



Appeal Decision

Site visit made on 18 November 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Appeal Ref: APP/H4505/W/25/3373775

11 Glynfellis, Leam Lane Estate, Felling, Gateshead NE10 8RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rashid Saleem on behalf of Saleem Properties Limited against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/24/00692/COU.
 - The development proposed is the change of use of part of rear hardstanding to new-build storage unit.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of rear hardstanding to new-build storage unit at 11 Glynfellis, Leam Lane Estate, Felling, Gateshead NE10 8RH in accordance with the terms of the application, Ref DC/24/00692/COU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Plans - Plans - Site Location Plan (3332 C-100)
 - Plans - Plans - Proposed - Site Layout Plan, Roof Plan (3332 C-102)
 - Plans - Plans - Proposed - Floor Plan, Elevations (3332 C-103)
 - 3) The building shall only be used by the adjacent takeaway/food preparation business at 13–15 Glynfellis (currently operating as ‘Saleem’s Takeaway’) between the hours of 10:00 and 19:00 daily. No use of the storage area by that business shall occur outside these times.
 - 4) Any trolleys used to transport goods between the site and the adjacent takeaway/food preparation business at 13–15 Glynfellis (currently operating as ‘Saleem’s Takeaway’) shall be fitted with rubber castors at all times.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and

- The effect of the proposed development on the living conditions of the occupiers of 11 Glynfellis, with particular regard to the provision of outdoor amenity space.

Reasons

Character and Appearance

3. The appeal site 11 Glynfellis (No 11) is a two-storey semi-detached, residential property. The rear garden of the appeal property currently contains a driveway, garage and some large commercial sized waste bins. The appeal site is adjacent to 13-15 Glynfellis, which is currently in use as a Saleem's Takeaway and sits within a short row of single-storey commercial premises. The surrounding area is nonetheless primarily residential in character.
4. The proposed development seeks approval for the change of use of part of a domestic garden and the erection of a single-storey storage building. It would measure approximately 3.6 metres by 7.2 metres with a flat roof and would have an overall height of approximately 3 metres. It would be located on an existing area of hardstanding and would be separated from the main garden area by a 1.8-metre-high boundary fence. The proposed building would provide a bin storage area, accessed via a large roller shutter door on the road facing elevation of the building, with a further smaller roller shutter door to be provided within the side elevation closest to the commercial premises. This door would provide access to the food storage areas.
5. The location of the proposed building would face onto Beechway, which is a short road primarily providing access to the rear gardens of residential properties. There is a high degree of variety to the boundary treatments and outbuildings visible from this location, including a block of garages which are located behind the commercial parade. Although I accept that the proposed building would not be a residential building, it would nonetheless have the appearance of a garage or other similar type of building. As such in visual terms the intended commercial use of the building would not be noticeable. Therefore, whilst I accept that the arrangement is not a particularly usual one, given the proximity of the appeal site to the commercial parade, and the design of the proposed building, I find that it would not appear out-of-character with the immediate surroundings.
6. For these reasons, I find that the proposed development would not have an unacceptable impact on the character and appearance of the area. Thus, it would not be contrary to Policies CS1, CS9 and CS15 of the Newcastle and Gateshead Core Strategy and Urban Core Plan (the CSUCP) and Policy MSGP24 of the Gateshead Making Spaces for Growing Places Strategy (the MGSP) which seek amongst other things, high quality design that responds positively to local context and protects the character, vitality and sustainability of existing communities.

Living Conditions – Existing Occupiers

7. The proposed development would involve the change of use of part of an existing garden to a residential property (No 11). The existing garden measures approximately 116m², with approximately 96m² proposed to be retained. There would be no change to the size of the existing dwelling, and the associated reduction in garden size is modest, and given the overall size of the garden and the extent of garden area which would be retained. Therefore, whilst the existing

garden area would be reduced, the retained garden area would still be larger or of a comparable size to the neighbouring gardens. As a result, I find that the proposed reduction would not cause harm to the living conditions of occupiers of this property, which will still enjoy a good-sized garden.

8. Accordingly, I find that the proposed development would not cause harm to the living conditions of the occupiers of No 11, with particular regard to the provision of outdoor amenity space. Thus, there would be no conflict with Policies CS9, CS11 and CS14 of the CSUCP, which seek collectively to ensure that development respects and enhances the character and sustainability of existing communities, provides a suitable mix of housing types and tenures to meet local needs and incorporates features that promote health and wellbeing through good design and access to green spaces.

Other Matters

9. Schedule 7A of the Town and Country Planning Act 1990 (as amended) introduced a statutory framework for Biodiversity Net Gain (BNG), and it applies to all planning applications for non-major development submitted on or after 2 April 2024. The application was dated 11 August 2024. As such, unless exempt, the proposed development would be subject to the mandatory BNG condition, which requires developers to deliver a BNG of at least 10%.
10. The Planning Practice Guidance provides guidance on the relevant exemptions, which includes situations where development does not impact priority habitats and affects less than 25 square metres of onsite habitat or less than 5 metres of linear habitat. The submitted application form states that the proposal is exempt and the Council have also concluded that the exemption would apply. In this particular case, the proposed building would be located on an area of existing hardstanding, and as a result would not affect any on-site habitat. Therefore, I am satisfied that the de minimis principle would apply and that the proposed development would be exempt from providing BNG.

Conditions

11. I have considered the planning conditions suggested by the Appellant and agreed by the Council against the tests in the Framework and the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision.
12. I have imposed conditions specifying the period for commencement and requiring the development to be carried out in accordance with the approved plans in the interest of planning certainty. I have also imposed a condition restricting the use of the building to between the hours of 10am and 7pm daily, and to require any trolleys to be used to have rubber castors. These conditions are necessary to protect the living conditions of neighbouring residents.

Conclusion

13. For the reasons given above the appeal should be allowed.

K Lancaster

INSPECTOR