repositioning of steps (retrospective)
<b>APPLICANT:</b>	Mr. David Speight

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS:** (see details below).

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Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXMHS4FP0F600>

**APPLICATION AND SITE DESCRIPTION**

1. This is a retrospective application for the siting of a mobile studio on a lower terraced area within the rear garden of the application property, 30 Church Row, Hurworth. It is also proposed to reposition two sets of steps to provide access to this area. The applicant has advised that the mobile studio is to be used for his own enjoyment.
2. The mobile studio is approximately 6.7 metres long and 2.46 metres wide with an overall height of 2.44 metres. It is set on wheels and is constructed of composite dark brown cladding and galvanized profile sheeting with glazed doors painted cream. The garden to the rear of the application property comprises a patio area directly to the rear, which leads via a set of steps to a mid-terraced area on which the mobile studio has been sited. A lower lawn area can be accessed from the terraced area by a set of steps. The application also seeks approval for the repositioning of two sets of steps between the patio and terrace, and the terrace and lawn, to accommodate the mobile studio.

3. The application property is a two-storey terraced house located on the southern side of Church Row within the village of Hurworth-on-Tees. The Emerson Arms public house adjoins the eastern side of the application property with dwellings adjoining to the west side. The surrounding area is predominantly residential in character, interspersed with some other commercial and community uses. The river Tees and its river bank form the southern boundary of Church Row. The property is situated within Flood Zone 2 and 3. The application property and its accompanying grounds are situated within the Hurworth Conservation Area.
4. The main dwelling is built in brick with a slate roof and white UPVC windows and doors. Characteristically, the dwellings along Church Row occupy reasonably sized plots that front the street with reasonably sized rear gardens which slope down towards the river Tees to the south. The garden to the rear of the application property is terraced accounting for the change in levels towards the river.

#### **RELEVANT PLANNING HISTORY:**

5. The most relevant history is as follows: -
  - 86/00235/MISC-Erection of a two-storey extension at the rear to provide a living room (ground floor) and a bathroom/toilet (first floor) (as amended by plan received 12/6/86)- Granted with Conditions.
  - 96/00359/MISC-Erection of a first-floor bedroom extension over existing living room- Granted with Conditions
  - 22/00684/PLU-Certificate of Lawfulness for proposed development - siting of mobile studio to terrace to the rear of property and repositioning of steps-Withdrawn.

#### **MAIN PLANNING ISSUES:**

6. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:-
  - a. Impact on the character and appearance of the property and the Hurworth Conservation Area
  - b. Impact on residential amenity
  - c. Flood risk
  - c. Highway and parking matters
  - d. Other matters

#### **PLANNING POLICIES**

7. The local plan for the Borough is the Darlington Borough Local Plan (2016 – 2036). The application site is within the development limits for the urban area as identified by the Policies Map of the Plan and therefore the relevant Local Plan policies include those seeking to ensure that the proposed development.

- Preserves, enhances and makes a positive contribution to the significance of the Hurworth Conservation Area. (policy ENV1).
  - Creates attractive and desirable places where people want to live, work and invest and has regard to the design principles in the Darlington Design of New Development SPD and National Design Guide (or successors) by ensuring the development reflects the local environment and creates an individual sense of place with distinctive character; responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; has taken account of the need to safeguard or enhance important views and vistas; and the layout of the development maximises opportunities for natural surveillance (policy DC1).
  - The proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements (policy DC1 and IN4).
  - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (policy DC4)
  - Is sited in areas of low flood risk (Flood Zone 1). In considering development on sites in higher flood risk areas, a sequential approach will be applied on site. Flood risk assessments will be required in accordance with national policy.
8. The National Planning Policy Framework 2021 is also relevant in assessing how a development will impact upon heritage assets.

#### **RESULTS OF TECHNICAL CONSULTATION**

9. No objections in principle have been raised by the Council's Highways Officer.

#### **RESULTS OF PUBLICITY AND NOTIFICATION:**

10. No consultation response has been received from Hurworth Parish Council for this application.
11. Following the Council's publicity exercise, three letters of objection have been received which can be summarised as follows:-
- The garden area is no longer accessible to the tenant of the neighbouring property.
  - The mobile structure is far too big for the site; it is too high and too long to be moved. It is also an eyesore on the riverbank.
  - The studio has now blocked a significant proportion of the view from my terrace, and it has also not been fully disclosed the intended use.
12. Twelve letters in support of the application have been received which can be summarised as follows:-
- It adds to the character of the riverbank not only for the owner; but making it a more attractive view for neighbours; residents and walkers.
  - It will be in keeping with its rustic and rural surroundings.

- It is extremely well constructed, out of sight and a welcome addition to the surrounding vista.
- The structure it will look great; clearly a lot of thought has gone into this.

## **PLANNING ISSUES/ANALYSIS**

### **(a) Impact on the character and appearance of the property and the Hurworth Conservation Area.**

13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks that local planning authorities pay special attention to preserving or enhancing the character and appearance of Conservation Areas.
14. In determining applications; Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (para 197 of the National Planning Policy Framework 2021).
15. When considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation (and the more important the asset; the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm; total loss or less than substantial harm to its significance (para. 199 of the National Planning Policy Framework 2021).
16. Any harm to; or loss of the significance of a designated heritage asset (from its alteration or destruction; or from development within its setting); should require clear and convincing justification (para. 200 of the National Planning Policy Framework 2021).
17. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset; local planning authorities should refuse consent; unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para. 201 of the National Planning Policy Framework 2021).
18. The application site is located within the Hurworth Conservation Area and a Heritage Statement has been submitted with the application which sets out that the proposed mobile studio will be located on an existing raised terrace within the rear garden (south facing) of the application site; the studio will be on wheels and will be of made of materials of a similar appearance in colour palette to the existing dwelling. The northern elevation of the studio will be screened from view by means of the existing wall and terrace. The proposal will not generate excessive traffic; parking; noise; or destroy any trees or hedge

rows. Whilst the statement concludes that the proposed mobile studio would not harm the heritage asset no assessment has been made.

19. The mobile studio has the appearance of a garden structure located on the lower terraced area of the applicant's rear garden with views out over the river. The materials used in the construction of the studio are acceptable for a garden structure and the scale and massing of the studio is such that it has been sited and designed to account for the terraced rear garden and does not encroach significantly above the retaining walls either side or to the rear. The studio is not visible from Church Row itself, although is visible from the river bank and from the adjacent Low Hail bridge over the river Tees to the south east and has the potential to impact upon the character and appearance of the Hurworth Conservation Area from these aspects.
20. This part of the Hurworth Conservation Area is characterised by domestic gardens to the rear of the properties on Church Row, which extend towards the river. While the river bank has a more rural character and appearance, the extended gardens and associated domestic paraphernalia has resulted in an element of domestic encroachment over time. In this context and given the design and siting of the studio on part of the garden area that is enclosed on both sides and to the rear, it is not considered however that the studio is out of character in this location and would not result in any harm to the character and appearance of the Hurworth Conservation Area. Likewise the proposed repositioning of the steps within the retaining walls between the patio and terrace, and terrace and lawn, is not considered to adversely impact upon the character and appearance of the property and surrounding area, including the Hurworth Conservation Area.
21. The mobile studio and repositioning of the steps is not considered to have an adverse impact on the character and appearance of the application property and would sustain the significance of this part of the Hurworth Conservation Area. The proposal therefore accords with Policies DC1 and ENV 1 of the Darlington Local Plan 2016-2036 and the requirements of the NPPF 2021.

**(b) Impact on residential amenity**

22. The rear garden of the application property is L-shaped comprising a patio area which wraps around the rear of the property and the rear gardens of the neighbouring properties at 26 and 28 Church Row to the west. The terraced area on which the studio is sited is accessed from the patio by a set of steps and sits approximately 2.25 metres lower than the patio and is enclosed by high brick boundary walls either side and a retaining wall between the patio and terrace to the rear. A lower lawned area is then accessed from the terrace by a further set of steps, from which access to the river bank can be gained. The rear garden area of 24 Church Row runs along part of the western boundary of the application site with the rear garden of the Emerson Arms bordering the site to the east.
23. The studio is sited approximately 7.5 metres from the rear elevation of the application property and the neighbouring properties at 26 and 28 Church Row. Due to the change in

levels between the rear of these properties and the terrace on which it is sited, only views of the roof structure are visible from this aspect. The submitted plans show that approximately 0.15 metres of the roof structure will be visible above the retaining wall between the patio and terrace. Similarly, the studio is largely obscured by the brick boundary walls either side of the garden when viewed from the rear gardens of 24 Church Row and the Emerson Arms to the east. While the studio will nevertheless be visible from these aspects, in view of its size and siting in an enclosed location, there will be no detrimental impacts in terms of loss of light or outlook from these properties or their garden areas. There are glazed openings in the south elevation of the studio overlooking the river, however this will not result in any loss of privacy due to overlooking of any of the neighbouring properties. The repositioning of the steps will not result in any adverse impact on the amenities of neighbouring properties.

24. The applicant has confirmed that the studio is for his own personal use and a condition is suggested which will limit the use of the studio for purposes incidental to the enjoyment of the application property.
25. On the basis of the above assessment the proposed development of a mobile studio at no. 30 Church Row Hurworth is not considered to cause any significant adverse impact to the amenity of any neighbouring occupants. Therefore, it is considered to be in accordance with policy DC4 of the Darlington Local Plan 2016-2036 in regard to impact upon residential amenity.

**(c) Flood risk**

26. The application site lies within Flood Zones 2 and 3. A flood risk assessment has been submitted with the application. The assessment states that the mobile studio will be mounted on wheels and located on a terrace above the flood level of the river. Furthermore, it should be noted that the mobile studio is not a habitable structure and is to be used for purposes incidental to the enjoyment of the dwelling. The proposed flood proofing/resilience and resistance techniques is that the studio is mounted on wheels and can be moved if necessary.

**(d) Highway and parking matters**

27. The Council's Highways Engineer has been consulted on the application and has raised no objection. It is therefore deemed that the proposed development therefore accords with Policies DC1 and IN4 of the Darlington Local Plan 2016-2036.

**(e) Other matters**

28. One issue raised by objection relates to the development preventing access to the river by the tenant of the neighbouring property. The application has been submitted with a site location plan which shows the extent of the application site edged in red. The ownership certificate on the application form has been completed to confirm that this land is in the applicant's ownership or control. Any right of access the tenant may have over this land is

however a civil matter between the two parties and is not a matter for consideration as part of this planning application.

### **PUBLIC SECTOR EQUALITY DUTY**

29. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998:**

30. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION AND RECOMMENDATION**

31. The mobile studio has been designed to complement the style of the existing dwelling and to reflect the scale; character and design of its surroundings so that it would not have a negative impact on the character and appearance of the street scene and will sustain the significance of the Hurworth Conservation Area. Nor will the proposal give rise to any unacceptable issues relating to residential amenity, highway safety or flood risk. The development therefore accords with relevant Local Plan and National policies.

### **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 - Implementation Limit (Three Years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036.

3. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below: -
  - (a) Drawing Number - 2020/129/F1 - Section A-A.

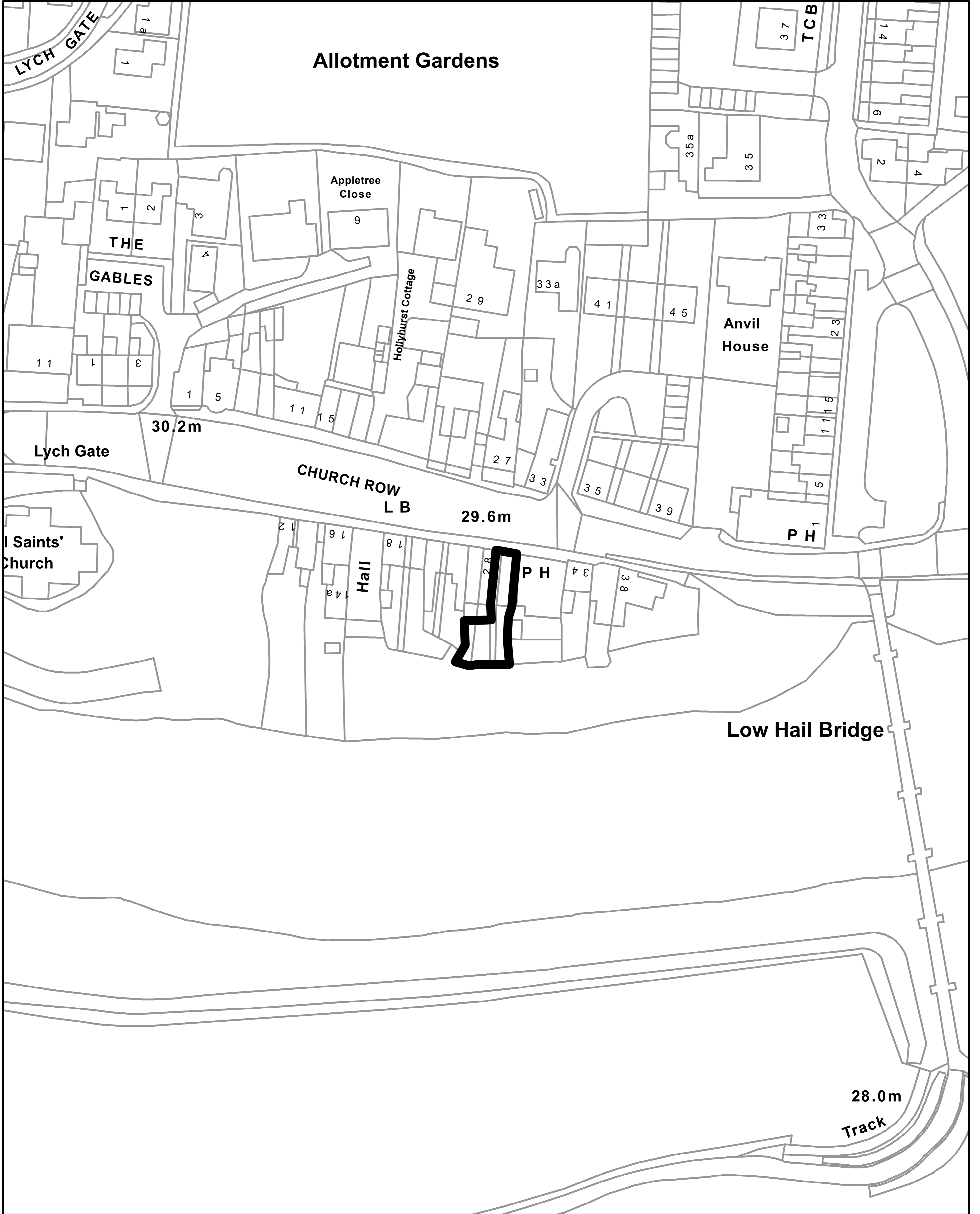
- (b) Drawing Number - 2020/129/F2 - Proposed & Existing South
- (c) Drawing Number - 2020/129/F3 - Proposed Plan & Section B-B.
- (d) Drawing Number - 2020/129/F4 Proposed Elevations.
- (e) Drawing Number - 2020/129/F5 Proposed Site Plan.

REASON - To ensure the development is carried out in accordance with the planning permission.

4. The development for which permission is hereby granted shall be used for purposes incidental to the enjoyment of 30 Church Row and shall not be occupied, let, or otherwise disposed of as a separate dwelling.

REASON - The development is considered unsuitable for use or occupation by a separate person or household not related to the occupiers of the application property and to protect the amenities of neighbouring residential properties, in accordance with the requirements of Policy DC4 of the Darlington Local Plan 2016-2036.

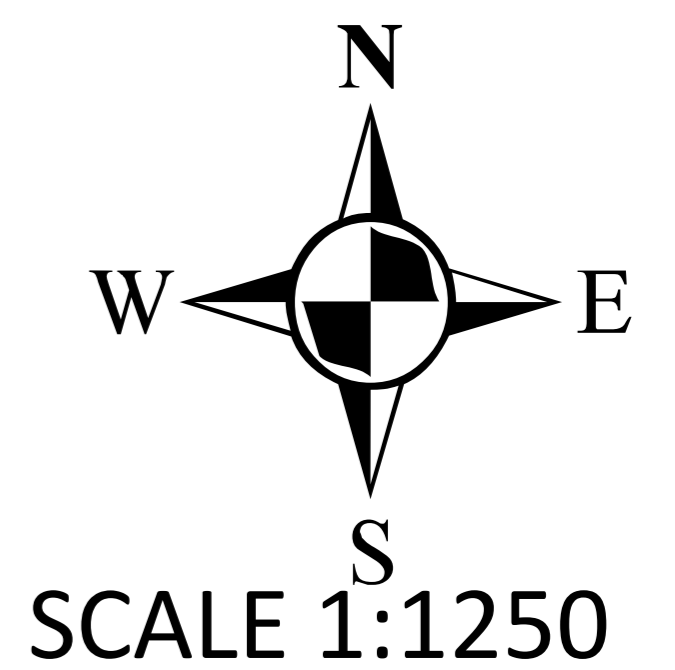




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**Planning Ref No: 22/00788/FUL**

DARLINGTON BOROUGH COUNCIL



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## Appeal Decision

Site visit made on 14 June 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2022**

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### **Appeal Ref: APP/TPO/N1350/8373**

#### **16 Cardinal Gardens, Darlington DL3 8SD**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order (TPO).
  - The appeal is made by Mr Liam Coates against the decision of Darlington Borough Council.
  - The application Ref: 20/01163/TF, dated 1 December 2020, was refused by notice dated 15 January 2021.
  - The work proposed is crown lift 3 Beech trees to 5m.
  - The relevant Tree Preservation Order (TPO) is County Borough of Darlington TPO No.3 1962, which was confirmed on 7 June 1962.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The appellant's appeal statement includes a number of further matters that were not part of the application. These include reference to some previous Council decisions several decades ago, the full case detail and rationale for which are not before me. Further matters also include assertion of drain blockage, gutter damage, risk to foundations, vehicle damage and financial loss, without submission of substantive drain, guttering and foundation survey or photographic evidence. The nature of a fast track appeal is such that only the information that was submitted at application stage falls to be considered. As such, these further matters have not formed part of my deliberations.

### **Main Issue**

3. The main issue in this case is the effect of the proposed works on the character and appearance of the area, and whether sufficient justification has been demonstrated for these works.

### **Reasons**

4. The large beech trees in this appeal are located in the garden of a detached house that is near the end of a residential cul-de-sac. The trees are in a row, in an area of garden to one side of the house.
5. Relatively full, natural canopy form is a distinctive part of the appearance of the row of appeal trees and the nearby stretch of tree line to the west. Together these form a substantial part of the terminating vista at the end of the Cardinal Gardens cul-de-sac, within the residential suburb. The appeal

- trees with their mature, characterful form and substantial leafy canopies, and the host tree line, draw the eye from various viewpoints along the southern part of Cardinal Gardens.
6. As such, the beeches contribute positively to the mature framework of trees which provides a leafy backdrop to the southern part of Cardinal Gardens. The trees provide a good level of amenity value, and contribute positively to the distinctive character of the neighbourhood.
  7. The proposed crown lift to 5m would noticeably eat into the lower part of the trees' canopies, and diminish their naturalness of form and appearance. This would erode the distinctive, relatively full and natural character of the local treescape, from various viewpoints along the southern part of Cardinal Gardens. Thus, the proposed work would harm the character and appearance of the area.
  8. While there is some bark loss at the base of the trees, their canopies are of healthy appearance, with relatively little visible deadwood. Leaf, twig and small branch material that I saw on the ground in the vicinity of the trees during my site visit, albeit a snapshot in time, is typical of a healthy tree of this sort. Furthermore, no substantive arboriculturist's survey is before me to indicate that parts of the trees are at significant risk of failure. Moreover, the proposed work could invite risk of decay to the trees.
  9. Much of the dwelling's relatively substantial garden space provides usable outdoor space that is not directly beneath the canopies of the appeal trees. Moreover, deadwood can be removed without application for protected tree works.
  10. In the light of the above combination of factors, I find that there is not a demonstrably significant safety risk that necessitates the substantial proposed crown lift to 5m of the three protected trees.
  11. In conclusion, the proposed work to the protected trees would harm the character and appearance of the area, and sufficient justification has not been demonstrated for their proposed crown lift to 5m.

### **Conclusion**

12. For the reasons given, the appeal is dismissed.

*William Cooper*

INSPECTOR



## Appeal Decision

Site visit made on 16 August 2022

**by David English BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 September 2022**

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**Appeal Ref: APP/N1350/D/22/3302172**

**51 Neville Road, Darlington, DL3 8HZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sharif Hunashi against the decision of Darlington Borough Council.
  - The application Ref 22/00437/FUL, dated 23 April 2022, was refused by notice dated 1 June 2022.
  - The development proposed is the installation of garden fence around front and side of property (behind existing brick wall).
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

3. The appeal property is a detached house situated on a corner plot at the junction where Neville Road joins Abbey Road. The house has frontages to both roads having a vehicular access serving garages and a parking area off Abbey Road, and a pedestrian access to the front door of the house from Neville Road. A low stone wall defines the boundary between the garden and those roads. Hedging runs behind the wall at around shoulder height on Neville Road and slightly lower along Abbey Road. There are several established trees in the garden close to the boundaries with both roads.
4. The proposal would involve the erection of a close boarded fence to a height of 1.9m in a position immediately behind the existing low boundary walls. The fence would return from Abbey Road towards the house alongside the driveway and parking area.
5. Tall fences are not a characteristic feature along Neville Road where short front gardens are bounded in the main by low walls interspersed with shrubs and hedges. The main exception to this pleasant, well-established, regular, and open nature that those boundary features give to Neville Road is the fence opposite the appeal property to which the appellant has drawn my attention. From my site visit I note that the appeal property has a clear and active association with Neville Road arising in part from the location of its front door and pedestrian access, and from its alignment with the consistent building line of houses on the west side of Neville Road. This differs from the arrangement

of that property opposite, which is set back significantly from the building line on the east side of Neville Road with its main entrance taken from Abbey Road.

6. In addition to the fence opposite, the appellant directs me to several other tall fences and hedges in the area. I note from their photographs, and from my site visit, that all the properties referred to front onto Abbey Road. I also recognise that the two other plots which sit at the junction of Neville Road and Abbey Road are bounded by trees and taller hedges than those typically found in Neville Road. However, overall, this serves to provide a much softer natural green edge to the public highway beyond their gardens compared to the solid boundary feature that would be created by the appeal proposal. Similar soft green boundaries are evident along Abbey Road on both sides for the remainder of its length westwards to the junction with the B6280 (Carmel Road North). This includes the adjacent property at 93 Abbey Road to which I am also directed by the appellant. These features give the approach to the appeal property from the west a distinctive appearance dominated by trees, shrubs and hedging.
7. The character of Abbey Road alters noticeably when travelling eastwards from the appeal property. Walls and fences provide tall and solid boundaries to the back edge of the highway. This creates a distinctly hard and enclosed feeling which differs noticeably from the soft, green and mostly lower boundary features characteristic of Neville Road and that western part of Abbey Road described above. The appellant contends that a mixture of boundary treatments in the area should weigh in favour of the proposal. However, those tall fences referred to by the appellant, that in isolation appear similar to the proposal, generally sit within different contexts in respect of their association with the adjoining public highway and the separating effects they create. The appellant also refers to the boundary fences at the junction of Elton Road and Abbey Road. These may be only a short distance from the appeal property, but they are associated with that changed characteristic of tall and hard boundaries running along that eastern section of Abbey Road.
8. The proposed fence would create a distinct change in the character of the area at and immediately around the appeal property due to its height and unbroken solid appearance for a considerable length wrapping around the gardens to this corner property. This change would cause harm to the distinctive character and appearance of the area and would conflict with Policy DC 1a. and DC 4 of the Darlington Local Plan (February 2022) which seek to prevent the visual dominance of development, to ensure that development reflects the local environment, and that development responds positively to local context.

### **Other Matters**

9. The appellant refers to concerns about privacy with regard to their family circumstances, and that the proposed fence would offer greater privacy to the ground floor rooms of their home. I agree this would be a benefit but note that a good degree of screening already exists from the hedging and trees along the boundary with Neville Road. I note also that the garden fronting Abbey Road provides a reasonable separation from that road to the extent that it is difficult to see into the ground floor rooms.
10. I accept that the proposed fence could be of benefit in addressing concerns expressed by the appellant about security of their property. However, the natural surveillance provided by pedestrian and vehicular activity in the area,

particularly along Abbey Road suggests to me that a reasonable deterrent is present. I give limited weight to this benefit.

11. I recognise, as the appellant points out, that the development is not in a conservation area. However, this does not mean that the harmful effects of development are justified. The appellant draws my attention to permitted development rights that allow for lower means of enclosure and suggests that if such rights were exercised this could change the character and appearance of the area. The height of any means of enclosure allowed under permitted development rights is significantly lower than the proposal before me and this matter does not weigh in its favour. I must determine the appeal on the merits of the case and on the evidence before me.
12. The appellant indicates that the existing trees in their garden would be retained and would therefore still be partially visible. I consider this to be a neutral matter which would not mitigate the harm caused by the proposal and it does not weigh in its favour to any significant degree. None of the matters raised by the appellant outweigh the harm that would be caused by the development.

### **Conclusion**

13. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*David English*

INSPECTOR

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## Appeal Decision

Hearing Held on 17 August 2022

Site visit made on 17 August 2022

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 September 2022**

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### **Appeal Ref: APP/TPO/N1350/8173 12 Cardinal Gardens, Darlington DL3 8SD**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
  - The appeal is made by Mrs Lesley Horner against the decision of Darlington Borough Council.
  - The application Ref: 20/00678/TF, dated 4 August 2020, was refused by notice dated 5 October 2020.
  - The work proposed is the felling of an Austrian Pine.
  - The relevant Tree Preservation Order (TPO) is (no. 3) 1962, which was confirmed provisionally on 6 July 1962.
- 

### **Decision**

1. I dismiss the appeal.

### **Procedural matter**

2. The Council adopted the Darlington Local Plan 2016-2036 in February 2022 which replaced both the Borough of Darlington Local Plan 1997 and the Darlington Core Strategy 2011. Policy E13 on which the refusal of consent was based has been superseded. While there is no direct replacement of this Policy in the new Local Plan, the Council explained that it relies upon paragraph 131 of the National Planning Policy Framework and paragraphs 089-100 of the National Planning Practice Guidance in relation to works to trees. The parties were given the opportunity to comment on the implications of this to their respective cases and I have taken their comments into consideration in determining this appeal.

### **Main Issues**

3. The main issues are the effect of the proposed works to the tree on the visual amenity of the area and whether the reasons given for the works justify that course of action.

### **Reasons**

*The 1st issue – visual amenity*

4. The above TPO relates to a large number of trees specified individually and to groups of trees. The parties confirmed, from the Schedule to the TPO, that

Trees T59-T69 form a linear group to the rear of the dwellings on this part of Cardinal Gardens and that the Austrian Pine, the subject of this appeal, is identified in the Schedule as T61. It stands to the rear of no. 12, a large, detached dwelling, close to the boundary with no. 11.

5. The tree is a mature specimen and has an imposing presence. It is seen in conjunction with the other mature trees and makes a very positive contribution to this impressive group of trees. Given its height, it appears in gaps between dwellings and above the roof tops. I observed that it is prominent in views from various points along Cardinal Gardens which is a long, dog-leg spine with short cul-de-sacs leading off. It is also seen from the footpath along the green in front of Worseley Park and from St Claire's Court. As such, it forms an important part of the wider landscape setting of the area, contributing a strong element to the local skyline. The area is characterised by built form and the Pine forms part of a group of trees that provide a green setting to the area, giving it significant public amenity value.
6. I consider that a significant gap in the tree cover would be created by the removal of the Pine. This would be apparent from the vantage points identified above and would not be compensated for by the other nearby trees. Any replacement tree would take a considerable amount of time to fill the gap left by its removal. In which case, the felling of the Pine would result in significant harm to the visual amenity of the area as it would remove an historic landscape feature that makes a significant contribution to its character and appearance.

*The 2nd issue – the justification for the proposed works to the tree*

7. Concerns were raised that the tree has, and will continue, to shed branches. Its size and proximity to the dwellings at nos. 11 and 12 means that the occupiers have a heightened fear of property damage and personal injury. The appellant confirmed that the tree has recently shed branches in periods of high winds and during snowfall, with each of the conservatories at nos. 11 and 12 being damaged. Both the appellant, and her neighbour, raised health and safety concerns regarding the tree.
8. In this regard, my attention was drawn to a report submitted by the appellant from Barnes Associates Ltd, dated 25 July 2020. This noted that the tree has a marked lean and limited foliage due to a previous crown lift which has also given it a high centre of gravity. The report raised concerns that the tree may not have sufficient foliage to sustain normal growth and carry out normal physiological activities. It further noted that the Pine is likely to have limited ability to dampen movement and absorb wind loading. It recommended that the most cost effective and sustainable management option would be to remove and replace the Pine.
9. However, the report also pointed out, based on the level of assessment (a Level 3 investigation by Sonic Tomography), that the Pine appeared to have sufficient strength to sustain itself and is currently, relatively stable. From what I observed, the Pine appeared to be in good vitality. It did not show signs of advanced or terminal decay and there is nothing before me to demonstrate that it is in need of remedial works that would advance its decline or that it is unstable due to problems with a lack of sufficient foliage or previous loss of bark.

10. While I am sympathetic to the concerns of the appellant and her neighbour regarding the recent branch loss and property damage, and uncertainty regarding the insurance/liability implications of this situation, the submitted evidence does not show that measures short of felling, such as ongoing tree management to monitor the branches within the raised canopy and review the health of the tree, have been fully explored to reduce the likelihood of the tree becoming a safety risk. The shedding of branches is a natural phenomenon associated with trees, particularly in high winds, but the risk can be ameliorated through ongoing tree management and removal of deadwood.
11. The submitted report concluded that branches can break from trees in a strong breeze and opined that management of the Lime's canopy is not possible as it is expected that the tree would not respond well. However, there is nothing before me to substantiate this claim. Moreover, the report further notes that ongoing management could assess the branches after strong winds and the canopy could undergo deadwood removal and minor remodelling. While no guarantee can be made that any given tree will not shed branches in high winds, I saw nothing on site to indicate that this Pine is likely to be more prone than other trees of similar age/species.
12. My attention was drawn to an approval to fell a nearby Beech protected as part of a group under the same TPO. However, I do not have the full details of that decision before me but note that the tree was considered to be in decline. In any event, I do not consider that decision to be directly comparable to the specific circumstances of this appeal.
13. Accordingly, it has not been demonstrated that the proposed works are a proportionate solution to the concerns raised and meet the requirements of sound arboriculture. I consider that the proposed works would be contrary to paragraph 131 of the NPPF which seeks to retain existing trees wherever possible.

### **Conclusion**

14. For the reasons given above, I conclude that the removal of the Pine would not be justified and the appeal is dismissed.

*Richard McCoy*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mrs L Horner	Appellant
Mr T Horner	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mr R Martin	Planning Case Officer
Mr P Haynes	Tree Officer
Ms L Hutchinson	Development Manager

### INTERESTED PERSONS:

Mr P Kelly	Neighbour
Mrs J Kelly	Neighbour

## **DOCUMENTS**

- 1 Council's Notification of the Hearing
- 2 Council's email to the Planning Inspectorate dated 15 August 2022
- 3 Extract from the NPPF showing paragraph 131

## **PLANS**

- A TPO (No. 3) 1962 Map A

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of the Local Government Act 1972.

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