



---

## Appeal Decision

Site visit made on 15 July 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 September 2025

---

**Appeal Ref: APP/X1355/W/25/3358329**

**Land at Hillrise Crescent, Seaton Village, SR7 0NA**

- 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 Believe Developments Limited and Mr Gregson against the decision of Durham County Council.
  - The application Ref is DM/23/01771/FPA.
  - The development proposed is the construction of 37no. dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The decision notice and the appeal form identify the site address as 'The Horseboxes, Seaton Village, Seaham'. However, I find the original application form description as above to be accurate for this area of land. The proposal was amended during the planning application determination period from 46 dwellings to 37 dwellings, as reflected in the decision notice description.

### Main Issues

3. The main issues are:
  - whether the proposed development would be in a suitable location for housing, having regard to the accessibility of services and facilities; and
  - the effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Suitable Location*

4. This unallocated site lies on the southern edge of the small village of Seaton. It primarily comprises grassed field areas and vegetation, plus previously developed land in its south-eastern extent containing various structures and hardstanding.
5. The County Durham Plan (CDP) Policy 6 addresses the development of unallocated sites, including those outside the built up area but well related to a settlement. Its supporting text advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. The site is physically contained by existing residential development to the east, north, and west, and partially to the south by 2 dwellings. Although I assess its visual impact further below, it is in addition visually well contained by the railway path embankment to the west and

the woodland to the south. As such, I find Policy 6 to be relevant in assessing the proposal, as did the Council.

6. Policy 6 criterion (f) is essentially in two parts; it requires the appeal site to have good access by sustainable modes of transport to relevant services and facilities, and the proposal should reflect the size of Seaton and the level of service provision within it.
7. Similar requirements to the first part of Policy 6(f) are expressed by the CDP Policy 21. This requires all development to deliver sustainable transport, including by delivering, accommodating, and facilitating investment in safe sustainable modes of transport, in priority of those with mobility issues or disabilities, walking, cycling, bus and rail transport, and then car sharing and alternative fuel vehicles. Developments are also to provide appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities.
8. The National Planning Policy Framework ('the Framework') (2024) Glossary identifies sustainable transport modes as being any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing, and public transport. Although the appeal dwellings would include EV charging facilities, these are mandatory under the Building Regulations. The proposal would not ensure that only zero emissions vehicles were used.
9. The parties dispute which local facility walking distance thresholds are appropriate, ranging from recommendations of 800m to 2km across various relevant guidance and publications. In particular, the National Design Guide identifies that walking distance to local facilities is generally considered to be no more than a 10 minute walk (800m radius).<sup>1</sup> Nonetheless, assessment is based on specific context as well as physical distance.
10. The only services and facilities in Seaton are two public houses and a community centre. No other facilities lie within an approximate 10 minute walk. Although an approximate 20 minute walk time encompasses 2 small convenience stores approximately 1km and 1.2km away, their small size indicates a use only for top-up shopping trips. The closest supermarket is a Tesco Express approximately a 25 minute walk away/2km, with some leisure facilities and one church also being within this distance. The closest centre of potential employment is an industrial estate, but many of its individual units lie over 2km away. The nearest human medical facility is 2.4km away.
11. New Seaham Primary School is the closest school at 1.5km away, but was not referenced by the School Places Manager or the Council as being within the Seaham local school place planning area. They advised that the development could be served by Westlea Primary (2.6km away) and Seaview Primary (3.1km away). These are therefore within the statutory safe walking distance of 3.2km for primary age children. However, being at the upper extent of that distance, walking would not be particularly convenient, especially in poor weather. A secondary school lies 1.8km away, well within the recommended statutory 4.8km distance.

---

<sup>1</sup> Definitions, page 20

12. The quality of walking experience also affects choices. The route to the above facilities would be via continuous lit footways, and would not require crossing Seaton Lane. The appellant also presents the outcome of a walking route audit tool as recommended by Active Travel England, which scores routes for attractiveness, comfort, directness, safety, and coherence. 70% is regarded as the minimum level of provision, and each route scored above this. However, this scoring only allows for a somewhat restricted categorisation. My site visit identified that the high elevation and stretches of vegetation on the section over the A19 results in no active frontages for approximately 250m. Future residents may thus be deterred from walking due to a likely perception of it being undesirable or unsafe, especially after dark.
13. The proposed footway improvements to Hillrise Crescent and the traffic calming along Seaton Lane would to a minor extent align with the Framework paragraph 89 and the CDP Policy 21, in improving the pedestrian experience and so improving the access to facilities. However, this would be very localised in scope, and would not outweigh the issues identified above.
14. Seaham town centre is ranked 7<sup>th</sup> in the County Durham Plan Settlement Study (2018), and provides a typical range of services and facilities. It lies within a 4.8km cycling distance, generally accepted as reasonable, with other towns lying slightly further away. However, there is no dedicated cycle infrastructure for the great majority of the route to Seaham, and the Council identifies a lack of cycle parking in the town centre. To a limited extent, this may restrain the take up of cycling by new residents.
15. The Seaton Lane bus stops are approximately 450m from the middle of the appeal site. Again, this is a generally acceptable distance considering that the proposal would also slightly improve the attractiveness of the route to them. Bus journeys take approximately 16 minutes to Seaham Interchange, or 8 minutes to the town centre of Horton-le-Spring. However, buses are only hourly, with the last services departing by 6.30pm weekdays and slightly earlier on Saturdays. There are no Sunday buses. For many trips therefore, residents would need alternative transport methods, and I also find it highly likely that many would prefer the convenience of their own vehicles when accounting for only an hourly service.
16. Seaham train station provides direct connections to numerous towns and cities. It is a 14 minute cycle ride from the appeal site, but has only very limited cycle parking available. The direct bus from Seaton stops within 300m, but combined waiting times are likely to be excessive given the only hourly timings of both the bus and train services. I therefore find it likely that any appeal site residents using the train would also use cars for their initial journey.
17. Overall, the vast majority of trips made by the appeal site's future residents would be to destinations beyond the village. There are limitations with the ability to access suitable facilities on foot, particularly due to their distance. Residents would have the choice to cycle and use public transport, but for the reasons identified above I find it highly unlikely that they would regularly make this choice. This would be overwhelmingly the case in evenings and on Sundays due to the lack of bus transport. A significant proportion of trips would thus likely be by private vehicle. Any residents without such vehicle access would also therefore be highly disadvantaged by the appeal site's location. This finding aligns with many of the local resident objections on this theme.

18. A recent appeal decision for a site to the north-east of the village also considered the extent of available services<sup>2</sup>. That Inspector noted that there are limited services and facilities within Seaton, and concluded that the proposal was 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. In taking account that accessible transport solutions will vary between urban and rural areas, as required by the Framework paragraph 110, future occupants of the proposed development would largely be reliant on the private car.
19. To some extent that conclusion was based on its different site context regarding walking to facilities, due to footpath limitations and the need to cross Seaton Lane, alongside the proposal generating a much larger number of vehicle movements. I am also unaware of the extent of the evidence put before that Inspector relating to access to facilities and services. The appeal site is closer to the services within the village, with a better pedestrian experience in reaching them. However, as a matter of principle, I find there to be a very similar relationship and access to services outside of the village. As such, I find that Inspector's conclusions to support my own conclusions in this regard.
20. Furthermore, with regard to the latter part of the CDP Policy 6(f) whereby the proposal should reflect the size of Seaton and the level of service provision within it, the village comprises approximately 165 dwellings. The proposal would thus be a substantial addition, even notwithstanding cumulative growth from recent developments. Although Seaton's limited service provision reflects the village's size and position within the settlement hierarchy, 37 new dwellings would not reflect the scale of this limited provision. The appellant identifies that the level of public transport provision in Seaton is typical of its status, but in isolation this further indicates the unsuitability of the village for significant growth.
21. The Framework Paragraph 89 does identify that planning decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Nonetheless, the development plan objective is to locate new development where the opportunity for sustainable development patterns is maximised. Overall, the proposed development would not be a suitable location for housing, with regard to the accessibility of services and facilities. This reflects Seaton's very low score within the Settlement Study. The proposal would be conflict with the CDP Policies 6 and 21 as outlined above.

#### *Character and Appearance*

22. The Strategic Housing Land Availability Assessment (SHLAA)<sup>3</sup> identified the site as being visually well contained by the railway path embankment to the west and the woodland to the south. I find similarly, and it is also framed by existing housing to the north and partially to the south and east.
23. The layout would continue the linear form of the historic village core from Hillrise Crescent, and respond to the position of the village green by extending its function and character into the site as an entrance feature. This character would to some extent extend through the site due to roadside swales and street trees. The

---

<sup>2</sup> APP/X1355/W/24/3342253; Land east of The Meadows, Seaton, County Durham; 75no. new homes (Use Class C3) including affordable homes and associated access, landscaping and infrastructure (as amended); Dismissed 20 August 2024.

<sup>3</sup> Reference 5/SE/29

material palette would be reflective of the surrounding architecture, as would the individual scale and built form of the dwellings.

24. The Council's Design Review Panel scored the proposal with 10 greens and 2 ambers against the 12 standards in the Building for Life Supplementary Planning Document (BfL SPD). The subsequent proposed additional external storage would change one of those amber scores to green. The application of these standards provides a framework for assessing the quality of housing proposals. The Committee Report concluded that as the scheme scored a high number of green scores with no red scores, it represented a good standard of design and was in accordance with the CDP Policy 29 and Part 12 of the Framework.
25. Nonetheless, although the use of these standards is clearly effective in providing scheme feedback and reporting, with the Council placing weight on this as an assessment tool, such standardised scoring cannot provide a fully nuanced or absolute outcome. I am not bound to make the same design conclusion in this appeal context. Notwithstanding that the appeal proposal's scores indicate many appropriate elements of design, matters of design and resulting compliance with development plan policies are inherently matters of planning judgement.
26. Despite the site's broad visual containment, the proposal would form an incursion into the countryside beyond the main built up area of Seaton. The SHLAA assessment considered that development would incur some adverse landscape impacts, albeit unlikely to be significant. In principle and as identified above with relation to the CDP Policy 6(f), I find the size of the site and the scale of housing proposed does not suitably relate to the small-scale size and character of the village overall.
27. The elevated Hawthorn to Ryhope railway path allows some clear views across the site despite vegetation screening. The village extent is already evident from the proximity of the Poppyfield Court dwellings, along with views of the Seaton Grove and Hillrise Crescent dwellings. Extending the built form further south into the appeal site would thus not be wholly untoward in this context, but would result in the railway path becoming a narrow corridor in between built form close on both sides. At present the proximity of Poppyfield Court is lessened by the openness and vegetation visible on the appeal site. This would result in a harmful visual impact for users of this path.
28. Furthermore, the current view from Hillrise Crescent is dominated by the thick and tall expanse of semi-mature trees, subject to periods of leaf drop, and the existing farm buildings. This acts to frame and bookend the view all the way from the Dun Cow public house and along the village green, and are highly visible. At closer range the site's other elements of the field and farm buildings are more evident alongside the trees, as well as the modern housing on Hillside Crescent and some of the Seaton Grove dwellings.
29. The complete loss of the site entrance trees would therefore be highly impactful, being category B rated trees of moderate quality and value that make a positive contribution to the local landscape. There would also be the removal of five individual trees and sections of six other groups. The Arboricultural Impact Assessment identified that from an arboricultural perspective, the magnitude of impact from this tree loss would be moderate.

30. Numerous new trees are proposed across the site overall, including within the open space at its entrance and along the central spine road, but would take several years to establish, and would not form as dense an area of tree cover as existing. The appellant references the removal of the derelict barns as a benefit, but these are not untoward development within the current rural edge of the settlement setting. The character and appearance along this part of Hillside Crescent would become predominantly suburban built form with some green space in between. On this basis, there would be visual harm and adverse landscape impacts.
31. The only designated heritage asset in the village is the Grade II listed Seaton Hall. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings, and Section 16 of the Framework requires that great weight should be given to the conservation of designated heritage assets. Dating from the late 17<sup>th</sup> century and early 19<sup>th</sup> century, its significance lies in its form and architecture allowing an understanding of the historic development of the village core around the green. Although with a strong relationship itself to the green, the separation distance to the appeal site and the intervening buildings, means that its significance would not be affected by the appeal proposal. The Council makes the same conclusion.
32. Overall, the proposed development would in many respects provide an appropriate design response, but would also adversely affect the character and appearance of the area and cause moderate harm in this regard. This would result in conflict with several elements of the CDP Policies 6(c) and (d), 10(l), and 39. Together and amongst other matters, these require development to not result in the loss of open land that contributes to the character of the locality, not cause unacceptable harm to the character of the countryside, and be appropriate to the character, function, form and setting of the settlement in terms of scale, design, layout, and location.

### **Other Matters**

33. The site lies within 6km of the Durham Coast Special Area of Conservation (SAC) and the Northumbria Coast Special Protection Area (SPA), which are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). As the Competent Authority, I may only grant permission after having ascertained for myself that the proposed development would not affect the integrity of this or any other protected site.
34. There are likely significant in-combination effects on these sites resulting from increased recreational visitor pressure from new housing development. New residents with dogs would be likely to travel to coastal areas for exercise, thereby leading to the potential for disturbance and adverse effects to protected species. The Council considers the completed s106 legal agreement to provide suitable mitigation in the form of a financial contribution towards the provision or enhancement of public open spaces within the locality. This would provide an alternative attractive destination for dog walkers. However, as I am dismissing the appeal on other grounds, I do not need to consider further whether the proposal's effect would be adequately mitigated, as this would not be determinative.
35. The s106 legal agreement would also secure financial contributions towards secondary education, additional GP surgery capacity, and public open space

off-site. Such payments would provide sufficient mitigation for the potential impact of the proposed development, but are thus neutral factors in ascribing weight.

36. The s106 would also provide a financial contribution for Biodiversity Net Gain (BNG), to account for the net on site loss of 52.14% habitat units. Although also acting as mitigation, this would result in a net gain. Notwithstanding that 10% BNG is a statutory requirement, this provides limited support to the proposal.
37. I have paid regard to comments received from other interested parties made both through the planning application and the appeal stages, and I note the high level of public interest. Comments have been considered as part of my reasoning above where they relate to the main issues, and other comments have not affected my conclusions on the main issues.

### **Planning Balance and Conclusion**

38. The main parties agree a 6.14 year housing supply as of 1 April 2025. On the evidence before me, I am satisfied that the Council can currently demonstrate a 5 year housing land supply for the purposes of the Framework paragraph 11(d).
39. Nonetheless, I am making this decision only shortly before the CDP reaches its five-year milestone on 21<sup>st</sup> October 2025, after which the standard method figure would apply. Alongside a limited extent of evidence on housing allocation delivery, the appellant has referenced an adjourned Consett housing appeal<sup>4</sup>, where the Council verbally referenced an approximate 4 years of supply after 21<sup>st</sup> October. I acknowledge that in response the Council has cited uncertainty over future calculations due to comparing a future requirement against past supply, and potential change in several delivery indicators. Its Housing Delivery Test ranged between 116% and 154% for the past 6 years. Even so, a reduced housing supply appears likely, and so I do give some weight as a material consideration to the site's contribution to this upcoming increased housing need.
40. Housing targets are not a cap on delivery. The Framework as a whole seeks to significantly boost the supply of homes generally, and paragraph 73 identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. In the overall context of the housing supply, I give significant weight to the proposal's contribution towards this.
41. The proposal would also include 6 affordable dwellings, 4 bungalows, and 66% of dwellings built to Building Regulations Standard M4(2) in accordance with the CDP Policy 15 requirements. Given the scope and scale of the proposal, I give each of these elements moderate weight. The use of previously developed land holds neutral weight because the majority of the site would be greenfield.
42. There would be modest general economic and social benefits from construction and occupation, which I give moderate weight. The Framework paragraph 83 does identify that to promote sustainable development in rural areas, development in one village may support services in a village nearby, but this provides only minimal support. Although additional dwellings would help support the economic viability of the existing Seaton facilities and the bus service, there is no detailed evidence before me that these are in decline or under threat. The great majority of relevant services are located in Seaham, which is not a village in a rural area.

---

<sup>4</sup> APP/X1355/W/24/3358099 Land North West of 20-26 Duchy Close, Consett, County Durham, DH8 5YT; 71 new residential dwellings (Use Class C3), including access, open space and landscaping details.

43. The delivery of biodiversity net gain via the purchase of off-site habitat units, and the footway improvements and traffic calming measures would benefit existing residents, and both attract minor weight.
44. In opposition I give significant weight to the significant harm which would result from the site's unsustainable location, which would not limit the need to travel or promote sustainable travel choices. I give moderate weight to the moderate harm which would be caused to the character and appearance of the area. This would result in conflict with several development plan policies as identified above.
45. The planning balance is not a mathematical and precise calculation of weight given to each benefit and harm. Although I have cumulatively identified a range of benefits, in this instance I find the harm and development plan conflict to be so significant in combination, so as to outweigh those benefits.
46. In conclusion therefore, the proposal would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

*L N Hughes*

INSPECTOR