



Development Management  
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South Shields  
Tyne and Wear  
NE33 2RL

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Forest Hall  
Newcastle upon Tyne  
NE12 7JN

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**Sent by email to [planningapplications@southtyneside.gov.uk](mailto: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**  
Royal Town Planning Institute

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)<sup>1</sup> 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<sup>2</sup> 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.

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<sup>1</sup> [Paragraph: 006 Reference ID: 17c-006-20140306](#)

<sup>2</sup> [Paragraph: 009 Reference ID: 17c-009-20140306](#)

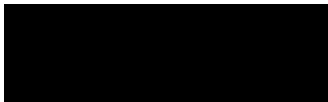
Mariners' Cottages are Grade II listed. In the determination of a retrospective planning application for the fencing (reference 250555), the Council concluded that Listed Building Consent was not required, as the fencing does not attach to the buildings. This matter is noted for completeness and does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



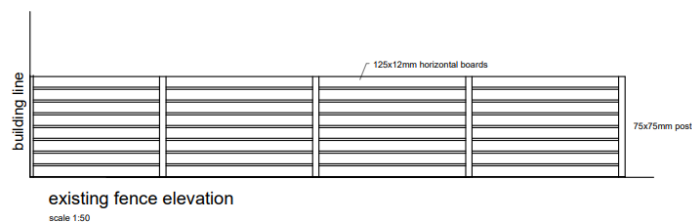
Jo-Anne Garrick BSc(Hons) MTP(UC) MRTPI  
**Director**

## Appendix 1 – Plan showing location of existing fencing



**key**

- 1.2m to 1.5m hedge
- 1.2m fence as elevation



## 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**

27<sup>th</sup> 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 9<sup>th</sup> 2022

Derek Edward West

\*\*\*\*\*

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

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**Chartered Town Planner**  
Royal Town Planning Institute

### Appendix 3 – declarations from residents of Mariners Cottages

13 Mariners Cottages

South Shields

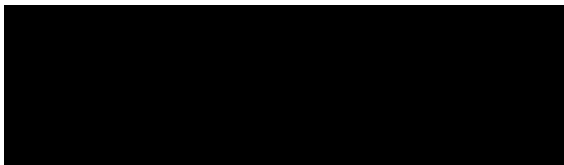
Tyne & Wear

NE33 2NG

22<sup>nd</sup> 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



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14 Mariners Cottages

South Shields

Tyne & Wear

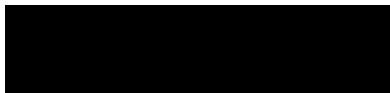
NE33 2NG

22<sup>nd</sup> December 2025

*I, Rose Isaacks, have lived at 14 Mariners Cottages since 10<sup>th</sup> 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



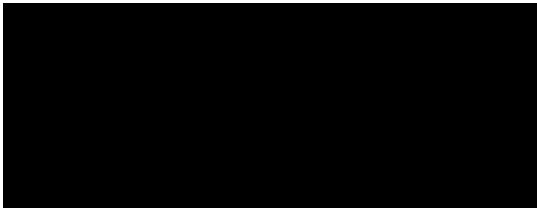


2 Mariners Cottages  
South Shields  
Tyne & Wear  
NE33 2NG

22<sup>nd</sup> December 2025

*We, Brian and Joan Stoker, have lived at 2 Mariners Cottages since 10<sup>th</sup> 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





3 Mariners Cottages

South Shields

Tyne & Wear

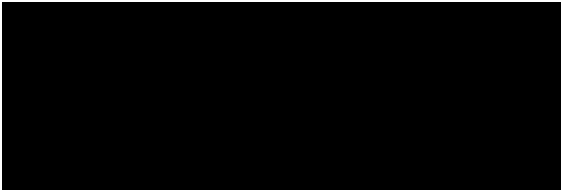
NE33 2NG

22<sup>nd</sup> December 2025

*We, Brian and Elizabeth Henderson, have lived at 3 Mariners Cottages since 11<sup>th</sup> 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





12 Mariners Cottages

South Shields

Tyne & Wear

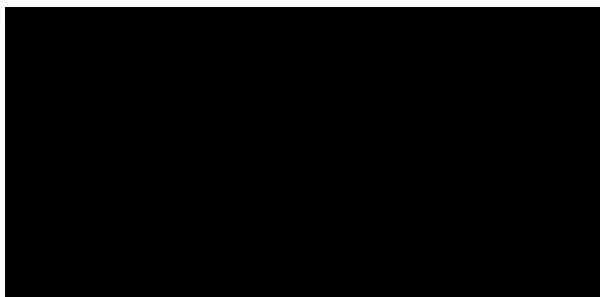
NE33 2NG

22<sup>nd</sup> December 2025

*I, Isobel Rennie, have lived at 12 Mariners Cottages since 12<sup>th</sup> 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





#### Appendix 4 – Photographs of the existing fencing

