

DELEGATED

Report to Planning Committee
9 September 2026
Report of Director of Regeneration and Inclusive Growth

26/0321/LA

Retrospective Planning permission for the temporary change of use of a section of public green space to site compound, including erection of 2.5m gate and fence Land Adjacent To Fire Station, Master Road, Thornaby

Expiry Date: 14 May 2026

Extension of Time Date: 09 September 2026

Summary

Retrospective Planning permission is sought for the temporary change of use of a section of public green space to site compound, including erection of 2.5m gate and fence.

The compound is required as part of the Thornaby Town Deal cycleways scheme.

The application has been considered in full and there are no reasons to refuse the application given the temporary nature of the works and the need for a laydown area. The site shall be restored to its former condition once works are complete, and this has been secured via a planning condition.

Overall, given the temporary nature of the works it is considered that the scheme is acceptable and recommended for approval with conditions.

Recommendation(s)

That planning application 26/0321/LA be approved subject to the following conditions and informatives;

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
A11600-SK-1000	6 March 2026
A11600-SK-6001	18 March 2026
A11600-SK-1002 A	2 March 2026

Reason: To define the consent.

02 Temporary Consent

The site compound hereby permitted shall be retained for a temporary period only and shall be removed in its entirety no later than 31 December 2027. All structures and means of enclosure shall be removed, and the land shall be restored to its former condition.

Reason: The site compound is required to support development on a temporary basis only, and the Local Planning Authority considers it necessary to retain control over its duration in the interests of the character and appearance of the area and the amenities of neighbouring occupiers, in accordance with the relevant policies of the Development Plan.

Informative Reason for Planning Approval

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive

manner in dealing with the planning application.

Site and Surroundings

1. The application site relates to an area of green open space, located to the eastern side of Master Road in Thornaby, opposite the North East Logistics Academy and south east of the Fire Station.
2. The land is allocated as open space in the Local Plan.

Proposal

3. Retrospective Planning permission is sought for the temporary use of an area of open space, approximately 40m x 15m to use as a site compound as part of the Thornaby Town Deal cycleways scheme.
4. The site compound has already been constructed and comprises of secure fence hoarding measuring 2.5m in height around the perimeter with 2no entrance gates taken directly from Master Road.

Consultations

5. Consultees were notified and the following comments were received.
6. Highways Transport & Design Manager
Highways Comments : There are no highway objections to this change of use.
7. SBC Environmental Health
Concerns over noise should the generators run overnight

Publicity

8. Neighbours were notified by individual letters. No comments have been received.

Planning Policy Considerations

9. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
10. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

11. The purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest. At a very high level, the objective of sustainable development

can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives (Paragraph 17).

12. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in the Framework are a material consideration in making decisions and should be read alongside the policies in the development plan.
13. Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.
14. The national decision-making policies should be read as a whole (including relevant footnotes and annexes). Some of these policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused.
15. The following policies are relevant to this application

DM3: Determining development proposals

1. When considering development proposals, local planning authorities should:
 - a. Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;
 - b. Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;
 - c. Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;
 - d. Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal;
 - e. Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and
 - f. Not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in this Framework and any other material considerations.

DM8: Unauthorised development and enforcement

1. Where there has been unauthorised development and local planning authorities are considering whether enforcement action is expedient, they should take account of their local enforcement plan, the impact of the breach of planning control, and the extent to which the breach would otherwise be acceptable.
2. In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.

NB The Consultation states that his responds to long-standing concerns about the integrity of the planning system being undermined by retrospective permissions. The policy does not mean that retrospective applications would be automatically refused. It will remain a matter of planning judgment for the decision-maker to decide whether to grant planning permission in light of the circumstances of each case.

HC7: Development affecting existing recreational land and facilities

1. 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:
 - a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves; or
 - c. The development is for public service infrastructure, and the resulting loss would be replaced by equivalent or better provision in terms of quantity and/or quality; or
 - d. The development is for alternative open space, sports and recreational buildings and land, the benefits of which clearly outweigh the loss of the current or former use.

Local Planning Policy

16. The following planning policies are considered to be relevant to the consideration of this application.

Policy SD1 - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:
 - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
 - Specific policies in that Framework indicate that development should be restricted.

Policy SD5 -Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a. Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
 - c. Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
 - j. Ensuring development proposals are responsive to the landscape, mitigating their

visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

l. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

Policy SD8 – Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

Policy ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

4. Development within green wedges will only be supported where:

- a. it would not result in physical or visual coalescence of built-up areas;

- b. it would not adversely impact on local character or the separate identity of communities;
- c. it would not adversely impact on recreational opportunities; and
- d. it would not adversely impact on biodiversity.

Material Planning Considerations

Principle of Development

- 17. The site is allocated as open space within the Stockton-on-Tees Local Plan. Policy ENV5 (Open Space, Landscape and Green Infrastructure) seeks to protect such areas from development unless it can be demonstrated that the proposal would not adversely affect the quantity, quality, or accessibility of open space provision. In addition, Policy SD2 (Sustainable Design Principles) requires development to positively respond to its surroundings and protect environmental assets.
- 18. At a national level, the NPPF (2026), Policy HC7 states that development proposals should not result in the loss of existing open space, unless it meets certain criteria, one of which is that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality.
- 19. In this case, the proposal relates to a small section of a wider area of open space and is required on a temporary basis only to facilitate development of the Thornaby Cycleway schemes. Subject to a condition limiting the duration of the use and requiring restoration of the land, the proposal would not result in the permanent loss of open space or prejudice its overall function or accessibility.
- 20. Accordingly, the principle of development is considered acceptable having regard to Policies SD2 and ENV5 of the Stockton Local Plan and Policy HC7 of the 2026 NPPF.
- 21. Whilst the proposal is retrospective and Policy DM8 of the new NPPF states “*if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission*”, this is not a reason for refusal. As explained in the consultation documents the policy does not mean that retrospective applications would be automatically refused. It will remain a matter of planning judgment for the decision-maker to decide whether to grant planning permission in light of the circumstances of each case.

Character and appearance

- 22. The site compound, by virtue of its secure hoarding and utilitarian appearance, represents a somewhat incongruous feature within the open space setting.
- 23. Policy SD2 of the Stockton Local Plan requires development to contribute positively to local character and visual amenity. While the compound introduces a temporary visual impact, its limited footprint and timeframe ensure that any harm is not significant or permanent.
- 24. Given its temporary nature and limited scale, the proposal is not considered to result in unacceptable harm to the character or visual amenities of the area in accordance with Policy SD2 and the NPPF.

Impact on Neighbours

- 25. The nearest residential premises is opposite some 30 metres from the compound

and whilst there is a visual impact, it is temporary. There is a generator on site which runs from 07:15-17:00 only and therefore noise disturbance is not considered to be to an unacceptable level.

26. Overall, as the use is temporary, the proposal is considered acceptable in terms of its impact on neighbouring amenity, consistent with Policy SD2 of the Local Plan.

Highways and Pedestrian Safety

27. Access to the compound is taken directly from Master Road via two gates. The Highways Transport and Design Manager has been consulted on the application and raise no objection to the development.
28. Given the scale and temporary nature of the proposal, no highway impacts have been identified which could be considered unacceptable.

Other Matters

29. Biodiversity Net Gain is not considered applicable in this instance due to the temporary nature of the development and the requirement to restore the land.

Conclusion

30. The proposal represents an acceptable temporary use of a small part of designated open space to support wider development activity within the Borough. While it results in a short-term visual impact and temporary loss of open space, these impacts are limited, reversible, and appropriately controlled through condition.
31. Subject to appropriate planning conditions, including a three-year time limit and restoration of the land, the development is considered to accord with Policies SD2 and ENV5 of the Stockton-on-Tees Local Plan and the guidance contained within the NPPF.

Financial Implications

No known implications other than the associated costs of implementation of the proposals/maintenance.

Environmental Implications

See report

Legal Implications

None

Community Safety Implications

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Ward and War Councillors

Ward Village

Ward Councillor Councillor Ian Dalgarno

Ward Councillor Councillor Mick Moore

Background Papers

National Planning Policy Framework

National Planning Practice Guidance

Stockton on Tees Local Plan Adopted 2019

Name of Contact Officer: Elaine Atkinson

Post Title: Planning Officer

Telephone number: 01642 526062

Email Address: Elaine.Atkinson@stockton.gov.uk