



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm

Wednesday, 27 August 2025

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 Meeting of this Committee held on 2 July 2025 (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) 2 Meadowbank Close, Hurworth Place (Pages 17 - 30)
 - (b) West End, The Green, Bishopton (Pages 31 - 48)
 - (c) 2-5 Flat Hill Close, Sadberge, Darlington. DL2 1FN (Pages 49 - 56)
 - (d) 1 Flat Hill Close, Sadberge, Darlington. DL2 1FN (Pages 57 - 64)
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 Executive Director, Economy and Public Protection will report that, Inspectors, appointed by the Secretary of State for the Environment, have :-

- a) Dismissed the appeal by Ian Robert Hodgson against this authority's decision to refuse permission for Felling of 1 no. Cypress tree protected under Tree Preservation Order (No.3) 1962 (T52) at 67 Milbank Court, Darlington, DL3 9PF (Ref No 22/01281/TF) (copy of Inspector's decision enclosed).
- b) Dismissed the appeal by Rory Brownless against this authority's decision to refuse permission for Works to 1 no. Pine (T4) protected under Tree Preservation Order (No.17) 2006 - reduce easterly limb overhanging house by up to 3.5 m at 2 Quaker Lane, Darlington, DL1 5PB (Ref No 24/00064/TF) (copy of Inspector's decision enclosed).
- c) Dismissed the appeal by Janine Mitchell against this authority's decision to refuse permission for Works to trees protected under Tree Preservation Order (No.3) 1962 A2 - 1 no. Beech and 1 no. Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by upto 3m at Greystones Drive, Darlington (Ref No 23/00338/TF) (copy of Inspector's decision enclosed).
- d) Dismissed the appeal by Mr Mike Bailey against this authority's decision to refuse permission for Erection of 1 no. three bed dwelling with a detached garage/store, hard standing, landscaping and provision of a new vehicular access with entrance gates and wall at Mole End, Neasham Road, Hurworth-on-Tees, Darlington, DL2 2AZ (Ref No 24/00132/FUL) (copy of Inspector's decision enclosed).
- e) Dismissed the appeal by Peter Windale against this authority's decision to refuse permission for Change of use from open space to domestic curtilage, with the erection of a 1.8m high boundary fence to the rear of the property (retrospective) at 68 Meadowfield Road, Darlington, DL3 0DT (Ref No 24/01000/FUL) (copy of Inspector's decision enclosed).

RECOMMENDED – That the report be received.
(Pages 65 - 98)

9. Notification of Appeals --

The Executive Director, Economy and Public Protection will report that :-

- a) Mr Michael Dearnley has appealed against this Authority's decision to refuse permission for the erection of 1.8m high timber fence to rear boundary (retrospective) and proposed 1.8m timber fence to side boundary at 37 John

Fowler Way, Darlington, DL2 2GG (25/00416/FUL).

- b) DANAP Properties Ltd has appealed against this Authority's decision to refuse permission for the change of use from residential dwelling (Use Class C3) to short stay/holiday let accommodation (Sui Generis) (Retrospective application) at 3 Parkland Drive, Darlington, DL3 9DT (25/00259/CU).

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 15 August 2025 (Exclusion Paragraph No. 7) –
Report of Executive Director, Economy and Public Protection
(Pages 99 - 110)
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



Amy Wennington
Assistant Director Law and Governance

Monday, 18 August 2025

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Haszeldine, Holroyd, Kane, Laing, Lawley, Lee, McCollom and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Hannah Miller, Democratic Officer, Resources and Governance 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: hannah.miller@darlington.gov.uk or telephone 01325 405801

PLANNING APPLICATIONS COMMITTEE
Wednesday, 2 July 2025

PRESENT – Councillors Haszeldine (Chair), Ali, Allen, Anderson, Bartch, Beckett, Cossins, Holroyd, Kane, Lawley, Lee, McCollom and Tostevin

APOLOGIES – Councillors Laing,

ABSENT – Councillors

ALSO IN ATTENDANCE – Councillors

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), Nikita Josan (Legal and Land Charges Assistant) and Hannah Miller (Democratic Officer)

PA8 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA9 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 JUNE 2025

RESOLVED – That the Minutes of this Committee held on 4 June 2025 be approved as a correct record.

PA10 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. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
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PA11 45 GREENBANK ROAD

24/01178/CU – Application for change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis) (Provisional Nutrient Certificate and Nutrient Calculator received 24 April 2025).

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Environmental Health Officer, Transport Planning Officer and Highway Engineer. The Committee also considered the views of the Council’s Private Sector Housing Team and advice given by Durham Constabulary Crime Prevention Unit. Sixteen letters of objection were taken into consideration, alongside the views of the Applicant’s Agent, one objector and the Ward Councillor whom the Committee

heard).

RESOLVED – That planning permission be refused contrary to recommendation, for the following reason:

1. The application site is located within an area where there is a high concentration of properties in multiple occupation and in the opinion of the Local Planning Authority, the introduction of a nine person house in multiple occupation in this location will lead to adverse amenity conditions for the occupants of the neighbouring properties in terms of noise, disturbance and lack of parking. The proposal would be contrary to Policies DC4 and H8 of the Darlington Local Plan (2016 – 2036).

PA12 15 PRIOR DENE

24/01018/FUL – Demolition of the existing detached garage and flat roof side extension to facilitate the erection of 1 no. self-build three bed dwelling with new boundary, associated parking provision and amenity space.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, Environmental Health Officer, Transport Planning Officer, Arboricultural Consultant and Ecology Officer. The Committee also considered the views of Natural England and Northern Gas Networks. Eleven letters of objection and two letters of support were taken into consideration, alongside the views of the Applicant whom the Committee heard).

RESOLVED – That planning permission be granted subject to the following planning 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 3172/04.2 Rev A Boundary Fencing Proposed
 - b) Drawing Number 3172/07 Rev B Elevations Proposed
 - c) Drawing Number 3172/08 Rev C Elevations Proposed
 - d) Drawing Number 3172/04 Rev A Ground Floor Plan Proposed
 - e) Drawing Number 3172/05 Rev A First Floor Plan Proposed
 - f) Drawing Number 3172/06 Rev A Roof Plan Proposed
 - g) Drawing Number 3172/09 Section Proposed
 - h) Drawing Number 3172/04.1 Block Plan Proposed

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

3. Prior to the first occupation of the dwelling hereby approved, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017.

4. Prior to any demolition works and/or the commencement of the development, a site specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] 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 demolition and construction phases 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. Details of Hours of Construction
 - d. Details of Hours of Deliveries
 - e. Construction Traffic Routes, including parking areas for staff and visitors, if required
 - f. Details of construction traffic access point into the site
 - g. Details of site compound
 - h. Details of wheel washing.
 - i. Road Maintenance.
 - j. Warning signage.

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

REASON - In the interests of residential amenity and highway safety.

5. No building shall be constructed above damp proof course until precise details of a safe cycle storage area have been submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of encouraging the use of sustainable modes of transport in accordance with policy IN4 of the Darlington Local Plan 2016 – 2036.

6. No building shall be constructed above damp proof course until precise details of an Electric Charging Vehicle socket have been submitted to and approved in writing, by the Local Planning Authority. The minimum requirement would be a single phase 13 amp socket. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of encouraging the use of sustainable modes of transport in

accordance with policy IN4 of the Darlington Local Plan 2016 – 2036.

7. No building shall be constructed above damp proof course until precise details of measures to reduce the need for energy consumption and make the development energy efficient have been submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of achieving a development with suitable sustainable design principles which are resilient to climate change.

8. The dwelling hereby approved shall be constructed as a self build and custom dwelling within the definitions of self build and custom house building in the 2015 Self Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act):

- a) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling.
- b) The Council shall be notified, in writing, of the persons who intend to take up first occupation of the dwelling at least two months prior to the first occupation.

REASON – To ensure that the development complies with the self build and custom house building definition required to achieve an exemption from mandatory net gain in biodiversity requirements set out in local and national development plans.

9. Prior to the first occupation of the dwelling, a lawful means of vehicular access must be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority under Section 184 of The Highways Act 1980. The development must be carried out in accordance with the approved details which shall be implemented in full prior to the first occupation of the dwelling.

REASON - To provide for adequate and satisfactory provision of access for vehicles in the interest of safety and the general amenity of the development.

10. The dwelling hereby approved shall be constructed to meet Building Regulation M4 (2) (Accessible and Adaptable Dwellings) as a minimum.

REASON – To ensure that new dwellings provide quality living environments for residents both now and in the future in accordance with policy H4 of the Darlington Local Plan 2016 – 2036.

11. The development shall not be carried out otherwise than in accordance with the Conclusions and Recommendations set out in the submitted document entitled “Bat Risk Assessment – 15 Prior Dene, Darlington, County Durham DL3 9EW” dated September 2024 and produced by ECOSURV. The enhancement shall be a minimum of two integrated bat boxes located to the south / southwest of the property and two swift boxes located to the north / northeast. These should be installed at heights of no less than 3m and ideally to the eaves and/or gables to reduce the risk of predation

from domestic pets. They should also be placed out of direct artificial lighting.

REASON - In order to secure ecological enhancements to the development site and local area in accordance with policies ENV7 and ENV8 of the Darlington Local Plan 2016 - 2036.

12. The boundary fencing shown on the approved plans shall be erected prior to the first occupation of the dwelling hereby approved. The 1m high fencing shall not be replaced by fencing or any other means of enclosure higher than 1m without planning permission first being obtained by the Local Planning Authority.

REASON - In the interests of residential amenity.

13. The in-curtilage parking spaces shown on the approved plans shall be fully implemented and available for use prior to the first occupation of the dwelling. Thereafter, the spaces must be maintained clear of any obstruction and retained for their intended purpose at all times during the lifetime of the development.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

14. The development shall not be carried out otherwise than in complete accordance with the submitted document entitled "Arboricultural Survey, Arboricultural Impact Assessment; Arboricultural Method Statement" dated September 2024 and produced by Elliott Consultancy Limited.

REASON – In the interests of the visual appearance of the development and local area.

15. No additional flank windows or other glazed openings shall be formed at ground or first floor level of any of the walls of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

16. The bathroom window formed in the south (right side) elevation of the building shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby property.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A - F of Part 1, Schedule 2 of the Order shall be carried out on the dwellinghouse hereby permitted.

REASON – In the interests of the visual appearance of the development and to safeguard the amenities of the neighbouring dwellings.

18. Notwithstanding the details shown on the approved plans, the building shall include a suitable level entrance to ensure the building can be entered and/or occupied by persons with mobility issues.

REASON – In order to comply with policy IN2 of the Darlington Local Plan 2016 – 2036.

PA13 1 ST CUTHBERT'S PLACE

25/00360/TF – Felling of 1 No. Monterey Cypress T.10 protected under Tree Preservation Order (No. 3) 1983.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Arboriculture Team Leader and Ecology Officer. Six letters of objection and eleven letters of support were taken into consideration, alongside the views of the Ward Councillor whom the Committee heard).

RESOLVED – That consent be granted subject to the following conditions:

1. The works to which this consent relates shall be completed within two years from the date of this consent.

REASON – In accordance with the provisions of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. The approved felling shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

REASON – To ensure that the works are carried out in a satisfactory manner.

3. Within 12 months of the felling of the tree, the owner of the land shall plant a Silver Birch tree in a location as close to the felled tree as practicable and within the grounds of St Cuthbert's Place. The tree shall be not less than nursery standard size and conform to British Standard 3936 Nursery Stock specification.

REASON – In the interests of the amenity of the locality in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

PA14 3 PARKLAND DRIVE

25/00259/CU – Application for change of use from residential dwelling (Use Class C3) to short stay/holiday let accommodation (Sui Generis) (Retrospective application).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views in relation to Environmental Health and Highway Development Control. Ten letters of objection were taken into consideration, alongside the

views of the Applicant, three objectors and the Ward Councillor whom the Committee heard).

RESOLVED – That planning permission be refused contrary to recommendation, for the following reason:

1. In the opinion of the Local Planning Authority the development would have an adverse impact upon residential amenity in terms of noise, nuisance and disturbance from activities that are not usual in a residential area, contrary to Policy DC4 of the Darlington Local Plan (2016 – 2036).

PA15 NOTIFICATION OF DECISION ON APPEALS

RESOLVED – That this item be deferred to the next meeting of the Planning Applications Committee.

PA16 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 20 JUNE 2025 (EXCLUSION PARAGRAPH NO. 7)

RESOLVED – That this item be deferred to the next meeting of the Planning Applications Committee.

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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 (to a maximum of **five** minutes);
- Members may question applicant/agent;
- Up to **three** objectors may speak (to a maximum of **five** minutes each);
- Members may question objectors;
- Up to **three** supporters may speak (to a maximum of **five** minutes each);
- Members may question supporters;
- Parish Council representative may speak (to a maximum of five minutes);
- Members may question Parish Council representative;
- Ward Councillor may speak (to a maximum of five minutes);
- 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 – 27 August 2025

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.**

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

Address/Site Location	Reference Number
2 Meadowbank Close, Hurworth Place	25/00255/FUL
West End, The Green, Bishopston	25/00251/FUL
2- 5 Flat Hill Close, Sadberge, Darlington, DL2 1FN	25/00081/FUL
1 Flat Hill Close, Sadberge, Darlington, DL2 1FN	25/00072/FUL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 August 2025

APPLICATION REF. NO:	25/00255/FUL
STATUTORY DECISION DATE:	19 th May 2025 (Extension of Time until 28 th August)
WARD/PARISH:	Hurworth / Hurworth Parish Council
LOCATION:	2 Meadowbank Close, Hurworth Place, Darlington
DESCRIPTION:	Erection of part single storey, part two storey extension to front elevation
APPLICANT:	Mr Nigel Jeffries

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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=SSR6TPFPG9W00>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a detached dwelling located at 2 Meadowbank Close, Hurworth Place within Darlington. Adjacent to the North is 1 Meadowbank Close and adjacent to the South is 3 Meadowbank Close. The frontage of this application site faces Westward, onto the shared access for the properties located on Meadowbank Close. Furthermore, the application site is located within flood zones 2 and 3.
2. Planning permission is sought for the erection of a part single storey and part two storey front extension. The current frontage has an existing projection element, in which the proposed two storey extension would project 3m from this part of the building. The proposed single storey extension would also project 3m from the main front elevation, but the canopy section to go over the new front door, would tie in with the front aspect of the two storey element.
3. It should be noted that the drawings have been revised to omit a previously approved loft conversion which was shown on the plans. However, this loft conversion and associated dormer windows were not implemented and the period of time in which to carry out these

works has expired. Therefore, the plans have been updated for accuracy purposes, as it is understood that the loft conversion shown on the original submission was an error. In addition, the applicant also decided to update the style of the proposed bi-fold doors to double doors. The design of which is considered very similar to the previous submission. The plans were also recently updated to remove the two ground floor side windows serving the lobby area, in order to address neighbour concerns.

4. On balance, it was not considered necessary in this instance to carry out a re-consultation on this minor design change, as well as the correction to the drawings to show the on-site situation, because it was not considered to prejudice this decision. Furthermore, the removal of the ground floor side windows from the extension would not worsen any impact upon amenity as to warrant a re-consultation in this instance.

SITE HISTORY

Application Reference	Description	Decision	Decision Date
20/00126/FUL	Conversion of integral garage into a habitable room including replacing garage doors with bi-folding doors	Granted with Conditions	09.04.20
20/00862/FUL	Erection of single storey garden room/gym extension and single storey store extension to rear elevation and relocation of existing pergola (as amended by plans received 18.11.20)	Granted with Conditions	03.12.20
21/00619/FUL	Conversion of loft into habitable accommodation including the insertion of dormer and velux windows	Granted with Conditions	16.07.21
21/00798/CU	Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property (Retrospective Application)	Granted with Conditions	29.10.21

5. Further to the change of use application (Ref; 21/00798/CU), it is noted that the additional land that was approved as domestic curtilage is not included in the red edge for this application. However, as the works relate to the frontage of the property, the red edge on this occasion is considered suitable to demonstrate both the application site and where construction access can be obtained from. Therefore, in this instance, it was not considered necessary to revise the red edge for this application.

MAIN PLANNING ISSUES

6. The main planning issues are whether the proposed works are acceptable in terms of their impact on:
 - (a) Character
 - (b) Amenity
 - (c) Highway Safety
 - (d) Flood Risk
 - (e) Residual Matters

PLANNING POLICIES

7. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
- Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
 - New development will be focused in areas of low flood risk (Flood Zone 1). In accordance with National Policy a site specific flood risk assessment will be required. Development proposals will be expected to mitigate and adapt to climate change, designed to ensure they are safe over the lifetime of the development and to ensure that flood risk is not increased elsewhere (*Policy DC2*).
 - 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*).
 - Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
 - Adheres to the separation distances within the guidance set out in the Design of New Development SPD (*Policy DC4*).
 - Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).
8. The application has also been considered alongside the Darlington Design of New Development SPD.

RESULTS OF TECHNICAL CONSULTATION

9. No objections have been raised by the Council's Highway Development Control section because the proposed development is not considered to create additional parking demand or impact upon existing parking arrangements.
10. No objections were raised by the Parish Council.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Multiple objection comments have been received by three neighbouring properties and a further three properties within the wider area have also submitted objection comments; a total of six properties raising objection comments. Their main concerns are summarised below:
- Impact upon character
 - Overdevelopment

- Would set a precedent
 - Overbearing and overshadowing impacts
 - Impact upon light
 - Loss of outlook
 - Impact upon privacy
 - Impact upon views
 - Restrictive covenants
 - Construction noise, dust and general disturbance
 - Construction could damage neighbouring driveways
 - Additional construction traffic creating a nuisance
 - The development and construction could impact upon neighbouring foundations
 - Impacts to a nearby protected tree
 - Flood/ Drainage impacts
 - Consultation to the wider area should have been carried out
12. Neighbouring comments and their associated photographs can be viewed in full online at the link given at the start of this officer report. It should be noted that the applicant also submitted a response letter to the initial objections raised and this is also available for public viewing.

PLANNING ISSUES/ANALYSIS

(a) Character

13. A number of objections have been raised regarding the impact upon the character of the plot and wider street scene. Such comments have stated that the development would not follow the character of the area and it would re-position the host dwelling to the front by creating a significant forwards projection, thereby impacting upon the uniform design of the application site and neighbouring dwellings. A concern was also raised regarding the reduced front garden area and that further information should be submitted to assess this impact.
14. However, the submitted scaled drawings are considered sufficient to make an informed judgement on these proposed works. Whilst the front extension is of a notable scale, it is noted that the host dwelling and surrounding properties are large in nature and so it is considered that these properties are capable of accommodating large extensions where appropriate. Nevertheless, the frontage of the host dwelling is not being re-positioned, it is being extended via a forwards projection extension. This proposed extension would not extend beyond the established building line of this street and therefore the development is not considered to appear overly prominent.
15. The overall design is reflective of the host dwelling and wider street scene. It is also noted that the properties on this street do vary in design slightly. Consideration is had for the Northern neighbouring property which does have a projection element. Whilst it is noted that this is situated within a cul-de-sac setting, the application site is the next property adjacent to this and therefore is considered to be set in a location that is not highly prominent. Nevertheless, and as already stated, the proposed front extension does not project beyond the established building line and is not therefore considered to result in a

prominent form of development that would be out of character for both this plot and street scene.

16. Concerns have been raised regarding the window/ door design to the frontage as they have been increased in width. However, the proposed openings are considered proportionate to the main dwelling and would generally follow the character of the main dwelling. It should also be noted that there are no permitted development rights removed from the property, so the current front openings of the host dwelling could currently be changed. As such the frontage of this application site could be altered, regardless of this planning application. This change is not considered to appear so out of character as to warrant a reason for refusal.
17. Overall, the design of the proposed extension is considered suitable to the main dwelling and is not considered to unduly impact upon the character of this area.
18. Reference was made about the development resulting in overdevelopment of the site. It is noted that there have been various planning works at this application site over the years. However, given the extent of the previous works and the nature of this scheme, it is not considered to result in overdevelopment of the site. The previously proposed loft conversion approval has since expired and cannot therefore be implemented in conjunction with this application. In addition, it should be noted that the front garden area would be reduced, but would not need to be completely removed, thereby retaining a degree of openness to this front elevation. The development is also situated within the application site and no encroachment onto third party land would occur.
19. With regards to the proposed extension and its proximity to No. 3 Meadowbank Close, the driveway of 3 Meadowbank Close creates a separation between this neighbouring property and the host dwelling. As such, upon completion of the proposed front extension, there would be an approximate remaining separation distance between the two properties of about 3.8m. This is considered a sufficient distance to not create a terracing impact between the two properties. And as the development would be roughly in line with the front of this neighbouring property, it is not considered to significantly 'close-off' of this area of street scene, to the detriment of the character of this area.
20. Concerns were raised that this development would set a precedent for other properties to extend their frontages. In the event of such development requiring planning permission, any proposals would be treated on their own merits in the light of the situation prevailing at that time. However, this application has been decided on its individual planning merits with regards to the relevant material planning considerations.
21. Concerns have been raised regarding the neighbouring protected tree and any associated damage from the development. However, whilst the nearby tree is formally protected via a TPO, it is located approximately 20 metres away from the proposed development. Also the tree canopy of this tree does not overhang onto the application site. Overall, it is not considered that further information needs to be provided on this occasion to assess the

impact of the tree or to provide tree protection measures, as this can be sufficiently conditioned.

(b) Amenity

22. Concerns have been raised in regard to overbearing and overshadowing impacts. However, due to the siting of the development in relation to the siting and orientation of neighbouring properties, the development is not considered to create an adverse impact in this regard.
23. As noted, the development would be sited approximately 3.8m away from No. 3 Meadowbank Close and it would be sited at about 7.4m away from nearest part of the building of No. 1 Meadowbank Close. These distances are considered sufficient to not create an adverse overbearing and overshadowing impact, especially taking into account that the development is set at the frontage. As such, front garden areas and driveway areas of these neighbouring properties are not considered to be areas whereby private amenity space is used, and therefore, it is not considered to create an impact upon amenity in this regard. The development is considered to be situated at a sufficient distance to both of these neighbouring properties to not create an adverse overbearing / overshadowing impact to the external areas of these neighbouring dwellings.
24. It is noted that No. 3 Meadowbank Close has a ground floor side window facing over the driveway area. Upon a site visit to this property, it can be confirmed that this ground floor side window looks onto part of the host dwelling of the application site and its front garden area. This serves as a secondary room window, for a living room area. The window design and size is narrow in nature.
25. Again, it is considered that the distances would be sufficient to not create an adverse overbearing impact. With regards to overshadowing, due to the sun's orientation, it is not considered that the development would create an overshadowing impact. Nevertheless, any overshadowing that may occur, is already present from the positioning of the host dwelling, in which this proposed extension is not considered to significantly worsen this current impact, as to warrant a reason for refusal.
26. With regards to this ground floor neighbouring side window (at No.3), it is acknowledged that viewpoints from this window would change. Whilst their view over their own driveway would remain, their view over the applicants front garden/ driveway and then street scene, would be altered upon the completion of this front extension. But it is considered that due to the siting of this neighbouring window, that it would achieve oblique views over the wider frontage of this street scene. However, whilst the proposed extension would block some viewpoints as described above, it is not considered to result in a harmful loss of outlook. This is taking into account the viewpoints that can still be achieved and that this window serves as a secondary window. The primary window is not considered to be impacted by this development and overall, it is not considered that a significant impact upon a loss of outlook would occur.

27. No. 3 Meadowbank Close has stated that their outlook from their rear garden area would be impacted upon. It is agreed that when stood within that rear garden, looking towards the frontage/ driveway area, that the extension would be visible. However, it is not considered that this front extension would significantly impact upon the loss of outlook from the rear garden, because viewpoints and openness is still achieved to the North, East and South of that garden. Therefore, the development is not considered to adversely impact upon a significant loss of outlook for the rear garden area of this neighbouring property.
28. In regard to the concerns for loss of light, this is not a material planning consideration and cannot be considered under this planning application because it is a matter for property law. However, impacts through overbearing, overshadowing and loss of outlook are material and have been assessed in full as detailed above.
29. Neighbouring objection comments have also raised privacy concerns as being another potential impact of the proposed development. However, viewpoints can already be achieved from the existing host dwelling frontage and the proposed openings are considered to achieve similar views as the existing. Notwithstanding, the implementation of the front extension would create oblique angles from the new openings, thereby resulting in views to these neighbouring frontages becoming more oblique as opposed to direct vantage points. Nevertheless, these are front garden areas and driveways, which as already noted are not considered to be main private amenity spaces.
30. Whilst there is a balcony at the front of No. 1 Meadowbank Close, it is considered that sufficient distances would remain, along with the fact that a degree of overlooking already occurs from the existing frontage of this host dwelling.
31. A concern was raised regarding the proposed ground floor side windows creating an impact upon privacy for No. 1 Meadowbank Close. The drawings have been amended to remove these two ground floor windows, which is considered to negate any privacy concerns in this regard.
32. Overall, the development is not considered to create an adverse impact upon privacy as to warrant a reason for refusal.
33. A comment was raised that larger openings within the development will increase noise levels from the main property. The new openings are considered to achieve a similar situation as the existing and not necessarily exacerbate existing noise levels from this current host dwelling.
34. With respect to the comments received regarding construction noise, dust and general disturbance from these activities, it must be recognised that the potential for noise and disruption during construction work is inevitable whilst works are being carried out. A request was also made to ask that the hours of construction be controlled by way of a condition. Whilst understanding, this is not normally controlled by way of planning conditions for domestic applications because there is separate legislation to monitor and

enforce noise occurring at unsociable hours. However, given the domestic nature of the works it is not expected that there would be a need to work during unsociable hours.

(c) Highway Safety

35. The development has been reviewed by Highway Development Control, and it has been considered that the proposed development would not create additional parking demand or impact upon existing parking arrangements for this dwelling. Therefore, the proposed works are not considered to create a highway safety issue.
36. Objections have been raised regarding additional construction traffic creating a nuisance and that there is insufficient space for construction materials and construction vehicles. Given that the proposed works are for a domestic extension, it is considered that this will be managed via the applicant/ construction company. As such, the planning department cannot control where vehicles park, but should a nuisance issue arise, this could be monitored / controlled via neighbourhood enforcement.

(d) Flood Risk

37. The application site is located within flood zones 2 and 3 and concerns have been raised regarding flooding and drainage impacts. A Flood Risk form has been submitted in conjunction with this application. It states that the application site is set at a higher ground level than the street scene/ access into this estate. In addition, it sets out that the proposed extension floor levels will be set at the same height as the existing dwelling and will use the same construction methods to protect and prevent the house from flooding.
38. This information is considered sufficient to demonstrate that the development will not be at risk of flooding. Also given the nature of the development which will adhere to building regulations, it is not considered that the development will result in increased flooding and drainage impacts, as to warrant a reason for refusal.
39. Notwithstanding the above assessment, further concerns were raised stating that the Environment Agency (EA) should be consulted, because the extension would displace surface and flood water to detriment of the wider community.
40. The Environment Agency are not consulted for householder applications, instead the Local Planning Authority are expected to use standing advice, which has been used to make the above assessment. But notwithstanding this process, the Local Planning Authority did contact the EA, requesting that they make an exception and review this scheme. However, they confirmed that they would not assess this scheme and that the standing advice be used.
41. To help address this matter further, the Local Planning Authority contacted the Lead Local Flood Authority (LLFA) for further advice. They raised no objection for flood risk of the proposed development, commenting as follows:

‘In the area of the proposed extension, rainwater will currently run off block paving or run off or soak into any garden area or find its way to the site drainage. If the extension is

built, it will have gutters and downpipes that will lead rainwater to the sewer so there is no difference in surface water flood risk, indeed there may be an infinitesimally small benefit as a result of positive drainage.

With reference to the flood risk assessment submitted as part of application 13/01001/FUL, in simple terms soil was excavated from the area of the attenuation basin and soil was deposited in the area where the houses were built to raise them out of the flood zone, see Appendix F of the flood risk assessment; extract below (green is flood volume lost, brown is flood volume regained;

This potential misunderstanding is highlighted in the Environment Agency response (dated 28/1/14) to application 13/01001/FUL which states:

4.0 Probability of flooding

para 2 indicates that because the development is to be raised , no development is to be sited in flood zones 2 or 3. As above this is incorrect, the development will still be in flood zones but just be raised above the flood level.

para 4 the probability of flooding for the proposed developed area of the site remains HIGH.

Flood risk remains “high” as the development is shown to be in a Flood Zone on Environment Agency (EA) mapping, however the EA acknowledge “the development will still be in flood zones but just be raised above the flood level”.’

42. It is considered acceptable for the Local Planning Authority to use the standing advice which has been deemed acceptable for this development. Notwithstanding, further advice has been sought from the LLFA who have confirmed that it is unlikely to create a flood risk to the wider community as to warrant a reason for refusal.

(e) Residual Matters

43. In relation to those concerns about the impact upon views, this is not a material planning consideration and has not therefore been considered as part of the determination of the application.
44. Concerns have been raised, stating that there are restrictive covenants about the types of works that can be carried out on these properties. However, covenant issues are not a planning matter and therefore cannot be considered further as part of this application.
45. There is no evidence to suggest that the construction or completion of this domestic development would result in damage to neighbouring driveways or foundations. It should be noted that the proposed works will need to be built to current building standards and so it is considered that the development can be built to appropriate standards without having to impact upon third party properties.

46. Concerns were also raised regarding the safety of construction, and this is expected to be managed by the construction company due to health and safety legislation. It should also be noted that scaffolding cannot be erected onto third party land without that landowners consent.
47. A comment was raised asking for details of the construction and length of time of construction. This is not a matter that is assessed or controlled by the planning department and so these details have not been requested. Likewise, it should be noted that whilst planning permission is granted for 3 years (for the works to be implemented), once works have started, the planning department cannot control how quickly the development is completed.
48. A comment stated that wider consultation to the area should have been carried out. However, under the planning processes, only neighbours that adjoin the site are required to be consulted for domestic works.

THE PUBLIC SECTOR EQUALITY DUTY

49. 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

50. 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

51. It is recommended that the application be GRANTED with Conditions for the reasons specified Above.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Time Limit

The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Plan Reference Number	Date
914-01	20 March 2025
914-02 A	6 May 2025
914-04 A	6 May 2025
914-05 A	6 May 2025
914-03 D	8 August 2025

Reason: To ensure the development is carried out in accordance with the planning permission.

3. Materials

The materials used in the construction of the external walls and roof of the development, hereby approved, shall match those within the existing main dwelling unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

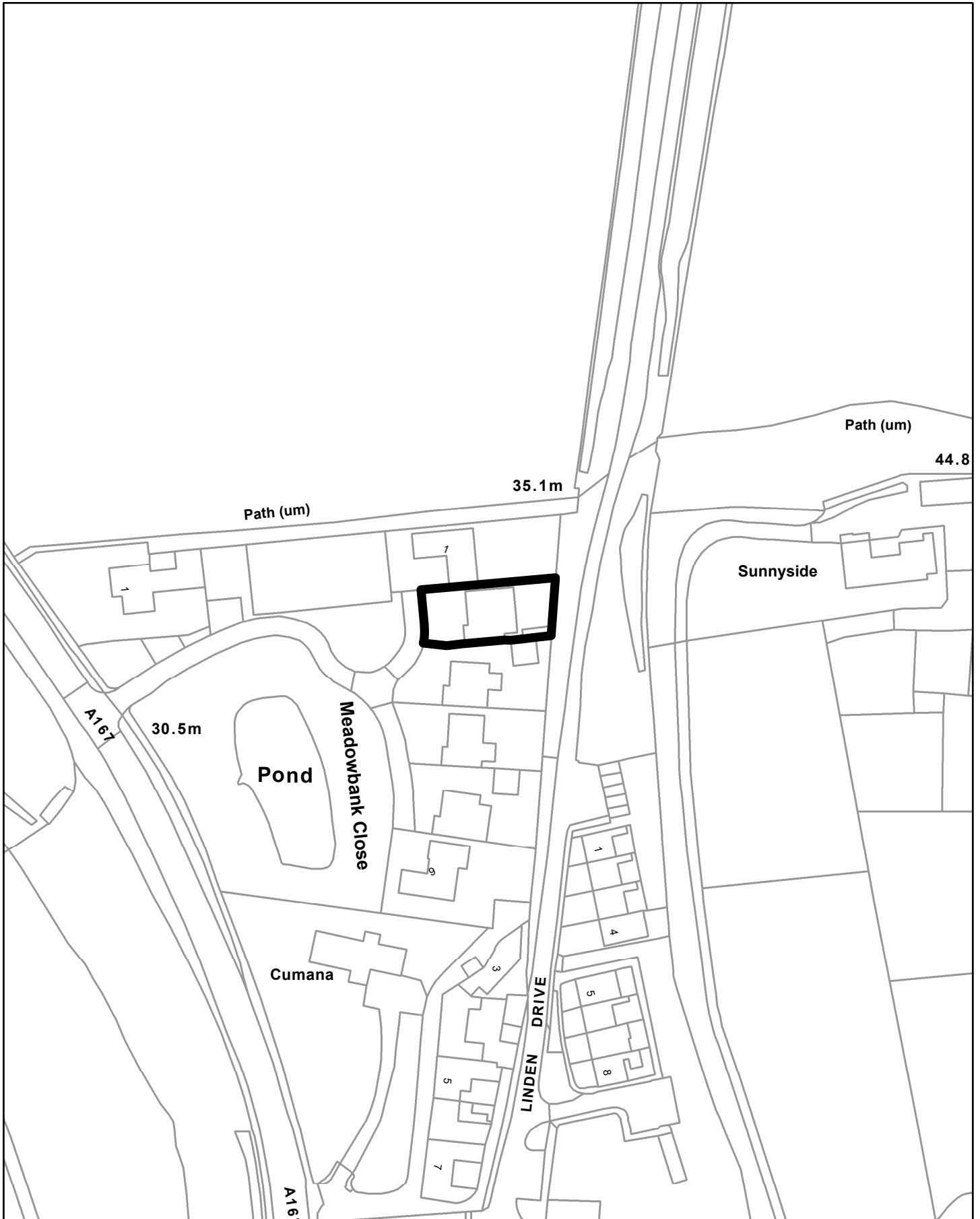
4. Adjacent Protected Tree - Prohibited Works

There shall be an exclusion zone in the form of a 5m radius around the adjacent existing mature tree (T4), in which the following shall not be permitted within this exclusion zone;

- No construction activity is to take place which may cause compaction or contamination in the rooting areas near the tree
- No equipment, materials or machinery shall be placed within this 5m radius and shall not be attached to or supported by the mature tree
- No mixing of cement or use of other materials or substances shall take place within this 5m radius or within proximity where seepage or displacement of those materials or substances could cause them to enter this zone.
- No unauthorised trenches shall be dug within the 5m radius

Reason: To protect the existing tree adjacent the application site, which the Local Planning Authority consider provides important amenity value in the locality.

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DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 August 2025

APPLICATION REF. NO:	25/00251/FUL
STATUTORY DECISION DATE:	11 th August 2025 (Extension of Time until 28 th August)
WARD/PARISH:	Sadberge And Middleton St George / Bishopton Parish Council
LOCATION:	West End, The Green, Bishopton
DESCRIPTION:	Construction of a bridge over Bishopton Beck with the installation of post and rail fencing with gates. Part change of use of existing field to allow formation of a road linking into the existing stable yard and field access, to provide alternative domestic access route to the dwelling (Retrospective Application)
APPLICANT:	Mr & Mrs Hewison

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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/>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a segment of land located off 'The Green' main road. The application site sits North of this main road, and to the East is a beck, followed by the application site property of West End. To the East of this beck is also the residential neighbouring garden of 1 The Green. It should be noted that this garden is not directly attached to this neighbouring property of 1 The Green. There is an existing access road between this residential garden and No. 1 The Green which serves as the existing vehicular access for 1 The Green and West End. The site is located within the Bishopton Conservation Area.

2. Retrospective planning permission is sought for the construction of a vehicular bridge to connect the application site to the domestic garden and wider plot of West End. The application site was originally part of a field which allowed horses to stay and graze on the land. Therefore, a part change of use is required to facilitate the hardstanding for this connecting access route to the bridge. But the use of the field for a paddock use is not being stopped. As such, the description was amended accordingly for accuracy purposes, but as the nature of the scheme has not changed, it was not considered necessary in this instance to carry out a re-consultation.
3. The existing access shared by West End and 1 The Green would remain; it is not the intention of West End to no longer use this existing access point. The new hardstanding within the application site red edge, would allow the provision of a new domestic access route as well as another alternative access to the stables.
4. It should be noted that the field contains two existing stable buildings and hardstanding in association with the field use. The hardstanding for the stable area has been replaced to match the material of the new access road. The stable blocks and field are within the applicant's ownership, with the horses stored on site belong to the applicant.

MAIN PLANNING ISSUES

5. The main planning issues are whether the proposed retrospective works are acceptable in terms of their impact on:
 - (a) Character
 - (b) Ecology
 - (c) Amenity
 - (d) Highway Safety
 - (e) Flood Risk
 - (f) Residual Matters

PLANNING POLICIES

6. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
 - Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
 - New development will be focused in areas of low flood risk (Flood Zone 1). In accordance with National Policy a site specific flood risk assessment will be required. Development proposals will be expected to mitigate and adapt to climate change, designed to ensure they are safe over the lifetime of the development and to ensure that flood risk is not increased elsewhere (*Policy DC2*).

- 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*).
- Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
- Development will be expected to minimise the impact on and provide net gains for biodiversity (*Policies ENV7 and ENV8*).
- Protects the significance of heritage assets (*Policy ENV1*).
- Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).

RESULTS OF TECHNICAL CONSULTATION

Environment Agency

7. Overall, no objections. Whilst it has been assessed that the bridge does not increase risk to others, the new bridge is considered unsuitable for emergency access/egress in the event of a flood. As noted in the Flood Risk Assessment, the applicant is in breach of Environmental Permitting Regulations 2016, and has been issued with a formal warning from the Environment Agency. A permit cannot be issued retrospectively.
8. At the request of the Environment Agency, an informative will be attached, setting out when the Environment Agency must be consulted, before any works take place within proximity to the main river and/or its floodplain.

Durham Archaeology

9. No archaeological objection.

Parish Council

10. The application is in three related parts to which the Parish Council has separate responses:
 - Construction of the bridge over Bishopton Beck: NO COMMENT – structure is on their land and has no bearing or impact on anyone else. We are, however, interested to know if there is any environmental impact caused by this type of construction;
 - Road linking into the existing stable yard: OBJECTION – although the road is also on the property and was first laid as a track some time ago, the Parish Council is very concerned that the intention is to make a highly dangerous point of access from the premises to the road at a point where accidents have previously occurred(see below);
 - Alternative domestic access route to the dwelling: OBJECTION - the Parish Council is strongly against making the proposed access the main point of entry and, especially, egress onto the road. The point of access being proposed would turn a junction that already has four routes converging into one with a fifth route from and to the property. This junction is already a hazard with cars coming down Folly Bank at speed which has resulted in accidents in the past. This new access would be a blind junction to cars coming down the hill as well for those leaving the property. In other words the proposal is to create a fifth part of an already problematic four route junction. We

urge Planning to insist that the main access point remains the one already in place which is located further away from the other parts of the junction.

Ecology

11. In terms of ecological impact, I accept and agree with the Environment Agency and EcoSurv concluded that there have been minimal ecological impacts.
12. The Biodiversity Net Gain assessment has concluded that with the appropriate post-development habitat creation and enhancement there is the potential to have a 15.7% increase in Habitat Units and 1.79% increase in Water Course Units. I accept this is possible with the creation and enhancements proposed. This would need to be secured for no less than 30 years by Condition.
13. I agree with the BNG report that additional enhancement in the form of bird and bat boxes should be installed on retained trees onsite. As such, it is advised that a minimum of four bird boxes suitable for a range of species are installed, and four bat boxes should be installed. A plan showing the number, type, and location should be submitted to planning. This can be submitted post-decision as a Condition.
14. A Biodiversity Enhancement Management Plan (BEMP) or Habitat Management and Maintenance Plan (HMMP) should be submitted to support the management and maintenance of the created and enhanced habitats, and the enhancement features onsite. This can be submitted post-decision as a Condition.

Highway Development Control

15. The applicant seeks consent for the use of an existing field access to be used for residential access to the above dwelling. Whilst this is an historic field access which would have been used infrequently in the past, it has in recent years, been used by the applicant for accessing stabling and a paddock area, with the residential access being taken from a shared access and driveway located approximately 80m to the east on 'The Green'.
16. The rationale for the relocated access presented by Prism Planning within the planning statement refers to the existing limitations on visibility: "The available visibility splay from this access is extremely limited and sub-standard, exiting onto The Green within the village 30 mph speed limit. Photographs of the access are appended to this letter and highlight that the availability is somewhat less than 2.4m x 2m".
17. Visibility from the existing residential access is restricted, owing to the limited width of grass verge and position of boundary fences and vegetation. This requires drivers to edge out forwards onto the carriageway of the Green, with limited intervisibility between exiting drivers and approaching vehicles of the major road.
18. Similarly, the existing driveway does not enable two-way passage of vehicles, with stationary vehicles therefore required to wait on The Green to make way for exiting vehicles. Whilst my first recommendation would be to improve visibility from the existing access as it is located within the 30mph speed limit, given the limited width of verge, and

that land required to improve visibility is not under the control of the applicant, this is not practicable or deliverable in this instance.

19. The planning statement offers the following explanation of the alternative field access:
20. "The available visibility splay from the new entrance, at a point 2.4m back from the edge of the carriageway shows almost 53m easterly, towards the main body of the village, and just over 82m in a westerly direction. It is appreciated that the required theoretical visibility splay would normally be in the region of 90m to the west and 70m to the east- and that the available visibility is slightly less than would normally be sought. However, it will be appreciated that the alternative fall-back position is to continue to require the use of the original access which has an available visibility splay of less than 2m in both directions and therefore represents a considerably less safe access."
21. I would highlight that the visibility requirements within a 40mph rural speed limit are 2.4x 120m in each direction under Design Manual for Bridges (DMRB) standards, not the figures referred to above by the agent, however the lesser requirements of Manual for Streets (MfS) which can be applied for roads with a 40mph speed limit or below, require lesser visibility of 2.4m x 59m.
22. It is therefore clear that the available level of visibility easily exceeds MfS requirements, whilst own observations taken from a recent site visit confirm that the available visibility exceeds that quoted by the agent, and is in line with DMRB standards looking westwards, whilst eastwards visibility is approximately 100m and extends into the 30mph speed limit where approach speeds will there be lower for westbound traffic approaching from the 30mph speed limit. It is therefore demonstrated that the relocated access offers significantly improved visibility over the existing access and as such offers betterment to highway safety.
23. Whilst I note the objections raised, a review of the most recent 5-year period of personal injury collisions demonstrates that there have been no recorded incidents at this location or the nearby staggered crossroad junction. The incident referred to in the Parish objection was not a personal injury collision and was attributed to driver behaviour, not any inherent highway safety or engineering concern.
24. Furthermore, since the time of this incident, the Council as Local Highway Authority (LHA) has implemented a 40mph speed limited 'buffer' to manage approach speeds. I would also highlight that this is an existing access, there is no proposal to construct a 5th junction approach. Furthermore, there is no additional development or increase in traffic generation, rather vehicle movements are transferred from one existing sub-standard access to an alternative access which offers visibility in line with national recognised highway design standards.
25. Should you be minded to approve the application, the existing access would also require upgrading to a sealed surface within the limits of public highway adoption to ensure that it is suitable for daily use by road vehicles and prevent the depositing of loose material on

the highway. As the application is retrospective, the required works should be completed within an agreed timescale. I would suggest that a period of three months from the date of an approval would be reasonable.

26. All works within the public highway require separate approval from the local highway authority, in this case an agreement under Section 184 of the highways act 1980, is needed to upgrade the existing field access to the standard required for a residential access.
27. I would raise no highway objection to the proposal, subject to the above being conditioned.

RESULTS OF PUBLICITY AND NOTIFICATION

28. At the time of writing, objection comments were received from three properties within Bishopton. One objector submitted a secondary objection letter, with another objector providing a further neutral comment.
29. At the time of writing, support comments were received from 20 properties. Out of these 20 properties, 12 properties are within the Bishopton area, with the rest being located within the wider area of Darlington and the boroughs of Stockton, Redcar, Hartlepool and Middlesbrough.
30. The applicant submitted a statement in response to comments received.
31. The main neighbouring concerns and support comments are summarised below, but all comments (along with associated photographs) are available online using the below weblink;
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SSPLWJFPG7F00>

Main concerns:

- Planning permission not obtained for driveway that has been installed within domestic curtilage.
- Installation of hardstanding on field and domestic plot has eroded the natural green space for this area.
- Impacts upon BNG
- Errors on the planning application form
- The applicant only has a right of way over the existing access, they do not own the existing access.
- Applicant will need to 'give up' their right to use the existing vehicular access
- No notice given to neighbours by applicant of intended works
- Impacts upon flood risk / drainage
- Impacts upon highway safety / Intensification of use of existing field access, close to a busy junction.
- Vehicles entering Bishopton are often speeding; concerns of increasing accident risk at this farm entrance.

- There has been vehicle accidents in the past; concerns that this access would increase this risk
- The new road/ access would generate additional traffic to/ from West End
- No street lighting or pavements within proximity of the site.
- The approval of the Solar Farm, Byers Gill will increase vehicle numbers going through the village during its construction phase, as well as the maintenance of the site after construction.
- No assurances that the bridge is stable and able to withstand increased water levels and use for vehicles
- The new access route will impact upon residential privacy

Main support reasons:

- Bridge is of solid construction and in keeping with the area
- The works have resulted in a visual and land management improvement to the field/ paddock. Previously the field was neglected, used as a 'dumping ground' and for 'antisocial behaviour'.
- The existing shared vehicular access has reduced visibility when leaving/ entering, creating a highway and pedestrian safety issue.
- Vehicles have to swing onto the opposite side of the road to enter the existing access to West End
- The existing access is steep which is difficult to use during the winter months.
- New road provides an alternative route from West End with the existing farm access having improved visibility when leaving/ entering. This access will be safer than the existing, including for pedestrian users.
- There have been no issues for the existing farm access for years
- Vehicles entering Bishopton are often speeding and the existing access is not highly visible. But the farm access is more visible for road users which in turn is likely to encourage drivers to slow down.
- The new access has created a 'pull in' area for vehicles, to avoid them having to wait on the road.
- The existing junctions mean that vehicles have to stop, making the farm access safer to use than the existing.
- The farm access/ new road is to serve a private house and a few stables. Therefore, it is not likely to generate more traffic than the existing access.
- The new road allows a safer access for the applicants to tend to their horses and use a 'barrow or grass cutter' to tend to the field, rather than using the main road for this access.
- The 40mph speed limit, helps reduce any associated highway risks
- The road outside of the application site has not had accidents and is highly visible to road users.
- There are other bridges across the beck and this new bridge will not worsen the impact upon flooding because it is up to the residents abutting the beck to clear the beck on a regular basis.

PLANNING ISSUES/ANALYSIS

(a) Character

32. Objection comments have stated that a driveway was installed within the domestic curtilage of the host dwelling without the necessary planning permissions. Further comments state that the overall installation of hardstanding has eroded the natural greenery for this area. Conversely, support comments state that the works have resulted in a visual and land management improvement, as previously the land was neglected.
33. To address the first matter raised, a new driveway has been installed within the domestic curtilage and this runs along the Southern boundary of the curtilage of West End, towards the beck to the West. This new driveway has been installed fully within the domestic curtilage of West End and it links to the existing parking and driveway area to the frontage/ South of this host dwelling.
34. It should be noted that domestic hardstanding does not require planning permission and is permitted development under Schedule 2, Part 1, Class F (of the General Permitted Development Order). There are no restrictions for the creation of hardstanding that is located within a conservation area and there is no local Article 4 direction which would prohibit the installation of hardstanding. The only restrictions under this Class, are in relation to the size of hardstanding and its positioning forwards of the host dwelling and between a highway, which would result in the surface needing to be porous. Therefore, given the siting of the hardstanding, this requirement would not apply, but upon a site visit inspection, the material does appear to be of a porous material.
35. Therefore, the driveway within the domestic garden of the host dwelling does not require planning permission and cannot be assessed as part of this application. The construction of the bridge, with the associated change of use and hardstanding does require planning permission and will be assessed accordingly as part of this current planning application.
36. With regards to the implementation of the hardstanding of the application site, whilst it is accepted that it will have removed greenery to accommodate this new route, it is considered that limited views would be achieved from the main street scene levels. Therefore, it is considered to have a minimal impact upon the character of the wider area. Nevertheless, the connecting road would be read in association with the existing field use and would not appear unduly out of context.
37. In addition, the bridge is not considered to be visible from the nearby street areas, thereby limiting the impact upon the character of the wider area. Notwithstanding, the bridge is considered to be proportionate to the site and of a simple construction, which again would not appear out of context for a rural setting.
38. It should be noted that the application site is situated within the Bishopton Conservation Area and accordingly the views from the conservation consultant have been sought. They note that the main character of this area, derives from this historic layout out as well as the attractive historic buildings lying within. They go on to say that the 'installed track matches materiality wise with the existing and the general design and construction of the bridge and boundary fencing is not considered to be incongruous in respect of the site

context or that of the Bishopton Conservation Area, largely appearing as part of the established site character.' They also note that the site is well screened from the approach into the village by established vegetation. Overall, they concluded that the development would have a neutral impact upon the significance of the conservation area.

39. The proposed development owing to its design, scale and siting, is not considered to create a harmful impact upon character of the area or the conservation area. The development is considered to be acceptable in this regard.

(b) Ecology

40. Impacts upon Biodiversity Net Gain (BNG) were raised and as part of the application, an Ecological Scoping Report and associated BNG documents were submitted.
41. It should be noted that retrospective planning applications are normally exempt from Biodiversity Net Gain requirements. But there is a local requirement for the development to comply with policies ENV7 and ENV8, which require the impacts of the development to be assessed and the provision of net gains in biodiversity to be demonstrated using the Defra Biodiversity Metric. Therefore, the developer does have to demonstrate a net gain in biodiversity and so it is considered appropriate in this instance that the required BNG documents have been provided.
42. The ecologist has determined based on the submitted details that there have been minimal ecological impacts. To provide BNG enhancements, bird and bat boxes can be installed on trees located on site. This information can be conditioned for the final details to be provided at a later date, which is considered reasonable in this instance.
43. With regards to BNG, there would be the creation of post-development habitat creation and enhancement. There is the potential to have 15.7% increase in Habitat Units and 1.79% increase in Water Course Units. As enhancement in biodiversity is being created on site, there will be a requirement to submit either a Biodiversity Enhancement Management Plan (BEMP) or Habitat Management and Maintenance Plan. This will set out the management and maintenance of the created and enhanced onsite habitats, and this can be secured via condition and worded in a way to ensure this is maintained for no less than 30 years.
44. The development is considered to be acceptable, with regards to ecological impacts and the development would provide a net gain in biodiversity.

(c) Amenity

45. Owing to the nature of the works, the development is not considered to create an adverse overbearing or overshadowing impact. The bridge is situated over the beck and is of a relatively 'open' construction as to not create a bulky form of development that would be detrimental to amenity.
46. An objection comment stated that the access route will impact upon privacy. It is considered that the connecting route to the bridge, as well as the bridge itself, could be

assessed for this residential impact. However, whilst the domestic hardstanding can't technically be considered, it is appreciated that without the new access route and bridge, that vehicles would not be coming from this direction. But it should be noted, that this would not stop the applicant from using that domestic driveway to drive and park vehicles down to the bottom of their garden.

47. The nearest property that could be affected by these works is 1 The Green, and as already explained, the garden of this property sits East of the application site, with the main property separated by the existing shared vehicular access. It is not therefore considered that there would be an adverse impact upon privacy for this neighbouring property. With regards to their garden, it is of large size, with the Northwestern corner being the closest to the bridge.
48. Due to the nature of the access route and bridge, it is not considered to be used as a frequent amenity area. As it is to be used as a point of access, views towards the neighbouring garden would not be of a prolonged nature. The low level fence and mature vegetation are also considered to assist in screening any views from a vehicle. Whilst it is noted that this vegetation may lose its leaves during the winter months, the positioning of the bridge and hardstanding against that of the neighbouring garden is considered to be set away from one another, likely creating obscure views towards this section of garden area.
49. Overall, it is considered that the development would not create a significant impact upon privacy as to warrant a reason for refusal in this instance.
50. Reference was also made about the intensification of the use of the site. However, as the access is to serve the field which is owned by the applicants of West End, it is not considered that there would necessarily be an intensification of use. The same amount of occupants would still operate the land, and so whether they do this via the existing access or the alternative route, overall it is considered that the associated disturbance levels would be similar to one another.

(d) Highway Safety

51. The objection comments have stated that the new route to connect to the existing field access would create a highway safety issue as well as creating an intensification of the existing field access at a busy junction. They reference that vehicles travel at high speed into the village, thereby increasing the accident risk at this farm entrance, in which there have been historic accidents. They also go on to say that the access would generate additional traffic. There is the concern that there is no street lighting or pavements within proximity of the site. Lastly, reference has been made to the Byers Gill development in which there would be an increase in traffic during its construction as well as maintenance thereafter.
52. Conversely to the above, the support comments note that the existing access from West End and 1 The Green has limited visibility, creating a highway and pedestrian safety issue. They note that vehicles have to swing onto the opposite side of the road to enter the

- driveway, which is steep in nature and therefore difficult to use in the winter months. The new route to the farm access provides an alternative route with improved visibility and it is safer than the existing access. They note that there have been no issues for this farm access for a number of years which has had no accidents. They also argue that the farm access would encourage vehicles to slow down and the speed limit has been reduced to 40mph. In addition, as there is a junction nearby, this means vehicles must stop. It was also stated that an area has been created to allow vehicles to pull in off the road; historically vehicles had to wait in the road to gain access into the field. They argue the access/route would serve a private house which would not generate additional traffic.
53. The development has been assessed by the Highway Development Control section in which the following assessment can be given.
54. The proposed new route would connect an existing field access to the domestic plot of West End, allowing the existing farm access to be used for domestic purposes too; it would provide an alternative route to and from West End. Whilst this is a historic field access which would have been used infrequently in the past, it has in recent years, been used by the applicant for the paddock area, with the residential access being taken from a shared access and driveway located approximately 80m to the east on 'The Green'.
55. The reasoning the new route / access point is due to limitations on visibility from entering / leaving the existing access at West End. The highways section notes that visibility from the existing residential access is restricted, due to the limited width of grass verge and position of boundary fences and vegetation. As a result, this requires drivers to edge forwards onto the carriageway of The Green, with limited intervisibility between exiting drivers and approaching vehicles of the major road. It is also noted that the existing driveway does not allow two-way passage of vehicles. Therefore, stationary vehicles must wait on The Green, in order to make way for exiting vehicles.
56. Due to the limited width of verge and that the land required to improve visibility is not under the control of the applicant, it is not considered to be practicable nor deliverable in this instance to improve the current access arrangement.
57. The planning statement argues that the farm access allows for a betterment of visibility over the existing access point. The Highways section have reviewed this information and concluded that the visibility requirements within a 40mph rural speed limit are 2.4x 120m in each direction under Design Manual for Bridges (DMRB) standards. However, the lesser requirements of Manual for Streets (MfS) can be applied for roads with a 40mph speed limit and requires lesser visibility of 2.4m x 59m.
58. The Highways section considers the development and associated visibility to meet the MfS requirements. Nevertheless, they have also carried out their own observations taken from a recent site visit. They confirmed that the available visibility exceeds that quoted by the agent, and is in line with DMRB standards looking westwards, whilst eastwards visibility is approximately 100m and extends into the 30mph speed limit where approach speeds will be lower for westbound traffic approaching from the 30mph speed limit. It is therefore

demonstrated that the relocated access offers significantly improved visibility over the existing access and as such offers betterment to highway safety.

59. The objections relating to vehicular accidents are noted. But a review of the most recent 5-year period of personal injury collisions, demonstrates that there have been no recorded incidents at this location or the nearby staggered crossroad junction. The incident referred to in the Parish objection was not a personal injury collision and was attributed to driver behaviour, not any inherent highway safety or engineering concerns. Furthermore, since the time of this incident, the Local Highway Authority has implemented a 40mph speed limit 'buffer' to manage approach speeds.
60. With regards to the concerns expressed about adding to an existing junction, it should be noted that this farm access, is an existing access. There is no proposal to construct a fifth junction nor would there be additional development or increase in traffic generation. It is considered that vehicle movements would be transferred from one existing sub-standard access to an alternative access, which offers visibility in line with national recognised highway design standards.
61. Overall, the development is not considered to create an adverse impact upon highway or pedestrian safety and therefore, there are no grounds to refuse the works on highway safety issues. However, the existing farm access would need to be upgraded to a sealed surface for daily use by road vehicles, to ensure that loose material is not deposited on the highway. This information and associated timeframe for completion can be conditioned accordingly.

(e) Flood Risk

62. Objection comments state that there would be an impact upon flood risk and drainage due to the material used, whilst some support comments argue that the bridge will not worsen this impact. It is argued that there are other bridges across the beck and flooding only occurs when residents abutting the beck do not clean the beck on a regular basis.
63. The application site is located within Flood Zone 3 with parts of the site located in a high risk of surface water flooding. Whilst a comment has been made regarding the material used, it was noted as part of the site visit that the material appeared to be porous which would allow surface water to drain naturally through the ground. This has also been confirmed to be permeable within the submitted Flood Risk Assessment.
64. The assessment makes reference to the relatively flat land surrounding the beck, with overland floods being relatively small. But to address flood risk, the bridge has been situated approximately 30cm higher than the bank top. The submitted assessment also states that in the event of a flood, due to the nature of the bridge it will allow water to pass over or around the bridge and will not therefore cause or divert the path of flood. In addition, should this access not be able to be used within a flood event, the applicants would revert back to their existing vehicular access point which is situated at a higher land level.

65. The Flood Risk Assessment has been assessed by the Environment Agency and overall, no objections were raised. They concluded that the bridge would not increase risk to others. However, they did note that the new bridge is considered unsuitable for emergency access/egress in the event of a flood, but as noted above, the existing vehicular access can be used in a flood event.
66. The Environment Agency stated that the applicant is in breach of Environmental Permitting Regulations 2016, and they have been issued with a formal warning from the Environment Agency. A permit cannot be issued retrospectively, and they've requested that an informative is attached setting out when consultation must be carried out with the Environment Agency.
67. Based on the nature of the works, the information provided and the consultee response received, the development is not considered to adversely impact upon flood risk as to warrant a reason for refusal.

(f) Residual Matters

68. A neighbouring objection referenced an error of the application form, stating that notice firstly wasn't given and that the dates do not match with one another. It is up to the applicant to serve notice to the appropriate landowners should development encroach onto third party land. And without evidence to the contrary, it is considered that the relevant planning processes have been followed. It should also be noted that the Local Planning Authority carried out neighbour consultation on this application. Whilst the notice date and final sign off date differ, it indicates that notice was given before the application form was finally signed off and submitted. This would be acceptable from a planning process point of view.
69. Objection comments state that the existing vehicular access serving both West End and 1 The Green, is a right of access for West End. Should approval be granted, there will be a legal requirement for the applicant to surrender their current entitlement to the land/ access for 1 The Green. However, it should be noted that issues relating to land ownership and right of access are not a planning matter and no further consideration can be given. This will be a civil matter to resolve between the parties who own the land and/ or have a right of access.
70. The concerns of the objector's state that there have been no assurances that the bridge is stable for vehicular use and can withstand increased water levels. Contrary to this, support comments state that the bridge is of solid construction. Based on the information and consultee comments received, it is not considered that there is sufficient evidence to demonstrate that the bridge is not suitable for vehicular use or increased water levels. Nevertheless, the structural stability of the bridge would likely fall under the remit of the Environment Agency and Building Control for further review should it ever be required.

THE PUBLIC SECTOR EQUALITY DUTY

71. 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

72. 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

73. It is recommended that the application be Granted with Conditions for the reasons specified Above.

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

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

01 REV A

02 REV A

03 REV A

04 REV A

Reason: To ensure the development is carried out in accordance with the planning permission.

2. Bird/ Bat Boxes

Within a period of 3 months of the date of this decision, bird and bat boxes shall be installed once a plan showing the number, type and location of bird and bat boxes has been submitted to and agreed in writing with the Local Planning Authority. These details shall show a minimum of 4 bird boxes suitable for a range of species and a minimum of 4 bat boxes and these are to be installed on retained trees onsite. These agreed details shall be carried out in full within 3 months of the date of this decision and thereafter shall be maintained in accordance with these details for the lifetime of the development.

Reason: To deliver biodiversity net gains in accordance with Darlington Local Plan Policies ENV7 and ENV8.

3. Biodiversity Enhancement Management Plan/ Habitat Management and Maintenance Plan

Within a period of 3 months of the date of this decision, either a Biodiversity Enhancement Management Plan (BEMP) or Habitat Management and Maintenance Plan (HMMP), prepared in accordance with the submitted Biodiversity Net Gain Statement, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP or HMMP shall include a duration of no less than 30 years for the management and monitoring of the habitats outlined within the Biodiversity Net Gain documents. The approved BEMP or HMMP shall be strictly adhered to and implemented in full for its duration.

Reason: To demonstrate how the land will be managed in accordance with the submitted Biodiversity Net Gain documents, in the interests of maintaining biodiversity net gains.

4. Upgrade Existing Field Access

The existing field access shall be formed in a sealed bitmac surface material, between the carriageway edge and highway boundary, within not later than 3 months from the date of this hereby approved development. Works shall be completed in accordance with the details approved in writing by the Local Highway Authority, as part of an agreement granted under Section 184 of The Highways Act 1980.

Reason: To provide for adequate and satisfactory provision of access and off-street accommodation for vehicles in the interests of highway safety and the general amenity of the development.

INFORMATIVES

Informative: Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

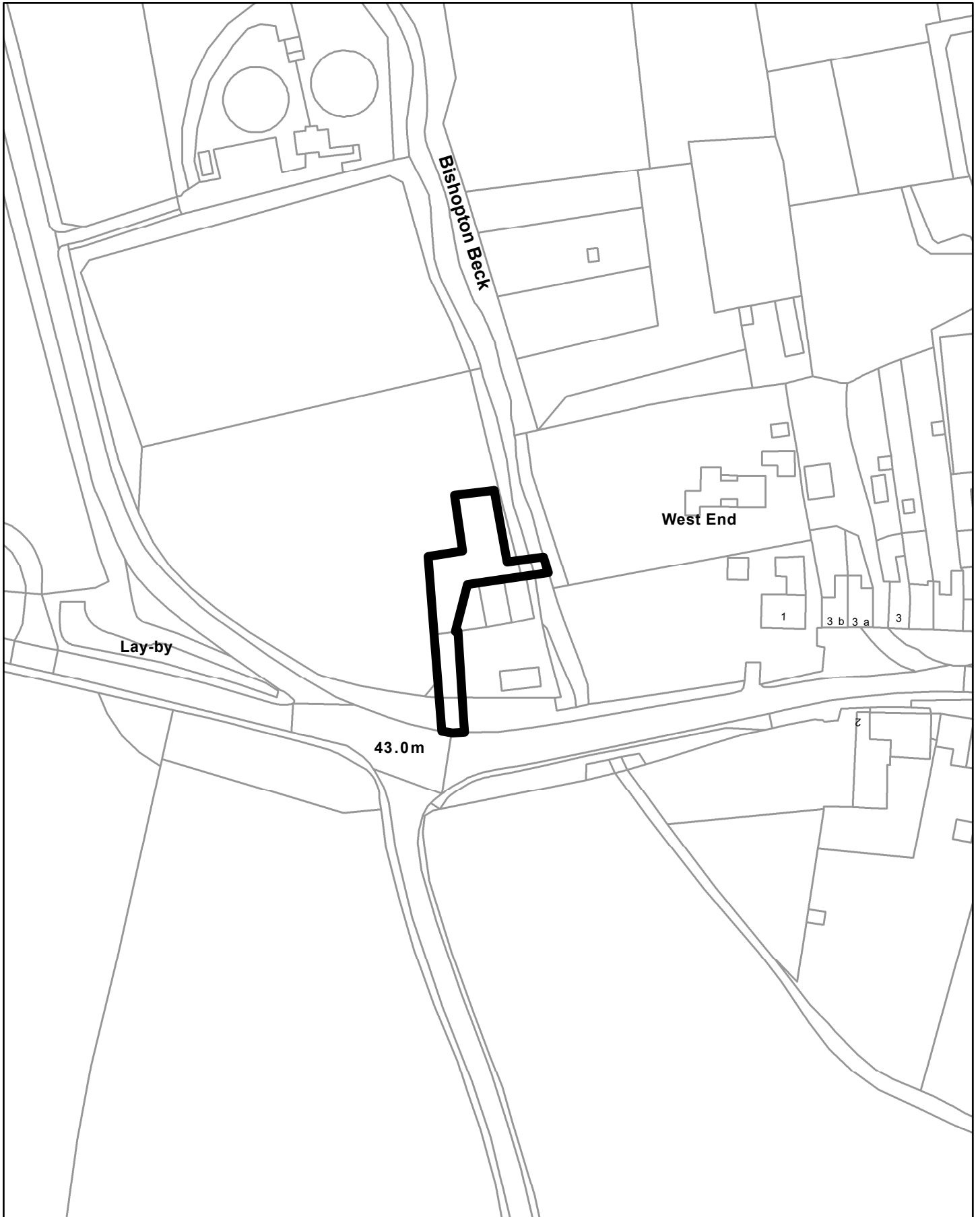
- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Informative: Vehicle Crossing

The applicant is advised that works are required within the public highway, to amend an existing vehicle crossing; contact must be made with the Assistant Director: Highways, Design and Projects HighwaysStreetLightingDefects@darlington.gov.uk to arrange for the works to be carried out or to obtain agreement under Section 184 of The Highways Act 1980 to execute the works.



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Planning Ref No: 25/00251/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 August 2025

APPLICATION REF. NO:	25/00081/FUL
STATUTORY DECISION DATE:	8 th April 2025 (EOT 29 th August 2025)
WARD/PARISH:	SADBERGE & MIDDLETON ST GEORGE
LOCATION:	2- 5 Flat Hill Close Sadberge Darlington DL2 1FN
DESCRIPTION:	Change of use from paddock to be included in domestic curtilage of 4 No. dwellings with erection of 1.1m high boundary fence (Retrospective Application)
APPLICANT:	MR ADAM ADAMSON

APPLICATION AND SITE DESCRIPTION

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=SQLOIEFPLGE00>

1. The application site comprises 4 properties within a residential development, nearing completion, to the east of Middleton Road, to the south of Sadberge. The residential development comprising 25 dwellings, approved under 17/00358/FUL with a subsequent variation (20/00607/FUL) is within the development limits and is identified as a housing commitment in the Local Plan. The northern part of the site is situated within the southern extent of the Sadberge Conservation Area. A small strip of land to the east of the existing housing commitment and included within the application site, is beyond the development limits and considered to be open countryside for the purposes of planning policy.
2. This is a retrospective application for the change of use of the strip of paddock land to form part of the approved gardens for numbers 2 -5 Flat Hill Lane, which are all detached 2-storey, 4-bed properties. The strip of land in question extends to some 3m

back from rear of the originally approved gardens. The application states that the reason for the proposed development is to provide larger gardens for the dwellings, more proportionate to the size of the properties they are serving. Boundary treatment, already in place, consists of a 1.1m high timber post and rail fence with wire mesh panels.

3. A separate retrospective application which proposes the extension of the rear garden of 1 Flat Hill Close, adjacent to the application site, in the same manner, is included elsewhere on the agenda under reference number 25/00072/FUL.

MAIN PLANNING ISSUES

4. The main issues for consideration are:
 - (a) Impact on heritage assets
 - (b) Visual and residential amenity
 - (c) Ecology
 - (d) Other matters

PLANNING POLICIES

5. There are no specific policies that govern the extension of gardens into the open countryside. The development is considered acceptable in principle subject to compliance with the policies listed below, specifically in reference to impact on visual and residential amenity, ecology, landscape character and heritage assets.

Darlington Local Plan 2016 – 2036

SD1: Presumption in Favour of Sustainable Development

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity

H3: Development Limits

H7: Residential Development in the Countryside

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

ENV3: Local Landscape Character

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Biodiversity

RESULTS OF TECHNICAL CONSULTATION

6. No objections have been raised by the Council's Highways Engineer or Ecologist, subject to conditions.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Two letters of objection have been received from residents, raising the following concerns:

- Will set a precedent for other new house owners, allowing them to purchase extra land from the developer, to extend their properties.
 - Will introduce an irregular feature to the rear of the development, creating an inconsistent boundary encroaching onto open countryside.
 - Within the Conservation Area.
8. It should be noted that one of the objections raises concerns regarding the number of unsold houses already available in the village. This is not relevant to the determination of the application, which relates to alterations to existing dwellings rather than proposing additional dwellings.
9. Sadberge Parish Council has objected to the application, raising the following concerns:
- Will set a precedent.
 - Outside of development limits.
 - Within the Conservation Area.
 - Will reduce green space and habitat.
 - Is out of character and an eyesore.
10. It should be noted that one of the concerns raised by Sadberge Parish Council is that the proposal breaches planning control in terms of the original proposals by virtue of being a retrospective application. It should be noted that its status of being a retrospective application is not a consideration in the determination of the application. The purpose of a retrospective planning application is to regularise the development and remedy the breach by obtaining planning permission. The application should be determined on its planning merits only.

PLANNING ISSUES/ANALYSIS

a) Impact on heritage assets

11. Being partially within the Sadberge Conservation Area, the applicant commissioned a Heritage Assessment.
12. The assessment notes that the site is almost entirely outside of the Conservation Area boundary aside from its northernmost extent, the remainder being within its setting. The assessment notes that:
- The modern housing estate makes a neutral contribution to the character and appearance of the conservation area, reading as a natural extension to the settlement.
 - The adjacent paddock with green rural character makes a minor positive contribution to the character and appearance of the village. This contribution is of much lesser significance when compared with those elements given for the designation of the village as a conservation area, which relate to its special interest.

- The paddock areas/fields here are not listed as part of the special interest/reasons for designation of the conservation area and indeed lie mainly outside of the conservation area reflecting their liminal position and limited significance.
13. In taking the above into account the Heritage statement concludes that the modest extension of the rear gardens of the dwellings results in a public benefit (improved residential amenity) and will not cause any harm to the special interest of the conservation area due to the following:
- The works are modest and light-touch in nature.
 - The development maintains a green aesthetic given the garden use, not involving any additional built form.
 - The fencing is visually permeable linking paddock and garden lands.
 - Due to the discrete location and nature of the change it would not impact on natural landscape character, is read in connection with the housing development, and preserves the green setting of the conservation area with these only slightly enlarged outdoor areas complementing both the built form and the paddocks.
14. The statement therefore concludes that the development accords with the requirements of policy ENV1. The assessment and conclusions made are considered to be an accurate assessment and it is therefore agreed that the proposal does not cause harm to the special interest of the Sadberge Conservation Area and complies with policy ENV1 in this regard.

b) Visual and residential amenity

15. Visual amenity is assessed in terms of impact on landscape character of the site and the surrounding area. Whilst the concerns of residents and the Parish Council are noted, and with regard to the heritage assessment considered above, it is also considered that the modest increase to the size of the perimeter gardens, in a continuous row and seen in the context of the overall development, would not have a significant impact on the adjoining paddock's contribution to overall landscape character.
16. Given the above, it is concluded that the development does not result in harm to the natural quality of the rural landscape as required by policy ENV3 and avoids significant detrimental impact on the setting of the dwellings as required by Policy H7.
17. At the same time in terms of amenity, the curtilage extensions proposed create modestly larger gardens for these perimeter dwellings, which will improve the quality of private amenity space for occupiers, creating more attractive and desirable places to live, which are in line with the overall policies of the Local Plan and the NPPF.

c) Ecology

18. Retrospective planning applications are currently exempt from the Biodiversity Net Gain requirement although the government is working on bringing BNG into effect for retrospective planning applications through further regulations in the future.
19. Despite the above, there is a local requirement for the development to comply with policies ENV7 and ENV8, which require the impact of the development to be assessed and the provision of net gains in biodiversity, to be demonstrated using the Defra Biodiversity Metric. This local requirement for a net gain is not 10% as in the current Statutory Metric, however the developer does have to demonstrate a net gain in biodiversity.
20. As a result of the above requirement, the applicant was asked to submit a biodiversity net gain (BNG) assessment on impacted habitats on-site, to include a baseline and post-development assessment. The surveys were conducted during optimal season and as the development is retrospective, also included assessment of adjacent grassland. It was concluded that there would be a small loss of habitat, which would be accounted for by the applicant purchasing 0.01 units from a habitat bank.
21. The Council's Ecologist agrees with the information submitted and recommends a planning condition to secure submission and agreement of a certificate for the purchase, within 12 weeks of the planning decision. Subject to this, the proposal is considered to comply with policies ENV7 and ENV8 in this regard.

d) Other matters

22. It is noted that objections raise concerns regarding the proposal setting a precedent for similar developments. Precedent is a proper and material consideration where it is likely that similar future proposals in closely parallel situations could not be resisted and cumulative harm to planning principles or policies would result. However, the force of the "precedent" argument is reduced where the planning circumstances are unlikely to be replicated, or where policies exist within the discipline of which there is room for treating each proposal on its merits in the light of the situation prevailing at the time.
23. The concept of setting a precedent can be considered in relation to the adjoining dwellings along the rear boundary of the housing development, since proposals elsewhere, would have an entirely different context and should be considered on their own planning merits. To this extent, it is noted that the overall site circumstances for these adjoining dwellings are the same as the current proposal and it could be considered possible that other householders may wish to do the same.
24. The above is noted; however, the issue of precedent is principally considered to be a negative factor where a development would likely cause future similar developments that could cumulatively undermine planning policies or principles. In this case, the development currently being considered is considered to be acceptable for the reasons set out above. Therefore, whilst it is acknowledged that it is possible that other adjoining householders could purchase land in the same way, identical extensions along

the entire boundary would likely be considered acceptable for the reasons set out. Any concerns regarding more sporadic such extensions, that had no continuous line, could be considered on their own merits in terms of their visual impact and may not be acceptable.

25. Given the above, the potential for the development to set a precedent is noted, however under the circumstances of the current applications, which form a modest continuous line along an existing residential boundary, and do not conflict with the policies set out above, this concern is not considered to weigh against the application.
26. Whilst unrelated to this specific application, condition 13 of the original permission for the overall housing development (20/00607/FUL), requires off-site highway works to be completed prior to occupation of the dwellings. A complaint was recently received that despite some dwellings being occupied, the off-site highway works have not yet been completed.
27. As a result of the above, contact was made with the developer. They have confirmed that they are currently working with the Highways team to progress the Section 278 agreement, and their timetable sets out that the works are programmed to be completed in September 2025. This will be monitored by the Enforcement team going forward.

CONCLUSION

28. In summary, overall, the development is considered acceptable, does not conflict with the relevant planning policies and raises no significant issues in respect of impact on heritage assets, visual or residential amenity.

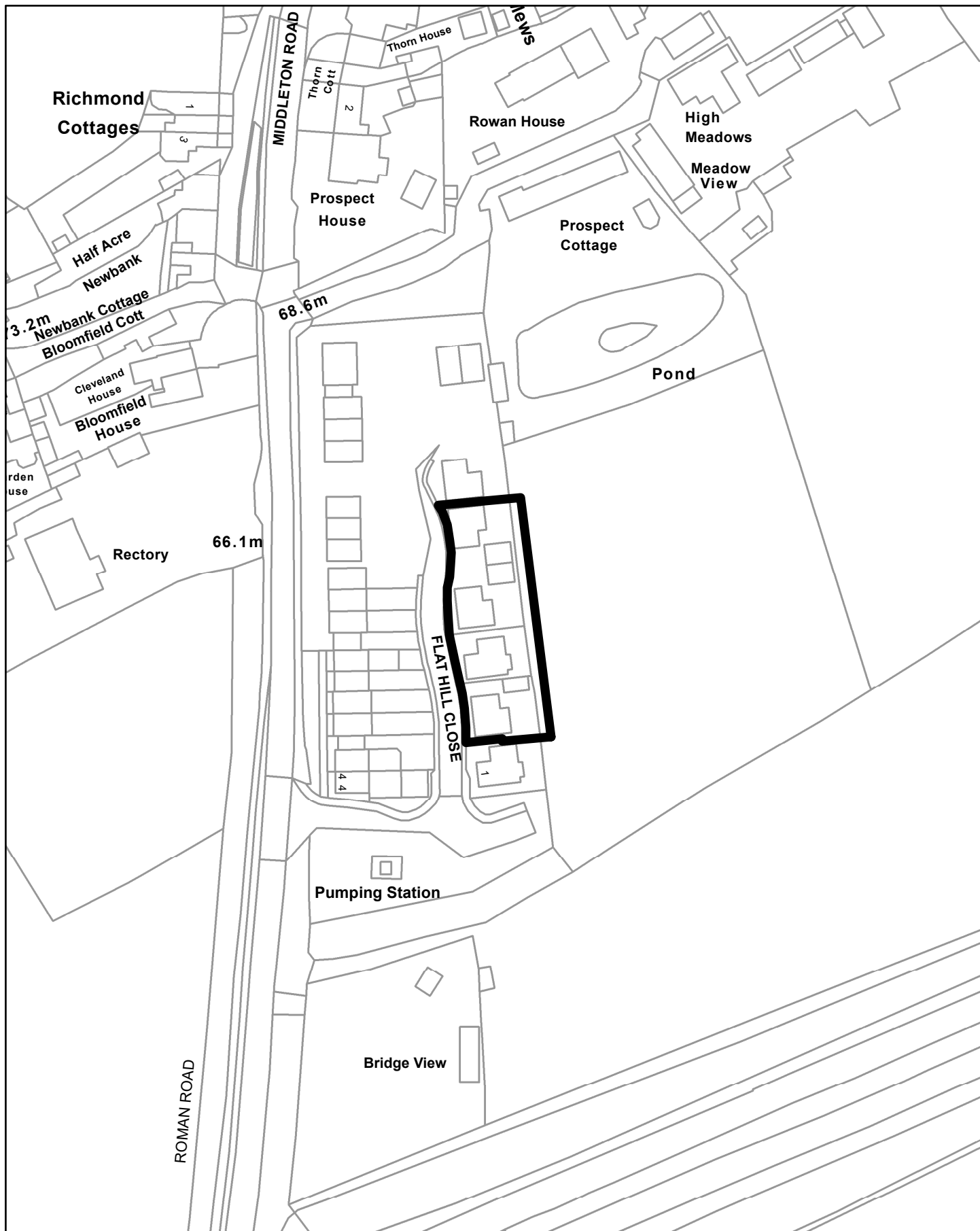
RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

1. PL Accordance with plans

C.011-SLP-21-24 Location Plan
C.011-PP-21-24 Proposed plan
BD-100 Proposed fence details
2. Within 12 weeks of the date of the decision (below) a certificate / receipt for the purchase of 0.01 habitat units from a Habitat Bank, shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of Ecology, to comply with policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.



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Planning Ref No: 25/00081/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 August 2025

APPLICATION REF. NO:	25/00072/FUL
STATUTORY DECISION DATE:	8 th April 2025 (EOT 29 th August 2025)
WARD/PARISH:	SADBERGE & MIDDLETON ST GEORGE
LOCATION:	1 Flat Hill Close Sadberge Darlington DL2 1FN
DESCRIPTION:	Change of use from paddock to domestic curtilage with erection of 1.1m high boundary fence (Retrospective Application)
APPLICANT:	MR ADAM ADAMSON

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: [25/00072/FUL | Change of use from paddock to domestic curtilage with erection of 1.1m high boundary fence \(Retrospective Application\) | 1 Flat Hill Close Sadberge Darlington DL2 1FN](#)

APPLICATION AND SITE DESCRIPTION

1. The application site comprises a one of a number of properties within a residential development, nearing completion, to the east of Middleton Road, to the south of Sadberge. The residential development comprising 25 dwellings, approved under 17/00358/FUL with a subsequent variation (20/00607/FUL) is within the development limits and is identified as a housing commitment in the Local Plan. The northern part of the wider housing site is situated within the southern extent of the Sadberge Conservation Area, but the application property itself is located out with the conservation area boundary. A small strip of land to the east of the existing housing commitment and included within the application site, is beyond the development limits and considered to be open countryside for the purposes of planning policy.
2. This is a retrospective application for the change of use of the strip of paddock land to form part of the approved gardens for 1 Flat Hill Close, which is a detached 2-storey, 4-bed properties. The strip of land in question extends to some 3m back from rear of the

originally approved garden. The application states that the reason for the proposed development is to provide a larger garden for the dwelling, more proportionate to the size of the property it is serving. Boundary treatment, already in place, consists of a 1.1m high timber post and rail fence with wire mesh panels.

3. A separate retrospective application which proposes the extension of the rear gardens of 2-5 Flat Hill Close, adjacent to the application site, in the same manner, is included elsewhere on the agenda under reference number 25/00081/FUL.

MAIN PLANNING ISSUES

4. The main issues for consideration are:

- (a) Impact on heritage assets
- (b) Visual and residential amenity
- (c) Ecology
- (d) Other matters

PLANNING POLICIES

5. There are no specific policies that govern the extension of gardens into the open countryside. The development is considered acceptable in principle subject to compliance with the policies listed below, specifically in reference to impact on visual and residential amenity, ecology, landscape character and heritage assets.

Darlington Local Plan 2016 – 2036

SD1: Presumption in Favour of Sustainable Development

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity

H3: Development Limits

H7: Residential Development in the Countryside

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

ENV3: Local Landscape Character

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Biodiversity

RESULTS OF TECHNICAL CONSULTATION

6. No objections have been raised by the Council's Highways Engineer or Ecologist, subject to conditions.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Three letters of objection have been received from residents, raising the following concerns:

- Will set a precedent for other new house owners, allowing them to purchase extra land from the developer, to extend their properties.
 - Will introduce an irregular feature to the rear of the development, creating an inconsistent boundary encroaching onto open countryside.
 - Within the Conservation Area.
8. Sadberge Parish Council has objected to the application, raising the following concerns:
- Will set a precedent.
 - Outside of development limits.
 - Within the Conservation Area.
 - Will reduce green space and habitat.
 - Is out of character and an eyesore.
9. It should be noted that one of the concerns raised by Sadberge Parish Council is that the proposal breaches planning control in terms of the original proposals by virtue of being a retrospective application. It should be noted that its status of being a retrospective application is not a consideration in the determination of the application. The purpose of a retrospective planning application is to regularise the development and remedy the breach by obtaining planning permission. The application should be determined on its planning merits only.

PLANNING ISSUES/ANALYSIS

a) Impact on heritage assets

10. Whilst this site is not within the Sadberge Conservation Area, it does lie adjacent to it, and so the applicant has commissioned a Heritage Assessment to consider the impacts of the development on the Conservation Area. It should be noted that this assessment is considered in the context of the wider development, parts of which do fall within the Conservation Area. The assessment notes that:
- The modern housing estate makes a neutral contribution to the character and appearance of the conservation area, reading as a natural extension to the settlement.
 - The adjacent paddock with green rural character makes a minor positive contribution to the character and appearance of the village. This contribution is of much lesser significance when compared with those elements given for the designation of the village as a conservation area, which relate to its special interest.
 - The paddock areas/fields here are not listed as part of the special interest/reasons for designation of the conservation area and indeed lie mainly outside of the conservation area reflecting their liminal position and limited significance.
11. In taking the above into account the Heritage statement concludes that the modest extension of the rear gardens of the dwellings results in a public benefit (improved

residential amenity) and will not cause any harm to the special interest of the conservation area due to the following:

- The works are modest and light-touch in nature.
- The development maintains a green aesthetic given the garden use, not involving any additional built form.
- The fencing is visually permeable linking paddock and garden lands.
- Due to the discrete location and nature of the change it would not impact on natural landscape character, is read in connection with the housing development, and preserves the green setting of the conservation area with these only slightly enlarged outdoor areas complementing both the built form and the paddocks.

12. The statement therefore concludes that the development accords with the requirements of policy ENV1. The assessment and conclusions made are considered to be an accurate assessment and it is therefore agreed that the proposal complies with policy ENV1 in this regard.

b) Visual and residential amenity

13. Visual amenity is assessed in terms of impact on landscape character of the site and the surrounding area. Whilst the concerns of residents and the Parish Council are noted, and with regard to the heritage assessment considered above, it is also considered that the modest increase to the size of the perimeter garden, in a continuous row and seen in the context of the overall development when viewed alongside the related application 25/00081/FUL dealt with elsewhere on this agenda, would not have a significant impact on the adjoining paddocks contribution to overall landscape character.

14. Given the above, it is concluded that the development does not result in harm to the natural quality of the rural landscape as required by policy ENV3 and avoids significant detrimental impact on the setting of the dwellings as required by Policy H7.

15. At the same time in terms of amenity, the curtilage extension proposed creates a modestly larger garden for this perimeter dwelling, which will improve the quality of private amenity space for occupiers, creating more attractive and desirable places to live, which are in line with the overall policies of the Local Plan and the NPPF.

c) Ecology

16. Retrospective planning applications are currently exempt from the Biodiversity Net Gain requirement although the government is working on bringing BNG into effect for retrospective planning applications through further regulations in the future.

17. Despite the above, there is a local requirement for the development to comply with policies ENV7 and ENV8, which require the impact of the development to be assessed and the provision of net gains in biodiversity, to be demonstrated using the Defra

Biodiversity Metric. This local requirement for a net gain is not 10% as in the current Statutory Metric, however the developer does have to demonstrate a net gain in biodiversity.

18. As a result of the above requirement, the applicant was asked to submit a biodiversity net gain (BNG) assessment on impacted habitats on-site. To include a baseline and post-development assessment. The surveys were conducted during optimal season and as the development is retrospective, included assessment of adjacent grassland. It was concluded that there would be a small loss of habitat, which would be accounted for by the applicant purchasing 0.01 units from a habitat bank.
19. The Council's Ecologist agrees with the information submitted and recommends a planning condition to secure submission and agreement of a certificate for the purchase, within 12 weeks of the planning decision. Subject to this, the proposal is considered to comply with policies ENV7 and ENV8 in this regard.

d) Other matters

20. It is noted that objections raise concerns regarding the proposal setting a precedent for similar developments. Precedent is a proper and material consideration where it is likely that similar future proposals in closely parallel situations could not be resisted and cumulative harm to planning principles or policies would result. However, the force of the "precedent" argument is reduced where the planning circumstances are unlikely to be replicated, or where policies exist within the discipline of which there is room for treating each proposal on its merits in the light of the situation prevailing at the time.
21. The concept of setting a precedent can be considered in relation to the adjoining dwellings along the rear boundary of the housing development, since proposals elsewhere, would have an entirely different context and should be considered on their own planning merits. To this extent, it is noted that the overall site circumstances for these adjoining dwellings are the same as the current proposal and it could be considered possible that other householders may wish to do the same.
22. The above is noted; however, the issue of precedent is principally considered to be a negative factor where a development would likely cause future similar developments that could cumulatively undermine planning policies or principles. In this case, the development currently being considered is considered to be acceptable for the reasons set out above. Therefore, whilst it is acknowledged that it is possible that other adjoining householders could purchase land in the same way, identical extensions along the entire boundary would likely be considered acceptable for the reasons set out. Any concerns regarding more sporadic such extensions, that had no continuous line, could be considered on their own merits in terms of their visual impact and may not be acceptable.
23. Given the above, the potential for the development to set a precedent is noted, however under the circumstances of the current applications, which form a modest

continuous line along an existing residential boundary, and do not conflict with the policies set out above, this concern is not considered to weigh against the application.

24. Whilst unrelated to this specific application, condition 13 of the original permission for the overall housing development (20/00607/FUL), requires off-site highway works to be completed prior to occupation of the dwellings. A complaint was recently received that despite some dwellings being occupied, the off-site highway works have not yet been completed.
25. As a result of the above, contact was made with the developer. They have confirmed that they are currently working with the Highways team to progress the Section 278 agreement, and their timetable sets out that the works are programmed to be completed in September 2025. This will be monitored by the Enforcement team going forward.

CONCLUSION

26. In summary, overall, the development is considered acceptable, does not conflict with the relevant planning policies and raises no significant issues in respect of impact on heritage assets, visual or residential amenity.

RECOMMENDATION

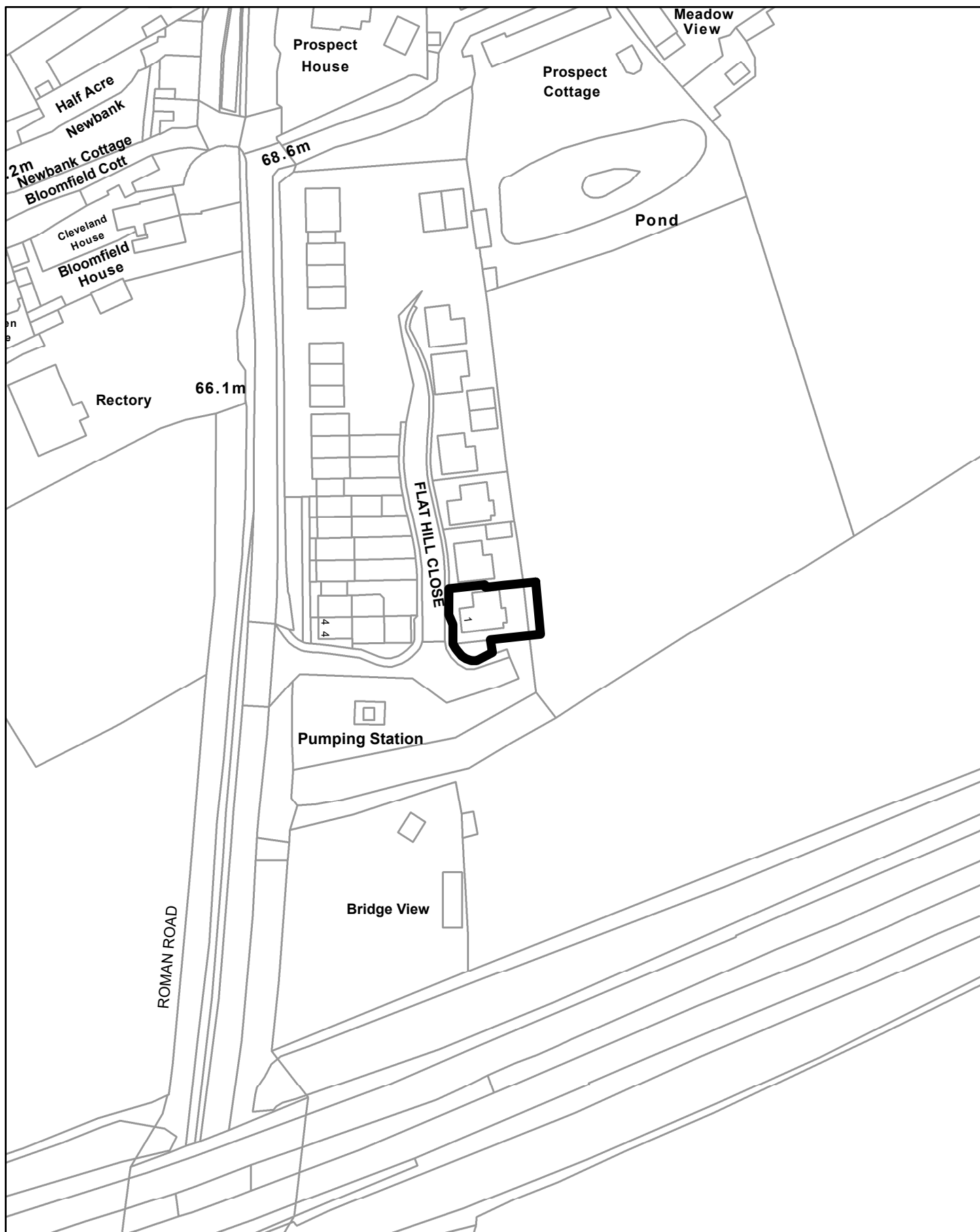
THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

1. PL Accordance with plans

C.011-SLP-21-25 Location Plan
C.011-PP-21-25 Proposed plan
BD-100 Proposed fence details

2. Within 12 weeks of the date of the decision (below) a certificate / receipt for the purchase of 0.01 habitat units from a Habitat Bank, shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of Ecology, to comply with policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.



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Planning Ref No: 25/00072/FUL

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	22/01281/TF
APPEAL REF. NO:	APP/TPO/N1350/9537
LOCATION:	67 Milbank Court, Darlington
DESCRIPTION:	Felling of 1 no. Cypress tree protected under Tree Preservation Order (No.3) 1962 (T52)
APPLICANT:	Emma Evis

PLANNING OFFICER: CHRISTINA MCALPINE

BRIEF SUMMARY

1. Consent was sought to fell the protected Cypress tree. The LPA refused the application due to the harm to the character and appearance of the area, and insufficient justification had been provided to demonstrate the tree should be removed.
2. The application was refused for the following reason:

In the opinion of the Local Planning Authority, the proposed felling of the Cypress Tree has not been adequately justified and the proposed replacement tree, a London Plane, has not been considered a suitable replacement. The Cypress Tree is in reasonable form and condition and is a highly valuable tree within the street scene, which contributes to the visual amenities and verdant character of the area. The information put forward to fell the Cypress Tree is insufficient to justify its removal, which would be detrimental to the character and appearance of the area and would therefore be contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).
3. The Inspector dismissed the appeal. They note that the tree is a large and mature specimen, which contributes to the existing verdant character of the area. Consequently, the removal of the tree would be notable and would therefore impact upon the character and appearance of the area if removed.
4. The suggested replacement tree would not mitigate this impact and would take considerable time to grow to a similar size as the existing tree.
5. The tree was not found to be unhealthy as part of the site visit and the tree report did not indicate otherwise.

6. It was deemed that overall, the remaining garden spaces can be reasonably enjoyed. As such, the resulting visual impact (should the tree be removed), outweighs the inconvenience caused by the positioning of the tree for this site.

KEY POINTS TO NOTE

7. The appeal was dismissed because:
 - The felling of the tree would be harmful to the character and appearance of the area;
 - Insufficient information was provided to support the felling of the tree, as to outweigh the above-mentioned harm.



Appeal Decision

Site visit made on 9 May 2025

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/TPO/N1350/9537

67 Milbank Court, Darlington, Co. Durham DL3 9PF

- 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 (TPO).
 - The appeal is made by Ian Robert Hodgson against the decision of Darlington Borough Council.
 - The application Ref: 22/01281/TF, dated 7 November 2022, was refused by notice dated 17 January 2023.
 - The work proposed is the felling of 1 No cypress tree.
 - The relevant TPO is The County Borough of Darlington Tree Preservation (No. 3) Order 1962, which was confirmed on 5 September 1962.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed felling on the character and appearance of the area; and whether sufficient justification has been demonstrated for the felling.

Reasons

Character and appearance

3. Milbank Court is a small estate of mixed style housing, positioned and accessed from Milbank Road to the north and situated to the east of Carmel Road North. There are large coniferous and broadleaf trees within the court, with a group of large and mature trees in the gardens of the houses on the western side of Milbank Court abutting Carmel Road North; this group includes the appeal tree. The presence of these mature trees is consistent with the generous tree cover that runs adjacent to Carmel Road North, adding to the attractive and verdant landscape and contributing positively to its character and the visual amenity of the area.
4. The appeal tree is a large and mature cypress. It is positioned to the west of the appeal house, in what is a relatively long but narrow garden, and is centrally

placed on the north to south axis. The tree is considerably large and a dominating feature of the garden and due to its height, it is clearly visible from the surrounding streets of Milbank Road and Clareville Road. Furthermore, while the views of the tree are partially obscured due to the presence of other trees from some viewpoints from the south of Carmel Road North, it is nevertheless visible and contributes to the visual amenity, adding to the character and appearance of the area.

5. I have no doubt that the proposed removal of the cypress tree would have a harmful impact on the visual amenity, even when taking into consideration the presence of other mature trees within the gardens on the western side of Milbank Close. In addition, I do not consider the proposed replacement with a plane tree would mitigate this harm. It would take a considerable time for a replacement to attain a similar stature, and it would then be subject to many of the concerns that have formed the reasoning for the application to remove the cypress.
6. As a result of the harm the proposed felling works would have on the character and appearance of the area, adequate justification should be provided to support the necessity for such works, and it is to these matters I now turn.

Justification

7. I found nothing on my site visit to suggest that the tree is anything other than healthy and the tree report provided with the application and subsequent appeal contained nothing to demonstrate otherwise. Trees can periodically shed small branches; however, this can usually be managed through prudent tree maintenance. In addition, I did not observe any breakage points or tear out wounds in the crown of the tree to suggest there has been significant previous branch failure, nor any notable significant weaknesses in the structure that would predispose it to future branch failure.
8. I note the reference to the possible identification of honey fungus around the tree, but this was not supported in the tree report, and I saw nothing on my site visit that indicated the presence of honey fungus.
9. The matter of reasonable enjoyment of the garden is afforded significant weight. The position of the tree, in what is a very narrow garden, means it is an imposing feature and will put some limitation on certain activities within the garden space. The tree is undoubtedly influencing the ground conditions. The ground around the tree is very dry, to which the tree most certainly contributes, and is likely to prevent or hinder the establishment of a lawn or other plants in this space. Furthermore, the tree is likely to cast shade, less so on the appeal house or garden due to the position of the tree relative to the arc of the sun, but it will cast a large shadow over the gardens to the north of the appeal house. This matter was raised in a supporting statement that I have considered as part of this decision

10. Notwithstanding the weight afforded to the reasonable enjoyment of the garden and accepting the influence which the tree will have on a section of the garden, there remains a lot of space in the garden that is unaffected by the tree. While finely balanced, weighed against the resultant harm the removal of the tree will have on the wider landscape and character and appearance of the area, the harm to the wider landscape outweighs the inconvenience caused by the tree casting shade, preventing plant or lawn growth or the perception that the tree is dangerous.

Conclusion

11. As with any application to carry out works to a protected tree, a balancing exercise needs to be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
12. The felling of the cypress would be harmful to the character and appearance of the area and having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed felling that would outweigh the harm caused by such work. The appeal is therefore dismissed.

S. McGinnety

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	24/00064/TF
APPEAL REF. NO:	APP/TPO/N1350/10066
LOCATION:	2 Quaker Lane, Darlington
DESCRIPTION:	Works to 1 no. Pine (T.4) protected under Tree Preservation Order (No.10) 1978 - Reduce easterly limb overhanging house by up to 3.500-metres (Amended Description).
APPLICANT:	Rory Brownless.

ASSISTANT PLANNING OFFICER: ROGER MARTIN.

BRIEF SUMMARY

1. This application was submitted for works to 1-no. Pine Tree that is protected by virtue of Tree Preservation Order (No.10) 1978, that involved the reduction of an easterly limb to 1-no. Pine Tree, which is overhanging application property by up to 3.500-metres. The applicant provided written Arboricultural advice from an appropriate expert in the form of a Tree Survey/ Climbing Inspection

2. The Pine Tree is located within the rear garden of no. 2 Quaker Lane, towards the western boundary of the garden and abuts the public highway that is located towards the northern elevation of the application site. The application tree is clearly visible to the public from within the confines of Polam Lane, where it is one of the most prominent trees, and also Quaker Lane where its stature and presence adds to the verdant nature of the area. Overall, the presence of the application tree makes a significant contribution to the character and appearance of the area.

KEY POINTS TO NOTE

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

4. The Council's Senior Arboricultural Officer carried out an inspection of the Pine Tree and advised that authorisation be refused as there are no justifiable structural reasons to prune back the overhanging limbs towards the eastern side of the tree.

REASON(S) FOR REFUSAL

5. The application was refused for the following reason(s): -

a. The 1 no. Pine Tree that is the subject of this application is protected by the virtue of Tree Preservation Order (No. 10) 1978 and is of a high amenity value and in reasonable condition and consequently remains worthy of further protection by the virtue of a Tree Preservation Order (TPO). The proposed work to this protected tree is considered to be excessive and it has not been adequately demonstrated that the works are necessary or justified. The proposed pruning back of overhang to the 1 no. protected tree would result in a loss of amenity to this protected tree; contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012, the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).

APPEAL DISMISSED:

6. Reasons as outlined by the Planning Inspector: -

a. Based on the form of the tree and the location of the eastern branch above the conservatory and garden of a residential property, the desire to reduce the lateral growth to some extent to lessen the pressures and the lever arm effect is understandable. However, the Inspector did not consider that the applicant demonstrated adequate necessity to reduce the branch by the 3.5m specified. On balance the Inspector found that the resultant and potential harm a 3.5m crown reduction of the eastern branch is likely to have to the appearance of the tree and its condition is not outweighed by the information presented and the necessity for the work has not been adequately demonstrated.

b. The Inspector considered that the pruning of the Pine Tree by 3.5m would be harmful to the tree and in turn to the character and appearance of the area and found nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is was dismissed.



Appeal Decision

Site visit made on 9 May 2025

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 11th June 2025

Appeal Ref: APP/TPO/N1350/10066

2 Quaker Lane, Darlington DL1 5PB

- 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 (TPO).
 - The appeal is made by Rory Brownless against the decision of Darlington Borough Council.
 - The application Ref: 24/0064/TF, dated 18 January 2024, was refused by notice dated 20 February 2024.
 - The work proposed is T4 Pinus nigra – reduce easterly limb overhanging house by up to 3.5m (old pruning point).
 - The relevant TPO is The Borough of Darlington Tree Preservation (No. 10) Order, 1978 Land Adjacent to Polam Lane, Darlington, which was confirmed on 28 March 1979.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed pruning on the character and appearance of the area; and whether sufficient justification has been demonstrated for the pruning.

Reasons

Character and appearance

3. Quaker Lane is a small estate of predominantly semi-detached housing, accessed from the A167 to the west via Polam Lane. Throughout the estate, there are mature broadleaf and coniferous trees, including a stand of large and mature trees at the entrance to the estate and within the vicinity of the appeal house which contribute to the attractive and verdant landscape.
4. No 2 is positioned at the north of Quaker Lane and close to the entrance to the estate. The rear and side gardens contain several large and mature trees, including a birch tree in the front garden and two pine trees in the rear garden to the west of the appeal house. These trees add to the character and appearance

of the estate and are typical in species and age to the composition of the other trees in the immediate vicinity.

5. The appeal tree, one of the large and mature pines within the rear garden, has developed with an irregular form; there is no central leader, but a wide fork from which two large branches extend to the east and west. Notwithstanding this, the tree contributes positively to the visual amenity and is clearly visible to the public from both Quaker Lane and Polam Lane.
6. The proposed reduction of 3.5m from the eastern side of the tree crown is likely to have a moderately harmful impact on the appearance of the tree, creating an unbalanced crown to what is already an irregularly formed tree. Furthermore, the extent of the pruning will require making large diameter cuts and this is likely to leave the tree more prone to future conditional harm, such as disease ingress and decay.
7. While the resultant harm to the immediate appearance of the tree will be moderate, the pruning is likely to have a harmful effect on its long-term condition that will in turn have a detrimental impact on the character and appearance of the area. As such adequate justification should be provided and the necessity for the works and the reasons clearly demonstrated.

Justification

8. The climbing inspection provided with the application identifies that the form of the tree most likely resulted following of the loss of a central leader, and this is a reasonable assessment and conclusion. However, this loss of a leading central stem does not necessarily make the tree inherently less stable; a tree can develop and adapt to this loss.
9. From ground level, there did not appear to be any signs of splitting or damage at the fork and the report supplied with the application did not contain sufficient information, either as part of the supporting text or the image provided, that demonstrates damage, or an unacceptable weakness has developed within the fork of the tree. The report refers to exposed wood and the image provided shows what appears to be exposed heartwood within the fork, however, it is not clear from the image whether there is any decay ingress or whether the exposed wood has been compromised. In addition, there has been no use of diagnostic tools, tools that are now widely available, to identify the existence or extent of any decay or degradation to the wood.
10. The eastern branch extends significantly towards the property and the foliage at the end of the the branch is dense and will be heavy. However, the branch appears to have developed in a way to compensate for the weight, with additional growth on the underside of the branch where compression pressure will be great.

11. Based on the form of the tree and the location of the eastern branch above the conservatory and garden of a residential property, the desire to reduce the lateral growth to some extent to lessen the pressures and the lever arm effect is understandable. However, I do not believe that the applicant has demonstrated adequate necessity to reduce the branch by the 3.5m specified.
12. I find that on balance that the resultant and potential harm that a 3.5m crown reduction of the eastern branch is likely to have to the appearance of the tree and its condition is not outweighed by the information put before me and the necessity for the work has not been adequately demonstrated.

Conclusion

13. As with any application to carry out works to a protected tree, a balancing exercise needs to be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
14. The pruning of the pine tree by 3.5m would be harmful to the tree and in turn to the character and appearance of the area and having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is therefore dismissed.

S. McGinnety

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	23/00338/TF.
APPEAL REF. NO:	APP/TPO/N1350/9738.
LOCATION:	Greystones Drive.
DESCRIPTION:	Works to trees protected under Tree Preservation Order (No.3) 1962 A2 - 1 no. Beech and 1 no. Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by up to 3m).
APPLICANT:	Mrs Mitchell.

ASSISTANT PLANNING OFFICER: ROGER MARTIN.

BRIEF SUMMARY

1. This application was submitted for works to 1-no. Beech Tree and 1-no. Lime Tree that are protected by virtue of Tree Preservation Order (No.3) 1962, which involved pruning back of branch tips overhanging an adjacent garden (27 Staindrop Crescent) by up to 3m).
2. An Arboricultural statement was submitted by the applicant in support of the application. The Arboricultural statement makes recommendations for on-going remedial works.
3. The Beech Tree and the Lime Tree are growing within the grounds of the Greystones Residential Development but more specifically towards the external perimeter boundary of the application site that faces directly on to the rear garden of no. 27 Staindrop Crescent. The Beech Tree and the Lime Tree are part of a large group of trees within the grounds of the application site, which form an important part of the character and appearance of the street scene. The height and position of the trees is such that they can be seen from a number of public vantage points along both Greystones Drive and to a lesser extent Staindrop Crescent

KEY POINTS TO NOTE

4. The main issues are the effect of the proposed pruning on the visual amenity of the surrounding area, and whether the reasons given for the works to the tree justify that course of action.
5. The Council's Senior Arboricultural Officer carried out an inspection of the Beech Tree and the Lime Tree and advised that the proposed works were not justified and recommended that the pruning back of both the Beech Tree and Lime Tree by up to 3 metres over the rear garden of no. 27 Staindrop Crescent should be refused.

REASON(S) FOR REFUSAL

6. The application was refused for the following reason(s): -

a. Both the 1 no. Beech Tree and the Lime Tree, are protected by Tree Preservation Order (no.3) 1962 and are considered to be in reasonable form and condition. It is not considered that the proposed works would be of benefit to the health and stability of the trees and would be detrimental to the character and appearance of the area and would therefore be contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).

APPEAL DISMISSED:

6. Reasons as outlined by the Planning Inspector: -

a. The pruning of the beech and lime tree by 3m would be harmful to the trees and in turn to the character and appearance of the area. Having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is therefore dismissed.



Appeal Decision

Site visit made on 9 May 2025

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/TPO/N1350/9738

27 Staindrop Crescent, Darlington, County Durham DL3 9QA

- 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 Janine Mitchell against the decision of Darlington Borough Council.
 - The application Ref: 23/00338/TF, dated 28 March 2023, was refused by notice dated 4 May 2023.
 - The work proposed is 1 No Beech and 1 No Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by up to 3m.
 - The relevant TPO is The County Borough of Darlington Tree Preservation (No. 3) Order 1962, which was confirmed on 5 September 1962.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed pruning on the character and appearance of the area; and whether sufficient justification has been demonstrated for the pruning.

Reasons

Character and appearance

3. Staindrop Crescent is an attractive crescent of predominantly semi-detached houses that are accessed from Staindrop Road (B6279) to the north. There is a variety of mixed age broadleaf trees within the highway verge of Staindrop Crescent and the occasional tree within the gardens of some of the houses and combined, these trees are an attractive feature on the landscape. The appeal tree is part of a small woodland stand to the east of Staindrop Crescent and within the grounds of the adjacent Greystones Drive, a multi occupancy complex of houses and apartments. These woodland trees are clearly visible to the public from both Staindrop Road and Staindrop Crescent where they contribute significantly to the visual amenity and give the area a mature and verdant appearance.

4. The appeal trees are a large and mature lime and a large and mature beech. The trees are on the western edge of the woodland stand with the stem of the trees immediately to the east of the garden of No 27 and the crowns of both trees extending well into and over the garden of the appeal house and the neighbouring houses to the north and south. The size, maturity and position of the trees mean that they are visible to the public, particularly from Staindrop Road, where they contribute positively to the visual amenity and to the character and appearance of the area.
5. The appellant has stated that the impact of the work will not be visible to the wider public and will therefore not affect the visual amenity of the tree. While it may be the intention of the work to remove only the lower overhanging branches 'up to 3m', I can only base my decision on the information put before me and based on the specification provided, I have considered the application as a reduction of all overhanging growth by 3m. In my assessment, such pruning would have an immediate and detrimental effect on the appearance and natural form of the trees, including the parts of the tree that are clearly visible to the public. Furthermore, such an extensive reduction of any mature tree has the potential to introduce harm, by creating large and multiple wounds and removing a significant percentage of live growth. This is particularly the case with certain species less tolerant to such pruning works, beech included, and I consider that the pruning proposed in this case would be harmful to the long-term condition of the appeal trees, particularly the beech.
6. As a result of the harm the proposed pruning works are likely to cause to both the appearance and long-term condition of the trees, which in turn would be harmful to the character and appearance of the area, adequate justification should be provided to support the necessity for such works.

Justification

7. Other than a snapped branch on the lime tree, I found nothing on my site visit to suggest that the trees are anything other than healthy and the tree report provided with the application and subsequent appeal does not contain anything that demonstrates otherwise. With the exception of the snapped branch, that appeared to be reasonably well attached to the lime tree, there is nothing I noted on site, nor that has been put before me that gives me reason to consider that the trees are posing any obvious or unacceptable risk and I therefore do not consider that the proposed works are necessary for arboricultural reasons. Mature trees may periodically shed small branches, but this can usually be managed through prudent management and removal of dead or damaged branches, neither of which require an application
8. Weight is given to the matter of reasonable enjoyment of the garden. The trees, particularly the beech, overhang into the garden by quite a considerable degree

and it is likely that this will lead to seasonal nuisance, such as seed and leaf drop, birds roosting and it will also contribute to the casting of shade on parts of the garden throughout the day. However, I don't consider that a 3m crown reduction would go far to mitigate or minimise these issues; even if they are pruned to the extent applied for, the trees will still drop leaves and seed casings, they will continue to cast shade at certain times of the day and birds will continue to roost in them.

9. While the seasonal deposits, birds roosting and shade are matters that should be afforded weight in any appeal decision, these are mature trees that have been established for a considerable time and the by-products of them are a consequence of having attractive and mature landscapes within our towns and cities.
10. I have no reason to doubt that previous pruning works have been carried out to the trees. However, decisions are based on their own merits and whether work was previously approved or otherwise, it does not necessarily set a precedent for subsequent applications. Trees are living organisms, and their growth, appearance and condition will change over time meaning what may have been considered acceptable work previously, is not necessarily acceptable in perpetuity.
11. As such, and notwithstanding the weight afforded to the reasonable enjoyment of the garden, I find that on balance, the resultant harm that a 3m crown reduction is likely to have to the wider landscape, contrasted against the likely benefits of the work specified, outweighs the reasons put forward for the proposed pruning.

Conclusion

12. As with any application to carry out works to protected trees, a balancing exercise must be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
13. The pruning of the beech and lime tree by 3m would be harmful to the trees and in turn to the character and appearance of the area. Having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is therefore dismissed.

S. McGinnety

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

REF. NO:	24/00132/FUL
APPEAL REF. NO:	APP/N1350/W/25/3359953
LOCATION:	Land At Mole End Neasham Road Hurworth Darlington DL2 2AZ
DESCRIPTION:	Erection of 1 no. three bed dwelling with a detached garage/store, hard standing, landscaping and provision of a new vehicular access with entrance gates and wall
APPELLANT:	MR MIKE BAILEY

BRIEF SUMMARY:

The key issues are; the location of the development, outside of the development limits with no sufficient justification put forward that would outweigh this policy conflict; and the effect of the proposal on the Teesmouth and Cleveland Coast Special Protection Area, with regard to nutrient neutrality.

KEY POINTS TO NOTE:

The appeal site is located on Neasham Road to the east of Hurworth village. It consists of land associated with the application property (Mole End) in which the appellant currently resides. This property was a conversion granted in 2015 (15/01089/FUL). Following this the applicant applied for permission for a new dwelling in 2016 (16/00274/FUL) and this was refused.

The river Tees is located to the south of the site, agricultural land to the north and east and a residential property to the west. Planning permission was sought for the erection of a three-bed dwelling with a detached garage/store, hard standing, landscaping and provision of a new vehicular access with entrance gates and wall.

REASON(S) FOR REFUSAL:

By reason of its location outside of the development limits, the proposal is contrary to policies H3 (Development Limits), H7 (Residential Development in the Countryside) and SH1 (Settlement Hierarchy) of the Darlington Local Plan 2016-2036 and no material planning considerations have been put forward that would be sufficient to outweigh this policy conflict.

Insufficient information has been provided to allow the consideration of the proposal in terms of flood risk and the proposal therefore conflicts with the requirements of Policy DC2 of the Darlington Local Plan 2016-2036

It should be noted that the issue for the second reason for refusal (flood risk) was resolved prior to the appeal, and it was agreed through the appeal process that this was no longer an issue. The remaining reason for refusal was still valid, along with the issue of nutrient neutrality, which the inspector was to consider as part of the appeal process.

APPEAL DISMISSED:

Although disagreeing with the Council that the site is remote and would result in an isolated dwelling in the countryside, the inspector agreed that the proposal does not comply with policy SH1 (which sets out that areas that are not within a development limit are regarded as the countryside) and that there is no substantive evidence that the appeal scheme would constitute a form of development that meets any of the exemptions for housing in the countryside set out in Policy H7, and that accordingly, overall, in this location the proposed dwelling would not accord with the development plan's spatial strategy and there would be an 'in principle' policy harm resulting from the location of the proposal.

In terms of other material considerations that may outweigh the harm identified, the inspector noted that the proposal would contribute to the local housing mix, including for an ageing population, through the addition of an adaptable home in an accessible location that the appellant indicates can be delivered quickly. The inspector also noted the appellants view that the proposal would contribute towards the need for self-build houses in the borough, however, could not give substantial weight to this due to the difficulty in ensuring that the proposal would be constructed in line with the definition of self-build as set out in the Act (a condition would not meet the tests).

Other benefits identified were in relation to the lack of harm of the proposal to the living conditions of neighbouring residents and future occupiers, its incorporation of lower embodied carbon design and construction and that the development would deliver biodiversity net gains. However, the inspector noted that these matters, and any other policy compliance including land contamination, tree protection and highway safety are neutral factors which weigh neither for nor against the scheme.

The Inspector noted that although the appellant had provided a nitrate assessment, no mitigation for the impact on the Teesmouth and Cleveland Coast Special Protection Area, had been put forward as part of the appeal. The inspector therefore considered that the proposal also failed on this basis.

Overall, the inspector considered that the proposal would result in benefits, but it would also cause harm and that in this case, the benefits of the proposal are insufficient to outweigh the identified conflict with the development plan, and the appeal should therefore be dismissed.



Appeal Decision

Site visit made on 10 June 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/N1350/W/25/3359953

Mole End, Neasham Road, Hurworth-on-Tees, Darlington DL2 2AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mike Bailey against the decision of Darlington Borough Council.
 - The application Ref is 24/00132/FUL.
 - The development proposed is the erection of new bungalow including garage, landscaping and road access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site post code has been taken from the appeal form. It is the same as that on the decision notice, which the appellant confirms is correct. During the appeal, a new version of the Framework came into effect but there are no material changes relevant to the substance of the appeal.

Background and Main Issues

3. There are two reasons for refusal on the decision notice, however the Council has confirmed there are no objections with regard to the second reason for refusal relating to flood risk. Taking account of the submitted Flood Risk-Sequential Test Addendum: New Accessible Bungalow (June 2024) it has been shown there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Furthermore, I have no clear reason to disagree with the findings of the Flood Risk and Drainage Assessment that the proposal would not exacerbate flood risk in the area and the design measures would mitigate the risk of flooding to the building and its occupiers. The proposal would therefore accord with Policy D2 of the Darlington Local Plan 2016-2036 (2022) (DLP).
4. The appeal site lies within the impact risk zone of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site (the European site). The site is protected pursuant to the Conservation of Habitats and Species Regulations 2017 (the Regulations) and is recognised for its value as a complex of coastal habitats supporting internationally important populations of breeding and non-breeding water birds including little tern, redshank and ringed plover. Although not an issue included on the decision notice, it is necessary for me to consider whether the proposal would have a likely significant effect on the integrity of the European site. Both parties have provided comments on this matter in their submissions which I have taken into account in my decision.

5. With the above in mind, the main issues are:

- whether the proposal would be in a suitable location, having regard to the Council's spatial strategy; and
- the effect of the proposal on the European site, with regard to nutrient neutrality.

Reasons

Location

6. The appeal site is a plot of land adjacent to Neasham Road. It is not disputed that it lies outside of the development limits of the nearest settlement at Hurworth.
7. DLP Policy SH1 establishes a settlement hierarchy which shapes the broad distribution of development within the local plan area. The supporting text to Policy H3 explains that development limits help to achieve the locational strategy for new development and that the aim of the spatial strategy is for development to be in sustainable locations. The Framework in meeting its objectives for managing patterns of growth also requires proposals to prioritise sustainable transport modes to access services and facilities including walking and cycle movements.
8. There is a direct walking and cycling route from the appeal site to the nearest settlement at Hurworth. While unlit, the footpath is generous in width and is separated from the road by a grass verge. Combined with the relatively short distance, it provides a safe and attractive route to take for pedestrians and cyclists who would choose to access services and facilities in Hurworth in this way. Furthermore, Hurworth is identified in DLP Policy SH1 as a service village that offers a range of facilities and services with convenient access to bus services. Accordingly, future occupiers would not be solely reliant on private vehicles. On this basis, the proposal would be in a location that would enhance or maintain the vitality of rural communities in line with Framework Paragraph 83's aim to promote sustainable development in rural areas.
9. The proposal would be proximate to two dwellings known as Mole End and Garden Cottage. It would be seen in context with these dwellings and would not be visually prominent owing to its high-quality design. The Council do not have any concerns regarding the effect of the proposal on the character and appearance of the area, and from the evidence and my site visit observations I have no clear reason to disagree. The proposal would therefore protect the open countryside between settlements, preserve the countryside's intrinsic character and beauty and preserve the distinctive identity and character of Hurworth and its landscape setting, all of which are objectives of the spatial strategy.
10. The proposal's location would therefore meet the broad aims of the spatial strategy. While separated from Hurworth by intervening fields, given the access to services described above and proximity to other dwellings, it is my view that the appeal site is not particularly remote and so the proposal would not result in an isolated dwelling in the countryside which the plan seeks to avoid.
11. Nevertheless, DLP Policy SH1 sets out that areas that are not within a development limit are regarded as the countryside. In policy terms therefore the appeal site is in the countryside. There is no substantive evidence that the appeal scheme would constitute a form of development that meets any of the exemptions

for housing in the countryside set out in DLP Policy H7. Accordingly, overall, in this location the proposed dwelling would not accord with the development plan's spatial strategy and there would be an 'in principle' policy harm resulting from the location of the proposal. In coming to this conclusion, I have taken account of Framework Paragraph 15 which sets out that the planning system should be genuinely plan-led.

12. To conclude, the proposal would not be in a suitable location, having regard to the Council's spatial strategy. It would be in conflict with DLP Policies SH1 and H7, insofar as these policies direct development to within the development limits in accordance with the settlement hierarchy and require development within the countryside to meet one of the listed exemptions.
13. DLP Policy H3 is also referred to on the decision notice which relates to proposals within development limits. However, given that the appeal site is not within the development limits this policy has not been determinative in my decision.

European site

14. The European site is currently in an unfavourable condition due to nutrient enrichment. The wastewater from additional new housing development has the potential to increase nitrate loads and result in the deterioration of water quality, significantly affecting the environmentally sensitive site.
15. The proposal would dispose of foul drainage through a package treatment plant that has been designed to reduce nitrate flows. It would generate a total nitrogen load of 0.42 kg per annum. While this may be lower than the typical outflow for the proposed occupancy levels, the proposal would generate additional nutrients to the European site catchment. There is no basis for me to dispute Natural England's position about the effect of such proposals on the qualifying features of the European site in view of its current condition and conservation objectives. Consequently, when considered in combination with other developments in the area, there would be a likely significant effect on the qualifying features of the European site from the proposal.
16. I am required to carry out an appropriate assessment (AA) in relation to the effect of granting permission on the integrity of the European site. Natural England has put a mitigation strategy in place which is based on the purchase of nutrient credits. The purchase of such credits would ensure that the proposal achieved nutrient neutrality and, on this basis, the adverse effects of the proposal on the integrity of the European site could be avoided. However, despite the appellant's agreement to purchase credits there is no evidence that this has taken place, nor any mechanism to secure them.
17. The Council indicate that a condition could be imposed to require the purchase of credits, but no such condition has been suggested. The Planning Practice Guidance (PPG) confirms that positively worded conditions cannot be imposed which require the payment of money. The PPG also advises that a positively worded condition which requires an applicant to enter into a planning obligation is unlikely to be enforceable. While a negatively worded Grampian condition could be pursued, the PPG sets out that they are unlikely to be appropriate in the majority of cases except in exceptional circumstances, for instance where the delivery of particularly complex development schemes may otherwise be at risk. That would not be the case here.

18. In any event, the certainty around securing Grampian conditions can be challenging whereby mitigation to be later secured is lacking precise details and I have no evidence about any appropriate schemes which would have sufficient credits available for the appellant to purchase. Consequently, given the importance of this issue, together with the lack of certainty as to whether appropriate provisions would be in place to secure the necessary mitigation, the use of a Grampian condition would not give the degree of precision required by Framework Paragraph 58 and would not therefore be suitable in this instance.
19. As such, in carrying out the AA, without any mitigation measures sufficiently secured, taking account of the precautionary principle I am unable to rule out beyond all reasonable scientific doubt that there would be no adverse effect on the European site. I therefore conclude that the proposal would adversely affect the integrity of the European site, either alone or in combination with other development. Having regard to the Regulations, permission should not be granted. While not referred to on the decision notice, the proposal would be in conflict with DLP Policy ENV7 insofar as this policy requires development to avoid or adequately mitigate any significant adverse effects to biodiversity.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would not be in a suitable location, in conflict with DLP Policies SH1 and H7. However, as the proposal would meet the broad aims of the spatial strategy there would be limited material harm arising from the conflict with these policies. I have also found through undertaking an AA that the proposal would adversely affect the integrity of the European site. Taking account of the Regulations, substantial weight is given to the conflict with DLP Policy ENV7. I will now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.
21. The proposal would contribute to the local housing mix, including for an ageing population, through the addition of an adaptable home in an accessible location that the appellant indicates can be delivered quickly. These are clear benefits of the scheme. There is considerable support for boosting the supply of homes that meets the needs of groups with specific housing requirements, including adaptable housing for older people. While the Council suggest that there are many opportunities available for this type of housing within the development limits this is not supported in evidence. Within the context of the need for adaptable housing for an ageing population, specifically within the Hurworth area, this benefit attracts significant positive weight.
22. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The appeal scheme would be well designed, including sustainable design and construction measures, reflecting local design policies and government guidance on design which attracts significant positive weight in line with Framework Paragraph 139.
23. Even if I were to accept the appellant's evidence that there is a demonstrable need for self-build plots within the Borough there is no means of ensuring that the proposal

is constructed in the context of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is not something that could be overcome through the imposition of a condition, as requiring first occupation of the dwelling by the person who built it would be unlikely to pass the Framework Paragraph 58 tests. It therefore follows that this matter attracts very limited positive weight.

24. The proposal would not be harmful to the living conditions of neighbouring residents and future occupiers, incorporates lower embodied carbon design and construction and would deliver biodiversity net gains. However, these matters, and any other policy compliance including land contamination, tree protection and highway safety are neutral factors which weigh neither for nor against the scheme.
25. The proposal would result in benefits, but it would also cause harm. Weighing the two up is a matter of planning judgement. In this case, the benefits of the proposal are insufficient to outweigh the identified conflict with the development plan. I therefore conclude that the appeal should be dismissed.

F Harrison

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	24/01000/FUL
APPEAL REF. NO:	APP/N1350/D/25/3364447
LOCATION:	68 Meadowfield Road, Darlington, DL3 0DT
DESCRIPTION:	Change of use from open space to domestic curtilage, with the erection of a 1.8m high boundary fence to the rear of the property
APPLICANT:	Mr Peter Windale

BRIEF SUMMARY:

1. The appeal follows the refusal of planning permission for the change of use of land to the rear of the property from open space to domestic curtilage to form an extension to the garden of the appeal property, together with the erection of a 1.8m high boundary fence to enclose the land. The planning application was submitted following an enforcement enquiry and sought to regularise the unauthorised works.

KEY POINTS TO NOTE:

2. The former Barnard Castle Track Bed runs to the north of the appeal site and is now a shared footway and cycleway which runs in an east-west direction from the A68 (West Auckland Road) to the A1(M). The tree lined verges either side of the trackbed provide a pleasant and verdant setting for the former trackbed in this location and the trackbed itself provides an important amenity in an otherwise densely developed residential area to the north west of the town. The trackbed is identified as an existing green corridor and historic route in the Darlington Local Plan which Policies ENV3 and ENV4 seek to protect.
3. The appeal proposal sought once more to regularise the change of use of an area of this green corridor which had been incorporated into the domestic curtilage of the appeal property. The area of land had been enclosed by a 1.9m high metal sheet fence fixed to a timber frame. A previous planning application, 23/00737/FUL, for the change of use of the land and retention of the 1.9m high fence was refused in October 2023. The appeal proposal sought to reduce the height of the fence from 1.9m to 1.8m and to reposition it 1m further back into the site, at 6.8m from the existing rear boundary. It was also proposed to paint the fence green and to screen the fence with the planting of trees and bushes, although no details of a landscaping scheme were provided.
4. Despite these changes, the amended proposal was once more considered to have an unacceptable impact on the spacious and open character of the former trackbed and green corridor, with the appeal proposals resulting in a dominant and visually obtrusive feature by reason of the prominent siting, form, height, and use of inappropriate

fencing materials. The change of use of the land and enclosure of this area has resulted in the loss of a significant part of the verge in this location, resulting in an unwelcome incursion into this space which adds to the character and appearance of the wider area and its setting. The mitigation measures proposed were not considered sufficient to overcome the previous reason for refusal.

REASON(S) FOR REFUSAL:

5. The planning application was refused on 28th November 2024 for the following reason:
 1. The change of use of the land and erection of a 1.8m high fence, together with the felling of 3 no. trees from this area, would have a harmful and unacceptable impact on the character and appearance of the surrounding area, including the biodiversity, amenity and heritage value of the former Barnard Castle Trackbed and upon the function, setting, biodiversity, landscape, access and recreational value of the route as an existing green corridor. The proposal is therefore contrary to Policies DC1, ENV3, ENV4, and ENV7 of the Darlington Local Plan (2016 – 2036)

APPEAL DISMISSED:

6. In dismissing the appeal, the Inspector considered that the realignment of the fence to extend the garden area would harmfully erode the prevailing character and appearance of the former trackbed path and green corridor, contrary to DLP Policies DC1, ENV3 and ENV4. The Inspector did not identify any harm arising from the felling of 3 no. trees from the site given the context in which the appeal site lies, and the ability of a planting scheme to offer scope for biodiversity mitigation for the loss of these trees. While the Inspector did not find any conflict with Policy ENV7 in this regard, this was not sufficient to outweigh the harm identified to the character and appearance of the former trackbed and green corridor.



Appeal Decision

Site visit made on 24 June 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th August 2025

Appeal Ref: APP/N1350/W/25/3364447

68 Meadowfield Road, Darlington, Durham DL3 0DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Peter Windale against the decision of Darlington Borough Council.
- The application Ref is 24/01000/FUL.
- The development was described as '*Change of use from open space to domestic curtilage, with the erection of a 1.8m high boundary fence to the rear of the property*'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development is set out in the banner heading above. Whilst the Council's decision notice additionally includes the word 'retrospective', it seems to me that this is true only in part. It is clear that the application was submitted to the local planning authority after the development described in the banner heading above had been carried out. It is also clear that the Council determined the application on the same basis. The 'boundary fence' was in place at the time of my visit to the site, which was carried out on an unaccompanied basis from the shared footway / cycleway.
3. However, the applicant described amendments to the scheme as built, including the realignment of the fence, the painting of it in a green colour and the inclusion of additional planting on the path / cycleway side of it. It is also clear that the Council's delegated officer report describes the scheme in this form, rather than its as-built form. For the avoidance of doubt I have determined the appeal on this basis and I am satisfied that the Council did so too.

Main Issues

4. The main issues are the effects of the development upon:
 - The character and appearance of the surrounding area; and
 - Trees and biodiversity.

Reasons

Character and appearance

5. The appeal property, 68 Meadowfield Road, is a semi-detached residential property located at the head of a short cul-de-sac. Its rear garden is broadly wedge-shaped and increases in width towards its rear and shares a boundary with the trackbed and margins of the former Barnard Castle trackbed, which is now a shared cycle way and footpath. The area of land to which the appeal relates is a

broadly rectangular area of land beyond the previous rear garden fence and which, at the time of my visit to the site, was enclosed by a corrugated metal sheet fence.

6. The former trackbed is now a shared footpath and cycleway, with wider links to neighbouring residential streets, and to West Park to the north. The shared path is bordered along both sides by a strip of mown grass, with a mix of trees, shrubs and more general undergrowth beyond. The pathway corridor is bordered along a considerable part of its length between its links with Richmond Close and Crossfield Road, particularly on its southern side, by the rear gardens of residential properties. To the north, amongst the undergrowth there appeared to be the remains of a wire fence and, where the vegetation was thickest, an access through into the adjoining West Park.
7. At the time of my visit to the site the fence was partly screened by low and medium level vegetation between the edge of the shared path / cycleway and the fence line. That undergrowth, in the form of dense and verdant nettle and brambles, amongst other things, was of some depth and height. Nevertheless, the corrugated metal sheeting fence was clearly visible through and above this undergrowth from close-quarters viewing, although I accept that in longer views towards it in both directions the depth and variation in undergrowth, trees and shrubs are all such that the fence becomes less visible. And as the fence becomes less visible, so too does the extent to which it disrupts the prevailing alignment of the fence line of properties that back on to the path corridor.
8. However, that is not to say that the fence does not impinge upon the prevailing verdant character of the path corridor, or the space alongside it. Both its colour (grey, at the time of my visit) and the materials it is constructed of are stark and incongruous within the otherwise shady, dark and green, verdant setting of the path, and notwithstanding the extent of vegetation described above.
9. Although the fence material would not change from the corrugated metal sheeting present at the time of my site visit, the amendments described by the appellant are such that its colour would. The exact colour would be within a range of RAL 'green' colours which would provide a significantly more muted colour than that visible at the time of my visit, and which would be more appropriate in the context of its heavily shaded location set amongst substantial undergrowth and vegetation.
10. However, photographs of the path corridor, fencing and general extent of vegetation during winter¹ when the undergrowth had died back provided by the appellant demonstrate the extent to which the fence extends forward of neighbouring fence lines. In this context, a reduction of its projection by in the region of 1 metre to 6.8 metres would only result in a limited reduction of its incursion into the visual extent of the pathway corridor.
11. Whilst I can understand the appellant's concern regarding the proximity of large trees to his residential property, and to those of others, that the photographs illustrate, the incongruity of the fence at that time of the year is clearer to see. A dark green colour would assist in mitigating the strident nature of the presently grey-coloured fence, even without the benefit of vegetation and undergrowth around it, but it would not disguise its positioning relative to the path / cycleway or its deviation from the prevailing form and alignment of fences along this stretch of the path / cycleway.

¹ Annex 5 – Photos of fallen trees due to storm (January 2024)

12. Nor would it wholly disguise the somewhat industrial nature of the corrugated metal panel fence in either the residential context of the appeal property, or the more verdant and natural character and appearance of the footpath and cycle corridor. Re-siting it a further 1 metre back towards the rear of the house would increase the width of the 'verge' between the fence and the shared cycle / footway but it would not, in my judgement, make a significant difference to what would continue to be a disruptive presence within the corridor, particularly for those periods of the year when the undergrowth is not as dense as it was at the time of my visit in the height of the summer.
13. A planting scheme may go some way to providing some screening of the fence, but in itself may appear as alien within the otherwise densely vegetated undergrowth of the green corridor as the fence already does and would continue to do so in its revised position. I am not therefore persuaded that the proposed colour finish of the fence, or planting alongside its outside face, would sufficiently mitigate the disruptive presence of the fence or the effect that the fence's positioning would have on the character or appearance of the green corridor or the largely consistent fence-line division between domestic gardens and the more verdant, dense vegetation of the green corridor.
14. The refusal reason cites Policies DC1, ENV3, ENV4 and ENV7 of the Darlington Local Plan (DLP). Collectively, these policies set out the Council's approach to achieving good, sustainable design that recognises the character and local distinctiveness of local landscape character, including that within urban areas, and the role that green infrastructure plays in contributing to character and appearance, and safe, inclusive and accessible communities.
15. In seeking to protect and enhance local distinctiveness DLP Policy ENV3 sets out to retain and enhance, amongst other things, the continuity and amenity value of existing green corridors, which includes the historic route of the former Barnard Castle trackbed. Proposals that adjoin these corridors and indeed, in this case, within the corridor, should respond positively to the local landscape setting whilst DLP Policy EN4 seeks to ensure proposals conserve and enhance its setting, landscape, access and recreational value. These provisions insofar as they relate to green corridors are consistent with the broad aims of DLP Policy DC1 of securing good design to create attractive and desirable places.
16. For the reasons set out, the appeal scheme would fail to respond positively to the aims and objectives of DLP Policies ENV3 and ENV4 and, as such, it fails to satisfy the principles of good design set out by DLP Policy DC1 and is also contrary to that policy.

Trees and biodiversity

17. The trees that were previously within the area now enclosed by the fence were not, I am advised, protected by any tree preservation order or by virtue of lying within a conservation area. It is also noted that the Council's Senior Arboricultural Officer raised no objection to the loss of trees within this area. The area is heavily wooded with a mix of substantial trees and dense undergrowth. Whilst locally the removal of trees may have thinned the extent of the tree canopy, it has not fundamentally altered the prevailing verdant, sylvan character of the wider area. Thus, I do not find the loss of the trees to be determinative in this instance, particularly as I have found harm in respect to the effect of the fence upon the

character and appearance of the surrounding area and the appeal otherwise fails on that ground.

18. The appellant has indicated that a planting scheme of trees and shrubs alongside the repositioned fence would contribute to the aims and objectives of DLP Policies DC1, ENV3, ENV4 and ENV7 and would address the Council's concerns regarding effects upon biodiversity. Although lacking in detail at this stage, such matters may typically be agreed and secured by way of a planning condition. Whilst I have concerns regarding the extent to which a planting scheme would mitigate the appearance of the fenceline within the green corridor, a suitably worded planning condition to secure, in turn, a suitable planting scheme could nevertheless provide some benefits in terms of the biodiversity offer.
19. Thus, I do not consider the loss of trees to be fatal to the appeal scheme, and the biodiversity gains, albeit potentially limited, that could be offered by a scheme of this scale and nature would not be inconsistent with the broad aims and provisions of DLP Policies DC1, ENV3, ENV4 and ENV7 in this respect. This is therefore a matter that carries some weight in support of the appeal scheme.

Other Matters

20. The realigned fence would be moved further back from the path / cycleway edge and increase the width of the 'verge' between it and the fence. Whilst I can understand the appellant's desire to create a substantial fence given the actual and perceived instances of anti-social behaviour in the surrounding area, I am not persuaded that the appeal scheme would be entirely successful in this respect. Thus, whilst there may be private benefits to the appellant in terms of increased property security, the retention of the fence would create 'hidden' areas by virtue of its projection from the fence lines on either side of it. Whether or not vegetation and undergrowth is present, these areas would be partly secluded and lack the sense of natural surveillance and longer distance views that would be more likely to be present were the fence not to project in the manner proposed.
21. I accept that the appeal scheme would not impinge directly upon the pathway or cycleway, or reduce the width of the 'carriageway' at that point. Nor would longer-distance visibility along the path or cycleway be compromised by the fence's position given its largely straight and level alignment at this point. However, the hidden spots created by the fence's projection would be appreciable for those travelling past the appeal site and may lead to an actual or perceived risk of blind spots being created.
22. The appellant's extensive efforts to identify the ownership of the land are noted. So too are the claims regarding the principles of adverse possession as cited by the appellant. That being so, this appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) and it is not the role of such appeals to examine the lawful use of land or buildings. Indeed, it is open to the appellant to apply to have such matters determined under sections 191 or 192 of the Act. Any such matter, for example in respect of the enclosure of the land, would be unaffected by my determination of this matter.

Conclusion

23. The appellant's proposed mitigation in the form of a proposed planting scheme would carry some weight in support of the appeal proposal in offering scope for

biodiversity mitigation for the previous removal of trees from within the appeal site. Nor am I persuaded that the loss of trees would be harmful in, and of, itself given the context in which the appeal site lies. However, whilst that may be the case, the realignment of the fence to extend the garden area would harmfully erode the prevailing character and appearance of the former trackbed path and green corridor, which would be contrary to DLP Policies DC1, ENV3 and ENV4. The absence of harm in respect of trees and biodiversity carries limited weight in support of the scheme but not sufficiently so to persuade me as to the overall acceptability of the matter before me.

24. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR

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