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## Appeal Decision

Hearing held on 29 & 30 June 2015

Site visit made on 30 June 2015

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

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

**Decision date: 29 December 2015**

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**Appeal Ref: APP/X1355/A/14/2229201**

**Hamsterley Hall, Hamsterley Mill, Rowlands Gill NE39 1NJ**

- 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 David Wilson Homes and Mr Steven Spry against the decision of Durham County Council.
  - The application Ref DM/14/00101/FPA, dated 24 January 2014, was refused by notice dated 11 July 2014.
  - The development proposed is the erection of 35 no. dwellings with new site access from the B6310 with associated landscaping and infrastructure works as an enabling development for the restoration of Hamsterley Hall as a single dwelling including works to the bothy, erection of a garage and conservatory reinstatement.
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### Decision

1. I dismiss the appeal.

### Procedural matters

2. Listed Building Consent in respect of works to the Grade II\* listed Hamsterley Hall was granted on 7 January 2011 Ref: AR/1/2010/0145/DMLB. A related application for planning permission for an enabling development of 60 no dwellings was refused planning permission and subsequently dismissed at appeal ref. APP/X1355/A/11/2152787. This proposal is a revision of that scheme, the main difference being the reduction of the number of proposed dwellings in the enabling development to 35. In addition, a further grant of listed building consent for works to the Hall was made ref. DM/14/0100/LB.
3. It was confirmed at the Hearing that the *Summary of interim views* of the Inspector examining the County Durham Plan included the view that the process and evidence relating to the proposed amendments to the Green Belt boundary are flawed and emerging Policy 14, which the Council refers to in the reason for refusal, is not sound. I heard that this shortcoming was 1 of a number identified by the Inspector in his interim views. Against this background, the parties agreed that the County Durham Plan carried little weight and I have dealt with the appeal on this basis.
4. In addition, it was confirmed by the Council that it was no longer pursuing an objection against the proposal on the grounds of prematurity. I have dealt with the appeal on this basis.
5. The Historic England (HE) (formerly English Heritage) document; *Enabling Development and the Conservation of Significant Places*, offers specific

guidance and criteria to be used in the assessment of enabling development proposals. I shall refer to these criteria in my decision as well as other guidance in that document. However, paragraph 140 of the National Planning Policy Framework (NPPF) makes it clear that the benefits of an enabling development proposal should simply outweigh the disbenefits of departing from other policies unlike the HE criteria which set out the tests of 'decisively' outweighing disbenefits. Given the status and up-to-date nature of the NPPF, and in the absence of any specific development plan policy on this matter, I shall apply its test in this case.

6. The appellant submitted a signed and dated Section 106 Agreement at the Hearing. I shall return to the details of the Agreement below.

## **Main Issues**

7. The main issues are the effect of the proposal on the character and appearance of the surrounding countryside; (b) the effect on the setting of nearby heritage assets; (c) the suitability of the site for housing having regard to policies on sustainable development; (d) whether the amount and type of proposed enabling development is justified having regard to the listed status of Hamsterley Hall, and (e) any public benefits arising from the scheme.

## **Reasons**

### *Character and appearance*

8. The appeal site forms part of a wider area of parkland and pasture associated with Hamsterley Hall. Extending to around 4.45ha, it is located in the open countryside, to the north of the Hall, within a designated Area of High Landscape Value (AHLV). The village of Hamsterley Mill and the cycle route NCR14 are situated to the north. Under normal circumstances, the erection of open market housing in the countryside would be resisted under saved Policy EN1 of the adopted Derwentside District Local Plan (LP). Furthermore, the NPPF makes clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
9. I note that this proposal differs from that previously dismissed at appeal insofar as the number of units is reduced, only core works to the Hall would be funded by the enabling development, housing plots would be larger with layers of planting, the development would be set back from the estate drive and Old Lodge (a Grade II listed building), screen planting would be introduced to soften the development and the density of the development has been decreased. Nevertheless, I heard that the level of local opposition, including from the MP, to a housing scheme at this general location, remains high.
10. The appeal site sits within an attractive environment through which pass a number of public rights of way, including the estate drive which is a byway. The character of the area is partly established by the contrast between wooded areas, open agricultural land and built development. The nature of built development is characterised by small settlements and occasional isolated properties, generally well spaced, so that it appears as a settled landscape without being intensively developed. I note that the appellants considered other nearby sites within their control for the development but found the appeal site to be the most suitable location in landscape and listed building

setting terms. Be that as it may, I must assess the proposal, including the site, on its own merits.

11. The proposed development of 35 executive homes would be a significant new development in the open countryside. It would occupy a gently sloping field to the north of Hamsterley Hall, with road access onto the B6310. Although the revised scheme would reflect the density of the design of housing at Hamsterley Mill, I consider that like the previous scheme it would be a rather inward looking residential estate, built to a common architectural style, with limited local distinctiveness and few communal facilities. A scheme of landscaping, incorporating layered planting is proposed which would soften the impact of the edges of the development in the landscape. In common with the previous Inspector, I consider that it would take some time for the landscaping to establish to the extent that it would provide significant screening.
12. The appellants have provided a landscape and visual appraisal (LVA) which includes a Zone of Theoretical Visibility (ZTV) with a 5km study area and 11 view points from key receptor locations, along with 4 wider context views. This takes in Character Area 16 *Durham Coalfield Pennine Fringe* as defined by Natural England. This is characterised as a rolling upland landscape of broad open ridges and valleys heavily influenced by the mining industry. The LVA concludes that the proposal would be most noticeable from close range, within 250m of its centre point. Beyond this range, the LVA generally finds that the proposed development would be in keeping with the landscape character of scattered settlements in a rolling valley, amongst woodland and farm land connected by a network of roads and paths. LVA viewpoint 4 is claimed to demonstrate this effect.
13. The LVA goes on to argue that the low density and the proposed mitigation, which could be made the subject of a suitably worded condition were planning permission to be granted, would enable the development to integrate into its surroundings when viewed from the identified sensitive receptors. From the selected landscape receptors and the selected viewpoints, the LVA concludes that the landscape and visual effects resulting from the development would be neutral.
14. While I concur with the findings of the LVA that in wider landscape terms the addition of a group of houses would not be discordant as the development would be largely screened or seen as another area of settlement within the landscape, I nevertheless consider that over shorter range views (such as from the Derwent Walk, the footpath to the west of High Hamsterley Farm and the B6310, LVA viewpoints 1, 2 and 6 respectively) it would be evident, even with mitigation from planting, that houses had been developed in an area that is currently open countryside.
15. In addition, despite the screening provided by existing woodland, I consider that opportunities would exist for wider panoramic vistas and more intimate local views that would take in the proposal (LVA viewpoints 4, 9 and 10). In particular, in the eastern approach from the elevated position of Burnopfield, views of the proposal would result in a noticeable landscape change with the new housing being clearly visible even after several years of new tree planting growth. The development would also be apparent, despite the revised location, from the estate drive (LVA viewpoint 3).

16. Moreover, given the revised siting of the enabling development closer to Hamsterley Mill, I consider that the concerns of the previous Inspector regarding impacts on views from High Hamsterley Farm have greater resonance. She opined that while there may still be some screening of the proposed housing from High Hamsterley Farm, roof tops would remain evident and would be likely to be seen, particularly in winter months, even if planting were to be established successfully. In which case her conclusion that the importance of High Hamsterley Farm in the landscape in relation to the wider estate and its buildings would be diminished by the proposed housing, remains apposite.
17. In my judgement, this is a landscape with a high sensitivity to change. As described above, from a number of nearby vantage points the development, or the roofs of dwellings within it, would remain visible despite the proposed landscape mitigation. In addition, the access road would represent a visual intrusion into the countryside and there would be a visual alteration in some hours of darkness as light from the proposed housing would be seen from certain viewpoints. The nature and extent of the urbanising change that would be apparent when the development is seen in closer range views would have a detrimental effect upon the integrity of the parkland landscape.
18. As such, I consider that moderate harm would arise in terms of the effect of the proposal on landscape character and its visual impact. In common with the previous Inspector, I am therefore unable to conclude that particular attention has been paid to the landscape qualities of this AHLV as required by saved LP Policy EN6. Nor do I find accord with saved LP Policies EN1 or EN2 which, amongst other things, seek that proposals in the countryside should be sensitively related to landscape in the area and should prevent encroachment into the countryside.
19. These policies, whilst dated, do not significantly differ from the policies set out in the NPPF. The lack of accord with these landscape policies is a matter to be considered in the balancing exercise required by the NPPF. I shall do this in accordance with the guidance and criteria set out in the HE document, a matter to which I return below.

#### *Setting of listed buildings*

20. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be paid to the desirability of preserving the settings of listed buildings, where those settings would be affected by proposed development. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.
21. HE guidance; *The Setting of Heritage Assets*, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The significance of an asset is defined in the NPPF as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also

- from its setting. Significance may be harmed by a development and it is necessary to decide whether or not such harm is substantial.
22. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting. The assets that would be affected in this instance by development within their settings are Hamsterley Hall (listed Grade II\*) and the Old Lodge and gates alongside the B6310 (both listed Grade II).
23. The parties have described the significance of these assets, including the contribution made by their setting and have also assessed the effect on significance which would arise as a result of the impact on setting. This approach is in line with the advice in NPPF paragraphs 128 and 129. In this regard, I agree with the previous Inspector that the setting for the Hall extends beyond the immediate formal gardens. It, along with the other heritage assets, was part of a conscious design which set out to make an architectural statement by being seen within the landscape. As such I am satisfied that their architectural and historic significance is partly derived from their settings.
24. The current driveway to the Hall from the B6310 is through the ornamental gateway (listed as gates, gate piers, dwarf walls and screen), past The Old Lodge. The driveway runs past the walled garden, over Handley Cross Bridge and progresses uphill to the Hall. This has been the main approach route for a long period of time. The pasture to the west side of the driveway includes the appeal site. This land is seen in views with The Old Lodge. The pasture does not form part of the formal gardens and the appeal site is outwith the area designated by the LP as historic parkland.
25. Although the proposal would now sit further from The Old Lodge and gates than the previous scheme at around 250m distant, I observed that inter-visibility between the heritage assets and the proposal would remain, albeit to a lesser degree. This would be apparent on the approach to the ornamental gateway on the B6310 from where it is likely that the proposed housing would be seen in the distance on rising ground. The intervening distance and the proposed landscaping would reduce its impact. However, a residual effect would remain which would erode the rural qualities of the area and pastoral scene at this point, detracting from the rural setting of the lodge and gates. Thus, I find harm in terms of the setting of the listed lodge and gates.
26. In addition, views may be obtained from the public realm such as the footpaths which traverse the local area as well as the B6310 from where the proposal and 1 or more of the heritage assets would be seen in conjunction. I consider, taking account of its revised position, that the enabling development would be seen through the woodland to the rear of the Hall, from the public right of way to the south. This would be the case during winter months when the trees are not in leaf with glimpsed views at other times. In my judgement, despite the barrier created by the woodland, even glimpses of the proposed housing would have a discordant urbanising effect that would be harmful to the historic setting of the Hall as established by its formal gardens, parkland, pasture and woodland.
27. Against this background, I consider that the identified heritage assets derive some of their significance from their settings which would be adversely affected

by the proposal. This would equate to less than substantial harm for the purposes of paragraph 134 of the NPPF which requires to be weighed against any public benefits of the proposal. I shall do this in the context of NPPF paragraph 140 and the guidance and criteria set out in the HE document, a matter to which I return below.

### *Sustainability*

28. This appeal site stands in close proximity to the site considered by the previous Inspector. I find her conclusion rings true for this proposal insofar as the proposal would be situated where there are no day to day facilities to which one could easily walk, such as shops, schools, or doctors, and so the site is not one from which a resident could access services without reliance on some other form of transport. This view also accords with that of another Inspector dealing with an appeal ref. APP/X1355/A/10/2133290 for a single dwelling at nearby Hamsterley Mill.
29. Access to services was considered at length by the previous Inspector and while this proposal is in a slightly different location, the details concerning bus routes, timetables and accessibility have not altered greatly. Consequently, like the previous Inspector I consider, given the distances to bus stops (the more extensive network connections being located on the A694) that journey time and other factors, such as convenience, carrying shopping and multiple visits, would be likely to reduce the use of this form of public transport. Nevertheless, I acknowledge that the proposed new bus stops would be a positive encouragement to such use. In addition, the proximity to cycle route NCR14 may encourage travel by bike although this is most likely to be used for leisure purposes. Moreover, the proposal is for 'executive' housing, which is likely to be occupied by people with access to private cars. Overall, despite the scope for some choice of transport mode, I consider that the proposed development would be largely reliant upon private transport.
30. While I note the appellants' claim that the proposal would assist in maintaining local services and facilities I did not observe any such facilities in the immediate area which would benefit from the patronage of future occupiers. It is likely that their expenditure and use of facilities would be spread over a relatively wide area. Thus I attach little weight to the importance of the contribution that the future occupiers of the development would make to sustaining local facilities.
31. As a housing development in the countryside the proposal would conflict with saved LP Policy EN1. However, NPPF paragraph 55 makes clear that while new isolated homes in the countryside should be avoided, special circumstances to this include appropriate enabling development to secure the future of heritage assets. This recognises that an enabling development to secure a heritage asset within a country estate is likely, by its very nature, to be located in a rural area. These are factors to be considered in terms of weighing the scheme in the final balance.
32. Thus, whilst the proposal would fulfil the economic role and has some social and environmental merits, in overall terms I consider that it would not fulfil the environment and social roles of sustainable development for the purposes of paragraph 8 of the NPPF as it would have little social cohesion with the existing community, it would be remote from services and facilities and it would be harmful to local landscape character and visual amenity. Nevertheless, the

particular circumstances of this case justify reducing the overall weight I attach to this harm. This matter, and the balancing within it, is one to be considered under the balance required by the NPPF to which I return below.

*The condition of Hamsterley Hall and whether an enabling development is justified*

33. Two Statements of Common Ground were submitted, one between the appellants and HE (SofCG1), and the other between the appellants and the Council (SofCG2). These set out that Hamsterley Hall, as a Grade II\* listed building, is amongst the top 8% of all listed buildings in England. It is acknowledged to be in a state of disrepair and its condition is such that it was put on the HE *Buildings at Risk Register* in 2010. On that Register it is categorised as being in the worst condition; that of 'very bad'. Part of the Hall had to be demolished in 2013 following a partial collapse affecting the western brick wing. Mr Spry confirmed at the Hearing that the Hall and most of the surrounding land was purchased with the intention of making it a family home but with an enabling development in mind. Under this proposal that would be carried out by Barratt David Wilson Homes.
34. SofCG1 reports the view of the appellants' structural engineer that funding is required for a full structural repair without which large proportions of the remaining fabric will be lost to structural collapse. I concur that the optimum viable use for the Hall is one which keeps it in single ownership, with minimal intervention, such as a single dwelling. It is clear from SofCG1 and from the previous appeal decision that HE had already been in discussions about the possibility of enabling development for some time. The financial background to this is set out clearly in the previous appeal decision.
35. The appellants argued the case for an enabling development as the means of securing the future of the heritage asset on the basis that the costs of repair would be significantly greater than the market value of the property upon repair. I heard that the overall costs associated with the repair/restoration works and the reinstatement of the conservatory/erection of garage block would far exceed the value of the Hall once completed. From the figures placed before me, I accept that there is a conservation deficit based on the end value of the Hall.
36. In addition, I accept that the proposed enabling development represents the minimum number of units required to repair the Hall to the point at which it could be removed from the Buildings at Risk Register, as set out in the submitted Financial Development Appraisal. This would consolidate the historic structure and fabric of the Hall and secure the future of the heritage asset. The further works to bring it up to a standard fit for use as a dwelling would be funded directly by the appellants. I heard from the HE witness that HE was also satisfied in this regard. In which case, I consider that the concerns of the previous Inspector regarding an imbalance between the conservation deficit and residual profit in respect of criterion f of the HE Enabling document have been addressed.
37. The HE Enabling document also explains that the UK housing market is strongly cyclical and that in periods of low values it will be worth considering mothballing a heritage asset, undertaking only minimum works to make it wind/weather-tight and secure, in anticipation of an acceptable scheme being viable as the market recovers. In this regard, while the building cannot be described as anything other than at risk, I observed that sufficient

consolidation works appeared to have been carried out to shore up the structure of the Hall and reduce the likelihood of significant deterioration in the short term.

38. It was also confirmed by the appellants that the building will be maintained in accordance with statutory minimum requirements. They have a financial interest in protecting this asset and these factors are likely, in my judgement, to safeguard it from total loss. Moreover, the avoidance of the loss of a heritage asset does not mean any enabling development is acceptable. Rather, securing its future, including by means of an enabling development requires to be assessed under NPPF paragraph 140, in the light of the HE document. To this end, the HE Enabling document explains that before any enabling development is considered, active marketing for a minimum period of 6 months should normally be undertaken to try to secure a viable future use. This is a matter to which I return below.
39. It was suggested by local residents that more suitable sites for the development should be considered. However, as noted above, other sites for the enabling development were considered but discounted by the appellants as they would not provide enough residual profit to provide for the conservation deficit. This again was a matter that was considered at length by the previous Inspector and from the evidence before me I have no reason to demur from her assessment that there is nothing to say all sites within the ownership of the appellants, individually or together, must be considered and that any scheme that comes forward must be acceptable, not just be the least unacceptable scenario.
40. While I note the level of local opposition to the enabling development I also note the letters in support of the proposal to secure the future of the heritage asset, including from the Surtees Society. From the evidence, I am in no doubt as to the architectural and historical significance of Hamsterley Hall and its pressing need for repair and restoration. However, these are matters to be weighed in the overall balance under NPPF paragraph 140. A matter to which I return below.

#### *Other matters*

41. While Natural England and the Council's Ecologist raised no objections to the proposal, concerns were raised by Friends of Red Kites in respect of an adverse impact on Red Kite numbers. It was claimed that the species has been declining in the area due to a reduction in the amount of land available for foraging which the proposal would compound. It was pointed out that Red Kites nest close to the appeal site.
42. I note from the officer report that the pasture of the appeal site itself is judged to be of low quality in habitat terms. The same report also states that Pontburn Wood is located close to the proposal and wildlife corridors are designated along Pont Burn and Hamsterley Burn that are protected by LP Policies EN22 and EN23. In addition, the various ecological surveys submitted by the appellants assessed the effect of the proposal on wildlife, including Great Crested Newts, badgers, bats and Red Kites, and identified mitigation measures in respect of protected species. The proposed location was adjudged to avoid direct habitat loss and disturbance.



43. The Council's Ecologist was content with the mitigation strategies set out in the surveys which relate to low density development with extensive gardens in a parkland environment, creation of new wildlife habitats to provide additional high value foraging habitat, creation of a 15m buffer north of Hamsterley Wood and streetlighting designed to reduce light spill. From my assessment, I have no reason to disagree and consider that the proposal would not be harmful in ecological terms subject to the identified mitigation strategies in respect of wildlife interests which could become the subject of suitably worded planning conditions attached to any grant of planning permission.
44. I note from the officer report that the highway authority raised no objections to the proposal on highway safety grounds and that subject to suitably worded conditions regarding highways, drainage and residential amenity there were no reasons why planning permission should be withheld in respect of these matters. From my assessment, I have no reason to disagree.
45. A signed and dated Section 106 Agreement was submitted at the Hearing. This would ensure the restoration of the Hall with emergency stabilisation works completed within 5 months of any planning permission, secure the completion of works to the Hall and Bothy within 3 years of the commencement of the housing development linked to the timing of the phased occupation of the enabling development, a parent company guarantee would secure repair works in the event of any default, public access to the Hall would be secured, training and apprenticeships would be linked to the works with workshops and school/university visits taking place, interpretation boards would be provided within the estate, traffic calming measures would be secured along with bus stops and lay-bys, a new access would be created to the Derwent Park car park, a link would be provided between the Derwent Walk car park and Parklands, woodland management would be secured for the ancient woodland and an open space contribution of £10,500 would be secured.
46. From my assessment, the provisions of the Agreement are directly related to the development and reasonably related in scale and kind. As such it passes the tests set out in the NPPF and satisfies the requirements of regulation 122 of *The Community Infrastructure Levy Regulations 2010*. I can therefore give it considerable weight.

#### *Public Benefits*

47. The main public benefit that would arise would be the restoration of the Hall. This weighs heavily in favour of the proposed development. Additional benefits would be derived from delivering public access by opening the Hall and estate during the annual Red Cross Charity weekend, granting unlimited pre-arranged access to educational organisations, interests groups and skilled craftsmen and the provision of signboard historical and ecological information.
48. In addition, there would be public access to the Hall and estate, new bus stops and lay-bys, a new gateway feature to encourage careful driving, a £10,500 open space contribution along with construction jobs, including promoting traditional skills on the Hall restoration, New Homes Bonus payments, additional Council Tax revenue and provision of executive housing for which there is an identified need in the County. These benefits also weigh in favour of the scheme. However, while I have not found harm in terms of ecological, highways and residential amenity considerations, subject to conditions being

attached to any grant of planning permission, these are neutral matters rather than being positively in favour of the proposal.

*The balancing exercise*

49. The proposal would secure the restoration and future of the heritage asset in its optimum viable use thereby avoiding its fragmentation. This is a consideration to which I attach significant weight as it is the key public benefit. The additional community benefits identified above collectively attract moderate weight in favour of the proposal.
50. Against this, the proposal would cause moderate harm to the designated AHLV in terms of its effect on landscape character and visual impact. It would also cause less than substantial harm to the significance of the Grade II\* listed Hamsterley Hall, wall and outbuilding, and the Grade II listed Old Lodge and gates alongside the B6310, as a development within their settings. As less than substantial harm would arise in each case this harm would be aggregated and in each case I give considerable weight to the desirability of preserving the settings of the listed buildings, in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Finally, the proposal would not amount to sustainable development although the harm arising from this matter is reduced as set out above.
51. It is common ground (SofCG1) that enabling development should always be seen as a subsidy of last resort. In this regard the HE document sets out in section 4.7 that a property normally needs to be marketed for a period of at least 6 months to establish if a different owner could safeguard the future of the heritage asset without recourse to subsidy through enabling development. While I note that the Hall was marketed by Strutt and Parker between 2005 and 2007 to no avail, it has not been subject to a marketing exercise since. HE advised that the urgent need to repair the property outweighed the preference for marketing the Hall in advance of the enabling development proposal, taking account of a 6 month delay and the unlikelihood of a buyer coming forward (SofCG1).
52. While a search of possible grant sources on behalf of the appellants as a private owner did not identify any availability, I nevertheless heard that it was not known if a charitable body such as a Building Preservation Trust, would be interested in acquiring and restoring the property with potential grant funding from sources such as the Architectural Heritage Fund and the Heritage Lottery Fund. Furthermore, in the time elapsed since the previous appeal decision, the economic climate has changed and it was not demonstrated, notwithstanding the accepted conservation deficit, that a different owner would not emerge who could restore the Hall without the need for an enabling development, and without detrimental fragmentation of management of the heritage asset.
53. I observed that sufficient consolidation works appeared to have been carried out to shore up the structure of the Hall and reduce the likelihood of significant deterioration in the short term. Added to which, the appellants are likely to maintain the building in accordance with statutory minimum requirements. In which case, I can see no reason why a 6 month marketing exercise would place the Hall at further risk.
54. I am therefore not satisfied, in the absence of a marketing exercise, that it has been demonstrated that an enabling development would be the measure of last

resort and the only means by which the future of the heritage asset may be safeguarded. Once a marketing exercise has been completed, a fully informed assessment can be made to determine if other solutions are available short of an enabling development, or if that course of action is indeed the only means by which the future of the heritage asset may be secured. Accordingly, under NPPF paragraph 140, I consider that the benefits of restoring the Hall under this proposal, including those secured by way of the submitted Section 106 Agreement, would not outweigh all of the disbenefits of departing from saved LP Policies EN1, EN2 and EN6.

## Conclusions

55. For the reasons set out above and having had regard to all other matters raised, this appeal is dismissed.

*Richard McCoy*

Inspector

## APPEARANCES

### FOR THE APPELLANT:

Mr M Hepburn MRTPI, MA	Senior Director, Nathaniel Lichfield and Partners
Mr S Spry	Appellant
Mr D Kendall	JDDK Architects
Mr A Liddell	Vindomora Solutions
Miss L Hudspith	Southern Green Ltd
Mr N Milburn	Development Director, Barret/David Wilson
Mr T Archment ND, HNDArb	All About Trees Ltd
Dr R Penn MCIEEM CEnv	Penn Associates Ecology Ltd
Mr M Lowe BA, MA	Historic England

### FOR THE LOCAL PLANNING AUTHORITY:

Mr S Carter MSc	Senior Planning Policy Officer, Durham County Council
Mr G Lawson	Principal Landscape Architect, Durham County Council
Mr P Herbert	Senior Planner, Development Management Strategic Team, Durham County Council
Mr S McDonald	Senior Sustainability Officer, Durham County Council

Miss L Renandon RTPI (Legal Associate Member)	Council Solicitor, Durham County Council
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**INTERESTED PERSONS:**

Cllr Shield	Durham County Councillor
Cllr Stelling	Durham County Councillor
Dr M Harbinson	Durham Bird Club and Friends of Red Kites
Mr L Rutherford LLB BCL AIB	Chairman, Derwent Valley Protection Society
Dr D Vaughan	Local Resident
Mr M Litchfield BA(Hons) BArch(Hons)	Technical Officer, Derwent Valley Protection Society
MArch Urban Design	
RIBA MAPM	
Mr G K Wilson	Chair of Durham Branch CPRE
Mr D Marrs	Chairman of Pont Valley Network
Mr W Butterworth	Local Resident
Mr V Spoctmeier	Local Resident

**DOCUMENTS**

- 1 Council's letters of notification of the Hearing
- 2 Evidence of Cllr Stelling
- 3 Qualification details for Mr Rutherford and Mr Litchfield
- 4 Evidence of Mr Morton
- 5 Site visit itinerary

**PLANS**

1. LVIA Figure 4
2. Historical maps of area