



Appeal Decision

Hearing Held on 12 December 2023

Site visit made on 13 December 2023

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/P1425/W/23/3326282

Florence House, Southdown Road, Seaford BN25 4JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Frontier Estates (Oxon 4) Ltd against the decision of Lewes District Council.
 - The application Ref LW/22/0286, dated 22 June 2022, was refused by notice dated 26 January 2023.
 - The development proposed is for the erection of a care home (within Use Class C2), with associated works including access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS. I invited submissions from the parties on the revised Framework. Bearing in mind Paragraphs 11 and 14 of the revised Framework respectively, the parties continue to agree that the Council has a housing land supply shortfall. Therefore, I am satisfied that the interests of the main parties have not been prejudiced and that the main issue in this appeal remains unchanged.
3. There is a reference to the Seaford Landscape Area known as H01 in the Council's officer report. At the Hearing the main parties agreed that the appeal site lies adjacent to, rather than within H01. I have proceeded accordingly.

Background and Main Issue

4. The Local Lead Flood Authority (LLFA) objected to the proposal on the basis that there was insufficient information to demonstrate that there would be adequate measures in place to manage surface water discharge related to the appeal site. In addition, interested parties brought to my attention at the Hearing that there had been historic instances of localised flooding near to the appeal site, and their concerns for increased rainfall related to climate change.

5. However, following further testing in accordance with the BRE Digest 365, the LLFA has confirmed that a revised drainage strategy for the site based upon infiltration via deep bore soakaways is now sufficiently progressed and evidenced to enable them to withdraw their objection to the proposal, subject to conditions. I also note that the appeal site is located in Flood Zone 1, where the risk of fluvial flooding is very low and that the appellant is willing to accept conditions in respect of flood risk mitigation. Consequently, the Council no longer wishes to contest the issue of flood risk in relation to the proposal. I see no reason to disagree.
6. Therefore, the outstanding main issue in this appeal is the effect of the proposal on the character and appearance of the area, including the Southdowns National Park (SDNP).

Reasons

7. The appeal site is located towards the southern end of Southdown Road, Seaford, which is near to the South Downs National Park (SDNP) and a designated heritage coastline. The site lies next to the dwelling known as Florence House but has a separate access from the highway which leads to the grounds of the host dwelling. The site is set behind hedging and a timber fence on the western boundary and is predominantly an area of grassland which has widespread scrubland to the southern edge. There are also a number of scattered trees and bushes on the site, as well as a grassed 'bund' towards the south-east corner. In addition to the two-storey Florence House, the built form in the immediate surrounding area is typified by bungalow-type dwellings on the western side of Southdown Road where glimpses of Martello Tower can be seen between the properties. To the southern end of Southdown Road there is a green-roofed, timber-clad golf-club building that is partly recessed into the ground. The golf course associated with the building has fairways which border the appeal site to the east and provide access along footways to the SDNP, Seaford Head and the heritage coastal path. The town of Seaford can be seen from both the golf-course and Seaford Head.
8. The appeal site is allocated in the Seaford Neighbourhood Plan 2019 (SNP) for approximately seven dwellings as detailed in Policies SEA14 and SEA16. As such, the principle of development on the site is accepted. In addition, the Council conceded at the Hearing that the site is not subject to a unit number 'cap'.
9. However, the Council contended that the proposal for the 60-bed care home while having some architectural merits would nonetheless be of some scale and mass that would extend across the width of the site. As a result, the extent and positioning of the proposal would harm the appreciation of views to and from the SDNP, Seaford Head and the nearby coastal path. In the Council's view, this would affect the 'transition' from the settlement boundary to the more open areas of the golf course and the beauty of the open and rolling chalkland, tranquillity and remoteness of the SDNP landscape and the natural qualities of the heritage coast, which are described in the appellant's submitted 'Landscape and Visual Statement'.

10. Moreover, I heard that in this specific location on Southdown Road that the convoluted roof-scape and gables of the proposal would be at odds with the simple appearance of the bungalows to the front of the appeal site, and notwithstanding the proposed green-roof elements of the care home, the development would also be incongruous with the modest golf-club building to the south.
11. Furthermore, while there are gaps between the bungalows along Southdown Road, which enable glimpses to the wider area, the proposal would be a bulky addition to the location that would not only be highly prominent in the streetscape, but also be devoid of gaps along its frontage. For similar reasons, Seaford Parish Council also objected to the proposal.
12. Consequently, in its written submissions, the Council evaluated that there would be 'highly significant' harm to the surrounding landscape and that the proposed development would harm the character and appearance of the area.
13. In rebuttal, the appellant forwarded at the Hearing that the proposal had been designed to add interest to the area. Particular features of the proposal would include articulated elevations, 'wings', local vernacular materials, and areas of green roofing. The development would also be 'dug-in' to the rear and have a natural and enhanced landscaping scheme with an additional grassed 'bund' which would help to soften and enhance the proposal.
14. I heard from the appellant that the scale of the proposed scheme would support viability and provide generous space standards within the building, which was described by the appellant's representative as 'medium luxury'. Moreover, the articulation of the elevations would negate a linear appearance and that a 'one-building' approach would be consistent with the operational practicalities of a care-home.
15. Furthermore, as the site has been allocated for residential development, the appellant disagreed with the Council that the site is a 'transition' zone between the urban area and the SDNP. Indeed, in the appellants opinion, when seen from the surrounding public views, including View M¹ and those on the coastal path, the site should be evaluated against the urban context of Seaford town rather than the SDNP. In any event, when traversing the steep coastal paths of Seaford Head, walkers' attention would either be focused on safe-footing or the activity of the 'clipped' and 'bunkered' golf-course rather than the proposed development site which would be designed and constructed to 'sit down' within its location.
16. The appellant also asserted that the Council's objection in respect of the character and appearance of the area was related to a visual rather than a landscape assessment, and that the site and its immediate surroundings, including the 'manicured' golf-course nearby, had limited natural beauty. As such, the appellant considered any harm to the character and appearance of the area arising from the development would be 'very limited'. Indeed, any harm found would not significantly and demonstrably outweigh the benefits of the proposal.

¹ (LVIA, figure 18)

Site visit

17. I noted that there would be glimpsed views² to the proposed care home from Cyngton Road and Martello Tower³. However, there are numerous positions from which the proposed development would be readily visible. Indeed, there are a number of footpaths on the golf-course which include viewpoints⁴ to the rear elevation of the proposed scheme. The building would be lower to the rear. Nevertheless, from the elevated position on the golf-site, even during more leafy times of the year, the development would still appear as a highly prominent building to walkers and golfers alike. Indeed, the proposal would be a stark and large addition to the relatively unfettered site, particularly as a number of trees would be removed to facilitate the design.
18. Turning to 'Significant Public View M'⁵ and the viewpoints⁶ along the coastal path. Notwithstanding it's 'dug-in' design to the rear, the proposed development, which includes numerous windows, gables, a complex roof-scape and hard-standings for parking, would 'sit-up' and draw the eye of walkers taking a rest after the steep climb to Seaford Head. This would also be the case for Viewpoint 4⁷ where the coastal path is more level and has benches to offer walkers a short pause in order to enjoy the beauty of the surrounding landscape.
19. The appellant contended that the scheme would be seen in the context of the urban backdrop. However, I find to the contrary. From a number of public viewpoints the existing urban environment would be perceived as relatively distant when compared to the proximity of the proposal, which would have a closer physical connection to the sweep of the golf-course, the SDNP and the heritage coastline than the central areas of Seaford.
20. Furthermore, whether the appeal site is a recognised 'transition' area or not, and notwithstanding that the golf-course has some leisure type features, following my site visit I am in no doubt that the more natural type area to the eastern side of Southdown Road and the loose garden arrangement at Florence House help to temper the urban fringe of Seaford before it changes into the recognised areas of the SDNP and the undeveloped pathways of the heritage coast. Indeed, the general sense of spaciousness in this location helps to soften a well-used 'gateway' to the SDNP. As such, the substantial and elongated proposal would be an alien addition in this specific location.
21. Moreover, the extensive roofscape, gables and general bulk of the proposed scheme would also be at odds with the modest, single-storey bungalows on the opposite side of Southdown Road. Indeed, even if the proposal would be relatively well screened to the front when seen from Viewpoints 1-3⁸, there would be no discernible gaps in the elevation to provide glimpses to the SNDP, the distinctive Seaford Head ridgeline and the coastal path, or to limit the abruptness of the elevations to the front and rear.

² (LVIA, figure 19, Viewpoints 11-13)

³ (LVIA, figure 19, Viewpoint 14)

⁴ (LVIA, figure 19, Viewpoints 8-10)

⁵ (LVIA, figure 18)

⁶ (LVIA, figure 19, Viewpoints 5-7)

⁷ (LVIA, figure 19)

⁸ (LVIA, figure 19)

22. As such, notwithstanding that some design features are acceptable to the Council, the proposed scheme would be a large, dominant and bulky development with areas of hardstanding that would extend across the breadth and depth of the site in an elevated area of Seaford that is relatively unencumbered. Indeed, the proposal would be a sizable and incongruous addition to the surrounding landscape and the relative simplicity of the immediate streetscape. Additional landscaping, tree-planting and a second 'bund', even if agreed by condition, would not be adequate mitigation.
23. I conclude therefore, in the planning judgment, that the proposal would substantially harm the character and appearance of the area and be contrary to Policy CP10 of the Lewes District Local Plan Part 1 Joint Core Strategy 2016 (LLP1), and Policies DM25 and DM27 of the Lewes District Local Plan Part 2 2020 (LLP2), as supported by Policies SEA1 and SEA2 of the Seaford Neighbourhood Plan 2019 (SNP) which say, amongst other things, that development should reflect, conserve or enhance the character and distinctiveness of the local landscape or streetscape.

Other Matters

24. The appellant drew my attention to an appeal⁹ in support of their case. However, the appeal relates to a scheme for retirement living rather than for a care home development and is therefore, not directly comparable to the scheme before me.

Planning Balance

25. At the time of the Hearing the Council had a 3.02-year housing land supply. Therefore, the main parties agreed that the Council cannot demonstrate a 5-year housing land supply (HLS) of deliverable sites. As such, and bearing in mind Paragraph 182 of the Framework, the 'tilted balance' under Paragraph 11(d)(ii) of the Framework is engaged. Therefore, any adverse impacts of the proposal need to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. Spatial Policy 2 of the LPP1 confirms a requirement for a minimum of 185 dwellings to be delivered in Seaford, and the main parties agreed that the proposal would deliver the equivalent of 33 new homes towards the Council's HLS. However, while I acknowledge the general need for modern, energy efficient and appropriate accommodation for the older population generally as set out in Policy CP2 (2) of the LPP1, and that national Planning Policy Guidance says that housing for older people is 'critical', I heard that there is no policy basis proposed within the Council's emerging local plan that would relate to specifically to care homes. Therefore, while there may well be need for care homes in the wider area, such as Eastbourne, Polegate, Willingdon and Hailsham, including for people with dementia, I am not persuaded that care home accommodation is a priority for the Council or that, given the stated 'medium luxury' standard of the scheme, it would be attractive or affordable to local people to enable them to free up general needs housing in the nearby area. Therefore, while mindful of Paragraph 63 of the Framework, I can only afford this benefit moderate weight.

⁹ APP/P1425/W/23/33152902

27. Economic benefits arising from the proposal would include employment opportunities connected to the construction of new homes, as well as employment opportunities related to the operation of the care home. There would also be potential cost savings to the NHS through the provision of bedspaces. I afford these benefits minimal weight as some of the employment opportunities are likely to be short-term, and the number of bedspaces provided would be relatively small when balanced against NHS provision as a whole.
28. Social benefits of the development would include the well-being of residents in a communal setting with an outside space. The scheme would also be located in a settlement boundary with public transport links to enable friends and relatives to visit. I attribute this some limited weight.
29. The main parties have agreed a S106 planning obligation for the proposal that would include payments for Biodiversity Net Gain and a contribution towards a Travel Plan. However, as these are Council policy requirements, I attribute these benefits neutral weight.
30. I conclude therefore, even in combination, the substantial and demonstrable harm to the character and appearance of the area I have found above is not outweighed by the economic, social or environmental benefits of the scheme.

Conclusions

31. Having considered all matters raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the substantial and demonstrable harm that I have identified above. Accordingly, the proposal is in conflict with the adopted development plan when considered as a whole and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies when considered as a whole, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR

APPEARANCES:

For the Appellant:

- Neil Cameron - KC
- Emma Patchell - BSc (Hons), MSc MRTPI – Gillings Planning
- Conrad Quast - DIPL.ARCH, ARB, RIBA – Director, Edmund Williams Architects
- Robyn Butcher – BA (Hons), DipLA FLI – Director Terra Firma
- Karun Ahluwalia – Director, Christie & Co

For the Council:

- Jack Barber KC
- James Smith – Principal Planning Officer
- Helen Monahan – Solicitor

For Seaford Parish Council:

- Jeff Johnson – Planning Officer

Interested Parties:

- Cllr Christine Brett – Seaford South Ward Councillor
- Mr T Vartdal – Local Resident
- Mr Thornton – Local Resident

*****End*****