

# THE CITY OF DURHAM TRUST

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Phone (0191) 386 2595  
Email: [chair@durhamcity.org](mailto:chair@durhamcity.org)  
Web site: <http://www.DurhamCity.org>

c/o Blackett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH

28 November 2021

Ms Jennifer Jennings  
Planning Development Central/East  
Room 4/86-102  
County Hall  
Durham City  
DH1 5UL

Dear Ms Jennings

**DM/21/03703/FPA: Retention of coffee shop extension and removal of  
polytunnel and store, Pity Me Nursery, Stank Lane, Pity Me, Durham DH1 5GZ**

The City of Durham Trust considered the above application at its meeting on 16 November 2021 and agreed to offer the following comments.

It is regrettable that this is a retrospective application for development already carried out within the recently confirmed Durham City Green Belt. The applicants have been heavily engaged with the local planning authority through previous applications and lost appeals; they would know of the requirement for planning approval to be obtained before development commenced. However, the Trust is well aware that a retrospective application is not, in itself, a ground for refusal and that it must be determined on the merits or otherwise of the scheme proposed.

In this case, the tearoom extension is being 'traded off' against the promised removal of a store and the southernmost of the four existing polytunnels such that the overall footprint of development in the green belt is slightly reduced. The intrusiveness of the development in the landscape of the green belt would be very slightly reduced.

The history of this site is, in the view of the Trust, a salutary example of 'planning creep'. In 1997 a proposal by the farmer to erect a polytunnel and storage building on this urban fringe land was refused because they would be extremely visible in this protected landscape. In 1998 permission was granted for a polytunnel and a store purely for horticultural purposes. In 1999 a proposal to extend the polytunnel was refused. In 2010 an application for two polytunnels and a tea shop was refused on appeal as the Inspector determined that the tea shop was not appropriate development in the green belt and could not be justified on the grounds of "diversification of the rural economy" as the location is not rural and is close to the substantial

Arnison employment zone. In 2011 an application to add two more polytunnels and a tea shop attracted widespread opposition and was withdrawn. But in 2012 a similar application was approved under delegated officer powers on the grounds of “diversification of an established rural enterprise”. Given the history, this was an extraordinary decision.

The enterprise as it now exists is not agricultural; its horticultural produce is not grown from the land here, it is grown in containers and could just as well be on an industrial site. As for the tea room, the Inspector on appeal made the definitive judgement that it could not be represented as diversification of the rural economy. The very nature of the business here has switched from farming to retailing and catering. In all, it is a deplorable story of planning weakness or negligence.

While the County Council cannot undo the previous history of ‘planning creep’, if it is minded to accept the extension to the tearoom it must ensure by unambiguous conditioning that the removal of the southernmost obtrusive polytunnel and the store is achieved and that they are not subsequently re-introduced.

Yours sincerely

*John Lowe*

John Lowe,  
Chair, City of Durham Trust