

Comments for Planning Application DM/21/00002/LB

Application Summary

Application Number: DM/21/00002/LB

Address: Rose Stile Cottage Sennings Lane Romaldkirk Barnard Castle DL12 9ED

Proposal: Listed Building application for installation of CCTV equipment, 2no raised deck areas to front garden and erection of detached exercise room to rear garden (retrospective)

Case Officer: Jill Conroy

Customer Details

Name: Mr Charles Goodall

Address: Romaldkirk House, Eggleston Lane, Romaldkirk, Barnard Castle DL12 9EE

Comment Details

Commenter Type: Other Interested 3rd Party

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:RE: RETROSPECTIVE PLANNING APPLICATION REF: DM/21/00002/LB

With reference to the above application, I am writing to object to the retrospective approval for cctv cameras due to their unlawful use which directly affects our property, Romaldkirk House, located approximately 100 metres opposite the applicant's property.

CCTV cameras can be an additional component to home security by monitoring activity within the boundary of your property. However, if the cameras record activity beyond the boundaries of the property or cover a public area then regulations set out in the Data Protection Act apply and will require a licence to operate from the Information Commissioner.

Specifically, the issue is around the ownership, management and use of recorded data. The Human Rights Act applies to the use of recorded data. These regulations are designed to protect the public, particularly vulnerable people and children. A licence would prohibit the streaming of images or use with social media and ensure data is correctly managed.

As a condition of any licence, the owner of the cctv is required to erect signage identifying the operator. This enables members of the public to see the conditions of use and to obtain images or data that has been recorded of them via "subject access requests".

There are also several caselaw precedents set around nuisance regarding unlawful use of cctv in public areas and neighbouring properties.

It is noted that the above application is retrospective. The cctv cameras are already in situ and

being operated from the premises by the applicant, recording our house and public areas of the village.

Referring to the information submitted, It is noted that the cameras located on the eastern boundary of the site are only capable of monitoring activity along Sennings Lane -a public access beyond the boundary of the applicant. There are 2 cameras on the northern boundary which are positioned to include surveillance of the Village Green and our house, Romalldkirk House. The latter was demonstrated during a Durham County Council hosted public inquiry in 2018 when images of our house were presented as evidence to show that the shutters to the bedroom windows were closed and are now a matter of public record. At the time my mother owned the house and was terminally ill with cancer. At no time was she contacted by the applicant about the storage or use of these images. Also used at the inquiry, was another image of me walking on the Village Green, which I had not consented to being presented.

If the cameras were installed for home security, then I would expect one camera located on the northern elevation of the property and another on the southern elevation, covering the rear garden and fields beyond.

The applicant is also seeking consent to move cameras, which surely must also be subject to further applications, at the time but before installing additional cameras.

Subject to COVID restrictions, our extended family intend to visit and stay which includes young children. The unregulated use of these cctv cameras recording our house and public areas of the village cause serious concerns about safeguarding our family and our own quiet enjoyment of our house.

If the Council were to grant retrospective approval as submitted, then they would be consenting to a development which is being used unlawfully and can be stopped in a court of law. In this connection, I am requesting that the Council apply one or more of the following options:

1. Refuse permission
2. Request that the applicant relocates cameras to limit recording to within the boundaries of his property in order that the use becomes lawful
3. Make any approval conditional upon obtaining a licence from the Information Commissioner
4. Reject authority to relocate cameras without the need for further planning approvals.