South Tyneside Council

NOTICE OF REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Contact Name and Address:
Cummings Architects ltd
FAO Mr Graeme Cummings
17 Killingworth Drive
Sunderland
SR4 8QQ

Application No: 250555
Date of Issue: 05/11/2025

In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority **REFUSE** planning permission for the following development:

Proposal: Installation/ replacement fencing
Location: 1-22 Mariners Cottages, South Shields, NE33 2NG

REASON(S) 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.

NOTES TO APPLICANT:

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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 (National Planning Policy Framework).

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

A Inch

Andrew Inch
Senior Manager Planning

Your attention is drawn to the attached schedule of notes which form part of this notice

NOTES

APPEALS TO THE SECRETARY OF STATE

1 **Only the applicant possesses the right of appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice but if the local planning authority's decision was to refuse planning permission for a minor commercial application then you must do so within 12 weeks of the date of this notice unless:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference no. if applicable], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months, or 12 weeks in the case of a minor commercial appeal, of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

PURCHASE NOTICES

2 If permission to develop land is refused, whether by South Tyneside Council as local planning authority or by the Secretary of State for Communities and Local Government, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council, requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.