

## Comment

Agent	YoungsRPS (1181487)
Email Address	[REDACTED]
Company / Organisation	YoungsRPS
Address	[REDACTED] [REDACTED] [REDACTED]
Consultee	Executors of Mrs F.M. Godolphin (1250936)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Executors of Mrs F.M. Godolphin (1250936)
Comment ID	DBLPPS438
Response Date	16/09/20 15:34
Consultation Point	Policy SH 1 Settlement Hierarchy (Strategic Policy) ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.7
Files	<a href="#">Executors of Mrs F M Godolphin - DBC Local Plan (Reg 19) Representations.pdf</a>
Question 1b	
Do you consider that the Local Plan sound?	No
Question 2	
Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)	<input type="checkbox"/> Positively prepared <input type="checkbox"/> Justified <input type="checkbox"/> Consistent with national policy
Question 3a	
Your Comments	

**Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.**

Our client wishes to object to draft policy SH1 on the basis it is not positively prepared and does not accord with the presumption in favour of sustainable development prescribed in the NPPF. Whilst we acknowledge that it is logical to direct growth to the main town and villages, it is essential that opportunities for sustainable housing growth in rural areas are encouraged to support social and economic vitality and the retention of key local services. Although the policy recognises this, the proposed spatial strategy lacks sufficient flexibility to allow decision takers to effectively apply the presumption in favour of sustainable development.

Policy SH1 establishes a settlement hierarchy for the Borough to help 'shape the role and function of places', with three distinct categories: Darlington Urban Area, Service Villages and Rural Villages. The Policy goes on to state that "Only those places with defined Development Limits are classified as settlements for the purposes of this Policy. All areas outside the Development Limits are to be regarded as 'countryside'..." For areas within the countryside, Policy H7 is applicable and new residential development will be restricted to criteria contained within paragraph 79 of the NPPF, including those relating to replacement buildings and conversion opportunities.

Supporting text at paragraph 4.0.12 provides some clarification of the characteristics of defined rural villages, stating that they "...are generally of a very small scale and offer limited, and in some cases, no service provision [emphasis added]." Given that 'Development Limits' are used to establish whether rural villages are included in the settlement hierarchy (as noted above), Policy H3 (Development Limits) of the DBLP is inherently interlinked and must be considered. Although Policy H3 is discussed as a separate matter in this representation (see following policy response), it is important to note that the methodology establishing Development Limits is unclear and not clarified by the supporting text or relevant appendices. Ambiguity in the definition of Rural Villages or the process used to discount other villages categorised as the 'countryside', such as Great Stainton, will mean that local needs specific to rural areas could be unreasonably overlooked.

Within defined Rural Villages sustainable development opportunities within Development Limits will be supported and "New housing development on the edge of Rural Villages (outside the defined Development Limits) will be required to meet local and other functional needs [such as affordable housing or self-build schemes]" (paragraph 4.0.12). Our client supports the general intentions of Policy SH1, which seeks to focus the delivery of residential development to sustainable locations within the Borough, recognising the importance of supporting the social and economic vitality of rural areas and acknowledging that development in one village can support services in a nearby village. Although the settlement hierarchy does allow some form of development within and adjacent to defined Development Limits, this is limited to defined Rural Villages. As noted above (and in response to Policy H3), there is a lack of transparency in the way that Development Limits have been defined for some Rural Villages and overlooking others completely. Furthermore, this is confused by the Council recognising that some Rural Villages identified for the purposes of Policy SH1 have no service provision (as noted above).

Therefore, our client objects to the Council's settlement hierarchy on the basis that it has not been positively prepared or justified and results in a plan that is unsound. In order to comply with the requirements of the NPPF and should the Council feel it necessary to use Development Limits as a policy mechanism to establish Rural Villages, a robust evidence base and methodology is necessary specifically to support the conclusions for the application of Development Limits and provide an explanation why some settlements have not been discounted from the settlement hierarchy.

#### **Question 4**

##### **Changes Sought**

**Please Note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. There is the opportunity to attach Word or PDF files before submitting your comment.

**After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues identified for examination.**

**Please set out what change(s) to the Local Plan you consider necessary to make it legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text.**

Our client owns land to the east of Elstob Lane in Great Stainton (the 'Site'), as outlined in red on the attached Site Location Plan. Great Stainton has not been defined as a Rural Village and is comparable in size, character and service provision to the defined Rural Villages of Piercebridge and Brafferton (amongst others). We believe that Great Stainton should be redefined as a Rural Village in the context of proposed Policy SH1.

#### **Question 5**

##### **Attendance at Examination Hearings**

**If your representation is seeking a change, do you consider it necessary to participate in the examination hearings?** Yes, I wish to participate at the examination hearings

#### **Question 5a**

##### **Participation at Examination Hearings**

*Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings.*

**If you wish to participate at the examination hearings, please outline why you consider it to be necessary?**

Our client would welcome the opportunity to review the inspectors initial Matters, Issues and Questions (MIQ's) in order to decide if they wish to participate.

#### **Question 6**

**Do you request to be notified that the Local Plan has been submitted to the Secretary of State for independent examination under section 22(3) of the regulations and to be notified of the adoption of the Local Plan?** Yes, I request to be notified

#### **Question 7**

Please **upload any supporting documents** here. Please do not include any signatures or other personal data such as home addresses which you would not wish to see published on the Council's website.

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Comment by	Executors of Mrs F.M. Godolphin (1250936)
Comment ID	DBLPPS439
Response Date	16/09/20 15:34
Consultation Point	Policy H 3 Development Limits (Strategic Policy) ( <a href="#">View</a> )
Status	Processed
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Strategic Policy H3 states that “Development within the limits identified on the Policies Map will be acceptable in principle subject to compliance with other relevant national and local policies.” The purposes of this Policy are acknowledged at paragraph 6.3.1 of the DBLP stating that “The development limits help preserve the distinctive identities of existing settlements, protect the open countryside between settlements and preserve the countryside’s intrinsic character and beauty.”

Paragraph 78 of the NPPF states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”. The exception to this being where it would result in isolated homes in the countryside without justification (paragraph 79). For clarification, recent case law (Braintree DC v SSCLG [2017] EWHC 2743) has clarified that ‘isolated’ should be given its ordinary objective meaning, i.e. far away from other places or buildings; remote.

Our clients Site lies directly beside established housing and within the built-up area of Great Stainton and is therefore not isolated. Accordingly, paragraph 79 of the NPPF does not apply and development at Great Stainton would not result in isolated development. There is no evidence to suggest why certain Rural Villages, including Great Stainton, have been excluded from this policy.

Moreover, the Borough of Darlington Local Plan 1997 (adopted planning policy), defines ‘Development Limits’ (Saved Policy E2 and superseded Policy H3) around Great Stainton, recognising that it is a suitable location for new housing development. Although Policy H3 was superseded by the Darlington Local Development Framework Core Strategy 2011 (Core Strategy), which identifies various villages (such as Great Stainton) as ‘countryside’, there are additional settlements identified as Rural Villages within the emerging DBLP which were otherwise not specifically identified within the adopted Core Strategy. While we support the re-classification of some Rural Villages to support appropriate and proportionate development, in accordance with recent emphasis on paragraph 78 of the NPPF (as noted above), it is unclear what method the Council have adopted to discount certain villages when drawing Development Limits.

Furthermore, paragraph 6.3.3 identifies the factors that have been taken into account when preparing Development Limits, stating that “Work to identify where the edge of the built up area ends and the countryside begins has been undertaken in the preparation of these limits to development. This has taken into account factors such as the nature of the land use or building and whether it would be typically located within the urban area or the countryside.” This makes the important distinction between ‘the built-up area’ and the ‘countryside’, meaning there is no justification here to discount recognised settlements within rural areas.

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To ensure that settlements with Development Limits identified in the adopted local plan, such as Great Stainton, are not excluded from consideration, they should be carried forward into the emerging local plan identified as Rural Villages in the settlement hierarchy. Development Limits should be removed completely from the policies map and only used where brought forward in a properly tested Neighbourhood Plan or where the Council has included new housing allocations within the proposed

boundary to meet at least the minimum housing requirement for the area. The relevant policies should be re-phrased to instead make reference to the built-up area, including a windfall policy allowing consideration of sites physically well related to the built up area of a settlement. It is considered that in the absence of a Development Limit, applications will be decided on a case-by-case basis in accordance with sustainable development criteria and the location of new residential development in rural areas will be appropriately controlled through other policies contained in the plan and overarching national planning policy.

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When replying please quote:

Our Ref: TH/RM/GOD90071

Tel:

0191 2610300

Email:

Date: 16<sup>th</sup> September 2020

By Email: [planning.policy@darlington.gov.uk](mailto:planning.policy@darlington.gov.uk)

Planning Policy Team  
Darlington Borough Council  
Town Hall  
Darlington  
DL1 5QT

Dear Sirs,

### Darlington Borough Local Plan – Proposed Submission Local Plan (Regulation 19) Consultation

These representations are submitted on behalf of our client, Executors of Mrs F. M. Godolphin (the 'client'), to Darlington Borough Council (the 'Council') in response to the Regulation 19 consultation on the Darlington Borough Local Plan (DBLP).

Our client owns land in Darlington at Great Stainton and as such is a key stakeholder and has a warranted interest in the outcome of the Local Plan and the future of the Borough. Our client is concerned that the plan in its current draft form will prove to be unsound if the Council does not take action to address the issues raised in this response.

### The Soundness of the Plan

Paragraph 35 of the National Planning Policy Framework (NPPF) states that Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework

Our client considers the DBLP to be unsound on the basis that the proposed settlement hierarchy, development limits and spatial strategy for the distribution of housing is not effective and has not been properly justified. As such the associated Policies SH1 and H3 (as proposed) are inconsistent with national planning policy.

**Alnwick**  
Estate Agency  
01665 606 800  
Land Agency  
01665 606 800

**Hexham**  
Estate Agency  
01434 608 980  
Land Agency  
01434 609 000

**Newcastle**  
Commercial  
0191 261 0300

**Northallerton**  
Estate Agency  
01609 773 004  
Land Agency  
01609 781 234

**Sedgefield**  
Estate Agency  
01740 617 377  
Land Agency  
01740 622 100

**Dumfries**  
Land Agency  
01848 332 414

[www.youngsrps.com](http://www.youngsrps.com)

Regulated by RICS



## Settlement Hierarchy / Policy SH1

Our client wishes to object to draft policy SH1 on the basis it is not positively prepared and does not accord with the presumption in favour of sustainable development prescribed in the NPPF. Whilst we acknowledge that it is logical to direct growth to the main town and villages, it is essential that opportunities for sustainable housing growth in rural areas are encouraged to support social and economic vitality and the retention of key local services. Although the policy recognises this, the proposed spatial strategy lacks sufficient flexibility to allow decision takers to effectively apply the presumption in favour of sustainable development.

Policy SH1 establishes a settlement hierarchy for the Borough to help 'shape the role and function of places', with three distinct categories: Darlington Urban Area, Service Villages and Rural Villages. The Policy goes on to state that *"Only those places with defined Development Limits are classified as settlements for the purposes of this Policy. All areas outside the Development Limits are to be regarded as 'countryside'..."* For areas within the countryside, Policy H7 is applicable and new residential development will be restricted to criteria contained within paragraph 79 of the NPPF, including those relating to replacement buildings and conversion opportunities.

Supporting text at paragraph 4.0.12 provides some clarification of the characteristics of defined rural villages, stating that they *"...are generally of a very small scale and offer limited, and in some cases, no service provision [emphasis added]."* Given that 'Development Limits' are used to establish whether rural villages are included in the settlement hierarchy (as noted above), Policy H3 (Development Limits) of the DBLP is inherently interlinked and must be considered. Although Policy H3 is discussed as a separate matter in this representation (see following policy response), it is important to note that the methodology establishing Development Limits is unclear and not clarified by the supporting text or relevant appendices. Ambiguity in the definition of Rural Villages or the process used to discount other villages categorised as the 'countryside', such as Great Stainton, will mean that local needs specific to rural areas could be unreasonably overlooked.

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Therefore, our client objects to the Council's settlement hierarchy on the basis that it has not been positively prepared or justified and results in a plan that is unsound. In order to comply with the requirements of the NPPF and should the Council feel it necessary to use Development Limits as a policy mechanism to establish Rural Villages, a robust evidence base and methodology is necessary specifically to support the conclusions for the application of Development Limits and provide an explanation why some settlements have not been discounted from the settlement hierarchy.

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(amongst others). We believe that Great Stainton should be redefined as a Rural Village in the context of proposed Policy SH1.

### Development Limits / Policy H3

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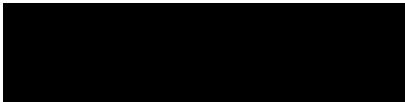
accordance with sustainable development criteria and the location of new residential development in rural areas will be appropriately controlled through other policies contained in the plan and overarching national planning policy.

### Summary

It is unclear the approach the Council has taken to define Development Limits and subsequently categorise Rural Villages across the Borough and it is argued that the approach has not been properly justified in the supporting evidence base. The policy wording is such that it is not consistent with the NPPF in that it does not support sustainable development in rural areas, by virtue of classifying some Rural Villages to accommodate growth to address local needs and boost rural sustainability, whereby other similar settlements have been discounted without a consistent or a clear approach.

Our client is committed to ensuring the emerging Local Plan is prepared on a sound basis and ensuring that the correct provision of housing is provided over the plan period. We wish to support the Council in their production of the local plan, and subject to amendments as set out within these representations, we consider the Local Plan can be made sound.

Yours sincerely,



**Tom Hutchinson**

For and on behalf of YoungsRPS