

PLANNING COMMITTEE

AGENDA



Wednesday 15th October 2025

At 10:00 am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Bailey-Fleet, Boddy (C), Dunbar, Feeney, Hargreaves, Jorgeson, Little, Napper, Oliver, Roy and Thompson

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

- 3.1 To confirm the minutes of the meeting held on 20th August 2025.

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Neighbourhood Services)*

1. H/2025/0144 – 72 Brenda Road (page 1)
2. H/2025/0196 – Youngs Fish Shop, 32 The Front (page 17)

5. **ITEMS FOR INFORMATION**

- 5.1 Planning Appeal – Land North of the A179 and West of Tremaine Close – *Assistant Director (Neighbourhood Services)*
- 5.2 Planning Appeal at Caravan at Brierton Moorhouse Stables, Stockton Back Lane – *Assistant Director (Neighbourhood Services)*
- 5.3 Enforcement Notice Appeal at Caravan at Brierton Moorhouse Stables, Stockton Back Lane – *Assistant Director (Neighbourhood Services)*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

6. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

7. **FOR INFORMATION**

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 12 November

FOR INFORMATION

Date of next meeting – Wednesday 12th November at 10:30 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

20th August 2025

The meeting commenced at 10.05 am in the Civic Centre, Hartlepool.

Present:

Councillor Moss Boddy (In the Chair)

Councillors: Tom Feeney, Michael Jorgeson, Sue Little, Amanda Napper,
Karen Oliver, Aaron Roy, Carole Thompson, Mike Young

Officers: Sylvia Pinkney, Assistant Director, Regulatory Services
Daniel James, Planning (DC) Team Leader
Stephanie Bell, Senior Planning Officer
Umi Filby, Principal Property, Planning and Commercial
Solicitor
Helen Smith, Planning Policy Team Leader
Ami Capper Senior Planning Officer
Scott Watson, Arboricultural Officer
Peter Nixon, Traffic and Road Safety Team Leader
Claire Mcpartlin, Democratic Services and Legal Support
Officer

23. Apologies for Absence

Apologies were submitted by Councillor Hargreaves and Councillor Bailey-Fleet.

24. Declarations of interest by members

None.

25. Confirmation of the minutes of the meeting held on 23rd July 2025

Confirmed.

26. Planning Applications (*Assistant Director, Neighbourhood Services*)

Number: H/2023/0368

Applicant:	PERSIMMON HOMES RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
Agent:	PERSIMMON HOMES ALICE HALL RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
Date valid:	11/12/2023
Development:	Proposed residential development of 70no. dwelling and associated infrastructure
Location:	LAND TO THE EAST OF HART LANE (HART RESERVOIRS) HARTLEPOOL

Members had attended a site visit prior to the meeting taking place.

The Senior Planning Officer outlined the application. The officer recommendation was to approve the application subject to conditions and the completion of the s106 legal agreement to secure appropriate planning obligations and financial contributions.

A Member queried plans for the surrounding hedge row as it housed several species of bird. The Planning (DC) Team Leader advised the majority of the hedge row would be protected however, some sections in particular the entrance to the site would need to be removed to allow for access. The Arboricultural Officer was happy with the plans in this respect.

A Member fed back concerns from the Parish Council around the traffic to and from the site and the mud and debris this would cause particularly in the wetter months. The Planning (DC) Team Leader advised that wheel cleaning facilities on site had been set out as a requirement of the construction management plan condition.

A Member raised concerns around the affordable housing stock within the town and the ageing infrastructure in terms of the additional traffic impact new developments pose. The Planning Policy Team Leader reported that the stock of 2/3 and 3/4 bedroomed homes within the town is balanced with 4/5 bedroomed homes and does not undermine the local plan.

In respect to highway concerns and cumulative impacts on the road network, the Traffic and Road Safety Team Leader advised that a Transport Assessment (TA) is not required for developments of less than 80 dwellings and no objections could be raised in the context of the submitted information and assessment of the application. The Traffic and Road Safety Team Leader acknowledged the need to consider the accumulation of all committed developments including

smaller schemes which is usually undertaken as part of the assessment of larger developments (where a TA is required).

Further queries were raised by a Member in respect to parking provision and whether the development would be connected to any other developments. The Traffic and Road Safety Team Leader confirmed that the proposed development met the relevant parking provision requirements and confirmed that the development was not intended to connect or combine with any other developments.

A Member raised further concerns regarding highway safety and any potential requirement for traffic/speed reduction measures. In response, the Traffic and Road Safety Team Leader confirmed that he had a good knowledge of the road and had reviewed the traffic accident record for a stretch of Hart Lane. The Traffic and Road Safety Team Leader advised that it would be difficult to implement speed reduction measures beyond the reduced speed limit and lighting system given the current speed limit on the road but advised that it could be something to look at outside of the current planning application as a wider study of Hart Lane.

It was noted that the landscaping and play areas of the site will be implemented before occupation. The Senior Planning Officer and the Planning (DC) Team Leader advised that there would be appropriate planning conditions and an obligation within the s106 legal agreement for the implementation, management and maintenance of landscaping, open space and the play areas, to be completed at an appropriate time.

A Member raised queries about renewables and charging points. The Planning (DC) Team Leader advised that both matters would be addressed through appropriate separate planning conditions as well as through the separate requirements of Building Regulations.

The agent representing the applicant was present at the meeting and addressed the Committee seeking support of the application. In response to Members' queries the following points were noted:

- The speed limit on the adjacent highway would be lowered.
- they would expect around two thirds of the dwellings on the site to have solar/photovoltaic (PV) panels and would comply with the relevant building regulations.
- Charging points would also be provided but faster charging points would be at an additional cost however were not typically of interest to prospective buyers.

- The previous design for the site included 50 dwellings however this was subject to the other former reservoir water body being maintained.
- In response to Member concerns regarding the safety of the open water course that will be approximately 1-2 meters high in places and would be enclosed by low railings and likely to have signage in place.

In general discussion concerns were raised that no affordable housing had been included within the plan. The Planning Policy Team Leader commented that Hartlepool needed a mix of house sizes, this site would help to maintain the housing stock and the Council's 5-year housing supply moving forward.

The application was moved to approve by Councillor Feeney and seconded by Councillor Young.

The application was approved by the majority with one abstention.

Decision: **Minded to APPROVE subject to the completion of a s106 legal agreement to secure financial contributions toward HRA financial mitigation (£17,500) for indirect adverse impacts on SPA feature birds through recreational disturbance, £107,012.75 toward primary education and £35,238.18 toward secondary education; the provision, maintenance and long term management of footpath links to the east and south (and the delivery of surfacing improvements to the existing footpaths to the south and east of the site); the provision, maintenance and long term management of landscaping, open space and play areas; the provision, maintenance and long term management of Biodiversity Net Gain (both on site and offsite); and maintenance and long term management of surface water drainage and SuDS; to secure an employment and training charter, and subject to the following conditions:**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in accordance with then following plans:
 - Dwg. No. Ga2.2_MA_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),
 - Dwg. No. 22-139/001 Rev - (Proposed Site Access Arrangements),
 - Dwg. No. Ga1.1_MA_R21 001 Rev 01 (Single Garage Plans, Elevations & Section),
 - Dwg. No. Ga1.1_MA_R21 101 Rev A (Single Garage Plans, Elevations & Section – Sub Structure Plan),
 - Dwg. No. Ga1.1_MA_R21 102 Rev A (Single Garage Plans, Elevations & Section – Floor Plan),
 - Dwg. No. Ga1.1_MA_R21 103 Rev A (Single Garage Plans, Elevations & Section - Elevations),
 - Dwg. No. Ga1.1_MA_R21 104 Rev A (Single Garage Plans, Elevations & Section – Section Side Gable),
 - Dwg. No. Ga1.2_MA_R21 001 Rev - (Garage & Store Plans, Elevations & Section),
 - Dwg. No. Ga1.2_MA_R21 101 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan AS Handing),
 - Dwg. No. Ga1.2_MA_R21 102 Rev - (Garage & Store Plans, Elevations & Section – Sub Structure Plan OP Handing),
 - Dwg. No. Ga1.2_MA_R21 103 Rev - (Garage & Store Plans, Elevations & Section – Floor Plans),
 - Dwg. No. Ga1.2_MA_R21 104 Rev - (Garage & Store Plans, Elevations & Section – Elevation Side Gable),
 - Dwg. No. Ga1.2_MA_R21 105 Rev - (Garage & Store Plans, Elevations & Section – Section Side Gable),
 - Dwg. No. Ga2.1_MA_R21 001 Rev 01 (Double Garage Plans, Elevations & Section),
 - Dwg. No. Ga2.1_MA_R21 101 Rev A (Double Garage Plans, Elevations & Section – Sub Structure),
 - Dwg. No. Ga2.1_MA_R21 102 Rev A (Double Garage Plans, Elevations & Section – Floor Plans),
 - Dwg. No. Ga2.1_MA_R21 103 Rev A (Double Garage Plans, Elevations & Section – Elevations Side Gable),
 - Dwg. No. Ga2.1_MA_R21 104 Rev A (Double Garage Plans, Elevations & Section – Section Side Gable),
 - Dwg. No. Ga2.2_MA_R21 001 Rev 01 (Twin Garage Plans, Elevations & Section),
 - Dwg. No. Ga2.2_MA_R21 101 Rev A (Twin Garage Plans, Elevations & Section – Sub Structure Plan),
 - Dwg. No. Ga2.2_MA_R21 102 Rev A (Twin Garage Plans, Elevations & Section – Floor Plans),
 - Dwg. No. Ga2.2_MA_R21 103 Rev A (Twin Garage Plans, Elevations & Section – Elevations Side Gable),
 - Dwg. No. Ga2.2_MA_R21 104 Rev A (Twin Garage Plans, Elevations & Section – Section Side Gable),

Dwg. No. Ga4.22_MA_R21 001 Rev - (Quad Garage Plans, Elevations & Section),
Dwg. No. Ga4.22_MA_R21 101 Rev - (Quad Garage Plans, Elevations & Section – Sub Structure Plan),
Dwg. No. Ga4.22_MA_R21 102 Rev - (Quad Garage Plans, Elevations & Section – Floor Plans),
Dwg. No. Ga4.22_MA_R21 103 Rev - (Quad Garage Plans, Elevations & Section - Elevations),
Dwg. No. Ga4.22_MA_R21 104 Rev - (Quad Garage Plans, Elevations & Section – Section A-A) received by the Local Planning Authority on 26th October 2023;

Dwg. No. HAR-HRE-000 Rev F (Location / Existing Layout Plan), received by the Local Planning Authority on 8th December 2023;

Dwg. No. BaM_MA-DET_R21G-201 Rev B (Bamburgh Ground Floor GA Plan),
Dwg. No. BaM_MA-DET_R21G-210 Rev C (Bamburgh First Floor GA Plan),
Dwg. No. BrH_MA-DET_R21G-201 Rev F (Broadhaven Ground Floor GA Plan), Dwg. No. BrH_MA-DET_R21G-210 Rev D (Broadhaven First Floor GA Plan),
Dwg. No. BrH_MA-DET_R21G-410 Rev C (Broadhaven Elevations),
Dwg. No. CsW_MA-DET_R21G-201 Rev D (Cresswell Ground Floor GA Plan),
Dwg. No. CsW_MA-DET_R21G-210 Rev C (Cresswell First Floor GA Plan),
Dwg. No. CsW_MA-DET_R21G-410 Rev C (Cresswell Elevations),
Dwg. No. CuL_MA-DET_R21G-201 Rev D (Cullen Ground Floor GA Plan),
Dwg. No. CuL_MA-DET_R21G-210 Rev C (Cullen First Floor GA Plan),
Dwg. No. CuL_MA-DET_R21G-410 Rev C (Cullen Elevations),
Dwg. No. HeY_MA-DET_R21G-201 Rev C (Heysham Ground Floor GA Plan),
Dwg. No. HeY_MA-DET_R21G-210 Rev C (Heysham First Floor GA Plan),
Dwg. No. HeY_MA-DET_R21G-410 Rev C (Heysham Elevations),
Dwg. No. HoC_MA-DET_R21G-201 Rev C (Hollicombe Ground Floor GA Plan),
Dwg. No. HoC_MA-DET_R21G-210 Rev C (Hollicombe First Floor GA Plan),
Dwg. No. HoC_MA-DET_R21G-410 Rev C (Hollicombe Elevations),
Dwg. No. KgS_MA-DET_R21G-201 Rev D (Kingsand Ground Floor GA Plan),

Dwg. No. KgS_MA-DET_R21G-210 Rev C (Kingsand First Floor GA Plan),
Dwg. No. KgS_MA-DET_R21G-220 Rev C (Kingsand Second Floor GA Plan),
Dwg. No. KgS_MA-DET_R21G-410 Rev C (Kingsand Elevations),
Dwg. No. LaN_MA-DET_R21G-201 Rev D (Lancombe Ground Floor GA Plan),
Dwg. No. LaN_MA-DET_R21G-210 Rev C (Lancombe First Floor GA Plan),
Dwg. No. LaN_MA-DET_R21G-410 Rev B (Lancombe Elevations),
Dwg. No. NeN_MA-DET_R21G-201 Rev C (Newhaven Ground Floor GA Plan),
Dwg. No. NeN_MA-DET_R21G-210 Rev C (Newhaven First Floor GA Plan),
Dwg. No. NeN_MA-DET_R21G-410 Rev C (Newhaven Elevations),
Dwg. No. SeA_MA-DET_R21G-201 Rev D (Seacombe Ground Floor GA Plan),
Dwg. No. SeA_MA-DET_R21G-210 Rev D (Seacombe First Floor GA Plan),
Dwg. No. SeA_MA-DET_R21G-410 Rev C (Seacombe Elevations),
Dwg. No. WiT_MA-DET_R21G-201 Rev D (Walcott Ground Floor GA Plan),
Dwg. No. WiT_MA-DET_R21G-210 Rev C (Walcott First Floor GA Plan),
Dwg. No. WiT_MA-DET_R21G-410 Rev C (Walcott Elevations),
received by the Local Planning Authority on 20th June 2024;

Dwg. No. BaM_MA-DET_R21G-410 Rev C (Bamburgh Elevations Plot 48),
Dwg. No. BaM_MA-DET_R21G-411 Rev C (Bamburgh Elevations Plot 20),
Dwg. No. BaM_MA-DET_R21G-412 Rev C (Bamburgh Elevations Plot 30 & 63),
Dwg. No. CsW_MA-DET_R21G-411 Rev C (Cresswell Elevations Plot 58), Dwg. No. KgS_MA-DET_R21G-411 Rev C (Kingsand Elevations Plot 54), Dwg. No. NeN_MA-DET_R21G-411 Rev C (Newhaven Elevations Plot 52),
Dwg. No. WiT_MA-DET_R21G-202 Rev D (Walcott Ground Floor GA Plan Plot 17),
Dwg. No. WiT_MA-DET_R21G-411 Rev C (Walcott Elevations Plot 17), received by the Local Planning Authority on 24th June 2024;

Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan)
received by the Local Planning Authority on 31st January 2025;

Dwg. No. HAR-HRE-001 Rev Q (Site Layout),

Dwg. No. HAR-HRE-006 Rev K (Proposed Materials Layout),
Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment)
received by the Local Planning Authority on 11th March 2025.
For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings and buildings to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the proposed finished level details for the infill area as shown on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024) including the retained existing (former reservoir) features within the site (as required by condition 4 of this permission). The development thereafter shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policies QP4, QP5 and LS1 of the Hartlepool Local Plan.
4. Notwithstanding the submitted information and prior to the commencement of development, final treatment details to the existing (former reservoir) structures that are to be retained within the site (1no. spillway and 1no. tower as indicated on plan Approximate Post Fill Reservoir Levels & Temporary Basin (received by the Local Planning Authority 04/02/2024)) including above ground levels and any associated remedial works, shall be first submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.
To ensure a satisfactory form of development, in the interests of visual amenity and public safety. and to take into account the position of the retained structures in relation to adjacent properties, in accordance with Policies QP4, QP5 and LS1 of the Hartlepool Local Plan.
5. Prior to the commencement of development, a Construction Management Plan (CMP) shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, road sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The scheme shall also include details of any security

lighting to be used during the construction period. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP for during the construction phase of the development hereby approved.

In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

6. Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development.

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

7. Prior to the commencement of development, detailed cross sectional elevations of the “online attenuation basin” as detailed in the submitted document entitled "Flood Risk Assessment and Drainage Strategy" (document reference 21-016 Revision P5 dated 30.01.2025, received by the Local Planning Authority on 31st January 2025) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (and thereafter maintained) in accordance with the approved detailed design prior to the completion of the development.

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

8. Notwithstanding the requirements of conditions 6 and 7, the drainage scheme shall ensure that foul flows discharge to the public foul sewer at manhole 5307 and ensure that surface water discharges to the existing watercourse.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. A scheme for managing the Environment Agency borehole located on site, installed for the investigation of groundwater, shall be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall provide details of how this borehole that needs to be retained, post-development, for monitoring purposes will be secured and protected. The scheme as approved shall be implemented prior to the occupation of any part of the development hereby approved.

To ensure that boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the NPPF (2024).

10. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024) consisting of the habitat retention, creation and enhancement and the subsequent management of habitats in the condition stated in the BNG Assessment has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the Metric as stated in the submitted BNG Assessment (document reference 22221 V4, received by the Local Planning Authority on 05/09/2024). The scheme shall include:

- a) details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
- b) the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
- c) a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer).

Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and biodiversity net gain in accordance with The Environment Act 2021, Section 15 of the NPPF (2024) and Policy NE1 of the Hartlepool Local Plan (2018).

11. Notwithstanding the submitted details and prior to the above ground construction of the dwellings hereby approved, a scheme for the provision, long term maintenance and management (for a minimum of 30 years) of all landscaping and tree and shrub

planting within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of a buffer of structural landscaping to the northern boundary and details of rabbit protection, and the planting mix shall include berry and fruit bearing species. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures. The scheme shall be in general conformity with the plan Dwg. No. 150587/8001 Rev H (Landscape Proposals Plan) received by the Local Planning Authority on 31st January 2025. The scheme shall include details of the retained (and buffered) landscaping features as detailed within the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3rd February 2025. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All soft landscaping including planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion or first occupation of individual dwellings (whichever is sooner). All planting, seeding or turfing comprised in the approved details of landscaping for all other areas (out with the residential curtilages) including open space within the site shall be carried out in the first planting season following the occupation of the dwellings or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority and National Highways gives written consent to any variation. In the interests of visual amenity, biodiversity enhancement and to ensure a satisfactory form of development.

12. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree and hedge protection measures identified in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan' document, reference ARB/AE/2933 dated February 2025, and shown on drawing number ARB/AE/2933/TpP (Tree Protection Plan), received by the Local Planning Authority on 3rd February 2025 shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within

these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees or hedges which are seriously damaged or die as a result of site works shall be replaced with trees or hedges of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the existing trees and the visual amenity of the area.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in:
- section 6 (Recommendations), page 35 of the submitted Ecological Appraisal by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023;
 - section 6 (Recommendations), page 24 of the Breeding Bird Survey by OS Ecology, document dated September 2023 and received by the Local Planning Authority 26/10/2023);
 - section 6 (Recommendations), page 18 of the Watercourse Survey by OS Ecology, document dated October 2023 and received by the Local Planning Authority 26/10/2023.

The CEMP (Biodiversity) shall also include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in accordance with the agreed details and timetable and throughout the construction period strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

14. Prior to the commencement of development above ground level, full details of a minimum of 70no. integral 'universal' nest bricks or 35no. bat roost bricks and 35no. bird nesting box bricks to be installed integral to each of the dwellings (70no. in total), including the exact location, specification and design, shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter, the nest bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the individual dwellings, whichever is sooner, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with Policy NE1 of the Hartlepool Local Plan (2018) and Section 15 of the NPPF (2024).

15. Notwithstanding the agreed means of enclosure as per condition 27 of this decision notice, details of the provision of hedgehog openings (and suitable associated signage) with boundary enclosures (as indicatively shown on Dwg. No. HAR-HRE-010 Rev A, Ecology Layout, received by the Local Planning Authority on 21st May 2024) shall be provided prior to the completion or occupation of the identified dwellings hereby approved (whichever is sooner).

To provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF.

16. A) No demolition/development inside the area indicated 'proposed protection fence' on drawing Figure 2 (Proposed strip, map and record area and geophysical survey, WSI 24061, received by the Local Planning Authority on 10/03/2025) shall take place until protective fencing has been installed around the perimeter of the archaeological mitigation site (as annotated "proposed strip, map and record area" on the above referenced dwg) and notices prohibiting works within the fenced off area are attached to the fencing, to prevent accidental damage during the works, and the site investigation has been carried out in accordance with the approved Written Scheme of Investigation document (by Archaeological Services Durham University, received by the Local Planning Authority 25/03/2024).
- B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- To ensure that archaeological assets are protected.

17. Prior to the commencement of development hereby approved, details of proposed interpretation panels/boards (providing information in respect to features of the former reservoir) including construction materials and finish shall be submitted to and agreed in writing by the Local Planning Authority. The interpretation panels/boards shall thereafter be provided in accordance with the approved details prior to the first occupation of any dwellings on the site.

In the interests of visual amenity and non-designated heritage assets.

18. Notwithstanding the submitted plans and submitted Transport Assessment (received by the Local Planning Authority on 30/10/2023) and prior to first occupation of the dwellings hereby approved, a detailed scheme for the extension of the street lighting system and a scheme to extend the 40mph speed limit along Hart Lane (in the vicinity of the proposed access) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme.
To enable the Local Planning Authority to control details and in the interests of highway safety.
19. The access (and associated visibility splays) to the development hereby approved shall be completed in accordance with Dwg. No. 22-139/001 (Proposed Site Access Arrangements, dated 06/09/2022, received by the Local Planning Authority on 26th October 2023) prior to the completion or first occupation (whichever is sooner) of the development hereby approved unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.
To ensure a satisfactory form of development and in the interests of highway safety.
20. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
21. Prior to the commencement of development above ground level, details of the proposed substation and 'PRI Station' (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.
In the interests of visual amenity.
22. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the children's play area (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) including the exact location, specification and design of all equipment within it, shall

be submitted to and approved in writing by the Local Planning Authority. Thereafter, the children's play area shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner.

To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).

23. Prior to the commencement of development above damp proof course level of the 70no. residential dwellings hereby approved, full details of the footpath links to be installed (as identified on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025)) including the exact location, specification and design of the 'kissing gate' structures as well as a timetable for the works and their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath links (and any associated gates) shall be installed strictly in accordance with the details so approved including the timetable for implementation.

To provide public infrastructure, in accordance with Policy NE2 of the Hartlepool Local Plan (2018).

24. Prior to the commencement of the development above damp proof course level of the 70no. residential dwellings hereby approved, a scheme for obscure glazing and restricted opening (max. 30 degrees) of the following proposed side facing windows (plot numbers as identified on plan Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025) shall first be first submitted to and approved in writing by the Local Planning Authority:
- The 2no. windows in the first floor eastern side elevation (serving a bathroom and secondary bedroom window) of plot 52 (Newhaven), facing plot 51;
 - The 2no. windows in the first floor southern side elevation (serving a bathroom and secondary bedroom window) of plot 53 (Newhaven), facing plot 51;
 - The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 49 (Newhaven), facing plot 44;
 - The 1no. windows in the first floor western side elevation (serving an en-suite) window) of plot 29 (Walcott), facing plot 31;
 - The 1no. windows in the first floor eastern side elevation (serving an en-suite) window) of plot 43 (Walcott), facing plot 18.
- The windows shall be glazed with obscure glass to a minimum level of 4 of the 'Pilkington' scale of obscuration or equivalent. Thereafter, the windows shall be installed in accordance with the approved details and prior to the occupation of each respective plot and shall remain for the lifetime of the development hereby approved. The application of translucent film to the windows would not satisfy the requirements of this condition.

To prevent overlooking in the interests of the privacy of future occupiers.

25. The external finishing materials of the dwellings shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.
26. The hard landscaping (including roads, car parking provision and footpaths within the site) shall be completed in accordance with Dwg. No. HAR-HRE-006 Rev J (Proposed Materials Layout, received by the Local Planning Authority on 7th February 2025) prior to the occupation of the dwellings and/or the site being open to the public or completion of the development hereby approved (whichever is sooner) unless an alternative, similar scheme is submitted to and approved in writing with the Local Planning Authority.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area.
27. Notwithstanding the requirements of condition 15, the development shall be carried out in accordance with the boundary treatment details as shown Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment, received by the Local Planning Authority on 7th February 2025) prior to first occupation of the dwellings or completion of the development (whichever is the sooner). No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.
In the interests of visual amenity and to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 187 of the NPPF (2024).
28. No part of the residential development hereby approved shall be occupied until full details of solar panels to be installed to a minimum of 10% of the dwellings, including identifying the dwellings/location of the apparatus, has been submitted and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be installed in accordance with the agreed details and prior to the occupation or completion of the identified dwellings, whichever is sooner.
To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.

29. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus (to all 70no. dwellings), including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the individual dwellings, the agreed scheme shall be implemented on site.

In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.

30. Prior to the installation of any permanent external lighting associated with development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. Such external lighting shall, where achievable, be limited to low level lighting, avoiding use of high intensity security lighting. The retained former reservoir tower shall not be illuminated, and light spill shall be limited as far as practicable on retained habitats such as hedgerows and scrub. Thereafter, the agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users, ecology of the area and highway safety.

31. Soil imported to the site as part of the development hereby approved shall be carried out solely in accordance with section 6.0 (Verification of Scheme) of document 'Hart Reservoir Design Statement' (document reference HRT-CDL-XX-XX-T-60201 Rev P1 by Cundall, (document dated 19/10/2023), received by the Local Planning Authority 30/11/2023 and 'Approximate Post Fill Reservoir Levels & Temporary Basin' plan at scale of 1:200 at A0, received by the Local Planning Authority 04/02/2025 including section 6.0 (Verification of Scheme) of the aforementioned document. Upon completion of the approved infill works, a final Verification Report (as detailed in section 6.3 'Reporting' of the aforementioned document) shall be submitted to the Local Planning Authority.

To prevent the importing of contaminated soil.

32. The extent of the approved infill works shall be limited to the area defined by the magenta coloured line on plan 'Approximate Post Fill Reservoir Levels & Temporary Basin, received by the Local Planning Authority 04/02/2024.

To define the permission and for the avoidance of doubt.

33. In the event that contamination is found at any time when carrying out the approved development, works must be halted on

that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

34. Prior to the occupation of the dwellings hereby approved, provision shall be made for storage of refuse in accordance with the locations shown on Dwg. No. HAR-HRE-001 Rev Q (Site Layout, received by the Local Planning Authority on 7th February 2025).

To ensure a satisfactory form of development.

35. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

36. The development hereby approved shall be used as C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

To allow the Local Planning Authority to retain control of the development.

37. Notwithstanding the provisions of Classes A to F of Part 1 of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage without the written approval of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.

38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Dwg. No. HAR-HRE-007 Rev G (Proposed Boundary Treatment) received by the Local Planning Authority on 7th February 2025.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

39. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Waste Audit – Infill App (document dated July 2023) and Waste Audit – Residential App (document dated November 2023), both date received by the Local Planning Authority on 30th November 2023.

To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

40. The development hereby approved shall be carried out in accordance with the 'Travel Plan Measures' as set out in paragraph 5.27 of the Transport Statement and Travel Plan prepared on behalf of Persimmon Homes (Teesside) by Milestone Transport Planning (document reference 22-139-N, dated September 2023), date received 30/10/2023 by the Local Planning Authority.

In the interests of sustainable development and transport and to ensure a satisfactory form of development.

Members considered representations on this matter.

Number:	H/2025/0103
Applicant:	MISS ALLISON BRUNT FARR WALK HARTLEPOOL
Agent:	DNS DESIGNS LTD MR DENIS NOBLE 29 QUEENSLAND ROAD HARTLEPOOL
Date valid:	27/03/2025
Development:	Erection of a 2m high boundary fence (retrospective)
Location:	2 FARR WALK HARTLEPOOL

The application was to seek retrospective planning permission in respect of the erection of a boundary fence.

The Senior Planning Officer outlined the application. The officer recommendation was to refuse the application due to the detrimental visual impact on the character and appearance of the application site and surrounding area.

The fence had been erected by the applicant due to concerns around crime and fear of crime. Cleveland Police had been consulted as part of the application process and had provided advice accordingly. A Member queried how the Police's comments had been taken into account to which the Planning (DC) Team Leader advised that the requirement of HBC Highways to reduce the section of boundary adjacent to the driveway would in effect lower the front boundary wall and provide greater natural surveillance from the front windows of the host property and therefore would address the Police's advice. A Member also queried the provision of a hedgerow instead of the erected boundary treatment to which the Planning (DC) Team Leader advised that planning permission was not required to plant a hedge and that such provision would be more suitable in any event.

Mr Denis Noble was in attendance at the meeting on behalf of the applicant and addressed the Committee. The property was located in an area of town with high crime rates; the erected boundary fence allowed the resident to feel safe within their home. The applicant had previously agreed to reduce the front boundary to 1.05 metres.

In general discussion it was noted that 19 objections had been received at the time of the meeting for this application.

A Member raised a further query regarding Cleveland Police and whether the applicant's supporting information including crime

reference details had been taken into account. The Planning (DC) Team Leader advised that crime, anti-social behaviour and a fear of crime had all been taken into account in the planning balance of the report, including matters of diversity and equality but ultimately the identified visual impacts outweighed any other material considerations that had weighed in favour of the development.

A Member expressed sympathy to the applicant however advised alternative solutions could have been sought to create a private boundary for example the creation of a hedgerow.

The application was moved for refusal by Councillor Jorgeson and seconded by Councillor Thompson.

The application was refused by majority with one against and two abstentions.

REASON FOR REFUSAL

1. In the opinion of the Local Planning Authority, the erected boundary treatment (to enclose the side and rear garden of the application site adjacent to Wynyard Road) by virtue of its design, scale and siting, constitutes an unsympathetic and visually intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the application site and surrounding area, contrary to Policy QP4 of the Hartlepool Local Plan (2018), the Council's Residential Design Guide SPD (2019) and paragraphs 134 and 139 of the NPPF (2024).

Members considered representations on this matter.

27. Planning Appeal – Land at Worset Lane (*Assistant Director (Neighbourhood Services)*)

Members were advised that the appeal had been dismissed against planning permission for a four bedroomed dormer bungalow with driveway, parking and front/rear gardens.

The Planning (DC) Team Leader also clarified that a costs appeal relating to a different appeal, had been wrongly appended to the same report and that this should be disregarded in this context.

Decision

Members noted the outcome of the appeal.

28. Planning Appeal – Plot 3, Manor Park, Hart (*Assistant Director, Neighbourhood Services*)

Members were advised that an appeal had been received against the council's decision to approve the proposed dwelling, in particular a planning condition of the approval. During the course of the planning application, officers required changes to the proposed detached garage to reduce its scale and considered impact on the surroundings.

The appellant is now seeking to vary the approved plans to amend the design and scale of the approved garage and in effect revert back to the design and scale of the proposed garage that officers deemed to be unacceptable.

Decision

Members noted the appeal report.

29. Planning Appeal – Land at Whelley Hill Farm, Worset Lane (*Assistant Director, Neighbourhood Services*)

Members were advised that an appeal had been received following the decision to refuse an application of the erection of a Solar Electric Forecourt. The Planning (DC) Team Leader advised the appeal was expected to follow the hearing procedure and Members would be notified of the date and time once published.

It was noted that Councillor Boddy and Councillor Little would attend the hearing as councillors and representatives of the Local Authority.

Decision

Members noted the appeal report.

The meeting concluded at 11:20 am.

CHAIR

No: 1.
Number: H/2025/0144
Applicant: JENNIFER NYESOM PRIMROSE DRIVE LEEDS LS15 7RJ
Agent: RHEMUA DESIGN MR DANIEL MZIRAY 12 PRIMROSE DRIVE LEEDS LS15 7RJ
Date valid: 12/05/2025
Development: Change of use to a children's home
Location: 72 BRENDA ROAD HARTLEPOOL

PURPOSE OF REPORT

1.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 There is no known planning applications associated with this property.

PROPOSAL

1.3 This application seeks planning permission for a change of use to a children's home (C2 Use) for the use of the property to care for one looked-after child (aged 11-18 years old), by two carers on a shift basis.

1.4 The property is a mid-terrace, three-bed residential dwelling. The ground floor consists of a lounge, kitchen and bathroom and on the first-floor level, a bedroom, and the use of the other two bedrooms as an office and staff rest room. To the rear, there is private amenity space. No external alterations are proposed.

1.5 The application is accompanied by a Management Plan for the proposed children's home. It is understood that the staff-to-child ratio would comply with OFSTED and statutory requirements. The submitted information indicates that typically, for one child, one member of staff would be required; however, depending on the assessed needs of the child, two carers may be required during the day. One care member would be on-site overnight (sleep-in shifts). In terms of other staff visiting the property, it is understood that this may result in a maximum of four staff members at peak times (mornings and evenings), to support the child's routine. The shift patterns proposed are 8am – 8pm for daytime staff and 8pm to 8am for the night member of staff. A manager may also be present Monday to Friday, 9am – 5pm.

1.6 It is further understood that other visitors to the property may include social workers, therapists and OFSTED on an ad hoc basis that would likely occur during the day and would be pre-arranged to a maximum of 2 professionals at a time. The submitted supporting information indicates that Infrequent staff visits may occur of up

to 4 people during office hours and other professional and family visits will be by appointment only and limited to two people between 10am – 8pm.

1.7 The submitted supporting information indicates that proposal would provide a home for a looked-after child with mild to moderate emotional and behavioural needs. The home would be assessed for suitability needs for that child to ensure they can thrive within the local environment, whilst being close to services and school.

1.8 The application has been referred to planning committee as 3 or more objections have been received in accordance with the Council's scheme of delegation.

SITE CONTEXT

1.9 The application site relates to a mid-terrace property at 72 Brenda Road, in Hartlepool. The property benefits from private rear amenity space to the west. The application fronts onto Brenda Road with No's 65-71 (odds) Brenda Road beyond. Adjoining the host property to the north is 70 Brenda Road, and to the south is 74 Brenda Road. To the west/rear are No's 55 and 57 Ashgrove Avenue.

PUBLICITY

1.10 The application has been advertised by way of 9 neighbour letters and a site notice.

1.11 To date, there have been 5 objections received from 4 separate addresses. The concerns and objections raised can be summarised as follows:

- Suitability of the location;
- Impact upon the surrounding community;
- Type of person who will be cared for;
- Impact upon existing residents health including stress and anxiety;
- Loss of a family home;
- Impact upon residential character;
- Safety concerns in regards to the behaviour of the looked after child and disruption to residents and safety of resident children within the area;
- Parking and increased traffic;
- Unsuitable location, host property is surrounded by residents that are elderly or disabled;
- Increased noise and disturbance from comings and goings of staff etc;
- Lack of consultation/issues with consultations to residents;
- Safety risk having children and young adults with difficulties such as substance abuse and mental health issues which could impact the surrounding area and the safety of the residents;
- Teenagers with issues would not be suitable for the area due to the amount of crime and substance misuse already in the area;
- It would set a precedent;
- Property devaluation.

1.12 Background papers can be viewed via the 'click to view attachments' link on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165107>

1.13 The period for publicity has expired.

CONSULTATIONS

1.14 The following consultation replies have been received:

HBC Children's & Joint Commissioning Services: Hopefully we can work together to provide a home for local children.

HBC Public Protection: No objections subject to the conditions listed.

1. Object/Support/Neither

No objections subject to the conditions listed.

2. Comments and background to any licensing position

None

3. Suggested Planning Conditions

Any building works must be limited to 8am-6pm Monday to Friday and 9am-1pm Saturdays with no work on Sundays or Bank Holidays. Any deliveries and collections must also be limited to these hours as well.

4. Informative (advice to applicant re any other requirements such as licensing)

-No open burning at all on site.

-Public Protection's Commercial Services team would not have any objections in principle to this application. The business operator would need to comply with their general duties under food and health and safety law, including ensuring the provision of suitably located washing facilities (for hands, food and equipment). We would recommend that if the application is granted that the operator contacts the Council's Commercial Services team for advice including the registration of the establishment as a food business.

Contact can be made by emailing:

HBC.CommercialServicesTeam@hartlepool.gov.uk and an Environmental Health Officer will get in touch.

The below guidance provides advice issued by the Food Standards Agency:

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Facss.food.gov.uk%2Fsites%2Fdefault%2Ffiles%2Fmultimedia%2Fpdfs%2Fenforcement%2Fguidance-domiciliary-care.pdf&data=05%7C02%7CJade.Harbottle%40hartlepool.gov.uk%7C9077e98034f>

e49cb75ae08dd94864929%7Ce0f159385b7b4e50ae9acf275ba81d0d%7C0%7C0%7C638830026650266554%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIiYiOilwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=R%2F%2FJLg8ptGteOtTJSAnDq%2BUaPNmaggCMiY2Dz1tGF7nM%3D&reserved=0

HBC Building Control: I can confirm that a Building Regulation application is required.

HBC Traffic & Transport: There are no highway or traffic concerns. The parking generated would be similar to a normal residential property.

HBC Community Safety: Community Safety have no concerns.

HBC Ecology: No objection on ecological grounds. The proposal is limited to a change of use with no operational development. There are no credible impact pathways to designated sites when considered alone or in-combination.

The results of the HRA is included below.

Habitats Regulations Assessment stage 1 screening

Revision history

Version	Date	Revision	Prepared by
1	14/08/2025	A	Max Cummins

Stage 1 (screening) findings

Nutrient neutrality

Is sewage disposed of via the public sewer systems of either Seaton Carew or Billingham WwTW?	Yes	Connection to the WwTW is in the project design.
Will surface water runoff occur?	No	The development is within an urban context, meaning there will be no significant change to the surface water regime.
Conclusion		Nutrient Neutrality is screened out.

Increased recreational disturbance

The Change of Use project is for a family dwelling changing to a children's home with 1 room and does not trigger the need for a HRA for this likely significant effect.	No	HRA Appropriate Assessment is not required.
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HBC Housing Standards: No comments received.

HBC Waste Management: No comments received.

Natural England: No comments received.

Cleveland Police: With regards to your recent planning application H/2025/0144 for a Children's Home, 72, Brenda Rd. Hartlepool.

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of [Crime Prevention Through Environmental Design](#) (CPTED).

I would like to make you aware that Cleveland Police operate the "Secured by Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

Full information is available within the SBD Residential Guide 2025 Guide at www.securedbydesign.com

The Secured by Design Residential Guide highlights that the concepts and approach adopted within this guide can be used to influence strategic planning policies, in support of Paragraph 102a of the NPPF.

The National Planning Policy Framework 2024 paragraph 96(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

The National Planning Policy Framework 2024, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Local Plan section Q5: Relating to Safety & Security states, The Borough Council will seek to ensure that all developments are designed to be safe and secure.

Developers will be expected to have regard to the following matters, where appropriate: 1) Adhering to national safety and security standards as set out by central government. 2) Be developed in a way that minimises crime and the fear of crime, amongst other things, incorporating Secured by Design principles as appropriate. Proposals relating to residential development should be in accordance with the Residential Design SPD.

Another material consideration is Section 17 of The Crime and Disorder Act 1998.

In addition to the above I would also add the following.

For facilities such as this, should permission be granted, good management policies and systems are essential for the most effective running of the premises.

Full compliance with Ofsted Registering for a facility such as this must be adhered to.

The applicant should also take into consideration crime statistics available for the locality of the proposed premises.

PLANNING POLICY

1.15 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Hartlepool Local Plan

1.16 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and Adapting to Climate Change
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2024)

1.17 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a strong reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF
 PARA002: Determination of applications in accordance with development plan
 PARA003: Utilisation of NPPF
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development
 PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA039: Decision making
 PARA048: Determining applications
 PARA057: Planning conditions and obligations
 PARA061: Delivering a sufficient supply of homes

PARA063: Housing needs for different groups in the community
PARA092: Promoting healthy and safe communities
PARA116: Considering development proposals
PARA129: Achieving appropriate densities
PARA131: Achieving well-designed places
PARA135: Achieving well-designed places
PARA198: Ground conditions and pollution
PARA231: Implementation

PLANNING CONSIDERATIONS

1.18 The main material considerations of this application are the principle of development, the impact on character and appearance, amenity and privacy of neighbouring properties, highway & pedestrian safety (& car parking), safety & security (including crime and fear of crime) and ecology. These and any other planning matters (and any non-planning matters) are set out below.

PRINCIPLE OF DEVELOPMENT

1.19 Whilst the Hartlepool Local Plan (HLP) does not contain policies that specifically relate to the conversion of existing dwellings into residential children's homes, the preamble of the Housing section (Part 10) of the HLP outlines the Council's commitment to providing a mix of housing to cater for the overall housing need and the needs of different groups within the community.

1.20 Paragraph 63 of the National Planning Policy Framework (NPPF, 2024) highlights the importance of identifying and addressing the housing needs of various community groups through planning policies. This includes considering the specific requirements of looked-after children, among others.

1.21 Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive, and safe places which promote social integration through mixed-use developments and that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

1.22 Paragraph 135 of the NPPF emphasises that developments should be designed to function effectively and contribute positively to the quality of the area—not just in the short term, but throughout their lifespan. It advocates for the creation of safe, inclusive, and accessible environments that support health and well-being, offer a high standard of amenity for both current and future users, and do not compromise community cohesion or quality of life due to crime or the fear of crime.

1.23 The application site relates to an existing residential property that is located within a predominantly residential area. The application site is located within the limits to development, and there are local community facilities within walking distance, and the site is also within close proximity to local bus services. Therefore, the application site is considered to represent a sustainable location in this context.

1.24 It is further considered that the proposed change of use to a children's care home (C2 Use Class) for one looked-after child (11-18 year old) by two carers would act in a similar way to that of a family home, and would be appropriately located within a residential area. HBC Children's & Joint Commissioning Services has been consulted regarding this application and has raised no objections. Whilst noting the measures set out in the applicant's accompanying Management Plan, the day-to-day management and regulation of the facility would fall outside the scope of the planning system and instead be overseen by the applicant, Ofsted, and any other relevant care authorities.

1.25 Concerns have been raised regarding the loss of a family home. Whilst noting such concerns and the potential for such changes of use to lead to an incremental loss of family homes, these uses are still in effect providing residential accommodation and is still classed as an acceptable 'residential' use for the reasons detailed above.

1.26 In light of the above, the proposed change of use to a residential children's care home is considered acceptable in principle when assessed against the relevant policies of the HLP. This is subject to further consideration of other material planning matters, as outlined below.

IMPACT ON CHARACTER AND APPEARANCE

1.27 Concerns have been raised regarding the increased activity at the property and its potential to impact upon the residential character of the area.

1.28 Local Plan Policy QP4 (Layout and Design of Development) of the HLP, amongst other requirements, requires that development should be designed to a high quality (layout, form, and scale) that positively enhances its location and setting whilst having regard to the distinctive character and history of the local area and respects the surrounding built environment. The NPPF (2024) places a strong degree of importance on ensuring development is of a high quality, maintains a strong sense of place, functions well and should improve the quality of the area while not preventing or discouraging appropriate innovation or change.

1.29 The application does not seek planning permission for any external alterations to the property. Notwithstanding this, it is well established that character is not purely a visual consideration; character also occurs from the way buildings, spaces, layout and landscapes are combined and how people experience them and engage with all the senses. A local character with a strong identity aids in creating and sustaining communities and neighbourhoods.

1.30 The nature of the surrounding area is predominantly residential; however, there are facilities within walking distance (such as Belle Vue Sports Centre, Playing Fields St Aidan's and St Cuthberts Primary School and Belle Vue Shopping Parade, amongst others) and access to sustainable transport. Whilst the use of the premises would become a children's home (C2 Use), it is considered that the way in which it is proposed to function would be of a similar scale and function to that of a family home (that would fall within a C3 Use). Moreover, the existing C3 residential use does allow for a degree of care to be provided at the property (C3.b. *Up to six residents*

living as a single household where care is provided for them) which in itself would bring a degree of activity that could take place with no planning control/requirement for planning permission.

1.31 The property is a 3-bed mid-terrace property with a rear private garden. Based on the submitted information, it is understood that two of the upper floor bedrooms would be utilised as an office and rest room for staff. The level of activity associated with 1 cared-for child (11-18 year old) would require a maximum of 2 members of staff on duty during the day/ evening and 1 overnight member of staff. Changeovers would occur at 8am and 8pm, therefore, it would result in short periods throughout the day where there would be a handover, resulting in additional staff on site for a brief amount of time.

1.32 The proposed staff changeover times are considered not to occur during unsociable hours, such as early mornings or late nights. Instead, they are considered to generally align with typical daily routines, comparable to the times residents may leave for or return from work (or school in terms of the morning times). As such, it is considered that any associated activity is likely to blend into the usual patterns of movement within the residential area, similar to school runs or commuting traffic.

1.33 With regards to friends and family, it is understood from the supporting information that there would be a visiting policy in place. Taking into account any additional supporting agencies which may be required to meet the day-to-day needs of the child, it is again considered that the comings and goings at the property would not generate such a significant level of activity that would cause harm to the character of the area.

1.34 While the change of use may result in a degree of domestic activity, this is not expected to differ significantly from levels of noise and disturbance typically associated with a private dwelling. It is acknowledged that there may be occasional increases in the number of individuals present at the property, including care staff, family members, and healthcare professionals. However, these instances are anticipated to be infrequent and short-term, and therefore acceptable within this context. Furthermore, the Council's Public Protection team has reviewed the proposal and raised no objections.

1.35 Taking this into consideration, it is considered that the proposed use would not fundamentally alter the existing character of the area and there would be no demonstrable impact on the character and appearance of the existing property and the surrounding area. The proposal is therefore considered to be acceptable with respect to the impacts on the character and appearance of the existing building and accords with the HLP Policy QP4 and the general provisions of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

1.36 Objections received raise concerns regarding the impact on amenity of neighbouring properties, including in terms of noise disturbance from residents and through comings and goings.

1.37 The HLP and the NPPF place a strong degree of importance, amongst other requirements on ensuring development will function well, is of a high quality,

maintains a strong sense of place and should improve the quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

1.38 HLP Policy QP4 states that development should not significantly impact the amenity of adjoining occupiers or nearby properties by way of overlooking, overshadowing, or poor outlook. Further development should not impact the amenity of nearby occupiers by way of general disturbance.

1.39 No external alterations are proposed as part of the change of use and therefore, there would be no impacts beyond the existing situation in terms of overlooking, overshadowing or poor outlook.

1.40 The property benefits from a modest private outdoor space to the rear. Activities within both the house and garden are expected to reflect those of a typical family home, generating only domestic levels of noise. As such, it is not anticipated that the proposal would negatively affect the privacy or amenity of neighbouring properties (or future occupiers of the host property).

1.41 Concerns are raised regarding the proposed use of the property in terms of its location, that it would set precedent for other C2 uses, with the potential for an increase in noise disturbance that would impact upon the peace and enjoyment of the residents. Whilst there would be an element of activity associated with the use of the site as set out in detail within the character assessment of this report, given that the property would accommodate one child and a maximum of two carers, it is considered that the likely noise levels that would be generated would be similar to a family occupying the property. No evidence has been provided to demonstrate that one child in care would themselves generate more noise than what could be expected of a three-bed family home.

1.42 Furthermore, the Council's Public Protection team has reviewed the proposal and raised no objections. They have recommended a condition in respect to construction hours/deliveries however there are no proposed external alterations to the property (internal works would generally not require planning permission) and therefore it is considered not to be reasonable or necessary to condition such hours. In the event noise issues were to arise either during construction or the subsequent operation of the use, it is considered by officers that these would be best dealt with/considered through other separate environmental legislation and/or other authorities. Furthermore, such matters would also need to be appropriately managed by the home's staff, regulated by Ofsted, and, where necessary, addressed by appropriate authorities such as the Police.

1.43 Finally, a planning condition is recommended to ensure the property is adequately controlled to reflect the application as applied for, and to ensure no other uses could occur without the requirement to apply for planning permission.

HIGHWAY & PEDESTRIAN SAFETY & CAR PARKING

1.44 Concerns have been raised regarding potential impacts on traffic and parking. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Moreover, HLP QP3 has regard to highway safety and parking.

1.45 In response, the Council's Traffic and Transport team has reviewed the proposal and confirmed that they have no objections. It is therefore considered that the development would not exacerbate existing highway safety or parking issues in the area. Furthermore, the site benefits from close proximity to local services and public transport links, which support sustainable travel options.

1.46 In light of the above, the proposed development is not expected to have a significant impact on highway safety or parking provision and is considered acceptable in this regard.

SAFETY & SECURITY *(including Crime and Fear and Crime)*

1.47 Concerns have been raised regarding the existing drug and crime activity within the area as well as the safety of existing residents.

1.48 Policy QP5 of the Hartlepool Local Plan (2018) seeks to ensure that developments are designed to be safe and secure and requires that developments are developed in a way which minimises crime and the fear of crime.

1.49 Paragraph 96 of the NPPF (2024) states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

1.50 Under Section 17 of the Crime and Disorder Act 1998, the Local Planning Authority is required to consider the potential impact of its decisions on crime and disorder and to take reasonable steps to prevent such issues.

1.51 While fear of crime can be a material planning consideration, it must be based on objective evidence rather than perception alone. Objections have been received raising concerns about crime and anti-social behaviour already occurring within the area, and the potential for further such issues arising from the proposed use.

1.52 The Local Planning Authority is obliged to consider a number of material planning considerations and to arrive at a decision based on the overall planning balance. Cleveland Police were consulted and, while not raising any formal objections, provided security-related advice for the building.

1.53 Whilst it is acknowledged that residents within the area state there is existing crime and this application has the potential to contribute to that crime, there is no

evidence to suggest that the proposed use and a single cared for child would in its self-result in a perception and fear of crime. As detailed throughout this report, it is considered that this property would operate in a very similar way to a family home and would continue to be seen as a residential property.

1.54 Additionally, HBC Community Safety team have been consulted on the proposal and has raised have raised no concerns. Cleveland Police's recommendations regarding secure by design initiatives, good management policies, full compliance with Ofsted can be relayed to the applicant through an informative, which is recommended accordingly.

1.55 Should any concerns arise in relation to crime or behaviour, these would need to be addressed through other regulatory frameworks, including by Ofsted under the Children's Homes Regulations, intervention by the Police, and appropriate management by the operator. These mechanisms fall outside the scope of planning control.

1.56 Taking all of the above into account, the proposal is considered acceptable in terms of crime prevention and community safety.

ECOLOGY

1.57 The Council's Ecologist has reviewed the application and raised no objections to the proposed development. A Stage 1 Habitat Regulations Assessment (HRA) has been completed to evaluate any Likely Significant Effects (LSE) on the Teesmouth & Cleveland Coast Special Protection Area (SPA) and Ramsar site, particularly in relation to nitrate enrichment and increased recreational disturbance.

1.58 The application confirms that foul drainage will be directed to the public mains sewer, which is treated by the Seaton Carew Wastewater Treatment Works. Based on this, HBC Ecology has advised that any LSE can be screened out at Stage 1 of the HRA. Natural England has also reviewed the assessment and confirmed they have no objections.

1.59 In terms of recreational disturbance, HBC Ecology has concluded that the proposal would not result in increased visits to designated European Sites. This is because the use of the property would not fundamentally change and does not represent a net increase in population. Natural England has been consulted and no response has been received.

1.60 Given the above, it is considered that the proposed development is acceptable with regards to ecology matters.

OTHER PLANNING MATTERS

Consultation on the Application

1.61 As outlined above, the Local Planning Authority has publicised the application by, and in some respects exceeding, the statutory requirements—this includes issuing neighbour notification letters (adjoining and adjacent properties) and

displaying a site notice. There is no statutory requirement for the applicant to undertake pre-application consultation with the community for this type of application.

Location & Provision of Facilities for Children

1.62 As discussed above, the site is well located in relation to nearby amenities. The property would provide a home for a child and in light of the above considerations, there is no evidence to suggest that this location would be inappropriate for the proposed use.

OTHER MATTERS

1.63 The potential impact on property values and any potential to set a negative precedent are not material planning considerations and cannot be taken into account in the determination of the application.

CONCLUSION

1.64 On balance and in light of the considerations detailed above, it is considered that the principle of the proposed change of use to a children's care home (C2 Use Class) is acceptable. It is considered that the proposal would not give rise to adverse impacts upon the visual amenity, neighbour amenity, highway safety and car parking, ecology or any other planning matter, including safety and security for the reasons detailed in the report. It is therefore considered that the development accords with the relevant policies of the HLP and relevant provisions of the NPPF.

EQUALITY DUTY

1.65 The Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010. Comments received during the public consultation raise concerns regarding age and health of existing nearby residents. Whilst these are acknowledged, it is considered that the use of the property, which is considered to largely reflect the function of a family home, would not fundamentally operate differently and it is considered there would not be any demonstrable harm by its use. As such, it is considered that the proposal would have no material or demonstrable impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal are required to make it acceptable in this regard.

CRIME AND DISORDER ACT IMPLICATIONS

1.66 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.67 Matters of crime, fear of crime and anti-social behaviour are considered in detail in the relevant section of this report. Overall and for the reasons set out in the

report, the proposal is considered, on balance, to be acceptable when having regard to Section 17 of the Crime and Disorder Act 1998.

REASON FOR DECISION

1.68 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions and reasons:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby approved shall be carried out in accordance with plans Dwg. No 2504_101 (Floor Plans) received by the Local Planning Authority on 30th April 2025; and Dwg. No. RD2504_102 (Location Plan), received by the Local Planning Authority on 28th May 2025.
For the avoidance of doubt.
3. The planning unit shall be used solely as a children's care home (C2 Use Class) to provide care for one person only (up to the age of 18 years) and for no other purpose (including any other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
To adequately control the use of the site, having regard to the nature of the site and the circumstances of the application, to protect the amenity of the area and in the interests of residential amenity.

BACKGROUND PAPERS

1.69 Background papers can be viewed by the 'attachments' on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165107>

1.70 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

CONTACT OFFICER

1.71 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284291

E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

1.72 Jade Harbottle
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429523379
E-mail: Jade.Harbottle@hartlepool.gov.uk

No: 2.
Number: H/2025/0196
Applicant: MRS CATHARINA HODGMAN, 32 THE FRONT, HARTLEPOOL, TS25 1BS
Agent: MRS CATHARINA HODGMAN, YOUNGS FISH SHOP, 32 THE FRONT, HARTLEPOOL, TS25 1BS
Date valid: 12/06/2025
Development: Advertisement consent for the installation of 1no. externally illuminated fascia sign to replace existing sign
Location: YOUNGS FISH SHOP, 32 THE FRONT, HARTLEPOOL

PURPOSE OF REPORT

2.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 The following applications are considered relevant to the application site:

HADV/1958/0540 - Erection of illuminated hanging sign. Approved 20/12/1985.

HFUL/1992/0453 - Erection of rear first floor kitchen and bathroom extension and external access stairs. Approved 14/10/1992.

HFUL/1992/0559 - Installation of new shop front. Approved 20/01/1993.

H/2016/0261 - Display of illuminated sign (retrospective application). Approved 25/08/2016.

H/2018/0284 - Installation of replacement windows (retrospective application). Refused 04/10/2018. The application was later dismissed at appeal, APP/H0724/C/18/3215099, appeal decision date 10/07/2019.

PROPOSAL

2.3 The application proposes the installation of an illuminated sign to the shop front of Young's Fish Shop, 32 The Front, Seaton Carew. The proposal would replace an existing sign that was granted retrospective advertisement consent (H/2016/0261) at planning committee in 2016 (approved contrary to officer recommendation).

2.4 The proposed sign would be sited approximately 3.5 metres above ground level, spanning the full width of the shop front. It would be made from aluminium composite sheeting and would be rectangular in shape, measuring approximately 5.7

metres wide and 0.7 metres tall. At its bottom edge, the sign would project approximately 0.36 metres from the shop front. Owing to its angle, the top edge would project approximately 0.55 metres from the shop front.

2.5 The submitted plans indicate that the board would be hand-painted with the background being 'flute blue' and the lettering being a mixture of 'schooner blue' and white.

2.6 Following a request for additional information/clarification, information was submitted by the applicant which indicates that the sign would be externally illuminated by 6 No. LED down lights, which would be installed facing downwards in an overhanging lip at the top of the fascia. The applicant indicates that the overhanging lip forms part of the existing, timber fascia of the traditional shop front. As such, it is taken the proposal would include alterations in the form of the drilling of holes into the timber frame to accommodate the downlights.

2.7 The application has been referred to be determined in the planning committee following a request from a Local Ward Councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.8 The host property, 32 The Front, is an east-facing, three-storey, mid-terrace, hot food takeaway within the Seaton Carew Conservation Area.

2.9 It is characterised by a glazed, timber-framed shop front with two access doors (one providing access to the fish shop and another providing access to the upper floors). A first-floor bay window sits above this.

2.10 The shop front features an existing sign which is not currently illuminated (albeit the associated retrospective advertisement consent for this sign included an external trough light/illumination). Its width is the same as the proposed sign, though its height is greater at approximately 0.98 metres.

PUBLICITY

2.11 The application has been advertised by way of six neighbour letters, a site notice, and an advert in the local press. To date, no responses have been received from members of the public.

2.12 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165547>

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultation replies have been received.

HBC Heritage & Open Spaces: The application site is located in the Seaton Carew Conservation Area. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 219, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 203 & 210, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is a replacement fascia sign. There currently exists a sign on the property which is over sized and covers the fascia and part of the above bay window, dominating the frontage of the building.

The Shop Front and Commercial Premises Design Guide which provide the following guidelines with regard to signage,

New signs on existing shop fronts should be in proportion and scale with the whole of the building as well as the shop front itself.

Site signs carefully on the property to ensure that they do not obscure architectural features on the shop front or building.

Choose signage which will reflect the character of the building and the wider area.

As with all signage restraint is the key as excessive amounts can reduce the individual message and introduce unnecessary clutter.

Lettering and graphics should be clear, simple and in proportion to the type of sign.

The photo showing the proposed sign suggests that this will cover architectural details and appears to stray onto the neighbouring premises. This would appear to be an opportunity to provide a sign which does fit within the existing fascia board, including allowing any architectural details which remain, such as corbels and pilasters to either side of the shop to be uncovered. Ideally the sign would be of a traditional detail and hand painted or individual letters on a painted fascia board, as those seen elsewhere in the area.

It is considered that in the current form the proposal will cause less than substantial harm to the designated heritage asset (NPPF, 215). This is due to the size of the sign, obscuring architectural details and not fitting within the existing shop front. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

HBC Traffic & Transport: There are no highway or traffic concerns.

HBC Landscape Architect: There are no landscape issues with the proposed development.

HBC Public Protection: No comments received.

Civic Society: No comments received.

PLANNING POLICY

2.15 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Hartlepool Local Plan

2.16 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

LS1: Locational Strategy

LT3: Development of Seaton Carew

SUS1: The Presumption in Favour of Sustainable Development

QP4: Layout and Design of Development

QP6: Technical Matters

QP8: Advertisements
 RC1: Retail and Commercial Centre Hierarchy
 RC16: The Local Centres
 HE3: Conservation Areas

2.17 Shop Fronts and Commercial Frontages Design Guide SPD (2014)

National Planning Policy Framework (NPPF, 2024)

2.18 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a strong reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA039: Decision making

PARA048: Determining applications

PARA085: Building a strong competitive economy

PARA090: Ensuring the viability of town centres

PARA092: Considering edge of town centre proposals

PARA131: Achieving well-designed places

PARA135: Achieving well-designed places

PARA139: Achieving well-designed places - advertisements

PARA141: Achieving well-designed places

PARA207: Conserving and enhancing the historic environment

PARA208: Proposals affecting heritage assets

PARA210: Proposals affecting heritage assets.

PARA212: Considering potential impacts on heritage assets.

PARA213: Considering potential impacts on heritage assets.

PARA215: Considering potential impacts on heritage assets.

PARA216: Considering potential impacts on heritage assets.

PARA219: Considering potential impacts on heritage assets.

PLANNING CONSIDERATIONS

2.19 Paragraph 141 of The National Planning Policy states that:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

2.20 As such, the main planning considerations in respect to this application are the impact on the amenity of the surrounding area (including the impact on the Seaton Carew Conservation Area and the amenity of neighbouring land users) and the impact on public safety.

IMPACT ON AMENITY OF THE SURROUNDING AREA

2.21 When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 219 of the National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area.

2.22 Local Plan Policy HE3 (Conservation Areas) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

2.23 Local Plan Policy QP4 (Layout and Design of Development) requires, amongst other provisions, that proposals should be of an appropriate size, design and appearance in keeping with / sympathetic to the host property and the character of the surrounding area.

2.24 Local Plan Policy QP8 (Advertisements) states that the LPA will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. This includes an assessment of the impact of the advertisement either individually or by a resultant cumulative effect upon the building/land on which it is to be displayed or upon the surrounding area.

2.25 It is further noted that the Council's Shop Front and Commercial Frontages SPD (2014) states that signage should be in proportion with the scale of the shop front and the building as a whole; that it should not obscure architectural features on the shop front and the building as a whole; that it should reflect the character of the host property and surrounding area; that it should be designed in a way which

minimises clutter; and that lettering and graphics should be clear, simple and in proportion to the type of sign.

2.26 The host property features a traditional, timber-frame, glazed shop front. Such shop fronts are considered important to the character of the Conservation Area. The proposed sign would not be made from traditional materials and it would continue to obscure the traditional, timber fascia (and associated detailing). As such, and whilst acknowledging that the proposed sign is smaller than the existing sign, it is considered that the proposed sign would still have a detrimental impact and therefore cause harm to the character and appearance of both the host property and the surrounding Conservation Area.

2.27 The Council's Head of Heritage and Open Spaces was consulted on the proposal, commenting that the Conservation Area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alterations to windows, doors, shop fronts, and signs.

2.28 Given that the proposed sign would not be made from traditional materials, would not be of a traditional design (hand painted or individual letters on a painted fascia board) and would obscure the fascia of the traditional shop front, the Council's Head of Heritage and Open Spaces considers that the proposal would cause 'less than substantial' harm to the Seaton Carew Conservation Area and that no information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

2.29 Accordingly, it is considered that the identified level of harm would warrant a refusal of the application.

2.30 It is considered that the proposed replacement signage would not result in a significant adverse impact on the privacy or amenity of neighbouring occupiers owing to the established siting of the shop front (and signage) and its relationship to the surrounding properties (including the first floor flat and associated bay window), whilst the proposals would not significantly alter the footprint of the property and would not therefore have any significant implications regarding light or outlook for neighbouring occupiers. Furthermore, no objections or comments have been received from HBC Public Protection.

2.31 Notwithstanding the above, it is considered that the proposed advertisement, by virtue of its scale, materials, design, and siting, would be out of keeping with the character and appearance of the host property and the surrounding Conservation Area. As such, the proposal would cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area). No information has been provided to indicate that this harm would be outweighed by any public benefits of the development.

2.32 The proposal is therefore considered contrary to policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), the Council's Shop Fronts and Commercial Frontages Design Guide SPD (2014) as well as Paragraphs 208, 210, 212, 213, 215, 216, and 219 of the National Planning Policy Framework (2024).

PUBLIC SAFETY

2.33 Local Plan Policy QP8 (Advertisements) states that the LPA will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. This includes an assessment of the impact upon public safety, and in particular whether the advertisement itself, or the location proposed, is likely to be so distracting or impacts upon sight lines that it creates a hazard.

2.34 The proposed advert would be affixed to the existing shop front at ground floor level. HBC Traffic & Transport was consulted on the proposal, raising no objections. On this basis, the proposal is considered acceptable in relation to its impacts on public and highway safety.

CONCLUSION

2.35 Overall, it is considered that the proposed advertisement, by virtue of its scale, materials, design, and siting, would be out of keeping with the character and appearance of the host property and the surrounding Conservation Area. As such, the proposal would cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development.

2.36 The proposal is therefore considered contrary to policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), the Council's Shop Fronts and Commercial Frontages Design Guide SPD (2014), as well as Paragraphs 208, 210, 212, 213, 215, 216, and 219 of the National Planning Policy Framework (2024).

2.37 The application is therefore recommended for refusal.

EQUALITY DUTY

2.38 The Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CRIME AND DISORDER ACT IMPLICATIONS

2.39 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.40 In this instance, there are no Section 17 implications.

REASON FOR DECISION

2.41 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE, for the following reason:

1. In the opinion of the Local Planning Authority, the proposed advertisement, by virtue of its scale, materials, design, and siting, would be out of keeping with the character and appearance of the host property and the surrounding Conservation Area. As such, the proposal would cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area). It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), the Council's Shop Fronts and Commercial Frontages Design Guide SPD (2014), as well as Paragraphs 208, 210, 212, 213, 215, 216, and 219 of the National Planning Policy Framework (2024).

BACKGROUND PAPERS

2.42 Background papers can be viewed by the 'attachments' on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165547>

2.43 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

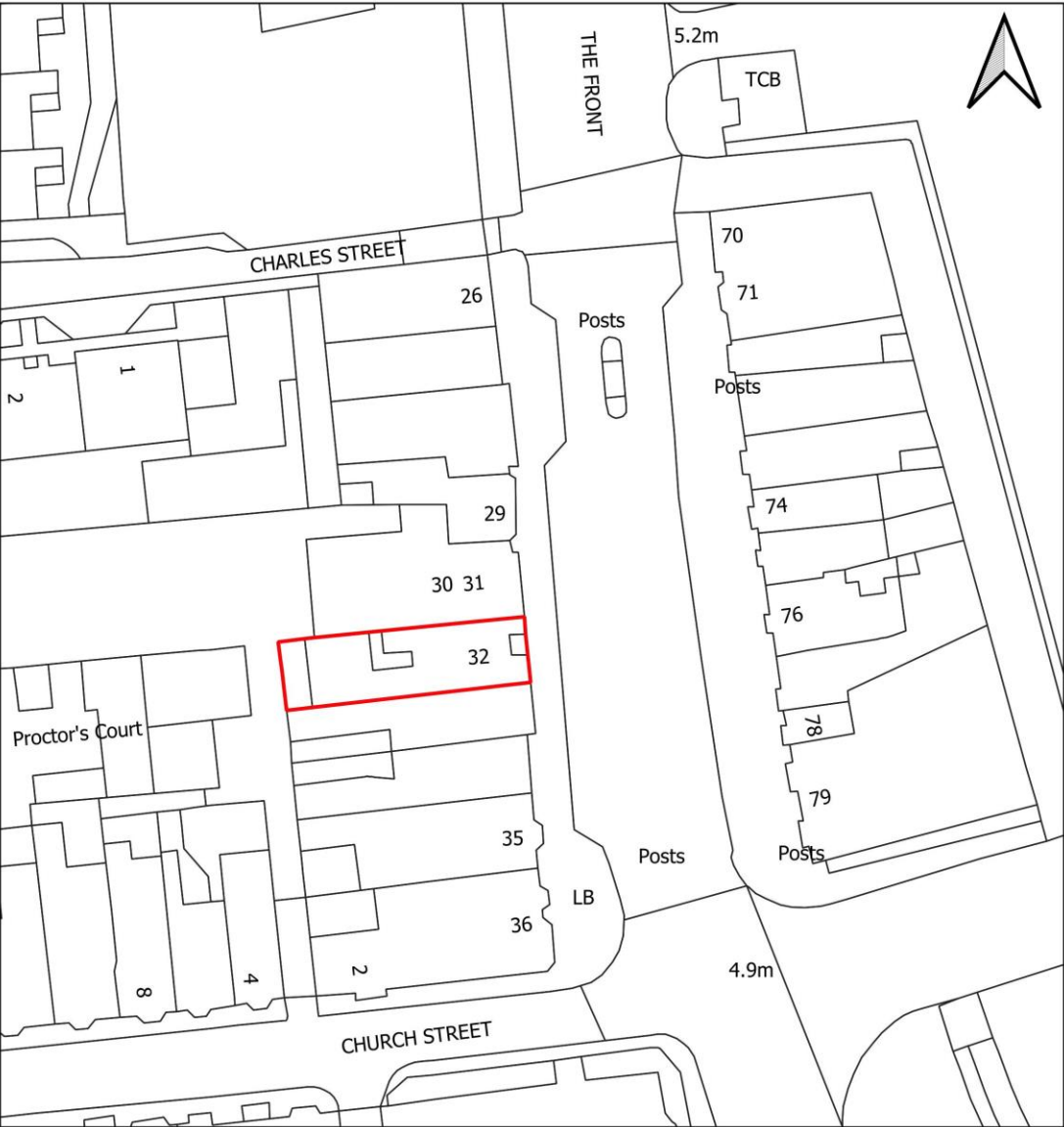
CONTACT OFFICER

2.44 Kieran Bostock
Assistant Director (Neighbourhood Services)
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 284291
E-mail: kieran.bostock@hartlepool.gov.uk

AUTHOR

2.45 Lee Kilcran/Stephanie Bell
Planning Officer/Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 523246
E-mail: Stephanie.bell@hartlepool.gov.uk

32 The Front, Young Street, Hartlepool



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HARTLEPOOL BOROUGH COUNCIL	DRAWN LH	DATE 25/09/2025
	Scale 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DWG.NO H/2025/0196	REV

POLICY NOTE

The following details a precis of the overarching policy documents referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN 2018

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN 2018

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031 -
made version - december 2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
and waste development plan documents for the tees valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2024

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
Local and National planning policy	Political opinion or moral issues
Visual impact	Impact on property value
Loss of privacy	Hypothetical alternative proposals/sites
Loss of daylight / sunlight	Building Regs (fire safety, etc.)
Noise, dust, smells, vibrations	Land ownership / restrictive covenants
Pollution and contaminated land	Private access disputes
Highway safety, access, traffic and parking	Land ownership / restrictive covenants
Flood risk (coastal and fluvial)	Private issues between neighbours
Health and Safety	Applicants personal circumstances (unless exceptional case)
Heritage and Archaeology	Loss of trade / business competition (unless exceptional case)
Biodiversity and Geodiversity	Applicants personal circumstances (unless exceptional case)
Crime and the fear of crime	
Planning history or previous decisions made	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

PLANNING COMMITTEE

15th October 2025



Report of: Assistant Director - Neighbourhood Services

Subject: PLANNING APPEAL - LAND NORTH OF THE A179
AND WEST OF TREMAINE CLOSE, HARTLEPOOL
APPEAL REF: APP/H0724/W/25/3362254
HBC REF: H/2022/0045
Erection of single storey dwelling with three car garage and
access and drainage works.

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the proposed erection of single storey dwelling with three car garage and access and drainage works.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision (dated 08/09/2025) is attached (**Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

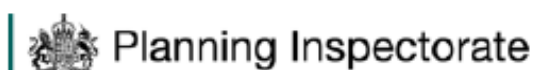
3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

- 4.1 Kieran Campbell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 242908
E-mail: kieran.campbell@hartlepool.gov.uk

Appendix 1.



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: 08 September 2025

Appeal Ref: APP/H0724/W/25/3362254

Land north of the A179 and west of Tremaine Close, Hartlepool, TS27 3LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
- The appeal is made by Mr Anthony Oliver against the decision of Hartlepool Borough Council.
- The application Ref is H/2022/0045.
- The development proposed is erection of single storey dwelling with three car garage and access and drainage works.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The reasons for refusal cite, amongst other things, paragraphs from the National Planning Policy Framework (2023) (the Framework). A revised and updated version of the Framework was published in December 2024, after the Council refused the application for planning permission but prior to the submission of this appeal. I am satisfied from this chronology that both main parties have had sufficient opportunity to reflect the provisions of the current Framework in their submissions. I have determined the appeal accordingly and on the basis of the current Framework.

Main Issue

3. The main issues are:
 - Whether the appeal site would be a suitable location for the proposed development, having regard to the development plan and the National Planning Policy Framework (the Framework); and
 - The effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

Location

4. The appeal site is a broadly elongated wedge-shaped piece of land. It is bound to the south by the highway corridor and verge of the A179 and to the north by a gated metalled track, presumably the former alignment of the A179 prior to the construction of the newer road to the south. Residential properties on Tremaine Close back on to the track to the north, from where a stepped footpath access leads on to the track whilst on the opposite, southern, side of the A179 roundabout lies a newly built residential development.
5. Within the site lies a dilapidated former stable building, but the site is otherwise overgrown grassland. Dense and overgrown hedgerow boundaries enclose the majority of the site's perimeter, with only small breaks in the hedgerow from the track allowing glimpses into the site's undulating interior. A more open view towards

<https://www.gov.uk/planning-inspectorate>

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and across the site is possible from beyond its eastern boundary where the gated track joins the A179.

6. Although I have not been provided with a copy or extract of the development plan's proposals map showing the exact extent of the defined development limits, it is common ground that the appeal site lies beyond these limits. It is also common ground that the appeal site lies within a defined 'Strategic Gap' and 'Green Gap'. Thus, Hartlepool Local Plan (HLP) Policy LS1 sets out the Council's broad approach to locational strategy to achieve balanced urban growth, whilst Hartlepool Rural Neighbourhood Plan (HRNP) Policies GEN1 and H4 together with HLP Policies RUR1, RUR2 and LS1 set out the approach to development beyond development limits and within strategic and green gaps.
7. HLP Policy LS1 states that protection will be given to the rural character of the borough to avoid coalescence between Hartlepool and its surrounding villages. The appeal site lies within the Hartlepool and Hart strategic gap¹ where the generally open and undeveloped nature of the strategic gaps will be expressly protected. Development will, it goes on to state, only be permitted in particular circumstances² (LS1 a), b) and c)). HRNP Policy GEN1 and HLP Policy RUR1 both set out further exceptions to the restrictive approach to development in such locations, but only in exceptional circumstances will development be permitted.
8. Whilst not disputing the site's location beyond development limits, the appellant has sought to demonstrate that satisfactory justification for a proposed dwelling beyond those limits exists, in line with the exceptions provided by HLP Policies LS1, RUR1 and RUR2 and HRNP Policy GEN1. However, whilst the site lies adjacent to existing residential development at Tremaine Close, albeit on the opposite side of a metalled track, it is beyond the settlement boundary and separated from built development within it, both visually and functionally by dense and somewhat overgrown hedging and vegetation. Indeed, I saw and appreciated during my visit to the site that the enclosed nature of much of the track's length alongside the appeal site by virtue of the dense vegetation insulated the site and its immediate surroundings from the residential development to the north, and the busy road and further residential development to the south. With the footpath link running along the track, the site and its surroundings had a distinctly rural character and feel, which these development plan policies seek to protect.
9. The development of the appeal site would not directly result in the settlements of Hartlepool and the nearby village of Hart coalescing, which the strategic gaps set out by HLP Policy LS1 seek to prevent. Nevertheless, the residential development of the site, albeit for only a single dwelling, would introduce substantial built development where only a small existing building currently exists. That the building would be partially submerged within remodelled ground levels would not significantly reduce the effect on openness of the site, particularly given the indicated extent of otherwise incongruous formal garden and acoustic fencing within the strategic and green gap location. It would do so therefore in a manner and in a position that would reduce the gap between existing development at Tremaine Close and bring residential development closer to the A179 corridor where, notwithstanding the newer development on the southern side of the road,

¹ HLP Policy LS1(1)

² HLP Policy LS1 a), b) and c)

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the site aids the transition from Hartlepool to the east to the open countryside beyond.

10. There is no suggestion that the proposed dwelling would be essential for the support of the rural economy, rural businesses or rural workers. However, HLP Policy RUR2 also exceptionally provides for dwellings in such locations if its design is considered to be 'truly outstanding, groundbreaking and innovative, for example in its use of materials, methods of construction or its contribution to protecting and enhancing the environment', 'reflects the highest standards in architecture', 'significantly enhances the immediate setting' and 'is sensitive to the defining characteristics of the local area'.
11. The appellant accepts that the proposed dwelling would not amount to truly outstanding, groundbreaking or innovative design. I have no reason to doubt that, with appropriate attention to detail during the construction and finishing stages, that the dwelling would not be of a high quality. There is, however, a very clear and significant difference between a well-specified and finished development and one which passes the threshold of exceptional, groundbreaking and innovative design and the highest standards in architecture. I am not persuaded that the proposal before me would pass this high bar.
12. Nor am I persuaded that the site's redevelopment would result in a significant enhancement to the site, its immediate setting or the surrounding area. Whilst I agree that the former stable building is in a poor physical condition and of dilapidated appearance, it is not the defining feature of the appeal site. It is modest in scale and well screened by dense vegetation alongside the track to the rear of the site to the extent that its poor physical and visual condition does not overwhelm the otherwise pleasant, verdant surroundings in which it lies. Moreover, the surrounding landform is such that it sits discretely at the edge of the overgrown paddock and although glimpsed from the A179 it is not a dominant feature. Notwithstanding its condition, a small stable building in a location and context such as the appeal site is neither exceptional nor intrusive.
13. The proposed dwelling would significantly and materially change the context and character of the site and its surroundings. I acknowledge that its partly sunken design would to an extent minimise its physical and visual impact and, thus, its effect on the character of the surrounding area. However, it would only be partly sunk into the site and the building's main axis would have a significant physical presence even if visually proposed landscape screening could, in time, mitigate and intercept some views from, particularly, the A179. This would, however, be less true in respect of the views from the track and the access to the site, where the necessary opening and splay would open up views towards the building's substantial gable elevation and, across the courtyard, the glazed elevation of the 'bedroom wing'.
14. For these reasons, whilst the proposed residential development may result in a more attractive building than is currently within the site, it would be a substantially larger and more intrusive building. Nor would it be sited in a 'similar' location to the existing stables, being both larger, more sprawling and set further towards the middle of the site than the existing. Its partially sunken design into the sloping site would only go so far as to minimise its intrusive nature within this generally open, verdant and pleasant rural strategic and green gap and it would not, for reasons set out, significantly enhance the immediate setting. The appeal scheme is therefore in

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conflict with HLP Policies LS1, RUR1 and RUR2 and HRNP Policies GEN1, H4 and H5.

15. The proposal would redevelop previously developed land (PDL), albeit that the appeal proposal would occupy a significantly larger footprint than the existing stable buildings and would spread further outwards towards the middle of the site. The scheme would not however amount to the reuse of the existing building and whilst the redevelopment of PDL carries some weight in support of the proposal, this is limited and does not justify development beyond defined development limits and within a strategic gap and a green gap.
16. I am advised that the site has suffered from instances of anti-social behaviour, albeit that such matters are only anecdotally referred to. The presence of a dwelling in this location would result in increased natural surveillance of the appeal site, although any wider benefits arising in this respect would be limited due to the design, orientation and positioning of the proposed building and the nature of the surrounding area, the gated track and other nearby residential properties. Nevertheless, any measures that would reduce instances of anti-social behaviour would carry some weight in support of the proposal albeit, from reasons set out, in this instance that weight would be very limited.

Character and appearance

17. Development within the strategic gaps will only be permitted, HLP Policy LS1 states, if it would not diminish visual or physical separation between urban areas of Hartlepool and nearby villages, would not compromise the integrity of the gap either individually or cumulatively. Similarly, HRNP Policy GEN1 refers to development within the green gaps being permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages and, inter alia, Hartlepool.
18. The proposed dwelling would be significantly larger than the disused stable building that currently sits within the site. The partially submerged bedroom wing notwithstanding, what is proposed would have a significantly and materially greater visual impact than the existing building. The building would present a not insubstantial gable elevation towards the open access from the gated track whilst, initially at least, the long east-west axis of the building, its roof and bulky chimney stack would also be visible across the rising paddock foreground and through the proposed landscaping belt. The very presence of a substantial built-form in this location would inevitably reduce the openness this piece of land, further compounded by the inclusion of an acoustic fence in plans around the appeal site. The appellant accepts that this 'may' be urbanising and, in turn, the openness and integrity of the strategic and green gaps.
19. Although the newly built residential development to the south is particularly visible along the open A179 roadside, its development plan context differs to that of the appeal site. Housing on Tremain Close and Westwood Way is not visible from the A179 and the extensive and dense woodland belt screens it from view in its entirety. The appeal site is a continuation of this context, with the dense vegetation as a backdrop, and the site an open buffer between hedgerows along the A179 and the track behind. In both spatial and visual terms, the proposed development would be an unwelcome and uncharacteristic built, residential intrusion into the inherent openness of the strategic and green gaps.

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20. Whilst not isolated in Framework terms, the site's context and surroundings are such that it would stand apart visually and contextually from existing dwellings. I have noted the appellant's reference to the Strategic Gap Assessment³ commissioned by the Council to support the designation of strategic gap boundaries⁴ and the capacity of the landscape to accommodate change. Nevertheless, the appeal site is clearly beyond development limits and within defined strategic and green gaps. The new housing opposite is set back behind a substantial area of open space and landscaping which clearly aims to maintain a strongly defined, broad green corridor alongside the A179.
21. The proposed dwelling would amount to an incursion into a similarly broad and clearly defined context and setting on the northern side of the A179, and thus its presence would be both incongruous and harmful to the character and appearance of the site and surrounding area. It may have been referred to in the Strategic Gap Assessment as 'urban fringe farmland' but I find it to be rural in its character, nature and appearance and the development of a single dwelling in this location would be an incremental incursion and haphazard erosion of the site's character beyond the development limits of Hartlepool.
22. For the reasons set out, the proposal would cause harm to the character and appearance of the surrounding area and, as such, is contrary to the aims and provisions of HLP Policies QP4, NE1, RUR1 and RUR2 and Policies GEN1, GEN2, H4 and H5 of the HRNP which, together set out the Council's approach to securing high quality design that positively enhances its location and setting.

Other Matters

23. It is noted from the Council's officer report and the content of the reasons for refusal that matters relating to residential amenity and living conditions, highway and pedestrian safety and parking, flood risk and drainage, waste management, archaeology, the effect on public rights of way, energy efficiency did not form part of the reason for refusal. Should the appeal have succeeded I am satisfied that details relating to these matters could have been adequately dealt with by way of suitably worded planning conditions, and no compelling submissions have been made that would alter my conclusion in this respect.
24. It is stated in the Council's officer report that the Teesmouth & Cleveland Coast Special Protection Area / RAMSAR (SPA) is considered to be in an unfavourable condition due to nutrient enrichment and nitrates. The Council concluded that the proposal would not result in a net increase in nitrates arising from four and surface water discharge. However, an additional dwelling has the potential to give rise to increased recreation disturbance to protected sites through, for example, increased dog walking.
25. It is the role of the decision maker to undertake an Appropriate Assessment (AA) in order to determine whether or not a proposal would adversely affect the integrity of a European site. Had I been minded to allow the appeal, it would have been necessary for me to carry out an AA but as I am dismissing the appeal for other reasons, I do not need to consider this matter further as it would not change the outcome of this appeal.

³ 2017 – commissioned by Hartlepool Borough Council – as referred to at paragraph 5.11 of the appellant's Planning Statement and paragraph 5.26 of the appellant's Statement of Case

⁴ Paragraphs 5.7 – 5.14 – Planning Statement 5 March 2024 and paragraphs 5.26 to 5.32 of the appellant's Statement of Case

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Conclusion

26. I have no reason to doubt the appellant's claim that the building would be highly specified and of quality construction. It would also introduce an active use to a site that currently has an untidy, unkempt and decrepit stable block on it and redevelop a previously developed site. These are matters that weigh in support of the proposal, albeit to only a limited degree. Although anecdotal, I am also advised that there have been incidences of anti-social behaviour at the site that the introduction of a dwellinghouse would counter. However, given the unsubstantiated nature of this matter it is not a matter that I afford more than very limited weight to.
27. However, these matters are not matters to which I am able to attribute sufficient weight to overcome the harm that I have identified in terms of the proposal's location and to the effect of the proposed development on the character and appearance of the site and the surrounding area. An absence of harm in respect of residential amenity and living conditions, highways and parking, flood risk and drainage, ecology and biodiversity net-gain, trees, archaeology, contaminated land and environmental and carbon implications are neutral factors and weigh neither in support of nor against the appeal scheme.
28. Thus, for the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR

PLANNING COMMITTEE

15th October 2025



Report of: Assistant Director – Neighbourhood Services

Subject: PLANNING APPEAL AT CARAVAN AT
BRIERTON MOORHOUSE STABLES
DALTON BACK LANE
HARTLEPOOL
APPEAL REF: APP/H0724/X/25/3371367
HBC REF: H/2024/0376
Lawful development certificate for retention of
existing domestic residential caravan on site.

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision refuse an application for a Certificate of Lawfulness for Existing Use or Development (CLEUD) in respect of the retention of an existing domestic residential caravan on site.
- 1.2 The application was refused on 24th April 2025 and it was determined "that a Certificate of Lawful Development for Existing Use or Development NOT be granted under section 191 of the Town and Country Planning Act 1990 (as amended) in relation to the application".
- 1.3 The CLEUD application was refused for the following reason:
 1. *It is considered by the Local Planning Authority that insufficient and conflicting evidence has been submitted by the applicant, which does not demonstrate on the balance of probabilities that the unauthorised erected residential unit is lawful through the passage of time, and where no such planning permission exists, it is considered by the Local Planning Authority that a certificate of lawfulness could not reasonably be granted.*
- 1.4 The appellant has appealed the Council's decision.
- 1.5 A copy of the officer's delegated report is appended at **Appendix 1**.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

- 3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

- 4.1 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523246
E-mail: stephanie.bell@hartlepool.gov.uk

Appendix 1 – Officer Report

DELEGATED REPORT

Application No	H/2024/0376
Proposal	Lawful development certificate for retention of existing domestic residential caravan on site
Location	BRIERTON MOORHOUSE STABLES DALTON BACK LANE HARTLEPOOL

PS Code: 26

DELEGATION ISSUES	Neighbour letters:	N/A
1) Publicity Expiry	Site notice:	N/A
	Advert:	N/A
	Weekly list:	10/01/2025
	Expiry date:	05/02/2025
	Extended date:	25/04/2025
2) Publicity/Consultations		
PUBLICITY		
As this submission relates to a Certificate of Lawfulness of Existing Use or Development (CLEUD) under section 191 of the Town and Country Planning Act 1990 (as amended), it has not been necessary to carry out neighbour/landowner notification as part of the LPA’s consideration.		
CONSULTATIONS		
HBC Legal – The Council’s Legal Services Department were consulted on the application, however any comments are subject to legal privilege and cannot therefore be published as part of this report.		
3) Neighbour letters needed	N/A	
4) Parish letter needed	N/A	
5) Legislative Provision		
Section 191 of the Town and Country Planning Act 1990 as amended (“the Act”) provides that:		
191.— Certificate of lawfulness of existing use or development.		
<i>(1) If any person wishes to ascertain whether—</i>		
<i>(a) any existing use of buildings or other land is lawful:</i>		

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

(a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

[

(3A) In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if—

(a) the time for applying for an order under section 171BA(1) (a “planning enforcement order”) in relation to the matter has not expired,

(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or

(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.

]2

(4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use, operations or other matter to be lawful; and

(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

Government Guidance

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process as it is a legal determination.

An application for a CLEUD is set out in Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). If there is not sufficient evidence to issue a CLEUD then it will be refused. This is not necessarily conclusive that something is not lawful, it may mean that insufficient evidence has been presented to satisfy the Council that the use, operation or activity is lawful.

The burden of proof is on the applicant to prove on the balance of probabilities that a CLEUD ought to be reasonably issued. There is no statutory requirement on the Council to consult third parties as it is solely a matter of evidence and law. Government guidance however suggests it may be reasonable for a Council to seek evidence from third parties including parish councils. Any views expressed are irrelevant when determining the application.

A CLEUD cannot be granted if the Council are entitled to take planning enforcement action. Section 115 of the Levelling-up and Regeneration Act 2023 amends Section 171B of the Town and Country Planning Act 1990 to extend the time period when enforcement action may be taken against unauthorised development from 4 years to 10 years. The transitional provisions provide that this time period does not apply where a breach of planning control where the breach occurred before 25 April 2024.

The time period is 4 years if the breach relates to building, engineering, mining or other operations in, on, over or under land (then it is 4 years from when the operations were substantially completed), or if it is a material change of use of any building, or any part of a building to use as a single dwelling house (the 4 year period starts with the date of the breach). The time period is 10 years for a material change of use (other than a change of use to a single dwelling house) or a breach of condition (except a condition preventing the change in the use of any building to use as a single dwelling house).

The unauthorised use must have been exercised continuously and without interruption for the whole of the relevant period to become immune from planning enforcement action. The time period for enforcement therefore will either be: 4 years of substantial completion for a breach of planning control of operational development (where substantial completion took place before 25 April 2024) OR within 10 years for a breach of condition.

6) Planning Consideration

BACKGROUND

An application has been received under Section 191(1) TCPA 1990 for a Certificate of Lawfulness of Existing Use or Development for the retention of an existing

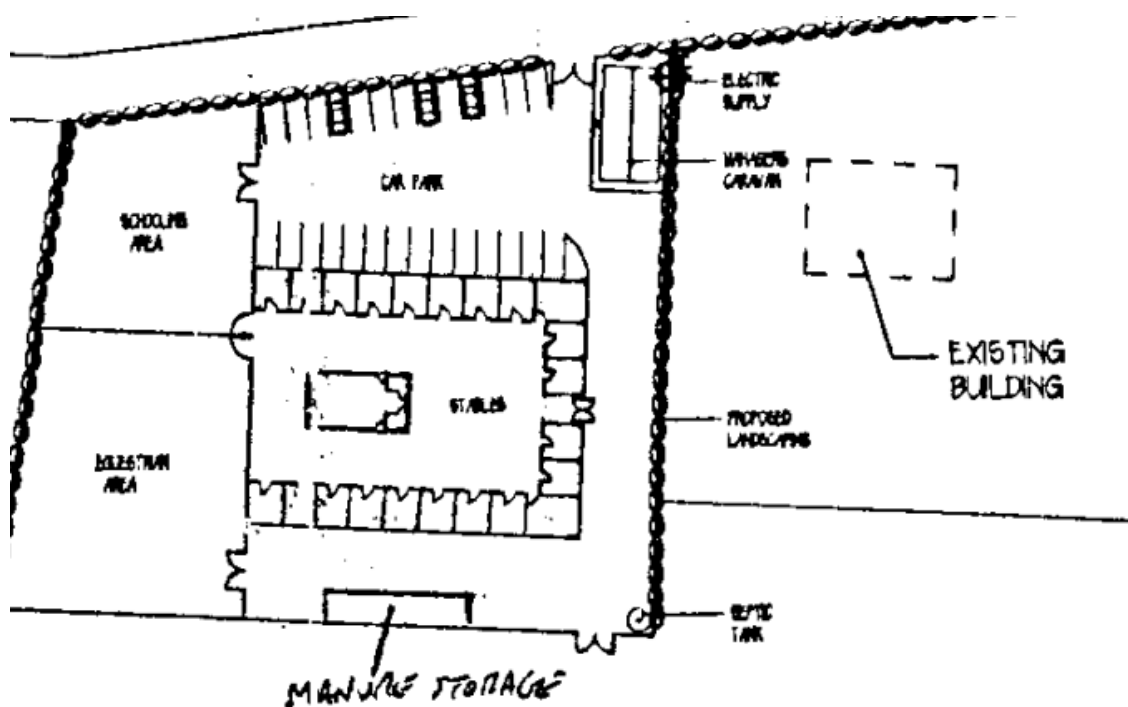
residential unit. The application has been made on behalf of an individual in relation to the property Moorhouse Stables, Dalton Back Lane, Hartlepool.

The submitted Statement indicates that the application seeks to formalise the retention of the existing residential unit (which is a caravan/mobile static home) at the application site.

RELEVANT PLANNING HISTORY

The application site benefits from an extensive planning history. The most relevant applications are considered to be:

H/2012/0537 - Change of use of agricultural land to equestrian use, erection of stables and siting of caravan. Approved 04/02/2013.



The officer update report for that application makes it clear at para 4.7 that:

In light of the fact that the business is a new enterprise, as is established practice reflecting previous guidance, temporary accommodation in the form of a caravan is proposed in the first instance. This will allow the opportunity for the business to establish itself and to demonstrate its viability over a three year period. A further application for a permanent dwelling house on the site might then be considered in light of experience.

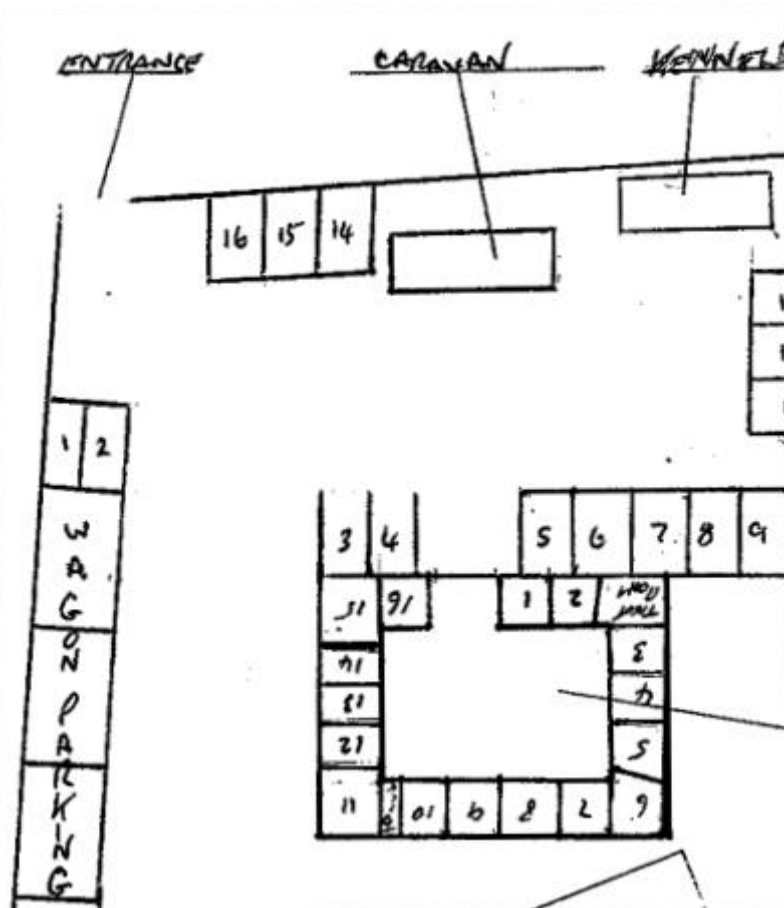
There are also two relevant conditions in respect of the siting of the caravan present at the application site at the time of consideration:

11. The occupation of the caravan shall be limited to a person solely or mainly employed in the equestrian business operating from the unit (Brierton Moorhouse Farm, identified by the areas shaded red and enclosed blue on the 1:10,000 plan submitted to the Local Planning Authority on 10th October 2012), together with any resident dependents. To ensure that the caravan is not used as general residential accommodation.

17. The caravan hereby approved shall be removed from the site and the land restored to its former condition on or before the expiry of three years from the date of this permission, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period. The building is not considered suitable for permanent retention on the site.

It is considered that whilst the caravan was sited at the property under this permission in compliance with the conditions, it would have been lawful.

H/2016/0529 - Retrospective application for the change of use of agricultural land to equestrian use with associated retention of stables and residential caravan, and retrospective application for the erection of kennels (for private use). Approved 16/03/2017.



The Officer report acknowledged that the planning permission by virtue of H/2012/0537 had not been implemented in accordance with the approved plans and further various conditions, some of which were required to be discharged pre-commencement had not been discharged. Several contraventions to the plans were cited and the observations that are relevant to the current application are:

- 4. The caravan has not been sited in the approved location towards the north east corner of the site.*
- 5. The caravan should have been removed by 04.02.2016 and at the time, no retrospective application had been submitted to seek to regularise this.*

H/2016/0377 – Erection of 1no. equestrian workers dwellinghouse. Refused 21/11/2016 for the following reasons:

- 1. In the opinion of the Local Planning Authority the applicant has failed to justify the functional need for a dwelling outside the limits to development to support the rural enterprise contrary to the requirements of the local planning authorities 'New Dwellings outside of Development Limits Supplementary Planning Document' March 2015 and paragraph 55 of the NPPF.*
- 2. In the opinion of the Local Planning Authority, the size and scale of the proposed dwelling would not be commensurate with the rural enterprise that it would support and would therefore result in an unjustified isolated dwelling in the open countryside to the detriment of the character and appearance of the rural area. The proposal is therefore contrary to paragraph 55 of the NPPF, saved Policies Gep1 and Rur 7 of the Hartlepool Local Plan (2006) and the local planning authorities 'New Dwellings outside of Development Limits Supplementary Planning Document' March 2015.*

H/2018/0092 - Revised application for erection of equestrian workers dwellinghouse with associated access and car parking. Refused 04/03/2019 for the following reasons:

- 1. In the opinion of the Local Planning Authority, the applicant has failed to satisfactorily demonstrate that there is a clearly established functional need for a dwelling outside the limits to development to support the rural based enterprise contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015), policy RUR2 of the Hartlepool Local Plan (2018), policy H4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraph 79 of the NPPF (2019). The proposal therefore constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).*
- 2. In the opinion of the Local Planning Authority, the applicant has failed to satisfactorily demonstrate that the rural based enterprise is currently financially sound (in terms of self sufficiency) and has a clear prospect of remaining so in future, taking into account the requisite costs associated with the operation of the business and construction and upkeep of the proposed dwelling, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015) and policy RUR2 of the Hartlepool Local Plan (2018). The proposal therefore*

constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).

3. In the opinion of the Local Planning Authority, the applicant has failed to satisfactorily demonstrate that the functional need could not be met by another existing dwelling or building nearby, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015) and policy RUR2 of the Hartlepool Local Plan (2018). The proposal therefore constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).

4. In the opinion of the Local Planning Authority, the size and market value of the proposed dwelling would not be commensurate with the needs of, or the income generated by, the rural based enterprise that it would support, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015) and policy RUR2 of the Hartlepool Local Plan (2018). The proposal therefore constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).

5. In the opinion of the Local Planning Authority, it is considered that by virtue of its siting, scale and design, the proposed dwelling does not preserve or enhance the quality, character and distinctiveness of the immediate area and landscape and as such would have a detrimental impact on the character and appearance of the surrounding countryside, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015), policies QP4, RUR1, RUR2 and NE1 of the Hartlepool Local Plan (2018), policies GEN2 and H4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 124, 127 and 170 of the NPPF (2019).

H/2019/0073 - Revised application for erection of equestrian workers dwellinghouse with associated access and car parking. Refused 04/09/2019 for the following reasons:

1. In the opinion of the Local Planning Authority, the applicant has failed to satisfactorily demonstrate that there is a clearly established functional need for a dwelling outside the limits to development to support the rural based enterprise contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015), policy RUR2 of the Hartlepool Local Plan (2018), policy H4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraph 79 of the NPPF (2019). The proposal therefore constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).

2. In the opinion of the Local Planning Authority, the applicant has failed to satisfactorily demonstrate that the rural based enterprise is currently financially sound (in terms of self sufficiency) and has a clear prospect of remaining so in future, taking into account the requisite costs associated with the operation of the business and construction and upkeep of the proposed dwelling, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015) and policy RUR2 of the Hartlepool Local Plan (2018). The proposal therefore

constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).

3. In the opinion of the Local Planning Authority, the applicant has failed to satisfactorily demonstrate that the functional need could not be met by another existing dwelling or building nearby, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015) and policy RUR2 of the Hartlepool Local Plan (2018). The proposal therefore constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).

4. In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate that the size and market value of the proposed dwelling would be commensurate with the needs of, or the income generated by, the rural based enterprise that it would support, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015) and policy RUR2 of the Hartlepool Local Plan (2018). The proposal therefore constitutes unsustainable development in the form of an unjustified isolated dwelling in the countryside (beyond development limits).

5. In the opinion of the Local Planning Authority, it is considered that by virtue of its unjustified siting in the countryside (beyond the development limits), the proposed dwelling does not preserve or enhance the quality, character and distinctiveness of the immediate area and landscape and as such would have a detrimental impact on the character and appearance of the surrounding countryside, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015), policies QP4, RUR1, RUR2 and NE1 of the Hartlepool Local Plan (2018), policies GEN2 and H4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 124, 127 and 170 of the NPPF (2019).

SUBMITTED INFORMATION

The application is accompanied by the following:

- Site Location Plan,
- Caravan Plans & Elevations,
- Planning Statement/Supporting Evidence.

ASSESSMENT OF EVIDENCE

The submission includes a Site Location Plan which identifies the land showing the location of the residential unit concerned, elevations and floor plans of the 'Caravan' residential unit, and a Statement of Evidence which seeks to demonstrate the justification for a Certificate of Lawfulness for Existing Use or Development (CLEUD) being sought.

In the Site Location Plan, the residential unit is shown to be situated to the eastern side of the stable building (approved by virtue of H/2016/0529). In their supporting Statement, the applicant makes reference to an extensive planning history at the application site, including officer reports which make reference to a caravan

structure at the application site and contends that a caravan structure has been situated at the site since 2013. It is, however, pertinent to note that during consideration of H/2013/0537 (decision date 04/02/2013), a caravan building is identified on the submitted plans and by the case officer dealing with the application, however this is situated at the northeast corner of the application site. During consideration of H/2016/0529 (decision date 16/03/2017), a caravan building is identified and was viewed by the case officer, however this is shown towards the northern boundary of the application site. The officer report (extracts detailed above) identifies that the caravan was not sited in the approved location. It is notable that a planning condition for H/2016/0529 requires that the caravan be removed from the site.

It therefore falls to the Local Planning Authority to consider whether the information available demonstrates, on the balance of probabilities, that a CLEUD can be granted, having regard to the provisions of the latest Government advice and guidance, and any relevant case law.

Operational Development

In their supporting statement, the applicant contends that “the existing residential unit which is a caravan/static mobile home that has been on site since the initial planning approval in 2013.”

As detailed above, it is understood that the residential unit in question is not the same one that has been identified at the application site since 2013. It is understood from Google earth (accessed early April 2025) that the residential unit concerned through the submission of this application was brought onto the application site at some point between July 2021 and May 2022 and the caravan that was permitted by virtue of H/2016/0529 was removed by March 2024. This means that at one point there were two residential units on the application site.

The nature of the residential unit is such that if it is viewed as a building operation due to its size, lack of mobility and permanence then it is non-mobile and is a building operation. Therefore, it is four years for enforcement purposes. In order to be considered a caravan the definition in the Caravan Sites and Control of Development Act 1960 is: “*caravan*” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include— (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent. There is also a size test, construction test and mobility test.

The Local Planning Authority is of the view that the residential structure under consideration through this CLEUD application constitutes a building operation by virtue of a number of factors and observations, including that the structure appears to be surrounded by decking which would restrict portability and removal of the residential unit.

Notwithstanding this, the applicant has not provided any firm stance or evidence on this matter and therefore it is irrelevant for the purposes of determining the current

application. Regardless, in view of the above, it is understood that the current residential unit has been at the site since July 2021 (at the earliest) and is not the same caravan or in the same location as that under consideration during H/2016/0529.

Material Change of Use of Land

The applicant in their supporting Statement contends that “a change of use of the building/caravan to a single house has taken place”. Although the applicant sets out that enforcement action would need to be taken within 4 years, if the dwelling is a caravan, then it would be a material change of use of land and the enforcement period would be 10 years.

As noted above, the Local Planning Authority considers that the residential unit would constitute operational development. Furthermore, no evidence from the applicant in the form of a statutory declaration, photos with timestamps or any other evidence has been submitted by the applicant to demonstrate how or when a material change of use has occurred. The only evidence provided are Council Tax records from 1st April 2018 until 1st April 2023. It is of further note that the submitted Statement contends that the applicant bought the property in 2021, however the Council Tax records are from 2018.

Breach of Condition

H/2016/0529 contained the following condition:

The caravan hereby approved shall be removed from the site and the land restored to its former condition on or before the expiry of 12 months from the date of this permission, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

The condition required the “caravan hereby approved” to be “removed from the site and the land restored to its former condition before the expiry of 12 months from the date of the permission”. Further, a scheme of work was to be submitted and approved in writing by the Council. As understood from Google earth (accessed early April 2025), this caravan was removed by March 2024, but no scheme was submitted for approval. The caravan that is now on site is not the same as the one that was approved by H/2016/0529. Therefore, it is considered that the approved caravan was in breach of the condition when it was still on the site after the 12 month period expired and until it was removed from the site.

Given that the caravan has been removed, it is considered unlikely that this condition can be enforced fully now as whilst no scheme was submitted the caravan has now been removed. The only element that may be enforced against is that of restoring the land to its former condition.

Assessment of Evidence Conclusion

As noted above, the burden of proof is on the applicant to prove on the balance of probabilities that a CLEUD ought to be reasonably issued. To demonstrate this, it

would be typical that sufficient supporting information to include a statutory declaration that the residential unit under consideration has been present and has remained on site for the time period identified, photographs with time stamps of the dwelling in situ. There is no such supporting evidence provided by the applicant in support of the application. The only evidence provided are Council Tax records from 1st April 2018 until 1st April 2023. It is of further note that the submitted Statement contends that the applicant bought the property in 2021, however the Council Tax records are from 2018.

In view of this, it is considered that the applicant has not, on the balance of probabilities, with what has been submitted, demonstrated that the use/operations are lawful.

NUTRIENT NEUTRALITY

Natural England have recently introduced a new consideration for housing related development in the borough, in relation to nutrient neutrality. The notification received by Natural England indicates that all applications (including Certificates of Lawful Development) which involve overnight accommodation or new dwellings are in scope. Given that this application is for a Certificate of Lawfulness for Existing Use or Development for a residential unit, the application is in considered to be in scope for further assessment.

Matters concerning nitrate levels and potential impact from the development on the protected coastline form part of a separate Regulation 77 of the habitat regulations application process, where such impacts on ecology and habitat will be considered, and are not for the consideration of the current application. An informative can relay this requirement to the applicant.

CONCLUSION

In conclusion, it is considered that insufficient factual evidence has been provided to warrant the issue of a CLEUD for the period when the caravan authorised by virtue of H/2016/0529 lapsed. The applicant has not demonstrated either how long the residential unit has been on site, or when the previous caravans were taken off the site. Further, the application does not adequately describe the use, operations or other matters in questions to identify and give reasons for the matters to be lawful, instead the submitted Planning Statement/Evidence seeks to justify all options. An application needs to precisely describe what is being applied for and without sufficient or precise information a local planning authority may be justified in refusing a certificate.

If sufficient evidence was submitted to allow these matters to be adequately resolved, the Local Planning Authority would be able to consider whether the matters being applied for are lawful or whether the Local Planning Authority may be entitled to take enforcement action.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

No

10) Any Declared Register of Interest

No

11) Chair's Consultation Necessary Y**12) Recommendation**

That a Certificate of Lawful Development for Existing Use or Development NOT be granted under section 191 of the Town and Country Planning Act 1990 (as amended) in relation to the application for the reasons set out below.

REASON

1. It is considered by the Local Planning Authority that insufficient and conflicting evidence has been submitted by the applicant, which does not demonstrate on the balance of probabilities that the unauthorised erected residential unit is lawful through the passage of time, and where no such planning permission exists, it is considered by the Local Planning Authority that a certificate of lawfulness could not reasonably be granted.

INFORMATIVES**1.0 Statement of Proactive Engagement**

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance it has not been possible to demonstrate on the balance of probability that a certificate of lawfulness should be granted.

2.0 Regulation 77 of Habitat Regulations

This development is still subject to matters concerning Regulation 77 of the Habitat Regulations and the applicant should satisfy themselves and ensure that this matter is addressed through that necessary process.

Author of Report: Stephanie Bell

Signed: S. Bell

Dated: 11/04/2025

Signed: DJAMES
Planning Team Leader DC

Dated: 17/04/2025

Signed:
Chair of the Planning Committee

Dated:

PLANNING COMMITTEE

15th October 2025



Report of: Assistant Director – Neighbourhood Services

Subject: ENFORCEMENT NOTICE APPEAL AT CARAVAN
AT BRIERTON MOORHOUSE STABLES
DALTON BACK LANE
HARTLEPOOL
APPEAL REF: APP/H0724/C/25/3369624
HBC REF: N/2025/0001
Siting of a residential unit and a truck body.

1. PURPOSE OF REPORT

1.1 To advise members of an enforcement notice appeal that has been submitted against the Council's decision issue an enforcement notice in respect of the siting of a residential unit and a truck body at the appeal site.

1.2 The enforcement notice was issued on 15th July 2025, for the following reasons:

1. In the opinion of the Local Planning Authority the development (residential unit and associated paraphernalia, and siting of the truck body) results in an unjustified detrimental impact on the character and appearance of the surrounding countryside, contrary to the requirements of the New Dwellings Outside of Development Limits SPD (2015), policies QP4, RUR1, RUR2 and NE1 of the Hartlepool Local Plan 2018, policies GEN2 and H4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 135 and 187 of the NPPF (2024).

2. In the opinion of the Local Planning Authority and in the absence of appropriate mitigation, the development (residential unit) has the potential to result in an adverse effect on the integrity of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) sites.

1.3 An Enforcement Notice was therefore issued to the occupant, with the following requirements:

i Remove the residential unit and all associated decking, railings and domestic paraphernalia from the land.

ii Remove the truck body from the land.

iii Restore the land to its condition before the breach took place.

iv Remove any debris associated with steps (i) (ii) and (iii).

1.4 A period of 3 months from the date that the notice takes effect was given for compliance with the steps specified.

1.5 The appellant has appealed the enforcement notice. The appellant has cited ground (g), that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

2. RECOMMENDATIONS

2.1 That Members note this report.

3. CONTACT OFFICER

3.1 Kieran Bostock
Assistant Director – Neighbourhood Services
Level 4
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 284291
E-mail: Kieran.Bostock@hartlepool.gov.uk

4.0 AUTHOR

4.1 Stephanie Bell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523246
E-mail: stephanie.bell@hartlepool.gov.uk