

THE CITY OF DURHAM TRUST

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6 January 2022

Mr Colin Harding
Planning Development Central/East
Room 4/86-102
County Hall
Durham City
DH1 5UL

Dear Mr Harding

DM/21/01404/FPA: Engineering operations to create a football centre incorporating the creation of 20 No. grass pitches (Use Class F2), demolition of existing stable block, creation of new building to provide changing facilities, creation of car parking and widening of existing access track, Leamside Equestrian Limited Stud and Equestrian Centre, White House Farm, Pit House Lane, Leamside, Houghton-le-Spring DH4 6QJ

The City of Durham Trust submits the following objection to the above application for development in the Durham Green Belt.

NPPF Chapter 13 and County Durham Plan Policy 20

County Durham Plan Policy 20 is very straightforward: ***“Development proposals within the green belt will be determined in accordance with national planning policy.”***

National Green Belt policy is set out in Chapter 13 of the National Planning Policy Framework as revised in July 2021. With regard to proposals for development in the Green Belt it states:

“137. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

138. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

The applicant’s submitted Planning Supporting Statement dated April 2021 acknowledges that this proposal is to replace their existing youth football facilities at Newbottle in the City of Sunderland Council’s area. The Trust is aware of a planning application (21/01409/FUL) by the same applicant and agent for what is described as a ‘private garden’ for that 8.4 hectare site containing 20 football pitches. That is an extraordinarily large garden. If that planning application is approved, the site of the existing facilities would presumably be sold on, and

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could well attract residential development value. Whether this is one of the main drivers for a search for an alternative site for the football centre is not touched upon in the submitted documents. It would certainly not meet the terms of ***‘very special circumstances’***.

It is absolutely vital that Durham County Council has a very high bar for what it considers to be very exceptional circumstances; each planning application tests that bar, and each is the time to reaffirm the bar, not to lower it. It is unfortunately inevitable that subsequent applications in the Durham Green Belt will seek to match the lowest level the bar has been set at, and case by case the green belt will be nibbled away.

The Trust has observed eight cases under the previous administration where approvals have been given for significant developments in the Durham Green Belt (see attached note); five of these were essentially because the applicant needed the money. That is a record that needs to be halted. In this case the loss of an existing facility through its sale potentially for residential development value would not conceivably be a justification for approving a replacement facility in the Durham Green Belt.

The other arguments put forward by the applicant are that (a) alternative sites within Sunderland have been refused by the City of Sunderland Council; and (b) moving to Leamside would enable enhanced facilities for the young footballers. The latter argument is creditable, and the Trust agrees with other objectors that a site within the County but not in the Green Belt would be welcome.

The Planning Supporting Statement references the now superseded NPPF and does not explain what “very special circumstances” are being claimed. The applicant has very recently submitted a ‘Very Special Circumstances’ document. This quotes the National Planning Policy Framework as revised in July 2021:

“149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”

The Trust would also invoke as relevant:

“d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.”

The Planning Supporting Statement records that the existing structures on the Leamside Equestrian Centre site were approved in 2002. This pre-dates the adoption of the relevant development plan for the area at that time, the City of Durham Local Plan 2004. In any case, that Plan has been superseded by the approval of the County Durham Plan in October 2020, and whatever justifications existed in 2002 no longer apply.

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On the matter of openness, the 'Very Exceptional Circumstances' document notes that *"Durham County Council do not agree that the proposal would not be inappropriate and consider that the proposal would impact upon the openness of the green belt."* The City of Durham Trust agrees with the County Council and would add that the applicant concedes at paragraph 4.8 that *"the proposal is accepted to have, at most, a less than significant harm to the openness of the Green Belt."* This is a crucial admission, as the High Court ruling by Justice Supperstone on this question provides absolute clarity on the matter; he held that:

"limited adverse impact on openness of the Green Belt was not a finding that there had been compliance with the policy that required openness to be preserved. It was not acceptable for the purposes of paragraph 89 of the NPPF. West Lancashire Borough Council v SSCLG [2009] EWHC 3631 established that if a proposal has an adverse impact on openness, the inevitable conclusion is that it does not comply with a policy that requires openness to be maintained. A decision maker does not have any latitude to find otherwise."

Accordingly, given that the applicant recognises that the proposal would harm the openness of the Green Belt, it must fail national and County Durham Plan Green Belt policy.

We can now turn to the other exception criterion in NPPF paragraph 149, namely (d) that allows *"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces."* In the case of this application the existing building has a gross internal floorspace of 320 square metres and is being replaced by one with a gross internal floorspace of 495 square metres, a 55% increase. The proposed new building is materially larger than the building being replaced and is clearly not compliant with NPPF paragraph 149 (d) and thereby Policy 20 of the CDP.

Table 1 in the applicant's Very Special Circumstances report acknowledges that the proposed development would cause harm to the openness of the green belt, and that this is to be afforded substantial weight in the planning balance as against benefits of the proposal. The benefits are assessed in Table 1 in terms of the recently approved County Durham Playing Pitch Strategy (PPS), but many of the benefits will be to players from outside County Durham. This is not quantified and so is of little assistance to the decision-maker in assessing whether the acknowledged harm caused by the proposal can be outweighed by claimed benefits.

County Durham Plan Policy 10

County Durham Plan Policy 10 says that:

"Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions:...."

The application makes no claims for any of the exceptions set out under CDP Policy 10 and the application should therefore be judged to be development that is not permitted in the countryside.

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Policy 10 goes on to lay down general design principles for all development in the countryside, including “**must not....(r) impact adversely upon residential or general amenity**”. The applicant’s Design and Access Statement acknowledges this and states at paragraph 4.20 that “*the final scheme as submitted as part of this planning application has been designed so that the pitch location does not cause nuisance to the existing residents at one Carr Row.*”



This is the amended site plan submitted on 16 December 2021. It displays no sign of having been amended adequately - there are at least 4 sports pitches adjacent or near to the residential properties comprising Carr Row. With provision for 279 cars and three coaches to park, and the facility being for youth football teams and spectators, it is extremely difficult to believe that noisy adverse impact upon residential amenity has been successfully eliminated. The Trust believes that the application fails CDP Policy 10.

County Durham Plan Policy 21 Delivering Sustainable Transport

County Durham Plan Policy 21 requires that “**The transport implications of development must be addressed as part of any planning application**”. It is evident from the many objections on the Planning Portal that the local community does not believe that the transport and traffic implications have been satisfactorily addressed. The County Council’s Sustainable Transport Team find many shortcomings in the applicant’s documentation. The Trust notes that the applicant is committed to a budget of £1,500 per annum to support a Travel Plan Co-ordinator and implement measures as necessary. This is a derisory amount.

The applicant’s Planning Supporting Statement quotes at paragraph 6.87 the NPPF as stating “*development should only be refused on highway grounds if there would be an unacceptable*

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impact on highway safety, or the residual cumulative impacts on the road network would be severe.” On that basis, the applicant claims that there would be no adverse impact to warrant refusal. Local objectors clearly feel that there would be significant unacceptable impacts on highway safety.

The Trust concludes that the application should be refused on all of the grounds set out above.

Yours sincerely

John Lowe

John Lowe,
Chair, City of Durham Trust

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Significant planning approvals in the Durham Green Belt 2009 to 2019

There have been eight planning applications approved for major development in the Green Belt around Durham City in the ten years since the creation of the Unitary Authority in 2009. Five of the eight included financial grounds for making an exception to national green belt policy.

- 1. Application No. 4/11/00006/OUT:** erection of 35 dwellings as enabling development to facilitate the redevelopment and expansion of Ramside Hall Hotel. The applicant sought planning permission to fill a funding shortfall through bank refusal of a loan for a conference centre and spa. **APPROVED.**
- 2. Application No. CMA/4/99/FULL:** Erection of Community Fire Station at Sniperley Park. Considered to be a justifiable exception because of the particular needs of an emergency service. **APPROVED.**
- 3. Application No. DM/15/02714/OUT:** Outline application for approximately 400 dwellings & office development at Lambton Park near Chester-le-Street. Considered to be a justifiable exception on grounds of economic and public benefits in opening up the estate to public access and being able to afford to repair the heritage asset. **APPROVED.**
- 4. Application No. DM/16/00129/FPA:** Refurbishment of Weardale House to provide 24 student beds, demolition of 2 existing accommodation blocks and erection of purpose-built student accommodation block for 198 beds at Houghall College. Considered to be a justifiable exception because of the benefits of the enhanced educational offer at Houghall College that would be financed by the proceeds from this development (note: the accommodation is not for Houghall College students; it is open market property for students of Durham University). **APPROVED.**
- 5. Application No. 4/16/003998/OUT:** Demolition of existing buildings and construction of 100 new homes, Finchale Training College. This is an enabling development to fund the transfer and development of the Charity and to clear a substantial pension deficit. Considered to be a justifiable exception because of the worthiness of the Charity's training and employment programmes and recognition of the imminent financial peril it faced due to the Pension Fund deficit. **APPROVED.**
- 6. Application No. 4/17/03486/FPA:** Demolition of existing buildings, erection of 100 space children's nursery, and provision of outdoor play space at Adventure Valley, Union Hall Farm. Considered to be a justifiable exception because of the nursery employment positions and the financial support for the existing visitor attraction during the winter periods of low visitor numbers. **APPROVED.**

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7. **DM/17/01929/FPA (as amended):** Major extensions doubling the size of the buildings at the university sports centre. Considered to be a justifiable exception on grounds of economic and public benefits. **APPROVED.**

 8. **DM/18/01115/FPA:** Redevelopment to provide 2/3 storey office building of 1251sqm floor space at Fram Well House Diamond Terrace Durham DH1 5SU. Considered that there are very special circumstances which apply to the development sufficient to clearly outweigh the identified harm, including bringing an underused building back into a productive reuse and improving the immediate appearance of the area. **APPROVED.**
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