



Appeal Decision

Site visit made on 18 June 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/V0728/W/25/3359499

Former Eston & California S. C., High Street, Eston, Redcar & Cleveland

- 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 Mr Mohammed Rafiq, on behalf of Rafiq Properties, against the decision of Redcar and Cleveland Borough Council.
 - The application Ref is R/2024/0222/FFM.
 - The development proposed is change of use of former social club including first and second floor extensions and alterations to exterior to form 10 No. self contained apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been accompanied by an amended plan illustrating a secured bin store within the development and an accompanying management plan. This does not fundamentally change the proposal. Moreover, the Council and interested parties have had an opportunity to comment on these amendments through the appeal. My consideration of them would therefore not lead to any procedural unfairness. I have thus had regard to these amendments in my decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the integrity of European sites, with particular regard to recreational disturbance and nutrient neutrality;
 - Whether the proposal would provide an appropriate housing mix, with regard to the relevant provisions of the development plan;
 - The effect of the proposal on highway safety; and
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to bin storage and private amenity space.

Reasons

European sites

4. The appeal site is located within the zone of influence for recreational disturbance and the nutrient neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. The Teesmouth and Cleveland Coast SPA is legally underpinned by the Teesmouth and Cleveland Coast SSSI.

5. As the competent authority, I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.
6. The SPA/Ramsar is a wetland comprised of a wide variety of habitats including: intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh, saline lagoons, sand dunes and estuarine and coastal waters on and around the Tees estuary, which has been considerably modified by human activities. These habitats provide feeding and roosting opportunities for an important number of waterbirds.
7. The SPA/Ramsar is designated for the following qualifying features: Avocet, Common tern, Knot, Little tern, Redshank, Ruff, Sandwich tern and assemblages of a wide range of breeding, wintering and passage waterbird species. The conservation objectives of the site are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the habitats, populations and distribution within the site of the qualifying features.
8. The appeal site is within 6 km of the SPA and Ramsar site, where residential development is likely to have a significant effect on the integrity of the site, through increased recreational use of the coastline. Furthermore, the SPA/Ramsar is in unfavourable condition due to nutrients (in this case nitrogen), where new development may have an adverse effect by contributing additional nutrients.
9. The proposal would increase the local population and, in turn, lead to an increase in recreational disturbance and nutrient loading from nitrogen. Given the unfavourable status of the SPA/Ramsar, it is likely to have a significant effect on the aforementioned species and habitats (both alone, and in combination with other development). I must therefore undertake an appropriate assessment in accordance with the Habitat Regulations.
10. Human disturbance of birds can have several impacts. Birds may be more alert, reducing the amount of food eaten, or may fly away from the disturbance, forgoing valuable feeding time and using excess energy. This may increase bird mortality or reduce the amount of energy a bird has to fly back to its breeding grounds, leading to alterations in population and/or distribution patterns of SPA species.
11. The Council requested payment of £200 per dwelling from the appellant towards mitigation measures set out in the Teesmouth & Cleveland Coast SPA Recreation Management Plan November 2017, which the appellant has indicated their agreement to. However, there is no mechanism before me, such as an executed legal agreement, to secure this payment and ensure it is allocated accordingly.
12. In addition, excessive levels of nutrients can cause rapid growth of certain plants through eutrophication. Dense algal mats can impair waterbird foraging success and high concentrations of nutrients in water can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. Given the conservation objectives, without adequate mitigation, any net increase in nutrient loads arising from the development would adversely affect the integrity of the SPA/Ramsar.

13. Natural England (NE) operate a Nutrient Mitigation Scheme for the Tees catchment. To mitigate one kilogram (kg) of nitrogen, a developer needs to buy one nutrient credit. The appellant has calculated that the development would generate 34.31 kg TN/year. A Provisional Nutrient Credit Certificate signed by NE has been submitted, confirming that NE had reserved 6.76 credits for future purchase by the appellant. Based on the evidence, this would be insufficient to achieve nutrient neutrality.
14. While the Council has suggested a condition could be used to secure the requisite nutrient credits prior to occupation, I cannot be sure based on the information provided that NE would have enough credits left to allocate at that stage, and there is no alternative mitigation scheme before me. Likewise, NE highlighted the extant requirement for a nutrient mitigation strategy in its response to the appeal.
15. The evidence is thus not sufficiently precise, robust or conclusive on this matter. As the competent authority in this case, I must be able to rule out all reasonable scientific doubt that the proposal would have an adverse effect on the integrity of the SPA/Ramsar at the time of my decision. Given the above concerns and omissions, and the high level of statutory protection afforded to the SPA/Ramsar, I am not satisfied that a planning condition(s) would provide adequate certainty that adverse effects on the integrity of the SPA/Ramsar would be avoided.
16. Consequently, I cannot conclude, beyond all reasonable scientific doubt, that the appeal scheme would not have an adverse effect on the integrity of European sites, with particular regard to recreational disturbance and nutrient neutrality. Accordingly, the proposal would conflict with Policy N4 of the Redcar & Cleveland Local Plan Adopted May 2018 (the Local Plan). This policy, among other provisions, seeks to ensure that the borough's biodiversity and geological resources are protected and enhanced, and that priority is given to protecting internationally important sites, including by requiring that relevant proposals that would lead to increased recreational disturbance contribute towards strategic mitigation measures identified in the Recreation Management Plan.

Housing mix

17. The appeal scheme would provide 10 self-contained flats, comprised primarily of 1-bedroom units, with three 2-bedroom flats on the upper floors. Areas with good accessibility and close to local services and amenities are generally the most suitable for development of this nature. Such accommodation is often attractive to younger adults, couples or small families and so unit sizes are typically smaller. More people living in and around local centres can contribute to the vitality and viability of local businesses and services. A larger proportion of one and 2-bedroom flats in this area would therefore not typically be inappropriate.
18. Nevertheless, the Council contends that there is an over concentration of similar accommodation in this area. My attention has been drawn to 3 separate planning permissions granted by the Council for a total of 10 residential flats in locations near to the appeal site, over the past 6 years. Limited details of each case have been provided, and so the size and mix of these units is not clear. Even so, this is not a significant number of units over this timeframe, given the urban context.
19. Moreover, the appellant contends that the Redcar and Cleveland Borough Council Adults Joint Strategic Needs Assessment (February 2021) highlights that there is a need for greater numbers of affordable homes for single people and other smaller

households. There is otherwise little substantiated evidence before me regarding the supply of one and 2-bedroom flats, or the housing need locally. Ultimately, given its scale and context, the proposal would provide only a modest addition to the number of flats in the area and is unlikely to lead to an overconcentration.

20. There is therefore no compelling evidence to lead me to conclude that the proposed housing mix would be inappropriate, with regard to the relevant provisions of the development plan. I have not identified any conflict with Policy H5 of the Local Plan which, among other provisions, supports the subdivision and conversion of buildings to residential uses that do not result in an over-concentration of similar accommodation.

Highway safety

21. Policy TA1 of the Local Plan provides support for proposals that improve transport choice and encourage travel by public transport, cycling and walking, minimise the distance people need to travel, and have regard to the parking requirements of the Tees Valley Design Guide and Specification for Residential and Industrial Estates (the Design Guide), among other provisions.
22. The appeal building is located centrally within Eston, with good access to local services and amenities, including public transport. Additionally, cycle parking would be provided on site. The scheme would thus provide transport choice and encourage travel by means other than the private car. Its location would also minimise the distances future occupants would need to travel day to day.
23. The Design Guide advises there would be demand for 1.5 car parking spaces per unit for residential development such as this, 10 percent of which would be disabled bays. This would suggest the appeal scheme would generate parking demand for up to 15 spaces. The appeal proposal would not provide any private parking for future occupants.
24. However, the size of the units proposed are unlikely to generate the level of demand suggested, particularly given the central location of the appeal site, its access to local services and public transport, and the availability of cycle parking on site. While there are parking restrictions along High Street at the front of the building, there are several unrestricted surface car parking areas immediately to the rear. There would thus be sufficient parking locally to accommodate the modest increase in demand that would be generated, without having a severe impact on the road network or an unacceptable impact on highway safety.
25. The proposal would therefore not have a harmful effect on highway safety. It would not conflict with Policy SD4 of the Local Plan. This policy, among other provisions, seeks to ensure that development proposals provide suitable and safe vehicular access and parking suitable for its use and location.

Living conditions

26. The Council do not raise any objection to the proposed amendments regarding bin storage or to the management plan provision, subject to appropriate conditions, which could have been applied had the appeal been allowed. There is no compelling reason before me to come to a different conclusion.
27. I recognise the proposed flats would not benefit from any external private amenity space. However, my attention has not been drawn to any minimum local standards

that would require the provision of external amenity space in this case. It is not uncommon for flatted development not to benefit from external space, particular where this is the result of a conversion of an existing building. Additionally, given its location, there are outdoor recreational spaces accessible from the site.

28. I thus find that the proposal would provide adequate living conditions for future occupiers, with particular regard to bin storage and private amenity space. I have not identified any conflict with Policy SD4 of the Local Plan which, among other provisions, requires development to be designed to a high standard, including by creating healthy environments and being designed in ways that improve health.

Other Matters

29. The proposal would contribute to the local housing supply. It would reuse previously developed land and a vacant building in an existing urban area, with access to local services and amenities. It would provide a temporary economic boost during construction, and additional residents may contribute to the vitality and viability of the community. However, these benefits would be relatively modest given the scale and context of the development and insufficient to outweigh the identified harm and development plan conflict.
30. A significant number of objections and other representations were received in response to the original planning application, in addition to 2 interested party representations in the appeal. While these raised several additional matters to those above, as I am dismissing the appeal for other reasons there is no need for me to consider these further.

Conclusion

31. I have found that the proposal would provide an appropriate housing mix, would not have a harmful effect on highway safety and would provide adequate living conditions for future occupiers. However, this does not overcome the harm and development plan conflict arising from the failure to demonstrate that the proposal would not have an adverse effect on the integrity of European Sites.
32. The development would thus conflict with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR