

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
10 September 2025
REPORT OF ASSISTANT DIRECTOR OF
INCLUSIVE GROWTH AND DEVELOPMENT**

23/1111/COU

9 Portchester Close, Ingleby Barwick, Stockton-on-Tees

Change of use from residential (C3) to mixed use Commercial and Residential to allow for home business

Expiry Date: 13 September 2023

Extension of Time Date: 12 September 2025

SUMMARY

Following the Planning Committee meeting held on 6th August 2025, further searches by Officers have been conducted into other potential registered firearms dealers operating from residential properties within the Borough.

The search identified that there have been no planning applications made to accommodate the sale of firearms or ammunition operating from their home address within the Borough. Applications have been made and accepted in relation to workshops for the manufacture and/or repair of guns on the periphery of the conurbation in the 1990's.

In some cases, pre-application advice has been provided in relation to gun repairs, servicing and sales. In all these instances planning permission was deemed to not be required, as sales were either not taking place at the home address or it was indicated as being limited to a maximum of two visits per week. With the overall level of activity being significantly less than proposed in this application.

Additional comments have been received by the Designing out Crime Officer and the Firearms Licensing Manager within Cleveland Police. Again, their comments do not alter the original recommendation of refusal. For ease the original recommendation for refusal is reiterated below;

RECOMMENDATION

Planning application 23/1111/COU be Refused for the following reason(s):

Reason One: Character

In the opinion of the Local Planning Authority, the proposed change of use would introduce a commercial use which is considered to be fundamentally at odds with the established residential character of the area due to the heightened fear of crime associated with the development. In addition, the introduction of a retail business for the sale of firearms and the associated security infrastructure required for the business is considered to erode the residential character of the area. It is considered that this would result in a discordant and inappropriate use that fails to respect the prevailing pattern of development. The proposal is therefore contrary to Policy SD8 of the Stockton on-Tees Local Plan and paragraphs 96(b) and 135(f) of the NPPF which seeks to ensure that development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

Reason Two: Impact on the amenity of surrounding residents

In the opinion of the Local Planning Authority, the proposed development is considered to introduce a use which would erode the perception of safety and is therefore detrimental to the amenity of the surrounding residents. The proposed use is therefore inappropriate in a residential context and would be contrary to Policy SD8 of the Stockton-on-Tees Local Plan and paragraphs 96(b) and 135(f) of the NPPF, which seeks to ensure that development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

CONSULTATIONS

Cleveland Police

Designing Out Crime Officer (DOCO) (11.08.2025) - With regards to this application, I can confirm I reiterate those comments originally made by G. McBride and recommend approval not be given. The reasons of concern are as stated by G. McBride.

Firearms Licensing Manager (28.08.2025) - As promised I have looked and Mr Takhar has submitted a business case. It lacks the necessary detail I would expect before a formal decision could be made however this is something we would discuss with him and is open to amendment and re-submission to ensure the planned activity meets the relevant criteria.

Therefore, my view is that it would not be appropriate for Firearms Licensing specifically to make any formal objection to the planning application as this may prejudice the decision we have yet to make with regards to his application for registration as a firearms dealer. In order to make such a decision we would assess the suitability of the applicant, the security arrangements at the premises and whether the proposed business case meets the criteria for registration. This is strict and defined process of assessment under the Firearms Act of 1968 and is supported by the Statutory Guidance for Chief Officers of Police on Firearms Licensing including liaison with the relevant local authority.

The application for Porchester Close has been on hold since January 2023 when initial checks with the local authority raised the requirement for planning permission as a potential issue. No formal assessment of the application has since followed whilst we await the planning decision. The decision on whether Mr Takhar should be granted registration as a firearms dealer should remain distinct from any decision that is required by planning law. The planning application should be considered first as the firearms act does not allow for a conditional decision.

This should not prevent Cleveland Police more generally from holding a view based on other specialist knowledge more closely associated with planning decisions.

MATERIAL PLANNING CONSIDERATIONS

Following the Planning Committee meeting held on 6th August 2025, further searches by Officers have been conducted into other potential registered firearms dealers operating from residential properties within the Borough. Upon completing the search, there have been no planning applications made to accommodate the sale of firearms or ammunition operating from their home address within the Borough. Applications have been made and accepted in relation to workshops for the manufacture and/or repair of guns on the periphery of the conurbation in the 1990's.

In some cases pre-application advice has been provided in relation to gun repairs, servicing and sales. In all these instances where planning permission was deemed to not be required, sales were either not taking place at the home address or it was indicated as being limited to a maximum of two visits per week. In contrast the applicant who indicates 2-3 visits per day, equating to circa 12-18 visits per week (based on the applicants opening hours). No complaints or allegations have been received in relation to these properties which suggests that they continue to operate as stated within the original enquiries.

For transparency, the Applicant has enquired for pre-application advice at this and another residential address within the Borough. On both occasions, due to the level of activity proposed and how the business would operate, Officers advised planning permission was required and would likely be unsupported.

With regards to how this business will operate, during the course of the assessment of the planning application, Officers queried how the sales aspect would occur following a critique of the Applicant's submitted information, this has included a visit to the premises and further explanation from the Applicant. The Applicant has advised that typically sales of guns and ammunition would occur from the property. Initially a customer would attend the address, show the required documentation to prove they are authorised members of gun clubs as required by police licensing and then place an order either through browsing a physical or an internet catalogue. Once the order is placed, firearms will be delivered to 9 Portchester close where they will await collection by the customer. Ammunition can also be purchased from the address.

In summary, the searches for other alike businesses operating from residential properties are not considered to be comparable and as a consequence do not affect the recommendation set out in the original committee report.

Following the committee meeting in August, additional comments have also been sought by the case officer from Cleveland Police including the Designing Out Crime Officer (DOCO) and the Firearms Licensing Manager.

The DOCO has reiterated the overall stance of Cleveland Police maintaining an objection to the development, citing that it is an inappropriate development for a residential area and that criminality may be attracted to such a use and therefore represents an increased danger to the public.

The Firearms Licensing Manager has reviewed the case, and comments on the two separate processes. Nevertheless, what the Local Planning Authority and the Police Licensing Authority consider when reviewing an application are different. An LPA considers whether the proposed change of use is acceptable in terms of policy compliance, impact on the character of the area, residential and local amenity, highways and parking, and any other relevant material considerations. Whereas the Police Licensing Authority assess the suitability of the applicant, the security arrangements at the premises and whether the proposed business case meets the criteria for registration.

In view of these associated comments, and for those reasons set out within the original committee report, the proposed use is considered inappropriate for this area and the application is recommended for refusal.

CONCLUSION

It is therefore recommended that the application be Refused for the reasons specified above.