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Appeal Statement

Installation/replacement fencing

at

1-22 Mariners Cottages, South Shields, NE33 2NG

January 2026

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Director
Date: 30 January 2026

1. Introduction

Background

1.1 This Statement has been prepared on behalf of West Properties ('the Appellant') to set out the grounds of appeal and full case against South Tyneside Council's decision to refuse planning application (ref: 250555) for development at 1-22 Mariners Cottages, South Shields, NE33 2NG ('the Appeal Site'). The decision to refuse planning permission was made under delegated powers on 5 November 2025. A copy of the Delegated Report is included at appendix 1.

1.2 The description of the development ('the appeal proposal') is:
"Installation/replacement fencing".

1.3 In addition to this statement, the appeal is supported by the following documents which were submitted as part of the planning application:

- Application plans, prepared by Cummings Architects Limited.
- Design Access and Heritage Statement, prepared by Cummings Architects Limited.

2. Background

The site and surrounding area

2.1 The Appeal Site is situated to the north of Broughton Road, which lies to the north of South Shields, between the coast and River Tyne (see figure 1). The wider area is predominantly residential. Mariners Cottages are a group of single storey early Victorian almshouses, which face onto a central green space which includes trees. The 22 dwellings have small gardens to the front which are mainly grassed, they are divided by a mixture of fences and hedging (see figure 2). The south of the Appeal Site, onto Broughton Road, is bounded by a dwarf stone wall with railings.

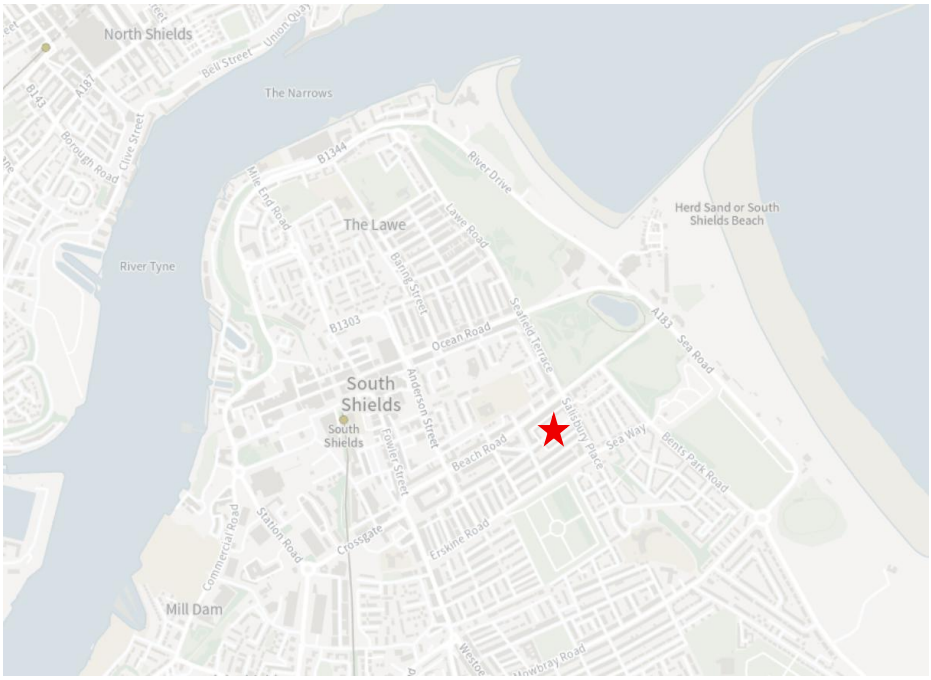


Figure 1 - location of the appeal site



Figure 2 - existing site plan

Planning history

2.2 The South Tyneside Council's public access system illustrates that there have been 16 applications associated with the appeal site which are relevant to the appeal proposal (most recent listed first):

- 250208 (numbers 1-22) Listed Building Consent for replacement front doors 1-21 and installation domestic paraphernalia to front doors. Brickwork and roof ridge tile repointing. Repairs to blocked up windows to rear. Remove flashing to water table capping. Decision – grant permission with conditions, 18/08/2025.
- ST/0331/13/COND (numbers 1-39) Discharge of Condition 9: Details of work to render. Relating to previously approved planning application Ref. ST/1480/06/LBC. Decision – approve details of condition, 17/03/2013.
- ST/1509/09/COND (numbers 1-39) Submission of condition 6 of approved planning application Ref ST/2187/08/LBC: Details of secondary glazing. Decision – approve details of condition, 29/12/2009.
- ST/0811/09/COND (numbers 1-39) Submission of condition 5 of approved planning application Ref ST/2187/08/LBC: Details of window fittings. Decision – approve details of condition, 30/06/2009.
- ST/0631/09/COND (Mariners Cottages) Submission of condition 3 of approved planning application Ref ST/2187/08/LBC: Paint finish of windows. Decision – approve details of condition, 30/06/2009.
- ST/0154/09/COND (numbers 1-39) Submission of condition 14 of previously approved application Ref ST/1480/06/LBC: Details of sample dormer. Decision – approve details of condition, 24/03/2009.
- ST/2187/08/LBC (numbers 1-39) Listed Building Consent for the replacement of existing windows with timber double glazed units, with the exception of several windows identified of historic importance, which are to be refurbished and fitted with secondary glazing. All new and refurbished windows to be painted in Conservation Cream (BS10B15). Resubmission of previously refused application Ref: ST/2312/07/LBC. Decision – grant permission with conditions, 21/01/2009.
- ST/0027/08/LBC (numbers 1-39) Listed building consent for the replacement of a number of existing windows to the side and rear yard elevations with double glazed timber units, the replacement of dormer windows, other side and rear windows and several existing windows fronting the courtyard garden with single glazed timber units, and the installation of secondary glazing to all replacement and existing single glazed windows. Withdrawn.
- ST/2312/07/LBC (numbers 1-39) Listed Building Consent for the replacement of the majority of existing windows fronting onto the courtyard garden with double glazed timber vertical sliding sash units, the replacement of rear windows and front and rear dormer windows with double glazed timber casements to fit existing openings. Decision – refuse permission, 31/10/2007.
- ST/0543/07/COND (numbers 1-39) Submission of condition 3:- Recording of rear yard walls. (Application no ST/1480/06/LBC). Decision – grant permission, no conditions, 12/04/2007.
- ST/0492/07/LBC (numbers 1-39) Proposed listed building consent for reinstatement of railings in lieu of wall at corner of back lane and Broughton Road and works to boundary walls fronting Broughton Road. Including repairs and repointing to walls, stone copings, steps and railings where necessary and re painting. Decision – grant permission with conditions, 12/04/2007.

- ST/1480/06/LBC (numbers 1-39) Application for Listed Building Consent to carry out internal and external renovation, replacement and repairs, including works to : Chimneys Roofs Windows External doors Damp proofing Dormer Windows Brickwork and Render Guttering and Down Pipes External Decoration Garden / Yard Walls Surfacing of Foot-Paths and the Back Lane. Decision – grant permission with conditions, 16/06/2006.
- ST/0536/96/LB (number 1) Listed building application for replacement of existing inadequate wooden guttering and mixed plastic and iron downcomers with moulded cast iron guttering, downcomers and all incidentals. Decision – grant permission with conditions (no date online)
- ST/0117/96/LB (number 1) Listed building application for replacement of existing inadequate wooden guttering and mixed plastic and iron downcomers with moulded cast iron guttering, downcomers and all incidentals (no date online)
- ST/0952/95/LB (number 1) Proposed reinstatement of decorative railings. Decision, grant permission with conditions, 18/03/1996
- ST/0953/95/LB (number 1) Listed building application for reinstatement of decorative metal railings, to match existing, over wall adjoining north side of Broughton Road, involving removal of modern brick infills. Decision, grant permission with conditions (no date online).

2.3 It is material to the consideration of this appeal that the Appellant has submitted an application for a certificate of lawful development for the existing fencing at 1, 2, 12, 13 and 14 Mariners Cottages (as shown in figure 2).

The appeal proposal

2.4 Planning permission is sought for part retrospective permission to retain existing timber fencing erected to the front of 1-14 Mariners Cottages and further new fencing, which would separate each front garden, replacing existing hedges, as well as new fencing adjacent to the communal garden/pathway. The fences adjacent to the dwellings are set 0.9m from the front of the cottages, they are 1m in height and 0.13m in width. The new fencing would replicate the existing. The proposed site plan is shown in figure 3 and details of the fencing in figure 4.

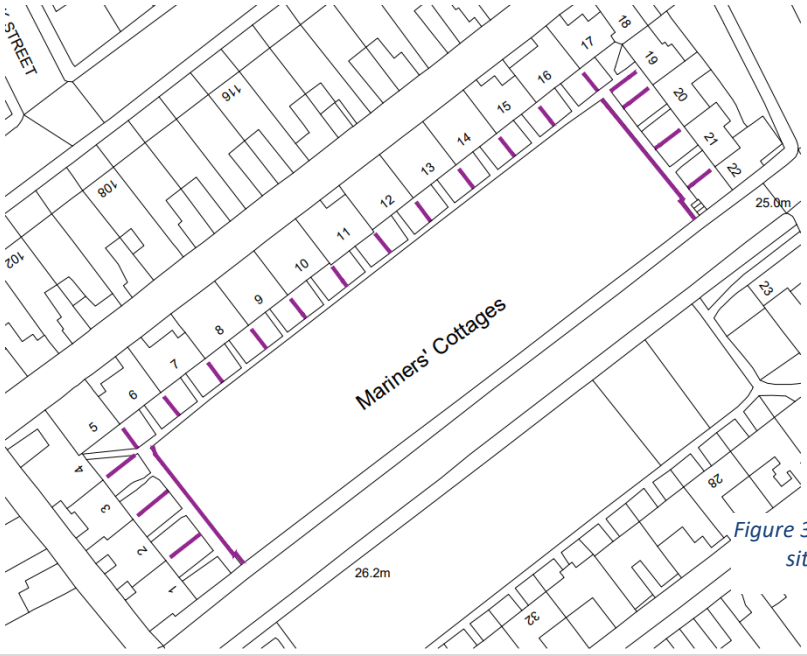


Figure 3 - proposed site plan

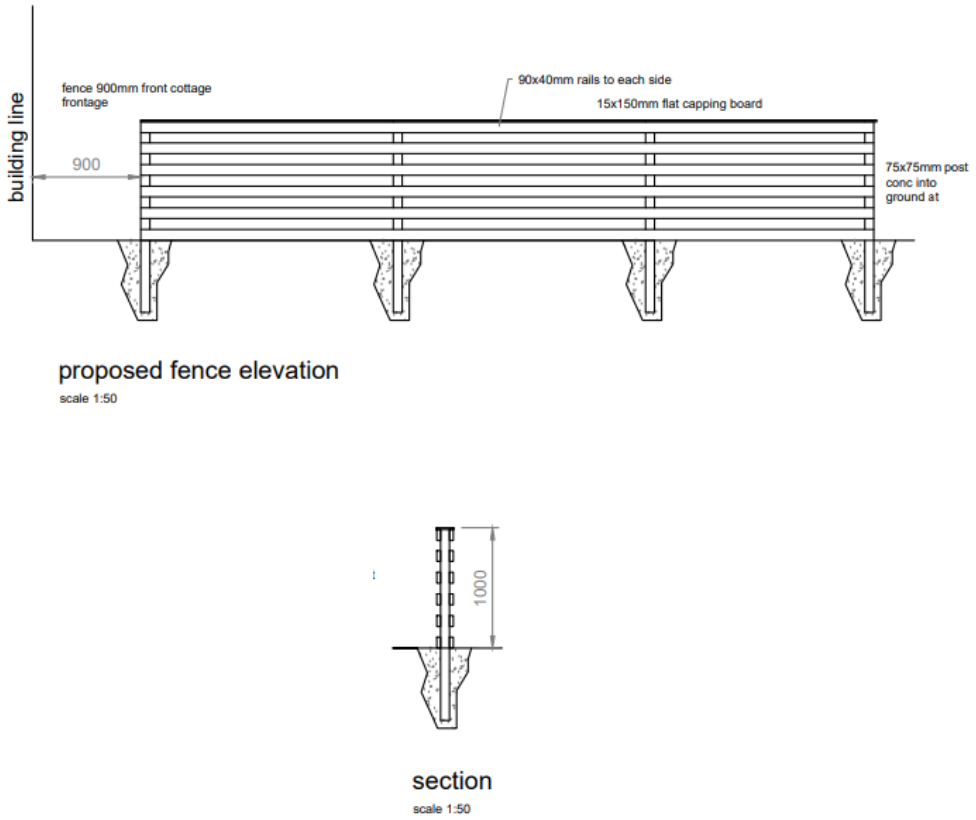


Figure 4 - detail of proposed fence

3. Planning context

Introduction

3.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions on planning applications should be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the policies included within the South Tyneside Core Strategy (2007 – CS) and the South Tyneside Development Management Policies Development Plan Document (2011 – DMDPD). Material considerations include the National Planning Policy Framework (December 2024 - NPPF), National Planning Practice Guidance (PPG), Historic Almshouses – a guide to managing change (2025 - HEAG326), Mariners Cottages Conservation Area Character Appraisal (2006 – MCCACA), Mariners Cottages Conservation Area Management Plan (March 2010 - MCCAMP) and the emerging South Tyneside Local Plan.

3.2 As the application site is a listed building and lies within a conservation area, the Planning (Listed Buildings and Conservation Areas) Act 1990 also applies to the consideration of the Appeal. Section 66 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

3.3 The appeal proposal must therefore be assessed with considerable importance and weight given to heritage conservation, while recognising that not all change constitutes harm and that less than substantial harm must be weighed against public benefits.

The development plan

South Tyneside Core Strategy

3.4 The policies within the CS that are relevant to the consideration of the appeal are summarised in table 1.

Table 1 – Relevant Core Strategy Policies

STCS Policy	Summary
SC1 – Creating sustainable urban areas	Seeks to focus development within built-up areas and requires it to create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of towns and villages, as well as promoting high quality design.
EA1 – Local character and distinctiveness	Seeks to ensure that the best qualities of South Tyneside's built and natural environment are conserved.

South Tyneside Development Management Policies DPD

3.5 The policies within the DMDPD that are relevant to the consideration of the appeal are summarised in table 2.

Table 2 - Relevant Development Management DPD Policies

STCS Policy	Summary
DM1 – Management of development	Identifies those matters which are to be taken into consideration when determining planning applications, including that development is sensitive to its surroundings, where possible enhancing the local setting and reinforcing local identity, having particular regard to scale and proportions, materials and architectural detailing.
DM6 – Heritage assets and archaeology	Supports development proposals that protect, preserve and where possible enhance the historic, cultural and architectural character and heritage, visual appearance and contextual importance of our heritage assets and their settings. The policy specifically refers to conservation areas and listed buildings. The policy also states that planning permission will be refused if the impact of the development on heritage assets is unacceptable.

3.6 These policies do not preclude change within heritage assets or conservation areas, but instead require a balanced assessment of scale, design, materials and impact on significance. They allow for development that responds positively to its context and sustains the ongoing use of heritage assets.

Material considerations

National Planning Policy Framework

3.7 The current version of the NPPF was published in December 2024. It is a material consideration in the determination of planning applications and appeals.

3.8 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner[1]. At the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives[2] - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. Paragraph 11 requires planning decisions to apply a 'presumption in favour of sustainable development', which means approving development, that accords with an up to date development plan, without delay.

3.9 With regard to proposals affecting heritage assets, paragraph 207 requires applicants to describe the significance of any heritage assets affected by planning applications, this includes

[1] Paragraph 7
[2] Paragraph 8

any contribution made by their setting. Paragraph 210 details those matters that should be taken into account when determining applications, this includes the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

3.10 In considering potential impacts of a development on the significance of a designated heritage asset, paragraph 212 requires great weight to be given to the asset's conservation, with the more important the asset, the greater the weight should be. Paragraph 213 states that any harm to, or loss of the significance of a designated heritage asset (including from development within its setting) should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional. Significance is defined in the glossary of the NPPF as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting"

3.11 Where development would lead to substantial harm to, or total loss of significance of a designated heritage asset, paragraph 214 states that permission should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits. Less than substantial harm does not equate to a presumption against development. Paragraph 215 requires a balanced judgement, taking account of the scale of harm, the contribution of the affected elements to significance, and the benefits of the proposal

Planning Practice Guidance

3.12 PPG provides further guidance on decision making and significance. For architectural and artistic interest these are described as being in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Historic interest relates to an in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

3.13 With regard to the setting of a heritage asset, PPG explains that all heritage assets have a setting and this may not be the same as the curtilage of the asset. The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset play an important part in the assessment of impacts on setting, the way in which an asset is experienced is also influenced by other environmental factors such as other land uses in the vicinity, and the understanding of the historic relationship between places. PPG explains that when assessing an application that may affect the setting of a heritage asset, consideration should be given to the implications of cumulative change.

3.14 PPG also provides guidance on assessing harm to heritage assets. It explains that, in general terms, substantial harm is a high test and therefore may not arise in many cases. An important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the assets significance rather than the scale of the development. Works that are moderate or minor in scale are likely to cause

less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

3.15 PPG recognises that heritage assets are experienced places, influenced by use, change and cumulative evolution. Minor interventions that respond to how places are used today may result in no harm, or only limited harm, particularly where they do not affect key architectural elements.

Historic England Good Practice Advice in Planning Note 3: The setting of heritage assets

3.16 The note gives general advice on understanding setting and how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting. It explains that the assessment needs to be proportionate to the significance of the heritage asset under consideration and the degree to which the proposed change enhances or detracts from that significance, and the ability to appreciate it. The guidance repeats elements of PPG, referring to the setting also being influenced by other environmental factors and the need to consider the implications of cumulative change.

3.17 The importance of a setting lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance. The advice note explains that settings of heritage assets change over time and development within the setting of the asset is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed are likely to contribute particularly strongly to significance, but settings which have changed may also themselves enhance significance. Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structures.

3.18 The note identifies a five step process to assessing the impact. This includes considering the degree to which the settings make a contribution to the significance of the significance of the asset or allow significance to be appreciated and whether the effects will be beneficial or harmful.

3.19 GPA3 acknowledges that settings evolve over time and that later changes do not necessarily detract from significance. In this case, the internal courtyard has long accommodated planting, subdivision and personalisation, which form part of its lived character rather than detracting from significance.

Historic England Advice Note 326: Historic Almshouses – a guide to managing change

3.20 The advice note highlights that there is a need to balance the conservation of the heritage significance of almshouses with their continuing use in housing older people. Almshouse residents retain their freedom and independence by living their lives independently within a safe and secure environment. As a result, understanding of the particular significance of the almshouses is key to conserving significance.

3.21 The guidance makes clear that modest physical interventions may be necessary to support the continued use of almshouses as housing, and that these needs are integral to understanding significance rather than competing with it.

3.22 In this context, modest physical interventions that support privacy, security and independence are integral to sustaining the historic function of the almshouses and should be treated as heritage-positive outcomes rather than competing considerations

Mariners Cottages Conservation Area Character Appraisal

3.23 The CACA was adopted in 2006. It explains that the conservation area was designated in 1981 and comprises a small, compact area (approximately 1ha). That the almshouses are 'remarkably intact'. The CACA describes the special qualities of the area, highlighting:

- The simplistic spatial characteristics, uncomplicated form of the two inward facing three sided terraces which are separated by Broughton Road.
- The attractive layout which demonstrates the social purpose by creating an enclosed and managed space for aged mariners.
- The views in and out of the conservation area are most marked at roof top level – with views into the conservation area restricted by shrubs against the railings.
- The two enclosed green courtyards are strongly defined on their outer sides by straight, dwarf wall railings and stone pillars.
- The special positive characteristics of the front elevations and courtyard are its form and squat proportions, its symmetrical plan, overall attractive appearance, common ridge height, simple regular fenestration pattern and its simple early Victorian architectural influences

3.24 The CACA explains that the larger northern courtyard and small personalised areas to the front of each cottage allows wider, open views across the open grassed space. The CACA explicitly acknowledges the presence of hedging and personalised garden treatments, and identifies an opportunity to restore unity to boundary treatments — an objective directly supported by the appeal proposal.

Mariners Cottages Conservation Management Plan – SPD20

3.25 The SPD includes a number of development principles and includes guidance on property maintenance, repairs and streetscape. CA-MC1 states that the Council will resist proposals for new development within the Mariners Cottages Conservation Area. This guidance must be read alongside national policy and does not justify a blanket resistance to modest or beneficial change within the conservation area.

South Tyneside Local Plan

3.26 In March 2025 the government intervened in the preparation of the South Tyneside Local Plan and the Council was directed to submit the plan for Examination. The Examination is currently ongoing. Given the stage of preparation, the Council has concluded that the heritage and design policies can be afforded very limited weight.

4. Statement of case

Introduction

4.1 This section responds directly to the Council's sole reason for refusal and demonstrates that the appeal proposal accords with the development plan when read as a whole and with national planning policy.

4.2 The Council's reason for refusal of the application was:

1. *The new fencing that has been erected and additional fencing proposed, by virtue of its extent, siting, height and design would result in the introduction of uncharacteristic, incongruous and over-dominant hard boundary treatments internally within the garden/courtyard area of the northernmost part of Mariners Cottages with such boundary treatments being highly visible from the public realm. This would result in less than substantial harm to the setting of these listed cottages and would not preserve or enhance the character and appearance of the Mariners Cottages Conservation Area. Clear and convincing justification for the harm arising from this new development has not been demonstrated and there are not considered to be public benefits that outweigh the harm arising. As such the proposal would be contrary to policies DM1, DM6, SC1 and EA1 of the South Tyneside Local Development Framework, Policy CA-MC1 of the Council's Supplementary Planning Document (SPD) 20 - Mariners' Cottages Conservation Area Management Plan, the NPPF, NPPG and Historic England guidance entitled 'Historic Almshouses - A Guide To Managing Change' HEAG326 April 2025 and 'The Setting of Heritage Assets' HEAG180 March 2015.*

4.3 The Council accepts that the appeal proposal would result in less than substantial harm to the significance of the listed buildings and the Mariners Cottages Conservation Area. The key element of the appeal is whether the degree of harm has been properly assessed, whether the correct baseline has been applied, and whether the harm has been appropriately weighed against the benefits of the proposal in accordance the NPPF.

4.4 The Appellant submits that the Council's assessment is flawed in each of these respects and the reason for refusal is based on an incorrect understanding of both the historic baseline and the functional context of the site.

4.5 On a procedural matter, it is noted that the refusal reason refers to HEAG180 (March 2015) which has now been replaced by Historic England Good Practice Advice in Planning Note 3.

Assessment of Reason for Refusal

<u>Uncharacteristic, incongruous and over-dominant hard boundary treatments</u>

4.6 The Council's conclusion that the fencing is uncharacteristic, incongruous and over-dominant fails to consider both the historic and existing condition. The evidence submitted alongside the Certificate of Lawful Development application (Appendix 2) demonstrates that fencing has been present within the front garden areas of Mariners Cottages since at least 1982, and that the subdivision of garden areas by physical boundaries is not a recent or anomalous intervention. This evidence establishes a materially different baseline to that assumed by the Council.

4.7 Furthermore, the Council's assessment fails to consider the functional and visual equivalence of alternative boundary treatments that could be implemented under permitted development rights, including hedging and dense planting. Such treatments would similarly subdivide the garden spaces, restrict views across the courtyard and introduce vertical elements within the same visual envelope as the proposed fencing. This reinforces the limited additional impact of the appeal proposal.

4.8 The historic photographs that are included on the online planning file (and replicated in Appendix 3), as well as the Conservation Area Character Appraisal itself acknowledge the presence of planting, screening and personalised front garden treatments. Against this context, the appeal proposal does not introduce a new or alien form of enclosure, but rather formalises and regularises a long-established pattern of garden subdivision.

4.9 The fencing is modest in height, lightweight in appearance, and set at a consistent distance from the cottages. It does not obscure the primary elevations, disrupt key roofscape views, or undermine the appreciation of the architectural form of the almshouses.

Impact of historic lawful development

4.10 The appeal proposal must be assessed against a realistic historic baseline, not an assumed pristine condition. The accompanying Certificate of Lawful Development application demonstrates that fencing has existed within the site for several decades and that subdivision of front gardens is not a modern imposition.

4.11 It is submitted that the failure to properly acknowledge this historic context has led to an overstatement of harm. When assessed against the actual evolution of the site, the appeal proposal represents a minor adjustment to an established condition rather than a fundamental change to character or setting.

Need for the alterations and the benefits of the appeal proposal

4.12 Historic England's guidance on almshouses recognises the need to balance heritage conservation with the practical requirements of residents, including safety, security, privacy and the ability to live independently within a managed environment.

4.13 The appeal proposal delivers clear and tangible benefits, including:

- Improved delineation of private and communal space;
- Increased sense of security and defensible space for residents;
- Support for continued independent living, consistent with the historic social purpose of the almshouses;
- Regularisation and visual consistency of boundary treatments, addressing the Conservation Area Management Plan's objective of restoring unity to garden boundaries.

4.14 These benefits are directly related to the sustainable use, day to day functioning and ongoing occupation of the heritage asset and therefore attract meaningful weight in the planning/heritage balance. The benefits are evidenced by letters of support from residents included at Appendix 4, which demonstrate that the fencing responds directly to the needs and lived experience of those occupying the cottages.

Reliance on policy CA-MC1

4.15 The Council places significant weight on Policy CA-MC1 of the Mariners Cottages Conservation Area Management Plan, which states that new development within the conservation area will be resisted.

4.16 This approach is inconsistent with national policy. The NPPF does not support a blanket resistance to development within conservation areas, but instead requires a balanced and proportionate assessment of harm and benefit. To the extent that CA-MC1 suggests otherwise, it is out of date and should be afforded limited weight.

4.17 It is submitted that the appeal proposal has been assessed in accordance with sections 66 and 72 of the 1990 Act and the heritage policies of the development plan. When properly assessed, the proposal results in, at most, a low level of less than substantial harm which is clearly outweighed by the identified benefits.

5. Summary and conclusion

5.1 The appeal proposal has been assessed against the statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development plan, and national planning policy.

5.2 The Council accepts that the proposal would result in less than substantial harm to the significance of the listed buildings and conservation area. However, the Appellant considers that the degree of harm has been overstated due to an incorrect understanding of the site's historic baseline and a the evolved character of the internal courtyard.

5.3 The appeal proposal results in a modest and controlled intervention which does not affect the key architectural elements, principal elevations or the appreciation of the almshouses as a coherent group.

5.4 The proposal delivers clear benefits in terms of privacy, security and legibility of space, supporting the continued occupation and historic function of the almshouses. These benefits attract significant weight in the heritage balance.

5.5 When the limited degree of harm is weighed against these benefits, in accordance with the NPPF, it is submitted that the balance clearly in favours the appeal proposal.

5.6 The appeal should therefore be allowed and planning permission granted.

Appendix 1 – Delegated Report Application 250555

South Tyneside Council

Reference:	250555
Location:	1-22 Mariners Cottages South Shields NE33 2NG
Ward:	Beacon and Bents
Description:	Installation/ replacement fencing
Recommendation:	Refuse Permission
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Description of the Site

This application relates to 1-22 Mariners Cottages (the northern half), a group of Grade II Listed Buildings located within the Mariners Cottages Conservation Area. Mariners Cottages consists of a group of early Victorian almshouses linked to the seafaring community. It is made up of two, single storey, inward facing terraces. Nos. 1-22 is set around 3 sides of a garden courtyard to the north of Broughton Road, whilst Nos. 23-39 is set around 3 sides of a garden courtyard on the south side of Broughton Road. The large single storey terraces were each individually listed in 1983 with the Mariners Cottages Conservation Area designated 1981. Each Terrace is of a similar basic building style, but not identical, exhibiting early and mid-Victorian architectural characteristics. The boundary walls to the front of each terrace are also separately listed (1983). The Mariners Cottages Conservation Area boundary forms the two terraces and includes the two back lanes which wrap around the majority of the terraces. Straight dwarf wall railings and stone pillars run continuously along the public footpaths adjacent to Broughton Road.

The Mariners Cottages Conservation Area Character Appraisal sets out why the conservation area was designed and what its special architectural or historic interest is, including the following:

'The pleasant formal front garden setting of the conservation area is both attractive and unusual. Its uncomplicated architectural detailing and general use of local natural materials have produced an instantly recognisable place which is a tangible link to South Tyneside's social history, and one with a charming character and appearance worthy of preservation and enhancement.

Each block wraps formally around a rectangular open space to the front. The layout is particularly attractive and demonstrates the place's social purposes, by creating an enclosed, managed space for aged mariners to spend quiet days enjoying their retirement.

The larger northern courtyard is laid out and enjoyed as communal space with each cottage generally only tending small-personalised areas directly in front. This allows wider open views across this open grassed space both from within and outside the courtyard. Some cottages do have denser hedging to screen private sitting areas near their south-facing front doors.

The detailed architecture and features of the buildings and spaces combine to create a picturesque scene of considerable charm'

The northern half of the area, to which this application relates, is bounded to the south on Broughton Road by a dwarf stone wall with railings and stone pillars and forms a strong feature of the place and a strong unifying feature of the area. The courtyard is open (aside from the fences subject to this application) and grassed with some well kept gardens. Hedging delineates the boundaries between the cottages, though some of these have been removed at the time of the case officers site visit. There are small areas of paving, plus a communal straight path with consistent surfacing. A similar courtyard with private gardens with a communal garden path is also present on the southern half of Mariners cottages. Each cottage has a small garden area up to the communal path with a communal courtyard garden beyond these private gardens.

The Mariners Cottages Character Appraisal, as well as identifying the significance of the conservation area, also sets out key issues for the conservation area including protection of gardens from hard-surfacing and ad hoc changes.

The listing description for each of the listed buildings/groups of listed buildings is as follows:

Mariners Cottages, 1-22
A range of single storey cottages, set out round 3 sides of a garden courtyard. With nos 23-39 (qv) they form a large square through the centre of which runs Broughton Road. Red brick, stone dressings to doors and windows, slate roof. Single storey with uniform eaves and roof line. Each cottage of 3 bays. Designed in the "Tudor" style. The windows have chamfered stone surrounds and hood-moulds as does the central doorway. Doors have tudor-arched heads. The central cottage breaks forward, has wider windows and a stone parapet. Above the door a gabled dormer with a square panel inscribed 1839.

Boundary Wall to Numbers 1 to 22 (consecutive) fronting road
Circa 1850. Low stone wall with coping, with square stone piers spaced at regular intervals. The piers have pyramidal caps. Coarse modern brick panels between the piers replace the original cast iron railings.

Mariners cottages, 23-29
Oliver and Lamb Architects. Red brick, stone dressings to doors and windows, slate roof. Single storey, with uniform roof line, each cottage has a single gabled dormer. Each end cottage adjacent to Broughton Road is turned at right angles to the range thus showing a gable to the courtyard elevation. Cottages one 3 bays, windows one of 2 lights with plain stone surrounds and stone mullion. The central entrances have plain stone surrounds and 2 central arched heads. The entrance to the central cottages breaks forward to form a gabled porch. All gables have a single light 2 centred headed window. The Mariners Asylum and Annuity Society was founded in 1839. Ref: "Celebration of the Centenary of the Society 1839-1939" by Robert A Holt.

Boundary Wall to Number 23 to 39 (Consecutive, Broughton Road)
Circa 1860. Low stone wall with coping, with square stone piers spaced at regular intervals. The piers have pyramidal caps. Coarse modern brick panels between the piers replace the original cast iron railings.

Description of the Proposal

This application is for planning permission is partially retrospective to retain fencing erected to the front of 1-14 Mariners cottages which the applicant claims replaced fencing historically on site. it is also proposed to erect further fencing along the rest of the terrace. The fencing does not attach to the buildings themselves, and therefore the Local Planning Authority has concluded that Listed Building consent is not required for the works and only planning permission is required.

The fencing already erected is timber, 1m in height and 0.13m in width. The fencing on site delineates the boundary between the cottages. These fences are set 0.9m from the frontages of the cottages. A further fence has been erected to the front of 1-4 Mariners Cottages adjacent to the communal pathway/communal garden. These fences have replaced hedging which was previously on site. The proposed additional fencing would replicate this style of fencing between the boundaries for the remaining cottages and on the northeastern end of the communal garden area.

Given the location of the fencing in the open courtyard for 1-22 Mariners cottages, the works are located within the setting of the listed buildings and also within the Mariners Cottages Conservation Area.

Relevant Planning History

There is significant history at Mariners cottages including extensions, repair works, works to doors etc. No planning applications have been submitted in relation to the garden areas/communal garden areas to either of the terraces.

There is significant history regarding the initial thought behind the construction of the cottages contained within the Mariners Cottages Conservation Area Character Appraisal. This information provides valuable contextual knowledge about the context of the cottages/conservation area, especially regarding marine and social housing developments. Work started on the cottages in 1846 with 21 cottages on the northern side completed during 1847-1849.

The cottages have been upgraded/repaired many times with the most recent applying to all of Mariners Cottages in 2006 (application reference ST/1480/06/LBC) which included renovation works comprising; chimneys, roof, windows, external doors, damp proofing, dormer windows, brickwork and render guttering and down pipes, external decoration, garden/yard walls, surfacing of foot-paths and back lane. Many of these elements were then subject to further discharge of conditions applications. since this renovation, various applications for extensions, repairs works etc have been applied for.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 22/10/2025.

Historic Environment Officer
I refer to the proposal to install fencing to individual properties at nos. 1-22 and the larger communal garden area.

Nos. 1-22 Mariners Cottages are a range of single storey cottages, set out round 3 sides of a garden courtyard. Mariners Cottages Conservation Area Character Appraisal sets out why

the conservation area was designated and what its special architectural or historical interest is, including the following:

The pleasant formal front garden setting of the conservation area is both attractive and unusual. Its uncomplicated architectural detailing and general use of local natural materials have produced an instantly recognisable place which is a tangible link to South Tyneside's social history, and one with a charming character and appearance worthy of preservation and enhancement.

Each block wraps formally around an rectangular open space to the front. The layout is particularly attractive and demonstrates the place's social purposes, by creating an enclosed, managed space for aged mariners to spend quiet days enjoying their retirement.

The larger northern courtyard is laid out and enjoyed as communal space with each cottage generally only tending small-personalised areas directly in front. This allows wider open views across this open grassed space both from within and outside the courtyard. Some cottages do have denser hedging to screen private sitting areas near their south-facing front doors.

The detailed architecture and features of the buildings and spaces combine to create a picturesque scene of considerable charm.

The Character Appraisal also notes that one of the key issues in managing appropriate change is the protection of gardens from hard-surfacing & ad hoc changes.

I would draw your attention to HEAG326 Historic Almshouse - A Guide to Managing Change

Mariners Cottages are inward-looking, set around communal gardens and this is one of the most important elements of their heritage significance.

The NPPF points out (paragraph 202) that heritage assets 'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. Furthermore paragraph 210 of the NPPF underlines the desirability of sustaining and enhancing their significance, the positive contribution they make to sustainable communities, and the desirability of new development also making a positive contribution to local character and distinctiveness.

In deciding applications for planning permission and listed building consent, local planning authorities are required to assess the particular significance of the heritage asset(s) which may be affected by the proposal and the impact of the proposal on that significance. The setting of the almshouses is sensitive to change and the proposed fencing would clearly have an impact on the contribution of setting to the asset, in so far as that setting contributes to the significance of the whole - see Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2nd ed).

Development affecting an asset requires an assessment of whether it causes 'harm' to its significance. Therefore, where harm to significance would arise from a proposal, alternatives which would avoid or mitigate harmful impacts should be considered and, if that is not possible, any remaining harmful impacts should be justified and weighed (see paragraphs 207-216 of the NPPF). It is accepted that soft landscaping has been introduced over time, but the proposed fencing would introduce elements of hard landscaping that would detract from the significance of the asset and the way it is appreciated, thereby causing harm.

The NPPF tells us that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF goes on to say that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

I am not persuaded that the harm has been justified, nor that there are any public benefits that would outweigh this harm. I am therefore unable to support this application.

Summary of Representations

1no. representations have been received in objection to the proposal. The issues raised are summarised as follows

- The fencing is not in keeping with the houses or the conservation area. small dividing perimeters no higher than 2ft would be acceptable. although I understand the reasoning the fencing is an eye sore.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

Section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007 and a Development Management Policies Development Plan Document (DPD) 2011. Relevant development plan policies are largely consistent with the NPPF and are therefore not considered to be out-of-date, although substantial weight should also be given to the more recently published NPPF in deciding this application.

The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- LDF Policy DM1 seeks to ensure that developments are designed to convey sensitive consideration of their surroundings, and where possible enhance their local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

- LDF Policy DM6 seeks to support development proposals that protect, preserve and where possible enhance the historic, cultural and architectural character and

heritage, visual appearance and contextual importance of our heritage assets and their settings.

- LDF Policy SC1 concerning the creation of sustainable urban areas seeks to ensure that development proposals create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of towns and villages in the Borough and promoting high quality design.

- LDF Policy EA1 seeks to conserve the best qualities of South Tyneside's built and natural environment.

The following policies and guidance are also relevant to this planning application:

- SPD20 – Mariners Cottages Conservation Area Management Plan

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy 1: Promoting Healthy Communities (limited)
- Policy 43: Development affecting Designated Heritage Assets (Very limited)
- Policy 47 Design Principles (very limited)

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

The main considerations in assessing this case are:

- The impact upon the significance and setting of the Listed Buildings, The visual amenity of the area and impact on the Mariners Cottages Conservation Area .
- The impact upon the residential amenity of neighbouring properties
- Biodiversity Net Gain

The impact upon the significance and setting of the Listed Buildings, and the visual amenity of the area and impact on the Mariners cottages Conservation Area.

Paragraph 131 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF states that Planning policies and decisions should ensure that developments:
a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 137 of the NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals.

Paragraph 139 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Paragraph 202 of the NPPF notes that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future Paragraph 202 of the NPPF notes that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The NPPF notes at Paragraph 207 that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

NPPF Paragraph 208 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The NPPF notes at paragraph 210 that in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional.

The NPPF states at paragraph 214 that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

NPPF Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial.

Annex 2: Glossary to NPPF defines conservation as:

"*The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.*"

National Planning Practice Guidance states that whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later additions to historic buildings where those additions are inappropriate and harm the buildings' significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

It is therefore a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial. All harm must be clearly and convincingly justified. Where harm is less than substantial there is greater scope for heritage considerations to the outweighed by the public benefits of the proposal. Public benefits are broadly defined in the PPG on the historic environment as "anything that delivers economic, social or environmental objectives" of the NPPF. However, the PPG goes onto emphasise that private benefits are not enough.

It is important to have due regard for the circumstances of the application. the heritage statement refers to historic fencing located to the front of some the properties which has been replaced with the new fencing now in situ. from the planning records for the properties, these fences where not approved by the Local Planning authority and therefore no precedent has been set for fencing between the cottages. Neither were these fences reported to the Local Planning Authority to investigate under their enforcement powers. Any such fencing that did exist historically related to only a small number of the cottages and was not an original feature of those cottages/their curtilage areas. Indeed, an examination of historic photographs of Mariners Cottages over time by Council officers shows that the courtyard/garden area has always historically had a very soft landscaped character and extensive areas of hard fencing have not existed within this area. It is therefore considered that the small areas of fencing previously on the site are not a reason to allow further fencing in the courtyard/garden area.

The fencing that has already been erected is 1m in height and set 900mm from the face of the cottages and a further set of fencing has been installed adjacent to the communal footpath. Some fences also have a light attached. The proposed fencing would replicate this by installing fencing between each of the cottages and then a further fence on the eastern end of the site adjacent to the communal pathway (effectively replacing the hedging). This

has also included removing some hedgerows from the site. Works have halted on site until the outcome of this planning application.

Historic England have particular guidance about managing change at historic almshouses which identified some key challenges to considering changes to these types of buildings which is balancing the needs of residents/charity whilst sustaining the significance of the building. It also highlights the importance of understanding the particular value of a set of almshouses in order to conserve their significance. For example, the impacts of changes to medieval almshouses will be different to changes to early 20th century almshouses. A key consideration set out in this guidance is whether the need for the alterations has been proven. However, it is also clearly stated that just because there is a need to carry out changes, does not automatically mean that such need trumps the significance of the asset.

In this case, due to the location of the fencing proposed/already erected, the setting of the listed cottages, listed walls and the Mariners Cottages conservation area are all impacted by the proposals.

This planning application is supported by a Design, Access and Heritage Statement which claims that the owner undertook the works at the request of residents of the properties due to security and health and safety concerns. The statement claims that the works removing the overgrown hedging has returned a sense of openness to the communal garden and improved the supervision of the communal garden and security for residents.

The Design, Access and Heritage Statement does not include an assessment of the significance of the heritage assets within the vicinity of the application site beyond the listing description of the cottages and some commentary about the reasoning behind the works and observations of the site prior to works taking place. The statement does not specifically identify the significance of the assets nor attempt to assess the impact (i.e. level of harm) of the proposals on designated heritage assets. The Local Planning Authority have however undertaken this assessment through assessing the proposals forming this application.

The fencing does not attach to the cottages and therefore prevents any harm to the historic fabric of the cottages themselves retaining their architectural detailing. It is therefore considered that the impacts of the proposal is restricted to the setting of the listed buildings and the character and appearance of the Mariners Cottages Conservation Area. Harm to the significance of listed buildings can be caused by development in its setting.

From historic photographs and google maps images, it is clear that soft landscaping in the form of trees, hedging and planting has been introduced over time with photographs from C1950 showing hedging present between the cottages. Whilst over time some of the soft landscaping has overgrown, the overall layout of Mariners Cottages with the private garden areas and communal areas has been retained. While the hedging delineated the boundaries between each of the cottages (serving the private garden areas) the planting or removal of hedging cannot be controlled by the Local Planning Authority. Even with the hedging/soft landscaping, the communal areas associated with the north side of the cottages have remained open and the original layout for the cottages/courtyard maintained to provide a pleasant and characterful place which is unusual for the surrounding area. The communal garden area on the northern side of Mariners Cottages is larger than the one located on the southern side which allows wider open views across the open space both from within and outside the courtyard area. This communal area demonstrates the social purpose of the design of the almshouses by creating an enclosed managed place for residents. The Historic Environment Officer has confirmed that the inward looking cottages set around communal gardens is one of the most important elements of the significance of the cottages and this is also identified as one of the key characteristics of the conservation area within the Mariners Cottages Conservation Area Character Appraisal.

It must first be established whether the proposed fencing and the fencing already installed causes harm to the setting of the listed buildings in the vicinity and the character and appearance of the conservation area. The setting of this set of almshouses is particularly sensitive to change given the location of the gardens to the front of the cottages and the layout promoting a social space for residents, as was part of the original purposes for the cottage's construction and the importance this area has to the significance of the cottages, as confirmed by the Councils historic environment officer. Given the location of the gardens/courtyard to the front of the cottages, fencing in this location would have a clear impact on the setting of these buildings, the character and appearance of the conservation area and how these assets are appreciated.

Given the location of the fencing already erected/proposed to the front of the cottages they are prominent to the front of the cottages when viewed from Broughton Road. The fencing, whilst in the same location as the hedging previously on site, would introduce hard boundary treatments which are not characteristic of the communal gardens and erode the communal/social history and significance of the properties/conservation area. It is therefore concluded that the installation of fencing to the garden area would erode the setting of these listed buildings

In terms of the Mariners Cottages Conservation Area, the fencing again would be prominent when viewed from within the conservation area. SPD 20 - the Mariners Cottages Conservation Area Management Plan, sets out that the key aims of the management plan are to, amongst other things, preserve the distinctive character and appearance of the historic buildings and structures. In this case the character and appearance of the conservation area is made up of the pleasant communal gardens/open space to the front of the cottages. Whilst these views have been somewhat restricted by planting (tree, hedges) the overall arrangement and character of this space has been retained. Introducing timber fencing into this area would fundamentally alter the character and appearance of this part of the conservation area and would be contrary to Policy CA-MC1 of the SPD that states the Council will resist proposals for new development with the Conservation Area.

Turning to the assessment of harm and the level of harm that is caused. In this case, the fencing has been designed to not be connected to the frontages of the cottages themselves preventing any historic fabric being affected by the proposals. However, the design of the fencing is somewhat bulky and not in keeping with the open nature of the site. No further mitigation has been identified nor has any evidence of other solutions considered been provided as part of the submission.

For the reasons set out above, and following comments from the Council's historic environment officer, it is considered that the fencing equates to less than substantial harm to the significance of the listed building and the character and appearance of the conservation area. Whilst the application states that the fencing was installed at the request of residents to enhance the security of the properties, this is not considered sufficient justification for the harm caused to the setting of the cottages. It is considered that the harm identified has not been clearly or convincingly justified. Unfortunately, given the layout of the cottages and the importance of the courtyard layout, it is considered that any fencing in this location would be harmful to the setting of the cottages and the character and appearance of the conservation area.

Given the less than substantial harm identified, this harm must then be weighed against the public benefits arising from the proposal. It is however considered that the benefits of the scheme presented within the application (additional security for residents) would be a private benefit which the NPPG is clear is not enough to outweigh harm to heritage assets.

In summary, the proposals to remove large elements of soft landscaping (hedging) to the private garden/communal courtyard and its replacement with timber fencing would introduce a feature that is not characteristic of the gardens. This would irreversibly and harmfully alter the setting of the cottages as well as the character and appearance of the Mariners Cottages Conservation Area. This harm would amount to less than substantial harm without clear and convincing justification and there are no public benefits to outweigh this harm. Consequently, the proposals would not accord with the relevant LDF policies and the NPPF.

The impact upon the residential amenity of neighbouring properties

Adopted South Tyneside LDF Development Management Policy DM1 seeks to preserve residential amenity. Given the nature of the works, already undertaken/proposed, the height of the fencing and their locations, it is not considered that the works would be harmful to neighbours particularly in terms of loss of outlook, overshadowing, overdominance or loss of privacy.

In conclusion, the proposed development would not result in significant harm to the residential amenity of any neighbouring properties and complies with policy DM1 in this respect.

Biodiversity Net Gain

With regards to Biodiversity Net Gain, the development would fall under the de minimus exemption under the biodiversity gain requirements (exemptions) Regulations 2024 as it would affect an area of habitat of less than 25m2. Therefore, on the basis of the above, the development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF in respect of ecology.

Other matters

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

Having regard to the above, it is considered that the proposed development would result in less than substantial harm to the significance of the Grade II Listed cottages by way of harmful development within their setting. the proposals would also be harmful to the character and appearance of the Mariners Cottages conservation Area. Clear and convincing justification for this harm has not been demonstrated and there are no public benefits that would outweigh the harm arising. Consequently the works already undertaken and the proposed additional fencing would not accord with the relevant Local Development Framework Policies, relevant paragraphs of the NPPF, NPPG and Supplementary Planning

Document (SPD) 20 and the policies contained within the emerging Local Plan. Consequently, this application is recommended for refusal.

Recommendation

Refuse Permission

Reasons for Refusal

1 The new fencing that has been erected and additional fencing proposed, by virtue of its extent, siting, height and design would result in the introduction of uncharacteristic, incongruous and over-dominant hard boundary treatments internally within the garden/courtyard area of the northernmost part of Mariners Cottages with such boundary treatments being highly visible from the public realm. This would result in less than substantial harm to the setting of these listed cottages and would not preserve or enhance the character and appearance of the Mariners Cottages Conservation Area. Clear and convincing justification for the harm arising from this new development has not been demonstrated and there are not considered to be public benefits that outweigh the harm arising. As such the proposal would be contrary to policies DM1, DM6, SC1 and EA1 of the South Tyneside Local Development Framework, Policy CA-MC1 of the Council's Supplementary Planning Document (SPD) 20 – Mariners' Cottages Conservation Area Management Plan, the NPPF, NPPG and Historic England guidance entitled 'Historic Almshouses – A Guide To Managing Change' HEAG326 April 2025 and 'The Setting of Heritage Assets' HEAG180 March 2015.

Informatives

1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

Plan Reference
Application Form Received 01/09/2025
Design and Access Statement and Heritage Statement Received 01/09/2025
Letters of Support Received 01/09/2025
Proposed Site Plan Drg No 11 Received 01/09/2025
Additional informtion- historic photographs Received 24/09/2025

Case officer: Samantha Gallagher

Signed: S Gallagher

Date: 30/102025

Authorised Signatory: G.Horsman

Date: 05/11/2025

Appendix 2 Certificate of Lawful Development Covering Letter

JO-ANNE GARRICK LTD

Development Management
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NE33 2RL

Registered address: 2 Briar Edge
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Sent by email to planningapplications@southtyneside.gov.uk

30 January 2026

Dear Development Management Team

Certificate of lawful development application for existing fencing at 1, 2, 12, 13 and 14 Mariners Cottages, South Shields, NE33 2NG

The application is made under section 191 of the Town and County Planning Act 1990 ("the Act") and seeks a Certificate of Lawful Development to confirm the lawfulness of existing fencing at 1, 2, 12, 13 and 14 Mariners Cottages, shown on the plans in Appendix 1. The application is submitted on behalf of West Properties. The fencing remains in situ on the date of this application.

Section 191(1)(b) of the Act allows an application to be made to a Local Planning Authority to ascertain whether any operations which have been carried out in, on, over or under land are lawful.

Section 191(2) of the Act states that a development will be lawful 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.*

Relevant Enforcement Time Period

The Applicant submits that section 191(2)(a) is engaged in this instance, as the time for enforcement action has expired.

Enforcement time limits set out in section 171B of the Act were amended by section 115 of the Levelling Up and Regeneration Act 2023 (LURA). Transitional provisions apply such that the revised time limits do not apply to breaches where the development was substantially completed prior to 25 April 2024. In this case, the fencing constitutes operational development that was substantially completed well before this date.

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Chartered Town Planner

JO-ANNE GARRICK LTD

Accordingly, the relevant enforcement period is four years from the date the operations were substantially completed. As that period has elapsed, enforcement action can no longer be taken.

Legal Test and Evidential Burden

Section 191(4) of the Act states:

> *"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."*

Planning Practice Guidance (PPG)[1] on lawful development certificates explains that:

> *"The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence."*

With regard to the determination of an application for a lawful development certificate, PPG[2] explains that 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. The planning merits are not relevant at any stage in this particular application or appeal process.

Evidence Submitted

The Applicant purchased Mariners Cottages in 2022. The fencing the subject of this application was already in place at the time of purchase, no works have been carried out to erect, alter or replace the fencing by the Applicant.

The fencing has been continuously present for a period well in excess of four years prior to 24 April 2024. This is demonstrated by the following evidence:

- Appendix 2 – Statutory declaration from the Applicant confirming that the fencing was present at the time of purchase in 2022;
- Appendix 3 – Statutory declarations from five long-standing residents of Mariners Cottages, confirming that the fencing has been in place since at least 1982;
- Appendix 4 – Photographs of the existing fencing.

Taken together, this evidence demonstrates, on the balance of probability, the fencing has been in continuous existence for a period far exceeding the relevant enforcement time limit, without material alteration or interruption.

Listed Building Context

The Applicant acknowledges that a Certificate of Lawful Development relates solely to the lawfulness of development for planning purposes and does not remove the need to comply with other legislative requirements.

[1] Paragraph: 006 Reference ID: 17c-006-20140306
[2] Paragraph: 009 Reference ID: 17c-009-20140306

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Mariners' Cottages are Grade II listed. In the determination of a retrospective planning application for the fencing (reference 250555), the Council concluded that Listed Building Consent was not required, as the fencing does not attach to the buildings. This matter is noted for completeness and does not form part of the statutory test under section 191.

Conclusion

For the reasons set out above, and having regard to sections 191 and 171B of the Act, the Applicant respectfully requests that a Certificate of Lawful Development (Existing) be issued in respect of the fencing at 1, 2, 12, 13 and 14 Mariners Cottages.

Should you require any further information in order to determine this application, please do not hesitate to contact me.

Yours sincerely

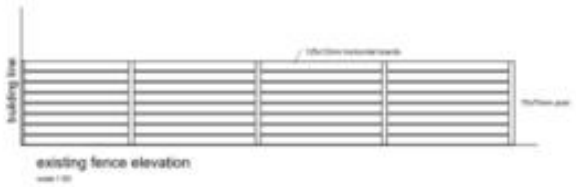
Jo-Anne Garrick BSc(Hons) MTP(UC) MRTPI
Director

JO-ANNE GARRICK LTD

Appendix 1 – Plan showing location of existing fencing









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Appendix 2 – Declaration from the Applicant

WEST RESIDENTIAL PROPERTIES LTD

43 Maxwell Street,
South Shields, Tyne and Wear,
NE33 4PU
Telephone: 0191-4277711
Mobile: 07772595529

27th January 2026

Mariners Cottages Fencing

I would like to confirm the fencing at the above properties was in place when I purchased the cottages on September 9th 2022

Derek Edward West

.....

Registered Office: 43 Maxwell Street, South Shields, Tyne and Wear, NE33 4PU

Company no: 10237123
jo-annegarrick.co.uk

Chartered Town Planner
Royal Town Planning Institute

JO-ANNE GARRICK LTD

Appendix 3 – declarations from residents of Mariners Cottages

13 Mariners Cottages
South Shields
Tyne & Wear
NE33 2NG

22nd December 2025

I, Ernest Rowntree, have lived at 13 Mariners Cottages since 1982. Please take this letter as written confirmation that the fences shown in orange on the attached plan, have always been there since I moved in.

Signed

Ernest Rowntree

JO-ANNE GARRICK LTD



JO-ANNE GARRICK LTD

14 Mariners Cottages
South Shields
Tyne & Wear
NE33 2NG

22nd December 2025

I, Rose Isaacks, have lived at 14 Mariners Cottages since 10th November 2009. Please take this letter as written confirmation that the fences shown in orange on the attached plan, have always been there since I moved in.

Signed

Rose Isaacks

JO-ANNE GARRICK LTD



JO-ANNE GARRICK LTD

2 Mariners Cottages
South Shields
Tyne & Wear
NE33 2NG

22nd December 2025

We, Brian and Joan Stoker, have lived at 2 Mariners Cottages since 10th June 2022. Please take this letter as written confirmation that the fences shown in orange on the attached plan, have always been there since I moved in.

Signed

Brian and Joan Stoker


Mariners' Cottages
26.2m

JO-ANNE GARRICK LTD

3 Mariners Cottages
South Shields
Tyne & Wear
NE33 2NG

22nd December 2025

We, Brian and Elizabeth Henderson, have lived at 3 Mariners Cottages since 11th June 2022. Please take this letter as written confirmation that the fences shown in orange on the attached plan, have always been there since I moved in.

Signed
Brian and Elizabeth Henderson

E Henderson


Mariners' Cottages
25.3m
28.2m

JO-ANNE GARRICK LTD

12 Mariners Cottages
South Shields
Tyne & Wear
NE33 2NG

22nd December 2025

I, Isobel Rennie, have lived at 12 Mariners Cottages since 12th August 2022. Please take this letter as written confirmation that the fences shown in orange on the attached plan, have always been there since I moved in.

Signed

Isobel Rennie




Mariners' Cottages

JO-ANNE GARRICK LTD

Appendix 4 – Photographs of the existing fencing







Appendix 3 Historic photographs from planning file









Appendix 4 Letters of support from residents

1 Mariners Cottages
South Shields
Tyne & Wear
NE33 3NG

I have lived in the above property, 1 Mariners Cottages, since 1st August 2022. Since moving in I have had a problem with dampness and the hedges were found to be one of the causes of this. The hedges have been removed and replaced with fences the same as my neighbours that were already there when I moved in.

I would like the fences to remain as they give us our own individual space.

Kind Regards

Alan and Lesley Thompson

.....

2 Mariners Cottages
South Shields
Tyne & Wear
NE33 2NG

I have lived in the above property, 2 Mariners Cottages, since 10th June 2022. Since moving in I have always had a fence. The fences that were in place when I moved in were damaged were rotten due to the age of them. The fences were replaced like for like with my neighbours.

I would like the fences to remain as they give us our own individual space.

Brian and Joan Stoker

4 Mariners Cottages

South Shields

Tyne & Wear

NE33 2NG

I have lived in the above property, 4 Mariners Cottages, since 10th May 2022. To my knowledge, there have always been fences in place at my neighbours' properties since I moved in.

I would like the fences to remain for providing privacy and individual space.

Kind Regards

Adam Middleton



6 Mariners Cottages

South Shields

Tyne & Wear

NE33 2NG

I have lived in 6 Mariners Cottages since 1st November 2021. From the time I moved in, I experienced issues with dampness in the property and the hedges were identified as one of the contributing factors. Due to their age, the hedges were damaged and have now been removed and replaced with like-for-like fencing, consistent with the fencing that was already in place at my neighbours' properties.

I would like the fences to remain as they provide us with our own clearly defined individual space and privacy. I would prefer to have the fences in place rather than having no boundary at all.

Kind Regards

William and Margaret Smith



.....

7 Mariners Cottages

South Shields

Tyne & Wear

NE33 2NG

I have lived in the above property, 7 Mariners Cottages, since 13th March 2015. Since moving in, I have experienced issues with damp in the property and the hedges were deemed to be one of the causes of the damp. The hedges had begun to rot and deteriorate due to their age, and they have now been removed and replaced with fencing that, as far as I am aware, is consistent with what my neighbours already had in place when I moved in.

I would like the fences to remain as they provide privacy and space.

Kind Regards

William and Elaine Gray

.....

12 Mariners Cottages

South Shields

Tyne & Wear

NE33 2NG

I have lived in the above property, 12 Mariners Cottages, since 12th August 2022. Since I moved in, there has always been fences. The fences that replaced the dead and damaged hedges were installed on a like for like basis, consistent with those at my neighbour's properties.

I would like the fences to remain as they provide us with our own privacy and space. They are much more preferred than having to be left with no boundary at all.

Kind Regards

Isobel Rennie

I Rennie

13 Mariners Cottages

South Shields

Tyne & Wear

NE33 2NG

I have lived in the above property, 13 Mariners Cottages since 1982. There has always been a fence in place at my property. The fences that replaced the dead and damaged hedges were installed on a like for like basis, the same as my neighbours. I would like to emphasise the importance of why the fences should remain. They are much better than being left with no boundary at all, which would negatively affect the privacy of the residents.

Kind Regards

Ernest Rowntree

15 Mariners Cottages

South Shields

Tyne & Wear

NE33 2NG

I have lived at 15 Mariners Cottages, since 6th June 2022. Since I moved in, there has always been fences, between mine and my neighbour's property. The fences that replaced the rotten and damaged hedges were installed like for like, the same as those at my neighbour's properties when I moved in.

I would like the fences to remain as they provide us with our own personal privacy and space.

Kind Regards

Anthony Tate



19 MarinersCottages

South Shields

Tyne & Wear

NE33 2NG

I have lived in the above property, 19 Mariners Cottages since 16th June 2023.To my knowledge, there have always been fences in place at my neighbours' properties since I moved in.

Since the hedges were removed as they were rotten and creating problems with dampness, I would like a fence to be erected at my property as this would give me my privacy and individual space.

Kind Regards

Jane Portrey



22 Mariners Cottages

South Shields

Tyne & Wear

NE33 2NG

I have lived in the above property, 22 Mariners Cottages since 5th May 2023.To my knowledge, there have always been fences in place at my neighbours' properties since I moved in.

Since the hedges were removed as they were rotten and creating problems with dampness, I would like a fence to be erected at my property as this would give me my privacy and individual space.

Kind Regards

Theodore Godfrey Cass and Laura Robertson

