



# Appeal Decision

Site visit made on 23 March 2010

by **Bern Hellier BA (Hons) MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

Decision date:  
31 March 2010

**Appeal Ref: APP/N1350/A/09/2115973**

**Land south of Killinghall Row, Middleton St George, Darlington, DL2 1ER**

- 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 Mr Isaac Ward against the decision of Darlington Borough Council.
- The application Ref 08/00773/OUT, dated 16 September 2008, was refused by notice dated 8 May 2009.
- The development proposed is the erection of 36 dwellings.

## Decision

1. I dismiss the appeal.

## Procedural matter

2. The application was submitted in outline with only the principle of the development and the means of access for approval at this stage. Appearance, landscaping, layout and scale were reserved for subsequent approval.

## Main issues

3. I consider there are three main issues.
  - Whether the proposal accords with local and national housing policies on the supply of new housing.
  - Whether the site would be suitable for housing development having regard to past contamination.
  - The effect of noise from neighbouring uses on the living conditions of future residents.

## Reasons

### *Housing supply*

4. National guidance in *Planning Policy Statement 3 : Housing* is that local authorities should be able to demonstrate a five year supply of deliverable housing sites to meet established needs. With such a supply in place then new greenfield sites outside allocated sites and settlement development boundaries would not normally be allowed. In its *Strategic Housing Land Availability Assessment* updated in September 2009 the Council establishes that the five year housing land supply in Darlington would deliver a significant surplus of dwellings against the regional target.

5. With a satisfactory supply of housing land in place the proposal should be judged against the policies of The Borough of Darlington Local Plan (LP). In addition to allocated sites LP Policy H3 permits housing development within the defined development limits of designated towns and villages, including Middleton St George. However the appeal site lies outside the development limit and there is therefore a presumption against its approval for housing.
6. In exceptional circumstances LP Policy H10 allows small scale affordable housing schemes on sites outside the defined limits but adjacent and well related to villages with adequate local facilities. The Council has identified a need for affordable housing in Middleton St George. There is a current proposal for 10 affordable units to be built within the development limits but it seems to me that this does not rule out, in principle, a further site.
7. However the appeal application was not submitted as an affordable housing scheme. The appellant has not come forward with any local needs analysis, with information about future tenure and mechanisms for securing affordability in perpetuity, or with a housing association partner. Whereas in a private housing scheme a proportion of affordable units can be cross subsidised by the open market housing it is difficult to see how a 100% affordable housing development can be brought forward without public sector funding. From the evidence before me the proposals have not been substantiated, they would not be deliverable and they are not small scale. They would therefore fail to satisfy the provisions of LP Policy H10.
8. The considerable expansion of the village over the last few years means that there is little housing land left within the designated development limits. The appeal site is situated between the built up area and a railway embankment which forms a strong visual edge. Development here would sit comfortably with the physical form of the village although it would no doubt be one of a number of sites to be considered in any extension of the development limit boundary. The Council is undertaking a review of the development limits of all the settlements within the Borough over the next three years. In the meantime, in the light of the satisfactory overall land supply, I consider it entirely reasonable to restrict any housing provision in the village outside the development limits to affordable housing in accordance with LP Policy H10.
9. Representations have been made by the Parish Council and others that the recent influx of residents has not yet been fully assimilated into local service provision or into the social fabric of the community. This gives further support to the above approach.
10. I conclude that the proposed site lies outside the defined development limit of Middleton St George and that a case has not been made for its development, exceptionally, for affordable housing. The proposal would therefore not accord with local and national housing policies relating to the supply of housing and specifically would be contrary to LP Policies H3 and H10.

#### *Contamination*

11. The site includes family housing and is close to a railway line, existing industrial land to the south and a housing area to the north which appears to have been previously developed land. *Policy Planning Statement 23 : Government Policies on Planning and Pollution Control* recommends in such circumstances that the

applicant should carry out a desk top study. This may conclude there is a need for further investigative work or it may not but it is something that should be undertaken at the outline application stage.

12. I find that in the absence of a desk top contamination study there is an unacceptable risk that the site would be unsuitable for housing development having regard to the potential for past contamination.

*Noise*

13. The site lies close to a railway line and, behind the railway embankment, an industrial site. On my visit noise levels were low and passing trains caused little impact. Local residents have complained about shot blasting on the industrial site. The plant was not operating when I was there but the Council has powers to control a statutory nuisance and the railway embankment would provide a substantial noise barrier.
14. On the evidence before me I do not consider these neighbouring uses make the site unsuitable for housing. Their presence does indicate that the development should incorporate appropriate sound attenuation measures. Such measures could be secured by condition. Subject to this I find that noise and vibration would not have a significantly detrimental impact on the living conditions of future residents.

**Conclusion**

15. I have found in favour of the appellant in relation to noise but this does not outweigh the harm arising from the other main issues. For the reasons given above and having regard to all other matters before me I conclude that the appeal should be dismissed.

*Bern Hellier*

INSPECTOR

