



Appeal Decision

Inquiry opened on 25 July 2017

Site visit made on 31 July 2017

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 29 September 2017

Appeal Ref: APP/X1355/W/16/3165490

Land to the south of Dalton Heights, Seaham, 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 Bellway Homes Limited against the decision of Durham County Council.
 - The application Ref DM/15/03487/FPA, dated 9 November 2015, was refused by notice dated 16 June 2016.
 - The development proposed is 75 residential dwellings (Use Class C3), access and associated landscaping.
 - The inquiry sat for 5 days over the period 25 July to 1 August 2017.
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Decision

1. The appeal is allowed and planning permission is granted for 75 residential dwellings (Use Class C3), access and associated landscaping on land to the south of Dalton Heights, Seaham, County Durham in accordance with the terms of the application, Ref DM/15/03487/FPA, dated 9 November 2015, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. Although this proposal was submitted as a fully detailed application, the appellant put forward a proposed amendment to the layout of plot numbers 57 to 65, at the inquiry, by means of a suggested condition, in order to address some of the concerns raised by Mrs Brooks, a resident of Dalton Heights who lives in a property adjacent to the proposed site entrance. I discuss this matter in more detail below, and have had regard to this suggested condition in coming to my decision. I have also had regard to an agreement made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended, submitted at the inquiry, which seeks to make the necessary arrangements for the provision of 8 affordable housing units.
3. The Council and the appellant have prepared both a Planning Statement of Common Ground (SOCG)¹ and a Housing SOCG². This latter document confirms that the Council cannot demonstrate a 5 year supply of deliverable housing land, as required by the National Planning Policy Framework³ ("the Framework"). At the inquiry I held a Round Table Session to discuss matters of Objectively Assessed Housing Need (OAHN) and Housing Land Supply (HLS).

¹ Section 4 of Core Document (CD) 4.4

² CD4.5

³ CD6.1

4. On 18 September 2017, after the closure of the inquiry, the Council submitted further information relating to HLS⁴ which it had prepared following publication by the Government, on 14 September 2017, of consultation proposals entitled "Planning for the right homes in the right places". On the basis of the figures contained in this Government consultation, the Council asserts that it can demonstrate a 5 year HLS. To ensure that all relevant views were canvassed this Council document was circulated to the appellant and other interested persons for comment, and some responses were received⁵. I provide further details of these submissions later in this decision, and I have had regard to the views expressed in these various documents in reaching my conclusions.
5. I undertook a site visit of the appeal site and its surroundings on 31 July 2017 in the company of representatives of the Council, the appellant and a number of interested persons, including representatives of the Dalton-le-Dale Action Group Against Bellway (DLDAGAB). As part of this visit I viewed the appeal site from many of the adjoining and nearby properties. On the same day I undertook unaccompanied visits to other locations and viewpoints suggested by the parties, and I had also made additional unaccompanied visits during the first week of the inquiry⁶.

Background

6. All parties made reference to the planning history of the appeal site, set out in the Planning SOCG. In summary, an application for the development of 80 dwellings, served from an extension of Dalton Heights, on land more or less equivalent to the current appeal site, was refused planning permission in July 1997. A subsequent appeal was dismissed in May 1998. Then, in 1999, an inquiry was held into objections to the District of Easington⁷ Local Plan (ELP). The Inspector's Report⁸ recommended the inclusion of a new policy, allocating land south of Dalton Heights (including the current appeal site) for up to 40 dwellings, along with woodland, tracks and a picnic site, and the retention of some land as a field⁹. However, this recommendation was not accepted by Easington District Council and the land was not allocated for development in the ELP, which was adopted in 2001.
7. The larger agricultural field, of which the appeal site forms the northern and north-eastern part, was considered in the Council's 2013 Strategic Housing Land Availability Assessment¹⁰ (SHLAA). This concluded that the site was unacceptable for housing as it *"extends beyond the settlement limit of Seaham into open countryside and intrudes into the important strategic gap between Seaham and Dalton-le-Dale"*.
8. The next matter of note was the submission of a planning application in 2014 for 134 dwellings, extending further to the south than the current appeal site, to be served from a proposed new junction on the B1285 to the east of the site. This was refused in June 2015 for 2 reasons: firstly, that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale; and secondly, on detailed matters of layout¹¹.

⁴ Docs 41

⁵ Docs 42, 43 & 44

⁶ Site visit details in Document (Doc) 32

⁷ The former Easington District planning area now falls within the County of Durham planning area

⁸ CD6.8

⁹ Doc 7

¹⁰ CD6.11, CD6.28 & CD6.29

¹¹ Paragraph 8 of CD5.24

9. This was followed in November 2015 by submission of the appeal proposal which was recommended for approval by Council Officers, but was refused by Planning Committee Members. The single reason for refusal alleges that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale, and would also result in the loss of the best and most versatile (BMV) agricultural land. The Council maintains that these adverse impacts would significantly and demonstrably outweigh the benefits of the development and would be contrary to Policies 1 and 3 of the ELP and advice contained within paragraphs 17, 109 and 112 of the Framework.

Site description, surrounding area and details of the appeal proposal

10. The appeal site comprises some 5.31 hectares (ha) of arable land, currently in use for crop production. It is part of a larger arable field set on sloping land which ranges from about 110m above Ordnance Datum (AOD) in the north-west, to about 73m AOD in the south-east. It is located adjacent to the southern boundary of Seaham which is identified as a "main town" in the County Durham Settlement Study (2012)¹².
11. This larger field is bounded to the west by trees and hedgerows alongside the A19 trunk road; to the north by sporadic vegetation and the rear fences of dwellings within Dalton Heights; to the east by trees and hedgerows alongside the B1285 single-carriageway; and to the south by trees and hedging which form the boundary to a couple of residential properties at Dalton-le-Dale. The appeal site shares the same western, northern and eastern boundaries, but it has no clearly defined southern boundary – just the remainder of the arable field.
12. The appeal site contains no buildings or structures, although a World War II pillbox does lie just outside the site to the south-east, adjacent to the B1285. No recorded public rights of way cross the appeal site, and there are no statutory or locally designated landscapes or ecological sites within or immediately adjacent to the site. Furthermore, the site contains no watercourses although there is an existing culvert at the low point of the larger agricultural field, which discharges surface water to the Dawdon Dene, by means of a small tributary watercourse.
13. Dalton-le-Dale, a largely linear village centred on St Cuthberts Terrace/Dene Road, lies predominantly to the east of the B1285 and is located to the south and south-east of the appeal site. It contains the Grade II* listed St Andrews Church, which lies relatively close to the B1285, to the south of St Cuthberts Terrace. The area of Dalton-le Dale located closest to the appeal site is the small residential development of Overdene and South View, which is served directly from a priority junction with the B1285.
14. Under the appeal proposal the site would be developed with 75 dwellings, comprising a range of 2, 3, and 4-bedroom units, to include 8 affordable homes. Vehicular access to the proposed development would be from an extension of an existing cul-de-sac section of Dalton Heights, with an additional pedestrian-only access onto the B1285 at the site's north-eastern corner.
15. The land to the south of the housing would become public open space and would be landscaped and planted with clumps of trees. It would also contain a naturalistic play area for children. In addition, this landscaped area would include, in its south-eastern part, a sustainable urban drainage system (SUDS), comprising

¹² CD6.15

a water attenuation basin and a swale which would extend into the southernmost part of the site, to link to the culvert mentioned above. The public open space would be traversed by bark mulch paths which would also run round the perimeter of the wider agricultural field, outside the appeal site.

Main issues

16. I have based the main issues primarily on the matters which flow from the Council's reason for refusal. However, interested persons also raised a number of other issues which had not featured in the reason for refusal. Whilst I consider that most of these points can best be dealt with under an "other matters" heading, issues relating to residential amenity and living conditions were highlighted at my site visit and gave rise to the appellant putting forward a suggested amendment to part of the site layout, to be secured by condition, as referred to earlier. As such, I consider it appropriate for this to also be treated as a main issue.
17. With these points in mind I consider the main issues to be:
- i. The weight to be given to saved policies in the adopted development plan, in light of the Council's current position regarding its 5 year HLS;
 - ii. OAHN and the Council's 5 year HLS;
 - iii. Whether the appeal site should be considered to be a valued landscape, in the terms of paragraph 109 of the Framework;
 - iv. The effect of the proposed development on the character and appearance of the surrounding area, including on the separation between Seaham and Dalton-le-Dale;
 - v. The effect of the proposed development on the availability of BMV agricultural land in County Durham;
 - vi. The effect of the proposed development on residential amenity and on the living conditions of nearby residents; and
 - vii. How the appeal proposal performs against the 3 dimensions of sustainable development set out in the Framework.
18. I consider these issues in the following sections, and then address some other matters, including those raised by interested persons, before undertaking a final planning balance.

Reasons

The weight to be given to saved development plan policies

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which explains that development plan policies should be consistent with its provisions. I therefore summarise the national planning policy context first, before turning to look at the relevant adopted development plan policies.

National planning policy context

20. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development at the heart of the Framework, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 47 sets out what local planning authorities should do to boost significantly the supply of housing, whilst paragraph 49 indicates that relevant

policies for the supply of housing should not be considered up to date if a local planning authority is unable to demonstrate a 5 year supply of deliverable housing sites. Notwithstanding the information contained in the Council's submissions which followed the closure of the inquiry (which I deal with under the next main issue), the absence of a 5 year HLS was the agreed position of the parties at the inquiry, as detailed in the Housing SOCG. As such, the parties further agreed that the provisions of paragraph 49 were fully engaged, such that this appeal should be determined against the second bullet point of the decision-taking section of paragraph 14.

21. Paragraph 215 explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them. Paragraphs 17, 109 and 112 are all also relevant in this case as they are cited in the Council's reason for refusal.
22. Paragraph 17 sets out 12 "core planning principles", whilst paragraph 109 details a number of ways in which the planning system should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes, geological conservation interests and soils; and by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 112 relates to the economic and other benefits of BMV agricultural land.
23. The Planning Practice Guidance¹³ (PPG), initially published in March 2014, is also relevant to this appeal.

The development plan

24. The development plan comprises the ELP which was adopted in 2001 and was intended to cover the period up to 2006. However, no replacement plan has yet been prepared, and some of the ELP policies were saved by a direction of the Secretary of State (SoS) in 2007. These policies are still operative, including Policies 1 and 3 which were referred to in the Council's reason for refusal.
25. Amongst other things, Policy 1 requires the Council to take account of whether development proposals would accord with sustainable development principles, and whether there would be any benefits to the community and the local economy. It sets out a number of principles to be applied to the location, design and layout of all new development, with the Planning SOCG confirming that it is only the first and fifth of these principles that form part of the Council's case here.
26. The first principle requires development to be located within defined settlement boundaries, except where development in the countryside would be allowed by other policies in the plan – with a reference made to Policy 3. The fifth principle seeks to protect BMV agricultural land, along with existing public rights of way, landscape character, trees, hedgerows, geology, geomorphology, wildlife and natural habitats. Cross-references are given to other ELP policies but some of these have not been saved, and those which have been saved relate to matters which are not relevant in this case.
27. Policy 3 explains that development limits are defined for the settlements of the District and are shown on the proposals map and the settlement inset maps. It states that development outside these "settlement limits" will be regarded as

¹³ CD6.2

development within the countryside, and that other than specifically allowed for by other policies, development in the countryside will not be approved.

28. In broad terms I share the Council's view that the Policy 1 requirement for development to accord with the principles of sustainable development is consistent with the Framework - as the Council concluded in an assessment it undertook in 2015¹⁴. However, the presumption in favour of sustainable development set out in the Framework makes it quite clear that the starting point for decision making should be an up-to-date Local Plan. Paragraph 12 of the Framework states that it is highly desirable that local planning authorities should have an up-to-date plan in place, whilst paragraph 157 makes it plain that, crucially, Local Plans should be drawn up over an appropriate timescale, preferably a 15-year time horizon, should take account of longer term requirements, and be kept up-to-date.
29. As already noted, there is no up-to-date Local Plan covering the Council's area, and although work has commenced on a new County Durham Plan (CDP), which was subject to an Issues and Options consultation in June 2016¹⁵, the Planning SOCG indicates that preparation of this plan has been paused¹⁶. The parties agree that given its early stage of preparation, no weight can be given to the CDP in this appeal. I share that view.
30. Furthermore, many of this policy's individual principles are out of kilter with the Framework. In particular, the Framework does not seek a blanket protection of such things as BMV agricultural land, landscape character and wildlife and natural habitats, as set out in the policy's fifth principle, but rather requires any harm to such matters to be considered in an overall planning balance.
31. With all the above points in mind, I conclude that the first and fifth principles of Policy 1, and Policy 3, cannot be considered up-to-date in the context of paragraph 215 of the Framework. Therefore, although the appeal proposal would be in conflict with these policies, they can only carry limited weight in this appeal.
32. There is, of course, nothing in the Framework to prevent a local planning authority from defining settlement boundaries, but these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area, as is made clear in paragraph 158 of the Framework. This paragraph goes on to state that local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals. It is to this matter, and the Council's 5 year HLS, that I now turn.

OAHN and the Council's 5 year HLS

33. As noted earlier, on 18 September 2017, some time after the closure of the inquiry, the Council submitted further information on HLS, following the publication of the Government's consultation proposals entitled "Planning for the right homes in the right places". In its note, the Council points out that on the basis of the proposed, standard method for calculating local authorities' housing need, the indicative figure for County Durham would be 1,368 dwellings per

¹⁴ CD6.10

¹⁵ CD6.12

¹⁶ An earlier version of the CDP was submitted for examination in April 2014 and an interim report was published by the Inspector in February 2015. However, this report was quashed by the High Court following a successful judicial review challenge by the Council, and the Council subsequently withdrew that version of the CDP from examination

annum (dpa). This would be below all of the values for OAHN put forward by the Council in its 2016 Issues and Options consultation document prepared for the emerging CDP, as detailed below.

34. Using this figure of 1,368 dpa the Council argues that it can demonstrate either a 5.76 or 6.58 year supply of deliverable housing land, depending on whether a 5% or a 20% buffer is used. In these circumstances the Council requests that its HLS position in the context of this Government consultation is noted, particularly in terms of the weight to be afforded to the boost to the supply of housing.
35. Responding to the Council's note, the DLDAGAB¹⁷ argues that the introduction of these new standards is long overdue, and maintains that they should not be ignored or taken lightly. It argues that on the basis of this new information the Council's policies for the supply of housing must be considered up to date, such that the "tilted balance" set out in the first bullet point of the decision-taking section of paragraph 14 of the Framework should not apply, and that there cannot and should not be any presumption in favour of sustainable development. It further maintains that as a consequence, there is no requirement for adverse impacts of the appeal proposal to be weighed against benefits.
36. However, in its response of 20 September 2017 the appellant¹⁸ points out that in making this late submission the Council has not sought to revise the position set out in its closing submissions at the inquiry, which confirm that it cannot currently demonstrate a deliverable 5 year HLS, and that paragraph 14 of the Framework is therefore engaged. The appellant further points out that the Government's consultation runs until 9 November 2017, and maintains that the proposed standardised methodology for calculation housing need is a controversial topic and that there will undoubtedly be a significant level of response to the consultation. As such, the appellant contends that there is a considerable degree of uncertainty as to whether the suggested approach to calculating local housing need will remain, as presently drafted, following the consultation exercise.
37. In a final, further submission¹⁹, dated 28 September 2017, responding to the appellant's comments, the Council indicates that the information in its supplementary note of 18 September is intended to supplant the relevant sections of its closing submissions dealing with HLS. The Council also maintains that Government statements and consultations are material considerations which must be taken into account, where relevant, in the decision making process.
38. I have given full consideration to the points put forward by the Council, and have noted the support given to the Council's position by the DLDAGAB. However, the fact remains that the Council's revised figures relate only to a consultation process, which is still on-going, and can therefore carry little formal weight at this time. There is no certainty that the standard methodology suggested in the consultation document will be formally adopted, in due course – with or without amendment, and the indicative figures put forward by the Council as a result of this consultation have not been tested in any meaningful way.
39. In these circumstances I can only give this late information submitted by the Council, and its suggested, revised position on HLS, very limited weight. As a result, in my consideration of this main issue I concentrate on the positions of the parties as at the inquiry, and as detailed in the Housing SOCG. As such, and as paragraph 49 of the Framework makes it clear that housing applications should be

¹⁷ Doc 43

¹⁸ Doc 42

¹⁹ Doc 44

considered in the context of sustainable development, I also give little weight to the DLDAGAB's assertion that the tilted balance in paragraph 14 of the Framework should not apply in this case, and that there should not be any presumption in favour of sustainable development.

40. With these points in mind I have had regard to the fact that whilst the evidence submitted to the inquiry shows that the Council is unable to demonstrate a 5 year HLS, the Housing SOCG confirms that the extent of the shortfall is not agreed. This is of relevance as, in line with the "Phides" judgement²⁰, the weight to be given to a proposal's benefit in increasing the supply of housing will depend on, for example, the extent of the shortfall, how long the deficit is likely to persist, what steps the Council could readily take to reduce it, and how much of the deficit the proposed development would meet.
41. Matters relating to the OAHN for County Durham and the Council's 5 year HLS have recently been rehearsed at another inquiry in the Council's area at Sedgefield, which took place in June 2017, with that appeal decision being issued on 28 July 2017²¹ while the inquiry into this current appeal was still sitting. That decision letter has been drawn to my attention and both parties referred to it in their submissions and closing statements. Whilst some matters have changed over the intervening period since that evidence was heard I generally endorse the findings of my colleague Inspector, for the reasons set out below.
42. The 5 year HLS is dependent on the full OAHN for the market area in question, but the Council does not have, as yet, an agreed up-to-date OAHN or housing requirement which has been tested by examination. A planning appeal is not the appropriate vehicle to determine an OAHN, but like my colleague Inspector in the Sedgefield case I have considered the evidence placed before me in the light of guidance on housing needs assessments set out in the PPG, in order to reach a view on the robustness of the submitted figures.
43. As in the Sedgefield appeal the Council put forward 3 alternative figures for the OAHN, drawn from its 2016 Issues and Options consultation document prepared for the emerging CDP²². These are 1,533 dpa; 1,629 dpa and 1,717 dpa, with each of these figures being derived from demographic analysis, using both short-term and long-term historical migration trends, and then assessed to see what level of job growth they could support. The Council considers all 3 of these figures to be robust and reliable and have equal weight for the purposes of the 5 year HLS calculation.
44. However, the appellant argues that the lower, 1,533 dpa figure is not robust as it is based on short-term migration trends over a deep recessionary period; and also because this figure is shown, in the Council's evidence, to fall short of the number of homes needed to support employment growth forecasts in the context of 71% and 73% employment rates. For these reasons the appellant argues that the OAHN should, instead, be considered to lie at the mid to upper end of the Council's range.
45. The Council's figures are the result of modelling from Edge Analytics²³ (EA), with the 1,533 dpa scenario relying upon analysis of short-term migration trends over

²⁰ Phides Estates (Overseas) Ltd v Secretary of State for Communities and Local Government [2015] EWHC 827 (Admin)

²¹ App Ref APP/X1355/W/16/3163598

²² Paragraph 3.3 of CD6.12

²³ CD6.13

the 6 year period 2008/09 to 2013/14, whereas both the 1,629 dpa and the 1,717 dpa figures contain some element of long-term migration trends. There is no firm evidence before me to indicate which would be the most appropriate set of migration assumptions to use, but EA do refer to the short-term period 2008/09 to 2013/14 as one during which unprecedented economic changes have occurred. Because of this they state that it is appropriate to consider alternative time periods, but do not indicate that forecasts based on the short-term trends should be seen as unreliable. Indeed, in this regard the evidence indicates that within County Durham migration trends have not varied widely in either the short or long term scenarios.

46. I have, however, also noted that the Planning Advisory Service (PAS) guidance²⁴ states that when assessing housing need, it is generally advisable to test alternative scenarios based on a longer reference-period, probably starting with the 2001 Census. This guidance goes on to indicate that other things being equal, a 10 to 15 year base period should provide more stable and robust projections than shorter periods of 5 or so years. An exception to this would be where the longer period includes untypical one-off events, but no such occurrences have been brought to my attention here. Although these points are not determinative, they do suggest to me that the lower OAHN figure of 1,533 may not be as robust as those based on longer-term migration trends.
47. Turning to job growth forecasts, the EA modelling work utilises information supplied by the 3 forecasting houses of Cambridge Econometrics, Oxford Economics and Experian. There are, however, wide variations in the job growth predictions from these organisations, ranging in the EA report from 167 jobs per annum (jpa) to 996 jpa for the 2014-2033 period, giving an average of 634 jpa. However, the appellant argues that an average annual employment growth of around 750 jpa should be used, based on data from the government's Business Register & Employment Survey and the Annual Business Inquiry on past trends in County Durham, together with information on self-employed people in County Durham in the 2001 and 2011 Censuses²⁵.
48. More recent forecasts from these 3 forecasting houses indicate an even wider range, from about 390 jpa to 1,533 jpa over the same time period, giving an average of 916 jpa. Although this would drop to an average of about 835 jpa if the very latest Experian figure of 582 jpa is used, it is still well above both the appellant's assumed figure of 750 jpa and Council's assumed figure of 634 jpa.
49. These job forecasts have to be considered alongside those which are derived from the various demographic scenarios relating to the Council's 3 OAHN figures detailed above. The OAHN figures point to a range of some 406 jpa to 535 jpa assuming an employment rate (ER) of 71% for the 16-64 age group, as indicated by the Office for Budget Responsibility²⁶. However, the EA report indicates that the Council is seeking to target an overall ER of 73% for the 16-64 age group over the period up to 2033, and this would give rise to a range of 605 jpa to 740 jpa²⁷.
50. In considering these various figures it is clear that there is some considerable volatility in the employment forecasts provided by the 3 different forecasting houses – and indeed in forecasts provided by the same forecasting house over

²⁴ Paragraphs 6.21-6.25 of CD6.4

²⁵ Paragraphs 6.5-6.6 of CD4.12

²⁶ Paragraph 5.13 of CD6.13

²⁷ Figures 27 and 30 in CD6.13, and Figures 2 and 3 in Doc 6

relatively short time periods²⁸. There also seems to be quite a wide variance between the long-term average ER of 68% over the period since 1993, and what EA refer to as the Council's "target" of 73%. On this point I have noted that the ER has only reached and exceeded 71% for 3 periods of relatively short duration, and has only hit or exceeded 73% for 2, much shorter periods.

51. Although the Council comments that an EA of 73% is both realistic and evidence based, I am not persuaded that this evidence is conclusive as it appears to rely on pre-2008 recession trends and an assumption that the positive trend since 2008 will continue. Nevertheless, even if an ER of 73% could be achieved, the evidence before me indicates that the OAHN of 1,533 would fail to support the average forecast growth in jobs by about 29 jpa. It was because of this that the Inspector in the aforementioned Sedgefield appeal rejected the use of the figure of 1,533 dpa as an appropriate OAHN, and considered that a minimum OAHN of 1,629 dpa should be used as a basis for the housing requirement for County Durham.
52. Having separately assessed this information, I arrive at the same conclusion. In so doing, I have noted the Council's submission that in view of the volatility in job forecasts already referred to, a shortfall of just 29 dpa is insufficient to justify the rejection of the 1,533 dpa figure. However, this very volatility means that this shortfall could just as likely be an underestimate, as an overestimate. With these points in mind I consider it only reasonable to take the figures at face value, and because of this I, too, consider that it is appropriate to use the OAHN figure of 1,629 dpa as the minimum on which to base the housing requirement.
53. Disregarding the OAHN figure of 1,533 dpa means that on the basis of the remaining Council figures, and taking account of past under supply and an agreed buffer of 20%, the 5 year housing requirement amounts to 11,333 dwellings for the OAHN of 1,629 dpa, and 12,178 dwellings for the OAHN of 1,717 dpa²⁹.
54. Insofar as the supply of housing is concerned, there was a fair amount of agreement between the parties, with disputes only arising in respect of 8 sites. The Council's position is that 10,234 dwellings will be delivered over the next 5 years, amounting to a supply of between 4.2 years and 4.51 years, whereas the appellant argues that some 10,029 dwellings will be delivered, amounting to a supply of 4.12 to 4.42 years³⁰. These figures indicate a 5 year difference between the parties of just 205 dwellings, arising primarily because of different assumptions regarding the timing of the likely start of housing delivery on the various sites, along with some differences regarding likely rates of delivery.
55. Although I have no firm basis on which to favour one set of figures over another, I consider it reasonable to assume that the Council has a more extensive knowledge of the intricacies of housing delivery within its own area, and because of this I give greater weight to the Council's assessment. This still points to a significant housing shortfall of between 1,099 and 1,944 dwellings over the 5 year period.
56. The Council rightly points out that the application of a 5% or 20% buffer has nothing to do with need, of itself, but is simply to ensure choice and competition, and/or to deal with a record of persistent under-delivery. It goes on to argue that without this buffer, on the appellant's own figures, the housing supply would virtually satisfy the 5 year housing requirement, based on the higher OAHN of

²⁸ Paragraph 4.22 of CD4.20

²⁹ Doc 24

³⁰ Doc 24

1,717 dpa plus the past under-supply of 1,563 dwellings³¹. It further argues that as the appellant's assessment of housing supply is predicated on the Council achieving average housing delivery in excess of 2,000 dwellings each year, this demonstrates that the Council has taken steps to address under-supply, by granting planning permissions capable of delivering at that rate.

57. However, there is no basis to set aside the Framework's requirement for a buffer, and both parties agree in the Housing SOCG that 20% is appropriate in view of past under-supply by the Council. Indeed, on this point the submitted evidence is quite clear that the Council's annual net housing completions over the past 6 years have all fallen short of the minimum OAHN of 1,629 dpa, with many years being significantly below this figure³².
58. Overall, and as I can only give very limited weight to the Council's HLS information submitted after the close of the inquiry, the matters set out above lead me to conclude that the Council is likely to have an appreciable housing shortfall over the next 5 year period. In these circumstances I consider that significant weight should therefore be given to the appeal proposal's intended provision of 75 dwellings, to include 8 affordable homes.

Whether the appeal site should be considered a valued landscape

59. The reason for refusal makes no specific reference to the appeal site constituting a valued landscape, although it does allege a conflict with paragraph 109 of the Framework. The Council clarified its position at the inquiry, maintaining that the appeal site should be regarded as a valued landscape, and claiming further that paragraph 109 is a specific Framework policy which indicates that development should be restricted, and that this would bring the appeal proposal within the ambit of footnote 9 to the Framework's paragraph 14.
60. Taking a contrary view, the appellant argues that the appeal site is not a valued landscape – but that even if it should be so considered, this would not cause the paragraph 14 footnote 9 to be triggered; nor would it automatically prevent the proposal from being considered under the "tilted balance" set out in the first bullet point of the decision-taking section of paragraph 14. I explore these conflicting positions below.
61. Although paragraph 109 indicates that the planning system should protect and enhance valued landscapes, it gives no clear guidance on what constitutes a valued landscape. Some clarity has, however, arisen as a result of other appeals and subsequent legal judgements, with both parties making reference to the "Stroud"³³ and "Forest of Dean"³⁴ cases. These indicate that for a landscape to be valued it has to be more than just popular. It should have some demonstrable physical attribute which takes it out of the ordinary and beyond mere countryside. Further, the Stroud judgement appears to endorse the Guidelines for Landscape and Visual Impact Assessment, Third Edition³⁵ (GLVIA3), and in particular its "Box 5.1" (which sets out a range of factors that can help in the identification of valued landscapes), as a relevant consideration in such matters.

³¹ Paragraphs 66 and 67 of Doc 39, and Table 4.1 of CD 4.8

³² Table 1 of CD4.21

³³ CD7.16: High Court Decision - Stroud District Council v Secretary of State for Communities and Local Government - CO/4082/2014 - (6 February 2015)

³⁴ CD7.18: High Court Decision - Forest of Dean District Council vs Secretary of State for Communities and Local Government and Gladman Developments Ltd (4 October 2016)

³⁵ Published by the Landscape Institute and the Institute of Environmental Management and Assessment

62. The appeal site does not lie within any landscape designation at either national or local level, but as GLVIA3 points out this does not, of itself, mean that a landscape does not have any value. This guidance goes on to indicate that as a starting point, reference to existing Landscape Character Assessments (LCAs) may give an indication of which landscape types or areas are particularly valued, with a stated strategy of landscape conservation usually being a good indicator of this.
63. In this regard, a significant amount of detailed landscape evidence was placed before me, in the form of a Landscape and Visual Appraisal³⁶ (LVA) which was submitted with the application; a review and critique of this information by Mr Charrier, the Council's landscape witness³⁷; and a further Landscape and Visual Impact Assessment (LVIA) prepared for the inquiry by Mr Chard, the appellant's landscape witness³⁸.
64. These all explain that the appeal site lies within the Durham Magnesian Limestone Plateau National Character Area³⁹ (NCA), and that although this NCA covers a very large area, it nevertheless identifies a number of features that are apparent within the appeal site and its surroundings. These include an open agricultural landscape; rural landcover consisting of arable land and grazing pasture; and narrow valleys (or denes) running down to the coast.
65. A finer-grain analysis is provided by the County Durham LCA⁴⁰ which classifies and describes the Durham landscape and, together with the County Durham Landscape Strategy⁴¹ (LS) and Landscape Guidelines⁴², is intended to inform decisions about landscape management. The appeal site is shown as lying within the Coastal Limestone Plateau broad landscape type, within a wider area which is described as having few valued attributes and/or is in poor condition, and where a higher degree of change may be desirable. The LS explains that the strategy for such areas will depend on whether it is more appropriate to restore the landscape back to its former character, or to enhance it by developing entirely new features or characteristics. Along with much of the wider area, the appeal site lies falls into the "enhance" category.
66. Although this is a fairly broad-brush, desk-based study I concur with its general findings insofar as the appeal site is concerned as, on the basis of my accompanied and unaccompanied site visits, I do not consider that the site contains any significant, valued attributes in landscape character terms. I note that the Inspector who determined the 1998 appeal referred to the area containing the appeal site as providing a "*fine setting for the southern part of Seaham*", but it seems to me that in essence it is simply an agricultural field in active crop production. Whilst it is attractive as an area of countryside, it contains no notable features to elevate it above the ordinary.
67. Mr Charrier, for the Council, has considered the GLVIA3 Box 5.1 and argues that 4 of the 8 listed criteria would be impacted upon in this case. He considers that the appeal proposal would adversely affect the site's landscape quality and scenic quality, and that by encroaching into the upper slopes of Dawdon Dene it would bring built development down towards the more tranquil core of the dene. He also

³⁶ CD2.3 & CD2.4

³⁷ CD4.17-CD4.19 & CD4.22

³⁸ CD4.9-CD4.11

³⁹ CD6.30

⁴⁰ CD6.16

⁴¹ CD6.26

⁴² CD6.27

contends that the site's role in providing the setting to Seaham and Dalton-le-Dale means that it exhibits a good degree of rarity, and that this would be adversely impacted upon by the appeal proposal.

68. I examine the impact of the proposals under the next main issue and so do not comment on the Council's assessment at this stage – but I am not persuaded that any of the matters cited by Mr Charrier indicate that the site exhibits attributes that elevate it above the ordinary, as the Council appears to suggest. Indeed he has not identified any specific features of the appeal site itself which raises it above the ordinary in landscape terms.
69. Rather, his and the Council's case seem to hinge on the claimed value of the function of the appeal site in contributing to the open setting of Dalton-le-Dale; contributing to the setting of Seaham; and maintaining the separation of the settlements of Seaham and Dalton-le-Dale. Whilst I acknowledge that the appeal site does perform all of these functions, to a greater or lesser extent, in my opinion it does not automatically follow that this makes the site a valued landscape. I consider that such functions are largely separate from any attributes or characteristics of the landscape, and again this serves to reinforce my view that there is nothing special or out of the ordinary about this landscape.
70. In summary, whilst I acknowledge that the appeal site and wider area is popular and valued by those who live adjacent to it, and/or have views over it, it has not been shown to exhibit any attributes that elevate it above the ordinary. Because of this I conclude that it is not the sort of valued landscape that paragraph 109 of the Framework indicates should be protected and enhanced.

The effect on character and appearance, and on the separation between Seaham and Dalton-le-Dale

71. As has already been noted, the Council's reason for refusal alleges that the proposed development would result in an unacceptable incursion into countryside that provides an important physical and visual separation between the settlements of Seaham and Dalton-le-Dale. This has been elaborated upon in the course of the presentation of the Council's evidence, such that the Council maintained in its closing submissions that the proposed development would give rise to a number of significant and harmful permanent effects on the landscape. These are intrusion into open countryside; reduction in the physical separation and the perception of separation between the 2 distinct settlements of Seaham and Dalton-le-Dale; harm to the sense of place and tranquillity of Dawdon Dene; and loss of the open rural landscape setting to Dalton-le-Dale.
72. Unsurprisingly the appellant disputes these assertions, arguing both in the original LVA submitted with the application and in the fresh LVIA put forward as part of the appellant's evidence to the inquiry, that whilst there would be changes and impacts to the appeal site and its surroundings, these would not be unacceptable in either landscape or visual terms. In considering these conflicting views I have had regard to the detailed landscape evidence submitted by both the Council and the appellant, including the photomontages and photographs from a number of viewpoints, together with my own observations and assessments made at my accompanied and unaccompanied site visits.
73. Dealing first with the appeal site itself, it is clear that the character of its northern part would change significantly from being open and rural to being occupied by a suburban residential development. I note that the Inspector in the 1998 appeal

was critical that housing in this location would “*occupy the most elevated and prominent part of the site*”. However, the submitted contour plans indicate that the area proposed for housing forms a gentle east-facing slope, at the same general level as the existing Dalton Heights/Escallond Drive residential area to the north. In landform terms it would therefore form a natural extension to this existing residential area and, as such, would not appear unduly out of keeping with its surroundings. There would be no built development in the southern part of the site, which lies on a steep, south-facing slope, only the SUDS basin and swale.

74. Moreover, I share the appellant’s view that the proposed planting would provide a much softer and well-treed southern boundary to this part of Seaham than is currently the case. I have already noted that the Inspector who determined the 1998 appeal referred to the appeal site and larger field as providing a “*fine setting for the southern part of Seaham*”, but I favour the assessment of the 1999 Local Plan Inspector who described the smaller scheme for 40 dwellings put forward at that time as being able to “*ameliorate the stark impact of the southern edge of the existing estate at this ‘gateway’ to Seaham*”.
75. To my mind this is an apt description of the appearance of this current boundary, where sparse vegetation and a mix of wooden fencing is the only separation between the open field and the adjacent residential properties, many of which lie close to this boundary. With these points in mind, I am not persuaded that this incursion into currently undeveloped land would be unacceptably out of keeping with the character of the surrounding area, or that it would be unduly harmful in landscape or visual terms.
76. There is no formal public access to the appeal site, so the change in character which would arise from the proposed development would, inevitably, be most apparent to the occupiers of the dwellings adjacent to or close to the site. I do not seek to belittle this impact on the local residents concerned, but those affected would be relatively few in number and, provided residential amenity standards are met (see later), I do not consider that this impact on private views should be determinative or be given significant weight in this appeal.
77. Travellers on the A19 and the B1285 currently have glimpsed views of the appeal site, but in my assessment the impact of the development on these people would not be unacceptable. They would still have views of the remaining agricultural field and the proposed landscaped and newly treed area, as would those who park for short periods in the nearby A19 layby. In my opinion the setting of Seaham would not be harmed by the proposed development, when viewed from the A19.
78. Furthermore, I do not consider that the visual impact on the longer-distance views available to walkers on the wider public footpath network, as shown on Doc 32, would be unduly harmful. Built form would extend onto part of the wider agricultural field, but it would be seen in the context of the existing buildings at Dalton Heights, and would be accompanied by significant new planting which would shield and soften views of much of the new development.
79. Overall, in light of the above points, I share the appellant’s view that the appeal proposal would provide an attractive new landscaped edge to Seaham resulting in beneficial effects on landscape character over time, as the structural landscaping matures. As such, it would not harm the setting of Seaham.
80. Turning to the separation between Seaham and Dalton-le-Dale, it is clearly the case that the proposed development would reduce the physical distance between

the closest Dalton-le-Dale dwellings, at Overdene/South View, and dwellings at Dalton Heights. However, whilst this is apparent on plan, I am not persuaded that it would be anywhere near as obvious on the ground. Indeed, I saw at my site visit that the combination of the generally dense vegetation which borders the B1285, the fact that much of this road sits in deep cutting past the appeal site, and the steeply sloping nature of the southern part of the appeal site, all serve to create a structural separation between Dalton-le-Dale and the northern part of the appeal site, where the new housing is proposed.

81. Because of this, I share the appellant's view that there would be very limited perception of the reduction of separation between Seaham and Dalton-le-Dale for pedestrians, cyclists and vehicle occupants on the B1285. Travelling northwards, all of these road users would still experience a distinct sense of leaving the developed area of Dalton-le-Dale around the St Cuthberts Terrace junction, then passing the slightly divorced area of Overdene/South View on the right, before catching glimpses of new development at Dalton Heights through the roadside vegetation on the left. Overall, I consider that the experience of travellers on this road would be largely unchanged by the appeal proposal.
82. I do accept that when seen from some more distant viewpoints such as Falcon Point at Dalton Park to the south, and the public right of way FP1 to the east⁴³, the appeal proposal would result in the development at Dalton Heights appearing closer to the outlier development of Overdene/South View at Dalton-le-Dale than is currently the case. However, this juxtaposition of development would be only one small feature in quite wide-ranging vistas available to walkers at these locations, and I am not persuaded that the appeal proposal would give rise to any undue visual harm or sense of unacceptable coalescence.
83. In this regard I have noted Mr Cudlip's comments, on behalf of the DLDAGAB, that the appeal site forms a vital and important part of a swathe of continuous countryside of some 2.5 miles or so in width, stretching either side of the appeal site, which a good number of local residents would like to see allocated by the Council as Green Belt. He states that to allow building on the appeal site would cause disruption and incursion in the most major way, as it would interrupt the continuous flow of countryside and have the most detrimental and significant adverse effects.
84. However, having regard to the cross-hatched plan submitted by Mr Cudlip⁴⁴, and the actual area proposed to be built on through the appeal site, it is my view that whilst a relatively small part of this area would be lost to the proposed development, by far the greater part of this wider, countryside area would still remain undeveloped. As a result, I am not persuaded that the impact on this wider area of countryside would be anywhere near as severe as is claimed. Insofar as Mr Cudlip's comments about a desire to see this land allocated as Green Belt is concerned, there are no firm proposals to this effect before me and I can therefore give this matter no material weight.
85. With regard to the Council's assertions that the proposed development would harm the sense of place and tranquillity of Dawdon Dene and result in the loss of the open rural landscape setting to Dalton-le-Dale, I do not share these views for a number of reasons. Firstly, the proposed dwellings would be confined to the more gently sloping northern part of the appeal site, adjacent to existing housing

⁴³ The 2 locations of the photomontages

⁴⁴ Doc 16

and well away from the more steeply sloping southern part of the larger field and the southern part of the appeal site, which is characteristic of the valley landform of Dalton Dene and Dawdon Dene. As such I am not persuaded that the proposed development would have any materially adverse impact on the rural setting of Dalton-le-Dale.

86. Secondly, whilst the new dwellings would undoubtedly result in some additional noise and activity, this would simply be typical of a residential area and I see no reason why it should be any more objectionable than the noise and activity generated by the existing Dalton Heights area. In any case, whilst I acknowledge that a small amount of development within Dalton-le-Dale lies due south of the larger field, to the west of the B1285, by far the greater part of the settlement lies to the east of the B1285. It would therefore be separated from the proposed new housing area by this road and the activity associated with it. Because of this I do not consider that the proposed development would unduly impact upon the sense of place and tranquillity of Dawdon Dene and Dalton-le-Dale.
87. Finally, I have noted the assertions of the DLDAGAB that the SUDS infrastructure should be seen as development which would serve to reduce the separation between Seaham and Dalton-le-Dale. However, this infrastructure would include no structures, but would just comprise the SUDS basin and green swale. Moreover, whilst the landscaping in this area would include an informal pathway, and would therefore be likely to introduce some human activity into this part of the appeal site and the larger field, there is no firm evidence before me to suggest that this activity, of itself, would have any meaningful impact on the tranquillity of the area, or on the separation of the settlements.
88. Drawing all the above points together, I conclude that the appeal proposal would not have an unacceptable impact on the character and appearance of the surrounding area, or unacceptably reduce the physical and visual separation between Seaham and Dalton-le-Dale. It would therefore not be in conflict with ELP Policy 1, nor with the Framework's core planning principles which require new development to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside. Furthermore, whilst I acknowledge that there would be a loss of a small part of the natural environment, the appeal proposal would enhance other parts, through the proposed landscape strategy, such that overall it would not be in conflict with the Framework's core principle requiring the natural environment to be conserved and enhanced.

The effect on the availability of BMV agricultural land

89. In the supporting information submitted with the planning application, the appellant argued that the appeal site only contains Grade 3b land, which does not fall into the BMV agricultural land category⁴⁵. However, the Officer's report to Committee recorded that Natural England (NE), whilst not a statutory consultee for this proposal, disagreed with the appellant's survey and considered that sections of the site do, indeed, contain BMV agricultural land. The loss of BMV land was considered to be unacceptable by the Council, and this matter was therefore included in the reason for refusal.
90. Further investigative work has been undertaken by both the Council and the appellant⁴⁶, and the Planning SOCG now records that there is agreement between

⁴⁵ CD2.9

⁴⁶ CD4.13 & CD4.14, and Appendix 11 in CD4.8

the parties that the site does predominantly comprise BMV agricultural land, although there is still a disagreement regarding the actual grading of the land. The Council maintains that the site contains some 59% (3.1 ha) of Grade 2 land and about 34% (1.8 ha) of Grade 3a land, whereas the appellant considers the northern two-thirds of the site to be Grade 3a with the remainder being Grade 3b.

91. The Framework makes no distinction between the different grades of BMV land, with its paragraph 112 simply requiring local planning authorities to take account of the economic and other benefits of BMV agricultural land and to seek to use areas of poorer quality land in preference to that of a higher quality, where significant development of agricultural land is considered necessary. However, the fact that the site could well contain Grade 2 land, which would be lost if the proposed development was to proceed, was seen as particularly important by Dr Monahan and the DLDAGAB, especially as the proportion of Grade 2 land is very low within County Durham, at about 1.6% of all land in the county.
92. That said, the Council made it clear that for its part, it did not consider the issue of agricultural land quality alone to be a "show-stopper" as far as the appeal proposal is concerned. Furthermore, although a very low percentage of all land in the county, the amount of Grade 2 land is shown on the NE Agricultural Land Classification (ALC) map⁴⁷ to be some 3,590 ha. Applying Dr Leverton's "rule of thumb" that Grade 3 land shown on the ALC map would be split roughly 50/50 between Grade 3a and Grade 3b, this would put the total amount of BMV agricultural land within the county at well in excess of 40,000 ha.
93. At just about 5 ha in total, the amount of BMV land assumed to be present on the appeal site would clearly be a very small proportion of the county's total, and I am not persuaded that its loss could be seen as significant on any reasonable assessment.
94. The Framework also requires economic factors relating to BMV land to be taken into account, and the only evidence placed before me on this point is information from land agents acting for the appeal site's owners⁴⁸. This indicates that the economic loss would be in the region of £14,000 to £15,000 a year, based on a reasonable assessment of crop yield and the current price per tonne for wheat. This information was not disputed, and I shall have regard to this level of economic loss when considering the overall planning balance, later in this decision. At this point, however, I note that this figure is significantly less than the amount of additional local expenditure per annum and the other related economic benefits which the appellant estimates would arise from the appeal proposal⁴⁹.
95. Taking all the above points into account I conclude that the appeal proposal would not have a significant impact on the availability of BMV agricultural land in the county, and that the loss of this land to development would not give rise to any significant economic concerns.

The effect on residential amenity and on the living conditions of nearby residents

96. These matters are largely covered by ELP Policy 35 which, amongst other things, requires that the design and layout of development should have no serious adverse effect on the amenity of those living or working in the vicinity of the

⁴⁷ Appendix 12 in CD4.8

⁴⁸ Appendix 13 in CD4.8

⁴⁹ Paragraph 9.7 of CD4.6

development site. This policy is supported by Appendix 6 of the ELP which sets out specific space and amenity guidance for residential layouts. I share the Council's view that this policy and appendix is generally consistent with the Framework, with one of its core planning principles at paragraph 17 stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

97. The main concerns raised on this topic by occupiers of existing residential properties relate to the likely impact of the proposed development on their living conditions, including such things as loss of privacy, loss of light and the visual impact of the proposed housing. These matters are of particular concern to those residents whose properties immediately adjoin the appeal site, especially as many of these have taken advantage of the currently open views by having living rooms, conservatories and balconies at first floor level⁵⁰.
98. However, separation distances between existing and proposed properties generally exceed the standards set in Appendix 6 of the ELP, with some of the distances being well in excess of the recommended figures. That said, there is a particular concern raised by Mrs Brooks, regarding the relationship between south-facing windows at her bungalow property, 11 Dalton Heights, and the side wall of a proposed detached garage at plot 57. The submitted plans show that an area of open land, with planting, is proposed to be sited immediately to the south of No 11, but the detached garage at plot 57 would be just some 7m from No 11's southern elevation. This relationship would not impinge on privacy, as no windows are proposed in the garage's side elevation, but it would result in an awkward and somewhat uncomfortable juxtaposition.
99. As already noted, the appellant put forward a suggested condition at the inquiry to try to address this matter, following discussions with Mrs Brooks. This would amend the layout for plots 57 to 65, thereby relocating the garage, increasing the depth of the open, planted area, and achieving a minimum separation distance of 18m between No 11's southern elevation and the proposed plot 57 dwelling. Although Mrs Brooks acknowledged that this would be an improvement, she maintained her opposition to the proposed development. In my assessment this suggested amendment would be a beneficial improvement to the layout which would result in not unacceptable living conditions for occupiers of 11 Dalton Heights. Moreover, its adoption would not adversely prejudice others who may have an interest in the appeal proposal.
100. The existing bungalow dwelling at 12 Dalton Heights appears to have limited views of the appeal site, as a result of its tall rear fence and sunken rear amenity area. However, I understand that its occupants are particularly concerned about loss of light, and the submitted plans do indicate that a single garage at plot 1 is proposed close to the common boundary. As a result, part of the garage's walls and pitched roof would undoubtedly be seen by occupiers of No 12 and would have some impact on light. This is not an ideal situation, but as the garage would only occupy a relatively small part of the field of view from No 12, with the plot 1 dwelling itself being some 13.5m or so from the boundary, I consider that the impact on the living conditions of occupiers of No 12 would not be unacceptable.
101. Nos 14 and 25 Dalton Heights both sit close to the appeal site boundary and both have windows overlooking the site. However, the development layout shows a fairly wide, planted area adjacent to the site boundary alongside these existing

⁵⁰ Doc 34

properties, with acceptable separation distances to the proposed dwellings on the nearest plots. Finally, I note that the rear elevations of the dwellings proposed for plots 74 and 75 would face to the west, such that their first floor windows would offer some views across the rear garden areas of some properties on Dalton Heights. That said, these views would generally be at an angle and of a type not uncommon in residential areas. Because of this I do not consider that this relationship would result in any unacceptable loss of privacy for existing Dalton Heights residents.

102. With regard to the visual impact of the proposed dwellings, I acknowledge that the outlook for occupiers of the existing dwellings which adjoin the appeal site would be changed significantly. However, the resultant views would not be dissimilar to those currently available to other residents on the Dalton Heights estate whose properties do not directly abut the appeal site. No evidence has been submitted to suggest that such views from these other, existing properties are unacceptable and because of this, and as residential amenity standards would be met, I do not consider that this impact on private views should be seen as unduly harmful.
103. I have also had regard to the other, more general concerns raised, such as the impacts of construction traffic passing through the Dalton Heights Estate; that stress could be caused as a result of the development occurring on neighbouring land; the fact that there could be disturbance from flashing headlights; that the lighting at the proposed access would be poor; that the proposed parkland could generate anti-social behaviour; and that the SUDS infrastructure and basin could prove dangerous to children.
104. However, many of the concerns relating to the construction period could be addressed by a construction management strategy, which could be secured by condition and would have to be approved by the Council. Similarly, other matters such as the layout of the parkland and details of the SUDS scheme would also have to be approved by the Council. I consider that these procedures would ensure that the layout of all such features would be satisfactory. Finally, no firm evidence has been submitted to indicate that disturbance from vehicle headlights would be any more severe than in the rest of the Dalton Heights estate.
105. Overall, taking account of all the above points, I conclude that the appeal proposal would not have any unacceptable impacts on residential amenity or the living conditions of nearby residents, through loss of privacy, loss of light, or visual intrusion. Accordingly, I find no conflict with ELP Policy 35 or the relevant sections of the Framework.

The 3 dimensions of sustainable development

106. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to sustainable development - economic, social and environmental - and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how the appeal proposal would perform against each of these roles in the following paragraphs.

The economic role

107. The Council has not disputed the appellant's claim that a number of economic benefits would flow from this proposal, which would contribute to boosting housing supply, including providing much needed affordable housing. As set out in Mr Westwick's evidence, these benefits would include an estimated £5.8 million in

Gross Value Added per annum, an estimated £412,500 “first occupation” spend, and an estimated £650,000 net additional local expenditure per annum⁵¹. In this context, the assumed annual loss of £14,000 to £15,000, resulting from development on BMV land would not be material.

108. It is also estimated that some 110 direct and indirect jobs would be supported during the construction process, and that about 10 new full-time equivalent jobs would be created in the local economy, including in retail and leisure businesses. Furthermore, the Council would receive an estimated New Homes Bonus of about £515,000, and over £130,000 in Council Tax receipts each year.
109. In view of these points the appellant argues that the appeal proposal would make a significant contribution to the ongoing economic sustainability of Seaham and the wider region, and that the increased spend in the local area would help to support the town’s local independent shops, services and facilities. No contrary evidence was put to me on these points to cause me to take a different view.
110. These benefits would not be unique to this development, but would flow from any new housing development of this size within the county. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development. This weighs significantly in the appeal proposal’s favour.

The social role

111. The Framework summarises the social role of sustainable development as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. In this regard the appellant comments that Seaham is a very sustainable settlement, with a vibrant community and a wide range of social infrastructure which would benefit new residents. This is not disputed, nor is there any dispute that the appeal site itself is sustainably located.
112. The Framework’s requirement that the planning system should deliver a wide choice of high quality homes would be furthered by the appeal proposal, which would deliver a range of 2, 3 and 4 bedroom dwellings, in a mix of detached and semi-detached units, to include 8 affordable houses. I understand that this proposed mix would generally accord with the Council’s 2016 Strategic Housing Market Assessment⁵² (SHMA). That said, I note the views of local estate and letting agents, reported in the SHMA, that whilst bungalows remain in short supply in Seaham there are no other major housing shortages within this area – a matter highlighted by the DLDAGAB. But notwithstanding these views, the fact remains that the Council’s 5 year HLS shows a significant shortfall, and Seaham is one of the main towns indicated in the SHMA where housing growth should be focussed.
113. Indeed the Council’s updated Seaham Masterplan⁵³ indicates that the town has been an attractive destination for housebuilders and buyers in the last decade, with a maximum of around 250 new houses being built in a single year, but that the rate of housebuilding has slowed in the last few years. This is stated to be

⁵¹ Paragraphs 9.7-9.8 of CD4.6

⁵² CD6.14

⁵³ CD6.23

partly due to the recession and partly due to the limited number of sites currently available. The appellant maintains that the slow rate of housing delivery in Seaham is primarily due to an over-reliance on previously developed sites.

114. This view appears to be borne out by the appellant's comment that the CDP – admittedly now withdrawn – was seeking to provide over 600 dwellings in Seaham on brownfield sites (out of a total of about 940 dwellings for the town) – but that only one of these sites (at Parkside for 116 dwellings) has been seriously progressed to date. Whilst housing proposals for other brownfield sites were highlighted by the DLDAGAB⁵⁴, they have not been put forward as formal planning applications to date, and there is no firm evidence before me to indicate that they would be capable of delivering houses within the next 5 years.
115. Leaving aside the Parkside proposal, for which the Council has recently resolved to grant planning permission subject to a S106 legal agreement, the Council's latest housing trajectory only shows 15 new houses proposed for Seaham over the next 5 years⁵⁵. In contrast, the appeal site is deliverable now, and I share the appellant's view that it provides an opportunity to deliver much needed housing in the short-term, which is especially important in view of the Council's housing shortfall, which I have already indicated amounts to between about 1,100 dwellings and 1,940 dwellings (depending on the assumed OAHN), over the next 5 year period. Even if the brownfield sites referred to by the DLDAGAB could deliver houses within the next 5 years, they would not eliminate this shortfall.
116. The appeal proposal would deliver well-designed dwellings in a substantial landscaped parkland setting, and would also provide a naturalistic play area for children. As such it would contribute to the health and well-being of new and existing residents, who would all be able to use the new facilities. In light of these points I conclude that the proposed development would satisfy the social role of sustainable development, and I give this matter significant weight.

The environmental role

117. The appeal proposal would clearly result in some environmental harm as an area of countryside, outside the current settlement boundary, would be lost to a new, suburban housing development. Further environmental harm would arise from the loss of an area of BMV agricultural land, as already discussed. However, the site lies immediately adjacent to existing housing and I have already concluded that the proposed development would read as a natural extension to this existing residential area. With the proposed landscape mitigation measures, I have further concluded that the appeal proposal would not have an unacceptable impact on the character and appearance of the surrounding area.
118. The Framework indicates that one aspect of the environmental role of sustainable development is for the planning system to meet the challenge of climate change and flooding. On this topic, a number of interested persons, including Mr Gustard for the DLDAGAB, raised various concerns about the existing drainage regime in the locality, and the impact which the proposed development and its SUDS scheme would be likely to have.
119. I acknowledge that local residents have first-hand knowledge of existing conditions and past flooding events, and it is perhaps unfortunate that this knowledge was not utilised by the appellant in designing the proposed drainage

⁵⁴ Docs 12, 32 & 37

⁵⁵ CD6.24

scheme. However, no firm, authoritative evidence on drainage matters has been put forward by objectors to cause me to disregard the clear evidence from the appellant, which has been endorsed by the Council's Drainage Officer and by the Council in its role as Lead Local Flood Authority.

120. This evidence, set out in the Flood Risk and Drainage Impact Assessment submitted with the planning application⁵⁶, concludes that the site is not within a flood risk area, and that the development would not increase the risk of flooding elsewhere. It also shows that there are no issues of sewer network capacity. I note that an updated Flood Risk Assessment⁵⁷ has been produced to address new guidelines which have been issued since the application was submitted, requiring a 40% increase in peak rainfall intensity to be applied to take account of climate change for "more vulnerable" residential proposals. The evidence shows that this could be satisfactorily accommodated in the existing SUDS scheme design without changing the footprint of the SUDS basin.
121. Furthermore, the submitted evidence indicates that the proposed drainage scheme would actually reduce flood risk. In terms of surface water drainage the development proposes to reduce the discharge rate by 43% in a 1 in 30 year event, and by 52% in a 1 in 100 year event⁵⁸. These figures indicate that not only would the proposed development not give rise to any additional flooding problems, it would result in a significant improvement to the existing situation. With these points in mind I am satisfied that there are no good reasons, on drainage and flood risk grounds, why the proposed development should be opposed. Indeed, the proposed drainage scheme would provide a clear benefit weighing in the appeal proposal's favour.
122. With regard to other environmental concerns, the Officer's report to Committee confirms that the forecast increase in vehicle movements is well below the appropriate threshold such that an air quality assessment is not required. In addition, the Noise Assessment⁵⁹ concludes that, with appropriate mitigation, acceptable noise levels can be achieved on the site. Furthermore, a number of general concerns were raised by interested persons, mainly in the written representations, regarding ecology and the various wildlife species which may use the site, and at the inquiry the DLDAGAB questioned the robustness of the bat transect surveys which had been carried out on behalf of the appellant.
123. However, the ecological assessment submitted with the application⁶⁰ demonstrates that the proposed parkland would provide valued habitat and that other biodiversity mitigation and enhancement measures would ensure that there should be no adverse ecological impacts. An updated assessment undertaken in June 2017⁶¹ shows that there has been no change in circumstances since the original report was produced and, indeed, that opportunities exist to enhance the biodiversity value of the site. In particular the assessments indicate that the landscaping scheme would be of benefit to local bat species, due to the large area of compensatory habitat proposed to the south of the housing area.
124. On this matter, there are clearly both environmental benefits and disbenefits of the appeal proposal, as detailed above. On balance it is my assessment that the

⁵⁶ CD2.12 & CD3.8

⁵⁷ Appendix 10 in CD4.6

⁵⁸ Appendix 10 in CD4.8

⁵⁹ CD2.16

⁶⁰ CD2.10

⁶¹ Appendix 6 in CD4.8

benefits would just outweigh the disbenefits, and because of this I conclude that the proposed development would also satisfy the environmental role of sustainable development, and that this would add moderate weight in the proposal's favour.

Summary

125. On this issue as a whole, and having regard to all the above points, it is my overall conclusion that the appeal proposal would satisfy all 3 dimensions of sustainable development.

Other matters

126. Highways and safety. The planning application was supported by a detailed Transport Assessment⁶² and an Interim Residential Travel Plan⁶³. These were considered to be satisfactory by the local highway authority (HA) who raised no objection to the appeal proposal on highway or safety grounds. However, many highway-related objections were raised in written representations, and also by a number of those who spoke at the inquiry, including Mr Richards who provided highways evidence for the DLDAGAB. Although Dr Bunn, for the appellant, provided no formal highway evidence, he did attend the inquiry to answer questions from Mr Richards covering such matters as the detailed access arrangements; capacity on the local highway network; and safety concerns, including the safety of pedestrians using the footway alongside the B1285.
127. The existing carriageway width at the proposed access point between 11 and 12 Dalton Heights measures a fraction less than 5.5m, and there would be a smooth transition to the proposed carriageway width within the new development of 4.8m. The Department for Transport publication Manual for Streets indicates that this width is adequate for cars and heavy goods vehicles to pass, and I consider it quite appropriate for a residential development of this type. The HA raises no objections regarding the number of dwellings to be served by the proposed access, and it has indicated that a second vehicular access is not necessary.
128. There would only be a footway on one side of the road at the approach to the new development, but such arrangements are not uncommon in residential areas, and I see no reason why this should present any unacceptable safety problems. The fact that there is a dispute over land ownership at the western side of the proposed access, involving land claimed by 12 Dalton Heights⁶⁴, is not central to the provision of a safe access. It is therefore not a matter upon which I need to form any clear view.
129. A separate pedestrian access proposed to link with the B1285 footway at the north-eastern corner of the site, was criticised on safety grounds by the DLDAGAB, particularly as it was stated that cyclists often use this footway. However, no firm evidence has been submitted to suggest that this footway could not safely accommodate the numbers of pedestrians likely to be generated by the development, even in the context of its unauthorised use by cyclists.
130. The amount of traffic predicted to be generated by the appeal proposal has been shown to give rise to no undue capacity problems on the local road network, even allowing for additional traffic from the nearby Dalton Park Phase 2 development. Moreover, the number of recent accidents in the locality is low, with nothing to indicate that the highway network has safety issues requiring remedial work.

⁶² CD2.17

⁶³ CD2.18

⁶⁴ Docs 25 & 37

131. Concerns were also raised regarding the likely impact of parked vehicles on traffic movements within Dalton Heights. However, there is nothing to suggest that the existing and proposed residential roads have not all been designed to appropriate standards, and in such circumstances I share the appellant's view that it is down to individuals to park responsibly, in accordance with the Highway Code.
132. Finally, I have noted the concerns expressed by Mr Richards and others regarding visibility for drivers approaching Overdene on the B1285, and for drivers entering the B1285 at the Overdene junction. That said, this is an existing junction and I am not persuaded that the relatively low numbers of vehicles that the proposed development would add to the B1285 traffic flows, on an hourly basis, would unacceptably worsen the situation for drivers undertaking these manoeuvres.
133. Drawing these points together, and having had regard to the originally submitted highways information, supplemented by an updated Transport Assessment Addendum⁶⁵, and the oral evidence provided by Dr Bunn, I am satisfied that highways matters should not weigh against the appeal proposal.
134. Human Rights. A number of interested persons maintained that the proposed development would harm their human rights. However, the right to respect for family and private life contained within the Human Rights Act is a qualified right. As such, it is lawful for these rights to be interfered with, so long as the interference is in accordance with the law and it is necessary to do so in a democratic society for the protection of the rights and freedoms of others. In this case, the interference is in accordance with sound planning principles regarding residential amenity, and it is necessary and proportionate in connection with the proposed development. Accordingly, a grant of planning permission in this case would not be at odds with the Human Rights Act.
135. S106 agreement. I have also had regard to the completed S106 agreement which would secure the provision of 10% affordable housing (8 dwellings). Having considered the joint note on this matter prepared by the Council and the appellant⁶⁶, I am satisfied that the S106 agreement accords with Regulation 122 of the Community Infrastructure Levy Regulations 2010. As such, it also satisfies the requirements of paragraph 204 of the Framework, and I therefore give this agreement weight in this appeal.

Summary, planning balance and overall conclusion

136. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to assess this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. In this regard I have also been mindful of the September 2017 submissions from the Council in which it asks that indicative housing need figures based on a Government consultation process be taken into account, but for reasons given earlier I can only give this matter very limited weight. In these circumstances I see no reason to deviate from the position set out in the Housing SOCG, namely that the Council is currently unable to demonstrate a 5 year supply of deliverable housing land. As such, policies for the supply of housing, which include ELP Policies 1 and 3 have to be considered out-of-date, although they still carry some weight. The other ELP Policy referred to in this decision, Policy 35, is

⁶⁵ Appendix 8 in CD4.8

⁶⁶ Doc 27

not out-of-date and in my assessment it accords with the guidance and approach of the Framework and can therefore carry full weight.

137. These points lead to paragraph 14 of the Framework which explains that proposals that accord with the development plan should be approved without delay; and that where the development plan is absent, silent or relevant policies are out-of-date, planning 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; or where specific policies in the Framework indicate development should be restricted.
138. Although the Council argued that Paragraph 109 of the Framework falls into this latter category, I am not persuaded that that is the case. The only evidence put to me on this point was the SoS's decision in the Kidnappers Lane appeal⁶⁷, which to my mind did not prove determinative on this matter as, despite concluding that the appeal site in that case was a valued landscape, both the Inspector and the SoS then proceeded to apply the Framework's paragraph 14 tilted balance. Be that as it may, in the current case, for the reasons set out above, I do not consider the appeal site to be a valued landscape in the Framework's terms and, as a result, footnote 9 to paragraph 14 does not come into play.
139. It is therefore necessary to assess whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposed development. I have concluded, as detailed above, that some adverse impacts would arise from this proposal, notably the environmental harm of the loss of the open, countryside nature of the appeal site, and the economic and environmental harm arising from the loss of about 5 ha of BMV agricultural land. There would also be the impacts arising from the adverse effects on the private views of residents who live adjacent or close to the appeal site.
140. However, on the other side of the scale I have to count the significant weight to be given to both the economic and the social dimensions of sustainable development, including the boost to the supply of both market and affordable housing which would flow from the proposed development. In addition, notwithstanding the adverse environmental impacts just outlined, I have found that there would also be a number of clear environmental benefits, such that overall the proposal would also satisfy the environmental role of sustainable development. This adds further, moderate weight in the proposal's favour. Moreover, I have not found against the appeal proposal on any of the identified main issues, or on any of the other matters raised.
141. I therefore conclude that the appeal proposal should benefit from the Framework's presumption in favour of sustainable development. This is a material consideration in the proposed development's favour and, in my assessment, it outweighs the conflict with the development plan, as I have earlier concluded that ELP Policies 1 and 3 can only carry limited weight in this appeal.
142. I do realise that many local residents will be very disappointed and upset by my findings in this case, especially those who spoke with such passion and feeling against the scheme at the inquiry. However, in light of all the above points my assessment of the planning balance leads to the overall conclusion that this proposal should be allowed, subject to the imposition of a number of conditions,

⁶⁷ CD7.21

as discussed at the inquiry and set out in the attached Schedule. I have made slight adjustments to the order of the conditions in the interests of clarity.

Conditions

143. Condition 1 is the standard condition for full planning permissions, whilst Condition 2 is imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans and details. Condition 3 was put forward by the appellant to improve the living conditions of occupiers of 11 Dalton Heights, and I consider it to be necessary in order to achieve high quality design and a good standard of residential amenity.
144. Condition 4 is imposed to ensure appropriate highway design, whilst Condition 5 is required in order to fully define the development in respect of site levels, in the interests of ensuring good design, preserving the character and appearance of the area and reducing flood risk. Condition 6 is necessary to control the works to, and the protection of, trees and hedges, and is necessary in the interests of the visual amenity of the area. Condition 7 is required in order to ensure adequate surface water disposal measures for the development, so as to reduce the risk of flooding.
145. Condition 8 is imposed to maximise the economic and employment opportunity benefits arising from the development, whilst Conditions 9, 12 and 15 are necessary to safeguard the living conditions of existing, neighbouring occupiers and proposed occupiers of the new dwellings. Condition 15 is also needed to safeguard the character and appearance of the surrounding area, as is Condition 13, which is also imposed in the interests of good design.
146. Condition 10 is needed to safeguard the preservation of archaeological assets, with Condition 11 being imposed to ensure sustainable construction and energy conservation. Condition 14 will ensure the provision of recreational space and is also needed in the interests of visual amenity and biodiversity conservation. Condition 16 is imposed in the interests of highway safety, whilst condition 17 is needed to define the details of foul water disposal arising from the development, and to ensure adequate drainage of the site. Finally, Condition 18 is imposed in the interests of sustainable transport and to reduce the potential for air pollutants arising from the development.
147. I have had regard to all other matters raised, including the points put forward in opposition to the proposal by Grahame Morris MP, Dalton-le-Dale Parish Council and Seaham Town Council, but they are not sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

David Wildsmith

INSPECTOR

Schedule of conditions (18 in total)

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - Site Location Plan 001 Rev A
 - Proposed Site Layout 13-020-P00 Rev U 16.02.2016
 - Housetype Plans:
 - A-965-Std/00/01
 - A-965-Std/00/02
 - A-959-Std/00/01
 - A-959-Std/00/02
 - A-931-Std/00/01
 - A-931-Std/00/02
 - A-915-Std/00/01
 - A-915-Std/00/02
 - A-860-Std/00/01
 - A-860-Std/00/02
 - A-796-Std/00/01
 - A-796-Std/00/02
 - A-1698-Std/00/01
 - A-1698-Std/00/02
 - A-1417-Std/00/01
 - A-1417-Std/00/02
 - A-1226-Std/00/01
 - A-1226-Std/00/02
 - A-1194-Std/00/01
 - A-1194-Std/00/02
 - L6808/C
 - L6806/D
 - A-SAL-GAR-STD/00
- 3) Notwithstanding the details shown on Proposed Site Layout 13-020-P00 Rev U 16.02.2016 no development shall take place until an adjustment to plots 57-65 so as to increase the distance between buildings on plot 57 and 11 Dalton Heights to at least 18m has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- 4) Notwithstanding the details shown on Proposed Site Layout 13-020-P00 Rev U 16.02.2016 no development shall take place until an adjustment to the highway layout serving the proposed plots 16-21 so as to address/redesign the access drive length serving those properties has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- 5) No development shall take place until details of the finished site levels and finished floor levels of the dwellings have been submitted to and approved in writing by the local planning authority. No development shall take place until details of the height, materials and location of any retaining walls/structures required as part of the development have also been submitted and approved in writing by the local planning authority. The details must include confirmation that finished floor levels are 150mm above the external ground level. The

development shall thereafter be implemented in accordance with the approved details.

- 6) No development shall take place until a schedule of works to be undertaken to trees and hedgerows as part of the development, including details of any felling and those to be retained as part of the development, has been submitted to and approved in writing by the local planning authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention as agreed are protected by the erection of fencing in accordance with BS 5837:2012. Thereafter works to trees and hedges shall be implemented in accordance with the approved details and the protection measures retained until the cessation of the development works.
- 7) No development shall take place until a detailed Sustainable Urban Drainage system (SUDS) has been submitted to and approved in writing by the local planning authority. The said SUDS scheme should accord with the hierarchical approach to surface water disposal. The SUDS scheme shall include, but not necessarily be restricted to the following:
- Detailed designs of SUDS features, infrastructure and any associated works and landscaping;
 - Full details of all surface water run-off rates and discharge rates to any watercourse;
 - Full details of the management and maintenance proposals/regime.

The development shall thereafter be implemented in accordance with the approved SUDS scheme. The approved SUDS scheme shall be managed, maintained and operated in accordance with the approved details and in perpetuity.

- 8) No development shall take place until a scheme/programme for the provision of targeted recruitment and training opportunities arising as a result of the development has been submitted to and approved in writing by the local planning authority. Such a scheme could include but may not necessarily be restricted to the following:
- Job Opportunities;
 - Apprenticeships;
 - Traineeships;
 - Graduate Internships;
 - Work Placements.

Thereafter the approved scheme/programme shall be implemented.

- 9) No development shall take place until a construction management strategy has been submitted to and approved in writing by the local planning authority. The said management strategy shall include:
- Details and methods of dust suppression which will include a Dust Action Management Plan;
 - Details and methods of construction noise reduction;
 - Confirmation that the burning of combustible material shall be prohibited on site;
 - Details and methods of reducing the potential for mud on the roads in the vicinity of the site;
 - A management plan for the construction vehicle and delivery vehicle movements to and from the site including confirmation of site

access point, details of predicted movements and any Banksman and Signallers to be employed;

- Details of parking arrangements for site staff and visitors;
- Compound location and details for the storage of plant and materials used in constructing the development;
- Details of the site construction hours within which construction activities including any deliveries to and from the site shall be permitted.

The construction phase of the development shall be implemented in accordance with the approved construction management strategy.

- 10) No development shall take place until a programme of archaeological work including a mitigation strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:
- Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
 - Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
 - Post-fieldwork methodologies for assessment and analyses;
 - Report content and arrangements for dissemination, and publication proposals;
 - Archive preparation and deposition with recognised repositories;
 - A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
 - Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
 - A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details. No dwellings hereby approved shall be occupied until a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy has been deposited at the County Durham Historic Environment Record and the receiving archive.

- 11) Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of measures that minimise energy consumption or carbon emissions. Thereafter, the development shall be carried out in complete accordance with the approved scheme.
- 12) No dwellings hereby approved shall be erected above damp proof course level until a noise mitigation strategy based on the Noise Assessment Report BH/DH/NA/10/14 Version: 2 05 November 2015 by QEM to reduce the impact of noise upon the prospective occupiers of the development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures retained in perpetuity.
- 13) No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction

of those dwellings have been submitted to and approved in writing by the local planning authority. The roads, private driveways and in-curtilage hardstands shall not be constructed until details of the surface materials have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include plans/details which define the distribution of those materials/surfaces across the development layout. The development shall thereafter be implemented in accordance with the approved details.

- 14) No dwelling hereby approved shall be occupied until a detailed open and recreational space, landscaping and ecological mitigation scheme for the development based upon the principles contained within Barton Wilmore illustrative landscape masterplan Drawing No. L8 (Figure MDC-8 within Appendix MDC-1 to Matthew Chard's Proof of Evidence), Extended Phase 1 Habitat Survey report No. 5 October 2015 and Extended Phase 1 Habitat Survey report no. 7 June 2017 (Appendix 6 of Neil Westwick's Proof of Evidence) has been submitted to and approved in writing by the local planning authority. The scheme shall include but not necessarily be restricted to the following:

- Precise details of the location and design of a children's playspace area;
- Details of all soft landscaping including planting species, sizes, layout, densities, numbers;
- Details of planting procedures or specification;
- Finished topsoil levels and depths;
- Details of temporary topsoil and subsoil storage provision;
- Details of any hard landscaped areas;
- Ecological mitigation measures including but not restricted to alternative bat roost creation.

The scheme must include a management and maintenance regime for all features/elements. The approved open and recreational space, landscaping and ecological mitigation scheme shall be carried out in the first available planting season following the completion of the development. Thereafter, the scheme shall be managed and maintained in perpetuity.

- 15) No dwelling hereby approved shall be occupied until full details of all means of enclosure to be erected within the site have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved details.
- 16) No dwelling hereby approved shall be occupied until a scheme for the improvement of traffic signs and road markings on the B1285 from the junction of the B1432 at Cold Hesledon up to and including the Graham Way roundabout has been implemented. The scheme must first have been submitted to and approved in writing by the local planning authority.
- 17) Foul waters resulting from the development shall be discharged to the sewer at manholes 7102 and/or 7401 and in accordance with the details contained within the submitted Flood Risk Assessment F November 2015 and Flood Risk Assessment J June 2017 (Appendix 10 of Neil Westwick's Proof of Evidence).
- 18) The development shall be implemented in accordance with the measures, monitoring proposals and action plan statements contained within the submitted Interim Residential Travel Plan A087216/ DG2 November 2015.

APPEARANCES**FOR THE COUNCIL**

John Barrett of Counsel	instructed by Clare Cuskin, Solicitor, Legal & Democratic Services, Durham County Council (DCC)
He called:	
Thomas Charrier BA(Hons) CMLi	Principal Landscape Architect, Stephenson Halliday, independent environmental planning and landscape architecture consultants
Mark Russell MA(Hons) MRTPI	Steve Hesmondhalgh and Associates Ltd
Raymond Leverton BSc PhD CBiol MRSB FLSoilSci	Independent Consultant, Leverton Land Quality Surveys
<i>In addition, the following witnesses did not formally present evidence, but appeared at the inquiry to participate in the Round Table Session on Objectively Assessed Housing Need and Housing Land Supply (David Usher and Thomas Bennett) and to assist with the Conditions session (Henry Jones)</i>	
David Usher MA(Hons) PhD	Principal Research & Intelligence Officer, Spatial Policy Team, DCC
Thomas Bennett BSc(Hons) MSc MRTPI	Senior Spatial Policy Officer, Spatial Policy Team, DCC
Henry Jones BA(Hons) DipTP PGCert MRTPI	Senior Planning Officer, Strategic Planning Development Team, DCC

FOR THE APPELLANT

Andrew Williamson BA(Hons) DipTP MRTPI <i>assisted by</i> Josh Kitson BA(Hons)	Consultant, Walker Morris Solicitors, Kings Court, King Street, Leeds, LS1 2HL Senior Associate, Walker Morris Solicitors
They called:	
Matthew Chard BA(Hons) Dip(Hons) MAUD CMLi	Partner, Landscape Planning & Design Group, Barton Willmore LLP
Neil Westwick BA(Hons) DipTP MRTPI	Planning Director, Lichfields
<i>In addition, the following witnesses did not formally present evidence, but appeared at the inquiry to participate in the Round Table Session on Objectively Assessed Housing Need and Housing Land Supply (Darren Wisher) and to answer highways-related questions from interested persons (Nick Bunn)</i>	
Darren Wisher BA MA Econ	Managing Director, Regeneris Consulting
Nick Bunn BSc(Hons) PhD MSc MCIHT CMILT	Engineering Director, Queensberry Design Ltd

INTERESTED PERSONS OPPOSING THE PROPOSAL

Grahame Morris MP	Local Member of Parliament
Marian Oliver JP	Chair, Dalton-le-Dale Parish Council
Mabel Hepplewhite	Vice-Chair, Dalton-le-Dale Parish Council
Paul Fletcher	Deputy Town Clerk, Seaham Town Council
Stan Cudlip	Local resident, speaking on behalf of the Dalton-le-Dale Action Group Against Bellway (DLDAGAB)
Howard Richards	Local resident, speaking on behalf of the DLDAGAB
Kelly Monahan PhD	Local resident, speaking on behalf of the DLDAGAB
Gerald Gustard	Local resident, speaking on behalf of the DLDAGAB
Angela Sandwith	Local resident
Edwin Mason BSc(Hons) PhD MIET CEng	Chair, Dalton Heights Residents Association; Vice-Chair, Durham Heritage Coast Partnership; and local resident
Elaine Brooks	Local resident

CORE DOCUMENTS

Submitted Planning Application Documents and Plans (December 2015)

CD1.1	Applications Forms and Certificate
CD1.2	Covering Letter
CD1.3	Site Location Plan 445-BEL-001
CD1.4	Site Plan As Existing 445-BEL-002
CD1.5	Proposed Site Layout 445-BEL-13-020-P00 Rev T
CD1.6	Adoption Plan 445-BEL-13-020-P01
CD1.7	Boundary Treatment Plan 445-BEL-13-020-P02
CD1.8	Proposed Colour Site Layout 445-BEL-13-020-P03
CD1.9	Spatial Syntax Plan 445-BEL-13-020-P04
CD1.10	Proposed Site Sections 445-BEL-13-020-P10
CD1.11	Landscape Masterplan 868_PJ1740_01
CD1.12	Landscape Photomontage Viewpoint 3 868(PJ1740)
CD1.13	Landscape Photomontage Viewpoint 6 868(PJ1740)
CD1.14	1000mm High Railings S6/D03
CD1.15	1800mm High Wall & Close Boarded Fence S6/D06
CD1.16	1800mm to 900mm "Transitions" Close Boarded S6/D08
CD1.17	1800mm High Acoustic Fencing S6/D10
CD1.18	3000mm to 2100mm High Acoustic Fencing Sections S6/D10
CD1.19	1200mm High Post & Rail Fence S6/D17
CD1.20	Double Shared Garage L6808
CD1.21	Single Garage
CD1.22	Sales Garage
CD1.23	Planning Layouts Standard Acacia A1417-std/00/01
CD1.24	Planning Elevations Standard Acacia A1417-std/00/02
CD1.25	Planning Layouts Standard Cherry A796-std/00/01
CD1.26	Planning Elevations Standard Cherry A796-std/00/02
CD1.27	Planning Layouts Standard Chestnut A965-std/00/01
CD1.28	Planning Elevations Standard Chestnut A965-std/00/02
CD1.29	Planning Layouts Standard Hawthorn A931-std/00/01

CD1.30	Planning Elevations Standard Hawthorn A931-std/00/02
CD1.31	Planning Layouts Standard Hazel A915-std/00/01
CD1.32	Planning Elevations Standard Hazel A915-std/00/02
CD1.33	Planning Layouts Standard Maple A1194-std/00/01
CD1.34	Planning Elevations Standard Maple A1194-std/00/02
CD1.35	Planning Layouts Standard Plane A1698-std/00/01
CD1.36	Planning Elevations Standard Plane A1698-std/00/02
CD1.37	Planning Layouts Standard Rowan A1226-std/00/01
CD1.38	Planning Elevations Standard Rowan A1226-std/00/02
CD1.39	Planning Layouts Standard T2 A860-std/00/01
CD1.40	Planning Elevations Standard T2 A860-std/00/02
CD1.41	Planning Layouts Standard T3 A959-std/00/01
CD1.42	Planning Elevations Standard T3 A959-std/00/02
Submitted Planning Application Plans and Reports (December 2015)	
CD2.1	Planning Statement
CD2.2	Design and Access Statement
CD2.3	Landscape and Visual Appraisal Report
CD2.4	Landscape and Visual Appraisal Figures
CD2.5	868_PJ1740_01_Landscape Masterplan
CD2.6	868(PJ1740)_LVA Photomontage - Viewpoint 6
CD2.7	868(PJ1740)_LVA Photomontage - Viewpoint 3
CD2.8	Summary Statement
CD2.9	Agricultural Land Classification
CD2.10	Extended Phase 1 Habitat Survey
CD2.11	Habitats Regulations Assessment Scoping Opinion
CD2.12	Flood Risk Assessment
CD2.13	Geoenvironmental Appraisal
CD2.14	Geophysical Survey
CD2.15	Historic Environment Desk Based Assessment
CD2.16	Noise Assessment Report
CD2.17	Transport Assessment
CD2.18	Interim Residential Travel Plan
Revised Planning Application Documents (February 2016)	
CD3.1	445-BEL-001A - Site Location Plan
CD3.2	445-BEL-002A - Site Plan as Existing
CD3.3	445-BEL-13-020-P00U - Proposed Site Layout - 01-02-16
CD3.4	445-BEL-13-020-P01A - Adoption Plan
CD3.5	445-BEL-13-020-P02A - Boundary Treatment Plan
CD3.6	868_PJ1740_01_Rev A Landscape Masterplan
CD3.7	Signed Covering letter
CD3.8	Flood Risk Assessment (Updated)
CD3.9	QD975-00-01 Rev D - Engineering Layout
CD3.10	445-BEL-13-020-P00U - Proposed Site Layout - 16-02-16
Statement of Case / Statement of Common Ground /Proofs of Evidence	
CD4.1	DCC Appeal Questionnaire

CD4.2	Appellant Statement of Case
CD4.3	DCC Statement of Case
CD4.4	Planning Statement of Common Ground
CD4.5	Housing Statement of Common Ground
CD4.6	Evidence of Neil Westwick
CD4.7	Summary of Evidence of Neil Westwick
CD4.8	Appendices to Evidence of Neil Westwick
CD4.9	Evidence of Matthew Chard
CD4.10	Appendix MDC 1 to Evidence of Mathew Chard
CD4.11	Appendices MDC 2 – 5 to Evidence of Matthew Chard
CD4.12	Evidence (and Appendices) of Darren Wisher
CD4.13	Evidence of Ray Leverton
CD4.14	Summary of Evidence of Ray Leverton
CD4.15	Evidence of Mark Russell
CD4.16	Summary of Evidence of Mark Russell
CD4.17	Summary of Evidence Tom Charrier
CD4.18	Evidence of Tom Charrier and Appendices A, B and C
CD4.19	Appendices D – H to Evidence of Tom Charrier
CD4.20	Rebuttal Evidence of David Usher
CD4.21	Rebuttal Evidence of Thomas Bennett
CD4.22	Rebuttal Evidence of Tom Charrier
Consultation Responses	
CD5.1	Affordable Housing (Mrs Angela Stephenson)
CD5.2	Air Quality (David Gribben)
CD5.3	Archaeology Response
CD5.4	Design and Conservation Comments (Judith Miller)
CD5.5	Drainage and Coastal Protection (John Anderson) (1) – 28.01.2016
CD5.6	Drainage and Coastal Protection (John Anderson) (2) – 09.03.2016
CD5.7	Durham Constabulary (Steven Drabik)
CD5.8	Ecology
CD5.9	Economic Development (Adam Richardson)
CD5.10	Education (Graeme Plews)
CD5.11	Environmental Health (Emma Tindall)
CD5.12	Highways (Alan Glenwright) (1) – 19.01.2016
CD5.13	Highways (Alan Glenwright) (2) – 18.04.2016
CD5.14	Highways (Alan Glenwright) (3) – 24.05.2016
CD5.15	Landscape (John Lochen)
CD5.16	Local Air Quality (David Gribben)
CD5.17	Natural England (Dawn Kinrade)
CD5.18	Neighbourhood Services (Mr Stuart Clasper)
CD5.19	Noise Action Team (Mark Anslow)
CD5.20	Northumbrian Water (Daniel Woodward)
CD5.21	Rights of Way (Owen Shaw)
CD5.22	Sustainability (Mr Stephen Macdonald)

CD5.23	Sustainable Travel
CD5.24	Committee Report (June 2016)
CD5.25	Decision Notice
CD5.26	Landscape (John Lochen) - 11.08.14 DM/14/02017/FPA
Other Core Documents	
CD6.1	National Planning Policy Framework (March 2012)
CD6.2	National Planning Practice Guidance - Extracts
CD6.3	Planning Inspectorate Good Practice Advice Note 09
CD6.4	PAS Objectively Assessed Need and Housing Targets Technical Advice Note, Second Edition (July 2015)
CD6.5	Housing White Paper (2017)
CD6.6	Saved Policies of the Easington Local Plan (2001)
CD6.7	Relevant Extract from Easington Local Plan Maps
CD6.8	Report into Objections to the Easington District Local Plan (Extract) (2000)
CD6.9	Assessing Development Proposals in County Durham Council - Policy Position Statement - March 2016
CD6.10	Easington Local Plan – Consistency Assessment of Saved Policies with National Planning Policy Framework and Guidance (2015)
CD6.11	Durham County Council Strategic Housing Land Availability Assessment (2013)
CD6.12	County Durham Plan Issues and Options (2016)
CD6.13	Edge Analytics – County Durham Demographic Analysis and Forecasts (February 2016)
CD6.14	County Durham Strategic Housing Market Assessment (2016)
CD6.15	County Durham Settlement Study (2012)
CD6.16	County Durham Landscape Character Assessment (Sheils Flynn and Durham County Council) (2008) – with East Durham Limestone Plateau Extract
CD6.17	County Durham Core Evidence Base Technical Paper No.22 - Landscape (2009)
CD6.18	Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute for Environmental Management and Assessment), 3rd edition (2013)
CD6.19	County Durham and Darlington Historic Landscape Characterisation (Durham County Council and English Heritage, 2013)
CD6.20	Natural England Technical Information Note TIN049
CD6.21	Agricultural Land Classification (Ray Leverton)
CD6.22	Open Space Needs Assessment (2010)
CD6.23	Seaham Masterplan Update (December 2016)
CD6.24	DCC Housing Trajectory (April 2017)
CD6.25	Draft S106 Legal Agreement
CD6.26	County Durham Landscape Strategy (Sheils Flynn and Durham County Council) (2008)
CD6.27	County Durham Landscape Guidelines (Sheils Flynn and Durham County Council) (2008)
CD6.28	2013 SHLAA Seaham Map

CD6.29	2013 SHLAA Individual Site Report for site 5/SE/15
CD6.30	National Character Area 15: Durham Magnesian Limestone Plateau (Natural England, April 2013)
CD6.31	Report into Objections to the Easington District Local Plan
CD6.32	Easington District Local Plan Review - Proposed Modifications to the Deposit Draft Plan: Report of Cabinet (2001)
CD6.33	Agricultural Land Classification of England and Wales, Revised Guidelines and Criteria for Grading the Quality of Agricultural Land (MAFF 1988)
CD6.34	FRCA Agricultural Land Classification of Objectors Sites Map and Report Easington District Local Plan Sept 1998
CD6.35	Planning Policy Guidance 7, The Countryside- Environmental Quality and Economic and Social Development (1997)
CD6.36	Planning Policy Statement 7 (2004)
CD6.37	Local Plan Expert Group Report to the Communities Secretary and to the Minister of Housing and Planning (March 2016)
Relevant Case law, Appeal Decisions and Evidence	
CD7.1	Supreme Court Judgment - Suffolk Coastal District Council v Hopkins Homes and Richborough Estates v Cheshire East Borough Council (10 May 2017)
CD7.2	High Court Decisions – Hopkins Homes v Suffolk Coastal DC and Richborough Estates vs Cheshire East B.C (17 March 2016)
CD7.3	High Court Decision - Daventry District Council v Secretary of State - CO/3447/2015 - (2 December 2015)
CD7.4	Appeal Decision – Land at Dalton Heights (5/APP/11/97) (May 1998)
CD7.5	Appeal Decision – Land West of Holborn View, Derbyshire (APP/M1005/A/13/2199128) (11 February 2014)
CD7.6	Appeal Decision – Land adjacent to Mandarin Hotel, Derby (APP/F1040/W/16/3160135) 06/02/16
CD7.7	Appeal Decision – Land at Henfield in West Sussex (APP/Z3825/A/12/2172558. 26.09.12)
CD7.8	Appeal Decision – Feniton, to the north of Ottery St Mary (APP/U1105/A/12/2172708). 25.09.12)
CD7.9	Appeal Decision – Land at Congleton in Cheshire (APP/R0660/A/11/2158727. 16.08.12)
CD7.10	Appeal Decision – Land at Ottery St Mary in Devon (APP/U1105/A/12/2180060, 14.12.12)
CD7.11	Appeal Decision – Land at Coalville in Leicestershire (APP/G2435/A/11/2158154. 20.08.12)
CD7.12	Appeal Decision – Land at Bishops Cleeve in Gloucestershire (APP/G1630/A/11/2159796. 16.07.12)
CD7.13	Appeal Decision - Land at Winterley, Cheshire (APP/R0660/A/14/2216767, 14.01.15)
CD7.14	Appeal Decision – Land to the west of Mount Park Drive and to the north of Newbiggen Lane, Lanchester (APP/X1355/W/15/3135895. 20.07.16)
CD7.15	Evidence – Proof of Evidence of Darren Wisher for Land to the west of Mount Park Drive and to the north of Newbiggen Lane, Lanchester (APP/X1355/W/15/3135895)

CD7.16	High Court Decision - Stroud District Council v Secretary of State - CO/4082/2014 - (6 February 2015)
CD7.17	High Court Decision – Forest of Dean District Council vs Secretary of State For Communities and Local Government and Gladman Developments Ltd (4 March 2016)
CD7.18	High Court Decision - Forest of Dean District Council vs Secretary of State For Communities and Local Government and Gladman Developments Ltd (4 October 2016)
CD7.19	Appeal Decision – Land to the North East and South West of the B1200 (Legbourne Road), Louth, Lincolnshire (APP/D2510/A/14/2218774)
CD7.20	Evidence – Proof of Evidence of Thomas Bennet for Land at former Community Hospital, Sedgefield (APP/X1355/W/16/3163598)
CD7.21	Appeal Decision – Land at Kidnappers Lane, Leckhampton
CD7.22	Court of Appeal Decision – Barwood and East Staffs BC (30 June 2017)
CD7.23	Appeal Decision – Land North of Southam Road and East and West of Church Lane, Radford Semele, Warwickshire (APP/T3725/A/14/2222868)

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

Document	1	Appearances on behalf of the appellant
Document	2	Appearances on behalf of the Council
Document	3	Opening statement on behalf of the appellant
Document	4	Opening statement on behalf of the Council
Document	5	Figure MDC-13 - Local Landscape Types, Spatial Strategies Plan – submitted by the appellant
Document	6	Information Sheet – key differences between the appellant and the Council on the Objectively Assessed Need for housing – prepared 25 July 2017
Document	7	Plan presumed to represent proposals presented to the 1999 Easington Local Plan Inquiry – submitted by the appellant
Document	8	Figure MDC-11 – Aerial Photograph & Contours Plan – submitted by the appellant
Document	9	Summary of Rebuttal Evidence on Housing Land Supply from Thomas Bennett, submitted by the Council
Document	10	Note on Common Ground on Housing Land Supply
Document	11	Agenda for Round Table Session dealing with Objectively Assessed Housing Need and Housing Land Supply
Document	12	Bundle of 2 plans submitted by Mr Cudlip, showing proposals for housing on brownfield sites in Seaham
Document	13	Statement of Marian Oliver
Document	14	Statement of Mabel Hepplewhite
Document	15	Statement of Stan Cudlip on behalf of the DLDAGAB
Document	16	Aerial photograph submitted by Mr Cudlip, showing countryside areas to west, south and east of the appeal site
Document	17	Statement of Howard Richards on behalf of the DLDAGAB
Document	18	Statement of Kelly Monahan on behalf of the DLDAGAB
Document	19	Statement of Gerald Gustard on behalf of the DLDAGAB
Document	20	Statement of Angela Sandwith
Document	21	Statement of Edwin Mason
Document	22	Statement of Elaine Brooks

Document	23	Extract of the County Durham 2013 Strategic Housing Assessment Update Report – referred to by the DLDAGAB and submitted by the appellant
Document	24	Note on Common Ground on Housing Land Supply (updated following the Round Table Session)
Document	25	Letter from George F White dated 25 July 2017, with attachments including Land Registry details, relating to 12 Dalton Heights – submitted by the appellant
Document	26	Drawing No 13-020-P01 Rev B - Adoption Plan at 1:500 scale, dated 27 July 2017 - submitted by the appellant
Document	27	Note dealing with the Community Infrastructure Levy Regulations 2010 – submitted by the Council
Document	28	Secretary of State Appeal Decision Ref APP/J3720/A/11/2163206 – submitted by the Council
Document	29	Appeal Decision Ref APP/R0660/A/14/2229034 – submitted by the Council
Document	30	Appeal Decision Ref APP/R0660/A/14/2228681 – submitted by the Council
Document	31	Accompanied and unaccompanied site visit itinerary
Document	32	Council Position Statement regarding possible development on 3 brownfield sites referred to by Mr Cudlip
Document	33	Appeal Decision Ref APP/X1355/W/16/3163598 – submitted by the Council
Document	34	Details of “upside down” houses at Dalton Heights on the boundary of the appeal site – submitted by Mr Cudlip
Document	35	List of agreed conditions
Document	36	Signed and executed S106 Agreement between The County Council of Durham Gordon John Bulmer, Colin David Bulmer and Martin Robert Bulmer and Bellway Homes Limited
Document	37	Final Summary Statement by Stan Cudlip on behalf of the DLDAGAB, with attached letter from Mortons Law, relating to land at 12 Dalton Heights
Document	38	Photographs of the appeal site under cultivation, submitted by Mr Cudlip
Document	39	Closing Submissions on behalf of the Council
Document	40	Closing Submissions on behalf of the appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

Document	41	Update by the Council to the release of “Planning for the right homes in the right places” consultation – 5 Year HLS – 18 September 2017
Document	42	Response by the appellant on 20 September 2017 to the Council’s submission of 18 September 2017
Document	43	Response by the DLDAGAB to the Council’s submission of 18 September 2017
Document	44	Further submissions from the Council in an email dated 28 September 2017