



Appeal Decision

Site visit made on 21 July 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/N1350/W/20/3252846

Land at Cobby Castle Lane, Bishopton TS21 1HD

- 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 S Chivers against the decision of Darlington Borough Council.
 - The application Ref 19/01191/OUT, dated 20 December 2019, was refused by notice dated 29 April 2020.
 - The development proposed is Outline planning application for the construction of 9 dwellings with all matters reserved except access to, but not within the site.
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Decision

1. The appeal is dismissed and outline planning permission is refused.

Main Issue

2. The main issue is whether or not the site would be a suitable location for residential development.

Reasons

3. The appeal site is a piece of grass land and occupied by a stable building and hardstanding of approximately 0.3 hectares in size to the north of Bishopton, and accessed from Church View. It has been used as a paddock although the land is overgrown. It is adjacent to residential dwellings and the paddock associated with the dwelling of Gorann. Opposite are the school grounds of Bishopton Redmarshall Primary School.
4. The site is outside the defined development limits of the village of Bishopton as identified by the Council's adopted Borough of Darlington Local Plan 1997 (LP) and is located within the countryside and adjacent to the Bishopton Conservation Area.
5. There is history of an approval of nine dwellings in outline on the land¹. Since this time, the permission has expired and the site is no longer considered by the Council to be suitable for a housing development in outline for nine dwellings with only access considered, and all other matters to be reserved.
6. LP Policy E2 directs new development to within the development limits, and sets out the types of development which will be permitted outside development limits, and refers to development beneficial to the needs of rural communities, including some forms of housing. LP Policy H7 explains that within the

¹ Application Ref 2017/00166/OUT

- Countryside and outside development limits, new residential development is permitted provided it meets certain exceptions. Both of these policies are underpinned by the Council's desire to safeguard the character of the countryside and villages within it.
7. The Darlington Core Strategy Development Plan Document (2011) (CS) is also relevant to this appeal. The aims of Policy CS1 is to represent an appropriate locational strategy in that it directs development to the most sustainable locations.
 8. The appeal site was outside the development limits of Bishopton when the previous consent was approved, and as the Council could not demonstrate a five-year housing land supply, this was a material consideration in favour of the development at that time, as well as the fact that the land was available for development.
 9. However, since this time, the policies of the plan are still in place, although the most significant difference is that the Council now has a housing land assessment as set out within their Five Year Housing Land Supply Position Statement, (HLSPS). The most up to date version sets out the housing land supply position for the period 1 April 2020 to 31st March 2025.
 10. The appellant reasons that there may be a significant delay in the allocated housing sites within the emerging Local Plan used to calculate the 5-year housing land supply coming forward for development, and that given the current climate of Covid 19 pandemic conditions, as a consequence, they are of the view that there is an unrealistic prospect that the Council can demonstrate a 15 year housing land supply.
 11. The HLSPS stipulates that one of the main sources of housing land used to calculate the 5 year supply are deliverable potential allocations in the emerging Local Plan. It also recognises that in terms of deliverable sites, planning permission is not a requirement for a site to be realistically deliverable over the next five years.
 12. The HLSPS is guided by the advice contained within the National Planning Policy Framework for Council's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. I therefore conclude that there are measures in place to safeguard the deliverability of the HLSPS, and I give this significant weight.
 13. Whilst an up to date HLSPS does not necessarily mean other housing sites should not be considered, windfall sites can provide a contribution to housing supply and this level of flexibility is recognised within the HLSPS. However, in this circumstance, in accordance with the adopted development plans, the appeal site is located outside development limits for the village and does not meet the exceptions of LP Policy E2. Development here would therefore not safeguard the character and appearance of the countryside and villages within it, and would also undermine the core aims of the CS Policy CS1.
 14. As is my duty to determine the proposal in accordance with the development plan unless material considerations indicate otherwise, and based on the evidence before me, I am of the view that the Council is in a position to identify a 5 year housing land supply. Therefore, I do not find in favour of the

development. I conclude that due to its location beyond the limits of development as defined by the LP, the proposal would be contrary to LP Policies E2 and H7 as it would not meet its criteria for housing in the countryside, as well as Policy CS1 of the CS.

Other Matters

15. I appreciate the appellant's commitment to securing a high-quality development that would respond to the characteristics of the area, a range of house types to offer choice and appropriate landscaping. Furthermore, they stress that housing could be delivered expediently, as well as the economic benefits that would occur from construction, local spend and Council Tax contributions. These are all potential benefits of the proposal that I recognise. However, these matters do not lead me to form a different conclusion.
16. I also note that the proposal could be considered acceptable in other planning considerations, and it would be located in close proximity to other residential dwellings and could be viewed as an extension to the settlement boundary. Nevertheless, the considerations of this development are now different to when it was first determined in 2017, this does not lead me to find in favour of the proposal.
17. Another appeal decision² has been brought to my attention, however, this was permission in outline for two dwellings only, and is located within a different borough. Whilst that Council may have demonstrated a five-year housing land supply, this appeal does not sufficiently closely relate to the appeal before me to persuade me to come to a different conclusion.
18. Objections to the development are duly noted, however as I am dismissing the appeal, there is no requirement for me to address matters that have not been covered within this decision letter.

Conclusion

19. For the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

² Appeal Reference APP/E2734/W/19/3224226