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## Sunderland Core Strategy Examination

On

Land at Mallard Way  
Houghton-le-Spring

On behalf of

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## 1.0 Strategy Comment

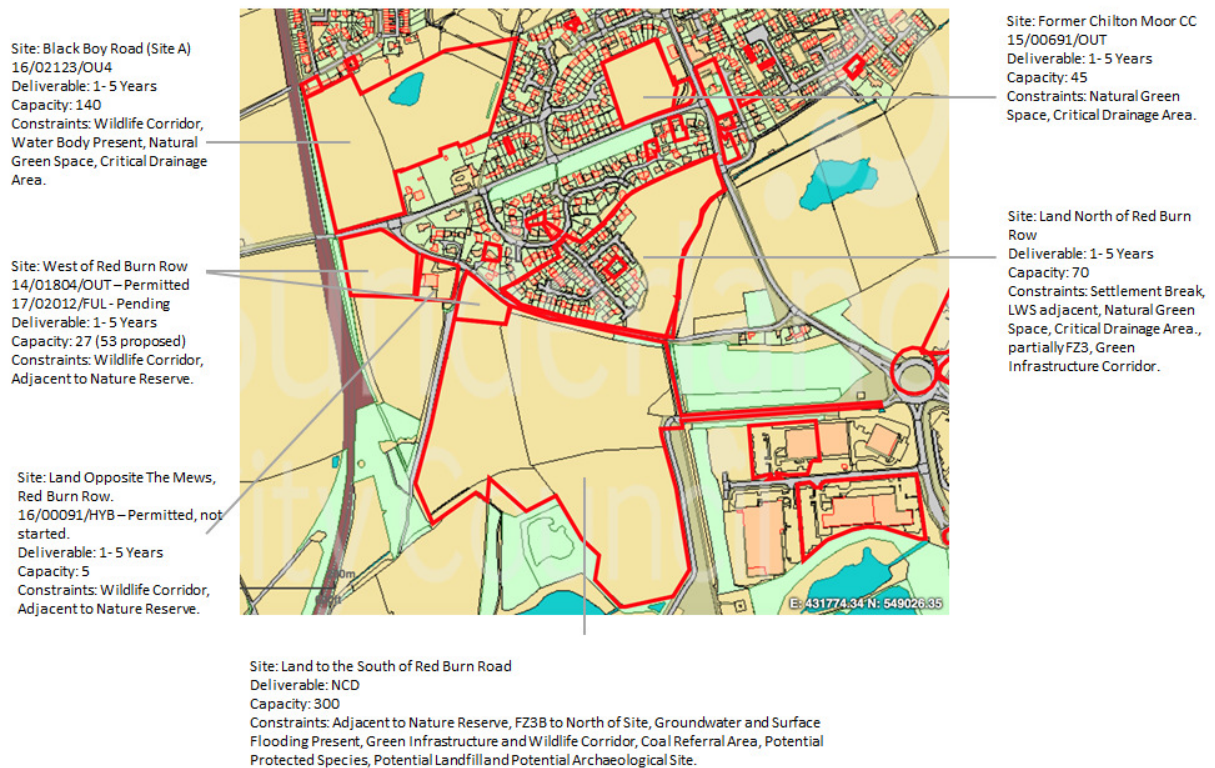
These representations are made in support of proposals for the designation of land at Mallard Way in The Coalfield sub-area as a housing growth area (HGA) in the emerging Sunderland Core Strategy. This site has been the subject of representations to the SHLAA and the local plan (Ref: SD.1 Core Strategy and Development Plan 2015-33 Publication Draft) and is the subject of a current outline planning application for up to 96 units (Ref: 18/00993/OU4). The site is supported by a full suite of documents including highways and transportation studies, a landscape visual assessment, ecology reports, flood risk assessment, drainage reports and a noise report relating to the nearby employment area. Each report suggests that the site is suitable for residential use and in large part this has been agreed by the Council's officers and consultees. This proposed site is contiguous with the urban area; it can be brought forward in the short term and is available now; it is not in the Green Belt or a strategic gap/settlement break and enjoys a discreet landscape setting making it suitable for expansion of the urban area. This proposed site for all of the above reasons should be preferred in planning terms to the Council's three proposed HGA's in the Coalfield sub area.

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## 2.0 Response to Question 1 (are policies SP6 and SS7 justified and effective?)

- 2.1 Is our opinion that the principle of SP6 is justified through its sustainability driven foundations. However, we believe that the Policy will be ineffective due to Policy SS7's prescriptive nature. This will have a negative effect on the delivery of houses within "The Coalfield" sub-area due to the increased need for housing in the area beyond the Council's assessed number.
- 2.2 It is also noted that the policy relating to The Coalfields fails to acknowledge the existing sites within the area that are proposed for housing which are more sustainable and more in-keeping with the nature and pattern of past developments in The Coalfield. Several of these sites are also available early in the plan period and would negate the need for Green Belt loss and the Council's proposed strategic delay in housing delivery which weights delivery towards the end of the plan period simply to accommodate those Green Belt releases.
- 2.3 Both Policy SS7 and SP6 seek to allocate the Housing Growth Areas for The Coalfield in Penshaw, Philadelphia and New Herrington; these sites are all situated within the Green Belt and within very close proximity to each other. From the SHLAA details the Penshaw HGA has a delivery of 6-10 years for 200 units and 11-15 for the other 200. The Philadelphia site delivery would be 11-15 years for 120 houses and 15+ years for the remaining 95. Therefore these sites cannot be considered within the 5 year housing land supply.
- 2.4 By contrast the site we are promoting at Mallard Way proves to be a better alternative to the proposed sites. The site is available and deliverable now.
- 2.5 There are also other advantages to this site ahead of those allocated including its location adjacent to and accessible from the PEA (Rainton Bridge Industrial Estate), the largest employment area within the Coalfield at Chiltern Moor. Notably, there are also several sites around the proposal site which have planning permission already granted or which are under consideration. These sites are all actively available.

## 2.6 Map showing development sites around the proposed site.



2.7 Ultimately, the area of Chilton Moor has potential as an undesignated ‘housing growth area’ which would be unreasonably restricted if policies SS7 and SP6 are adopted focusing housing development into a limited area, on Green Belt sites.

2.8 The prescriptive nature of the policies and the effective ceiling on development that they promote also contradict Strategic Policy SP1 which states inter alia that the plan should ‘*deliver at least 13,410 new homes and create sustainable mixed communities which are supported by adequate infrastructure;*’ this concurs with paragraph 4.10 of the emerging core strategy which also states: ‘*As required by the NPPF, this Plan must define the overall level of growth over the Plan period (2015 to 2033), based on the requirement to meet the city’s objectively assessed needs (OAN). Determining the OAN for housing has been assisted by the SHMA18. The SHMA has identified the OAN for housing in Sunderland to be an average of 745 net additional dwellings per annum (dpa) each year, equating to a total housing requirement of at least 13,410 dwellings over the Plan period. The 13,410 dwellings figure should not be seen as a ceiling, but rather the level of growth which is both needed and anticipated to take place over the Plan*

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*period.* Evidently, it is clear that there needs to be allowances for the delivery of homes over the figure of 13,410 which would be prevented by such a prescriptive policy. Policies SP6 and 7 further contradict policy SP8 Housing Supply and Delivery which states that the council will work with partners and landowners to exceed the minimum target of 745 Dwellings per annum.

- 2.9 Lastly, both policies are unjustified and ineffective due to directly contradicting Policy NE6 Green Belt. This policy claims that during the plan period the purposes of the Green Belt set out in the NPPF (2019) will be adhered to. However, the development now proposed to take place in the Green Belt will encourage urban sprawl whilst suitable, accessible and available alternative sites are held back. The availability of the alternative sites clearly illustrates that the test for the loss of Green Belt; one of exceptional circumstance; cannot be met in respect of these proposed allocations.

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### **3.0 Response of Question 2 (Do the Green Belt assessments support the HGA's in The Coalfield and demonstrate exceptional circumstances for the removal of land from the Green Belt?). (Are the configurations and scale of the HGA's justified taking into account development needs and the Green Belt assessments?)**

- 3.1 We strongly object to both Policy SP6 and SS7 which encourage Green Belt removal to create 'Housing Growth Areas'. It is obvious that the proposed Green Belt allocations have not met the criteria for 'Exceptional Circumstances'. The Council have not adequately explored other options or investigated the proposed Housing Growth Area sites against appropriate alternative sites that sit out-with the Green Belt.
- 3.2 The configurations of the allocated sites are all within close proximity to one another which will focus future housing development into only one part of The Coalfield sub-area. This would make no sense and would focus the new development in one part of The Coalfield to the detriment of other opportunities. It would also concentrate the pressure on existing community facilities in only one area of the locale and on only a narrow band of the areas residents.
- 3.3 Further, the nature of Housing Growth Areas within the Green Belt is inappropriate and unsympathetic to the nature of development which is commonplace across The Coalfield, consisting of smaller developments on the outskirts of settlements and infilling. The site at Mallard Way provides an exemplary alternative to Green Belt development, located to the south of Redburn Road it is on a site contiguous with the urban area and surrounded by development with extant permissions and sustainable transport links. The site is also adjacent to the Rainton Meadows Industrial Estate, the primary employment area of The Coalfield and will provide accessible homes for the existing and projected workforce of the employment area.
- 3.4 Within the proposed Local Plan Settlement Breaks are proposed. It should be noted that the site we are promoting at Mallard Way does not sit within a defined settle break.
- 3.5 The strategies proposed also contradict the Sunderland Landscape Character Statement (Rainton Lowlands) which indicates that '*New residential or commercial development in this*

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*area will present opportunities to provide stronger settlement boundaries in place of urban fringe'* which highlights that development should not take place within the Green Belt.

- 3.6 Further in comparison to the allocated HGA's, the proposed site at Mallard Way will have only a minimal impact on the landscape due to the topography of the land as shown by the LVIA submitted in support of the application. This contrasts significantly to the open views across the two larger HGA's which are relatively low lying and overlooked.
- 3.7 In summary, it is obvious that the threshold of exceptional circumstances has not been met by the Council to warrant the release of sites from the greenbelt. There are more appropriate sites located elsewhere in the Coalfield sub-area which are available now, less environmentally sensitive, would have a reduced impact upon the landscape, provide more sustainable alternatives for development, would enable the pressure on community facilities to be dispersed across the area and which are not located within the protected Green Belt. It is our opinion that the council have failed to acknowledge the alternative more sustainable sites which are appropriate to deliver housing.



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## 4.0 Response to Question 3

- 4.1 We are strongly opposed to the proposed Housing Growth Area within Penshaw due to its unsustainable location within the Green Belt when there are significantly more appropriate sites on offer that do not result in losing Green Belt. The Penshaw site is proposed to hold 400 homes, a significant increase of housing to develop on a Green Belt site. Notably, the site is located within very close proximity to the Herrington Country Park and a development of this scale combined with the recent developments will have a significant adverse impact upon the biodiversity of the site as well as the surrounding area. The landscape of the area will also be significantly altered through the proposed development as the large sites development will remove the open space to the north west of Herrington Country Park and inhibit the views of the Grade I listed Penshaw Monument whilst impacting the open views from the Monuments elevated position. This development will have a significantly adverse effect on the visual landscape and heritage of the area.

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## 5.0 Response to Question 4

- 5.1 Undoubtedly, the New Herrington Housing Growth Area is not of a significant size for the site to warrant being allocated as a 'Housing Growth Area' as within the SHLAA the site is suggested to only have a capacity of 20 homes. This site is therefore not appropriate to be allocated as such due to its limited potential to contribute to housing growth in the Coalfield area. As it stands the site forms public open space, a social club and bowling green; these are vital community assets already established within the Green Belt. We would argue that although contributions are proposed within the development of the site, this would not outweigh or mitigate for developing an existing open space facility within the Green Belt. We also note the biodiversity of the site is relevant with an abundance of hedgerows and established trees within the site. Again, although mitigation could be attempted within the development of this site, there are less sensitive alternative sites that are suitable and available and which would prevent this loss of local facilities and as an alternative, protect this area of the Green Belt.

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## 6.0 Response to Question 5

- 6.1 We oppose HGA10 at Philadelphia due to the failure to consider alternative sites upon which the identified need can be met. The loss of Green Belt should only be through exceptional circumstances, a test which cannot be satisfied in relation to this. The site is proposed to be developed to create 195 homes in the Green Belt when available and less sensitive sites in more sustainable locations exist including that at Mallard Way.
- 6.2 The site is located on a low laying plain overlooked from several aspects, forming part of the distinctive Green Belt and fulfilling many of the defined characteristics and requirements of the Green Belt.
- 6.3 Access to the site is very poor being from a very small lane within a small area of existing housing. This small existing development does not provide appropriate access, or infrastructure to support the large amount of housing now being proposed within the Green Belt. Furthermore the potential to improve access remains significantly limited and will have a detrimental effect on highways within the area.
- 6.4 We again would argue the site is not deliverable as the Council has not met the exceptional circumstances to warrant the removal of the site from the Green Belt.
- 6.5 The site at Mallard Way proves to be a better alternative as there is established access to the site. And whilst the site lies adjacent to an area of moderate ecological value it is not itself designated. In respect of flooding the application for the site at Mallard Way is supported by an FRA which demonstrates its deliverability both through the creation of a SuDS solution and through siting the development in areas of the land away from the flood zones 2 and 3a. Similarly, the topography of the site at Mallard Way along with its established hedgerows means that the proposal would by comparison have a very low visual impact demonstrated by the Landscape Visual Impact Assessment submitted with the application (Ref: 18/00993/OU4).

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**7.0 Response to Question 6 (Will the infrastructure to support the scale of development proposed in The Coalfield be provided in the right place and at the right time, including that related to transport, the highway network, health, education and open space? (Are the adverse impacts of the Central Section of The Coalfield Regeneration Route capable of being mitigated?))**

- 7.1 Within paragraph 12.2 of the Local Plan it is explicitly stated that major new development should occur where there are good levels of public transport in order to minimize car usage as well as to encourage opportunities for walking and cycling. Being adjacent to the Primary Employment Area of The Coalfield area, the site at Mallard Way is highly sustainable in terms of transport and accessibility and should be preferred in planning terms to the Coalfield Housing Growth Area sites allocated by the Council. This has been recognised by the Highways Authority in their statutory consultee response to the planning application for the site. Not only is the proposed site adjacent to the Primary Employment Area, the site is highly accessible through the bus network within The Coalfield and wider area of Sunderland and this accessibility will continue to improve as explained within paragraph 12.8 of the plan as part of the Coalfield Regeneration Route, significantly closer to our site than the HGA's.
- 7.2 The transport network within the Coalfield will see major improvements, notably the central route within the Coalfield which stated in paragraph 12.6 '*will support housing and employment regeneration and improve connectivity to the Coalfield.*' This would undoubtedly benefit our proposed site increasing its accessibility to wider employment such as the IAMP site.
- 7.3 As exhibited within the proposals map, Policy SP10 of the emerging core strategy is focused a significant distance away from the proposed Housing Growth Areas. However it is noted that the improvements are within very close proximity to our site which the Council failed to acknowledge within the SHLAA as a deliverable site.
- 7.4 In terms of open space, Policy SP6 focuses on significant and unjust removal of open space from the Green Belt in large volumes and notably in the case of HGA9 in Penshaw, the open space of Herrington Country Park will be inhibited through the development of 400 homes. Our proposed development will not be within the Green Belt but will seek to improve access and

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the provision of open space. The application for the development at Mallard Way includes measures specifically to enhance the adjacent designated nature reserve and open space.

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## 8.0 Response to Question 7 (Are the assumptions about the rate of delivery of houses from sites in The Coalfield realistic (anticipated delivery is shown in Appendices A, B, F and P of the SHLAA?))

- 8.1 Ultimately, we do not agree that the rate of delivery of the housing within The Coalfield to be realistic as we are aware of several precedential sites which despite having planning permission have failed to be delivered. This contrasts with our site which has yet to be granted planning permission but has a significant developer interest and commercial house-builder backing. We believe that the Council is not giving proper weight to delivery or being realistic about developer interest in many of the identified sites. It is also a surprise to see the phasing and delivery of the housing in the Green Belt releases pushed to the back of the plan period. Alternatives that are available now and lie outside the Green Belt should be allocated in preference.
- 8.2 In paragraph 5.7 of the SHLAA it states that within *'the full plan period and taking into account net housing completions from the beginning of the plan period 2015/16-2017/18, this contributes a further 2,479 dwellings to the supply, resulting in a total supply of 13,233 dwellings over the plan period, resulting on a shortfall of 177 dwellings.'*
- 8.3 Policy SP8 Housing Supply and Delivery states that the council will work with partners and landowners to seek to exceed the minimum target of 745 additional dwellings per year, seeking to meet the housing need associated with the proposed economic uplift. We believe that the Council has not allocated enough sites for housing which can be delivered within the 5 year supply time horizon.



## **Rye Hill - Precedents**

### **Buckinghamshire Application**

An outline proposal for 40 houses on a field just outside a Buckinghamshire village settlement boundary won the approval of an inspector.

The council criticised the proposal as being development in depth and out of keeping with a linear settlement pattern. The inspector, however, agreed with appellant that, taking account of substantial rural and commercial buildings extending back into the open countryside in the vicinity, the linear pattern of development here was not so strongly defined that the new housing development behind existing housing would make a perceptible change. Further, from his reading of modifications to the recently made neighbourhood plan, backland development was acceptable where a distinct boundary to open countryside could be achieved, as in this case. The inspector also rejected the council's contention that backland sites were limited to the rear gardens of existing properties.

Taking into account existing built form and anticipated changes expected from HS2 running past the village plus intended housing allocations in the immediate locality; the inspector concluded the proposal would not suburbanise the site or harm the rural setting of the village. Finding compliance with the development plan when read as a whole and the lack of five-year housing land supply and tilted balance of national policy not relevant to his decision, the inspector allowed the appeal.

### **Doncaster, South Yorkshire**

Outline plans for 600 homes and a community park have been allowed in a South Yorkshire green wedge, despite the site being beyond the main focus of growth for an area with a healthy housing land supply position.

The council had refused the scheme because the site fell in a countryside protection area designated in its unitary development plan and core strategy. The secretary of state agreed with his inspector that these policies were too protectionist and conflicted with the wording of the NPPF, rendering them out of date.

He found that the council had made no evaluation of the quality of sites in a large "washed over" designation and had accepted that it would have to look beyond an existing designated growth area to find additional sites in the future. In his view, this meant the policies could only be afforded limited weight and the tilted balance in paragraph 11 of the NPPF applied.

After the housing land supply position was contested at the inquiry, the inspector concluded that it was of no consequence because paragraph 11 of the NPPF was already engaged. The secretary of state accepted that the council could show a five-year supply, based on the government's new standard methodology. However, he agreed with the inspector that no other adverse impacts from the proposed housing were identifiable and that the scheme's benefits were considerable, including provision of new homes, a community park and biodiversity and transport improvements.



He concluded that the identified harm arising from conflict with the development plan did not significantly and demonstrably outweigh the benefits of the scheme. In his view, there were no protective policies in place that provided a clear reason for refusing the development.

### **Essex Greenbelt Refusal**

Green belt harm outweighs the benefits of new market and affordable homes in an Essex district with a substantial housing land supply shortfall, an inspector has decided.

The proposal comprised redevelopment of a former agricultural building at a golf centre in the countryside to provide 30 homes and a replacement clubhouse. The building had previously been used as an indoor bowls facility. The site included a clubhouse, surface car parks and a vehicular access, all set apart from other development and surrounded by open land.

The inspector agreed with the parties that the proposal related to development on previously developed land in the green belt, so the tests in paragraph 145(g) of the NPPF required an assessment of the magnitude of harm to openness arising from the scheme in visual or spatial terms. He found that the footprint of the 30 homes would be lower than that of existing buildings on the site and others with extant permissions. However, he found that their volume would be six per cent greater than existing buildings, resulting in a spatial increase against the test set in *Turner v Secretary of State for Communities and Local Government* [2016].

He was also concerned that the proposal would involve extending built form into currently open areas and that ridge heights would be greater. This would be visible from nearby public rights of way despite proposed landscape mitigation, he judged. He concluded that the appeal scheme would substantially harm green belt openness and therefore constituted inappropriate development.

The inspector accepted that very significant weight should be afforded to the benefits of the proposed dwellings, including five affordable units, given that there was only around 1.5 years' supply of housing land in a borough with a record of persistent under-delivery and a worsening housing affordability situation. However, he did not feel that this contribution to boosting housing supply was special enough to justify harm to the green belt.

### **Staffordshire Application**

A housing scheme for 200 dwellings, including 80 affordable homes, and associated infrastructure on the edge of a Staffordshire town was allowed in the light of the benefits to boosting housing supply in the district, despite limited harms to landscape character and loss of agricultural land.

The council had refused the proposal for conflict with a single adopted local plan policy which aimed to protect the countryside for its own sake and particularly for its landscape and agricultural value, subject to exceptions which the appeal scheme did not meet. However, the council had accepted in a statement of common ground for the inquiry that the policy's wording was inconsistent with paragraph 170 of the NPPF following the judgement in *Telford and Wrekin v SSCLG and Gladman*, 2016. But the appellant went further and claimed the policy was fully out of date because it was based on an out of date objectively assessed need and the council's inability to demonstrate a five-year housing land supply. This meant, in their view, the settlement boundaries in the plan, which determined the extent of open countryside, were also out of date under footnote 7 of paragraph 11 of the NPPF. But the inspector





opined that as the policy allowed some development it meant that it did not impose a blanket ban and whilst it did not seek to differentiate between different landscapes of value, she noted the NPPF still sought to recognise the intrinsic character and beauty of the countryside and she therefore afforded the scheme's conflict with the policy limited weight. She also held the fact of whether there was a housing shortfall or not was not critical in this regard as a shortfall in housing supply had already been agreed between the parties. Additionally, the council had stated the policy was not an environmental policy with reference to the judgement in *Suffolk Coastal DC v Hopkins Homes Ltd and SSCLG and Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council, 2017*. But the inspector disagreed, stating that it could be viewed as an environmental policy because it lay at the heart of the development plan and sought to protect what limited open countryside there was in the district outside the green belt.

In considering the scheme's impact on the landscape, the inspector held it would have limited localised harm to the character and appearance of the area, contrary to the above policy. She did not agree with the appellant that this meant paragraph 11c of the NPPF automatically applied as she had found clear conflict with the development plan. Although there would be a loss of 4.5 hectares of high-quality agricultural land resulting from the proposal, she held this was not significant in relation to footnote 53 of the NPPF. In concluding, the inspector balanced that the benefits of the new market and affordable homes in an area of significant shortfall, in addition to the limited economic benefits, outweighed the environmental conflict with the development plan.

### **Bedlington Application**

Outline planning consent has recently been minded to grant for up to 500 new homes at Land South West of Glebe Farm, Choppington Road, Bedlington (ref 16/04731/OUT). This site falls within the former Blyth Valley district.

The Case officer's report, dated 6th November 2018 clearly states that the local policies are not wholly consistent with the NPPF and that the NPPF does not restrict development outside of settlement boundaries:

'2.10 As advised in the previous reports to committee, the proposed development would be contrary to Local Plan Policies which seek to restrict development in locations such as this in the countryside outside of defined settlement boundaries and on Greenfield sites. Officers remain of the view that these Policies are not wholly consistent with the NPPF, which does not specifically seek to preclude development such as this on land outside of settlement boundaries or development on greenfield sites that have not been allocated for housing in a Development Plan'.

'2.10 As such proposals on sites such as this in the open countryside outside of settlement boundaries need to be assessed on their individual merits taking into account all material planning considerations'.

### **New Hartley Decision**

An application for full planning consent was submitted for 285 homes on Land to the North of St Michael's Avenue, New Hartley, Northumberland NE25 0SB (15/01182/FUL), after being refused an appeal was allowed and planning permission was granted 20 September 2017.

The Appeal decision clearly states that the local policies are not wholly consistent with the NPPF;



'11. New Hartley is identified in the BVCS, policy SS1, as a village which will accommodate small scale development within settlement limits in order to maintain sustainable communities. The BVDCP at policy DC1 states that development proposals will be situated within settlement boundaries as shown on the Local Plan proposals map or on subsequent settlement based DPDs. The settlement boundaries on the proposals map are those from the BVLP. As the proposal sits outside those development limits the proposal would on its face conflict with these policies. However, they along with the overall settlement strategy are based on development plans formulated prior to the publication of the Framework, related to a housing requirement related to the Regional Strategy and do not take account of an objectively assessed housing need. 'The policies provide for a sequential more restrictive approach than is promoted in the Framework and are therefore not consistent with the Framework.'

'The housing requirements and settlement strategies to secure delivery to meet those requirements were based on figures which are now historic, do not reflect a present objectively assessed need for the area and are not consistent with the advice in the National Planning Policy Framework (the Framework). For the Council Mr Robson confirmed during cross examination that the requirement in those documents were no longer used and were in his words 'gone'. He confirmed that on this basis those elements of the extant development plan related to the identification of a housing requirement were treated as out of date by the Council.'

### **Deerlands Road, Wingerworth**

An outline application for planning consent was submitted by Ripon Homes Ltd against the decision of North East Derbyshire District Council. After being refused an appeal was allowed (ref APP/R1038/W/17/3192255 in November 2018. The original application Ref 17/00268/OL, dated 3 March 2017, was refused by notice dated 14 December 2017. The development proposed is a residential development of up to 180 dwellings, public open space, landscaping, highway and drainage works and associated infrastructure.

The Inspectors report clearly states that the local policies are not wholly consistent with the NPPF;

'23. LP policy GS6 gives the countryside a level of blanket protection which is inconsistent with national policy. All these additional matters clearly point to the LP being out of date.'

'26. Overall the proposal does not conform to the relevant spatial policies of the LP, as the site is outside the SDL and is in the open countryside in policy terms. However, for reasons given above, the LP policies which are most important in determining the appeal are out-of-date. This does not mean that they can be ignored, but they have significantly reduced weight.'

### **Humble-le-Rice**

An appeal for 70 dwellings in Humble-le-Rice (ref APP/W1715/18/39194846) was allowed after the inspector identified out of date policy which failed to adhere to the NPPF. Paragraph 16 of appeal ref APP/W1715/18/39194846 states that the local policy approach to restrict development outside the settlement boundary unless certain criteria are met 'lacks the flexible and balanced approach enriched in the NPPF'. On that basis, the inspector gave the policy reduced weight.