Department for Communities and Local Government

Mr Roger Hepher
Savills (UK) Ltd
33 Margaret Street
London
W1G 0JD

Our ref: APP/P2935/A/14/2217815
Your ref: MSQZ325682

09 July 2015

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY LUGANO DEVELOPMENTS LIMITED
SITE AT BIRNEY HILL FARM, STAMFORDHAM ROAD, NEWCASTLE UPON TYNE NE15 9RB
APPLICATION: REF 13/00132/OUT

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John L Gray DipArch MSc Registered Architect, who held a public local inquiry on 13-15, 20-23, 27 and 29 January 2015 into your client's appeal against the refusal of Northumberland County Council to grant outline planning permission for the demolition of some existing buildings and the construction of up to 280 dwellings and provision of up to 650 sq. m of B1 floorspace, no greater than 250 sq. m (gross) of A1/A3 retail floorspace, up to 500 sq. m of D1 floorspace, a community farm and associated buildings, landscaping, open space, access and associated engineering works, in accordance with application 13/00132/OUT dated 18 January 2013.

2. On 29 May 2014, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990 because the appeal involves proposals for residential development of over 150 units or on a site of over 5ha which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities and proposals for significant development in the Green Belt.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees with this recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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Policy considerations

4. In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

5. In this case, the development plan comprises the saved policies in the Castle Morpeth Local Plan (LP) (2003). The Secretary of State considers the development plan policies of most relevance to the appeal are those set out in paragraph 17 of the Inspector's report. Other material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework (the Framework); the Planning Practice Guidance (the Guidance); and the Community Infrastructure Levy (CIL) Regulations.

6. Like the Inspector, the Secretary of State finds no conflict between Policies C16 and C17 (which deal with the extent of the Green Belt and the appropriate types of development within it) and the NPPF (IR245). However, he agrees with the Inspector's assessment (IR26) that policies C1 and PC1, as policies affecting the provision of housing, are to be considered out-of-date in the absence of a 5-year housing land supply.

7. The Secretary of State notes that the Northumberland Core Strategy 2011-2031 is at a relatively early stage of preparation, with adoption not expected until spring or summer 2016, though possibly not until early 2017 (IR18). It proposes amendments to the Green Belt boundary aimed at providing for development during the plan period and at safeguarding further land for future development beyond 2031. The appeal site is not within the land proposed to be released (IR19).

8. A Neighbourhood Plan for Ponteland is being prepared but no document was submitted to the inquiry and there is no indication of what the plan will contain (IR21).

Prematurity

9. The likely delay in adoption of the Plan was raised at the inquiry. The Secretary of State notes that the question of whether the appeal proposal was premature in relation to Plan preparation was raised only on behalf of the Banks Group, which has an interest in the land proposed to be released from the Green Belt. Like the Inspector, the Secretary of State has considered the advice in the Guidance and concludes that the proposal is not, at 280 dwellings, so substantial, nor its impact likely to be so significant, that the grant of outline planning permission would undermine the plan-making process (IR247).

Main issues

10. The Secretary of State agrees that the main issues in this appeal are those described by the Inspector at IR175.

The openness and permanence of the Green Belt

11. The Secretary of State agrees with the Inspector that the open gap between Newcastle and Ponteland would be reduced, thus contributing to the possibility of the two settlements merging; and that the countryside would be encroached upon (IR178).

12. The Secretary of State recognises that the gap between Newcastle and Ponteland is relatively wide, and that the ridge between the two accentuates the separation. He agrees with the Inspector's conclusion that so long as development around Ponteland remained invisible from the other side of the ridge, it would not be perceived as narrowing the gap between the settlements (IR179).

13. The Secretary of State notes that the emerging Core Strategy acknowledges that land around Ponteland will have to be released from the Green Belt if it is to maintain its position in the settlement hierarchy. It proposes the release of Green Belt land around the east and north-east of the settlement. Like the Inspector, he considers that this is a matter more properly assessed as part of the examination of the Plan, rather than in the determination of this appeal (IR180).

Other harm

Landscape character

14. The Secretary of State agrees with the Inspector that the landscape character of the appeal site is not in itself of any significant merit (IR182), but for the reasons given by the Inspector at IR183-192, he agrees that the proposed development would harm the landscape character of the area, not in terms of the landscape quality of the appeal site itself, but because of the significance of the listed Birney Hall within it and the views across the site to the Cheviot Hills. In addition, the Secretary of State accepts the Inspector's conclusion that the housing, or its landscaping, would likely be apparent from the north-west, and also from further south than the existing built-up area of Ponteland and Darras Hall.

The settings of heritage assets

15. For the reasons given by the Inspector at IR194-199, the Secretary of State agrees that there will be harm to the settings of three listed buildings. In terms of the NPPF, the harm to the significance of the buildings as heritage assets would be less than substantial. However, as listed buildings, special regard must be had to the desirability of preserving their settings and the Secretary of State agrees that this must be given significant weight in the planning balance.

The pressing need to revitalise the regional economy

16. The Secretary of State agrees with the Inspector that there is a considerable amount to be said for encouraging inward investment in the North East and revitalising the region's economy – but for the reasons given by the Inspector at IR204-208, he concludes that the question to be answered is whether, for housing on this particular

site, those aspirations contribute significantly to the very special circumstances necessary to justify a grant of planning permission (IR209).

The crisis in housing land supply

17. The Secretary of State notes that the Council accepts that it cannot show a 5-year housing land supply (IR211). He has considered carefully the Inspector's analysis of housing supply at IR211-215 and, like the Inspector, he concludes that the degree of the shortfall is not so great as to justify the release of Green Belt land outside the Development Plan process.

The development of an exemplar garden suburb

18. Having carefully considered the Inspector's discussion at IR216-228, the Secretary of State agrees with his conclusion that the appeal site offers the opportunity to create a very attractive garden suburb and the illustrative Masterplan goes a very long way towards achieving that. Nevertheless, like the Inspector, the Secretary of State considers that there are constraints, primarily in terms of connectivity and noise, that militate against the exemplar status claimed for the appeal proposal (IR229).

Other factors

19. The Secretary of State accepts the Inspector's analysis of the scheme's benefits to the community at IR232-237 and agrees with his conclusion that little weight, if any, can go to these factors as contributing in their own right to very special circumstances (IR238). However, the Secretary of State notes that the development would meet the 30% affordable housing target on-site, and agrees that there is nothing wrong in achieving a total of 47% affordable housing from the proposed development through a contribution to off-site affordable housing, balancing potential deficits elsewhere. Like the Inspector, he affords this factor significant weight (IR239).

Conditions and obligations

20. The Secretary of State has considered the Inspector's comments on suggested conditions included within the IR (at Annex C), the Inspector's remarks at IR244, and paragraphs 203 and 206 of the Framework and the Guidance. He is satisfied that the proposed conditions are reasonable and necessary and meet the tests of paragraph 206 of the Framework. However, he does not consider that the conditions would overcome his reasons for dismissing the appeal.

21. The Secretary of State has also considered the documentation on the s106 Agreement, the Inspector's comments on these at IR240-243, paragraphs 203-205 of the Framework and the Guidance. Overall, he shares the Inspector's view that the provisions offered by the Agreement would accord with the tests set out at paragraph 204 of the Framework and Regulation 122 of the CIL Regulations. However, the Secretary of State does not consider that the terms of the Undertaking would overcome his reasons for dismissing the appeal.

Planning balance

22. As indicated above, in deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. He has concluded at paragraph 6 above that as the Council cannot demonstrate a 5-year supply of deliverable housing sites, policies affecting the provision of housing are to be considered out-of-date. Like the Inspector, the Secretary of State agrees that the NPPF is an important material consideration – all the more so given the provisions of the Development Plan and the likely progress of the emerging Core Strategy.

23. The Secretary of State agrees that the proposed development would be seriously harmful to the Green Belt by reason of its inappropriateness and because it would significantly reduce its openness. In addition, there would be harm to the landscape character of the area, not in terms of the landscape quality of the appeal site itself but because of the significance of Birney Hall within it and the views across the site towards the Cheviot Hills. He agrees too that there would be harm to the settings of three listed buildings. In terms of the NPPF, the Secretary of State finds that harm to the significance of the buildings as heritage assets would be less than substantial. However, he acknowledges that special regard must be had to the desirability of preserving their settings and he gives this matter significant weight.

24. Although the Secretary of State acknowledges that although it is possible to legitimately give great weight to revitalising the North East economy, it is not clear how the release of Green Belt land for 280 dwellings would contribute to that without going hand-in-hand with other significant inward investment aimed at providing jobs. The Secretary of State agrees that the provision of executive housing is not a key economic driver and the evidence that it is lacking is not wholly persuasive. The absence of a 5-year housing land supply is accepted by the Council but like the Inspector, the Secretary of State finds that the degree of the shortfall is not so great as to justify the release of Green Belt land outside the Development Plan process. He also agrees with the Inspector that whatever the quality of the design, the achievement of an exemplar garden suburb is hampered by two outside influences – the inevitable lack of connectivity with Darras Hall and noise from aircraft taking off from or landing at Newcastle International Airport.

25. The Secretary of State agrees with the Inspector that however welcome might be the revitalisation the North East economy, the provision of executive housing and the creation of an exemplar garden suburb, and however significant the lack of a 5-year housing land supply, they do not, individually or cumulatively, clearly outweigh the harm that the proposed development would cause.

Overall Conclusions

26. Accordingly, the Secretary of State finds that the very special circumstances necessary to justify a grant of planning permission for inappropriate development in the Green Belt do not exist. The Secretary of State has concluded that the appeal site is in a sustainable location but accessibility to services and facilities is relatively poor. He agrees with the Inspector that, in terms of the definition at paragraph 7 of the NPPF, the economic or social benefits of the proposed development are not at all convincingly argued and there would be clear environmental harm. On that basis, he

agrees with the Inspector that the proposed development cannot be said to be sustainable. More importantly in this context, he finds the proposal conflicts with Green Belt policy at paragraphs 87-89 of the NPPF and, even if the appeal proposal were to be considered sustainable, the presumption in favour of sustainable development in paragraph 14 cannot apply.

Formal Decision

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the demolition of some existing buildings and the construction of up to 280 dwellings and provision of up to 650 sq. m of B1 floorspace, no greater than 250 sq. m (gross) of A1/A3 retail floorspace, up to 500 sq. m of D1 floorspace, a community farm and associated buildings, landscaping, open space, access and associated engineering works, in accordance with application ref. 13/00132/OUT, dated 18 January 2013.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

29. A copy of this letter has been sent to the Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Phil Barber

Phil Barber
Authorised by Secretary of State to sign in that behalf

The Planning Inspectorate

Report to the Secretary of State for Communities and Local Government

by John L Gray DipArch MSc Registered Architect

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

Date: 1 May 2015

TOWN AND COUNTRY PLANNING ACT 1990

NORTHUMBERLAND COUNTY COUNCIL

APPEAL BY LUGANO DEVELOPMENTS LIMITED

Inquiry held on 13-15, 20-23, 27 and 29 January 2015

Land at Birney Hill Farm, Stamfordham Road, Newcastle upon Tyne, NE15 9RB

File Ref. APP/P2935/A/14/2217815

Contents

Abbreviations used in the report

CDA	Central Delivery Area
CIL	Community Infrastructure Levy (Regulations)
CLT	Community Land Trust
DA	Delivery Area
DCLG	Department for Communities and Local Government
ILS	Instrument Landing System
KLUIS	(Northumberland) Key Land Use Impact Study
LCA	(Northumberland) Landscape Character Assessment
LPA	Local planning authority
LVIA	Landscape and Visual Assessment
MUGA	Multi-use games area
NIA	Newcastle International Airport
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
ONS	Office for National Statistics
PPG	Planning Practice Guidance
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Area
SNPP	Sub-National Population Projections
SSCLG	Secretary of State for Communities and Local Government
SSE	Secretary of State for the Environment
SUDS	Sustainable urban drainage system
TTWA	Travel to Work Area

File Ref. APP/P2935/A/14/2217815
Land at Birney Hill Farm, Stamfordham Road, Newcastle upon Tyne, NE15 9RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Lugano Developments Limited against the decision of Northumberland County Council.
- The application, ref. 13/00132/OUT, dated 18 January 2013, was refused by notice dated 31 October 2013.
- The development proposed is, "Demolition of some existing buildings and the construction of up to 280 dwellings and provision of up to 650 sqm of B1 floorspace, no greater than 250 sqm (gross) of A1/A3 retail floorspace, up to 500 sqm of D1 floorspace, a community farm and associated buildings, landscaping, open space, access and associated engineering works".
- The appeal was recovered for decision by the Secretary of State on 29 May 2014. The reasons for the recovery direction were that the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities and proposals for significant development in the Green Belt.

Summary of Recommendation: that the appeal be dismissed.

PROCEDURAL MATTERS

1. The inquiry opened on 13 January 2015. It sat for nine days – 13-15, 20-23, 27 and 29 January. I made an accompanied inspection of the appeal site on 28 January, followed by unaccompanied visits to the surroundings of the site, Darras Hall, Ponteland, Stamfordham and also to land west and north-west of Ponteland from where the proposed development might be seen.

2. The application was refused for six reasons. Reason no. 4 (that it had not been demonstrated that surface water from the proposed development could be satisfactorily disposed of) was withdrawn by letter dated 5 August 2014. Reasons nos. 3 (that there was insufficient information to allow a proper assessment of the archaeological potential of the site) and 5 (that there was insufficient information to allow proper assessment either of the likely impact of aircraft noise on the amenity of future residents or of the impact of development on Newcastle International Airport's (NIA's) Instrument Landing System (ILS)) were withdrawn by letter dated 24 December 2014.[A]

3. Two draft section 106 obligations, an agreement and a unilateral undertaking covering the same matters, were submitted during the inquiry. By 27 January, differences between the appellant and the Council made it clear that it was the latter that would be pursued. The latest draft of the unilateral obligation was considered on 29 January, the final day of the inquiry. The appellant agreed to incorporate various suggested amendments raised that day and submitted an electronic version of the draft obligation, including those amendments, the following day. At the inquiry, I allowed until 6 February 2015 for an executed obligation to be submitted. I then allowed an extension until 16 February 2015 because of drafting difficulties, having no effect on the obligations themselves,

[A] Both letters are on the appeal file.

raised by one of the signatories. The executed obligation was duly submitted that day, enabling me to take it into account in this report.[A]

THE SITE AND SURROUNDINGS

4. The appeal site has an area of 82.46 ha. It is bounded on its north side by the residential suburb of Darras Hall, on its west by Western Way, which runs north through Darras Hall to Ponteland, on its south by Stamfordham Road and Birney Hill Lane and on its east by Callerton Lane, which runs north to Ponteland past the east side of Darras Hall. A small part of the site lies to the south of Birney Hill Lane and would be used to provide vehicular access from Stamfordham Road to parts of the proposed residential development.[B]

5. There is countryside beyond the western, southern and eastern boundaries of the site – with the exception, to the north-east, of the hamlet of Callerton. The built-up edge of Newcastle upon Tyne lies between 2 and 3 km to the south-east. The city centre is some 11 km away; it is reached by way of the A696, almost 3 km to the north-east of the site, or the A69, about 2 km to the south. South of the A69 lies the settlement of Throckley. NIA lies about 2.5 km to the east, from where the Tyne & Wear Metro runs to the city centre, including direct to Newcastle Central station. The flight path for NIA passes just south of the site.[C]

6. The appeal site measures some 1,500m from east to west and varies between 300m and 600m from south to north. The land falls from south to north, by about 12m along the western boundary and around 30m centrally; across the eastern third of the site, the fall is broadly from south-west to north-east, again by about 30m.[D] It is open agricultural land, sub-divided into fields with, for the most part, hedgerows boundaries, including numerous trees. There are hedgerows along most of the roadside boundaries but few trees.[E]

7. Within the appeal site, though not forming part of it, stands Birney Hall, a grade II listed building (with a separately-listed gateway). It is surrounded by fairly dense tree and shrub growth and has a formal avenue leading to it from Birney Hill Lane The visual effect from many viewpoints is to sub-divide the appeal site, roughly two thirds lying to the east, one third to the west.[F]

8. On the north side of Stamfordham Road, and within the appeal site, stands a former windmill, listed in grade II but derelict and lacking (for very many years) its cap and sails. A little to its west along the road, between the mill and Birney Hall and again within the appeal site, are the buildings of Birney Hill Farm; many are traditional farm buildings, some are more modern, none are listed.[G]

9. On the south side of Stamfordham Road, more or less opposite the mill and outside the appeal site, stands Birney Hall Farmhouse, originally an inn, and also listed in grade II.[H] Less than a kilometre to its south-west is Heddon Law,[I] prominent in the landscape and offering panoramic views towards Newcastle,

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A Document L126 is the draft obligation; Document L133 is the executed obligation.
B Document CD50 is the 'red-line' site plan.
C Document CD51 – the noise contours on dwg. no. BH_PA_105C indicate the line of the flight path.
D Document CD51 – dwg. no. BH_PA_101C shows the contours across the site.
E Document LDM3, Appendix 1, has photographs of various views across the site.
F Document CD134 is the list description; Document CD135 is the separate list description for the gateway 50yds south of the Hall; Document LMM3, Appendix MMD, has photographs. Document CD51, dwg. BHF_PA_104C shows the locations of all three listed buildings.
G Document CD137 is the list description; Document LMM3, Appendix MME has photographs.
H Document CD136 is the list description; Document LMM3, Appendix MMF has photographs.
I Document P/WM/6 – the word "Law" can be seen in the bottom-left-hand corner of the plan.

across the appeal site and Darras Hall and also north-westwards towards the Cheviot Hills.

10. Darras Hall largely occupies low-lying land in the Pont Valley (the River Pont giving its name to Ponteland, through which it flows). That means that there are clear views over the appeal site and Darras Hall from the higher ground along Stamfordham Road and Birney Hill Lane, as far north-west as the Cheviots.[A] The ridge between the Pont and Tyne Valleys runs east-west just south of the appeal site, meaning that there are no obvious views from the site towards Newcastle; in the opposite direction, one is not aware of approaching Darras Hall and Ponteland until one is north of the junction with Birney Hill Lane. NIA, on the other hand, is readily visible as one travels east along Birney Hill Lane. The part of the appeal site to the south of Birney Hill Lane, over which the vehicular access is proposed to run, is more or less on the ridge line; depending on where within it one is standing, that part of the site offers views in all directions.

11. Darras Hall has the general character and appearance of a large residential estate. It seems to have relatively few facilities. Much of the housing dates from the second half of the 20th century but the layout, the size of some of the plots and the continuity of the beech hedges along the roadsides betray something of its origins as an early 20th century garden suburb. Ponteland, to its north-east, is much older, standing astride the A696 Newcastle-Edinburgh road but having undergone a certain amount of redevelopment and expansion over the years.

THE PROPOSALS

12. The proposal seeks outline planning permission, with all matters reserved, for what is primarily a scheme for 280 dwellings. The indicative masterplan[B] shows residential development in three clusters across the site, the largest to the west of Birney Hall and two smaller ones to the east. The central and easterly clusters would be well within the site, separated by landscaped buffers from Darras Hall, Birney Hall and the roads along southern and eastern boundaries. The westerly cell would also be set within the site but would extend much closer to the Darras Hall and roadside boundaries.

13. Some of the surrounding land would be used as a community farm, some as public open space and some as attenuation ponds for the proposed sustainable urban drainage system (SUDS). The community farm would be operated from the farmstead on Stamfordham Road. Some of the existing buildings would be retained, some demolished and some new buildings added (providing more floorspace than those to be demolished). The resulting group would house the proposed retail, business and community uses. The nearby mill would be repaired and consolidated but would remain inaccessible to the public.

14. Vehicular access to the westerly cluster would be from Western Way with a 'bus only' link to Stamfordham Road. Vehicular access to the central and easterly clusters would be by way of a 'spine road' between Stamfordham Road, south of Birney Hill Lane, and Callerton Lane, to the east. Various pedestrian links are proposed within the site and leading to Western Way and Callerton Lane.

15. It is said to be a key part of the proposal that it is designed (indicatively on the masterplan) as a Garden Suburb, responding to Darras Hall's origins, and that a

[A] Document LDM3, Appendix 1, Views 1 and 2, though they are not particularly clear.
[B] Document CD54. Document CD52 comprises 10 drawings showing different aspects of the masterplan.

Community Land Trust (CLT) would be formed, endowed with £13.5 million initially and able to deliver benefits to the community in perpetuity.

PLANNING POLICY

16. The Development Plan comprises the saved policies of the Castle Morpeth District Local Plan.[A] The Plan was adopted in 2003 and covered the period up to 2006. A number of its policies were saved in October 2007.

17. In particular, Policy C1 deals with settlement boundaries, Policy PC1 specifically with Ponteland, Policy C16 with the extent of the Green Belt and Policy C17 with appropriate types of development within it. Numerous other policies are referred to by the Council, essentially to do with design or technical matters and not going to the heart of what is proposed.

18. The Northumberland Core Strategy[B] is still at a relatively early stage of its preparation. The Plan period is from 2011 to 2031. The consultation period on the Full Draft Plan began on 12 December 2014 and continued beyond the close of the inquiry, to 11 February 2015. At the beginning of the inquiry, the Council anticipated consultation on the Submission Draft in the summer of 2015, submission in the winter of 2015, followed by examination, and adoption in the spring or summer of 2016.[C]

19. The Plan recognises the need to provide additional housing and employment land in Ponteland over and above what could be accommodated within the settlement boundary defined in the Castle Morpeth District Local Plan. Put another way, the draft acknowledges that land will have to be released from the Green Belt and proposes amendments to the Green Belt boundary aimed at providing for development during the plan period and at safeguarding further land for future development beyond 2031.

20. The National Planning Policy Framework (NPPF) is a material consideration. Of particular relevance to the appeal proposal are the sections on 'The presumption in favour of sustainable development', 'Delivering a wide choice of high quality homes', 'Protecting Green Belt land', 'Conserving and enhancing the natural environment' and 'Conserving and enhancing the historic environment'.

21. A Neighbourhood Plan for Ponteland is being prepared. No document was submitted to the inquiry and there is no indication of what the Plan will contain.[D]

PLANNING HISTORY

22. There is no planning history of relevance to the appeal site or this appeal.[E]

THE CASE FOR NORTHUMBERLAND COUNTY COUNCIL

Set out here is the gist of the case for Northumberland County Council, drawn primarily from closing submissions (Document N105) and elaborated upon where appropriate by reference to the proofs of evidence and what was said at the inquiry.

Introduction

[A] Document CD4.
[B] Document CD125.
[C] It was accepted during the inquiry that these estimates could be optimistic – but one could confidently anticipate adoption by late-2016 or early-2017 (see para. 52)
[D] Document CD133, Statement of Common Ground, p. 14.
[E] Document NMK2, para. 5.56.

23. Following withdrawal of reasons for refusal nos. 3, 4 and 5, the remaining and determinative issues concern:

- development in the Green Belt resulting in harm by inappropriateness and otherwise not clearly outweighed by very special circumstances;
- significant urbanisation of open countryside and demonstrable harm to landscape character; and
- substantial harm without exceptional justification to the settings of listed buildings.

24. The main issue concerns the proper application of Green Belt policy to the appeal proposal but the reasons for refusal relating to the impact on the open countryside and the settings of the listed buildings are sufficient in themselves to lead to dismissal of the appeal. They also add significantly to the 'other harm', in addition to the harm to the Green Belt, that must be clearly outweighed if planning permission is to be granted.

25. The Development Plan comprises the saved policies of the Castle Morpeth District Local Plan.[A] Ponteland is the second largest settlement within the Local Plan area. It is recognised as an appropriate location for new housing, something that will involve the release of land from the Green Belt through the Core Strategy process.[B] That said, the existing Green Belt boundary around the south of Ponteland is long established and tightly drawn around the Darras Hall Estate to prevent urban encroachment or sprawl into the surrounding open countryside.

26. The Council cannot at present demonstrate a 5-year supply of housing land. For that reason, Local Plan Policies C1 (settlement boundaries) and PC1 (Ponteland settlement boundary) are out of date having regard to para. 49 of the NPPF. The appeal site remains within the Green Belt, however; the appeal is therefore to be determined in accordance with para. 88 of the NPPF, not 14, because the Green Belt policies in the NPPF indicate that development should be restricted. The proposal is inappropriate development in the Green Belt and the overriding issue is thus whether the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.

Harm to the Green Belt and other harm

27. The essential characteristics of Green Belts are their openness and permanence. The appeal site amounts to 82.46 ha of rising, open land, bounded on three sides by highways from which public views across it can be enjoyed. It extends south of Birney Hill Lane on to further open countryside. Openness is a key feature of the site and views across it from long stretches of Stamfordham Road and Birney Hill Lane have been described as "panoramic" and "fabulous".[C] Substantial harm arises from inappropriateness and loss of openness.

28. Appraisal of the impact on openness and landscape character is not assisted by looking at the Landscape Masterplan.[D] The appellant accepts that the perimeter planting proposals are inappropriate; the footpath linking the western and central housing clusters across it cannot be implemented (it crosses the avenue leading to Birney Hall but is not a public right of way); and there is uncertainty about the location of the proposed multi-use games area (MUGA) to the west of

[A] Document CD4.
[B] Document CD125 is the December 2014 Core Strategy – Full Draft Plan.
[C] By Messrs Young and McInerney for the appellant, in evidence in chief.
[D] Document CD55, dwg. no. 1497.1.2.

the avenue, the location of the public open space within the 'eastern corridor' (because of aircraft noise) and the continuity of the footpath within that corridor. These are important considerations and do not suggest that the proposal is well-considered or settled in all respects.

29. In terms of openness, the development of three residential clusters within the site, each the size of a small Northumbrian village and removed from the existing settlement edge, would negate the obvious and important contribution that the appeal site makes to the openness of this part of the Green Belt. The appellant's acknowledgement that the proposal would "substantially harm" the openness of the site[A] is a considerable under-statement.

30. By way of mitigation, the appellant proposes two corridors to allow what are called key views. The main purpose of the western corridor is to retain views of Birney Hall but the extensive planting proposals would fail to maintain a sense of openness around the building. The main purpose of the eastern corridor is to allow long-distance views across the site – but, even with no perimeter planting, retaining this corridor would do little to diminish the very harmful effect of the proposals on openness.

31. The effect overall would be to compromise the Green Belt purposes to check the unrestricted sprawl of a large built-up area (Ponteland), prevent neighbouring towns (Newcastle and Ponteland) merging into one another and safeguard the countryside from encroachment. To focus on the percentage of undeveloped land on the appeal site is unhelpful in assessing the scale of the impact on openness. The contention that "the appeal proposals accord with the requirements of the NPPF in relation to the need to retain the openness of the site and the Green Belt"[B] is a "complete misconception".[C]

Other harm

Harm to the landscape

32. The appeal site is a valued landscape to be protected and enhanced in accordance with para. 109 of the NPPF. That value arises because the site is the long-standing and deliberate setting of the Darras Hall Estate, provides the setting for listed buildings, includes remnant parkland and shows remarkable historical continuity.[D] The Northumberland Key Land Use Impact Study (KLUIS) has a guideline requiring protection of the remnant parkland at Birney Hall.[E] The debate at the inquiry about the extent of the remnant parkland does not detract from this being a valued landscape.[F]

33. The proposal subsumes the hedgerow trees that contribute so much to the parkland setting of Birney Hall, fragments the existing open field pattern, includes mounding, planting and recreational provision within much of the remaining undeveloped land and imposes curved or irregular roadways and development boundaries that have no existing likenesses. The three residential

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[A] Mr Hepher, for the appellant, in re-examination; he also recognised that "much of the openness of the appeal site itself would be lost".
[B] Document CD128 – the appellant's Statement of Case, para. 5.48.
[C] Document NMK2, para. 6.20.
[D] In Mr Robinson's words in cross-examination, "a rather a fine example of local landscape memory".
[E] Document LDM3, Appendix DM3 (at Tab 4), is an extract from the KLUIS. The guideline is at para. 2.312. The KLUIS flows from the Northumberland Landscape Character Assessment (LCA), which is referred to in Policy 26 of the emerging Core Strategy.
[F] As accepted by Mr McInerney in cross-examination.

clusters would be suburban, not urban; the disaggregation achieves nothing but affects everything on the appeal site. A parkland and agricultural landscape of local value would be replaced by a suburban development and recreational space substantially altering its character. The impact would be felt not only close-to but also from a distance, because development would breach existing uncluttered skylines.[A] Far from being a consideration that could contribute to very special circumstances, the landscape proposals would add to the harm to the Green Belt.

34. It is pertinent to note that that the Council proposes, through its emerging Core Strategy, to amend the Green Belt boundary around the east and north-east of Ponteland.[B] The KLUIS provides a very clear base for the view that Ponteland should not expand southwards. The land proposed to be released from the Green Belt is clearly less sensitive to change than the appeal site.[C]

Harm to the settings of heritage assets

35. Para. 132 of the NPPF notes that the significance of a heritage asset may be harmed by development in its setting. Statute requires special regard to be had to the desirability of preserving listed buildings and their settings. That is not simply another material consideration to be weighed in the balance but is to be given "considerable importance and weight".[D] The significance of change to the setting of a heritage asset will be informed by the importance of that setting to the significance of the asset. Here, the proposed development would affect the settings of four heritage assets.

36. Birney Hall has a symbiotic relationship with that part of the appeal site within which the western and central clusters are proposed. The land is an important part of the building's setting on historical and visual grounds. The avenue is part of the Hall's immediate setting and represents formal parkland.[E] The listed gateway is within that immediate setting. The proposal would transform what has previously been an evolving setting and create a wholly new one.[F] The setting of Birney Hall is important to its appreciation.[G] Whether the harm would be "substantial" in terms of the NPPF is a high test – but the impact of the loss of the existing and historic setting is justifiably described as substantial.

37. The landscaping proposed as mitigation does not alter that conclusion. It would inevitably impact on the openness of the existing setting, its effectiveness would change with the seasons and it would involve formal planting previously only found in the walled garden. The avenue from Birney Hill Lane would also be affected by the proposal to bisect it with a footpath (though the avenue and drive are outside the appeal site and the footpath thus could not be implemented) and by the proposed MUGA to its west (which would inevitably have fencing and perhaps lighting). The harm would remain substantial.

38. The western part of the appeal site is also part of the setting of both Birney Hill Farmhouse and the windmill. Both settings would experience very great change. The all-round setting typically enjoyed by windmills would be removed; views

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[A] Document NTR3 – photomontage viewpoints 5, 7 and 8.
[B] Document CD125, Fig. 7.3 on p.110.
[C] Document NMK2, para. 5.86.
[D] Court of Appeal judgement [2014] EWCA Civ 137, 18 February 2014 (Barnwell Manor).
[E] All of that was accepted by Dr Miller for the appellant (*Inspector's note* – although he did not accept that other parts of the appeal site represented remnant parkland).
[F] A "new chapter in its appreciation", according to Dr Miller in cross-examination.
[G] Recognising that the issue is "not cut and dried", Dr Miller, in evidence in chief, conceived that another expert might conclude that the impact here is "substantial" in the terms of the NPPF.

south from Western Way would offer no more than a glimpse of the mill. The change would be transformational, not evolutionary. The harm to the setting of these two assets would also be substantial, substituting the present open setting for one on the edge of a settlement. The Council acknowledges the potential for the scheme to benefit the mill structure, through its consolidation, and also enhancement of the farmstead and its immediate surrounds. That does not, however, dilute the harm to the setting of these assets to any significant extent. Nor is the proposed development necessary to secure what are relatively modest benefits. The harm would again be substantial.

39. The harm is compounded by the land around Birney Hall, the windmill and the Farmhouse being common to the settings of all three assets. They read together visually and their historical connection, real or not, is readily understood.

40. None of the above should be to any degree surprising. The application itself clearly acknowledged that the proposal would cause substantial harm to the significance of these assets, both individually and in combination. The substantial harm that would be caused, individually and cumulatively, requires "clear and convincing justification", to be accepted only exceptionally.[A]

Noise

41. Work since refusal of the application has enabled the withdrawal of reason for refusal no. 5 (in relation to both noise and the ILS). Residential occupation on the appeal site will, nevertheless, be adversely affected by aircraft noise. The impact within dwellings can be mitigated by means of a planning condition; and the external impact is susceptible to mitigation by appropriate relocation of the public open space.[B] Even so, weight must still be given to residual noise impact when one considers the appellant's ambition to develop an "exemplar" garden suburb appealing to the high end of the housing market.

Conclusion on harm

42. In addition to harm by inappropriateness, the proposal would cause very substantial harm to the openness of this part of the Green Belt. The harm to landscape character and the settings of listed buildings would themselves justify dismissal of the appeal; it adds substantially to the "other harm" to be weighed in the balance. Other considerations must clearly outweigh that substantial accumulation of harm if very special circumstances are to be demonstrated that would justify a grant of planning permission.

Very special circumstances

43. Mr Hepher identified, in evidence in chief for the appellant, the categories of very special circumstances that were relied upon. They were:

- the pressing need to revitalise the regional economy;
- the crisis in housing land supply;
- the development of an exemplar garden suburb; and
- the very special location of the site.

The appeal should fail unless it is demonstrated that these four considerations clearly outweigh the harm to the Green Belt and other harm (to landscape character and the settings of the listed buildings).

[A] NPPF, para. 132.
[B] Documents N102 and N103.

44. Two further important points are agreed.[A] Firstly, planning obligations should satisfy the tests of para. 204 in the NPPF if they are to be counted as contributing to very special circumstances. The proposition that the categories of very special circumstances are not closed[B] does not mean that planning obligations need not comply with the NPPF or the Community Infrastructure Levy (CIL) Regulations. Secondly, whether, or the extent to which, each consideration complies with or fits with relevant planning and economic policy plainly bears upon the weight properly attaching to it in the consideration of very special circumstances.

The pressing need to revitalise the regional economy

45. The starting point is the Strategic Economic Plan.[C] It does not identify the provision of high quality housing as a key driver in promoting the prosperity of the North East. Nor was it a theme of the documents supporting the application – and there has been no material change in circumstances since. Ms Rosewell's proof of evidence placed housing as a "second tier" driver.[D] Mr Hepher thought it was a secondary driver.

46. Nor was the target market for the proposals clearly defined. Ms Rosewell referred to the market for executive homes and acknowledged that this indicated a wider understanding than referred to by Messrs Munro and Hepher. She also acknowledged that the target market, however defined, could include people who might prefer other locations and/or existing rather than new houses – and others who do not, or no longer, contribute to regional economic well-being. Her reference in her conclusions to a "shortage of high quality executive homes in the North East"[E] was entirely unsupported by substantial evidence.[F] Moreover, if the appellant's evidence supported the development of executive homes at all, it could be applied to any site in or around Ponteland.

47. Reference was also made, from time to time, to the <u>perception</u> of a shortage of high quality housing (as opposed to an actual shortage). Again, though, there was no substantial evidence that there is such a perception or, even if there is, that it materially affects the expansion of the regional economy (whether by attracting inward investment, retaining graduates or otherwise).

48. The Council's evidence[G] explains that the target market identified by the appellant is not disadvantaged in terms of the accessibility of stock in the Travel to Work Area (TTWA). A range of other factors (critical mass, supply chain, labour pool) have a much greater bearing on decisions to locate in, and bring jobs to, the region; housing supply is properly to be considered as marginal.

[A] By Mr Hepher in cross-examination.

[B] Document L116 – Brentwood BC v SSE and Gray [1976] 72 P&CR.

[C] Document L125 – More and Better Jobs – a Strategic Economic Plan for the North East, March 2014.

[D] From which she did not entirely distance herself when asked in cross-examination. (*Inspector's note*: what she actually said was that jobs were central but housing was still necessary.)

[E] Document LBR2, para. 8.2.

[F] (*Inspector's note*: Ms Rosewell did say that it was difficult to see how evidence could be other than anecdotal.)

[G] Documents NRB1-NRB5 plus Mr Brooke's cross-examination responses. Document NRB2 adopts the Newcastle and Durham TTWA as the relevant geographic market area, finds that high-income groups are not growing as fast as the population overall, that the proportion of new up-market housing coming on to the market is higher as a proportion of all new housing than the target group is of the overall population and that there is a range of existing up-market neighbourhoods that can provide appropriate housing. Document NRB3 rebuts some of the appellant's evidence, including the suggestion that the threshold value of £225/sqft is too low for the market the appeal scheme is aimed at. Document NRB4 is addendum evidence and looks, amongst other things, at £400,000-£499,999 and £500,000+ price bands. Document NRB5 is a written note responding to documents submitted by the appellant during the inquiry.

49. Assertions in the appellant's case regarding the proposal's contribution to the regional economy have no substance in terms of demonstrating very special circumstances. Suggestions that the proposal would have a kick-starting effect on the economy, or could be the equivalent of another Baltic Wharf or Sage, are a gross over-statement.

The crisis in housing land supply

50. The key geographical area for consideration at this appeal is the Central Delivery Area (CDA). The appellant accepts this. The Housing Market Area encompasses the whole of Northumberland but it is sub-divided into four Delivery Areas (DAs) representing different aspects of demand. There exists in the CDA, as at 31 March 2014, a housing land supply of either 3.6 years (the Council's estimate) or 3.07 years (the appellant's).[A] It is agreed that there is no material difference between these figures. The Secretary of State need not engage with arguments as to the precise supply.

51. The Council fully recognises the contribution that the appeal proposal would make to housing provision, including the mix of housing types and tenures. It accepts that weight properly attaches to the housing land supply position. That weight, however, is diminished in the context of this appeal, for three reasons.

52. Firstly, the proper means of addressing 5-year housing land supply is to hand, with the Core Strategy estimated to be adopted by late-2016 or early-2017. The opportunity for development of the appeal site would be deferred, not lost.

53. Secondly, the immediacy of the requirement to release land in the CDA has effectively been addressed by the grant of permissions amounting to up to 851 dwellings on the Loansdean, Persimmon and Stobhill sites around Morpeth. These sites give a high likelihood that the Council will be able, or be close to being able, to demonstrate a 5-year housing land supply at 31 March 2015. The resolution to grant planning permission for 263 dwellings at the Northumbria Police HQ site north of Ponteland[B] further reinforces the view that the weight properly to be attached to the housing land supply position must be very substantially reduced.

54. The three Morpeth sites are not in the Green Belt while the Police HQ site was considered as previously-developed land within the Green Belt. They are all very clearly distinguishable from the proposed release of the appeal site.

55. Thirdly, the proposal for 280 dwellings on over 80 ha of Green Belt land is clearly an inefficient and unsustainable use of a scarce resource.

56. The weight to be attached to the provision of affordable housing is subsumed within the above and similarly diminished. The question of affordable housing is also notable for its absence from written evidence in the appellant's case and from the formulation of the very special circumstances applying to the proposal.

57. The contribution of £3.6 million for off-site affordable housing requires separate analysis. Either that additional sum should not properly be taken into account at all or, if it is, it can command only moderate weight as a potential contributor to very special circumstances.

[A] Document NMK2, Appendix 1, Table 2 puts the Council's position; Document LSM1, Table 3 puts the appellant's. 3.6 years = 1,575 dwellings, 3.07 = 1,343.

[B] Anticipated at the inquiry to be granted in February 2015, following execution of a section 106 obligation.

58. As part of the planning obligation, it must satisfy the three tests at para. 204 of the NPPF. Firstly, it should be necessary to make the development acceptable in planning terms. It is not. The sum is additional to the already policy-compliant on-site provision[A] – and the failure to make additional on-site provision has not been robustly justified.[B] The sum itself is unjustified; the late decision to make additional on-site provision means £1.6 million is no longer required while £2.0 million is lately diverted from unspecified town centre improvements. Secondly, it should be directly related to the development – but affordable housing complying with policy would be provided on-site; the contribution would provide for additional affordable housing. Thirdly, it should be fairly and reasonably related in scale and kind to the development but, in the absence of a convincing explanation of the scale of the contribution proposed, it can only be seen as excessive.

59. The figure of 30% affordable housing is a target for Northumberland as a whole and also for the CDA. It is not site-specific. The appellant has not demonstrated what benefit would accrue from providing more than 30%. The Council did not solicit an off-site contribution as now proposed. It flows instead from the appellant's very late acceptance that the erstwhile town centre contribution was not credible because there was nothing it might have been spent on within a reasonable period of time.[C]

60. Accordingly, the weight properly to be attached to housing land supply and the affordable housing shortfall is substantially less than what it is reasonable to suppose underlies the Planning Practice Guidance (PPG) advice that unmet housing need is unlikely to outweigh the harm to the Green Belt, and other harm, to constitute the very special circumstances justifying what would otherwise be inappropriate development in the Green Belt. To refer to a housing land supply crisis is yet another over-statement.

An exemplar garden suburb

61. Para. 52 of the NPPF recognises that new homes can sometimes be best achieved through planning for development that follows the principles of Garden Cities – but it does not attach priority to it. Nine principles are set out in the document 'What makes a Garden City for today?'.[D] The first three are general in nature; the remaining six are about the content of a garden city scheme. For the appellant, Mr Young agreed that exemplar status meant being exemplary in all respects; Mr Birkbeck, on the other hand, considered some of the principles as "must haves" and others as "desirables" – or that a scheme should achieve them so far as possible.

62. The key question is how confident the Secretary of State can be about the appeal scheme's performance against the nine principles.

1. *A fair distribution to the community of the profits* … … The Council acknowledges the very substantial sums in the Unilateral Undertaking – but that is not the same as achieving a fair distribution. Moreover, contributions

[A] Document CD125 - Core Strategy Policy 15 on p.91 seeks 30% across Northumberland; Table 6.4 on p.88 gives figures for the four DAs, with 30% in the CDA.
[B] As required by the NPPF, para. 50.
[C] Document N104 explains the Council's position, submitted to counter the suggestion that it actively sought a greater affordable housing contribution.
[D] Document L118.

totalling £5.8 million[A] do not comply with the CIL Regulations or para. 204 in the NPPF and are not, in that context, properly to be taken into account. Thus, compliance with this principle is clearly undermined.

2. *Strong political support and leadership … …* This is surely a "must have" – but there is, remarkably, a leadership vacuum at the heart of the proposed CLT. There is no political support or leadership. Lugano, the appellant, may or may not participate in the CLT. Oblique references made at the inquiry to anonymous expressions of interest in participating go no way towards satisfying this key principle.
3. *A suitable body to manage … …* The successful operation of a CLT is a pre-requisite. A form of joint working with the Darras Hall Estate is to be preferred;[B] a separate CLT is second best. There is no draft of the objectives of a CLT; there is no evidence of persons willing to engage in operating a CLT; the only evidence is that similar vehicles operate successfully elsewhere, which is not a sufficient foundation for confidence.
4. *Mixed-tenure homes and housing types … … genuinely affordable … …* The proposal does not aspire to the majority of dwellings being genuinely affordable. The central and eastern clusters in particular are proposed for executive homes, turning their backs on the notion of mixed communities. The proposal does not satisfy this principle.
5. *A full range of employment opportunities … …* The employment content of the proposal is modest and the range of employment opportunities within easy commuting distance has not been demonstrated.
6. *Beautifully and imaginatively designed, high quality homes … …* The application is in outline. There is no draft of a design code or similar vehicle to demonstrate the nature and extent of the commitment to high quality design. The effect of aircraft noise and the need for mitigation measures further undermine the aspirations for the development.
7. *Development that enhances the natural environment … …* There is a clear contradiction between findings of harm to the openness of the Green Belt, landscape character and the settings of listed buildings and a finding that the proposal would nevertheless represent an exemplar garden suburb.
8. *Strong cultural, recreational and shopping facilities … …* The proposal would be poorly connected to Darras Hall and there are no facilities within a reasonable walking distance. It may be that the layout of Darras Hall itself precludes better links but that cannot simply be ignored when claiming exemplar status.
9. *Integrated and accessible transport systems … …* The routes into Darras Hall do not constitute or enable an integrated transport system. Indirect routes and long distances mean that access to local services would be overwhelmingly car-borne.

63. For all of these reasons, there are inadequate grounds for confidence that the proposal would be an exemplar garden suburb. This is not a factor that can contribute to very special circumstances.

[A] £3.6m for off-site affordable housing plus £1.0m for the Ponteland Community Fund plus £1.2m for schools, sports and leisure.
[B] Mr Young, in chief, for the appellant.

The very special location of the site

64. This curious addition to the list of considerations springs from Mr Ketley's candid description[A] that, from a developer's perspective, this would be a prime site in the market place. It does not flow from the appellant's own evidence. But the fact that developers may hold such a view cannot itself bear upon the planning merits of the development proposed. The argument adds nothing at all to the consideration of very special circumstances.

Other matters

65. The NPPF requires the conservation and enhancement of biodiversity. That, and the absence of detailed proposals for ecological enhancement on the site, indicate that very limited weight, if any, can be attributed to this aspect. Nor can significant weight be given to either the extent of self/custom-build now proposed or the suggested conditions to achieve Code Level 5 or 6 in the proposed houses. The former is encouraged by Government, but no more than that; the latter is expected to be a general requirement in the not-too-distant future. Lastly, the SUDS, the investment in sewerage infrastructure and the consolidation and management of the listed windmill are all required facets of the proposed development. They cannot contribute to very special circumstances.

Overall conclusions

66. The proposed development would cause substantial harm to the Green Belt by reason of its inappropriateness and its impact on openness. It would harm the landscape character of the area and the settings of three listed buildings. This adds up to an onerous burden in the context of para. 88 of the NPPF.

67. On the evidence, the only meaningful potential contributor to very special circumstances is the shortfall in housing land supply and affordable housing. This cannot, however, be of major significance, given the Secretary of State's view that housing need alone should not justify inappropriate development in the Green Belt. The claim that the proposal would result in an exemplar garden suburb has failed very substantially. Nor is there anything of weight in the appellant's other suggested contributors to very special circumstances.

68. The harm arising is not clearly outweighed by considerations amounting to very special circumstances. The proposal does not amount to sustainable development because it does not fulfil its environmental role. Accordingly, the proposal cannot attract a presumption in favour of sustainable development in accordance with NPPF. The appeal should be dismissed.

THE CASE FOR THE PONTELAND GREEN BELT GROUP

Set out here is the gist of the case for the Ponteland Green Belt Group, drawn primarily from closing submissions (Document P102) and elaborated upon where appropriate by reference to the proofs of evidence and what was said at the inquiry.

69. The Ponteland Green Belt Group has consistently approached the issues in this appeal within the framework provided by para. 88 of NPPF, which sets out the components of the distinctive balancing exercise to be undertaken by the decision maker where inappropriate development in the Green Belt is proposed.

[A] In cross-examination.

The balancing exercise

70. A consensus has emerged about the approach which the decision maker must follow in this case. Green Belt policy is restrictive for the purposes of para. 14 of the NPPF. The effect of designation is to remove the presumption in favour of sustainable development and supplant it with one against inappropriate development. The decision maker's answer to applications for such development in the Green Belt should be 'no' other than in very special circumstances. Such circumstances, if they exist, are the product of the para. 88 balancing exercise.

71. It should not matter in what order the balance is loaded, provided that the individual components are given proper weight. Nevertheless, there is a risk that, by first loading the balance with the alleged benefits, the substantial weight that the decision maker must give to the intrinsic harm to the Green Belt caused by any inappropriate development is subsequently understated.

72. That error appears to have infected much of the appellant's evidence. According to Ms Rosewell, Green Belt policy "prevents the essential renewal of economic opportunity".[A] Mr Birkbeck described Green Belt as "a sacred cow".[B] The appellant has urged the Inspector to pay particular regard to 'The Green Noose', a polemical paper advocating a wholesale recasting and relaxation of Green Belt policy.[C] Correctly applied, however, para. 88 requires the decision maker to start from the position that inappropriate development is intrinsically harmful to the Green Belt and to give 'substantial weight' to that harm.

The components of the balancing exercise

Harm by reason of inappropriateness

73. What does 'substantial weight' mean? The answer, inevitably to some degree, is subjective. Objectively however, it is not difficult to conclude[D] that, where the decision has been taken to designate a site as Green Belt because it is necessary for planning reasons for it to be kept permanently open and free from inappropriate development, then to reverse that decision, particularly outside the development plan process, should require very compelling reasons. By its nature, inappropriate development is inimical to the essential characteristics of Green Belts – their permanence and openness.

74. The appellant contends that, if the appeal were allowed and the development proceeded, the appeal site could remain as Green Belt. Technically, that is correct, at least until the boundary is reviewed through the development plan process. Then, however, there would be a choice of whether to 'wash over' or exclude the site. The NPPF is clear that inappropriate development is development which does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. Sites developed in that way could not logically remain within the Green Belt.

75. We are invited to consider the development 'holistically.' According to all of the appellant's witnesses, it is the masterplan layout – land and buildings – which, combined with the CLT mechanism, make the development a putative "exemplar garden suburb". But barely any part of the appeal site would be left

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[A] Document LBR2, para. 8.3.
[B] Document LDB2, Section V, para. 4.
[C] Document L104
[D] As Mr Hepher agreed in cross-examination.

untouched by development, whether buildings or engineering operations.[A] For parts of the site to be put to open uses when the development is eventually completed cannot reduce the substantial weight that must be given to the intrinsic harm to the Green Belt that would be caused.

Other harm to the Green Belt

76. The appellant's case was opened on the basis that the only harm to the Green Belt that the development would cause would be by reason of inappropriateness.[B] The position turned out to be different – Mr Hepher conceded that there would be both policy harm and actual harm, through the loss of openness on the appeal site itself and the consequent erosion of the Green Belt.[C] His conclusion that there would be no conflict with any Green Belt purposes rested on his finding that the two dimensional gap on a plan, between Ponteland/Darras Hall and Newcastle, would remain, in his words, substantial (at about 2.5 km).[D]

77. It is more complicated than that. The swathe of open countryside to the south of Ponteland and Darras Hall is rural in appearance, actively farmed, free from built development and, at night-time, almost completely dark.[E] There is also visual continuity between the landscape to the north and south of Ponteland and Darras Hall. The settlement sits on the valley floor and is remarkably well contained by the natural topography. Travelling out from (or standing with one's back to) the Newcastle conurbation, the depth of the Green Belt appears much greater. The position is much the same walking along Birney Hill Lane. At the moment, there is a sense of connection between the countryside to north and south of Darras Hall and Ponteland; the appeal scheme would change that. Despite the claim of respecting the topography of the appeal site, the application parameters envisage that buildings would extend up the slope towards Birney Hill Lane at heights and in locations that would curtail the open prospect towards Simonside and the Cheviot Hills and make the narrowing of the gap appear far greater. Also, looking from the north-west, the proposed development would be plainly visible on the presently rural skyline. And, on Birney Hill Lane, one would be standing hard against development.[F]

78. For the appellant, Mr McInerney candidly agreed[G] that his analysis was confined to the comment that, if very special circumstances were found to exist, then the need for the site to be kept open for Green Belt reasons would have been outweighed. Mr Hepher concentrated on the degree to which a workable Green Belt gap would remain, not on the extent of change – but the appeal proposals would contribute to both sprawl and coalescence. Moreover, his analysis was from the perspective of someone passing over the Green Belt at altitude, not actually living in or passing through the countryside.[H]

79. Evidence was given about the steps taken to preserve "where possible"[I] views across the appeal site to the north. Doing so appears to have been a consideration when selecting where the gap between the central and eastern

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[A] Accepted by Mssrs Young and McInerney in cross-examination.
[B] Mr Cooper, departing from his printed text.
[C] Document LRH2, para. 6.44, and Mr Hepher in cross-examination.
[D] Document LRH1, para. 1.9.
[E] Document P/WM/2 – the photographs on p.7.
[F] Document P/WM/1, paras. 2.4 to 2.17.
[G] In cross-examination.
[H] Document LRH2, para. 6.32 (also 6.33, 6.34 and in evidence in chief).
[I] Document CD28, p.60.

clusters of housing was to be located. It was suggested that the view from within the appeal site, in the lee of the housing on either side, would be an improvement over the present position, where the view can only be enjoyed from Birney Hill Lane.[A] Whether or not that has any merit in landscape terms, it betrays no understanding of Green Belt policy. Moreover, the belated visualisation of the retained view[B] confirmed Mr Moses' evidence on both its narrowness and the degree to which it would be dominated by the effect of buildings and other development features.

80. The proposed site access from Stamfordham Road was not assessed in the original Landscape and Visual Impact Assessment (LVIA). The junction would be in a prominent location at the highest point of the appeal site. It would probably require lighting.[C] The road, its associated landscaping (suggested as woodland block planting) and the junction lighting would accentuate the actual harm the development would cause to the Green Belt.[D]

81. Inappropriate development on such a scale and with such effects on the actual and the perceived width of the Green Belt between Ponteland/Darras Hall and Newcastle can only conflict with the purposes of Green Belt policy and cause actual harm to the Green Belt. The appellant appears to rely on the prospect that some Green Belt land around Ponteland is likely to be allocated for development in the emerging Core Strategy – and that that excuses the harm that the appeal scheme would cause. However, the appeal site is particularly vulnerable in Green Belt terms and the most sensitive of any of the Green Belt sites around Ponteland considered for development through the Development Plan process.[E] There would be conflict with the first three purposes of Green Belt set out in para. 80 of the NPPF – to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. Substantial weight must be given to that harm to the Green Belt.

Other planning harm

82. Even if the appeal site was not in the Green Belt, the effect of the proposed development in landscape terms would be sufficient to warrant refusing planning permission.[F] The Group does not present evidence of its own on the wider harm the development would cause but it endorses the Council's case on the harm to the heritage assets affected by the proposal.

Other considerations

83. The appellant has formulated and reformulated the list of considerations that it submits are sufficient to tilt the balance decisively in favour of the proposals. The final formulation was provided by Mr Hepher in his oral evidence when he suggested that there are very special circumstances made up of four factors. Two of those are contextual (the need to revitalise the regional economy and what he termed the crisis in housing land supply); two arise out of the scheme itself (the creation of what he said was "something really special" supported by the "democratic framework" of the CLT mechanism; and the "very special

[A] Mr McInerney in cross-examination.
[B] Document L131.
[C] Document P/WM/1, para. 2.15, and Document NMK7.
[D] Document P/WM/1, para. 2.15.
[E] Document P/WM/1, paras. 1.3-1.7 and in cross-examination.
[F] Document P/WM/1, para. 2.16.

location" occupied by the appeal site, meaning close to Darras Hall, Newcastle and NIA). The contextual factors are only relevant if substantiated and if, or to the extent that, the development would in any real sense contribute to addressing them.

Housing need; 5-year housing land supply; 'movers and shakers'

84. It is common ground that the Council is unable to demonstrate a 5-year supply of housing land within the CDA. It is also common ground that the position has improved as a consequence of recent planning permissions. Whether that improvement will enable the Council to demonstrate a 5-year housing land supply at 1 April 2015 is disputed. What is clear, though, is that, as a matter of policy, the absence of a 5-year supply does not automatically produce very special circumstances and is unlikely to do so when the balancing exercise prescribed by the NPPF is undertaken.[A]

85. It is suggested that the current shortfall lends urgency to the need to release the appeal site, in both quantitative and qualitative terms (because of the need for 'movers and shakers' to find suitable new homes and the indirect economic benefits that would bring). However, the evidence of a need for housing for 'movers and shakers' is anecdotal at best.[B] There is no evidence of an actual shortage, either quantitative or qualitative. The furthest Mr Hepher would go was to identify a perception of shortage.[C]

86. Better quality housing (not necessarily only for 'movers and shakers') is, at best, a secondary economic driver.[D] Ms Rosewell's case, stripped to its essentials, is that the provision of high-end housing within the region is a good thing in general terms and that the appeal site would be a good place to develop it from a market perspective – because Darras Hall is already seen as a high-end residential location.[E] In truth, the evidence shows that the North East has its share of aspirational housing suited to 'movers and shakers'; and housing delivery from the recent planning permissions removes any temptation to be panicked into releasing unsuitable land for a vaguely articulated need.

87. In any event, the appeal scheme could not quickly deliver new housing of any kind (whether high-end or affordable). Design codes or guidelines would have to be approved before any of the reserved matters could be; contractors would have to be mobilised; to the extent that plots are reserved for self-builders, there could be delay while they appoint their own design and construction teams (even if most would opt for a custom-build model). Mr Young thought that the first completion would be about 25 months after a notional grant of planning permission at the end of June 2015; Mr Munro believed it could be twelve months faster and that the development would complete more quickly than was assumed previously.[F] Either way, the development would add only one or two years' completions to the supply side within the 5-year period concerned.[G] If there is a situation requiring urgent relief, the appeal scheme cannot provide it.

[A] Document CD2 – PPG at ID 3-034-20140306.
[B] Ms Rosewell in cross-examination said it could not be otherwise.
[C] In evidence in chief.
[D] Document LBR2, para. 6.11.
[E] Document LBR2, para. 8.1 *et seq*.
[F] Messrs Young and Munro in cross-examination and Document L129.
[G] 2014-2019.

Exemplar garden suburb

88. The appellant's primary case is that the development would be an exemplar garden suburb. That appears to mean the arrangement of housing development in clusters within quality landscaping and incorporating sustainable features, supported, crucially, by a CLT.[A] Mr Young conceded that such an approach could be applied to any site and produce the same result,[B] though the appeal scheme was made special by its relationship to Darras Hall, itself originally conceived as a garden suburb.[C] There are difficulties with this approach.

89. The arrangement of housing in clusters within landscaping is simply an application of the design principles illustrated in the 'Unwin Diagram'.[D] More is required – but the parameters plans do not deliver it. The appellant's witnesses accept that design codes or guidelines are essential prerequisites to the consideration of reserved matters,[E] because the application embodies very little hard design. Even the landscaping guidelines with the application were said to require further development before details could be submitted for approval.[F]

90. In truth, the landscaping approach appears deliberately conceived to insulate the development from its surroundings. Mr Birkbeck describes the layout as based upon 'defensive clusters'.[G] The site is to be surrounded by a new landscaped perimeter; the new access road from Stamfordham Road is to be guarded by blocks of woodland planting; a buffer zone of planting and mounding to which there would be no public access would separate the development from the edge of Darras Hall.[H] The scheme would be the horticultural equivalent of a gated community and the idea that there would be extensive public access to the land that is to be kept open is an exaggeration.[I] Even the identified public open space, if it remained where it is shown, would suffer from aircraft noise.[J]

91. The development would have no functional connections with Ponteland and Darras Hall. Dr Miller described the proposal as a "detached extension".[K] The shortest distances between the centre of the development and the community facilities, shops and services are between 2.7 km and 3.5 km.[L] Nor is there any connectivity within the site. The western cluster is divorced from the central and eastern clusters; there would be no direct road or footpath link between these parts of what is supposedly a coherently planned and unified suburb.[M]

A Dr Miller referred also to the way in which the master plan has taken into account site topography, but Mr Young, the scheme architect, rejected that suggestion on the grounds that any master plan would do so.
B Mr Young in cross-examination.
C Mr Young in re-examination; Mr Birkbeck in evidence in chief.
D Document LMM3, Appendix MMH, p.71, fig. 17.
E Messrs Young, Munro, Birkbeck, Hepher in cross-examination.
F Mr Young in cross-examination.
G Document LDB2, p.12 – the answer to Question 1.
H Document CD54, dwg. BHF_PA_011H.
I A stance abandoned by Mr McInerney in cross-examination.
J Noise above the threshold sought by condition N2; there was no satisfactory answer to Mr Moses' evidence that, to comply with Condition N2, it would be necessary to re-plan the layout in order to accommodate public open space within the buffer zone. See Documents L103 and L104.
K Dr Miller in cross-examination – in distinction from, for example, Derwenthorpe, which is strikingly attached to the settlement which it extends (Document LMM3, Appendix MMH, p.76 fig. 21).
L Document CD28, p.101, supplemented by Documents NMK9 and NMK10 – some distances exceed 4,000m.
M Mr Young in cross-examination – he accepted that such lack of connectivity and such resultant distances were a disadvantage of the scheme and undermined its claim to be sustainable development, not least because it would inevitably be car-based. Also Mr Birkbeck in cross-examination had to agree, having previously claimed that the development would easily pass a 'Homes for Life' assessment.

92. The CLT is primarily a mechanism through which to discharge various management responsibilities. It would maintain the landscaping and the SUDS, ensure the provision of the community bus service and act as an energy supply company. It would also own the on-site affordable housing for rent. After initial start-up funding from the developer, these would be funded out of conventional service charges or charged for on an ordinary basis.[A] The outline budget shows that the CLT would run a substantial surplus which it would be empowered to retain or to spend on 'the community', albeit that questions of governance and how the entity would be constituted are not to be resolved until after planning permission is granted. The appellant could not say whether or how the putative CLT would be enshrined in a planning permission. All that the Council can do is enforce the covenants in the unilateral undertaking. The community and other stakeholders cannot be compelled to participate.

93. For Mr Birkbeck, a CLT is the defining feature of a genuine garden suburb, because it is the manifestation of value capture. He asserted that the appeal scheme permits exceptional land value capture[B] but could not explain why the supporting information with the application apparently shows that the land value retained by the developer would be somewhere between £30 and £60 million, <u>after</u> the costs of the garden suburb specification are paid for.[C] It is no answer to say that the scheme has moved on since the information was provided, especially when that information is relied upon in other respects.

94. In short, the CLT has no specification, no constitution and, beyond adopting management obligations on behalf of the developer, no clear *raison d'etre*. Mr Birkbeck thought such uncertainties unimportant because, if planning permission were granted, the stakeholders would come together and everything would be resolved.[D] Mr Hepher thought that the Council, in its role as enforcer, would make sure that happened.[E] In other words, 'it will be alright on the night'. That is not a compelling basis for advocating that this would be an 'exemplar' scheme.

95. Setting the above to one side, if the features of the proposed development that make it an exemplar garden suburb are part and parcel of the garden suburb concept, then they should not inadvertently be counted twice when the balancing exercise is undertaken.[F] If the importance of those features is as components of the garden suburb concept and that concept, considered holistically, is insufficient to tip the balance decisively in favour of planning permission, then they cannot separately, individually or jointly, produce a different result.

<u>Community benefits</u>

96. There are no community benefits that can count towards very special circumstances. The contributions towards affordable housing or sports and leisure facilities are either necessary to make the development acceptable or are to be seen as an enticement. If there is justification for the overall amount of additional affordable housing secured by the proposed development, the starting point is that it should be provided on-site.

[A] Document L122 and Mr Birkbeck in cross-examination.
[B] Document LDB2, p.4, para. 4.
[C] Mr Birkbeck in cross-examination, by reference to Document CD33, Appendix A.
[D] Mr Birkbeck in cross-examination.
[E] Mr Hepher in cross-examination.
[F] Mr Munro in cross-examination.

Overall balance and conclusion

97. The appeal proposal is inappropriate development in the Green Belt. It would be intrinsically harmful to the Green Belt. It would cause actual harm to the Green Belt. All of that is to be given substantial weight. It would cause further planning harm, both in its landscape effects and in its effects upon the settings of designated heritage assets. These are not make-weight issues but substantial objections in their own right.

98. To be weighed against that substantial harm are a variety of factors cloaked in the concept of an "exemplar garden suburb". Yet the masterplan could be replicated on another site without difficulty. There is no positive reason for the development to be located on the appeal site. The only logic for the choice of site is that it is next to Darras Hall, itself originally a garden suburb – but, at best, it would be a "detached extension", entirely separated in functional terms and wrapped in defensive landscaping. The features necessary to ensure high quality design are not yet embodied in the scheme; a further stage of design development is needed before the necessary quality can be ensured. Public access to the open areas within the development would, in practice, be limited (and also uncertain because of the need to re-plan for noise reasons). The proposed CLT, to the extent that it would be more than a management company, is beset with uncertainty and is not embodied in the application/appeal proposal. Any urgency in the provision of housing land in the CDA has diminished since the application was submitted. The special case for housing for 'movers and shakers' is vague and anecdotal.

99. No comparison can be made with the examples tendered by the appellant of cases in which very special circumstances have been found – Radlett and Pinewood.[A] They concerned large scale employment developments, not housing. Both had distinctive site requirements and demonstrable economic and planning advantages which it was clear could only be obtained through the development of, not Green Belt land in general, but the specific sites concerned.

100. The considerations put forward in favour of the proposed development are insufficient to outweigh the harm to the Green Belt and other planning harm that would be caused. As policy requires in such circumstances, the answer should be 'no'. The appeal should be dismissed.

THE CASE FOR LUGANO DEVELOPMENTS LIMITED

Set out here is the gist of the case for Lugano Developments Limited, drawn primarily from opening and closing submissions (Documents L100 and L132) and elaborated upon where appropriate by reference to the proofs of evidence and what was said at the inquiry.

Introduction

101. Whatever else, the appeal site is clearly in an accessible location.[B] Of the 280 homes proposed, 84 (30%) would be affordable, with a financial contribution towards a further 46 off-site – giving a remarkable 47% in total, in an area of acute need.[C] The appeal scheme will include a farm shop and café, and a small office space for local businesses. For the community, there will be 500 sqm of

[A] Document LRH3, Appendices 11 and 12.
[B] See para. 5 above for the site's locational characteristics.
[C] The position has evolved sine the application was submitted.

D1 floorspace, which could be used for all sorts of community activities. Out of 82 ha, nearly 38 ha are proposed to be retained for agricultural use and be managed as part of a CLT. Almost 18 ha of on-site public open space is proposed along with children's play areas, a kitchen garden, community orchard and areas of allotment land.[A] There will be new access points for traffic and existing access points will be upgraded.

102. The proposal would bring the following community benefits (in no particular order):

- the creation of an exemplar Garden Suburb and the rescue of the existing Darras Hall Garden Suburb from the downward spiral, physically, socially and economically, that has taken grip;
- the provision of nearly 38 ha of open space;[B]
- contributions towards education and sports;
- provision and improvement of the bridleway network in and around the site;
- a new footway/cycleway on Callerton Lane providing improved access to schools and the village centre;
- a SUDS;
- public transport improvements;
- traffic management improvements within Ponteland;
- improvements to traffic management and accessibility surrounding the site;
- investment in surface water management and maintenance beyond the boundaries of the site;
- investment in sewerage infrastructure in Ponteland;
- an employment hub with more than 1,300 sqm of employment provision;
- affordable housing in perpetuity both on-site and off-site;
- 25 on-site affordable houses allocated to those in the over-55 age group;
- contribution to commercial shopping precincts;
- ecological enhancements on site;
- consolidation and management of a listed building and curtilage buildings;
- low carbon development; Building for Life Standards;
- minimum provision of 98 self-build plots in a location of high demand;
- a governance mechanism in the form of a CLT to oversee the provision of elements of the development;
- provision of larger, lower density homes for affluent members of the community to contribute to economic growth;
- contribution to the shortfall in 5-year housing land supply.

103. Particular regard should be had to the zero-carbon standard proposed for the market housing (for an unprecedented number of houses), the number of self/custom-build plots (in line with Government encouragement) and the delivery of community benefits through a CLT, modelled on the principles pioneered by Ebenezer Howard over a century ago, endowed with £13.5 million and with a significant long-term income stream. It is difficult to find a comparable case where the benefits are so substantial and the harm so little.

[A] *Inspector's note* – it is not entirely clear how much of the land not to be developed for housing would be available for which uses; if one goes to the designer of the scheme, Mr Young (Document LGY2, para. P4.3) says that 55.3 ha would be open landscape, of which about 15 ha would be for landscape amenity use, habitat mitigation and SUDS, with up to 40 ha going to the CLT for the community farm.

[B] See footnote C above.

Policy

104. The development plan comprises the saved policies of the Castle Morpeth District Local Plan (2003),[A] so outdated that the most material consideration is the NPPF. The appeal site is shown as in the Green Belt in the Local Plan.

105. The Council is preparing its Core Strategy. Draft policy seeks to deliver 640 dwellings in Ponteland over the Plan period. The Plan acknowledges the need to release Green Belt land around various settlements in the CDA.[B] Examination of the Core Strategy is not expected until early 2016, with adoption in late 2016 or early 2107. That delay exacerbates the problems of housing delivery.

106. The committee report on the application[C] stated that, for Ponteland "to maintain its role and function as a large service centre, the current restrictions on development location in and around the town and its defined settlement and Green Belt boundaries will need to be reassessed". It went on to say that the "methodology used by the applicant in undertaking the alternative Green Belt site assessment is consistent with the approach taken recently by Newcastle City Council in their Green Belt review and is also broadly consistent with the Council's intended methodology for the purpose of its Green Belt review through the Core Strategy preparation process". That is common ground.

107. It is also common ground that the site could be developed in a way that would not be out of keeping with the density of existing adjacent residential areas, which would be consistent with the NPPF and Local Plan Policy H15. Officers were satisfied that no amenity issues would arise.

Green Belt policy

108. The proposal is inappropriate development in the Green Belt and thus must be justified by very special circumstances. The case is unique in having a multiplicity of very special circumstances which, added together, seriously outweigh any harm to the Green Belt. The combination of substantial benefits arising from the proposal, together with the lack of a 5-year supply of housing land (consistently over previous years and inevitably for years ahead), justifies the proposed development of Green Belt land.

109. The officer report on the application says that it "should be considered in the context of the [NPPF] presumption in favour of sustainable development" but concludes that, "on balance, none of the circumstances cited by the applicant either individually or cumulatively would be sufficient to overwrite the fundamental policy conflict arising from this inappropriate proposal in the countryside and Green Belt." The words "on balance" are not reflected in the evidence to the inquiry.

Harm to the Green Belt

110. It is accepted that inappropriate development causes harm to the Green Belt by its very nature. Openness would be reduced but the proposed landscaping of the site and the retention of key views through and across it would very much limit that harm.

[A] Document CD4.
[B] Document CD125 is the December 2014 Full Draft Plan; the housing figures are set out in Table 6.2 on p.77; the land proposed to be released from the Green Belt is shown on Figure 7.3 on p.110.
[C] Document CD19.

111. The Green Belt between Ponteland and Newcastle is relatively wide. Even the combination of development on both the appeal site and the north-western edge of Newcastle[A] would leave an ample gap between the settlements. Visually, the openness would remain. Neither sprawl nor coalescence would occur. Nor would development on the small area of the appeal site have a noticeable impact in the context of the extent and openness of the Green Belt around it. By contrast, what the Council currently proposes is the release of land from one of the narrowest gaps, between Ponteland and NIA.[B]

112. Opponents seem to take the simple view that the Green Belt should be kept permanently open and free from inappropriate development, whatever the circumstances. They put the bar so high that the answer is inevitably 'no', whatever the circumstances. To say that there would be substantial harm is wholly incorrect – there would be only limited harm and substantial benefits.

Other harm

113. Just as harm to the Green Belt itself would be very limited, so too would any other harm. There would be no harm of substance.

Landscape impact

114. Green Belt status does not imply any particular landscape value. Nor is the appeal site precluded from development by means of any statutory or non-statutory landscape designation. It ranks in the bottom third of the Landscape Character Areas of the Northumberland Landscape Character Assessment (LCA) as valued in the KLUIS.[C] The "remnant parkland" is essentially the avenue of trees leading to Birney Hall; the trees across the rest of the site seem more to do with enclosure of the land around the 1850s.[D]

115. Certainly, the proposals would bring changes in character – but landscape changes and evolves over time; and valued landscapes can be created as well as harmed. The proposals have been landscape-led from the outset. They would respect the visual openness of the site by leaving two thirds of it in open uses. They would preserve the key components of the Pont Valley landscape. They can still be considered an exemplar even if the conclusion is that the existing landscape would be harmed. If the proposal would satisfy para. 63 of the NPPF, being considered outstanding or innovative, then great weight must go to that conclusion, to be balanced against the harm from inappropriate development.

Impact on heritage assets

116. Three listed buildings are specifically mentioned in reason for refusal no. 6.[E] There might be limited short-term harm to the settings of Birney Hall and the windmill but, in the longer term, as the proposed landscaping matures, the proposals would significantly enhance the settings of all three listed buildings. The changes would represent the latest phase in the evolution of the landscape and setting of the heritage assets.

[A] Document CD83 – Fig. 10.1 on p.71 shows the diagrammatic location of the proposed housing allocations (Lower, Middle and Upper Callerton) closest to Ponteland; greater detail is in Figs. 16.8a, 8b and 8c on pp.189-191.

[B] Document CD125, p.110, Fig. 7.3 – NIA is immediately east of where the A696 'leaves' the map.

[C] Document LDM3, Appendices DM1-DM4 (Tabs 2-5) are extracts from the LCA and KLUIS – DM1 describes Area 38d and DM4 has the assessment of Area 38d at (internal) p.D-15.

[D] Dr Miller, in cross-examination.

[E] Documents CD134-CD137 are the list descriptions of all four listed buildings (including the gateway to Birney Hall, the setting of which would be unaffected by the proposed development).

117. The significance of a heritage asset is a composite concept of which setting is just one aspect. No other element of significance would be affected. The physical entity of the three listed buildings would be unchanged.

118. The immediate setting of Birney Hall would be untouched. The landscape of the wider setting would be a complementary one of outer avenues and orchard planting. While the present setting in open fields would be lost, the proposed planting would be mitigation reducing the harmful impact to the significance of the Hall to less than substantial.

119. The former windmill would no longer be seen in the round but would retain its landmark status. The perimeter of the western housing cluster has been drawn to preserve open land around two thirds of its circumference.[A] Repair of the structure and enhancement of the farmyard would be a visual benefit.[B] Less than substantial harm to the significance of the windmill would accrue.

120. The setting of Birney Hill Farmhouse would be unaffected in views from the south. It would be little affected in views eastwards and westwards, in which it would be separated by the road from the windmill and the western housing cluster. Its northern outlook would include the western cluster, but filtered through the farmyard. There would be less than substantial harm to the Farmhouse's setting or significance.

121. Overall, the garden suburb principles of the development, the landscape enhancements and the regeneration of the farmyard buildings would bring improvements to the settings of the listed buildings. Works to repair the listed windmill would not only enhance that building but would contribute positively to the setting of the Farmhouse.

Very special circumstances

Macro-economic considerations

122. There is a particular need for high-quality senior-management housing in Northumberland. And it is important to capitalise on NIA. The appeal proposals have been designed to house people who will be beneficial to the regional economy. Substantial weight should be given to the economic benefits. They have wider implications for the North East, which is the worst performing region in the United Kingdom.[C] On a national scale, the proposals will contribute to rebalancing the north-south economy by retaining wealth creators in an area where they want to live. This will be positive for the country as a whole.

Perception

123. Perception is a key factor in the region's poor performance. It clearly needs serious inward investment and skilled workers. The local universities (Newcastle, Northumbria and Durham) attract talent from other regions, yet the evidence shows that very few students take up posts in the North East region. It appears that this is because first jobs don't offer high enough salaries, there isn't the same prospect of second or third jobs in the region and the up-market housing, while more financially attainable than in the south, appears in very short supply.

[A] See Document CD54 – dwg. BHF_PA_011H, the Proposed Masterplan.
[B] Document CD53 has the illustrative proposals for the farmyard.
[C] *Inspector's note* – I report what was said in closing but the qualification made during the inquiry was worst performing … with the possible exception of Northern Ireland.

Graduates need to be retained in the region and it needs to attract high-profile employers with highly skilled workers.

124. If permitted, the appeal scheme would be showcased around the world and have a positive effect on perceptions out of all proportion to the actual scale of development. The appeal has international as well as national consequences.

Housing land supply

125. It is agreed that there is not a 5-year housing land supply in Northumberland.[A] There has not been for some time. And there is unlikely to be for some time in the future. There has been an historic failure to deliver and one must assume that the position will not be rectified in the near future. The approach supported by the PPG for dealing with the backlog is the Sedgefield method (in the early years of the Plan period), not Liverpool (spread evenly over the Plan period). The Council adopts neither – it proposes to recoup the backlog only in the latter years of the Plan period.

126. Quite apart from the lack of housing land, the Council accepts that a significant amount of development in the three DAs other than the CDA is likely to be unviable; yet it seeks to wait in hope that development will be delivered in large tranches in those locations. Other options have been investigated but constraints such as Green Belt have meant no change to the strategy. It may be appropriate to look primarily at the CDA but the situation in the other DAs cannot be ignored. The matter is now so urgent that it cannot wait upon adoption of the Core Strategy. Assessment <u>now</u> of the development potential of sites within the Green Belt is essential; even in the Green Belt, the advantages of development must be weighed against the disadvantages of releasing the land.

127. The Council has conceded it is inevitable that Green Belt land will have to be released around Ponteland and Darras Hall, something it intends to address as part of the Development Plan process. It is also inevitable that Green Belt land will be released in the north-western part of the City of Newcastle, because of the lack of a 5-year housing land supply there. There is no likelihood of neighbouring local planning authorities (LPAs) being able to accommodate some of what Northumberland cannot; the position is likely to be the other way round, with other LPAs hoping that Northumberland can accommodate some of what they cannot provide for.[B]

128. In addition, to reject 47% affordable housing would be folly. The figure does not go beyond what is acceptable under the CIL Regulations. Such contributions have been accepted elsewhere. The Core Strategy is still in embryo; its figure of 30% is clearly a target (for both Northumberland and the CDA), not a maximum. The Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessments (SHLAAs) provide evidence of the significant need that

[A] The Council says there is a 3.6-year supply; the appellant calculates it as 3.07 years. The appellant calculates the 5-year requirement for 2014-2019 as 1,420 dwellings plus a 20% buffer of 284 plus a backlog from previous years of 482, giving 2,186, against a deliverable supply of 1,343.

[B] Document CD83 is the Proposed Submission Document of September 2013 for the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne – part of the means of meeting the need for 30,000 new homes over the Plan period (Policy CS10, p.72) is the allocation of sites presently in the Green Belt (eg. Policy NN1 on p.188). Document CD85 is the North Tyneside Local Plan Consultation Draft of November 2013 – S/7.2 on p.71 notes the objectively assessed housing requirement as 16,722 but, working with Newcastle upon Tyne and Northumberland, the Council hopes to reduce this to 10,500-12,000

will not be met on-site as part of planning permissions.[A] And, of course, there is a dire need for affordable housing not only in the region but also nationally.

129. On its own, the lack of a 5-year housing land supply may not justify the grant of planning permission. Nevertheless, coupled with the amount of affordable housing being offered, it is in the 'premier league' of very special circumstances.

Exemplar garden suburb

130. The main and fundamental benefit of the appeal proposals is the creation of an exemplar garden suburb, underpinned by a Community Land Trust (CLT).

Darras Hall Garden Suburb

131. Darras Hall was conceived as a garden suburb; the land was bought by the Northern Allotment Society and auctioned in 5-acre smallholdings.[B] One of the objectives was to enable residents to live close to a local source of food production. The original layout has been seriously compromised in various ways over the last 40 years, mainly by infill development. The road layout still exists but few other original elements remain. The appeal proposals would sensitively extend and enhance this garden suburb.

The opportunity on the appeal site

132. The appeal scheme represents an enlightened attempt to create a very high quality sustainable community.[C] Key elements are the delivery and governance arrangements. The proposals are extremely unlikely to be matched by competing proposals in terms of the proposed benefits for the local community. The creation of an exemplar garden suburb will be a worthy outcome in its own right, constituting a very special circumstance for development in the Green Belt.

133. The proposed masterplan has been designed to an exceptional standard, by professionals who have designed garden cities and are the leading masterplanners in the country.[D] There were no prerequisites about numbers of houses or how the space was to be utilised. The appeal site comprises 82.46 ha and the development proposals cover just 32.9%. It is envisaged that some of the remaining land will provide for some of the food production requirements of the resident population, managed by the CLT.

134. Achieving an exemplar garden suburb starts with the obligation that it is right to strip out the developer's profit from the land and pass that value instead to the community as a whole. That is done by the appointment of Trustees and the formulation of a detailed set of objectives prepared and agreed by those Trustees in order to run a CLT in perpetuity. The CLT will be properly funded by way of ground rents, rent charges, rental income, sales and other investments. It will generate a surplus of funds which will enable investment in major off-site benefits such as additional renewable energy forms, additional affordable housing, community projects, highway improvements, drainage and waste

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[A] Documents CD13-CD15 and CD126 (CD14 is the SHLAA of October 2013, CD15 is the SHMA Update of October 2013; CD13 and CD126 are the October 2013 and December 2014 versions of the Five Year Supply of Deliverable Sites).

[B] Document LMM2 – Dr Miller addresses Darras Hall Garden Suburb and Garden City Affinity at section 3 of his proof of evidence.

[C] Document LDB2 – Mr Birkbeck's proof of evidence sets out in detail what he sees as the merits of the proposal.

[D] Document LGY2 – Mr Young's proof of evidence explains the design process in detail, supplemented by the appendices at Document LGY3; Document LGY5 comprises his speaking notes for the PowerPoint presentation by which he gave his evidence in chief; Document L127 has the PowerPoint slides.

collection improvements and environmental and ecological improvements. The CLT must have independent Trustees, stakeholders from the community (such as the Local Authority, the Parish Council, NIA, possibly the Green Belt Group), local residents (from the estate itself and possibly from Ponteland with interest in the area as a whole) and Lugano. It would be a fully democratic process. It would have to employ professionals to manage the investments and funds – but it would have sufficient funds, from Day 1, to do so.

135. The details can only be established when the Trust is formed, which can only be after planning permission is granted. Nevertheless, the section 106 obligation[A] incorporates sufficient detail about the purposes and timing of the CLT, which would be set up and funded before the end of the first year following commencement of development, supported by a bank bond of £10.7 million, fully funded by the appellant.

136. Each market plot will be subject to a rent charge in perpetuity to provide additional income to the CLT. The community farm income will go to the CLT. The affordable housing, discounted housing and CLT housing will provide a substantial opportunity for generations of family to live together in the same locality, rather than being priced out of the market. Older generations will be able to give up valuable larger accommodation because their need for smaller houses can be catered for at Birney Hill.

137. All of this is only possible because the land was purchased at agricultural value, with no hope value. It is not likely to happen many times again – but the fundamental essence of allowing the community to have housing in perpetuity at prices which do not reflect a serious uplift in land values is wholly dependent on this approach. To do it through the private sector is unique. If the opportunity is not taken, it will be lost forever. It is impossible to conceive of stronger very special circumstances than this.

Conclusion

138. The planning system in Northumberland works at a very slow pace when it comes to having up-to-date development plans, even slower when it comes to releasing sites from the Green Belt. It is not helped by successive Governments indicating that there have to be exceptional circumstances to remove sites from the Green Belt. There are precious few examples where a Green Belt review has taken place at the same time as the Core Strategy and where, coming from that Review, Green Belt land has been released. This is despite many areas having been designated as Green Belt 50 or 60 years ago, circumstances having changed dramatically since then, there now being a chronic need for more housing land and, other than Green Belt designation, no national or local designation attached to those areas.

139. The appeal site is such a site. It is not of great landscape value. It is not an area of outstanding natural beauty. It is not an area of special scientific interest. Indeed, were it not for the Green Belt notation, it would likely have been developed by now. It is made fully sustainable by the benefits flowing from the section 106 obligation,[B] which include a fully-funded community bus service, capable of being provided in perpetuity and connecting the site to Ponteland and Darras Hall.

[A] Document L133.
[B] Document L133.

140. The Council, however, urges patience, to wait for the emerging Core Strategy. A similar story has been heard many times before, up and down the land. There can be no confidence at all that the situation will improve. Yet the region cannot wait. It has been prevented from taking opportunities by what is mainly an artificial green line. Finding very special circumstances in this case can help to overcome that. The NPPF was a breath of fresh air; it was meant to make sure that sites that were allocated were readily available, viable and deliverable, with a sufficient proportion of affordable housing. The appeal site is fully deliverable, under single control and with no restrictive covenants. Given a valid consent, development can start immediately.

141. The appellant has spent a great deal of time and effort engaging with the local community and has had many consultations and meetings with various groups. The scheme is designed to respond directly to comments and requests made during this extensive community engagement. The evidence categorically supports the release of the land. It is a once-in-a-lifetime opportunity to gain so many community benefits. The Green Belt boundary has not been reviewed for 40 years. The local plan is well out of date and is in conflict with the NPPF. There has been, is and will be a continuous lack of a 5-year housing land supply. The housing figures are as bad as one can imagine, and over a very long period. The benefits of the proposals seriously outweigh the limited harm of losing a small part of the Green Belt. If this opportunity is missed, when there is an obvious presumption in favour of sustainable development, then it will be to the entire detriment of the whole North East region.

142. The appeal site has exceptional communications in a place where the entrepreneurial sector clearly wants to live. It is a spectacular development site. When one adds the opportunity to create a Garden Suburb of genius design with a uniquely high percentage of land value flowing to the community, one has something without comparison. The circumstances are indeed very special, even more so in a region that is not performing nearly as well as it could. The appeal should be allowed.

THE CASES FOR INTERESTED PERSONS

Opposing the proposal

143. **Guy Opperman MP** has represented the Hexham constituency since 2010. He fundamentally supports the Green Belt and Localism and declared an interest as Secretary of the Parliamentary All Party Green Belt Support Group.[A]

144. The NPPF gives five purposes of Green Belt. The Secretary of State has said that the Green Belt is an important green lung around our towns and cities. More fundamentally, it is about protecting our local environment. Once designated, the benefits to a local community are clear – the retention and enhancement of local landscapes, nature conservation and the retention of land for agriculture.

145. Newcastle encroaches ever closer to Ponteland and Darras Hall. The Green Belt gap is only 3.5 km. Once it starts to go, there will be genuine urban sprawl; the settlements will merge. Local Plans are designed to allow local people to help the Council set its planning policies but the Birney Hill application and appeal seek to circumvent that process. Birney Hill is in the Green Belt. The emerging Local Plan keeps it in the Green Belt, though there will be amendments to the

[A] Document TP/1 is Mr Opperman's statement to the inquiry.

boundaries elsewhere. Even what appear to be overly-ambitious housing targets don't bring a Local Plan recommendation for development of the appeal site.

146. Mr Birkbeck states that the nature of the proposal is only possible because the land "comes from outside the development plan and was traded at existing value". It is not simply an unfortunate coincidence that the appeal site is Green Belt land; that is actually fundamental to the proposal.

147. The proposal is being represented as an idyllic garden city suburb, compared with the "bland, high density developments" to be found elsewhere. But how can it be such an exceptional development when it is virtually beneath the flight path from NIA? What will be the quality of life in the gardens and public spaces of the development, given the noise from the aeroplanes above?

148. **Justin Hancock** represented the **Banks Group**. He summarised the written representations previously submitted by the Group and by NLP on its behalf.[A]

149. The appeal proposals are premature in advance of the Core Strategy. The site is in an unsustainable location compared with others; it lacks connectivity and permeability with the existing settlement and is particularly distant from local services. The layout represents a wasteful use of Green Belt land and the loss of existing landscape features is not proportionate to the amount of housing proposed. It is doubtful that the proposed housing would meet the general need that it is purported to.

150. The Banks Group has an interest in the land which is proposed to be released from the Green Belt in the emerging Core Strategy. Assessment by the appellant of the land concerned has various flaws (for example, that it is in the flood plain) which lead to an artificially and misleadingly low score. To allow this appeal could fundamentally alter the Council's approach in relation to that land.

151. The test in this appeal is whether there are very special circumstances sufficient to clearly outweigh the harm to the Green Belt and any other harm. The appellant's approach in offering a package of financial contributions is questionable, especially in light of the CIL Regulations; and it is questionable whether the development would be viable if carrying such extraordinary costs.

152. **John Blundell** gave a detailed and densely argued analysis of housing need and supply.[B] He urged the use of up-to-date data from the Office for National Statistics (ONS) and DCLG population and housing projections. The projections would not be formally available until February 2015 (after the close of the inquiry) but, whether assessed against the Council's SHLAA or SHMA (both of December 2014), or the DCLG net housing supply additions to November 2014, the conclusion must be that there is ample housing land available without having to release the appeal site from the Green Belt.

[A] Document TP/2 is Mr Hancock's statement to the inquiry. The written representations are on the appeal file.

[B] Document TP/3 contains the material addressed by Mr Blundell. *Inspector's note* – I informed him that my most likely course of action, given that the basis for his arguments was yet to be formally published, was to report to the Secretary of State on the firm evidence available to me but indicate that that might have been overtaken by events after the close of the inquiry. Document TP/3/1 is an email subsequent to his appearance at the inquiry and acknowledges my indication. In fact, I requested comments on the 2012-based household projections after they had been published and record the gist of the responses at paras. 169-174 below.

153. **Hank Craggs** was primarily concerned with the drainage and flooding implications of the proposal. The appellant submitted an inevitably late rebuttal to his initial statement and I granted him the opportunity to respond in writing.[A]

154. The appeal site falls from south to north towards his house in Hadrian Court and others along the southern edge of Darras Hall. The ground becomes saturated after heavy rain. If there were large areas of impermeable ground, as there would be with buildings and roads, then water would flow faster and more directly towards the Darras Hall boundary. Large amounts of water already accumulate where the western cluster of housing is proposed; if the land were built upon, there would be nowhere for the water to go other than towards the proposed attenuation pond, which is on land above the level of the Hadrian Court houses. There is a serious threat if an attenuation pond bursts or leaks through weak strata when it is full.

155. No detailed assessment seems to have been made by the appellant. A scheme is to be devised if and when planning permission is granted – subject to detailed hydraulic modelling and site investigation and soil permeability tests. The application appears to use technical conjecture, but the photographic evidence is unarguable. A proper assessment should be made before permission is granted, not after. So too should realistic proposals. The attenuation ponds are proposed on sloping land so what would be their levels, depth and capacity? Is there the possibility that the glacial till would be punctured by excavation? Is the sub-surface gravel layer stable? What will conditions be like when wet and when dry? What would the scheme look like when dry or boggy? What is the likely risk and impact of pollutants? A "possible" pumping station is shown on the plans – is it needed or not? In short, the proposal is inadequate and an infringement of the human rights of those who will suffer the consequences.

156. There are other inappropriate aspects to the proposal. The sewerage system is at capacity already throughout Ponteland and Darras Hall. The existing trees and hedges provide wildlife corridors but much would be lost. Existing roads to and around the south of Darras Hall are narrow, in poor condition and already under pressure. There is the prospect of overlooking of the houses in Darras Hall from the proposed houses. Overall, there must be great concern that a proposal of this magnitude should get so far as an outline application.

157. **Tom Beswick** was also primarily concerned with the drainage and flooding implications of the proposal.[B] He cited saved Local Plan Policy PPS1, various Court judgements and the Environment Protection Act 1990 and set out the rights and responsibilities of riparian landowners. His conclusion was that the proposed SUDS was inadequate, that he could not see how it could work without the acceptance of riparian landowners and that anyone living down-slope of the proposed development would suffer from flooding, whether from surface water or groundwater.

158. **David Gratch** concluded by saying that the proposal should be rejected because it lacks all merit; simply the proximity of the site to the NIA flight path should be enough to bring dismissal of the appeal.[C] His main points were these.

[A] Document TP/4 is Mr Craggs' statement, summarised at the inquiry. Document LCC/4 is the rebuttal. Document TP/4/1 is Mr Craggs' response to it.

[B] Document TP/5 is Mr Beswick's statement to the inquiry.

[C] Document TP/6 is Mr Gratch's statement to the inquiry.

- Building on Green Belt requires proof that the loss will be compensated by superior benefits; the onus for that lies wholly with the appellant.
- There is already an approval for 263 dwellings at the Police HQ.
- The residents of Ponteland and Darras Hall are not represented at the inquiry; the majority object to the proposal.
- The proposed development is under the NIA flight path; it is not going to be altered; living beneath it will be both noisy and dangerous.
- There is a real possibility of flooding of existing houses in Darras Hall.
- Existing traffic congestion will be exacerbated.
- Existing health care and schooling will be unable to cope.
- There is nothing to say that the proposal for a garden suburb will be successful.

159. **Cllr Peter Jackson** said that he represented the view of the overwhelming majority of residents in the area.[A] He noted that over 4,000 people objected to the application; he said that they were not anti-development but simply opposed to the specific nature of the proposals.

160. Birney Hill is a sensitive part of the local Green Belt. It is in the Green Belt for good reason. One of the main aims of Green Belt is to maintain green buffers and keep settlements discrete. For Ponteland, both Newcastle and development around NIA come ever closer. The key issue arising from consultations by the appellant, the Council and the Ponteland Plan Group was that local residents regard Ponteland's village character as its main attribute. The appeal proposal would do demonstrable harm to both the Green Belt and that character.

161. There is nothing special about the proposal. It is unsustainable and undeliverable. Most of its various elements could be delivered elsewhere – not in the Green Belt. To say it would rescue Darras Hall from a downward spiral is to insult the community. To say that it would make a significant difference to economic growth by delivering executive housing is a myth. Details of the proposed CLT are no more than vague. Its landscape impact would be significant and, once developed, the openness could never be restored.

162. **Tony Watson** lives in Hadrian Court. He agreed fully with what Mr Craggs said on drainage and flooding and made the following points in particular.[B]

- The Council is not the only one to fail to identify a 5-year housing land supply; it would be unfair to impose the development on a united community because of the failings of others; in any event, Mr Blundell's submission highlights the difficulties facing the Council.
- Would this really be an exemplar garden suburb? The whole idea, including the CLT, is insufficiently developed.
- Would the development not be a waste of Green Belt land?
- None of the other benefits prayed in aid of the proposal can be considered exceptional.

Overall, there is nothing, individually or cumulatively, that could be considered so special as to warrant deletion of a comparatively large, sensitive and important piece of Green Belt land.

[A] Document TP/7 is Cllr Jackson's statement to the inquiry.

[B] Document TP/8 is Mr Watson's statement to the inquiry, with hand-written additions by me as he was speaking. It is accompanied by a photograph taken in his garden that morning (20 January 2015) and by a copy of his representations on the application. Documents TP/8/4 and TP/8/5 are subsequent representations.

163. **Andrew Mate** noted that the proposal was adjacent to Darras Hall, which is governed by a Trust now over 100 years old.[A] It is that governance that has made Darras Hall a desirable place to live. And it is for that reason that the location of the appeal site should not be surprising. Democracy, however, is more important – and should be seen to prevail. The best use of the land would be for it to remain as Green Belt.

Supporting the proposal

164. **John Chappell** raised three points in support of the proposal.[B]

- Any scheme delivering the proposed amount of affordable housing would encourage younger people to live in the village. Usually, criticism is aimed at builders seeking to reduce the amount of affordable housing. Here, it seems to be the reverse.
- The Council makes a passionate plea not to build on the Green Belt … but also proposes to delete over 110 ha of Green Belt land around Ponteland.
- Ponteland is described by objectors as having a unique character. In reality, it is a commuter belt with poor facilities and crumbling infrastructure. Flood plains have been built upon. The original garden village concept of Darras Hall has been destroyed by inappropriate development. Stopping the appeal proposal will not remedy any of that.

Written Representations

165. In addition to those who spoke at the inquiry, objections were received from Ponteland Town Council, Ian McNeeney of Birney Cottage, Douglas and Cynthia Hart of Birney Lodge (both being dwellings within the curtilage of Birney Hall), John Hague (committee member of Ponteland Civic Society), J M Brown and Miss Jane Gordon Clark. Representations of support were received from Bradlie Lennie and Mrs Janice Ramsey. With the exception of the foot and mouth burial site,[C] the matters raised in these representations are all covered, one way or another, in the cases reported above.

CONDITIONS AND OBLIGATION

166. A list of suggested conditions was submitted to the inquiry. I made my comments and queries in writing for consideration of the parties. An amended list of suggestions was discussed on the final morning of the inquiry. My comments on that amended list and my recommendations on the conditions to be attached to a planning permission, should the Secretary of State allow the appeal, are at Annex C to this report.

167. Progress regarding a section 106 obligation is set out at para. 3 above, under the heading 'Procedural Matters'. An executed unilateral obligation was submitted on 16 February 2015. In brief, the obligations it contains are these:

- the setting up of a Community Land Trust (CLT) prior to the commencement of development, the provision of a bond of £10.7 million and the staged payment of a total of £370,000 to its running costs;

[A] Documents TP/8/1, TP/8/2 and TP/8/3.

[B] Document TP/9 is Mr Chappell's statement to the inquiry.

[C] The foot and mouth burial site is acknowledged by the appellant and proposed to be dealt with by way of a planning condition on decontamination.

- implementation of the Business Hub, to be completed within four years of the commencement of development, with final secured funding of £630,000; and transfer to the CLT on completion for "nil consideration";
- the provision of 84 affordable housing units on site, to be completed prior to completion of the 260th dwelling on the site, with various clauses on the rate of completion and their allocation;
- a total contribution of £3.6 million towards off-site affordable housing;
- the provision of 98 plots for custom-build dwellings;
- a total contribution of £1.12 million to the CLT towards provision of a community farm;
- a total contribution of £400,000 to the CLT towards provision of a community bus service;
- a total contribution of £400,000 to the CLT towards a scheme, to be approved by the Council, for a Ponteland-wide Travel Plan;
- a total contribution of £100,000 to the CLT towards a contract, to be approved by the Council, for the cleaning of surface water drains in Ponteland;
- a contribution, through a s.278 agreement, of £800,000 towards various highways improvements and travel management measures;
- a total contribution of £1 million to the CLT "for the purpose of advancing environmental, social and economic development projects for the benefit of the community in Ponteland and Darras Hall";
- a total contribution of £1.2 million to the CLT to go towards schools, sports and leisure infrastructure;
- the prior implementation of landscaping work outside the boundaries of the "built form of development";
- a scheme to assess the likely impact of the development on NIA's ILS and to contribute as appropriate to its upgrading.

168. My appraisal of the merits of the obligation, and of the extent to which it satisfies the tests in CIL Regulation 122 and para. 204 of the NPPF, is in my conclusions below.

REPRESENTATIONS ON THE 2012-BASED HOUSEHOLD PROJECTIONS

The DCLG 2012-based household projections were published after the close of the inquiry. I invited representations their effect, if any, on the evidence to the inquiry. I then invited further representations on why both the Council and the appellant came to conclusions on housing need different to Mr Blundell's. The representations are numbered as Inquiry Documents (H1-H6). I give the gist of them here.

169. **Mr Blundell** initially commented that the 2012-based projections led to a much lower need than that in the emerging Core Strategy, with a difference over five years of 1,353 dwellings and a surplus in the Central Delivery Area (CDA) of 672 dwellings over the period 2014-19. He detailed his calculations, concluding that "Net Housing Supply additions, SHMA completions, SHLAA yields for any period are in excess of any DCLG2012 housing requirement for the Central Area, or Northumberland", that that requirement has a "significant residual offset from existing Completions, Vacant dwellings and Vacant Household Spaces" and that the "emerging Core Strategy targets (+31% aspiration) for Ponteland have been satisfied by existing completions". In short, there is no housing supply evidence that can provide very special circumstances for building on Green Belt land.

170. In a subsequent note, he was critical of the use of the 2008 and 2011 data. The matter was "a controversial Core Strategy debate". He said that he had previously excluded "a hypothetical addition for economic growth" but concluded that, even with an addition of up to 34% for that, and a 20% buffer because of previous under-provision, there was more than a 5-year supply of housing land.

171. For **Lugano**, Mr Hepher initially understood that the Council had based its objectively assessed need (OAN) on the 2012 Sub-National Population Projections (SNPP) and that the effect of the household projections would be marginal, especially as the Council had to allow for job growth, the outstanding backlog in delivery (especially of affordable homes), second homes, an aging population, the objective of reducing out-commuting and realistic expectations on migration.

172. A subsequent response to Mr Blundell's comments of 22 March 2015 thought that the figures he used in no way constituted an outline of OAN. As PPG points out, household projections are the starting point for an estimate of overall housing need. They do not represent the whole picture. The basic structure for OAN is that household projections plus backlog plus second homes plus vacancy rates equals total requirement – but that makes no allowance for increasing economic output. In Northumberland, the Council wishes to reduce unemployment from 7.8% to 5.6% and the commuting ratio from 1.19 to 1.10. Mr Blundell's approach relies only on population projections to determine levels of housing need; it is over-simplistic and out of context.

173. **The Council** did not initially submit any comments. It subsequently confirmed that the baseline for its OAN in the emerging Core Strategy was the 2012 SNPP and a mid-point between the 2008 and 2011 household projections. Its OAN is based on an economic growth scenario and the exact impact of the 2012-based household projections is not yet known. An initial examination, however, suggests that they make no significant or meaningful difference to the Council's case as presented to the inquiry.

174. The **Ponteland Green Belt Group** maintains that the Council has consistently over-inflated the population projection figures for Northumberland, coupled with an over-ambitious employment creation scenario.

INSPECTOR'S CONCLUSIONS

Superscript numbers in these Conclusions refer to earlier paragraphs in this report. Footnotes continue to be identified alphabetically.

175. There is no dispute that the proposal constitutes inappropriate development in the Green Belt.[27,68,108] Accordingly, the main issue in the appeal is whether the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations – thus giving rise to very special circumstances which could justify a grant of planning permission. Other harm includes the impact on the landscape character of the appeal site and its surroundings and the impact on the settings of the heritage assets within and adjacent to the appeal site, argued as reasons for dismissal in their own right.[42,82]

Inappropriate development in the Green Belt

176. Para. 87 of the NPPF is clear that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Substantial weight is to be given to harm by way of inappropriateness.

The openness and permanence of the Green Belt[27-34,73-81,108-112]

177. Para. 79 of the NPPF is equally clear that "the essential characteristics of Green Belts are their openness and permanence". Simply building 280 dwellings on the appeal site would reduce its openness – because there would be buildings where previously there were none.[27-29,76-81,110] In this context, it does not matter what sort of landscape screening there might be or what views might remain; openness would be reduced and, of course, permanence lost.

178. Development on the appeal site would certainly impinge upon the second and third of the five purposes served by Green Belt set out at para. 80 of the NPPF.[31,81] The open gap between Newcastle and Ponteland would be reduced, thus contributing to the possibility of the two settlements merging; and the countryside would be encroached upon. Whether the first purpose would also be breached depends on whether one considers Ponteland and Darras Hall to amount to a large built-up area. I am inclined to think they do not – though it is perhaps an academic point in light of the conflict with two other purposes.

179. The gap between Newcastle and Ponteland is relatively wide.[111] At its closest, Darras Hall is about 2.5 km from the built-up area of Newcastle, or the land being proposed for development there.[111] The ridge between the two accentuates the separation – they are not inter-visible;[10] indeed, one is not visible until the other is out of sight. So long as development around Ponteland remained invisible from the other side of the ridge, it would not be perceived as narrowing the gap between the settlements. There is an overlap here between two-dimensional harm to the Green Belt as a spatial planning tool, to prevent neighbouring towns from merging, and three-dimensional harm, the effect on openness as an aspect of landscape character, better considered as 'other harm' to the Green Belt.

180. The emerging Core Strategy acknowledges that land around Ponteland will have to be released from the Green Belt if it is to maintain its position in the settlement hierarchy.[19,25] It proposes the release of Green Belt land around the east and north-east of the settlement.[34] Whether or not that is the correct

approach seems to be a matter more properly assessed as part of the examination of the Plan, rather than in the determination of this appeal.

Other harm

181. The Council identified other harm from two sources in particular – the effect on landscape character[32,33] and the effect on the settings of designated heritage assets.[35-40] The Ponteland Green Belt Group gave its own evidence on the former[76-80] but was content to support the Council's evidence on the latter.[82] Two other matters are also better considered here than elsewhere. The Council withdrew reason for refusal no. 4, on surface water drainage; local residents, on the other hand, were clearly of the view that the proposed development would exacerbate existing drainage and flooding problems rather than having a neutral or positive effect.[153-158,162] Some local people were also concerned about the effect of development on the quality of residential amenity they enjoyed.[156]

Landscape character[32-34,76-81,114-115]

182. The landscape character of the appeal site is not in itself of any significant merit. It ranks in the bottom third of the landscape character areas assessed in the KLUIS. It enjoys no specific designations.[114] It is, in essence, an agricultural landscape of fields separated by hedgerows; some of the hedges are missing or of poor quality but a reasonable number of hedgerow trees helps to enliven the scene.[6] Two things, however, give the landscape more significance than would be assumed simply from an assessment of its own constituent parts.

183. Firstly, set within the appeal site is Birney Hall, originally a single house, though it and its outbuildings now comprise several. Importantly for landscape character, the Hall is largely surrounded by trees and shrubs and has a formal treed avenue leading to it from Birney Hill Lane.[36] One guideline in the KLUIS is to, "Seek to protect parkland landscape at Birney Hall …".[32] References elsewhere are to "remnant parkland" and there was debate at the inquiry as to whether that remnant extended beyond the avenue and included the hedgerow trees.[36] The wider area is not parkland as one commonly understands it. I tend to the view that the hedgerow trees probably derive from enclosure of the land around the 1850s rather than from any deliberate attempt to create a wider parkland setting for Birney Hall.[114] That aside, the avenue of trees along the drive to the Hall remains a striking landscape feature. Also, while buildings are glimpsed at the north end of the avenue, they are visually well contained by the surrounding trees and are seen more as part of the wider landscape than as a built intrusion within it.

184. Secondly, the appeal site affords views, publicly accessible ones from Birney Hill Lane, as far north-westwards as the Cheviot Hills.[77] Although the houses along the southern boundary of Darras Hall can be clearly seen, the built-up area is largely set on the valley floor and obscured by the mature trees within and around it. Essentially, therefore, the views appear to be across a vast area of attractive open countryside.[77]

185. The proposed development of three clusters of housing, set well within the appeal site and with substantial landscaping around them, would completely change the landscape. The existing field pattern would largely disappear[33] and views across the site would be limited to certain areas only.[77,79]

186. That is not to say that what is proposed would in itself be harmful or of poor quality. Although criticisms were made of certain aspects of the landscape

masterplan proposals,[28] there is no reason why a scheme broadly along those lines should not bring about an attractive new landscape. In the same way that the existing trees obscure much of the building at Birney Hall, so would the proposed planting grow to screen or obscure the new housing. The old field pattern would be replaced by new sub-divisions of the open land around the housing clusters but most of the existing hedgerow trees would remain, some of them within the housing clusters, imparting a certain continuity and maturity while the new planting is still young. Even so, there would be three unfortunate changes, one of them in particular tending to urbanise the present rural scene.

187. Firstly, the disposition of the proposed housing into three clusters might appear to reduce the overall mass of housing but would still seriously limit the extent to which there would remain long-distance views towards the north-west[77] (or, indeed, the north and north-east). Irrespective of the landscaping, the ridges of the proposed houses nearest to Stamfordham Road and Birney Hill Lane would be more or less level with the horizon[A] (and the landscaping, when mature, would be higher), leaving views only between the central and eastern clusters and perhaps between the central cluster and Birney Hall. The existence of the new housing, acting as a frame, would mean those views would no longer be panoramic ones across largely open countryside.

188. The principal remaining view from Birney Hill Lane would be between the central and eastern housing clusters.[B] Nominally, the gap between the clusters would be around 150m; in practice, it would be narrowed to less than 100m by the trees on the existing north-south field boundary. There might possibly be a view between the central housing cluster and Birney Hall; that, however, would be restricted to a gap of around 50m and much would depend on what was planted within it. There would be no view from around the junction of Stamfordham Road and Birney Hill Lane, between Birney Hall and the western cluster. There would still be views from Stamfordham Road, between Western Way and the listed mill, depending on what was planted along the roadside boundary and albeit that the view would be flanked by new housing on its right.

189. Secondly, the avenue of trees leading up to Birney Hall is at present a strong and important element in the landscape.[7,36] The landscape masterplan[C] indicates that its presence would be significantly reduced. There would be two new lines of trees, about 60m to either side of it, reflecting it but, actually by so doing, reducing rather than enhancing its impact. There would be orchard planting on one side, which would further dilute the understanding of the avenue as signifying the drive to the Hall. And there would be a multi-use games area (MUGA)[37] to its west, a plainly urban feature immediately alongside what, despite its formality, is not perceived as an urban feature in the existing landscape. Of course, the landscape masterplan is illustrative – but a considerable amount of effort has gone into producing it, it is integral to the concept of the development as a garden suburb and, while what it indicates might be rearranged or relocated, it is not particularly easy to see how or where.

190. Thirdly, the new access road junction with Stamfordham Road would be virtually on the ridge line and thus obvious from most viewpoints around.[80] It

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[A] Established at my accompanied site inspection by reference to Document L131.
[B] All of the potential views through the appeal site are most easily seen by reference to Document CD52, dwg. BHF_PA_003Q, the Proposed Development Zones.
[C] Document CD55 – dwg. 1497.1.2.

would almost certainly be required to be lit[80] and, being on higher ground than its surroundings, almost whatever sort of lighting was used would be apparent, in daytime as well as at night. The inevitable geometry of the junction would have an urban rather than rural character. So too would the road itself, as it progressed north across Birney Hill Lane towards the central cluster, then between the central and eastern clusters and then to its junction with Callerton Lane. North of Birney Hill Lane, the road could probably be satisfactorily assimilated into its surroundings; it is south of Birney Hill Lane and at the junction with Stamfordham Road that its urban characteristics would be most at odds with its rural surroundings.

191. Looking from a few kilometres to the north-west, Ponteland is generally visually contained on the valley floor and the skyline beyond, including the appeal site, is seen as largely undisturbed countryside. The proposed development would breach the skyline[33,77] although, once the planting was established, it is trees rather than buildings that one would probably see. (What one sees of Birney Hall is the trees around it, not the buildings.)

192. In addition, and again difficult to judge precisely, it appears that the housing in the eastern and central clusters, or the landscaping surrounding them, would come into view as one crossed the ridge from south to north on the B6323 road (Callerton Lane) from Throckley to Ponteland. With a mature scheme, the first impression would be primarily of the landscaping but, almost inevitably, with glimpses of buildings. At present, there is no indication of approaching a built-up area until one is already north of the Birney Hill Lane junction[10] – because Ponteland and Darras Hall sit largely on the valley floor. The Ponteland Green Belt Group pointed out the importance of the contours and what it saw as the dangers of housing climbing the slope southwards, primarily in the context of views north-westwards.[77] There is also the danger, even if the housing were well landscaped, that the impression of open countryside would begin to be lost and the extent of the Green Belt gap between Newcastle and Ponteland would be perceived as being narrower.

193. Summing up, the existing landscape is not, in itself, of any great merit; it is the existence of Birney Hall, within but not part of the appeal site, and of the panoramic views across the site that give it importance. Even though it would mean significant change, there is no reason why the generality of what is proposed should not, in itself, be perfectly acceptable in landscape terms. Three things counteract that. Whereas there are presently clear views as far north-west as the Cheviot Hills from most of the length of the southern boundary of the appeal site, development would reduce their availability to less than a quarter of that boundary; the visual importance of the avenue of trees leading up to Birney Hall would almost inevitably be diluted; and the access road junction with Stamfordham Road would be an urbanising feature, clearly visible at a relatively exposed point on the ridge line to the south of the main part of the appeal site. In addition, the housing, or its landscaping, would likely be apparent from the north-west, and also from further south than the existing built-up area of Ponteland and Darras Hall.

The settings of heritage assets[35-40,116-121]

194. There are four listed buildings to be considered.[7-9] Birney Hill Farmhouse is listed in grade II and stands outside the appeal site, on the south side of Stamfordham Road. It is more or less opposite the windmill, also listed in grade II, which stands within the appeal site. The buildings of Birney House farmstead

are a little to the east of the windmill and are not listed. Birney Hall, again listed in grade II, is set within the site visually but its buildings and grounds and the avenue leading to it are not within the red-line appeal site boundary. The gateway to the Hall is separately listed in grade II.

195. The roadside location of the farmhouse stems from its origins as an inn. Part of the holding, one could assume (especially given the location of the farmstead), would be the appeal site. The western cluster of the proposed development would come to within about 40m of the farmhouse, reducing the openness of what might be thought to be its setting.[38] It has to be said, however, that there are no obvious visual signs that the building was once a farmhouse and, in this context, the proximity of new housing cannot be said significantly to affect its setting as a listed building. The harm to the significance of the building as a heritage asset would be very small, certainly less than substantial.[120]

196. The windmill may not have been used for over 100 years and may lack its cap and sails – but it is obvious what it is (or was). Logically, a windmill has an open setting, so that it can take advantage of wind from any direction. It is also logical that it would stand within the land producing the grain it would mill. In this context, the approach of new housing within a few metres to its north, in an arc of about 110°, would substantially erode its historically open setting.[38] Though there are no details, it is part of the appeal scheme that the windmill would be repaired and consolidated, that the farm buildings to its east would be the subject of restoration, redevelopment and new uses (retail, business and community uses), and that the existing hardstanding between the mill and farmstead would be replaced by new parking and landscaping.[A] All of that could be anticipated as being to the benefit of the listed building and its immediate setting as part of what used to be a farmstead.[38,119] Thus, there are pluses and minuses. The harm from the proposed housing to the significance of the listed building as a heritage asset would certainly be less than substantial.[116,119]

197. Birney Hall is itself barely visible through its surrounding trees – but it has a significant influence on the wider scene because of those trees and the formal avenue, nearly 300m long, leading to it from Birney Hill Lane. The Hall is not within the appeal site and would be physically unaffected by the proposed development. Neither would its immediate setting,[118] in effect defined on a plan by the land excluded from the appeal site and visually by the mature trees enclosing it. Nevertheless, the way in which the Hall would be seen in its wider setting, would undergo significant change.[36,118] The conclusions above on landscape character apply equally to the setting of the Hall. The avenue of trees leading to it and the trees around it are important elements in the landscape. Their importance would be significantly diluted by what is proposed in the indicative landscape masterplan. Instead of appearing to be a house standing within its own farmland, it would be seen within a substantial residential development, with housing to east and west, landscape buffers of one sort or another[37] and a new access road to the south, somewhat at odds with the line of the treed avenue. All of that said, the harm to the setting would be less than substantial to the Hall's significance as a heritage asset.

[A] Document CD53 has the illustrative proposals for the farm group.

198. The significance of the gateway is purely its association with the Hall. It is at the northern end of the drive and barely visible until one is half way along it. The proposed development would have no harmful effect on this finite setting.

199. There is another, important, aspect to the impact of development on the settings of the listed buildings. They are seen together. Rightly or wrongly, they are understood together. The Hall was occupied by the owner of the surrounding land; the farmhouse was occupied by the farmer; the produce from the land went to the mill. It is not entirely clear from the evidence that that was actually the case, or was so for a significant period of time – but it can be perceived to be so.[39] The erosion of the open farmland by the development, certainly by the western cluster, would remove a significant part of the context in which the three listed buildings are seen and understood together. That is not unduly diminished by the facts that there are now a number of separate dwellings at the Hall, that the farmhouse is purely a dwelling and that the mill is derelict. On the other hand, there would be no changes to the buildings themselves (save for repairs to the mill) and documentary evidence enables them to be understood for what they were. The changes to their common setting are thus less than substantial for the significance of the buildings as heritage assets.

Surface water drainage and flooding[153-158,162]

200. Three things were evident to me on my site inspection and make residents' fears about flooding wholly understandable – the slope of the appeal site towards Darras Hall, the drop in levels from the site to the gardens of some the houses adjoining the appeal site (up to 1.5m and suggesting, to me, cutting into the natural contours to create relatively level gardens) and the way water sits on the surface of the appeal site. Those factors must also have been evident to the appellant's drainage consultant – and to the Environment Agency, Northumbria Water and the Council, which concluded that the necessary information had been produced to enable reason for refusal no. 4 to be withdrawn.

201. The existing drainage, such as it is, demonstrably cannot adequately manage existing surface water run-off. The proposed drainage system would include attenuation storage, enabling run-off rates to be restricted to less than normal greenfield rates at times of high rainfall. The system has not been designed in detail at this stage, one of the sources of criticism, but has been developed on a 'worst case' scenario. It is a concern of local residents that the attenuation storage would be at a higher level than the gardens of the houses adjoining the appeal site but there is no reason, in principle, why it could not be satisfactorily and safely designed at those levels. The Environment Agency, Northumbria Water and the Council must also be confident, on the basis of what has already been addressed by the appellant, that that can be done when (if) it comes to detailed design – otherwise the reason for refusal would not have been withdrawn. Far from making matters worse, it is more likely that conditions off-site would be improved by what is proposed.

Residential amenity[156]

202. There would be significant changes to the views from the houses along the southern edge of Darras Hall. Although landscaping would soften the visual impact, there would be new houses where presently there is open countryside. While the nature of the views would change, there is nothing to suggest that what is proposed would itself be visually inappropriate or unacceptable. On the illustrative masterplan, the nearest houses in the western cluster with a northerly

outlook would be 50-80m from the site boundary. In the central cluster, they would be 120m away at closest and, in the eastern cluster, over 100m away, albeit on much higher ground. All of those distances are far more, even if there were unobstructed views, than could give rise to any significant overlooking or loss of privacy for existing residents.

Other considerations

203. Although they might be thought somewhat emotive, I use as sub-headings in this section the terms as expressed by the appellant at the inquiry and used by the Council in its closing submissions. Also, since the considerations said to contribute to very special circumstances were subject to change both before and during the inquiry, I address all of the matters listed by Mr Cooper in opening.

The pressing need to revitalise the regional economy[45-49,122-124]

204. The North East region may be one of the poorest performing in the UK – but the evidence to support what was claimed to be needed was, at best, anecdotal. The region may need to attract inward investment and skilled workers – but would a development of 280 dwellings, 30% of them affordable, help to do that? Or contribute to rebalancing the north-south economy? The appellant says that the development would have an impact out of all proportion to its size[124] – but it seems unlikely that it could achieve any of that without a significant amount of other investment coming to the region at the same time, especially development bringing jobs. And, if high-quality executive housing is statistically not in short supply, then the merit of providing some more, in the hope or expectation of attracting investment to the region, is difficult to see, let alone quantify.

205. The Strategic Economic Plan does not identify the provision of high-quality housing as a key driver in promoting the prosperity of the North East. Nor did the written evidence of the appellant's witnesses argue it as such. In truth, there is much to be said for Ms Rosewell's view, in cross-examination, that housing may not be a key driver but its provision is nevertheless necessary.[45] She also accepted that the target market could include those who would prefer a different location or a different type of house and that "executive homes" could equally appeal to people no longer contributing to economic well-being.[46] Given that 84 out of 280 dwellings on site would be affordable (and therefore not available to the executive market) and that 98 plots would be available for custom-built houses (which might not appeal to a proportion of that market), it may be thought that arguments about the development helping to revitalise the regional economy can apply only to a limited proportion of the housing actually being proposed.

206. It is also unclear that "executive housing", by whatever definition, is truly needed. Mr Brooke's evidence for the Council attempted to deal with the matter by looking at houses in terms of value – and concluded that there was no shortage of housing that fitted with the valuations one would associate with executive housing.[48] One nevertheless has to wonder if all of the housing that fitted the valuation criteria would also fit the definition of executive housing as intended to be catered for by the appellant. Ms Rosewell might be thought to agree with that doubt – because she could not see how evidence of need could be other than anecdotal.[46]

207. That leads into the question of perception.[47,123] Those not knowing the region may or may not have perceptions about its character, its attractiveness as an area in which to work or the availability of the appropriate quality of housing.

The detail of Mr Brooke's evidence may not go precisely to what the appellant was suggesting, though that itself was not (and perhaps could not be) precisely defined;[46] there should, however, be little difficulty with his overall conclusion on the availability of executive housing, or with the suggestion that factors other than the availability of appropriate housing have a much greater bearing on decisions to locate in the region.[48]

208. I can see that it is important to capitalise on NIA[122] (and the business and industry developing around it); and I can see why Ponteland should be considered an attractive location in relation to NIA and, more generally, for high quality housing aimed at senior management.[139,142] At the same time, there is no evidence to suggest that other sites could not fulfil those functions, whether or not around Ponteland – sites more in accord with extant or emerging policy, or sites not in the Green Belt, or sites considered in a Green Belt review to cause less harm by their release than would the appeal site.

209. In summary, there is a considerable amount to be said for encouraging inward investment in the North East and revitalising the region's economy – but the question to be answered is whether, for housing on this particular site, those aspirations contribute significantly to the very special circumstances necessary to justify a grant of planning permission.

The crisis in housing land supply[50-60,125-129]

210. The Housing Market Area is defined by the Council as the whole of Northumberland. It is, however, broken down into four delivery areas, the appeal site lying within the Central Delivery Area (CDA). It was agreed that it was reasonable to concentrate on the CDA.[50,126]

211. The Council accepts that it cannot show a 5-year housing land supply. The difference between the appellant's and Council's estimates for the CDA (3.07 and 3.6 years respectively) is agreed as not material.[50,125] It is enough that there is an inadequate supply, although the appellant points to a number of factors as supporting the release, now, of suitable housing land – the failure over a number of years to provide sufficient housing,[125] the approach in the emerging Core Strategy that would not see the backlog recouped until later in the Plan period[125] and the continuing allocation of sites which it argues would not be viable.[126] The Council points to recent permissions which will increase the supply of housing in the CDA over the current 5-year period.[53] On the other hand, Mr Blundell argued that the (then) imminent 2012-based household projections would show housing need to be far lower than the Council says.[152]

212. Using the appellant's figures,[125] the 5-year requirement in the CDA for the period 2014-2019 is 1,420 dwellings; the backlog from 2011-2014 is 482; and adding a 20% buffer gives a total requirement of 2,186. The appellant identifies a deliverable supply of 1,343 dwellings over five years, the Council 1,575, giving a shortfall of between 843 and 611 dwellings.

213. Three recent permissions in the Morpeth area will provide up to 851 dwellings; and the resolution on the Police HQ site just north of Ponteland will, if converted into a permission, provide 263 dwellings.[53] The total from those four sites is 1,114 dwellings but only a relatively small proportion could be delivered within the 5-year period (2014-2019). No estimate of this was given to the inquiry (the Council said only[53] that it would be able, or be close to being able, to show a 5-year supply at 31 March 2015). Allowing time for conditions to be discharged and for construction to start (and, for the Police HQ site, on the assumption that

a section 106 obligation is shortly to be executed and permission granted), it would be optimistic to anticipate as many as 400 dwellings from the four sites.

214. That means a supply of, in round figures, something between 1,750 and 2,000 dwellings in the 5-year period; against the requirement for nearly 2,200, that leaves a shortfall probably in the range 200-450. That range is not so large that significant weight should be given to it in assessing the need for an early release of Green Belt land. This calculation also assumes dealing with the backlog within the first five years after adoption of the Core Strategy, despite the Council proposing an alternative scenario in that Plan that would reduce the requirement in those years.[125] Thus, were the Plan to be found sound as presently proposed, the shortfall in the 5-year requirement would be less than 200-450.

215. The representations on the 2012-based household projections do not suggest any need to depart from these conclusions. The Council considers that they make no significant difference to its case at the inquiry.[173] The appellant thought the effect would be marginal.[171] It appears that the Council's aspirations for job creation, or increasing economic output, are the primary source of the differences between it and Mr Blundell.[170,172,174] He says that the matter is "a controversial Core Strategy debate"[170] and, as above, the correct place to resolve that issue is within the Core Strategy examination.

The development of an exemplar garden suburb[61-63,88-95,130-137]

216. The appellant put the greatest emphasis on the creation of an exemplar garden suburb, underpinned by a CLT.[130-137] The idea is a very attractive one. On the other hand, the means of creation, on this particular appeal site, does not sit comfortably against policy, including that in the NPPF; and there must be doubts that the end result would truly be an exemplar garden suburb.

217. The first step in the process is to strip out the developer's profit on the land and pass that to the community[134] – admirable as a concept but apparently dependent on acquiring the land at its existing use value rather than, as would generally be expected, with the addition of 'hope value'.[137] In today's world, that means the land has to lie outside the Development Plan process; it cannot be allocated for development, or with the potential to come forward for development in the future, because that is how land acquires its 'hope value' – which leaves only greenfield land and, perhaps more obviously, Green Belt land, because the permanence of Green Belts may be perceived to remove the potential for large-scale development.

218. Thus, while the principles of garden cities can be seen to be encouraged by para. 52 of the NPPF, the means of achieving that, in this case at least, is dependent on making an exception to Green Belt policy in para. 87 of the self-same document. Of course, very special circumstances may obtain – but to conclude that the creation of a garden suburb is, on its own, such a very special circumstance could too easily lead to an undermining of Green Belt policy and the integrity of Green Belts in general. Here, therefore, the question must be whether the proposed development would indeed be an exemplar garden suburb and whether that is a consideration that could contribute to the necessary very special circumstances.

219. Passing the value of the land to the community is done by the formation of a CLT. There is an obvious problem here – the early appointment of Trustees and the formulation of a constitution and objectives, including how the CLT would be run and funded, would be a difficult, expensive and abortive operation were the

appeal to be dismissed; on the other hand, in the absence of what some might think fundamental information,[92-94] to allow the appeal could seem to be relying unduly on what has been promised by the appellant. In my opinion, the section 106 obligation, amended following examination at the inquiry, now offers sufficient detail about purpose and timing to give assurance that what was being promoted by the appellant would be what actually came to pass, were the appeal to be allowed.[A]

220. The CLT has also been criticised as being primarily a mechanism through which to discharge various management responsibilities – little that could not be achieved by a management company and a normal section 106 obligation.[92] That may be partly true but is not a reason for criticism. The principal merit of the CLT would be to manage and invest incoming and accumulated funds for the benefit of the community.[134]

221. There is also the question of in what form a CLT should be set up. Darras Hall was established as a form of garden suburb; its Trust Deed, established in 1910, and its Bye-Laws still operate. It was said that the proposed development would take forward the objectives of the garden suburb established over 100 years ago. There would be some merit, therefore, in a form of joint working with the Darras Hall Estate.[62(3)] That does not appear to be precluded by the evidence to the inquiry and the provisions of the section 106 obligation. It might or might not come to pass (were the appeal allowed) but it seems to me that that would be for the Trustees, when appointed, to consider and decide upon.

222. Overall, I do not consider that the necessarily unknown detail of the CLT should count against the proposed development. It is an appropriate means by which to deal with income and investment for the benefit of the community and there is sufficient detail in the section 106 obligation to ensure its establishment.

223. In physical terms, and considered solely within the confines of the site, the appeal proposals appear to have the attributes necessary to bring about an exemplar garden suburb. The proposed housing would be in three clusters, of a size that could enable community spirit to develop. There would be open land around all three, with the opportunity for attractive landscaping. Some of the land would be a community farm, enabling residents to participate in growing their own crops (probably primarily fruit and vegetables). The existing farmstead would be restored and redeveloped to provide retail (a farm shop) and business opportunities and premises for community use.

224. Criticism is possible, however. Firstly, connections between the central and western clusters are unclear;[91] there is no road connection and the only footpath shown on the masterplan crosses the avenue to Birney Hall, but without any indication that the existing agricultural crossing could become a public right of way. Secondly, the indication that most of the affordable housing would be in the western cluster and most of the up-market housing in the central and eastern clusters goes somewhat against the grain of the exhortation in para. 50 of the NPPF to deliver inclusive and mixed communities.[62(4)] If thought a problem, however, that could perhaps be addressed at the reserved matters stage. Thirdly, it is difficult to apply the term 'mixed use' to a scheme for 280 dwellings and no more than 1,400 sqm of business, retail and community floorspace.[62(5)] The proposed non-residential uses are, however, consistent with the restoration

[A] Document L133.

and redevelopment of the existing buildings; and more, unless located elsewhere, might run contrary to other planning policies. Lastly, there is substance in the argument that the landscaping of the three clusters of housing would be seen as insulating or defensive – rather than helping the scheme to be integrated with existing development.[90]

225. There would also be noise from aircraft taking off from NIA (or landing, depending on wind direction). It was possible for the noise reason for refusal to be withdrawn because planning conditions could be attached to a permission to ensure satisfactory noise levels within dwellings.[41] There remains, though, the matter of the external environment. It was established at the inquiry that the proposed public open space north of Birney Hill Lane would probably have to move further north in order to be beyond the 50dBA noise contour – something that begs the question of whether the noise environment would limit the development's ability to be described as 'exemplar'.[41,90]

226. Looking a little beyond the confines of the site, further criticism is possible. The appeal site adjoins the Darras Hall Estate, which started life as a garden suburb, and the location is seen as an opportunity to build upon the original concept, sensitively extending and enhancing it with a new and up-to-date garden suburb.[131] The physical connections between Darras Hall and the appeal site are, however, tenuous.[62(9),91] They are limited to Callerton Lane along the eastern boundary of the appeal site, which only flanks Darras Hall on its way towards Ponteland (and NIA), and Western Way along the western boundary, which does run through Darras Hall, towards Ponteland. That clearly limits permeability, although there is no other option, because of the way Darras Hall was laid out and has subsequently been developed.[62(8)] The proposal makes the best of what is available to it but it is something that must detract from the claimed exemplar status. Accessibility and permeability do not compare favourably with, for example, Derwenthorpe, used as an example of a modern garden suburb.[91]

227. This lack of permeability or connectivity limits access to services and facilities in Darras Hall, because of the roundabout routes that would have to be taken. The distances involved are greater than thought appropriate for walking and the development would almost inevitably be car-orientated.[62(8)+(9),91] The proposed community bus is to be welcomed; so too are the footpaths and cycle ways;[102] otherwise, however, the scheme's sustainability credentials might be limited, in transport terms, to the argument that car journeys would at least be shorter than they might be elsewhere.

228. Looking further afield, the sustainability equation works more in favour of the appeal proposals. The site is convenient for Newcastle city centre and Gosforth and very convenient for NIA; the Metro runs from NIA to the city centre.[5,101] It would not be necessary to drive everywhere. That, though, is not a particular advantage of the appeal site; it could be said of any site around Ponteland.

229. To sum up on this aspect, the appeal site offers the opportunity to create a very attractive garden suburb and the illustrative masterplan goes a very long way towards achieving that. Nevertheless, there are constraints, primarily in terms of connectivity and noise, that militate against the exemplar status claimed for the appeal proposal.

The very special location of the site[64,139,142]

230. This really only arose at the inquiry because Mr Ketley, for the Council, opined that, from a developer's perspective, the appeal site would be a prime one in the market place. That may be so – but it cannot really affect a conclusion on the planning merits of the proposal.

Other factors

231. Mr Cooper identified in opening a list of 22 items bringing benefits to the community.[102] Seven of those are subsumed within the sub-headings above. I deal here with the remainder.

232. The provision of over 37 ha of open space arises because of the nature of the proposal as a garden suburb. However, not all of it appears to be publicly accessible and there must be some doubts as to how much of that there would be at the end of the day, given the apparent need to relocate the public open space away from the 50dBA noise contour generated by aircraft to or from NIA.[41,90] In any event, it is a facet of the garden suburb approach to design and not to be counted again for its own sake.

233. The contributions towards education and sports are essentially prompted by the additional demand the development would place on these services and facilities. If they are greater than necessary to cater for the increased population and likely additional usage, then they could be contrary to CIL Regulation 122.

234. Traffic management improvements within Ponteland, investment in surface water management and maintenance beyond the boundaries of the site, and also investment in sewerage infrastructure in Ponteland, all appear to stem from pressure placed on existing infrastructure by the increase in population from the proposed development. If the proposed contributions were greater than justified by the increased population, then they would be contrary CIL Regulation 122. The contribution to commercial shopping precincts in Ponteland seems no longer to apply, because the contribution originally proposed for town centre improvements is now addressed to off-site affordable housing; if it did apply, however, it would be subject to the same query in relation to CIL Regulation 122.

235. There are few details at present for the provision of and improvement of the bridleway network in and around the appeal site – but they would seem to flow from the garden suburb nature of what is proposed. A new footway/cycleway on Callerton Lane would provide improved access to schools and the village centre for residents of the development but would be of little benefit to others. Public transport improvements flow from the needs of the proposed development, as do improvements to traffic management and accessibility surrounding the site (of which, again, there are few details at present). In short, however, all are what one might reasonably expect to be provided as part of the development.

236. The SUDS is simply a necessary part of the proposals. In similar vein, ecological enhancements on site flow directly from the nature of the proposals.

237. The employment hub with more than 1,300 sqm of employment provision is really part of the garden suburb concept. So too are low carbon development, Building for Life Standards and the minimum provision of 98 self-build plots; they are all associated with what might make an exemplar garden suburb.

238. Accordingly, little weight, if any, can go to these factors as contributing in their own right to very special circumstances.

239. The affordable housing target of 30% would be met on-site. It has to be remembered that 30% is a target,[128] one likely not to be met on numerous developments, either in the CDA or in the County as a whole.[128] Thus, there can be nothing wrong in achieving 47% from the proposed development through a contribution to off-site affordable housing, balancing potential deficits elsewhere. This is the one factor to which, in my opinion, significant weight may be given.

The obligation

240. By and large, the provisions of the section 106 obligation[A] comply with CIL Regulation 122 in that they are necessary to make the development acceptable in planning terms, directly related to the development and also fairly related to it in scale and kind. That applies specifically to:

- setting up the CLT;
- implementation of the business hub;
- the provision of 84 affordable housing units on-site;
- the £1.2 million contribution towards a community farm;
- the £400,000 contribution towards a community bus service;
- the £400,000 contribution towards a Ponteland-wide travel plan (there may be uncertainty about whether this meets Regulation 122 but there is considerable merit in looking settlement-wide rather than at the appeal site alone);
- the £800,000 contribution towards highways improvements and traffic management measures (again, there may be uncertainty about the figure but there is no doubt that a high proportion of the work is necessary);
- the £1.2 million contribution towards schools, sports and leisure infrastructure (here, also, there may be uncertainty about the figure but there is no doubt that a contribution is necessary);
- the implementation of landscaping work before a start to built development; and
- assessment of the impact on NIA's ILS.

241. The £3.6 million contribution towards off-site affordable housing cannot be considered necessary to make the development acceptable in planning terms – because the 30% on-site provision meets the emerging policy target. On the other hand, by no means every development in the CDA is going to achieve that target and there is much to be said for securing more from this development to offset what will likely not be secured from others. The provision of 98 plots for custom-build dwellings also cannot be said to be necessary to make the development acceptable in planning terms – but it is very much in line with Government aspirations and deserves weight for that.

242. The appropriateness of two other provisions depends on whether one looks at the proposals purely as a site-specific development or as something intended to build upon the original garden suburb concept, sensitively extending and enhancing Darras Hall with a new and up-to-date garden suburb. The £100,000 contribution towards a contract for cleaning surface water drains in Ponteland does not appear to satisfy CIL Regulation 122 unless one takes the latter view, because the proposed SUDS would be designed so that surface water disposal from the development would not worsen existing drainage or flooding problems in Darras Hall. Similarly, the £1 million contribution towards environmental,

[A] Document L133.

social and economic development projects for the benefit of the Ponteland and Darras Hall communities can only satisfy CIL Regulation 122 if one takes the latter view.

243. Accordingly, the section 106 obligation does what one would expect of it, and more, but does not add significant weight in either side of the planning balance.

Suggested conditions

244. Annex C below has comments on the suggested conditions and recommendations for the conditions it would be appropriate to attach to outline planning permission, were the appeal to be allowed. The conditions would ensure a development generally in accordance with what was addressed at the inquiry but offer nothing to mitigate or outweigh my conclusions.

Planning balance and conclusion

245. Saved Policy C1 from the Castle Morpeth District Local Plan deals with settlement boundaries; Policies C16 and C17 deal with the extent of the Green Belt and appropriate types of development within it; Policy PC1 addresses specifically the settlement and Green Belt boundary around Ponteland.[17] So far as this appeal is concerned, there is no conflict between Policies C16 and C17 and the NPPF. Policies C1 and PC1, on the other hand, as policies affecting the provision of housing, are to be considered out-of-date in the absence of a 5-year housing land supply.[26]

246. The Northumberland Core Strategy 2011-2031 is at a relatively early stage of preparation. Adoption will come in the spring or summer of 2016 at the very earliest,[18] though possibly not until early 2017.[52] It proposes amendments to the Green Belt boundary aimed at providing for development during the plan period and at safeguarding further land for future development beyond 2031.[19] The appeal site is not within the land proposed to be released.[34]

247. The likely delay in adoption of the Plan[105] was raised at the inquiry. Whether the appeal proposal was premature in relation to Plan preparation was raised only on behalf of the Banks Group, which has an interest in the land proposed to be released from the Green Belt.[149] Bearing in mind the advice in the PPG, the proposal is not, at 280 dwellings, so substantial, nor its impact likely to be so significant, that the grant of outline planning permission would undermine the plan-making process.

248. The NPPF is an important material consideration – all the more so given the provisions of the Development Plan and the likely progress of the emerging Core Strategy. There was agreement at the inquiry that the appeal proposals should be assessed against its policies.[26]

249. The proposed development would be seriously harmful to the Green Belt by reason of its inappropriateness and because it would significantly reduce its openness. In addition, there would be harm to the landscape character of the area, not in terms of the landscape quality of the appeal site itself but because of the significance of Birney Hall within it and the views across the site towards the Cheviot Hills. And there would be harm to the settings of three listed buildings. In terms of the NPPF, the harm to the significance of the buildings as heritage assets would be less than substantial; however, as listed buildings, special regard must be had to the desirability of preserving their settings and that must be given significant weight in the planning balance. There would be no harm in terms of either surface water drainage and flooding or residential amenity.

250. Nor would there be harm to the plan-making process if the proposal were thought premature. Even if there were merit in the argument, it would not add significantly to the weight to be given to the site-specific objections.

251. The factors the appellant urges should be weighed against the harm to the Green Belt and other harm are, primarily, the need to revitalise the North East economy, the need for executive housing to assist in that, the creation of an exemplar garden suburb and the lack of a 5-year housing land supply.

252. One can legitimately give great weight to revitalising the North East economy but, at the same time, ask how the release of Green Belt land for 280 dwellings, 84 of them affordable, would contribute to that; and the answer is that it would have to go hand-in-hand with other significant inward investment aimed at providing jobs. The provision of executive housing is not a key economic driver and the evidence that it is lacking is not wholly persuasive. The absence of a 5-year housing land supply is accepted by the Council but the degree of the shortfall is not so great as to justify the release of Green Belt land outside the Development Plan process. Whatever the quality of the design (and there are shortcomings which might or might not be overcome at the detailed design stage), the achievement of an exemplar garden suburb is hampered by two outside influences – the inevitable lack of connectivity with Darras Hall and noise from aircraft taking off from or landing at NIA; both leave a question mark against the claim of exemplar status.

253. The appellant cited various other considerations at various stages before and during the inquiry which were argued as contributing to the very special circumstances needed to justify a grant of planning permission. Many were what one would reasonably expect a development proposal such as this to contribute as a matter of course. None adds unduly significantly to the planning balance.

254. However welcome might be the revitalisation the North East economy, the provision of executive housing and the creation of an exemplar garden suburb, and however significant the lack of a 5-year housing land supply, they do not, individually or cumulatively, clearly outweigh the harm that the proposed development would cause. Accordingly, the very special circumstances necessary to justify a grant of planning permission for inappropriate development in the Green Belt do not exist.

255. Para. 14 of the NPPF says that, where relevant policies of the Development Plan are out-of-date, planning permission should be granted for sustainable development unless specific NPPF policies indicate that development should be restricted. Whether the proposed development is sustainable is arguable. The appeal site is in a sustainable location – as would be any site around Ponteland – but accessibility to services and facilities is relatively poor. In terms of the definition at para. 7 of the NPPF, the economic or social benefits of the proposed development are not at all convincingly argued and there would be clear environmental harm; on that basis, the proposed development cannot be said to be sustainable. More importantly in this context, the proposal conflicts with Green Belt policy at paras. 87-89 of the NPPF and, even if the appeal proposal were to be considered sustainable, the presumption in favour of sustainable development in para. 14 cannot apply.

RECOMMENDATION

256. I recommend that the appeal de dismissed.

257. Should the Secretary of State take a different view, the conditions that I recommend be attached to outline planning permission are at Annex C below.

John L Gray

Inspector

ANNEX A: APPEARANCES

FOR NORTHUMBERLAND COUNTY COUNCIL

Simon Pickles, of Counsel	instructed by Elizabeth Sinnamon, Principal Solicitor with the Council.
He called	
Tom Robinson BPhil CMLI	Director, Robinson Landscape Design.
Clara Turlington BA(Hons) MSc IHBC	Built Heritage Consultant, URS (and formerly Building Conservation Officer with the Council).
Rory Brooke BSc MSc MRTPI	Head of Economics and Development, URS.
Mark Ketley BA(Hons) DipTP MRTPI	Senior Development and Delivery Manager with the Council.
Elizabeth Sinnamon	(in discussing suggested conditions only)

FOR THE PONTELAND GREEN BELT GROUP

Peter Dixon, of Counsel	instructed by W D Moses, CSM Architects, 1 Boyd Street, Newcastle upon Tyne, NE2 1AP.
He called	
W D Moses BArch RIBA RMaPS	Partner, CSM Architects.
W Walton BA MSc LLM MRTPI	

FOR LUGANO DEVELOPMENTS LIMITED

David Cooper, Solicitor Advocate	instructed by Lugano Developments Limited.
He called	
Mervyn Miller PhD BA BArch(Hons) MUP March RIBA FRIBA IHBC	Chartered Architect and Town Planner.
Gary Young BA(Hons) DipArch RIBA	Partner, Farrells.
Duncan McInerney BSc(Hons) MLD CMLI	Founding Director, Environmental Dimension Partnership Limited.
Bridget Rosewell OBE MA MPhil(Oxon)	Senior Adviser, Volterra.
Scott Munro PgDip URP MRTPI	Planning Director, Lugano Developments Limited.
David Birkbeck BA(Hons) FRIBA	Chief Executive, Design for Homes.
Roger Hepher BA(Hons) MTP FRICS MRTPI FRDA	Senior Director, Savills.

INTERESTED PERSONS

Guy Opperman MP	
Justin Hancock	Principal Development Planner, the Banks Group.
John Blundell	}
Hank Craggs	} local residents
Tom Beswick	}
David Gratch	}
Peter Jackson	County Councillor
Tony Watson	}
John Chappell	} local residents
Andrew Mate	}

ANNEX B: DOCUMENTS

Document CD.X List of Core Documents used at the inquiry.

Document IQ.X List of Inquiry Documents.

The above lists are those used and kept up-to-date at the inquiry itself.
All Core Documents are prefixed **CD**.
Inquiry Documents are prefixed:

L for Lugano Developments Limited, the appellant;
N for Northumberland County Council;
P for the Ponteland Green Belt Group; and
TP for third parties.

For proofs of evidence and related documents, the witnesses are named in the List and the **L**, **N** and **P** prefixes are followed by the initials of the witness concerned.

Documents submitted in relation to the 2012-based household projections

H1 Mr Blundell's note dated 22 March 2015.
H2 Ponteland Green Belt Group's note, received on 23 March 2015.
H3 Email from Savill's on behalf of Lugano dated 13 March 2015.
H4 Mr Blundell's additional note dated 8 April 2015.
H5 Letter from Savills dated 10 April 2015 with response to Mr Blundell's note of 22/3/15.
H6 Email from the Council dated 20 April 2015.

ANNEX C: SUGGESTED CONDITIONS

COMMENTS ON SUGGESTED CONDITIONS

Suggested conditions were circulated early in the inquiry. I circulated my comments and queries on those conditions. An updated list of suggestions was subsequently circulated and considered in a discrete session on the final day of the inquiry. The comments below are made on the basis of that process. Numbers below are those of the suggested conditions in Document L130. There follows a list of recommended conditions, should the appeal be allowed and outline planning permission granted. The numbers of the respective recommended conditions are given in brackets after each comment below.

1. The reserved matters model condition is recommended. (1)
2. I suggested at the inquiry, and it was accepted, that the period for the submission of reserved matters applications should be reduced to two years, thus enabling delivery of a greater number of houses within five years. (2)
3. The reserved matters model condition is recommended. (3)
4. The model condition on materials is recommended. (6)
5. To establish phasing is necessary and it is important that a phasing plan includes works outside the three development cells. (5)
6. Similarly, details of landscaping across the whole site are necessary, including programmes for implementation and for management and maintenance; replacement of failed planting can be included in the maintenance programme. (7)
7. This condition is superfluous if an implementation programme is included in condition 6.
8. *Omitted from Document L130.*
9. A construction methodology condition is both necessary and appropriate. (8)
10. Refuse storage facilities for the individual dwellings or blocks of dwellings need to be secured. A refuse storage strategy is necessary only for Use Classes A, B and D in the former farmstead. (9)
11. The condition is unclear. External lighting of buildings is only likely to be provided in the former farmstead, for Use Classes A, B and D. Lighting of external areas, however, seems to cover both street lighting and the lighting of public open space. (10)
12. The only external plant likely to be provided is in the former farmstead, for Use Classes A, B and D. (11)
13. The only potential contaminants are in the area of the farmstead and in a foot and mouth burial pit. A single, shorter condition can satisfactorily take the place of suggested conditions 13, 14 and 15 without omitting any of the intent. (12)
16. Relating only to construction, this condition can be part of suggested condition 9. (8)
17. A surface water drainage condition is necessary and appropriate and should require a sustainable urban drainage scheme (SUDS). A reference to NIA is unnecessary. (13)
18. A foul drainage condition is necessary but can be more concisely worded. (14)
19. The appellant's intention is that all roads should be constructed to adoptable standards but the condition need only secure approval of the construction specification. (15)
20. A condition on energy efficiency is necessary and appropriate, particularly in light of the intention to create an exemplar garden suburb. (16)
21. A Travel Plan condition is necessary but the need for two, and the need for such detail, is unclear, especially in light of the Travel Plan Framework submitted with the application (Core Document CD32). The condition is necessary but the wording may usefully be amended and can incorporate what is sought in condition 22. (17)
23. A condition on public highways works is necessary but should also require a programme of implementation tied to condition 5. (18)
24. The condition is necessary and appropriate (particularly in light of the intention to create an exemplar garden suburb) but better alternatives are proposed for market housing and affordable housing separately. (20, 21)

25. A condition on mitigation regarding protected species is necessary and should include the submission and approval of details. (22)
26. A condition is necessary to secure appropriate children's play areas. (23)
27. Parking and manoeuvring space is part of the layout, details of which are secured by condition 1; what is sought can also be subsumed within suggested condition 19. (15)
28. The requirements here are naturally a part of suggested condition 19. (15)
29. The condition is necessary but would benefit from amended wording. (19)
30. *Omitted from Document L130*.
31. An archaeological condition is necessary but would benefit from amended wording. (24)
32. A groundworks condition is necessary and appropriate, albeit closely related to suggested condition 17. (25)
33. This and 34 are the two noise conditions which enabled reason for refusal no. 5 to be withdrawn. They can be more concisely worded. (26, 27)

Zero carbon conditions – these are specific and more thorough – and thus preferable to suggested condition 24. (20, 21)

Design code condition – this is necessary to secure appropriate designs on the self/custom-build plots, although matters going beyond that seem unnecessary. (28)

Cranes and Floodlighting – these conditions are sought by NIA; both would apply during the construction period only and can reasonably be included in suggested condition 9. (8)

Additional condition

A condition is also required to tie permission to the parameters plans and, as appropriate, the illustrative plans. (4)

RECOMMENDED CONDITIONS

1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins. The development shall be carried out as approved.
2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4) The reserved matters referred to above shall be in accordance with the site plan BHF_PA_100C, the parameters plans BHF_PA_001K, 002N, 003Q, 004J, 005R, 006R, 007M and 008N and generally in accordance with the illustrative masterplans BHF_PA_010L and 011H.
5) Development shall not begin until a scheme showing the phasing of the implementation of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include the development of the farmstead, the community farm, all landscaping outwith the housing development cells and also phasing details within each of those cells, as identified on masterplan BHF_PA_010L. Development shall be carried out in accordance with the approved phasing scheme.
6) The appearance reserved matters shall include details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted.
7) The landscaping reserved matters shall include full details of both hard and soft landscape works. The details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed services below ground; planting plans and specifications; schedules of plants (noting species, plant sizes and proposed numbers/densities); an implementation programme related to the phasing scheme; and management and maintenance programmes for a period of five years from the completion of each phase of landscaping.

8) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
   i) temporary site access points;
   ii) temporary traffic management measures;
   iii) the parking of vehicles of site operatives and visitors;
   iv) the loading and unloading of plant and materials;
   v) the storage of plant and materials used in constructing the development;
   vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   vii) wheel washing facilities;
   viii) measures to control the emission of dust and dirt during construction;
   ix) a scheme for recycling and disposing of waste resulting from construction works;
   x) hours of operation;
   xi) a communication plan for liaising with the public;
   xii) a sediment management plan to prevent the pollution of nearby watercourses by silt and suspended solids from surface water runoff during construction works;
   xiii) details of crane operation;
   xiv) details of floodlighting employed for construction purposes.
9) No building shall be brought into use until a refuse storage strategy and refuse storage facilities for that phase of the development (as defined in the scheme pursuant to condition 4 above) have been provided in accordance with details first submitted to and approved in writing by the local planning authority.
10) No building shall be brought into use until external lighting for that phase of the development and any associated landscaping phase (as defined in the scheme pursuant to condition 4 above) has been provided in accordance with details first submitted to and approved in writing by the local planning authority.
11) Development in the area of the farmstead shall not begin until details of any external plant, including extract ventilation and air conditioning equipment, together with their noise generation levels and any attenuation measures, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and all equipment shall thereafter be operated and maintained in accordance with those approved details.
12) Development shall not begin until:
   - a strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
   - an investigation has been carried out in accordance with the approved strategy; and
   - a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and a proposing remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.

   Remediation work shall be carried out in accordance with the approved remediation scheme and programme.

   Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details submitted to and approved in writing by the local planning authority subsequent to its discovery.

   No building shall be occupied until a verification report demonstrating both completion of the works set out in the approved remediation strategy for that phase of the development and the effectiveness of those remediation works has been submitted to and approved in writing by the local planning authority.
13) No development shall take place until details of the design and implementation of a sustainable urban drainage scheme have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for implementation

and a management and maintenance plan for the lifetime of the development, which shall include arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

14) Development shall not begin until details of works for the disposal of foul drainage have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the works for that phase of the development have been completed in accordance with the approved details.

15) Development shall not begin until details of the layout, construction specification, landscaping, drainage and lighting of all access roads, turning areas, parking areas and footpaths have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

16) No building construction shall begin until details of energy efficiency measures, which may include embedded renewable energy sources, have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the approved scheme has been fully implemented in so far as that building is concerned.

17) Prior to the occupation of the first building in any phase (as defined in the scheme pursuant to condition 4 above) a Travel Plan based upon Core Document CD32 (Travel Plan Framework, January 2013, submitted in support of the application) shall have been submitted to and approved in writing by the local planning authority. The Plan shall include the appointment of a Travel Plan Co-ordinator and details for its implementation, management, monitoring and review. The Plan shall be implemented as approved.

18) Development shall not begin until details of all works to public highways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No building shall be occupied until works related to access to that phase of the development have been completed.

19) No building shall be occupied until the means of pedestrian and vehicular access to it has been constructed in accordance with the details approved under condition 15 above.

20) All open market dwellings shall achieve Level 6 of the Code for Sustainable Homes (or any such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a final Code Certificate has been issued certifying that it achieves Code Level 6.

21) All affordable dwellings shall achieve Level 5 of the Code for Sustainable Homes (or any such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a final Code Certificate has been issued certifying that it achieves Code Level 5.

22) Development in any phase (as defined in the scheme pursuant to condition 4 above) shall not begin until details of ecological mitigation measures, based on Chapter 10 of the Environmental Statement submitted in support of the application, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

23) Development shall not begin until a detailed scheme for the provision of appropriate children's play areas on the site for each development phase shall be submitted to and approved in writing by the local planning authority. Thereafter, the children's play areas related to any particular phase of development shall be provided in the approved locations and in accordance with the approved details prior to the occupation of the 50th dwelling in that phase.

24) Development within any phase (as defined in the scheme pursuant to condition 4 above) shall not begin until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

25) Development shall not begin until details of the location and extent of groundworks in all areas of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

26) Development shall not begin until details of sound insulation and ventilation measures for all new dwellings have been submitted to and approved in writing by the local planning authority. The sound insulation measures shall ensure that levels of aircraft noise within habitable rooms do not exceed:

LOCATION	07:00 TO 23:00	23:00 to 07:00	23:00 to 07:00
Living Room	35 dB $L_{Aeq,16hour}$	-	-
Dining Room/Area	40 dB $L_{Aeq,16hour}$	-	-
Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $_{LAeq,8hour}$	45 dB $L_{Amax,f}$

The ventilation measures shall ensure that bedrooms exposed to aggregate night time noise levels of 50 dB $L_{Aeq,8hour}$ or above and located within the 90$dB_{A\ SEL}$ departure footprint for any aircraft operating at least once per night (both values to be determined by the Newcastle International Airport ANCON noise model used for the Airport Masterplan 2030) have a scheme of mechanical ventilation designed to maintain the required sound insulation at times when rapid ventilation is required.

No dwelling shall be occupied until the approved measures have been implemented.

27) Development shall not begin until details of land to be used as a public amenity space have been submitted to and approved in writing by the local planning authority. The land shall be in a location exposed to aircraft noise levels not expected to exceed 55 dB $L_{Aeq,16hour}$ (the value to be determined by the Newcastle International Airport ANCON noise model used for the Airport Masterplan 2030). No dwelling shall be occupied until the public amenity space has been provided in accordance with the approved details.

28) Development shall not begin until a Design Guide for the development has been submitted to and approved in writing by the local planning authority. The Guide shall be subject to an annual monitoring report and shall cover the following matters:

- the character of the development, the locality, and the need to control the architecture, layout, and landscape within the site;
- the need to control future development on and within the perimeter of the site;
- the need to control the design of development at the outset and throughout the course of the development lifetime;
- any part of the site that is deemed to be sensitive in terms of the scale, height, mass and design of the dwellings and their respective landscaping;
- the scale and massing of the development relative to development boundaries;
- the quality and key principles of the design of individual buildings, including architectural principles and more detailed design requirements relating to individual components such as windows and materials;
- the location, orientation, form, design and dimensions of buildings relative to streets;
- means of enclosure;
- the requirement for appropriate construction and design measures to achieve Level 6 of the Code for Sustainable Homes in relation to market housing and Code Level 5 in relation to affordable housing;
- the control of future development on and within the perimeter of the application site.

Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;
The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.