



Appeal Decision

Site visit made on 30 July 2024

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/X1355/W/24/3342253

Land east of The Meadows, Seaton, County Durham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Avant Homes North East and Mr S M Gregson against the decision of Durham County Council.
 - The application Ref is DM/22/00039/FPA.
 - The development proposed is 75no. new homes (Use Class C3) including affordable homes and associated access, landscaping and infrastructure (as amended).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the appeal form, omitting wording that is not an act of development, as the proposal has changed from that stated on the application form. This was agreed with the Council and is the description used on the decision notice.
3. A previous version of the proposal included a pedestrian link at the southeast corner of the site which was found to be undeliverable owing to third party ownership and did not form part of the proposal. A site boundary plan omitting the small strip of land that previously showed the pedestrian link has been submitted for clarity. The area of land is not required for the development to be delivered. The Council has seen the revised boundary and has not expressed any concerns. I have therefore accepted the amended boundary plan.
4. In addition, a revised layout has been submitted that includes changes to parking and access arrangements. The nature and extent of the revised layout does not fundamentally alter the appeal proposal. A version of the revised layout, without a key or title box, was presented to the Council prior to the committee meeting and a verbal update regarding the plan given. Comments from the highway officer on the plan were subsequently provided. As such, I have accepted Site Layout 5193/200 Rev A.
5. The Parking and Accessibility Supplementary Planning Document (SPD) was adopted in October 2023 and is a material consideration. The main parties have had the opportunity to comment on the implications of the document for the appeal scheme. Accordingly, I have taken it into account in my consideration of this appeal. It is alleged that irregularities occurred during the determination of the application. However, I am content that the necessary statutory consultations were undertaken. A signed and dated Unilateral Undertaking (UU) has been submitted which I will consider later in my decision.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities; and
- the effect of the proposal on highway safety, with regard to car parking and access arrangements.

Reasons

Character and appearance

7. The appeal site is an open parcel of agricultural land adjacent to the village of Seaton. It is bounded to the north by a multi-user route known as the Hawthorn to Ryhope Railway Path (the railway path), which forms part of a wider network of public rights of way (PROWs). The A19 lies to the east and residential development to the west and south. The site has rural qualities and provides a countryside setting to the edge of Seaton, contributing positively to the character and appearance of the area.
8. It is not disputed that the site is well related to Seaton and that the principle of housing at the site is acceptable. Nonetheless, the introduction of 75 dwellings and associated infrastructure at the appeal site would inevitably change its character and appearance. While the proposal's layout has been designed to respond to the constraints and opportunities within the site, it would have an urbanising effect, permanently altering its rural qualities. The considerable built form would result in the loss of the countryside edge to Seaton, even with the proposed undeveloped edge to the north and east and additional landscaping to soften the proposal.
9. As with The Meadows development, the appeal site is concealed from the open tract of land to the north beyond the railway path by the elevated path and from Seaton Lane by existing housing. However, as a result of the topography, with ground levels noticeably falling away from the site from west to east, the built form of the proposal would be prominent in views from numerous vantage points on the railway path, including the section that bounds the site and in longer distance views on approach to the village from the other side of the A19.
10. Despite the appellant seeking to address the Council's concerns with several iterations of the scheme, which included reducing the number of dwellings, the proposal's scale and layout would bring development conspicuously into view. It would disrupt the gradual transition from the village's built-up area to the open countryside and would be readily apparent from the railway path. In coming to this view, I have considered the proposed pattern of development blocks which would appear as a dense urban development.
11. The appellant's Landscape and Visual Appraisal (LVA) establishes a visual envelope covering the appeal site and surrounding area, with viewpoints and sensitive receptors. The selected viewpoints are generally representative of the visual effects of the development. The LVA sets out that users of the railway path at Viewpoints 1 and 3 would experience a substantial magnitude of change, resulting in a major effect which is considered to be significant. As

shown on the corresponding photomontages and observed at my site visit, the users of the railway path would have a clear view of the proposal at several vantage points. Furthermore, the effects of the proposal would be appreciable in views from a longer stretch of the path from the east beyond that shown at viewpoint 3.

12. The internal design review, based on the County Durham Building for Life SPD (2019) found that the dense and urban layout within the built section of the site fails to respond to the edge of village location and the proposal scored a red in the character category. While the panel has not commented specifically on the latest version of the scheme, I have reached my own judgement on the merits of the proposal.
13. From the railway path the dense built form would draw the eye and be an unwelcome intrusion, harmfully interrupting the agrarian scene in this transition area. The experience of the users of railway path would be diminished as a consequence. Density may well have been key to developing the design ethos of the scheme and is similar to that across Seaton. However, as a result of the layout and concentration of built form to the west of the site, the effect of the scale and physical character of the proposal on how the site is experienced in public views would be detrimental to the intrinsic character of the area.
14. The green corridor to the east would provide a buffer between the appeal site and the A19. However, because of the discernible downward slope, it would be largely hidden behind the dense vegetation at the boundary with the A19 and would not be seen in longer distance views on approach to the site from the railway path. Consequently, the buffer would not mitigate the visual intrusion of the proposal's scale in relation to its surroundings and would not retain the site's countryside character. Nor would the proposal be perceived as having 'a dominant landscape impression'.
15. It is agreed that as the settlement has grown over time each phase of growth is different in appearance with regard to property types and materials. The proposed introduction of hipped roof semi-detached properties, stone heads, cills and render and a mix of red and grey roof tiles would reflect local design styles. Furthermore, the distinctive elevation treatments would create visual interest. Nevertheless, appearance, materials and detailing of buildings are only some of the components that define an area's character and would not mitigate the detrimental effect the proposal's scale and layout would have on the character and appearance of the area.
16. The proposal responds positively to adjacent development at The Meadows with regard to appearance, materiality and density. However, the appeal site covers a larger area than The Meadows and is the last open area at the edge of the village before the A19. As such, the effect of the proposal on the setting of the village and wider landscape is different to The Meadows, which does not diminish the village character in the same way the appeal scheme would.
17. To conclude on this main issue, overall, the proposal would be unduly harmful to the character and appearance of the area, in conflict with Policies 6, 10, 29 and 39 of the County Durham Plan (2020) (CDP). Amongst other things, these policies require development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of a settlement. Development must not give rise to unacceptable harm to the

intrinsic character or tranquillity of the countryside or the character, the setting of a settlement or the quality or distinctiveness of the landscape. Development which scores one or more reds when assessed against the Building for Life SPD will not be acceptable.

18. The proposal is also contrary to the provisions of section 12 of the National Planning Policy Framework (the Framework) regarding achieving well-designed and beautiful places.

Location

19. Policy 21 of the CDP promotes walking, cycling and the use of public transport to reduce dependence on travel by car. All development is required to deliver sustainable transport by, amongst other things, providing appropriate, well designed, permeable and direct routes so that new development clearly links to existing services and facilities together with existing routes for the convenience of all users.
20. This reflects the provisions of the Framework to promote sustainable transport at Paragraphs 114 and 116 which sets out that appropriate opportunities to promote sustainable transport modes should be taken up. Priority should be given first to pedestrian and cycle movements, and second– so far as possible – to facilitating access to high quality public transport. Layouts should also maximise the catchment area for bus or other public transport services to encourage public transport use. To promote healthy and safe communities, Paragraph 96 of the Framework says that decisions should aim to achieve healthy, inclusive, and safe places which provide street layouts that allow for easy pedestrian and cycle connections.
21. The proposal would be accessed from The Meadows, a residential street with footpaths on either side of the road and regular streetlights. However, on approach to the junction with Seaton Lane one of the footpaths becomes narrow to the extent that pedestrians would have to cross the road to the other footpath or otherwise walk in the road. There are limited services and facilities within Seaton. Two bus stops located on Seaton Lane in proximity to the junction with The Meadows provide services across several local and longer distance routes which would provide access to additional services and facilities for future occupiers.
22. The appellant suggests that the majority of plots fall within a 400 – 500m walking range of the nearest bus stops. The Council contend that some residents would be over 600m walking distance from a bus stop. Acknowledging that thresholds for assessing distances are guidance and not an absolute requirement, even if I were to find that the proposed dwellings were within an acceptable walking distance, the propensity to walk will not only be influenced by distance but by the quality of the experience. It is also necessary to consider the needs of all users, including the elderly and those with mobility issues or disabilities, who would be most affected by distances and travel times to services and bus stops.
23. I observed The Meadows to be lightly trafficked at the time of my site visit and that there are tactile paving crossing points near to the junction with Seaton Lane. Notwithstanding that the proposed road improvements would assist in reducing vehicle speeds on Seaton Lane, pedestrians would be crossing The

- Meadows at the point where traffic would be heaviest, with cars slowing down on approach to the junction and accelerating as they leave the junction.
24. The pedestrian route from the proposal to services in Seaton and to the bus stops on Seaton Lane to access other services and facilities would not be an attractive walk, particularly for the elderly and those with mobility issues, disabilities and parents/care givers with prams. In coming to this view I have taken account of the practical limitations of the footpath and the necessity to cross the road, in combination with the increase in vehicle movements. Consequently, the proposal is not designed to maximise opportunities for travelling by sustainable forms of transport for all users as required by the development plan and would not offer a genuine choice of transport modes as sought by the Framework.
25. Access to Seaton Lane was found to be acceptable for The Meadows development, however the contexts are different given the scale of the proposal and the associated increase in vehicles on the road. The originally proposed pedestrian link to Seaton Lane may well only be desirable and the submitted Travel Plan, amongst other things, aims to raise awareness of the range of transport options available to future residents. Nevertheless, and taking account that accessible transport solutions will vary between urban and rural areas, future occupants of the proposed development would largely be reliant on the private car.
26. Even if the availability of services and facilities is similar to many residential developments across the County, in this case, the convenience and practicality of travel choices that future residents would have available to them would not promote sustainable transport modes. The decisions of the design panel in assessing proximity to facilities and services on other schemes would not therefore be inconsistent given that the specific context of other sites is likely to be different. In any event, I have come to my own view.
27. I therefore conclude that the proposal would not provide a suitable location for housing, having regard to the accessibility of services and facilities, in conflict with Policy 21 of the CDP. This policy requires new development to be located where the opportunity for sustainable development patterns is maximised. The proposal is also contrary to the provisions of the Framework which seek sustainable transport and healthy and safe communities.

Highway safety

28. The revised layout addresses some of the Council's parking and access arrangement concerns. However, several of the proposed driveways exceed the advised dimensions in the Parking and Accessibility SPD, which also sets out that proposals should provide safe parking for residents and visitors that limits harm to residential amenity from parking on pavements and verges. There is no substantive evidence that the elongated driveways would not allow two cars to be parked on the driveway which would partially block the footpaths and be harmful to pedestrian safety.
29. Driveways for some plots are narrower than the suggested width set out in the SPD, and it has not been shown that vehicle manoeuvring could be safely accommodated. Furthermore, there are some parking bays without a satisfactory gap in between spaces and some spaces without hard surfacing at the perimeter. These spaces would be problematic for residents/visitors with

mobility issues or disabilities, such as during inclement weather, to the detriment of highway safety.

30. Transport issues should be integral to the design of schemes and contribute to making high quality places. Given the range of outstanding issues, this is a matter that should be resolved before planning permission is granted rather than leaving it to a planning condition, to ensure that an appropriate parking and access arrangements could be achieved. I have also considered the original layout upon which the Council made their decision. However, this layout contains more driveway and access arrangements that are not in line with SPD guidance and would have a greater adverse effect on highway safety.
31. Overall, the proposal would be harmful to highway safety, with regard to car parking and access arrangements, in conflict with Policies 6, 10 and 21 of the CDP. These policies include a requirement for development to not be prejudicial to highway safety and that a sufficient level of car parking at residential developments is provided for both occupants and visitors to minimise potential harm to amenity from footway parking.
32. In addition, the proposal is contrary to the guidance set out in the Parking and Accessibility SPD and the provisions of the Framework seeking safe and suitable access for all users.

Other matters

33. The appeal site is located within the coastal zone of influence of the Northumbrian Coast Special Protection Area and Ramsar Site, and the Durham Coast Special Area of Conservation, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). I note the appellant's agreement to make a financial contribution to mitigate the increased recreational pressure from the proposed development.
34. Notwithstanding this, the Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. However, it is not necessary for me to consider the implications of the proposal upon the protected sites because the scheme is unacceptable for other reasons.

Planning Balance

35. The proposal would be harmful to the character and appearance of the area, would not be an appropriate location for housing with regard to access to services and facilities, and would be harmful to highway safety.
36. The windfall site would deliver 75 homes, contributing to the supply of housing in the area. The Council can currently demonstrate a five-year supply of deliverable housing sites, however taking account of the Framework's objective to boost the supply of housing I give this benefit moderate weight. Bungalows would be provided as part of the housing mix, contributing to the housing options of older people and the proposal would be accessible and adaptable for a range of occupants. These benefits exceed the requirements of Policy 15 of the CDP and together attract moderate weight.
37. Similarly, affordable housing delivered by the proposal would exceed the policy requirement. It is disputed whether the submitted UU is an appropriate mechanism to secure the provision of affordable housing. Nevertheless, even if

I were to find that affordable housing would be adequately secured, this benefit is only of moderate weight given the scope and scale of the proposal.

38. There would also be modest, time-limited economic benefits from the construction stage and some moderate economic benefits arising from council tax income and expenditure by future occupiers. Albeit there is limited guarantee of the extent to which this would be directed to local businesses or services or contribute to sustaining the village. The delivery of biodiversity net gain would also be a clear benefit of the scheme, attracting moderate weight, as would the provision of amenity/natural green space which exceeds the amount required by policy.
39. There is no clear evidence that the proposal's countryside access and recreational opportunities would deliver over and above what is already required by policy. Similarly, payments to improve local open spaces, education and healthcare would mitigate the proposal's effect. These matters, and any other policy compliance including archaeology, ecology, drainage, ground conditions and carbon reductions are neutral factors which weigh neither for nor against the proposal.
40. Consequently, in this case, taking the above into consideration, the benefits of the proposal are insufficient to outweigh the identified conflict with development plan policies.

Conclusion

41. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR