



South Tyneside Council

Reference:	260324
Location:	Land North East of 51 Hedley Close, South Shields, NE33 2ED
Ward:	Beacon & Bents
Description:	Retrospective change of use of small parcel of amenity land to garden land and a 1.8m high boundary fence.
Recommendation:	Grant Permission with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

The application relates to 51 Hedley Close, which is located within a residential area of South Shields. The land which is subject to this application is located north east of the application property and currently forms part of a wider grassed area of land.

Description of the Proposal

The application is for the change the use of a parcel of the grassed area to the north east of the applicant property into private residential curtilage, and to erect a 1.8m fence to the northern and eastern boundaries. The grassed area is not allocated as open space. The application is retrospective as the 1.8m high fence has already been constructed along the side (northern) boundary and the front (eastern) boundary to enclose the land.

Summary of Consultation Responses

No responses were received in response to the statutory consultation period which ended on 27/07/2026.

Summary of Representations

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

- Issues over the delay of Royal Mail delivering the neighbour letters.
- The Planning Statement repeatedly suggests that this land has no significant recreational, historical or amenity value. I strongly disagree.
- Concerns over the loss of the land as it is used by many of the families on the estate.
- The grassed area is part of the estate creating a welcoming environment and allows clear visibility along the footpath.

- The 1.8m high fence will change the character of the estate - this proposal fundamentally alters the appearance and atmosphere of this part of the estate.
- A 1.8-metre fence would create a significant blind spot, preventing people from seeing who or what may be approaching from the opposite side until they are almost beside it.
- The 1.8m fence would create an unsafe route for pedestrians, particularly during the darker evenings.
- The existing open space provides visibility and natural surveillance, helping residents and visitors feel safer.
- Concerns regarding the loss of green space and the impact on biodiversity in the area.

Officer Comment – The Royal Mail delivery service is not a Planning Matter, however we have accepted and taken into account issues raised within comments received after the statutory 21 days consultation period, for this reason.

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.

The statutory development plan comprises the Council's adopted South Tyneside Local Plan 2023-2040. Relevant policies are listed below:

- Policy SP1: Presumption in favour of Sustainable Development
- Policy SP3 - Spatial Strategy for Sustainable Development
- Policy 1: Promoting Healthy Communities
- Policy 35 - Delivering Biodiversity Net Gain
- Policy 47 Design Principles

The Local Development Framework (LDF) development plan documents also remain part of the development plan at the current time. The following documents are relevant to this planning application:

- DM1 - Management of Development
 - SC6 – Providing for Recreational Open Space, Sport and Leisure
- The following policies and guidance are also relevant to this planning application:
- Supplementary Planning Document 3 – 'Green Infrastructure Strategy'
 - Supplementary Planning Document 9 – 'Householder Developments'

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 key issues in the assessment of this planning application are as follows:

- Principle of the development
- Design and visual impact

- Residential amenity

Principle of the Development

The application property is located within a residential estate and the proposal involves the change of use of part of a grassed area into the residential curtilage of 51 Hedley Close. The land would be used as an extended private garden for the property.

The land is attached to longer strip of land which runs alongside boundary of no. 51 Hedley Close. There are a number of strips of land within close proximity which run along the side (northern) elevation of no. 35 and no. 40 Hedley Close, and a larger area of land to the west of no. 35.

The parcel of land is centrally located within the estate in a pedestrianised area, with a footpath running along its eastern boundary. The site forms part of a longer strip of land extending alongside the side (northern) boundary of no. 51 Hedley Close as well as no. 40 and no. 35 Hedley Close. A larger parcel situated to the west of No. 35 Hedley Close.

Local Plan Policy 47 Design Principles states that developments should incorporate appropriate landscaping to ensure that the development can be satisfactorily assimilated into the surrounding area and provides opportunities to enhance green infrastructure and wildlife networks.

Policy SC6 seeks to promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities.

Further guidance regarding the importance of public green space is provided within Supplementary Planning Document (SPD) 3 'Green Infrastructure Strategy'. Paragraph 8.4 states that green infrastructure provides opportunities to enhance local identity, visual amenity and landscape character, helping to create a sense of place and promoting local pride.

NPPF paragraph HC7 states that development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless certain circumstances apply.

The application site comprises a small parcel of land adjacent to a public footway and attached to a larger open grassed area. The land is currently grassed, there is no further soft landscaping or planting within the land. Whilst the area of land does form an area of amenity green space for purposes of providing landscaping (grass strip) between the property and the highway, the site does not form part of any formally designated amenity space within the Site Specific Allocations Plan. The application site comprises a small parcel of land adjacent to a public footway. The parcel of land is now enclosed by a boundary fence. The proposal does not envelop the entirety of the grassed area leaving some amenity green space to the north of the application site. Furthermore, it should be noted that there are a significant number of additional areas of grass landscaping (of various size, form, function and area) within the immediate area and a significant amount of designated area of open space to the immediate area which serve as open space and amenity / recreational areas for use by the local population. The application site, whilst forming part of a landscape grassed area and contributing to the overall character and appearance of the area, does not have a specific or defined function.

As stated above, the area is not allocated as an area of open space and in reviewing South Tyneside Open Space Study (2023) which was prepared in support of the Local Plan provides some useful commentary on areas of land similar to the application site. It terms such areas

as 'Amenity Green Spaces' and states that such spaces are open to free and spontaneous use by the public, but neither laid out nor managed for a specific function such as a park, public playing field or recreation ground; nor managed as a natural or semi-natural habitat. These areas of open space will be of varied size, but are likely to share the following characteristics:

- Unlikely to be physically demarcated by walls or fences.
- Predominantly laid down to (mown) grass.
- Unlikely to have identifiable entrance points (unlike parks).
- They may have shrub and tree planting, and occasionally formal planted flower beds.
- They may occasionally have other recreational facilities and fixtures (such as play equipment, informal football or ball courts).

The study refers to examples including both small and larger informal grassed areas in housing estates and states that these areas can serve a variety of functions dependent on their size, shape, location and topography. Some may be used for informal recreation activities, whilst others by themselves, or else collectively, contribute to the overall visual amenity of an area.

The South Tyneside Open Space Study (2023) did not include amenity green spaces smaller than 0.1ha within the analysis, as it considered that these sites would have limited recreation function and therefore should not count towards public open space provision. The application site is classified within this category and does therefore not contribute to the open space calculation to the area / wider study. That said the South Tyneside Open Space Study (2023) does acknowledge that the many smaller amenity/semi-natural spaces and roadside verges within the study area are valuable in terms of their visual amenity and/or biodiversity value and contribute to the wider network of Green Infrastructure.

The South Tyneside Open Space Study (2023) proceeds to identify that (based on wards) that the existing amount of amenity green space within the Beacon and Bents Ward (within which the application is located) currently has 16.68 ha per 1000 population, which is significantly in excess of the identified figure of 0.80 ha/1000 population (minimum size 0.1 ha). As such there is not a current deficit of open space provision in the area.

Whilst it cannot be considered that the application site is necessarily surplus to requirements, due to its openness and contribution in terms of visual amenity, in terms of the physical loss of the land it is not considered that the reduction in the area of open space would result in a significant loss in open space provision to the area to warrant the refusal of the application based on the requirements of the NPPF and that replacement open space to offset the loss by equivalent or better provision in terms of quantity and quality in a suitable location is not proposed.

It is recognised that the land does contribute to the overall character and amenity of the area and is highly visible from the surrounding area. The proposal does not impact the existing public footway and retains a substantial open grassed area, maintaining a sense of openness within the housing estate.

It is also recognised that residents may have used this land informally prior to the commencement of this development. However, as set out above, there are lots of other parcels of land for recreational use in the area, such as North Marine Park approximately 400m walk away and land adjacent to River Drive which is approximately 300m walk away. Consequently it is considered that sufficient amenity open space would remain for residents.

It is considered that in this instance, the change of use of this parcel of land is acceptable in principle. Therefore, the proposal is not contrary to Local Plan Policy 47, SPD3 and the NPPF.

Design and Visual Impact –

Local Plan Policy 47 and LDF Policy DM1 seek to preserve visual amenity. The retrospective application relates to the loss of a small, grassed area of land extending the residential curtilage of 51 Hedley Close. This is enclosed by a 1.8m height fence linking up to the existing fence/wall boundary treatment.

Given the nature of the proposal, the boundary enclosure is visible from the public domain. SPD9 sets out that ‘the design, height and materials of walls and fences should complement the original character and materials of the property and neighbourhood.’

The immediate area is characterised by approximately 1.8m timber fences surrounding gardens adjacent to the footway.

The proposal extends the front/side garden of 51 Hedley Close with a 1.8m high boundary fence to the side/front boundary. This is in keeping with the materials used around the existing property and surrounding properties.

A number of comments were received objecting to this application, concerned about the fence changing the character of the estate.

The proposal would also not have an impact on the local area with respect of the loss of part the existing grassed area, which at present is open, visible and accessible to the public. It is considered from a visual amenity perspective, that the development would not result in a negative impact sufficient to refuse planning consent for this reason and would not cause material harm to the visual amenity of the area. As detailed above, the land is attached to a long strip of grass which runs along the side elevations of 3 dwellings within the estate, there are examples of other grassed areas in the immediate locality of various sizes and topography, and furthermore the proposal would seek to retain a substantial amount of the existing open space (grassed area) through only seeking to change the use and enclose 43.7m² of the land to include within the residential curtilage and consequently it is considered that the proposal would not result in unacceptable negative impacts on the immediate area with respect of visual impact.

Therefore, in this regard the development is considered to be in keeping with the character of the area and in this respect the proposal accords with Local Plan Policy 47 and the guidance contained within SPD9.

Residential Amenity -

Local Plan Policy 47 and LDF Policy DM1 seek to preserve visual amenity.

Due to the central location of the grassed area within the housing estate, the 1.8m high fence is visible from a number of surrounding residential properties. However, the neighbouring dwellings are situated a sufficient distance from the fence and the land forms part of and is owned by No. 51 Hedley Close.

A number of comments were received objecting to this application, concerned about the loss of green space within the housing estate, that the 1.8m high fence would create an unsafe pedestrian route removing any visibility.

The 1.8m high fence would match the height of many other boundary fences within this estate which border the pedestrian footpath. Furthermore, given that the grassed area is attached to a larger grassed area which forms part of a longer strip of land that runs through the estate, the fence does not create a blind corner when walking along the footpath due to the existing grassed area which is to be retained.

The nature and location of the change of use and physical works involved means that the proposals would not materially affect the outlook from neighbouring residential properties, significantly change the established residential character of the area, or otherwise materially affect neighbouring residential amenity, through privacy, over dominance, or overshadowing impacts.

It is considered that the proposal would accord with adopted Local Plan Policy 47 and the associated SPD9 in relation to residential amenity.

Other Matters -

The application relates to an area which would involve the change of use of grassed area which equates to more than 25m². As the fence has already been constructed, the application is retrospective and therefore is exempt of the biodiversity net gain requirements (exemptions) Regulations 2024.

Conclusion

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.

Having regard for the above it is considered that the proposal would result in no significant harm to the visual amenity of the property or the area, residential amenity, highway safety and would comply with the biodiversity net gain exemptions.

As a result, it is considered that the proposed development complies with all relevant local and national planning policy and guidance. Consequently, this application is recommended for approval.

Recommendation

Grant Permission with Conditions

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).

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Case officer: Emma Thomas

Signed: E.Thomas

Date: 11/09/2026

Authorised Signatory: Seán Gallagher

Date: 11/09/2026