

**DARLINGTON BOROUGH COUNCIL**

**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION**

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<b>APPLICATION REF. NO:</b>	24/01000/FUL
<b>APPEAL REF. NO:</b>	APP/N1350/D/25/3364447
<b>LOCATION:</b>	68 Meadowfield Road, Darlington, DL3 0DT
<b>DESCRIPTION:</b>	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
<b>APPLICANT:</b>	Mr Peter Windale

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**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 28<sup>th</sup> 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.