

# THE CITY OF DURHAM TRUST

---

c/o Blackett, Hart & Pratt, LLP  
Aire House  
Mandale Business Park  
Belmont  
Durham, DH1 1TH

Web site: <http://www.DurhamCity.org>

30th October 2024

Ms Louisa Ollivere  
Durham County Council  
Durham County Council Planning Development  
PO BOX 274  
Stanley Co Durham  
DH8 1HG

Dear Ms Ollivere,

**DM/24/02710/FPA - East Durham And Houghall Community College, Houghall Durham, DH1 3SG**

*Full planning application for the partial demolition, refurbishment and retention of the existing college buildings, and construction of a new two-storey teaching block and ancillary buildings (hay barn, sheep shed, grain store and bio-secure boot wash) with associated external works, substation, landscaping and access.*

The Trust objects to these proposals based on negative impact upon the Green Belt and Area of High Landscape Value, inadequate landscaping and poor design of the principal building. It also objects on the basis that there is not an adequate flood risk assessment or mitigation against the impact of flooding.

**Context**

Houghall campus is an important centre for land based studies and valuable for Durham's significance as an educational hub. The combination of this site and the University's Graham Sports Centre has caused substantial intrusion and impact on the Green Belt. This is through expansion including new buildings and lighting. In the case of Houghall this has been the use of a developable part of the site for the construction of a PBSA apparently functioning separately to the College, and an extensive new car parking area. The PBSA is open to all students and advertised as being close to Durham University. It is not clear how many Houghall students might require accommodation, if any. The combination of buildings, artificial pitches, access, and car parking is greater in area than the village of Shincliffe that is protected from coalescence by the Green Belt designation over this area. It now constitutes a substantial and discordant development block in the Green Belt.

The original College buildings were of a simple but effective brick and pitched roof design, and this created a low key campus fitting into its rural location. The campus has since been considerably enlarged with a variety of buildings and parking.

The Trust considers that the value of the Green Belt in this location is to maintain the openness and rural nature of this section of the valley (and sides) of the River Wear, a distinct buffer to the City 'over the rise'. The Green Belt in this area is also valued for its protection of the green space dividing Durham City from Shincliffe. It separates the University hillside colleges from these educational establishments on the River Wear

# THE CITY OF DURHAM TRUST

---

floodplains. It forms the setting of Maiden Castle as a scheduled monument and the approach into Durham, this also being a historic pilgrimage approach into Durham from the South. The area forms the backdrop to the setting of Old Durham Gardens. The distinction between the open fields surrounding the College and the woods on the backslope to hills defining the City core is an important component of the area's character. There are publicly accessible views into the site from the Houghall Woods paths and the access road to Houghall Farm. In reference to the viewpoints represented in the visual study, the Trust maintains that there are clear views into the area from Houghall Woods, especially in winter, although these are not demonstrated in the analysis. Both the Houghall Farm road and Houghall Woods paths are part of the extensively advertised Houghall Discovery Trail.

It is of considerable concern that there appears to be no masterplan for either the Graham Sports Centre or Houghall College that the Trust is aware of. This could either be by educational function or need for new buildings and facilities for those functions. What is certainly not available is any determination of the cumulative impact of these developments and their limits and means of assimilation into the landscape and Green Belt.

The Trust maintains that the Green Belt surrounding the College fulfils four of the five purposes identified by National Planning Policy Framework (NPPF)

- (a) *to check the unrestricted sprawl of large built-up areas*, in this case Durham City;
- (b) *to prevent neighbouring towns merging into one another* in this instance Durham City and Shincliffe;
- (c) *to assist in safeguarding the countryside from encroachment*;
- (d) *to preserve the setting and special character of historic towns*, Durham City and its approaches.

In **NPPF Para 133** the importance of Green Belts is explicit as is their aim of preventing '*urban sprawl*' and '*keeping land permanently open*'. It identifies the essential characteristics of Green Belts as '*openness and their permanence*'. It is these qualities that the Trust believes should be uppermost in considering this application.

The central issue for the Trust is that no '*very special circumstances*' are demonstrated that outweigh the harm to the Green Belt. The Green Belt is intended to be a permanent designation and not something to be cumulatively eroded by a variety of exceptions that are not relevant to Green Belt policy. All exceptions that are put forward in the Planning Statement for the teaching block are related to other policies not the NPPF Green Belt Policies. The only relevant exception is for the agricultural buildings that by the applicant's own admission are for educational use, if there were no college there would be no new barns in this location. The teaching block (and agricultural buildings under the Trust's interpretation) are therefore '*inappropriate*' development under NPPF policy (**Para. 154**). The Trust therefore requests that the NPPF Green Belt policies are adhered to noting that **Para 152** states that – '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.

The degree of harm is irrelevant, harm exists, and the Trust relies on a previous appeal case to justify this. The **Planning Statement Para 6.14** acknowledges that there is harm to the openness of the Green Belt but seeks to argue that the degree of loss of openness is '*limited*'. That assertion is of no assistance in overcoming the fundamental objection set by the NPPF. Case law has determined otherwise, for

# THE CITY OF DURHAM TRUST

---

example the High Court ruling on January 16th 2017, by Mr Justice Supperstone in which 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 (as was applicable at the time, **Para 142** now being the relevant section). He pointed out that *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.

The area is also designated as an Area of High Landscape Value under the County Durham Plan. These are local landscapes identified as having particularly valued attributes which would benefit from additional protection. The woodlands are also designated a Local Green Space under the extensively consulted and adopted City of Durham Neighbourhood Plan and these proposals impact upon the woodland view and setting.

Underlying the Trust's concern for the future of the College estate is the change from the previously open attitude to public access that has been reversed in recent years. This is coupled with a visible decline in management: for instance of the pond to the south west of the College and the embankment of the former railway. This is of concern given the arboriculture and land management courses hosted by the College. The Trust's principal area of concern is the cumulative expansion of the college and PBSA into the Green Belt. Beyond this submission, the dismissal of Green Belt, County Durham Plan and Durham City Neighbourhood Plan policies as constraints on the development causes unease about any future further encroachment into the Green Belt.

The proposed development lies within flood zones 2 and 3 and as amended by the 1:20 and 1:75 year predictions by the Environment Agency (EA). The Trust supports the EA objection. In addition, it points out that, contrary to both the applicant's flood assessment and the EA's assumptions, the grain store, sheep shed, haybarn and even the boot wash are all to be used by college staff and students. It should be noted that the applicant's **Planning Statement** confirms this – **Para 6.24** *'The buildings are required to facilitate an effective learning environment for the agricultural college'*.

They are all *'buildings used for non-residential education'*, their designation should be as *'more vulnerable'* under **NPPF Annex 3: Flood risk** vulnerability classification and their location and design should follow accordingly.

## **Proposals**

The Trust's primary objection is to expansion into the Green Belt of the combination of agricultural buildings and teaching block. This reduces openness to an appreciable degree. While the design of the agricultural buildings is basic but as expected, the teaching block is of a very simplistic brick and flat roofed building of minimal quality. It demonstrates no sense of stylistic arrangement of windows, type of windows or massing. It is directly reminiscent of institutional buildings from the past and not a happy accompaniment to the original college buildings. Brick alone does not rescue the relationship. The second area of objection is therefore poor design.

# THE CITY OF DURHAM TRUST

---

Lighting is also an issue; despite a lighting strategy the proposals represent an additional area that will be lit that was not previously.

The landscaping has been tightly constrained to what appears to be an arbitrary project boundary when, in reality, a substantial estate was available to consider for landscape mitigation. This leads to failures in adequate mitigation and replacement of the lost green areas. The new edge to the Green Belt proposed is the hay barn and sheep shed. The 'woodland' planting is a small tree belt wedged between the teaching block and the barn/sheep shed. It is too limited to be effective given the scale of the landscape and setting of the College. It will prove difficult to allow full development to maturity due to building proximity and operational constraints. The third area of objection is that Trust finds that the proposed landscaping is too constrained and not fully effective, particularly as a new edge to the Green Belt. There is no compensation for Green Belt intrusion. There is also weakness in the wider estate management that causes concern for its future upkeep.

Rather than unpick all of the proposals or points in the submission made in support of the proposals, the Trust concentrates its objection to the key policy areas relating to the NPPF Flood Risk, Green Belt, County Durham Plan (CDP) and Durham City Neighbourhood Plan (DCNP) policies discounted by the applicants.

## **Flood Risk and Mitigation**

**NPPF Para 165.** *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.* The Trust contends that **the risk is not fully assessed, and the development not made fully safe** for College staff and students.

**NPPF Para 173.** *When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location. **No overriding reasons provided.***
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. **Not demonstrated***
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate. Proposed but **not demonstrated to be fully equal to the flood risk involved.***
- d) any residual risk can be safely managed. **Not demonstrated***
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. **Not demonstrated***

Generally, the submission fails to take account of increased flood risks from climate change over an adequate period and demonstrate an acceptable level of flood mitigation for all the educational buildings proposed and the Trust objects on this basis. No evidence is submitted for the sole agricultural as opposed to educational use of the buildings.

# THE CITY OF DURHAM TRUST

---

## **Green Belt (NPPF)**

### **(Policy 20 of the County Durham Plan defers to the NPPF)**

**Para. 152.** *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.* The Trust's point is that this development is of poor design, visually intrusive and forms an inappropriate edge of the Green Belt without adequate landscape mitigation. The only exceptions are listed under **Para 154, the development fails against these** and is therefore automatically inappropriate.

**Para. 153.** *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 Trust considers that no considerations outweigh this harm. The formation of the proposals involved dispensing with less intrusive options to create a large internal landscaped campus. This is of no public benefit, assuming access is denied and arguably not essential to the running of the College. No other public benefits are justified. A disbenefit is the spread of development into the Green Belt in a visually conspicuous manner.

**Para. 154.** *A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*(a) buildings for agriculture and forestry; **The teaching block is not dedicated to agricultural, or forestry use and the agricultural buildings are intended for educational use.***

*(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; **This clearly does not cover a replacement building on a separate site on a previously undeveloped section of Green Belt.***

*(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) **The proposal is on undeveloped Green Belt land.***

## **County Durham Plan**

### **Policy 10 Development in the Countryside, General Design Principles for all Development in the Countryside**

*New development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design, and operation must not:*

*l. give rise to unacceptable harm to the intrinsic character, beauty, or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated; The Trust considers that **the development harms the character of the countryside both individually and cumulatively without adequate mitigation or compensation.***

*m. result in the merging or coalescence of neighbouring settlements; **The proposal contributes cumulatively with merging with Shincliffe.***

### **Policy 29 Sustainable Design**

*All development proposals will be required to achieve well designed buildings and places, and: **a. Contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; The Trust considers that the proposals do***

# THE CITY OF DURHAM TRUST

---

**not contribute in a positive way to the area's character or identity and local distinctiveness.**

## **Policy 39 Landscape**

*Proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value defined on Map H, will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. **The cause unacceptable harm (as determined by Green Belt policy) and the landscape proposals are too limited to successfully meet this policy.***

## **City of Durham Neighbourhood Plan**

These planning policies apply to the College and surrounds. Houghall Woods (Hollinside and Great High Woods in the Plan) are part of the Plan's definition of Local Green Space and the Emerald Network proposals. The Green Belt is considered part of Green Infrastructure and a Green Asset in the Plan.

### **Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions**

*All development proposals should, where relevant and appropriate, demonstrate the following principles.*

*Conservation, preservation, and enhancement of Our Neighbourhood by:*

*c) Harmonising with its context in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping; **The building proposals fail to harmonise with its context through layout, scale, and soft landscaping.***

**4.106** *Policies for managing development in a Local Green Space should be consistent with those for Green Belts (NPPF para. 101 See Chapter 13) Therefore, inappropriate development, harmful to the characteristics that make the Local Green Space special, would not be approved except in very special circumstances (NPPF para. 143 Also 144/5 ). **The proposals impact negatively upon local green space that is also Green Belt***

### **Policy G1: Protecting and Enhancing Green and Blue Infrastructure Protecting green and blue assets**

*Development proposals which avoid the loss of existing green or blue assets (as defined in paragraphs 4.72, 4.73 and Table 1) with significant recreational, heritage, cultural, ecological, landscape or townscape value will be supported. Where the loss of green or blue assets of significant value is unavoidable then alternative equivalent provision should be provided on-site or off-site where this is not viable or practicable.*

The area of Green Belt surrounding the College and the adjacent local green space woodland are defined as a green asset (List Para 4.72) they have significant recreational, landscape, heritage, and cultural value. **Part is lost through the proposals and sufficient alternative provision is not made.**

### **Protecting and enhancing public rights of way and other footpaths**

*Development proposals should have regard to the local distinctiveness, character, quality and biodiversity of public rights of way and other footpaths.*

**The proposals fail to regard the local distinctiveness, character, and quality of nearby footpaths.**

# THE CITY OF DURHAM TRUST

---

It is of considerable disappointment to the Trust that it cannot support these proposals as it sees East Durham and Houghall College as an asset to Durham City. The proposals are of poor quality and run counter to clear Green Belt, design and greenspace policy requirements. That the proposal is badged as being from Tilbury Douglas on behalf of the Department of Education is alarming. It should be incumbent on a Government Department to uphold the policies of another. The Trust does not consider that there is public benefit resulting from these proposals. There is no additional public provision attributable to the new buildings and the College mostly remains out of bounds for the residents of and visitors to Durham. The College does not submit a growth plan and although expansion in student numbers is referred to as an aspiration it is not proven to be a direct result of building on the Green Belt. The Planning Statement (**Economic Benefits, Page 17**) concludes that there will only be 6no. full-time and 2no. part-time jobs created and offers no evidence that these are linked to the new buildings and their location on the Green Belt. The Trust suggests this is minimal benefit.

The Trust correspondingly objects to the proposals as submitted.

Yours sincerely,

**John Lowe**

Chair, City of Durham Trust