

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 September 2020

APPLICATION REF. NO: 20/00510/FUL

STATUTORY DECISION DATE: 3 September 2020

WARD/PARISH: HEIGHINGTON AND CONISCLIFFE

LOCATION: Land to East Of 15 High Road, Redworth

DESCRIPTION: Change of use of land from open space to car parking area for 3 no. cars and installation of parking grids (Retrospective Application) (Additional Plan received 19 August 2020)

APPLICANT: Mrs Sarah Booth

RECOMMENDATION: GRANT PERMISSION

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a piece of grassed verge situated to the front of No 14 High Road (north) and between the Village Hall (east) and No 15 High Road (west). The land is accessed via a private road directly off the adopted highway (High Road) which provides access to two existing garages at the side of No 15 High Road.
2. This is a part retrospective planning application for the change of use of the grass verge to an area for the parking of three vehicles. The work, if approved, involves the removal of sections of the existing grass (approximately 150mm depth); the laying down of hardcore, soil and sand, followed by three grass crete grids and then reseeding, so that grass will re-grow though the mesh. Each grid measures 4.2m x 2.6m.

3. One of the three grids have already been laid and reseeding has taken place, but no further work has taken place since the submission of the application.
4. The occupants of Nos 15, 16 and 17 High Road have previously parked on this area of land and the objective of the work is to continue to park on the land but prevent the land turning to mud in wet weather and winter months and to improve drainage. The parking spaces would continue to be used by the occupants of the three properties, but the land would not be owned by the residents.

MAIN PLANNING ISSUES

5. There is no planning history for the grass verge, but Council records show that planning permission (75/00042/DM) was granted to convert No 15 High Road from a joiner's workshop to a dwelling and the erection of a garage. The main issues to be considered here are whether the development is acceptable in the following terms:
 - a) Land Ownership
 - b) Village Green Designation
 - c) Impact on the Character and Appearance of the Street Scene
 - d) Highway Safety
 - e) Residential Amenity

PLANNING POLICIES

6. The application site is within the development limits for Redworth and therefore the principle of the proposal accords with saved policy E2 of the Borough of Darlington Local Plan 1997 and CS1 of the Darlington Core Strategy Development Plan 2011. Therefore, the relevant Local Plan policies are those seeking to ensure that the proposed development
 - Reflects or enhances Darlington's distinctive nature; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network (CS2 of the Core Strategy 2011)
 - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
 - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer has raised no objections to the planning application.

RESULTS OF PUBLICITY AND NOTIFICATION

8. Four letters of objection have been received following the Council's consultation exercises. The comments can be summarised as follows:
- *The part of the green in question has always been recognised as registered village green by residents and authorities in so much as they have always treated this area as the rest of the registered village green, since registration became final on 1st October 1970, and thus a decision on the development of this green open space could be erroneous. Darlington Borough Council have always cut the grass alongside the remaining village green.*
 - *Heighington Parish Council have supplied and maintained the flower tubs that existed on this area of green until the start of this development.*
 - *In March of this year hardcore was placed on a corner of this area of the green which I understood was a temporary measure. Up until that point, the applicant's cars were never parked on the area, although incursions had occurred.*
 - *This track not only gives access to the applicant's garage but is a pathway for pedestrians. The proposed development could be a hazard to pedestrians as cars parked on this area of the green would have to reverse into, or out of the green space over the single track, with very limited visibility.*
 - *There is also a real possibility of encroachment and damage to the village green, when cars reverse on to the narrow track. There is visual evidence of this already occurring. The development may cause congestion in that area of the village green as cars will not only park on the proposed development, but as they do now, park on the track.*
 - *There is no need for the extra car parking in this corner of our picturesque village as the applicant has garaging.*
 - *The application is for specific households use only, (two of whom have garaging) and would not benefit the community as a whole, yet the community have invested in this green*
 - *The planning application does not fit in with the environment, as the surrounding area is village green.*
 - *There is no guarantee the land would only be used for car parking.*
 - *The plastic materials used in the proposed development of the village green are not eco-friendly and are detrimental to the planet.*
 - *This proposed development would visually detract from this rural village, and its greens, as this proposed car park is elevated above the tarmac track.*
 - *Upon enquiry made of HM Land Registry there is no evidence that the applicants are the legal owners of the land in question. Their current use of the land which is the subject of this application is apparently without the consent of the legal owners of the land. We are given to understand that the applicants have submitted an application for registration of title to the land on the basis of adverse possession, but such application was rejected by HM Land Registry. Clearly, the applicants have been entirely unsuccessful in persuading HM Land Registry that they have any right, title or indeed interest in the land in question. It is our understanding on that basis the Planning Authority would be obliged to satisfy itself that the consent of the legal owner of the land should be obtained as a precondition of Planning Permission being granted.*

- *The conversion of the open ground to the front of the property to what would effectively be a parking lot would be unsightly impacting negatively upon the visual appearance of the property (No 14 High Road)*
- *The view to the front of No 14 High Road would be unsightly looking out as this would be a car parking area rather than a rural view.*
- *The general appearance of the area would be impacted negatively. As an open space it could visually be positive and enhance the visual effect not only of the property but also the existing neighbourhood.*
- *It is primarily a matter for the applicants to ensure that they use the area within the curtilage of the boundaries of their own property to park their vehicles*
- *I was very shocked to see that only very recently, slowly but surely the land in question has become very unsightly and is detracting from the village's true beauty due to bins being placed on the grass, plant pots marking out parking bays and the grass verge being turned into a car park which has never manifested before.*
- *Waste dump bags have been placed on the grass and the land adjacent the green which belongs to the council is now starting to look unsightly and distressed which will only become worse during winter months as there is very little space to reverse.*
- *Cars have not parked on this land for the past twelve years;*
- *I am quite surprised that more parking is needed when garages are next to the piece of land in question*
- *The grass is now over grown, as the whole area cannot be cut due to cars being parked on it, the grass is over grown around the plant pots which are half empty making it look very unsightly due to the council being unable to move them to cut the grass*

9. Four letters of support have been received following the Council's publicity exercises. The comments can be summarised as follows:

- *This area gets very muddy when there is a lot of rain and the underground stream comes to the surface. By putting in adequate drainage and hidden support the owners of the three houses adjacent to the land can park without making the situation worse.*
- *It is also very relevant that if the vehicle owners have to park on the road this creates a situation where some larger passing vehicles would have to drive up onto the edges of the village green and thereby causing further erosion and mess.*
- *One user of this land has parked there for over five years with no comment made. I feel that overall the proposed change to the land in question would make the area cleaner, more practical and definitely safer.*
- *I am aware that one of the residents currently parking on this land has no land accessible or attached to his property on which he can park. One of the other residents has a garage but has more than one car in the family and requires further parking. If these residents are not allowed to park on this land, which is not village green, they will need to park on High Road. High Road is narrow. Parking on the road pushes large cars, tractors and delivery wagons onto the main green causing erosion.*

- *The area of grass in question is to the front of my late mother's house. Neighbours of mine (I now live at number 15 High Road) have parked there for a number of years with the permission of my mother. They have taken steps to improve the grassed area by installing plastic parking grids to stop the area becoming a muddy mess in the winter.*
- *I (No 17 High Road) have been parking on this land since my retirement (2012). Unfortunately, during the winter, the ground gets soft and damaged. I have attempted to repair this damage when necessary. The plans would ensure that there was no further damage.*
- *The council has in the past cut the grass, but not maintained the plant pots. The Parish Council has confirmed, twice, that this area is not village green. Neither are they interested in it becoming so.*

10. Heighington Parish Council has not commented as insufficient information has been provided

PLANNING ISSUES/ANALYSIS

a) Land Ownership

11. The applicant has stated that they moved into number 16 High Road, 13 years ago and have been using the corner of the strip of land close to their garage for parking ever since and the comments within the letters of support indicate that the land has been used for parking by the occupiers of Nos 15, 16 and 17 High Road for a number of years. However, it is evident from the letters of the objection, there is a disagreement as to how long vehicles have been previously parked on this land.
12. In response to some of the objector's comments, the applicant has advised no formal application for adverse possession of the land has been made by the residents. The grass is cut by the Council, along with other grassed areas in Redworth which are not designated village green and previously, any vehicles that are parked on the land have been moved to allow the grass to be mown. The bags that are currently on the land contain the sand and gravel which were being used to create the spaces and bins are now only placed on the land on collection day only.
13. Despite the best endeavours of the applicant to find out who the current owners of the land are, the ownership status of the land is unknown.
14. As a result, the applicants have completed Ownership Certificate D on the planning application forms and followed the appropriate publicity procedures which accords with the requirements of Town and Country Planning (Development Management Procedure) (England) Order 2015. This enables the local planning authority to continue and determine the planning application.

b) Village Green Designation

15. The verge which separates the footpath and the application site from the highway is part of the designated Village Green for Redworth. The land which is the subject of this planning application is not part of the Village Green.
16. A separate application has been made to the Council, as Commons Registration Authority, in accordance with the Commons Registration (England) Regulations 2014 to have the land registered as Village Green.
17. Notwithstanding the above, officers can advise Members that the application to have the land registered as Village Green is not a matter for the Local Planning Authority to consider as part of the determination of this planning application.

c) Impact on the Character and Appearance of the Street Scene

18. The application site and Nos 14 to 18 High Road are at a lower level than the adopted highway but the land is in a highly visible location within the street scene. There are two visual impacts to consider:

Impact of the Work to create the formal Parking Spaces

19. One of the parking grids has been laid on site and re-seeding has taken place. It is evident that grass has regrown through the grid in a short period of time, the grid is not particularly visible at all. The visual appearance and character of the site would remain a grassed area of open space. As a result, the completed works for all three spaces would not have an adverse impact on the visual appearance of the land or the wider street scene.

Impact of Parked Vehicles

20. The parking of the vehicles will have more of a visual impact, but officers do not consider that this intermittent activity of parking three vehicles will have such an adverse and harmful impact on the visual appearance and character of the area to justify a reason to refuse the planning application.
21. The planning application would accord with policy CS2 of the Core Strategy.

d) Highway Safety

22. The area to be used for parking is not accessed directly from the adopted highway as it is located off a private access road. It is not expected that the parking area will in itself generate any additional traffic but may help alleviate any neighbour disputes over parking within this area or obstruction of the private drive.
23. This would also enable an off-street parking solution which will reduce parking on the adjacent adopted highway (High Road) which is narrow. Any on street parking at this location would not be desirable as it would require vehicles to encroach on the Village Green with the potential to cause damage which is both unsightly and a potential trip hazard which the landowners(s) would be liable for. Given the rural character of the village, movement of agricultural vehicles is also relatively frequent.

24. There is no reason to conclude that there is any inherent safety issue with parking on the application site, it is generally open in aspect and has low boundary walls enabling visibility of approaching pedestrians. It does not attract vehicular through movements as vehicles do not drive past the applicant's garage. Footway provision throughout the village is minimal and it will therefore be expected that pedestrians and vehicles will share the same space as it has always been. The planning application makes no material difference to this situation.
25. The Council's Highways Engineer has raised no objections and the proposal would accord with policy CS2 of the Core Strategy.

e) Residential Amenity

26. The application site is located in front of No 14 High Road and the shared boundary with the front garden of this property is a low stone wall with intermittent stone pillars. The site is on a higher ground level than the property as its front garden slopes down towards the dwelling. No 14 High Road is a detached property within a large plot and the front elevation of the dwelling is approximately 27m from the application site. There are some well established trees and hedges within the front garden of the property.
27. The works to create the parking spaces would not harm the amenities of this neighbouring property as the stone wall would provide a screen and the parking spaces would not be visible. The presence and position of the existing trees within the site would reduce the long-range visual impact of the vehicles generally.
28. It is considered that the visual impact of three vehicles would not have such an adverse and significant impact on No 14 High Road to justify a reason to recommend refusal for the planning application. The comings and goings associated with three vehicles would also not cause adverse amenity issues. The development would accord with policy CS16 of the Core Strategy 2011.

THE PUBLIC SECTOR EQUALITY DUTY

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

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

31. This is a part retrospective planning application seeking planning permission to use a piece of grassed open space for the parking of three cars. The proposal involves the laying of grass crete grids followed by reseeding of the areas where the spaces would be created. One grid has been laid and the land reseeded. Despite the best efforts of the applicant, the owner of the land is unknown, and the appropriate ownership certification has been signed on the application forms to reflect this position which allows the local planning authority to determine the application. The land is the subject of a separate application to the Council to have the land designated as village green, but officers can advise that this process is not a material planning consideration.

32. The works do not raise any highway safety concerns and are considered acceptable in terms of their impact on the character and appearance of the area and the amenities of neighbouring dwellings. The planning application accords with the appropriate local development plan policies.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION

1. A3 – Implementation Period (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number No 1 Proposed Eco Parking Grids for 15 High Road, Redworth

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