

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 July 2025

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| APPLICATION REF. NO: | 25/00259/CU |
| STATUTORY DECISION DATE: | 21 st May 2025 (Extension of Time until 3 rd July) |
| WARD/PARISH: | Mowden / Darlington Urban Area |
| LOCATION: | 3 Parkland Drive, Darlington |
| DESCRIPTION: | Change of use from residential dwelling (Use Class C3) to short stay/holiday let accommodation (Sui Generis) (Retrospective application) |
| APPLICANT: | Mr Darren Peckitt |

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=SSWNTMFP0BM00>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a detached dwelling located on a corner plot setting at 3 Parkland Drive, Darlington. Adjacent to the East is 1 Parkland Drive Darlington and adjacent to the South is 5 Parkland Drive.
2. Retrospective planning permission is sought for a change of use from a residential dwelling to a property for short stay and holiday let accommodation. The submitted planning statement states that the property is aimed at business users and families, with an average duration stay of 3 days, but the minimum stay is for 2 days. It goes on to say that usually between Monday and Friday there are business visitors with the weekends being tailored to those for leisure, though there is the option for longer leisure stays for those taking holidays in the region.

MAIN PLANNING ISSUES

3. The main planning issues are whether the proposed works are acceptable in terms of their impact on:

- (a) Principle of Development
- (b) Character
- (c) Amenity
- (d) Highway Safety
- (e) Nutrient Neutrality
- (f) Residual Matters

PLANNING POLICIES

4. 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 presumption in favour of sustainable development contained within the NPPF and to secure developments wherever possible that would bring economic, social and environmental benefits to the Borough (*Policy SD1*).
 - Will be approved without delay where planning applications accord with policies within the development plan, or where there are no relevant development plan policies, permission will be granted unless policies within the NPPF provide clear reasons for refusing the development or any adverse impacts of the development significantly outweigh its benefits (*Policy SD1*).
 - Takes into account the role and function of places based on the following hierarchy of settlements;
 - Darlington Urban Area – will be the focus of future development, which will aim to maintain its role as a leading sub-regional centre for transport connectivity, services, employment, retail and leisure. Sustainable and accessible locations will be selected to enable further development (*Policy SH1*).
 - 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*).
 - 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*).
 - Will be suitably located and acceptable in terms of noise and disturbance, artificial lighting, vibration, emissions from odour, fumes, smoke, dust etc and commercial waste (*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*).

RESULTS OF TECHNICAL CONSULTATION

Environmental Health

5. I have looked over the submitted plans including the impact statement and house rules and have no issues with the proposals set out. I do not consider planning conditions would be appropriate in terms of controlling lighting/hours as they would not likely meet the planning conditions tests.

Highway Development Control

6. As there is no increase in bedrooms numbers, the existing parking provision is sufficient.
7. I note that an objection letter was submitted which refers to an in-curtilage driveway not having a properly constructed vehicle crossing. It is illegal to drive over a footway without a lawful means of access, and as such the Council as Local Highways Authority has other legislative means to address this where required.
8. I would raise no highway objection to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Ten letters of objection from six properties were received at the time of writing, and the main concerns are bullet pointed below. Full comments are available online at the weblink provided at the beginning of this report.
 - Noise impacts from occupants late into the evening, even beyond 9pm
 - Noise impacts from car doors slamming; occurs throughout the night too
 - Concerns with the number of occupants staying at this property
 - Insufficient in-curtilage car parking, which causes parking on the street
 - Dropped vehicle crossing insufficient for property, causing damage to pavement
 - Commercial vehicles park at this property; unfit for residential area
 - Works are unauthorised and do not have permission
 - Anti-social behaviour and nefarious activities
 - Light pollution
 - Refuse bin left out on the pavement
 - Application/ address errors within the submitted details

PLANNING ISSUES/ANALYSIS

(a) Principle of Development

10. Local policy SD1 seeks to promote sustainable development, which should be granted unless policies or national policies provide clear reasons for refusing development. Local policy SH1 states that the Darlington Urban Area will be the focus of future development, by being a sustainable and accessible location. The application site is located within an established residential estate which is an urban area and consequently within the development limits. As such, the application site is considered to be located within a

sustainable location and the proposed development is considered acceptable in this regard.

11. The development is therefore considered to be acceptable in principle, subject to compliance with the remaining material planning considerations.

(b) Character

12. No external alterations are proposed to the building and so physically the building is not considered to adversely impact upon the character of the area. Whilst a concern was raised about the there being a bin located on the pavement at the frontage, this is considered to read as a domestic feature. As such, should the bin be left outside of the property this is not considered to appear necessarily out of place for a dwelling type building and is not therefore considered to create a significant adverse impact upon the character of the street scene.
13. With regards to the proposed use, a short-term let for either holiday makers or those travelling for work, is considered to be a different form of residential accommodation. This is taking into account that such individuals are likely to be out during the day for either visiting attractions or working and returning in the evening, effectively using the property as a base to stay. This is not considered to be too dissimilar to a dwelling house in which residents are likely to be coming and going for either work or leisure activities.
14. On balance, the use of this property is not considered to appear so significantly out of context as to adversely impact upon the character of both this plot and street scene.

(c) Amenity

15. No external alterations are proposed, and the works relate to the change of use of the property. One of the main concerns expressed by the objectors was in relation to the noise impacts from the guests and those using vehicles. It is stated that this noise activity occurred into the night, with various anti-social behaviour and nefarious activities taking place. Consequently, there is also a concern on the amount of people who could use this property.
16. The submitted planning statement states that there is increased scrutiny of the guests who would use this property to assist in reducing any anti-social behaviour. It infers that there were past issues with guests and so a 'House Rules' document is provided to guests to assist in reducing anti-social behaviour. Should a guest not comply with these House Rules, that guest will be asked to leave. To help monitor this situation the property has video doorbells at the entrance points. These measures are considered sufficient to help control the activity at the site. However, the applicant has agreed to send their contact details to neighbours and so should issues arise, the applicant can be contacted to address any noise and disturbance matters; this will be conditioned accordingly.
17. The House Rules document states that no parties are allowed, with quiet hours between 9pm – 8am with no outside activities to take place at this time. It also states that no

additional overnight guests can stay at this property and no visitors are allowed outside of the booking. A group booking is a maximum of 6 guests.

18. It is unclear whether historically there have been past issues with guests, rather than this being an ongoing situation. But subject to the applicant enforcing these House Rules, it is considered that the number of occupants and associated activities could be controlled to a degree. As such, limiting the number of guests to 6 is considered reasonable to ensure better management of the property and such associated activities are likely to be reduced in comparison to larger parties. This can be conditioned accordingly.
19. However, it is not considered reasonable or practicable to enforce when the occupants of the property can use the outside space. Consideration is had to the fall-back position in that a small HMO (House in Multiple Occupation) could be implemented under the permitted development rights, which allows 6 individuals to live at the property. Consequently, 6 individuals could live at this application site regardless of these proposed works. The only difference would be that the proposed development allows a booking for individuals looking to holiday in the area or work within the area, thus allowing a degree of control in how this and guests are managed. Conversely, a HMO allows up to 6 unrelated individuals to live within a property, sharing basic facilities and this is not managed by a third-party company. As a result, the impact and associated activities are considered to be similar.
20. Likewise, for the reason given above, those using vehicles could be an activity associated with both a HMO and dwelling residence. As such, it is considered that the comings and goings of vehicles are relatively comparable to a domestic dwelling or HMO. It is also not considered that the parking of commercial vehicles would be too different in terms of engine noise and vehicles doors being opened/ closed. Therefore, it is not considered that noise from these vehicles would create such a detrimental impact as to warrant a reason for refusal in this instance.
21. A concern was expressed about light pollution, but it is considered unreasonable to condition that these lights be switched off by 9pm. Should this site remain as a dwelling, there would be no planning controls to limit when the external lighting is switched on and off. Therefore, it is considered unreasonable to condition that this lighting be switched off at a certain time. External lighting is not an uncommon feature for residential estates, and overall, it is not considered that this development would significantly impact upon light pollution for this residential estate.
22. Notwithstanding the above assessments, Environmental Health have reviewed the scheme and overall have raised no objections.
23. On balance, it is not considered that the proposed development would create a significant impact upon amenity as to warrant a reason for refusal. This is taking into account the nature of the proposal along with the fall-back position and that the number of occupants can be limited to 6 guests. This is considered sufficient to ensure that the associated

activities are no greater than what can be achieved under the permitted development rights of a HMO.

(d) Highway Safety

24. Neighbouring concerns relate to insufficient car parking, thus resulting in on street car parking. However, the scheme has been reviewed by the Council's Highway Engineer and as there is no increase in bedroom numbers, the existing parking provision is considered sufficient.
25. Concerns were also expressed about the existing dropped vehicle crossing being insufficient and that commercial vehicles park at this property. The combination of both has resulted in damage to the pavement. The existing vehicle crossing is noted by Highways and it they advise that it is illegal to drive over a footway without a lawful means of access. The Council, as a Local Highways Authority has legislative means to address this if required. Notwithstanding, no highway safety objections have been raised overall. Therefore, this information will be attached as an informative for the attention of the applicant.
26. With regards to the use of commercial vehicles, it is understood that professionals or contractors may use this property, in which it would not be uncommon for their associated vehicles to be parked at this property. However, it cannot be controlled as to what type of vehicles park on the driveway or adopted highway.
27. Overall, based on the comments received by Highway Development Control, the development is not considered to create an adverse impact upon parking provision nor highway safety.

(e) Nutrient Neutrality

28. As of March 2022, Natural England advised that Darlington Borough Council is within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. This means under the Habitats Regulations, that Darlington Borough Council must now carefully consider the nutrient impacts of development proposals on habitat sites. Particular regard is had to developments that create overnight accommodation or those that impact upon the water quality.
29. As the proposed use is for short term accommodation and this has been limited to 6 individuals, then it is considered to be similar to the numbers of a small HMO. A small HMO of up to 6 individuals is considered to be similar to a domestic dwelling, thereby there would be no net gain in residential dwelling units. However, if 7 individuals were on this site, then it is likely that the matter of nutrient neutrality would apply to this development. Because the development will be limited to 6 individuals, then it is considered that the proposed works can be scoped out of the matter of nutrient neutrality.

(f) Residual Matters

- 30. One of the concerns raised, related to the fact that the works are completed and the property has been operating without planning permission. However, it is up to the applicant to apply for planning permission and the Local Planning Authority will determine each application on its own merit. Therefore, whilst these concerns are understood, there is no bias when determining retrospective planning applications, and they cannot solely be refused on the basis of the works having been completed without first having obtained planning permission.
- 31. A comment was made about the address being spelt incorrectly on the application form; it says 'Parklands' instead of 'Parkland'. It was not considered necessary in this instance to get the applicant to update the application form as the rest of the case details show the correct address and so it would not prejudice this decision.

THE PUBLIC SECTOR EQUALITY DUTY

- 32. 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

- 33. 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

- 34. 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. Approved Plans
The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

| | |
|-----------------------|---------------|
| Plan Reference Number | Date |
| 20 REV00 | 24 March 2025 |
| Location Plan | 24 March 2025 |
| 19 REV01 | 27 March 2025 |

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

2. Booking / Number of Individuals

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

Reason: In the interests of residential amenity and to ensure the development does not fall within the scope of nutrient neutrality.

3. Monitoring

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

Reason: To allow records to be made available to assist in any monitoring of condition 2 of this planning permission.

4. Contact Details

Within 1 month of the date of this permission, contact details of the applicant, shall be circulated to 4, 5, 6, 7, 8 and 12 Parkland Drive, to enable any noise nuisance and disturbance to be readily reported.

Reason: To ensure that the property can be carefully monitored and any issues resolved in an efficient manner.

INFORMATIVES

Informative: Dropped Vehicle Crossing

The applicant is advised that it is illegal to drive over a footway without a lawful means of access, and the Council as the Local Highways Authority, has legislative means to address this where required. The applicant is therefore advised to contact the Local Authority regarding the widening of the dropped vehicle crossing.