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## Appeal Decision

Inquiry opened on 12 April 2016

Site visit made on 21 April 2016

**by Kay Sheffield BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 July 2016**

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**Appeal Ref: APP/X1355/W/15/3135895**

**Land to the west of Mount Park Drive and to the north of Newbiggen Lane, Lanchester, County Durham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Story Homes against the decision of Durham County Council.
  - The application Ref DM/14/00763/FPA, dated 31 March 2014, was refused by notice dated 3 June 2015.
  - The development proposed is residential development of 149 houses with associated access and landscaping.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The Inquiry opened on 12 April 2016 and sat for a further six days on 13, 14, 15, 19, 20, and 27 April. An accompanied site visit took place on 21 April and I made unaccompanied visits on 11, 18 and 27 April. The Inquiry was well attended by local residents who were mainly represented by The Lanchester Partnership and the Campaign to Protect Rural Lanchester (LP & CPRL).
3. On 15 April 2014 the Council issued a screening decision confirming its view that an Environmental Impact Assessment (EIA) is not required. No contrary view has been expressed and I am satisfied that an EIA is not necessary.
4. During the course of the application amendments were made to the scheme and the number of dwellings proposed was reduced to 149. This resulted in a change in the description of the development from that entered on the planning application form. The Council determined the application on the basis of the revised description and I have considered the appeal on the same basis.
5. A Statement of Common Ground (SoCG)<sup>1</sup> was submitted to the Inquiry together with a separate statement in respect of Housing Land Supply (HSoCG)<sup>2</sup>. Following a review by the parties of the hedge along the boundary of the site with Newbiggen Lane, an agreed statement<sup>3</sup> with regard to its status was also submitted. An Agreement<sup>4</sup> under S106 of the Town and Country Planning Act was submitted during the course of the Inquiry. It is a material consideration in my determination of the case.

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<sup>1</sup> ID 4

<sup>2</sup> ID 15

<sup>3</sup> ID 19

<sup>4</sup> ID 53

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## **Main Issues**

6. I consider the main issues in respect of the appeal to be:
  - i) Whether the Council is able to demonstrate a five year supply of housing land and its implications with regard to local and national planning policies and guidance;
  - ii) The effect of the development on the character of the landscape and visual amenity having regard to the scale and form of the proposal and its relationship with the function and role of the settlement; and
  - iii) The effect of the development on flooding.
7. I have also had regard to the effect of the development on the following matters raised by interested parties: highways and transportation; heritage assets; ecology and biodiversity; local infrastructure; and the living conditions of local residents with regard to privacy, light and air pollution and noise.

## **Reasons**

### ***The appeal site and its surroundings***

8. The appeal site is located in open countryside, immediately adjacent to the western edge of the built development of Lanchester. Newbiggen Lane lies to the south and further east joins Front Street, the main road through the centre of the village. The community orchard and allotments lie on the southern side of Newbiggen Lane opposite the south western corner of the site. On the site boundaries there is a mix of hedge and tree planting; stone wall; post and wire fence with a low mound marking the boundary with the agricultural land to the west. There is also a line of mature trees within the central area of the site.
9. Whilst there are no recorded public rights of way across the site, the eastern boundary lies adjacent to a public footpath known as Ridgeway. The path provides a link between Newbiggen Lane and the Lanchester Valley Railway Path, a former railway line to the north of the site which is now a recreational link used by walkers, cyclists and horse riders. The eastern side of Ridgeway is fronted by dwellings forming the western fringe of the Mount Park housing estate. Several of the estate roads end within a short distance of the path and facilitate pedestrian access to it. The path also provides pedestrian access to the dwellings along it.
10. The appeal site extends to approximately 8.7 hectares of agricultural land which is principally used for sheep grazing. The topography of the site generally drops from a high point of approximately 155m AOD in the south west to a low point of approximately 133m AOD in the north east although the gradient becomes steeper from around half way across the site. Overhead electricity power lines cross the southern part of the site and there are drainage ditches located adjacent to the northern and eastern boundaries. Smallhope Burn is approximately 225m north of the site.
11. The application documents indicate that access to the appeal site from the Mount Park estate would be difficult. The proposed access would be into the south east corner of the site and would necessitate the widening of the lane. The proposed dwellings would be a mix of 2, 3, 4 and 5 bed detached and semi detached properties arranged around a series of small estate roads which would lead off a spine road. Landscaping is a key element of the proposal which includes a circular path for pedestrians and cyclists around the periphery

of the site with direct links to Ridgeway and the Lanchester Valley Railway Path. A Sustainable Urban Drainage System (SUDS) is proposed.

### ***Local planning policies***

#### *Derwentside District Local Plan, 2007*

12. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act, 2004 the adopted Development Plan is limited to the saved policies of the Derwentside District Local Plan, 2007 (the DDLP). Paragraph 215 of the National Planning Policy Framework (the Framework) indicates that weight should only be given to saved policies to the extent that they are consistent with the Framework. In refusing planning permission the Council cited saved Policies GDP1, EN1, EN2 and HO7 of the DDLP. The SoCG<sup>5</sup> sets out the view of the parties on the consistency of these policies with the Framework.
13. Policy GDP1 sets out general development principles and applies to all new developments. It requires amongst other things a high standard of design; the protection of the existing landscape, natural and historic features; and the protection of open land which is recognised for its amenity value, or the contribution it makes to the character of the area. It is a general development management policy relevant to the consideration of any application. Despite its age the matters it covers are relevant to any scheme.
14. Policy EN1 is concerned with the protection of the countryside and only permits development where it benefits the rural economy or helps to maintain or enhance landscape character. It also states that proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources of the area.
15. Policy EN2 seeks to prevent urban sprawl. Except where specific provision has been made in the DDLP, development outside existing built up areas is not permitted by Policy EN2 if it results in an encroachment into the surrounding countryside.
16. Policy HO7 does not allow new housing outside the development limit of Lanchester. The explanation of the policy states that the settlement had experienced severe pressure from house builders in recent years. The development limit was seen as a way to “protect and maintain the attractive setting of the village, in particular the slopes to the north east and south west, and the character of the historic centre which would suffer from increased traffic and congestion”. The explanation also states that “the policy reinforces that protection, as it is not intended to approve further development outside of the existing built up area before the first review of the Plan. At that time it is anticipated that an ‘Inset’ for Lanchester will be prepared, during which the Development Limit will be reviewed”. No review has taken place.

#### *The County Durham Plan*

17. The County Durham Plan Submission Draft, 2014 (CDP) was submitted to the Secretary of State for examination in 2014. However, in response to a Judicial Review claim to the High Court the Examining Inspector’s interim report was quashed and the CDP has been withdrawn. In formulating the CDP the Council produced evidence-based documents which are to be reviewed in association

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<sup>5</sup> ID 4 paragraph 4.4

with the production of a new development plan. As part of the process of drawing up the new plan the Council is due to publish an Issues and Options Paper later this summer. In the meantime the Council has no commitment to any strategic approach.

18. Although the parties were agreed that no weight could be attributed to the Examining Inspector's interim report or the CDP, the Appellant was of the opinion that they are relevant to the determination of the appeal<sup>6</sup>. However, the quashed interim report and the withdrawn CDP have no legal status and cannot therefore be regarded as material considerations. Some of the supporting evidence remains on a topic basis and may guide the assessment of proposals<sup>7</sup>. They are not evidence of any strategies the Council is pursuing.

#### *Lanchester Village Design Guide*

19. The Lanchester Village Design Statement (LVDS) was approved by the former Derwentside District Council as Supplementary Planning Guidance (SPG) in May 2004. Following Local Government reorganisation the Consolidated Planning Policy Framework for County Durham (CPPF) confirmed which documents formed the adopted statutory Development Plan as at 1 April 2009 and those not part of the plan but considered to be a material consideration in the determination of development proposals. The LVDS is listed as non-statutory adopted planning policy. The CPPF recognises that "where policy documents were originally adopted some time ago it is likely that material considerations, in particular the emergence of new national, regional and local policy, will have greater weight when planning applications are determined. In addition, there may also be new evidence which will also have greater weight when planning applications are determined".
20. The LVDS provides guidance on conserving valued aspects of the village and the land around it. It describes the distinctive local character of Lanchester and based on this sets out design guidance and aspirations to conserve the area and enable appropriate development to take place. The aspirations cover a broad range of topics including the maintenance of a settlement limit and recognition that development should respond to the existing character and scale found in the village.
21. No reliance was placed on this document by the Council in refusing permission and the Appellant considers it carries no weight. The Council is of the view that the content of the LVDS is not time limited, has not been superseded and is therefore still relevant to decision taking and therefore carries some weight. I am aware that the LVDS is not part of the statutory Development Plan and is over ten years old. Nevertheless its scope relates to the appeal site and I consider it is a material consideration in the determination of the appeal although the weight that can be attributed to it is limited.

#### *The emerging Lanchester Neighbourhood Plan*

22. Lanchester Parish Council is coordinating the preparation of a Neighbourhood Plan which encompasses Lanchester and its wider locality. The plan is at an early stage. Whilst it is important to have regard to emerging neighbourhood plans in the determination of development proposals, I agree with the parties that the plan is not sufficiently advanced to attribute any weight to it.

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<sup>6</sup> ID 4 paragraph 4.6

<sup>7</sup> ID 15 Appendix 4 Paragraph 2.7.

## **Five year housing land supply**

### *Objectively assessed need*

23. To boost significantly the supply of housing paragraph 47 of the Framework requires local planning authorities to ensure that its Local Plan meets the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area.
24. The OAN produced for the former CDP was 1650 dwellings per annum (dpa). In his interim findings<sup>8</sup> of February 2015 the Examining Inspector found this figure to be too high and unsound. He considered a figure of 1435 dpa was to be preferred. In view of the conclusion reached by the independent assessor that the Council was fully justified in arriving at an OAN of 1650 dpa<sup>9</sup> consideration needs to be given to whether it remains reliable for the purposes of the appeal.
25. The Council opined that the OAN figure of 1650 dpa was critically examined by the Inspector and found to be unrealistic and unsound. The interim report was quashed by consent on the ground of procedural irregularity with no admittance to any allegation of irrationality in the report itself, notwithstanding how robustly the allegations were framed. The Council considered it would have been perverse to adopt for the purposes of the appeal the same figure which was so heavily criticised in the interim report and rejected as unsound. The Council explained that the OAN produced for the CDP was based on outdated population projections and pre-dated the Planning Practice Guidance (PPG). In its recent Policy Position Statement<sup>10</sup> (PPS) the Council confirmed that the housing trajectory associated with the former CDP was no longer relevant and "*the CDP Objectively Assessed Need ... figure no longer exists*".
26. Following the withdrawal of the CDP the Council has reviewed its position and in the light of recent population projections and guidance has concluded that the housing trajectory associated with the former CDP was no longer relevant. Furthermore it has established in the Policy Position Statement the steps it will follow until a new Local Plan OAN figure can be established. In view of these changes I consider it is time to move on from the OAN produced for the former CDP and therefore consider it would be inappropriate to adopt it for the purposes of the appeal.
27. The Council's PPS states until a new Local Plan OAN figure can be established, the Council will seek to accord with advice in the PPG regarding OAN. The PPS confirms that the Council cannot demonstrate a 5 year housing land supply because it does not have an OAN. Instead it will produce PPG compliant figures to provide guidance. Therefore for the purposes of the appeal the Council has prepared a proxy OAN which it states is in line with the PPG<sup>11</sup>. The Appellant produced its own OAN.
28. In respect of the calculation of the OAN the parties were agreed that the County of Durham was the relevant housing market area, the starting point was the household projections published by the Department of Communities and Local Government (DCLG); and it was not necessary to make adjustments to reflect market signals. In accordance with paragraph 47 of the Framework it

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<sup>8</sup> Appendix 10 to Proof of Evidence of Mr Chadwick

<sup>9</sup> Page 99 of Appendix to Proof of Evidence of Mr Wisher

<sup>10</sup> ID 15 Appendix 4 Paragraph 2.22.

<sup>11</sup> PPG ID3-030

was also agreed to adopt a 20% additional buffer. I have no reason to take issue with the parties' agreement on these matters.

29. In establishing its proxy OAN of 1,308 dpa the Council took as its starting point the DCLG Household Projections. The Council considered that in the case of a proxy OAN it would be inappropriate to apply an economic adjustment.
30. It is clear from the three steps to establishing overall objective housing need set out in the PPG that an assessment should be made of the likely change in job numbers based on past trends and/or economic forecasts, as appropriate, and also having regard to the growth of the working age population in the housing market area. Housing should then be further adjusted to reflect appropriate market signals and other market indicators of the balance between the demand for and supply of dwellings.
31. The Planning Advisory Service (PAS) has produced an Objectively Assessed Need and Housing Targets Technical advice note, July 2015 which similarly advises that OAN should be derived from objective analysis, value judgements and supply-side factors such as physical constraints. It further recommends that future jobs be taken into account because jobs impact upon the demand for housing independent of any policy considerations, and locating housing close to jobs avoids unsustainable commuting<sup>12</sup>.
32. Although I accept that the Council has not produced a full OAN but a proxy version I find that the Council's assessment of housing need, by failing to take proper account of economic implications, falls significantly short of the expectations of both the PPG and the PAS. I have noted a number of appeal decisions quoted in evidence, none of which give authority for disregarding economic considerations and which generally indicate the three stage approach to be well established.
33. The Appellant took the DCLG household projections as its starting point and went on to make an adjustment for vacant dwellings and economic growth. The Council considered an adjustment for vacancy rates to be inappropriate on the basis that they should only be included as part of the plan making process and as part of supply not need. However, the PAS states in respect of DCLG household projections that "numbers of households are used as a measure of housing need or demand, after a small adjustment for unoccupied dwellings (vacant or second homes) and shared dwellings"<sup>13</sup>. An adjustment of the OAN for vacancies is therefore regarded as necessary in the PAS although I consider care needs to be taken to ensure that it does not lead to double counting.
34. In making an adjustment of 3.5% for vacancies the Appellant produced an OAN of 1370 dpa. Although the vacancy rates from the 2011 Census suggest 4% for County Durham, this figure was influenced by the recession and the Appellant opined that it related to an atypical housing market period. The Council had calculated the net change on long term vacant units to be 20 per annum. This figure was included in the trajectory as an assumed supply of units<sup>14</sup>. Notwithstanding these figures which were considered by the parties to be not significant in terms of the total number of houses, I am satisfied that the approach followed by the Appellant was appropriate. Whilst the Council

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<sup>12</sup> CD 4.9 paragraph 4.5

<sup>13</sup> CD 4.9 paragraph 6.2

<sup>14</sup> Paragraph 3.7.15 of Proof of Evidence of Mrs Dillon

stood by its proxy OAN, during the course of the Inquiry it submitted revised figures to include a 3.5% adjustment for vacancies. This produced an OAN of 1,436 dpa. An adjustment for economic growth was not included.

35. From its OAN of 1370 dpa the Appellant generated three possible job growth scenarios. Scenario 3 was discounted by the Appellant as the figures were considered indefensible. Scenario 1 was based on past trends and showed an annual growth rate of approximately 750 jobs per annum which equates to around 0.4%. Scenario 2 was calculated using data from Experian's 2015 model and gave an annual growth rate of approximately 940 jobs or 0.5%. The Appellant contended that the estimated housing need fell within the range of 1640 and 1800 dpa for scenario 1 and scenario 2 respectively.
36. The Council claimed the Appellant had failed to assess the level of job creation that would be supported by a demographic scenario. Accordingly there was no basis for determining whether an uplift in the demographic projection would be needed to support future jobs growth and if so, to what extent. The Appellant calculated that the starting point of 1370 dpa would equate to an annual jobs growth of 0.25%. Whilst the scenario figures were higher they were shown to reflect past trends. The Appellant also conceded that the starting point of 1370 included 470 jobs. The Council contended that this figure would represent an uplift of 270 dwellings for 280 jobs in scenario 1 and 430 dwellings for another 470 jobs in scenario 2. Whilst the Council considered these figures to be excessive, I have not been given alternatives to consider.
37. Scenario 1 also appears to be heavily dependent on an increasing level of self-employment. The growth figures given by the Appellant indicate that 530 of the 750 jobs or 70% would be self-employed. However, it is not known if the growth in self-employment, which has been particularly strong as a result of the recession, would continue. The latest NOMIS official labour market statistics for the period October 2014 to September 2015<sup>15</sup> indicated that for Durham 7.5% were in self-employment. Furthermore figures given in evidence by the Council<sup>16</sup> indicate that in the period 2010 to 2015 self-employment in the county rose by 68.4% compared to 25.9% in the north east and 17.3% for the country. In view of this figure the Council considered 70% of total jobs growth to be in self-employment unreasonable and the use of assumptions and results which were not believable made scenario 1 unacceptable.
38. The Council also suggested that following the recessionary period workers may have retained an element of self employment alongside being employed. This could explain the continued recent growth in employment and introduce an element of double counting. However, I have no substantive evidence that this is the case or the extent of it.
39. The relationship between employment and self-employment is complex and, as noted by the parties, the employment tenure preferences of individuals will shift according to economic cycles, tax regimes and wider cultural factors around the work life balance. These factors are difficult to predict and it is therefore necessary to use available evidence on past employment and apply it to the future. To do otherwise would be to move away from the evidence driven approach required by the PPG.

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<sup>15</sup> ID 43

<sup>16</sup> Paragraph 4.16 of Proof of Evidence of Mr Smith

40. The figures indicate that in County Durham past growth in self employment has significantly exceeded that in the north east and the country generally. The NOMIS figures show fluctuations in the percentage of the work force in self employment of between 5% and 8.1% since 2010. Although in the past employment in County Durham has, in part, been driven by strong growth in self-employment, it is not known if that trend will continue. I am concerned that to project forward changes on a continuing growth of 70% is likely to result in an overstatement of self-employment. Whilst I accept that the Appellant has taken a rounded view of the overall rate of jobs growth based on available data, as required by the PPG, I am nevertheless concerned that the OAN produced in scenario 1 may be unduly optimistic.
41. In scenario 2 the Experian job outputs have been run through the POPGROUP model to produce a dwelling output. PAS sounds caution with this approach as it "will often produce invalid results, because most economic forecasts already include a view of future population"<sup>17</sup>. The Council considered the approach taken by the Appellant to be flawed and as a result would be likely to overstate the OAN.
42. In support of its approach the Appellant argued that local employment levels are not primarily a function of the precise level of population in an area, nor are they driven by local economic activity rates. Most sectors of the economy grow or decline independent of the overall population level in a location and independent of local economic activity rates. The prevailing industrial structure of the economy and the extent to which this mirrors regional growth or decline sectors is the major determinant of how the various economic models set job growth levels in local areas. On this basis the Appellant contended that it is perfectly robust to introduce an independent economic forecast into the POPGROUP model. It is clear from the evidence that the approach of using Experian or other forecasts in POPGROUP is widely used and is a method accepted by Inspectors<sup>18</sup>. However the validity of the outcome will depend on the consistency and compatibility of the assumptions used.
43. Whilst the Council opined that neither scenario considered migration required to support housing growth, its particular concern was in respect of scenario 2. The Council considered that this scenario assumed a high level of migration that had no historic precedent over a long term period. The Appellant's OAN range of 1640 to 1800 dpa would involve a consistent level of migration of between 2170 and 2520 persons per annum. The evidence submitted by the Council<sup>19</sup> indicates that in the period 2003 to 2014 migration averaged 1698 persons per annum with only two years exceeding the figures given by the Appellant. I acknowledge that the average of 2038 for the years 2003 to 2008 is close to the Appellant's lower figure. However, the figure for 2011/12 was 782 and the average over the five year period 2009 to 2014 was 1415 persons per annum. This is significantly lower than the figures used by the Appellant.
44. I have noted the Appellant's contention that its case bears similarity with the evidence base to the CDP relied on by the Council. The Council's last full OAN included an average migration of 2669 persons per annum. However that figure is dated and the trend over the last five years has been consistently below it. The PPG requires the OAN to be an objective assessment of need

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<sup>17</sup> CD 4.9 Paragraph 8.6

<sup>18</sup> ID 17 Appeal Ref: APP/V0728/W/15/3018456

<sup>19</sup> Paragraph 4.24 of Proof of Evidence of Mr Smith



based on facts and unbiased evidence. I do not consider that the evidence justifies the use of the higher migration figures.

45. I consider that the approach taken by the Appellant in producing an OAN contains some flaws. I have already expressed my concerns in respect of the rate of self-employment and migration to the extent that I do not consider scenario 2 to be reliable. I have also indicated that I consider scenario 1 to be unduly optimistic.
46. Neither party's calculations have been tested through the necessary rigours of a development plan process. In view of the concerns I have raised I am not satisfied that the OANs produced by either party offer a realistic and robust indication of the Council's full OAN in advance of any 'policy-on' considerations consistent with national guidelines. However, the evidence allows me to conclude that the OAN would fall between the upper figure produced by the Council of 1436 dpa which does not make an adjustment for economic growth and the figure produced by the Appellant in scenario 1 of 1640 dpa which I found to be too optimistic in respect of growth levels in self-employment.

#### *The supply of housing land*

47. To boost significantly the supply of housing paragraph 47 of the Framework requires local planning authorities to identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. The joint statement<sup>20</sup> produced following the round table session on housing land confirmed the respective positions of the parties. The Council's assessment of the supply of housing within the five year period did not alter as a result of the discussion but remained at 10,026 dwellings.
48. The Appellant's five year housing land trajectory stood at 8997 dwellings. This included 812 units in Spennymoor and 450 units in Bishops Auckland. Although certain sites in these settlements could physically deliver the number of units specified, the Appellant contended that the market was saturated. Developers had been offering properties at low prices in order to boost completion rates, a situation which could not be maintained. As a result the market would be unlikely to absorb completions which reflect historic rates. On this basis the Appellant argued that the figure for Spennymoor should be reduced by 212 to a total net addition of 600 and in the case of Bishops Auckland a reduction of 150 to 300 units would be appropriate. If these deductions are taken into account the Appellant's figure would be 8635 net additions.
49. Whilst future completion rates may not directly reflect historic rates the Council commented on the strength of the market with schemes coming forward even in weaker areas in a shorter timescale than originally envisaged. I accept that completion rates may not be sustained at historic levels. Nevertheless I am not convinced that the effect would be as great as the Appellant suggests.
50. Following the round table discussion several identified issues remained unresolved between the parties and which affected the way the delivery of sites was viewed. The issues included the interpretation of the delivery tables set out in the Council's Strategic Housing Land Availability Assessment, 2013<sup>21</sup>

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<sup>20</sup> ID 45 Five year housing land supply and requirement

<sup>21</sup> CD7.1 Table 1 page 6

(SHLAA) and the status and accuracy of the Delivery Flow Chart<sup>22</sup>, established through discussions with the House Builders Federation (HBF).

51. Table 1 of the SHLAA Report sets out the agreed build out rates based on the strength of the housing market and these are attributed to individual settlements in Appendix 3 of the report. The rates reflect whether a site is located within a strong, moderate or weak housing market and indicate a range of between 10 and 30 dwellings per year. The report indicates that representatives of the HBF who sit on the SHLAA Partnership advised on the build out rates likely to be achieved on a settlement by settlement basis.
52. Although in the evidence the build out rates for individual sites may differ from the relevant rate for the settlement identified in the SHLAA, the report recognises that the settlements will have a maximum cumulative ceiling for site delivery. There may also be some instances where the delivery of sites will out-perform the assumed build out rates. Ultimately it will be the housing market which will determine the rate of completions. The rates identified are not therefore the maximum rate possible for a specific settlement. It was evident from the discussion that the Council had considered delivery on a site by site basis and had regard to recent market trends. It contended that past delivery rates supported the application of higher rates in some instances.
53. In assessing the delivery of individual sites the Appellant employed the build out rates given in the SHLAA for sites where construction had started. Other sites were assessed on the basis of the Delivery Flow Chart which sets out assumptions on site delivery from the grant of consent to starting on site. The Appellant asserted that this methodology, which was established through discussions with representatives of the HBF, was being adopted in discussions on housing trajectories with authorities throughout the region. The flow chart had not been the subject of discussion by the SHLAA Partnership. The Council therefore considered it had no status and was critical of it.
54. The Council considered the chart provided an exceptionally pessimistic view of delivery across the County in suggesting that all sites would take at least two years to start delivering new homes in the case of an emerging site allocation. Furthermore the chart suggested that the strength of the market area dictated the lead in time for commencement of a delivery of a site. As a consequence the chart assumed sites would take up to three or four years to come on stream depending on the strength of the market area in which the land is located. The Council provided examples of housing schemes to demonstrate that developments were capable of being delivered in much shorter timescales than those assumed within the flow chart. Many of the sites given as examples had plots under construction within one year of the submission of a planning application. Moreover in some cases the time from permission being granted to the commencement of development was less than five months.
55. The flow chart has not been considered by the Council or adopted for use by the SHLAA Partnership. It therefore does not have the same status or carry the same weight as the SHLAA. Whilst I accept that the examples given by the Council in terms of timing consider a start on site rather than delivery of a completed unit, the addition of six months for a build to take place still suggests developments would be capable of completion in shorter timescales than advocated by the flow chart. I consider the flow chart produces a less

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<sup>22</sup> Page 177 of Appendices to Proof of Evidence of Mr Chadwick

optimistic view of the speed at which housing schemes will commence and then be built-out. This introduces an element of doubt into the reliability of the Appellant's figures.

56. The anticipated time scale for the start of delivery of dwellings on some sites was questioned. Several sites discussed had outline permission but reserved matters were still to be submitted and in some cases there was no known developer. The Council's trajectory anticipated completions on these sites to be as early as 2017/18. Although there is evidence that plots can be under construction within one year of the submission of a planning application and in some cases it has been as little as five months, a further 6 months needs to be added for completion. Whilst in some instances delivery within 2017/18 may be achieved, in other cases the lack of developer involvement and the lack of certainty that units would come forward when expected raises concerns that the Council's estimates would not be met on all sites. This would reduce the Council's housing land supply figure.

*Summary: five year housing land supply*

57. As affirmed by the Court of Appeal in *Hunston v SSCLG* [2013] EWCA Civ 1610, it is not the purpose of a section 78 appeal to formally determine an authority's OAN, its housing requirement, or its available housing land supply. That exercise is the legitimate part of a wider and more elaborate development plan process. However, it is necessary to take a considered view, on the basis of the evidence available, as to whether the expectations of the Framework are likely to be met in those regards in order to weigh the appropriate implications for this particular appeal decision.
58. Updated figures<sup>23</sup> were produced by the parties following the round table discussion. The Appellant, based on its OAN figures of 1650 and 1800 dpa, claimed a supply of between 3.1 and 3.5 years. Given the concerns I have set out above, I consider these supply figures to be low. During presentation of its evidence the Appellant made the verbal statement that based on the Council's proxy OAN of 1436 and its own view of supply it considered housing land supply would be approximately 4.5 years. Whilst this figure was not supported by any written calculation, no concerns regarding its accuracy were raised by the Council.
59. I have already indicated that I consider the basis on which the Council's original proxy OAN of 1308 dpa was calculated to be unacceptable as it failed to make an economic adjustment or take account of vacancies. Based on its revised proxy OAN of 1436 dpa and a five year supply of 10,026, the Council considered it had a housing land supply of 5.21 years. Whilst this is a surplus the figure does not take account of economic growth. Moreover, for the reasons given I consider the supply figure to be on the high side. To make adjustments for these factors would therefore reduce the Council's OAN to below 5.21 years.
60. On the balance of probabilities and based on all that I have heard and read about the current housing market in County Durham and the circumstances of the individual sites, I consider it likely that the most accurate forecast of a five year supply is below the Council's amended figure of 5.21 years but above the Appellant's alternative figure of 4.5 years. However, in my opinion it would fall

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<sup>23</sup> ID 45 & 46

below but close to five years. This has implications for the weight which can be attached to relevant policies of the Development Plan which is addressed later in the decision.

61. I have had regard to recent appeals brought to my attention which raise the issue of housing land supply. Whilst I accept that there are similarities between those cases and the appeal before me, and some Inspectors have reached the same conclusions with regard to the methodology, the individual merits differ and do not allow a meaningful comparison to be drawn.

***The effect on landscape character and visual amenity***

62. The planning application was supported by a Landscape and Visual Impact Assessment (LVIA). At the appeal stage the Appellant supplemented this with further evidence including additional visualisations. The Council similarly supported its evidence with a series of photographs. I have taken account of this evidence in assessing the appeal.

*The function and role of the settlement*

63. The County Durham Settlement Study, September 2012<sup>24</sup> (DCSS) provided part of the evidence needed to inform the settlement hierarchy in the CDP. Although the CPD has been withdrawn the evidence base the DCSS provides was relied on in evidence by the parties and I attribute some weight to it in determining the appeal. In the system used in the DCSS to score the services and facilities in Lanchester the village was identified as a "Local Service Centre". However, it is just one point below that of the next category in the scale, "Smaller Towns and Larger Villages".
64. The DCSS is a broad brush tool with no regard in the scoring matrix to population size or rates of change and the Appellant in comparing Lanchester with other similar sized settlements considered the size of the population justified a position in the higher category. It is possible, as with any study of this kind, to find flaws in the approach taken. Nevertheless, the assessment of the settlements was done on a consistent basis. Moreover the Council reviewed its assessment of Lanchester for the purposes of the appeal and found its status was unchanged.
65. Notwithstanding this, the status of the settlement does not prohibit new housing and it was clear that new dwellings have been built within the village. It was generally accepted that any new housing developments of any scale would have to be provided on sites outside the settlement limit. The sustainability appraisal<sup>25</sup> undertaken by the Appellant of other sites around Lanchester concluded that overall the appeal site compared favourably on key matters such as ecology, flood risk, heritage and highways and was similar in terms of the effect on the landscape
66. The Appellant considered that an allocation of between 300 and 350 dwellings would not be out of scale with the settlement. This scale of development would help address the fall in the population of the village which the statistics confirmed to be approximately 130 people between 2001 and 2011, a drop of 4%. In response to questioning on the scale of new development, the Council conceded that in respect of the appeal site around 100 dwellings might be

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<sup>24</sup> CD 7.3

<sup>25</sup> Appendix 13 to Proof of Evidence of Mr Chadwick

appropriate. Although the Appellant opined that there was little difference between 100 dwellings which the Council considered might be appropriate and the 149 proposed, proportionately it would be 33% more.

67. The scale of development which the village would be able to support is a matter for the development plan process and not for me as part of the appeal. Nevertheless, I am satisfied by the evidence that Lanchester could potentially sustain additional housing of the scale proposed subject to its effect on landscape character and visual amenity.

#### *Landscape character*

68. Policy GDP1 of the DDLP requires schemes to incorporate measures to protect open land recognised for its amenity value or the contribution its character makes to an area. Paragraph 109 of the Framework requires the planning system to contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes". The Framework does not assist further by providing a definition or qualification of this expression.
69. Paragraph 113 of the Framework states that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological networks.
70. The site is not subject to any statutory or locally designated landscape or ecological constraints. Whilst the site lies approximately 7km from the North Pennines Area of Outstanding Natural Beauty (AONB), it was accepted that the development would have no effect on the AONB or its special qualities. The DDLP defines a number of Areas of High Landscape Value (AHLV) which include the Browney and Smallhope Burn Valleys AHLV. Although the AHLV surrounds the settlement on its north, east and southern boundaries the area to the west of the village is omitted from the designation. The site and its immediate surroundings are therefore not within the AHLV.
71. In the County Durham Landscape Character Assessment, 2008 the site lies within the West Durham Coalfield County Character Area (CCA). The CCA is divided into Broad Landscape Types (BLT) and then into Broad Character Areas (BCA). It is the Coalfield Valley BLT and the Browney Valley BCA which are relevant. The latter is noted for its large villages which lie along the valley floor and the lower valley sides<sup>26</sup>.
72. At a more local scale the County Durham Landscape Character Assessment also identifies a series of Local Landscape Types (LLT) which give a finer grain of characterisation. The site is within the Valley Farmland Pasture sub-type Old Enclosure. For this LLT the County Durham Landscape Strategy, 2008<sup>27</sup> identifies a landscape strategy of 'conserve and restore'. The site is identified in the Landscape Strategy as lying within a Landscape Conservation Priority Area, a designation which covers the area around Lanchester. Newbiggen Lane Holloway is identified as a non-designated heritage asset<sup>28</sup>.

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<sup>26</sup> CD 6.1 page 124

<sup>27</sup> CD 6.2

<sup>28</sup> Table 5.3 of Proof of Evidence of Mr Hammond

73. The Lanchester Village Design Statement (LVDS) and the Council's draft Lanchester Conservation Area Appraisal, January 2016 (LCAA) set out key landscape constraints. Neither makes direct reference to the appeal site. The LVDS does refer to the western limits of the Mount Park estate as lying within rising open farmland. The LCAA notes the attractive hillsides which surround the historic core of the village, which nestles in the valley bottom, and frame the village giving it a rural character and appearance<sup>29</sup>.
74. One of the aspirations of the LVDS is that the natural features defining the present limits of the village should be safeguarded and enhanced to maintain its limited impact on the surrounding countryside. A further aspiration is that the tree lined approaches should be maintained and enhanced<sup>30</sup>. One of the recommendations of the draft LCAA is to seek to ensure that new development respects the setting of the area and that local and long distance views into and out of the area are protected.
75. All landscapes have some value and it was clear throughout the Inquiry that the appeal site is of value to the local community. It was accepted by the parties that to be valued did not necessarily mean 'designated'. However, to be valued as per the Framework the Appellant considered the site or area needed to be more than 'appreciated' but to fulfil functions which elevated it above the ordinary. Reference was made to case law<sup>31</sup> in which it had been judged to be not just a matter of popularity but that "demonstrable physical attributes need to be shown".
76. Whether or not the site contained any physical attributes which elevated it above the ordinary, the Council contended that the value of the site lies in the contribution it makes to the setting and character of Lanchester and that harm to that value needs to be assessed as part of the planning balance. In this regard the Council opined that a hierarchy of international, national and locally designated sites with protection commensurate to their status does not mean that non-designated sites cannot have a landscape character of merit and that landscape and visual impacts on those areas cannot be harmful.
77. The built up area of Lanchester is primarily on the valley floor and is well contained by the surrounding countryside. The historic core lies on flat land beside the Smallhope Burn and subsequent developments have been confined to the lower slopes of the valley and generally below the 150m contour. Although not within the AHLV the appeal site plays a role in the setting of the village in the surrounding landscape.
78. It is noted that the proposed dwellings would largely be below the 150 metre contour. Nevertheless, the scheme would completely alter the land cover within the appeal site from agricultural fields to a residential development with associated infrastructure and public open space. Moreover, the dwellings would be on higher land than those on neighbouring land within the settlement. Although the existing tree and shrub cover would for the most part be retained, the proposals nevertheless include the removal of fifteen individual trees, a section of hedgerow and two dry stone walls. The hedgerow, two of the trees and one of the dry stone walls form part of the boundary with Newbiggen Lane.

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<sup>29</sup> CD 5.4 page 9

<sup>30</sup> CD5.3 page 11

<sup>31</sup>CD 8.4 paragraph 18 Stroud v SSCLG & Gladman Developments Ltd CO/4082/2014

The Appellant accepted that the proposal would result in some significant negative impacts.

79. The Arboricultural Impact Assessment confirms that of the trees within the site identified for removal one is of relatively low value and the remainder are diseased. The Council accepted that the trees to be removed were old, but considered them capable of surviving and continuing to make a positive contribution, including providing habitat for bats.
80. As some of the trees are Ash, the matter of Chalara was raised. None of the trees on the site are infected. Even though the Forestry Commission map<sup>32</sup> confirmed that Chalara is present in County Durham there have been no known cases in Lanchester or its immediate surroundings. Furthermore, the Forestry Commission has indicated that even if trees do become infected, there is no necessity to fell them. In deciding what to do safety is a key question. Apart from the need to fell the trees to allow the development to take place, the Council saw no reason why the trees could not remain and continue to make a positive contribution to the landscape.
81. The trees to be felled are mostly diseased. Whilst some are identified in the Arboricultural Impact Assessment as having a life expectancy of less than 10 years, for others it is greater than 40 years. Chalara obviously poses a threat to the Ash trees on the site and whilst it is not in the immediate area, it has spread quickly since it was first confirmed as being in the country. There is therefore the potential for trees to be lost if the development were to go ahead and Chalara was confirmed on site. I accept that it is unfortunate that some trees within the site would be lost as part of the development and that the proposal could exert pressure for the removal of others. However the evidence suggests that many have a limited life span and the proposal would provide replacement planting in excess of the numbers which would be lost.
82. In approaching the village and at a point where the southern boundary of the appeal site meets Newbiggen Lane the existing dwellings on the Mount Park estate are visible<sup>33</sup>. They are built on lower land than the appeal site and therefore although some of the dwellings are two storey, they appear to be single. The existing trees within the site and vegetation along the boundary of Ridgeway have a limited effect in breaking up views of the settlement from this direction. Nevertheless with views of open fields in the foreground and of the hills in the background the village is seen nestling in the landscape. The building of two storey properties in the foreground would significantly alter the character of the landscape when viewed from this direction.
83. Nearer to the village the view alters. Newbiggen Lane Holloway where it borders the appeal site is characterised by a tunnel of vegetation created by the height of the hedgerow trees on both sides of the road meeting over the carriageway<sup>34</sup>. Whilst this is not a unique feature, it is a non-designated heritage asset which creates an attractive entrance to the settlement. It is also significant in highlighting the change from the rural approach to the village and the built development.

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<sup>32</sup> ID 23

<sup>33</sup> Figure 7 of LVIA and photograph 7b of Appendix 3 to Proof of Evidence of Mr N Jones

<sup>34</sup> Figure 7 of LVIA and photographs 1 & 3 of Appendix 3 to Proof of Evidence of Mr N Jones

84. Initially there was dispute between the parties as regards the length and status of the hedge and a wall associated with it. In respect of the latter the conflict was whether the wall was original or a later addition. Having reviewed the evidence I consider it most likely to be later. It was accepted that the number of species identified in the hedge was low compared to other parts of the country but reflected local conditions. Whilst the dispute over the length of the hedge was not resolved, after re-examining the species within it, the parties were agreed that it is 'important' in the context of the Hedgerow Regulations 1997 and makes a positive contribution to the value of the site<sup>35</sup>.
85. Although the proposed entrance into the site from Newbiggen Lane would be close to the point where it enters the settlement, the widening of the carriageway and loss of the hedge and most of the trees from the appeal site side of the lane would result in a significant physical change to the character of the immediate approach into Lanchester. Along the boundary of the site with the widened carriageway a grass verge backed by a dry stone wall would be introduced behind which there would be a footway and a belt of replacement tree and shrub planting. This planting would continue along the remainder of the southern boundary of the site and along the western boundary where it would be supplemented by a conservation hedge.
86. Whilst the full benefit of the landscaping would not be felt for some time, I acknowledge that the structural planting would take place in the early stages of the development. The landscaping would break up views of the proposed dwellings from Newbiggen Lane and provide a tree lined entrance into the village. However, it would also reduce the views of the existing settlement and being on higher ground would increase the prominence of the settlement in the surrounding landscape. Whilst the landscaping would help mitigate the effect of the development on views at the entrance into the village, the appearance of the lane would nevertheless be permanently altered, an important hedge would be lost and the village would no longer be seen in the context of the wider landscape.
87. In the more distant view from Paste Egg Hill<sup>36</sup> the appeal site is seen on the western edge of the settlement. The visualisations submitted by the Appellant are helpful in that they show the progress of the development over a 15 year period and demonstrate the extent of the encroachment into the countryside. Although from this direction the development would be seen in the context of the existing village in the foreground, it would nevertheless appear as a significant incursion into the open countryside. The proposed tree planting would be limited to creating a belt to the rear of the dwellings and would have little effect in visually providing internal breaks within the built development.
88. I accept that the development would continue to be seen from this direction against a backdrop of open fields and would not break the horizon. However, the extent of that green backdrop would be significantly reduced and the prominence of the development in the landscape would be increased by the extent of its encroachment towards the west.

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<sup>35</sup> ID 19

<sup>36</sup> Figure 8ii photograph F1 of LVIA, photograph 12 of Appendix 3 to Proof of Evidence of Mr N Jones and visualisations in Appendix 5 to Proof of Evidence of Mr Denny



89. Other more distant views, such as those from Gorecock Lane<sup>37</sup> to the north of the site; Greencroft Park<sup>38</sup> to the north east; and the layby on the B6296<sup>39</sup> to the south also illustrate the extent of the westward incursion of the development into the open countryside. I accept that increased distance from the site would reduce the level of detail of the development which would be visible and that this would be helped by the landscaping. Nevertheless the form of the development would still be perceptible. It would also be noticeable in approaching the settlement along the railway path<sup>40</sup> where the development would be on significantly higher land than those using it. Although the buildings are highly visible and views of the proposed dwellings would be broken by the landscaping, there would be the perception of reaching the built development sooner than at present and before the main housing on the opposite side of the path. In these instances the extent of the westward extension of the proposal in relation to the existing settlement would cause significant harm to the character of the landscape.
90. The erection of dwellings on the site and the introduction of the associated infrastructure would permanently alter the appearance of the site and would represent a substantial change to the character of the area. The scheme was clearly heavily influenced through a landscape led approach in which in excess of one third of the site would be dedicated to green infrastructure. Whilst this landscaping would break up views of the proposed dwellings, it would in itself bring about changes to the character of the area. I consider that the extent of the westward encroachment of the development into the countryside would appear incongruous in the wider views of the settlement which the landscaping would not successfully overcome, to the significant detriment of the character of the landscape.

#### *Visual amenity*

91. The development would alter the local landscape and the changed views of the site from various vantage points in the surrounding area would have an effect on the visual amenity of receptors using the local public rights of way and the highways network. As in respect of the effect of the development on the character of the landscape, distance would play a part in the effect on visual amenity. In time the proposed planting would help break up views of the dwellings from some locations and the effect on visual amenity would be reduced. As a result I do not consider that in most instances the visual amenity of receptors, many of whom would have fleeting and intermittent views of the proposal, would be harmed by the development.
92. Residents clearly appreciated the visual effect of the tunnel of trees at the entrance to the village along Newbiggen Lane and as already described the alterations to the lane would make a significant change in its character. Despite the landscaping, the alterations to the carriageway together with the westward extent of the development and its proximity to the lane would visually bring the settlement further out into the countryside as the open fields in the foreground would be lost. A similar effect would occur for those

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<sup>37</sup> Photograph 16 of Appendix 3 to Proof of Evidence of Mr N Jones and photographs 6 & 7 in Appendix 4 to Proof of Evidence of Mr Denny

<sup>38</sup> Figure 8ii photograph F2 of LVIA, photograph 13a of Appendix 3 to Proof of Evidence of Mr N Jones and photograph 9 in Appendix 4 to Proof of Evidence of Mr Denny

<sup>39</sup> Figure 8iii photograph M1 of LVIA and photograph 17a of Appendix 3 to Proof of Evidence of Mr N Jones

<sup>40</sup> Figure 8j photograph S14 of LVIA, photograph 9 of Appendix 3 to Proof of Evidence of Mr N Jones and photograph 10 in Appendix 4 to Proof of Evidence of Mr Denny

approaching the village along the railway path where the perception of approaching the settlement would be experienced much earlier than at present and before the existing development is seen. I consider these factors would cause detriment to the visual amenity of receptors.

93. In respect of walkers using the Ridgeway and the occupiers of the dwellings to the east, the outlook is currently of the open fields of the appeal site and beyond<sup>41</sup>. Whilst there is no legal right to a view from individual properties, the evidence given to the Inquiry confirmed that the current outlook is highly valued by residents for the peace and tranquillity it gives them. The outlook from these properties would change substantially and residents claimed this change would have a significant effect on their visual amenity.
94. However, a large proportion of the intervening land between the existing and proposed dwellings would form part of a landscape buffer and views from several of the properties would be along open aspects rather than directly towards buildings. Furthermore the design of the development provides separation between the existing and proposed properties of approximately 40 metres which is in excess of common standards. The proposed landscaping would break up views between and of the dwellings.
95. The proposed layout of the development also provides an alternative route through the landscaped buffer between Newbiggen Lane and the railway path. Rather than walking along the current path close to the properties users could follow the alternative proposed through the landscaped area of the site. I consider that the design of the development and the landscaping proposed would go some way to overcoming but not fully address the harm caused to the visual amenity of local residents as a result of the significant change in the outlook from their dwellings and from Ridgeway.

#### *Conclusions on character and visual amenity*

96. The evidence indicates that Lanchester as a settlement would be able to sustain some additional housing. Furthermore the position of the site outside the AHLV and adjacent to the settlement limit are important considerations in favour of the development.
97. The proposal would not only completely alter the character of the site but the extent of its westward incursion into the open countryside would appear out of scale and proportion with the remainder of the settlement and the pattern of development in its wider landscape context. Although landscaping forms an integral part of the scheme, I am not satisfied that it would ensure the successful assimilation of the development into its surroundings. Furthermore, the view for receptors as they approach the village along Newbiggen Lane and the railway path and the outlook for the residents of the properties with views over the site would be changed significantly with some harm to their visual amenity. On balance I consider that the development would cause harm to landscape character and visual amenity, contrary to Policies GDP1, EN1, EN2 and HO7 of the DDLP and the Framework, one of the key principles of which is to take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

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<sup>41</sup> Figure 8i photograph S1 of LVIA and photograph 8 of Appendix 3 to Proof of Evidence of Mr N Jones

### ***The effect of flooding***

98. The planning application was supported by a Flood Risk Assessment (FRA) and on the basis of that document no objections were raised by the Flood Risk Authorities. The matter did not feature in the Council's reason for refusing the application and it therefore offered no evidence on the matter. The Appellant confirmed that its evidence addressed the amended climate change allowances issued by the Environment Agency (EA) in February 2016.
99. Lanchester has suffered from flooding events as recently as January 2016 when Front Street and properties in the immediate vicinity suffered from inundation by flood water. Video recordings of that event were shown to the Inquiry and demonstrated the amount of run-off that found its way into the village via Newbiggen Lane and the Lanchester Valley Railway Path. Flood prevention measures in the vicinity of the site comprise two road gullies and a raised strip across Newbiggen Lane designed to slow down and capture some of the water as it flows down the road. It was clear from the evidence given by the LP & CPRL and other residents that flooding is a significant issue for the local community.
100. The submissions made by interested parties provided detailed insight into the concerns of local residents with regard to the adequacy of the drainage system, the lack of design details of the proposed drainage scheme which would serve the development and the potential increased risk of flooding to the village as a result of the development. Concerns were also raised in respect of the proximity of the proposed attenuation basins to the boundary with the railway path, the steepness of the bank on that boundary and the need to breach the bank both for the outlet into the watercourse and the proposed pedestrian link from the site onto the path. The safety of residents, particularly children, was raised as the basins would form part of the public open space on the site.
101. The appeal site lies entirely within Flood Zone 1 and as the land is therefore not at risk from fluvial flooding this is not an impediment to development taking place on the site. Whilst the EA surface water flood maps indicate overland flow streams adjacent to the site boundaries along Newbiggen Lane and the Railway Path, there are no identified surface water routes within the site itself. I am also advised that Northumbria Water Limited has confirmed the acceptability of a proposed new foul drainage connection to the public sewer and that there is adequate capacity in the wastewater treatment plant.
102. I recognise that the design of the drainage scheme has not been finalised and I understand the concerns of interested parties in respect of the additional risk to flooding which might arise from the development. However, the proposed scheme would reduce the wet weather peak discharge rates into the watercourse alongside the railway path and intercept water on Newbiggen Lane via four new gullies or suitable alternatives. Furthermore the development would not go ahead until the detailed schemes for both the surface water and foul drainage systems had been approved.
103. The design of the attenuation measures has changed over the course of the application and latterly consisted of one long thin basin. Nevertheless it would be incumbent on the Council in considering the final design to ensure that the surface water generated by the development could be satisfactorily drained from the site without exacerbating the current surface water drainage problems in the area. Maintenance and management would also be controlled.

104. I recognise the concerns regarding the stability of the bank and the proximity of the attenuation basin to the boundary with the railway path. However, I have no reason to conclude that a satisfactorily engineered solution could not be found. Moreover, the level of water within the basin would fluctuate and whilst a permanent presence would be more beneficial for the biodiversity of the site, the final design would take account of the safety of residents. I do not consider that the risk posed by the basin would be any greater than other schemes which employ similar drainage solutions.
105. Benefits for the wider area would arise from the reduction in the discharge rates from the site and the interception by the new gullies of water running down Newbiggen Lane. As part of the S106 Agreement, the Appellant has also made a commitment to make further land available to the west of the appeal site as a flood storage area as part of the Lanchester Surface Water Flood Alleviation Scheme<sup>42</sup>. The land would be transferred to the Council at the cost of £1. Although the S106 only safeguards the land for six years, it would make a substantial difference to the funds required to implement the scheme which would benefit Lanchester as a whole. The Appellant was of the opinion that surface water flows down Newbiggen Lane currently contributed around 60% of the flood problems experienced in Lanchester. Of this 60% it was anticipated that the measures proposed as part of the development would solve about 30% of the problem and the additional land would solve the remaining 70%.
106. Interested parties were sceptical that the scheme would produce a meaningful reduction in the amount of flood water entering Lanchester. Reference was made to some gullies on Newbiggen Lane being blocked, as I observed on my site visit. The Appellant calculated that the measures associated with the development would account for an 18% reduction in the flooding of Lanchester. This may not seem a significant amount overall, but it would account for almost a one third reduction in the surface water flow down Newbiggen Lane. Furthermore, the provision of land would help significantly towards the delivery of additional measures which could resolve the problem in respect of Newbiggen Lane, although the restricted time period within which the land would be made available is noted.
107. On the evidence before me I have no reason to conclude that the development would exacerbate the flooding experienced in Lanchester. Instead there is every indication that the situation would be improved by the reduction in surface water entering the village down Newbiggen Lane. Moreover the offer of land for use as part of the flood alleviation scheme would make a significant contribution towards the resolution of the problem provided the scheme comes forward within the time constraints set by the S106 Agreement. The evidence therefore leads me to conclude that the scheme makes adequate provision for surface water drainage as required by Policy GDP1 of the DDLP and would not result in increased risk of flooding to Lanchester. There is also the potential to further alleviate the problems, in accord with paragraph 100 of the Framework which requires the management of any residual risk by using opportunities offered by new development to reduce the causes and impacts of flooding. This carries weight in favour of the appeal.

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<sup>42</sup> Part of the regional six year programme of measures to improve flood defences in Northumbria

## ***Other material considerations***

### *The effect on highways and transportation*

108. Substantial evidence covering highways and transportation issues was submitted in support of the planning application. This was supplemented by additional evidence as part of the appeal. As confirmed in the SoCG the Highway Authority raised no objection to: the proposed access arrangements in relation to highway safety and operational considerations; the implications of the development upon the highway network elsewhere within the village; the impacts upon parking in the centre of the village; construction traffic travelling to the site; or access to sustainable transport modes. The Council did not identify any concerns with regard to the Highway Authority's assessment and therefore matters relating to highways did not feature in the reason for refusal. Nevertheless the LP & CPRL and other residents contended that the impact of the additional traffic which would be generated by the development had not been fully appreciated.
109. One of the main concerns was the location of the site in respect of access to shops and services, employment opportunities and public transport. Front Street runs through the centre of the village and comprises a relatively wide range of shops and facilities which have been listed in evidence<sup>43</sup>. They include a supermarket, bakers, butchers, greengrocers, hardware shop, pharmacy, eateries, gift shop, library and post office, together with primary and secondary schools. There is also a wide range and number of local societies, clubs and organisations.
110. The facilities are within acceptable walking distances of the site. From the village centre it is an uphill walk along Newbiggen Lane to the site where the footway is restricted in places and there is on-street parking. The pedestrian route via the railway path would also include a climb with steep steps currently providing a link with Ridgeway. However, having walked both routes I do not consider the distance or topography would necessarily make residents opt to drive instead of walk to the village centre, although I accept that some may choose to do so.
111. It was not disputed that employment opportunities within the village and its immediate surroundings are limited. I understand that residents travel to work in various centres including Durham, Consett and Newcastle and that many choose to do so by car. However, the evidence shows that Lanchester is well served by public transport and the bus stops on Front Street are within an acceptable walking distance of the site.
112. At present there are bus services approximately every thirty minutes to Durham and Consett from early morning until late evening on Mondays to Saturdays and whilst the service starts later and finishes earlier on Sundays it still runs hourly. Connections to Newcastle-upon-Tyne via Gateshead can be caught from Stanley on Mondays to Saturdays. Poor connection times from Stanley were cited by residents as a disincentive to use public transport. Whilst services may run late, the timetables show reasonable time between arriving and leaving Stanley to connect with the service to Newcastle.

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<sup>43</sup> Appendices 11 and 12 to Proof of Evidence of Mr Chadwick

113. A limited service is also provided in Lanchester on Mondays to Fridays by the Village Link bus which runs hourly between 09:39 and 12:39 hours. I agree with residents that this service would not be early enough for many wishing to use public transport to get to work. However for the reasons I have already given I do not consider the distance of the site from the bus stops where the main services can be caught would be excessive for most people.
114. The viability of the Village Link Bus was also raised. However, financial support for this service is proposed via the S106 Agreement. Furthermore, a Travel Plan sets out a range of measures and proposals that seek to reduce the number of trips made to and from the development by private car. Although residents were sceptical of the usefulness of the Travel Plan no substantive evidence was submitted to support their contention. When questioned on the effectiveness of Travel Plans, the Appellant indicated that they can cause a modal shift of between 5% and 10% reduction in private car trips.
115. The capacity of the local highway network to accommodate the additional traffic was also questioned by residents together with the combined effect of noise, movement, queuing at junctions, illegal parking and congestion at school times. Vehicular access to the site could only be achieved either via the centre of the village or from the west along Newbiggen Lane, both of which were considered to be unsuitable, particularly for construction traffic over a five year period.
116. There is no evidence that the road junctions between the site and the A691 would not operate within desirable practical capacity levels. I noted at peak times the flow of traffic was delayed by the volume of traffic, particularly at the junction of Station Road with the A691. However, the proposed improvements to this junction would increase its queuing capacity and aid the free flow of traffic. I accept that construction traffic would have an impact on the highway network. However a Construction Management Plan (CMP) would control the routing of vehicles, parking of contractors' vehicles and timing of deliveries.
117. The LP & CPRL contended that drivers and pedestrians using Newbiggen Lane experienced problems from on-street parking, the gradient of the highway and the lack of a consistent footpath which are exacerbated in bad weather. It is evident in the un-dated letter from the police sent to residents<sup>44</sup> that on-street parking and the speed of vehicles is a problem on Newbiggen Lane. I was advised of one accident close to the proposed access into the site. In requesting residents to park on the northern side of Newbiggen Lane the police recognise that this allows pedestrians to freely use the footway without obstruction. Whilst the letter acknowledges that vehicles parked on the bend slightly obstruct the view of vehicles going down the hill, the police consider that this manner of parking greatly reduces the speed of vehicles on the road forcing them to travel well below the 30mph speed limit and making it safer for pedestrians to cross.
118. As the proposal would provide the necessary level of parking for each dwelling it would not increase on-street parking on Newbiggen Lane. Whilst the volume of traffic using Newbiggen Lane would increase, there is no substantive evidence that the increase in numbers or the widening of the road in the vicinity of the site entrance would affect highway safety. Road conditions in inclement weather would make it more difficult for drivers and pedestrians

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<sup>44</sup> Appendix to ID 28 Statement of Andrea Stoddart

alike. However, this is a situation encountered to varying degrees across the country and I am not convinced that the conditions on Newbiggen Lane are unique in this respect.

119. Parking within the village centre was highlighted by residents. The parking beat surveys undertaken by the Appellant demonstrated that, whilst congested at peak times such as school drop off and pick up; there was available capacity within the centre of Lanchester. I note that the results of the parking survey were not fully accepted by the interested parties. However I do not have any substantive evidence to contradict the Appellant's findings.
120. Over the course of the Inquiry I observed the demand for parking at various times on week days including school opening and closing times. I was also present on one occasion when a delivery was being made to the supermarket. Parking at school times was severely restricted and caused congestion particularly in the vicinity of the schools. However, it lasted for a relatively short time period and I am in agreement with the Appellant that the situation I observed was not unusual. Whilst at other times there was a shortage of parking both within the car park and on Front Street, the turn-over appeared to be quite rapid with little delay in finding a space. I accept that at times the availability of parking within the village centre is limited. However, I am not convinced by the evidence that it would be insufficient to accommodate the vehicles of future residents of the development who might choose to access the centre by car.
121. On balance I consider that the local highway network would satisfactorily accommodate the development. I am satisfied that the facilities and services within the village are within an acceptable distance of the site for access on foot and that there would be adequate parking for residents choosing to travel by car. Overall I am satisfied that the proposal would be in accord with the guidance in paragraph 32 of the Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

#### *The effect on heritage assets*

122. Concerns were expressed at the application stage regarding the loss of large open areas of countryside from key views in and out of the conservation area which would be particularly dominant within the landscape, thereby harming the setting of the Lanchester Conservation Area. However, the effect of the development on the historic environment was not cited in the reason for refusal. It is noted that English Heritage, now Historic England, was of the opinion there would be no detrimental impact upon the conservation area. Whilst adequate information was submitted at the application stage to allow a decision to be reached, further assessment of the effect of the development on the historic environment was submitted by the Appellant at the appeal stage.
123. Although it was acknowledged by LP & CPRL that the development would have no direct impacts on heritage assets, the effect on their setting was considered relevant to the appeal. Its evidence cited guidance issued by Historic England in 2015 which states that "the setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated"<sup>45</sup>. The LP & CPRL raised specific concerns in respect of the Lanchester Conservation Area;

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<sup>45</sup> CD 4.15 The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 paragraph 4

Lanchester Roman Fort, Longovicium, which is a Scheduled Ancient Monument (SAM) and the Church of All Saints, a Grade I listed building. Regard also has to be given the non-designated asset, Newbiggen Lane Holloway.

124. The appeal site lies outside the Lanchester Conservation Area. The nearest boundary to the site is the junction of Newbiggen Lane with Front Street, approximately 200 metres to the east. Longovicium is located at Cadger Bank, a short distance outside the village on the B6296 and approximately 350 metres to the south of the site. The Church of All Saints is situated at the eastern end of the conservation area approximately 800 metres from the site.
125. The LP & CPRL argued that the arc of green fields around Lanchester was an important characteristic of the village. It considered that the conservation area and Longovicium relied upon the association of the village with the open land surrounding it for their essential rural setting and character. The intrusion of a large housing estate into the enclosing arc of green fields would harm the character of the area and in turn the setting of the historic assets. In addition increased traffic through the village centre would bring noise and movement which would harm the general ambience, enjoyment and appreciation of the conservation area. The views around the village green, which include the Church of All Saints, would particularly be impacted on by congestion and traffic movement at the junction of the A691. It was also argued that the historic assets bring social and cultural benefits to the community providing character, local distinctiveness and interest, with many residents actively involved with aspects of the historic environment.
126. The development would result in the loss of open land on the edge of the village. This would not only increase the extent of the built development along Newbiggen Lane but alter the boundary with the site. The resultant changes to the landscape have already been described and it has been acknowledged that there would be some negative impacts. These include the change to the non-designated heritage asset, Newbiggen Lane Holloway. Paragraph 135 of the Framework requires account to be taken in the determination of an application of the effect on the significance of a non-designated heritage asset. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
127. I consider the significance of Newbiggen Lane Holloway to be the contribution it makes to the character of the lane. The southern side of the lane would remain unchanged and the alterations required to the northern side to provide safe access into the site have been carefully considered. I consider the changes to the lane would constitute harm to an historic landscape feature which carries weight against the appeal, although the proposed landscaping would mitigate some of the harm.
128. Newbiggen Lane Holloway provides the transition between the rural landscape and the built area of the village in the approach to the conservation area. Once within the settlement the approach to the conservation area along Newbiggen Lane is lined by housing and as the site is some distance from the conservation area there is no direct view between the two. As indicated earlier the current openness of the appeal site and the contribution this makes to the rural setting of the village would be lost as a result of the development. This would impact on the longer distance views in terms of the westward extension of the village



and views of the appeal site from vantage points such as Paste Egg Hill would include the conservation area. Nevertheless, I am satisfied that the harm I have identified to the landscape from the incursion of the development into the countryside would not cause harm to the setting of the conservation area.

129. Longovicium is located outside the village and is surrounded by open fields. There is no public access to the SAM but it can be seen from the B6296. Although not seen in the same view as the SAM, from this location there are views across the fields towards the appeal site. The edge of the settlement together with the community orchard and allotments and several properties outside the village also feature in this view. However, the views of the site are broken by the existing tree planting along Newbiggen Lane and the proposed landscaping would continue to break up views into the site. Given the direction of the view, the distance between the site and the SAM and the landscaping proposed I am satisfied that the immediate setting of the historic asset would not be harmed as a result of the development.
130. The majority of the additional vehicular traffic generated by the proposal would travel from the site to the centre of the village via Newbiggen Lane. This would result in an increase in traffic travelling through the conservation area. The Council's draft LCAA recognises that traffic and the high volume of pedestrian movement have a crucial influence on the appearance of the area<sup>46</sup>. It details frequent conflicts between moving and parked vehicles and pedestrians, affecting pedestrian safety and hindering traffic flow whilst also compromising appreciation of the views.
131. It is evident that the roads within the centre of Lanchester carry significant volumes of traffic which are already having an effect on the conservation area. Whilst I acknowledge that the development would give rise to additional traffic, I do not consider that the noise and movement it would generate would significantly increase the effect the existing traffic has on the ambience of the conservation area.
132. The development has been carefully designed and the use of existing and restored field boundaries to define the site's external limits would help assimilate the scheme into the local historic landscape. Although I consider that the significant change to the character of the landscape would not harm the setting of the designated heritage assets, there would be harm to the non-designated asset Newbiggen Lane Holloway which would not be fully mitigated by the proposed landscaping.

#### *The effect on ecology and biodiversity*

133. As confirmed in the SoCG<sup>47</sup> there are no Special Protection Areas, Special Areas of Conservation or Ramsar sites within 10km of the site. The nearest Site of Special Scientific Interest is approximately 2.6km to the north and the nearest Local Wildlife Site is approximately 840m to the west. The Council raised no objections with regard to the potential impacts of the development upon any statutorily and locally designated sites.
134. The planning application was supported by a substantive assessment of the ecological baseline of the appeal site and any impacts which would occur as a result of the development. The evidence identified the habitats of conservation

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<sup>46</sup> CD 5.4 page 76

<sup>47</sup> ID 4 paragraph 5.20

importance as being a short section of hedgerow and a small number of trees, the dominant habitat being pasture land. Whilst residents claimed the site became a flower meadow in summer months, the evidence indicates it is of low conservation importance. The parties were also agreed that the development would deliver ecological benefits to the flora and fauna of the area. As a result ecology and biodiversity were not matters on which the Council refused permission but were raised by interested parties in respect of bats, breeding birds and the loss of the roadside hedge already referred to.

135. Two small bat roosts were identified in trees within the site which would be felled as part of the development. Mitigation for the loss of these roosts would include the erection of bat boxes on suitable structures such as retained trees as well as opportunities to incorporate artificial bat roosts into the design of the new dwellings. Moreover, as the proposed landscaping matures it would attract more foraging bats. I am satisfied that the measures proposed would avoid the conservation status of the bats being affected at the local level. The submitted surveys acknowledged the presence of some breeding birds which were mostly associated with the hedgerows. There was no evidence that they contribute towards the ecological significance of the site or that their presence could not be accommodated during the construction of the development.
136. In addition to the retention, where possible, of existing habitats the development would include a significant area of tree and shrub planting together with wildflower grassland and ponds. In providing habitat creation and enhancement the works would offset any adverse impacts on species and, due to their scale, have a positive impact on the local populations of bats and birds. Furthermore the attenuation pond in association with the surface water drainage would create a positive habitat feature and contribute to the overall biodiversity of the site.
137. The main parties were agreed that, subject to the final agreement of a landscaping master plan and securing the management of that scheme in perpetuity, biodiversity could be adequately conserved and modestly enhanced. I am satisfied by the evidence that a landscaping master plan could be controlled by an appropriate condition and arrangements put in place for its subsequent management. Interested parties were concerned about the potential impact during the construction period and I acknowledge that, as with any development, there would be an element of disturbance. However, in view of the low level of ecological interest in the site I am satisfied that this is a matter which could be satisfactorily controlled through a CMP.
138. On balance I consider that the development would not have an unacceptable effect on the ecological interests of the site and it has the potential to provide significant benefits in terms of its biodiversity.

*The effect on the local infrastructure*

139. As previously described Lanchester is well served by various services and facilities. The evidence of residents confirmed the cohesive community of the village and the wide range of community services and activities it supports. However the continued provision of services and facilities and support for the interest groups depends on the continued vibrancy and commitment of the local population, which as indicated earlier has fallen in number.

140. I accept that future residents of the proposed dwellings could choose not to use local shops or services or their use of them might be limited. Nevertheless in providing new homes the development would boost the local population with the potential to increase the support for local businesses and contribute towards the established community. Although some representations suggested increased trade is required in order to secure the continued viability of some local businesses, there is no substantive evidence that existing shops and services would be under threat in the absence of the development.
141. The proposal would generate a need for increased school places and interested parties were concerned that one of the local primary schools did not have the potential to expand any further and the ability of the other schools to do so was doubted. However, I have no substantive evidence that the capacity of the local schools could not be increased to accommodate increased demand for school places. The Appellant would make financial contributions towards such provision through the Section 106 Agreement.
142. On balance I consider that the local infrastructure is capable of supporting the increase in population which would result from the development.

*The effect on the living conditions of local residents*

143. During the Inquiry I heard the concerns of occupiers of the properties to the east of Ridgeway and visited two of the dwellings during my accompanied site visit. In addition to matters which have already been addressed, residents expressed concerns in respect of privacy, light and air pollution and disturbance from noise both during and after the construction period. The fourth core principle of the Framework confirms that a good standard of amenity for existing residents should be maintained.
144. The existing dwellings are open to view from pedestrians on Ridgeway and in some instances the gardens are highly visible and movement within the dwellings is discernable. The privacy of some residents is therefore already compromised. Views from the proposed dwellings towards the existing properties would be possible although, in time, these would be broken by the proposed planting in the landscape buffer. I accept that the development may give rise to greater use of Ridgeway, although alternative routes would be available through the development. Nevertheless, given the proposed planting and separation distances, I do not have sufficient reason to conclude that the development would harm the privacy of local residents.
145. The development would introduce artificial light onto land where there is currently none. The main sources of external lighting would be lights alongside the roads and footways, vehicle headlights and individual properties. Although residents of existing dwellings would be subject to increased levels of external lighting, the light sources would be some distance away and filtered by the landscape buffer. Moreover, lighting of roads and footways is generally designed to ensure there is no leakage outside the area it is intended to illuminate. Whilst the introduction of external lighting on the appeal site would result in a significant change for existing residents, I have no evidence to demonstrate that it would be sufficient to constitute light pollution and I do not consider it would cause an unacceptable level of harm to living conditions.
146. General disturbance from noise during and after the construction period has the potential to cause harm to the living conditions of residents, some of whom

spend a greater part of the day in their properties as they are retired or work from home. I understand the concerns of local residents as to the effect this may have on their health and well being over the anticipated five year construction period. It is a long time to live next to a building site and the effect of noise differs from person to person. However the development would be controlled by a CMP which would cover various matters including the times of operation, deliveries, the use of machinery, parking of contractors' vehicles, noise levels, dust suppression and contact details in case of a problem. On this basis I consider that during the construction period sufficient controls would be in place to ensure there would not be an unacceptable level of harm to the living conditions of local residents.

147. Following the occupation of the development I accept that the residents of the proposed dwellings would generate a certain level of noise and that this would be significantly greater than at present. However, I have no evidence to suggest that the noise which would be generated by future occupants would be in excess of what may reasonably be expected in a residential area.

148. Increased traffic both during and after the construction period has the potential to increase air pollution. The construction works can also have similar effects, particularly for residents in their use of their private gardens. I have no evidence that the volume of traffic which would be generated would create fumes to the extent that the quality of the lives of residents would be unacceptably affected by traffic pollution. Dust from construction works is another matter of concern to residents. However, this is a matter which can be satisfactorily controlled through a CMP.

149. I recognise that the surroundings of the residents of properties which front onto Ridgeway would alter beyond all recognition as a result of the proposal. Many of the residents chose their properties for the location on the edge of the village and the solace it gives many of them in their retirement and the peace for others working from home. Notwithstanding this, on balance I find that there is insufficient evidence to conclude that the development would result in an unacceptable level of harm to the living conditions of residents.

#### *Precedent*

150. Significant fear was expressed by the community that the development, if approved, would precipitate a change in the direction of growth for Lanchester towards a more suburban character and role. Reference was made to at least four other developers seeking planning permission for other sites on the edge of the village. Residents considered that to allow the appeal would weaken the ability of the Council to resist expansion of the village into the countryside to the detriment of Lanchester as a whole. As already indicated it was the overriding concern of residents that any new housing developments should be of the right size and in the right location for the village as a whole.

151. As demonstrated by the Appellant's assessment of alternative sites, there are some similarities between those sites and the one subject of the appeal. However, there are also differences such as the relationship of the sites to the AHLV, the SAM and the conservation area which have to be considered and a decision reached on the individual merits of the case. I do not consider that to allow the appeal before me would automatically set a precedent for other similar proposals which the Council would find difficult to resist.

## **Overall Planning Balance**

152. Policies EN1, EN2 and HO7 of the DDLP each seek to impose a restriction on development outside defined limits, including housing. They all act as constraints to future housing supply by presuming against housing development outside development boundaries. There was no dispute that for the purpose of paragraph 49 of the Framework, Policies EN1, EN2 and HO7 are policies for the supply of housing.
153. Whilst Policy GDP1 is a general development management policy, it applies to all developments and the reasoning behind it is to create an attractive, sustainable environment. It is therefore a policy which influences the supply of housing by restricting the locations where new houses may be developed. Case law dictates that there is no distinction between policies for the provision of housing and counterpart restrictive policies that may generally be applicable to all or most forms of development; and policies designed to protect specific areas or features which could sensibly exist regardless of the distribution and location of housing development. On this basis Policy GDP1 is also a policy for the supply of housing.
154. As I consider that the Council is unable to demonstrate a five year supply of housing land it follows that, for the purposes of paragraph 49 of the Framework, policies GDP1, EN1, EN2 and HO7 are to be considered out of date. In such cases paragraph 14 of the Framework indicates that where relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
155. The proposal would have the social and economic benefits of addressing the current under-supply of housing land which would support the local economy and the provision of affordable as well as market housing. Investment in construction and related employment for its duration would also represent a benefit. Although there would be an increase in local household spending and demand for services there is no evidence to confirm that existing shops and services would be under threat in the absence of the development. The New Homes Bonus would bring additional resources to the Council. Other factors which provide weight in favour of the development are the contribution the scheme would make to biodiversity and the alleviation of flood risk.
156. On the other hand the development would result in significant harm to the character of the landscape and some harm to visual amenity contrary to GDP1, EN1, EN2 and HO7 of the DDLP. The environmental dimension of sustainable development would therefore not be achieved and the objections in this respect are particularly strong. This weighs heavily against the appeal together with the effect on the non-designated heritage asset.
157. The lack of a five year supply of housing land does not automatically lead to a grant of planning permission. In this case the adverse impact of granting permission that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Overall the proposal would not represent sustainable development.
158. Whilst the policies breached are out of date the proposal would nevertheless be contrary to the development plan and this conflict would not be outweighed

by other material considerations including the provisions of the Framework and paragraph 14 in particular.

### **Section 106 Agreement**

159. The S106 Agreement makes commitments in respect of the provision of on site affordable housing; financial contributions towards additional primary school places and the operation of the 'village link' bus service; land for use as part of the Lanchester Flood Alleviation Scheme; the provision of construction trade job opportunities or apprenticeships; and the provision of landscaping, public open space and SUDS and the establishment of a management company for their long term maintenance. I have no reason to consider that the terms of the Agreement would not accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations, 2010. However, given that I have reached the conclusion that the appeal should be dismissed there is no need for me to consider this matter in greater detail.

### **Conclusions**

160. For the above reasons, and having had regard to all other matters raised, the appeal is dismissed.

*Kay Sheffield*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

John Hobson QC	Queen's Counsel, Instructed by Colette Longbottom, Head of Legal & Democratic Services
He called	
Nick Jones Dip Arch Dip Landscape Design	Senior Landscape Officer
Graeme Smith BA(Hons) DipTP MA MRTPI	Spatial Policy Team Leader
Carole Dillon BA(Hons) MRTPI	Principal Spatial policy Officer
Henry Jones BA(Hons) DipTP Cert Public Sector Management Development MRTPI	Senior Planning Officer, Strategic Planning Development Team

### FOR THE APPELLANT:

Andrew Williamson BA DipTP MRTPI	Of Counsel, Solicitor and Town Planner, Partner, Walker Morris Solicitors
He called	
Brian Denney BA(Hons) DIPLA CMLI CENV MIEMA	Environmental Planning Director, Pegasus Group
Steven Betts MCIEEM	Partner BSG Ecology
Niall Hammond BA CIfA	Principal Heritage Consultant, Archaeo-Environment
Philip Owen BEng(Hons) CEng MICE MIHT	Director, Optima
Matthew Elliot MSc CEng FICE CWEM FCIWEM FCI Arb CEnv	Director, WYG
Darren Wisher BA MA	Managing Director, Regeneris
Simon Chadwick BSc(Hons) MRICS	Managing Director, Signet Planning

### INTERESTED PERSONS:

Pat Glass MP	Member of Parliament for North West Durham
Michael Wardle	Member of Lanchester Parish Council
Richard Cowen	Member of the Durham Branch of Campaign to Protect Rural England

Elaine Hogg	Representative of the Lanchester Partnership and the Campaign to Protect of Rural Lanchester
Eric Hepplewhite	Chair of Campaign to Protect of Rural Lanchester and Representative of the Lanchester Partnership
Mike Gladstone	Representative of the Lanchester Partnership and the Campaign to Protect of Rural Lanchester
Andrea Stoddard	Representative of the Lanchester Partnership and the Campaign to Protect of Rural Lanchester
Brian Masterman	Representative of the Lanchester Partnership and the Campaign to Protect of Rural Lanchester
Rev'd Stuart Earl	Chair of Lanchester Churches Together
Ian Tute	Local Resident
David Smith	Local Resident
Alan Oliver	Local Resident
Paul McNicholas	Local Resident
Heather Muir	Local Resident
Jill Gladstone	Local Resident
Councillor Johnson	Ward County Councillor

## **DOCUMENTS**

- ID1 Council's letter of 9 March 2016 and circulation list regarding the arrangements for the Inquiry
- ID2 Replacement Appendix G to Proof of Evidence of Mr Elliot for the Appellant
- ID3 Draft S106 Agreement
- ID4 Statement of Common Ground
- ID5 Copy of proposals map from the Derwentside District Local Plan submitted by the Council
- ID6 CD 7.1 (added to Core Documents)
- ID7 Representations from M Murphy, local resident
- ID8 Opening submissions on behalf of the Appellant
- ID9 Opening submissions on behalf of the Council
- ID10 Forest of Dean District Council and Secretary of State for Communities and Local Government and Gladman Developments Limited [2016] EWHC 421 (Admin) (4 March 2016)
- ID11 Suffolk Coastal District Council and Hopkins Homes Limited and Secretary of State for Communities and Local Government, Richborough Estates Partnership LLP and Cheshire East Borough Council and Secretary of State for Communities and Local Government [2016] EWCA Civ 168 (17 March 2016)
- ID12 Drawing No. ITM9150-GA-011
- ID13 Drawing No. SC-40.01
- ID14 Representations from B Polley, local resident



- ID15 Housing Land Supply Statement of Common Ground
- ID16 Statement by Mike Wardle on behalf of Lanchester Parish Council
- ID17 Supplementary Note of Darren Wisher on behalf of the Appellant including Appeal Decision Ref: APP/V0728/W/15/3018546 Longbank Farm, Ormsby, Middlesbrough dated 19 January 2016
- ID18 Graphic representation of figures set out on page 28 of proof of evidence of Darren Wisher, on behalf of the Appellant
- ID19 Statement of Common Ground regarding the hedge along Newbiggen Lane
- ID20 Extracts from Planning Practice Guidance entitled Housing and economic development needs assessments submitted by the Council
- ID21 Appeal Decision Ref: APP/X1355/W/15/3005376 Land north of Durham Road, Spennymoor, County Durham dated 24 August 2015
- ID22 Addresses to be visited as part of the accompanied site visit
- ID23 Map taken from Forestry Commission website with regards to infections of Chalara confirmed as at 29 March 2016 submitted by the Appellant
- ID24 Statement by Richard Cowen
- ID25 Statement by Elaine Hogg
- ID26 Statement by Eric Hepplewhite
- ID27 Statement by Mike Gladstone
- ID28 Statement by Andrea Stoddart
- ID29 Statement Brian Masterman
- ID30 Statement by Ian Tute
- ID31 Statement by David Smith,
- ID32 Supplement to Oral Statement by Alan Oliver,
- ID33 Drawing submitted by Marjory Boyes, local resident
- ID34 Statement by Paul McNicholas,
- ID35 List of draft conditions
- ID36 Response by Matthew Elliot on behalf of the Appellant to issues relating to flooding raised by Mike Gladstone and local residents
- ID37 Extract from Forestry Commission web site entitled Charlara die-back – Managing ash trees and woodland submitted by the Council
- ID38 Drawing submitted by Noah, local resident
- ID39 Updated Draft S106 Agreement
- ID40 Extracts from Planning Practice Guidance entitled Housing and economic land availability assessment submitted by the Appellant
- ID41 Timetables of the bus services serving Lanchester submitted by the Appellant
- ID42 Additional cross sections through the attenuation pond submitted by the Appellant
- ID43 NOMIS official labour market statistics submitted by the Council

- ID44 Aerial plan identifying coverage of the census output areas for Lanchester submitted by the Appellant
- ID45 Five year housing land supply and requirement
- ID46 Revised Housing Land calculations submitted by the Council
- ID47 Cheshire East Borough Council and Secretary of State for Communities and Local Government and Renew Land Developments Limited [2016] EWHC 571 (Admin) 16 March 2016
- ID48 Statement by Jill Gladstone
- ID49 Updated list of draft conditions dated 02/04/2016
- ID50 Representations made by e-mail dated 19 April 2016 by Jon, local businessman
- ID51 Representations made by e-mail dated 20 April by Graham Hawthorn, local resident
- ID52 Representations made by e-mail dated 20 April by Susan Elsbury, local resident
- ID53 Signed Section 106 Agreement
- ID54 Summary of S106 Agreement submitted by the Appellant
- ID55 Final version of S106 Agreement showing track changes made to the earlier version submitted by the Appellant
- ID56 Decision in respect of Appeal Ref: APP/X1355/W/15/3003771 Former Homelands Hospital, Holy Well Lane, Helmington Row, Crook dated 25 April 2016 submitted by the Council
- ID57 Final version of suggested list of conditions
- ID58 Closing submissions on behalf of Lanchester Parish Council and The Lanchester Partnership and Campaign to Protect Rural Lanchester
- ID59 Closing submissions on behalf of the Council
- ID60 Closing submissions on behalf of the Appellant