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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

**NOTICE OF GRANT OF PLANNING PERMISSION**

Groundwork NE & Cumbria  
Linthorpe Cemetery Lodge  
Burlam Road  
Middlesbrough  
TS5 5AP  
FAO: Lucas Robinson

**APPLICATION No: 4/24/2371/0F1**

**CHANGE OF USE FROM A PRIVATE FIELD TO A COMMUNITY GARDEN - THIS  
WILL INCLUDE REFURBISHMENT OF HARDSTANDING (FORMER CAR PARK)  
AND DEVELOPMENT OF ALLOTMENTS AND COMMUNITY GARDEN  
INCLUDING THE SITING OF TWO STORAGE CONTAINERS  
LAND TO THE REAR OF CHURCH ROAD/MAIN STREET, DISTINGTON**

**Distington Community Trust**

The above application dated 30/10/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on

the respective dates and development shall be carried out in accordance with them: -

Application form, received 30th October 2024;  
Site Location Plan, scale 1:1250, drawing number DCG\_01, received 30th October 2024;  
Proposed Layout, scale 1:400, drawing number DCG\_03C, received 11th December 2024;  
Proposed Details, drawing number DCG\_04, received 30th October 2024;  
Habitat Plan, scale 1:400, drawing number DCG\_05, received 30th October 2024;  
Habitat Management and Monitoring Plan, received 30th October 2024;  
Design and Access Statement, received 30th October 2024;  
Maintenance and Management Plan, received 11th December 2024;  
Drainage Plan, 1:400, drawing number DCG\_06A, received 21st January 2025.

#### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. All manholes and chamber access points must remain clear of obstruction at all times.

#### Reason

In order to ensure that drainage can be accessed at all times for maintenance in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

4. The habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan, received 30<sup>th</sup> October shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan, received 30<sup>th</sup> October for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

#### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Policy N3 of the Copeland Local Plan, the National Planning Policy Framework and The Environment Act 2021.

## Informative

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

[<http://www.gov.uk/government/organisations/the-coal-authority>](http://www.gov.uk/government/organisations/the-coal-authority)

## Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice



Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

20th February 2025

**APPROVALS  
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

- 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.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, 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 a 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.