

**Agenda Item 9
Report PC08/17**

Report to	Planning Committee
Date	9 February 2017
By	Director of Planning
Local Authority	SDNPA (Brighton and Hove City Council)
Application Numbers	SDNP/16/04263/FUL & SDNP/16/04264/LIS
Applicant	Mr Mike Holland
Applications	SDNP/16/04263/FUL Change of use of stables to form self-contained studio flat and SDNP/16/04264/LIS Regularisation of works undertaken to form self-contained studio flat
Address	Stanmer House Stable Block, Stanmer Village, Stanmer Park, Brighton, Brighton & Hove, BN1 9QA

Recommendations:

- 1) That Listed Building Consent be granted subject to the condition as set out in Section 10.1 of this report.**
 - 2) That planning permission be granted subject to:**
 - a) The conditions as set out in Section 10.2 of this report.**
 - b) The completion of a legal agreement to secure the provision of cycle storage and retention of the storage for use by residents of the Stanmer House stable block properties and the proposed studio flat in perpetuity, in accordance with the submitted drawings referenced I758/54A and I758/55B (prior to the occupation of the studio flat)**
 - c) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed within 3 months of the 9 February 2017 Planning Committee meeting.**
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Executive Summary

The submission of these two applications has brought to light the fact that during the course of converting these former stable to 7 houses and 1 flat under consents granted in 2013 the applicant had destroyed an area of original stables which were to be retained for their historic interest. The applicant also has incorporated the cycle storage area required under the earlier permission into this studio flat. The applicant is seeking to regularise the situation before residential occupation takes place and has proposed an alternative provision for the cycle store. The reinstatement of the stables is no longer considered to be possible with records having not been taken of the fittings before the conversion took place. The removal of these fixtures and fitting constitutes an offence for which the Authority is pursuing appropriate action.

Notwithstanding this, given that re-instatement is not considered to be possible, the proposed retrospective approval for the conversion is recommended for approval and listed building consent.

This application is placed before members given that members previously considered the original application for the residential conversion of the stable block.

I. Site Description

- 1.1 The site comprises the former Stable block serving Stanmer House, a grade I listed Palladian Mansion which is located to the immediate east. The grade II* listed stable block presents its main façade to the road and the partly enclosed courtyard faces towards Stanmer House, in 2012 permission was granted to convert it into residential units with one section of the original stable retained.
- 1.2 The site is part of the wider historic estate at Stanmer, set in landscaped parkland within the Stanmer Conservation Area. Stanmer Park is listed grade II in English Heritage's Register of Parks and Gardens of Special Historic Interest. Stanmer House forms the focal point of a traditional rural landscape with the adjoining 19th Century estate village, church, farm, garden buildings and Stable Block. Part of the adjacent outbuilding to the west, also in the applicant's control, are in use as the Stanmer Park Museum.
- 1.3 The large one and half storey U-shaped stable block is characterised by a distinctive low tower in the centre of the building over the carriage entrance. The building appears to have been altered in the nineteenth century and has been subject to a variety of uses. Prior to its restoration the Stable block appeared on the English Heritage Buildings at Risk Register.
- 1.4 The South Downs Integrated Landscape Character Assessment identifies the site as being within the Open Downland landscape character area. This character area is defined by uninterrupted skylines and an exposed undeveloped character from the rolling downland, interspersed with villages.

2. Proposal

- 2.1 **SDNP/16/04264/LIS** This application seek to regularise works which involved removing the last remaining stables in part of the ground floor. These were to be retained under the earlier consent to convert the stable block to residential use. All the fixtures associated with the stable have been removed and a self-contained ground floor studio flat created but not brought into use.
- 2.2 **SDNP/16/04263/FUL** This application seeks planning permission for the use of this former stable and the cycle store area as a studio flat, that use has not commenced. The applicant converted part of the building which was intended to be used for shared cycle storage to serve the 7 no two bedroom houses and 1 no two bedroom flat and now proposes a cycle storage in an old boiler shed on land in his control but outside the application site.

3. Relevant Planning History

- 3.1 BH2005/05037 Change of use from storage and drinking establishment to disabled children's holiday centre (use class C2) and nursery (use class D1), including restoration and alterations. Approved 11 June 2007
- 3.2 BH2005/05038 Restoration and alterations in connection with change of use from storage and drinking establishment to disabled children's holiday centre and nursery. Approved 6 February 2007
- 3.3 BH2011/01219 Conversion of existing stable block building to form 7no two bedroom houses and 1no two bedroom flat, with external alterations including additional dormers and replacement doors and windows. Withdrawn 15 August 2011
- 3.4 BH2011/01220 Conversion of existing stable block building to form 7no two bedroom houses and 1no two bedroom flat, with external alterations including additional dormers and replacement doors and windows and internal alterations including lowering of first floor. Withdrawn 12 August 2011
- 3.5 BH2012/00717 Conversion of existing stable block building to form 7no two bedroom houses and 1no two bedroom flat, with external alterations including additional dormers and replacement doors and windows. Approved 2 January 2013
- 3.6 BH2012/00718 Conversion of existing stable block building to form 7no two bedroom houses and 1no two bedroom flat, with external alterations including additional dormers and

replacement doors and windows and internal alterations including lowering of first floor.
Approved 2 January 2013

4. Consultations

4.1 Highway Authority – Comments

- The preference would be for cycle parking to be in or off the courtyard as the proposed location is not ideal. However noting the site constraint the provision proposed would be preferable to none if no satisfactory design solutions can be found for the courtyard area.

4.2 Historic England – Comments

- Very disappointed to learn of the unauthorised conversion of the most intact stable range, which has resulted in a greater degree of harm to the significance of the stables than was anticipated by the scheme that gained consent in 2012.
- The National Park Authority should consider whether having regard to all relevant planning considerations it is appropriate to either grant consent subject to mitigation measures or whether it is expedient to take listed building enforcement action to deliver an authentic reconstruction of the how the stables appeared as recorded in 2013 and/or to prosecute against the unauthorised works.

5. Representations

5.1 Stanmer Preservation Society - Object

- Express serious concern over the loss of the stable furniture and removal of the cycle store.
- Insist on the originally approved plans being complied with, refusal of this regularisation request and demand reinstatement.

5.2 One letter of objection from a resident:

- Concern over the loss of the stables.
- There was never any intention by the applicant to retain the stables as there is absence of query or consultation during development on ways of retaining, amending or replacing the historic stable features removed or seeking any solution to mitigate its loss.
- The planning authority should not retrospectively authorise this way of development practice with respect to heritage.
- An area allocated for cycle storage in the approved scheme would be lost to provide a kitchen for the proposed flat.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Brighton & Hove Local Plan (2005), and the following additional plan(s):

- National Planning Policy Framework

The relevant policies to this application are set out in section 7, below.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7. Planning Policy

Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 7.2 In considering these applications to change the use of the stables to residential accommodation and the associated application to regularise the unauthorised works regard along with the must be paid to the provisions of sections 9, 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3 Under the provisions of Section 9 it is an offence to carry out an act which causes or is likely to result in damage to the building for which consent has not been obtained except where the works are:
- Urgently necessary in the interests of safety or health or for the preservation of the building;
 - That it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;
 - That the works carried out were limited to the minimum measures immediately necessary; and
 - that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable."
- Section 16 states that in 'considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 7.4 S66 requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building.
- 7.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 7.6 The following policies of the **Brighton & Hove Local Plan (2005)** are relevant to this application:
- HE1 - Listed Buildings
 - HE6 Development within or affecting the setting of conservation areas
 - HE11 - Historic Parks and Gardens
 - TR14 Cycle access and parking
- 7.7 The following policies of the **National Planning Policy Framework** are relevant to this application:
- NPPF - Conserving and enhancing the historic environment
- 7.8 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16 July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2 September to 28 October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this

time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8. Planning Assessment

Considerations in relation to Listed Building Consent application ref. no. SDNP/16/04264/LIS

- 8.1 The applicant has, by removing the stable stalls and carrying out works without listed building consent, committed an offence under the provisions of the section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LB&C Act 1990). The applicant states that when undertaking the restoration of this part of the building (as with other parts) there was a considerable amount of damp in the external walls and the floor of the stable was earth. In order to address the problem of damp the internal stable fixtures had to be removed and unfortunately the stalls disintegrated.
- 8.2 Historic England in their response refer to the consent granted in 2012 which provided for the retention of this section of the former stables whilst allowing the remainder of the building to be converted to residential use. The Heritage Statement submitted with the 2012 applications state:
- 'The survival of stable furniture and fittings is very rare: this building retains at least some fittings and may retain more in the presently inaccessible areas. Any fittings are therefore of high significance.'*
- 8.3 In determining whether or not to grant listed building consent to regularise the situation regard must be paid to the requirement of S16 of the LB&C Act 1990. In this instance the historic stable stalls were described as being a 'highly significant' heritage feature by the applicants own historic buildings consultant. However the harm has occurred and notwithstanding the comments of the Stanmer Preservation Society there is little if any prospect of the features being re-instated as re-enforced by the Conservation Officer. The current listed building consent should therefore be assessed on the basis that the features of interest have been lost and there is no accurate record of what was there to enable a facsimile replacement, this leads to the conclusion that consent should be granted.
- 8.6 The grant of listed building consent in this instance would be on the basis of the current position before the decision maker and does not remove the potential criminal liability that may have arisen under S9 of the LB&C Act 1990, for which the Authority is currently considering appropriate legal action.
- 8.7 As Historic England state in their comments the options for the LPA are.
- Consent subject to mitigation measures
 - Take listed building enforcement action to deliver an authentic reconstruction of the how the stables appeared as recorded in 2013 and/or
 - To prosecute against the unauthorised works
- 8.8 Given the first two options are not practical as the fixtures have been lost and no accurate record of what was there exists. This leaves the LPA with the option to grant listed building consent as this is not retrospective and it remains open for the LPA to pursue a prosecution to take place in relation to the unauthorised works.
- ### Considerations in relation to planning application ref. no SDNP/16/04263/FUL
- 8.9 In determining the planning application the LB&C Act 1990 requires the decision maker to pay special regard to preserving features of special architectural or historic interest. In this instance those stable features which had led to this part of the building not being converted under the earlier consent have been permanently removed. Therefore it is not possible to assess the planning application on the basis that stable stalls of historic interest will be lost.

8.10 No external changes to the appearance of the building are proposed and the only issue left for consideration is whether the proposed relocation of the cycle store to a location which is less convenient to the residents of the houses and flats is acceptable. The cycle store only occupied a small section of that part of the building it is proposed to convert to a studio flat, namely that part which will provide kitchen and en-suite. The applicant has suggested putting cycle storage into the living area of each house but this is not seen as practical, or erecting a store in close proximity to the yard. The latter potential solution would impact on the character and setting of this listed building. On balance it is considered that the provision of cycle storage in part of the old boiler house, though a little distance from the residential units, does represent an acceptable option with no detrimental impacts on the character or setting of the listed building. It is therefore recommended that planning permission should be granted subject to a condition requiring the provision of the cycle storage facility prior to the studio flat being first occupied. Additionally as the cycle storage is to be located land outside the application site albeit in land in the applicants control it will be necessary to ensure that this is secured via a S106 agreement.

9. Conclusion

9.1 Given the situation being presented with the stable fittings having been lost forever, the recommendation is that the harm has already occurred and therefore both planning permission and listed building consent are recommended for the reasons set out above. It is recognised that in granting planning permission the applicant is likely to make a financial gain from the unauthorised removal of the stable fittings. The authority therefore will be pursuing the prosecution of those responsible for the unauthorised works on the property.

10. Reason for Recommendation and Conditions

Listed Building Consent application ref. no. SDNP/16/04264/LIS

10.1 It is recommended that the applications be approved subject to the conditions set out below

1. Approved Plans

The works hereby consented are those shown on the plans listed below under the heading "Plans referred to in Consideration of this Application".

Reason: Only works shown on these plans are those approved by the Local Planning Authority

Planning application ref. no SDNP/16/04263/FUL

10.2 The application is recommended for approval subject to the conditions below and the completion of the legal agreement to secure the following:

1. The provision of cycle storage (prior to the occupation of the studio flat) and retention in perpetuity for use by the residents of the Stanmer House Stable Block in accordance with the submitted drawings referenced I758/54A and I758/55B

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Cycling parking details submitted

Before the residential accommodation hereby permitted is occupied the secure cycle parking facilities shown on the approved plans referenced I758/54A and I758/55B shall

be provided. The cycle parking facility shall thereafter be available at all times to occupiers of all residential units in Stammer House Stable Block.

Reason: To improve provision for cyclists reduce reliance on the private car to comply with Saved Policy TR14 of the Brighton and Hove Local Plan 2005.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant and their agent in a positive and proactive way, in line with the NPPF, This has included the provision of alternative cycle parking for residents of all residential units in Stanmer House Stable Block.

TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices I. Site Location Map

SDNPA Legal Services, Development Manager

Consultees

Background Documents [All planning application plans, supporting documents, consultation and third party responses.](#)

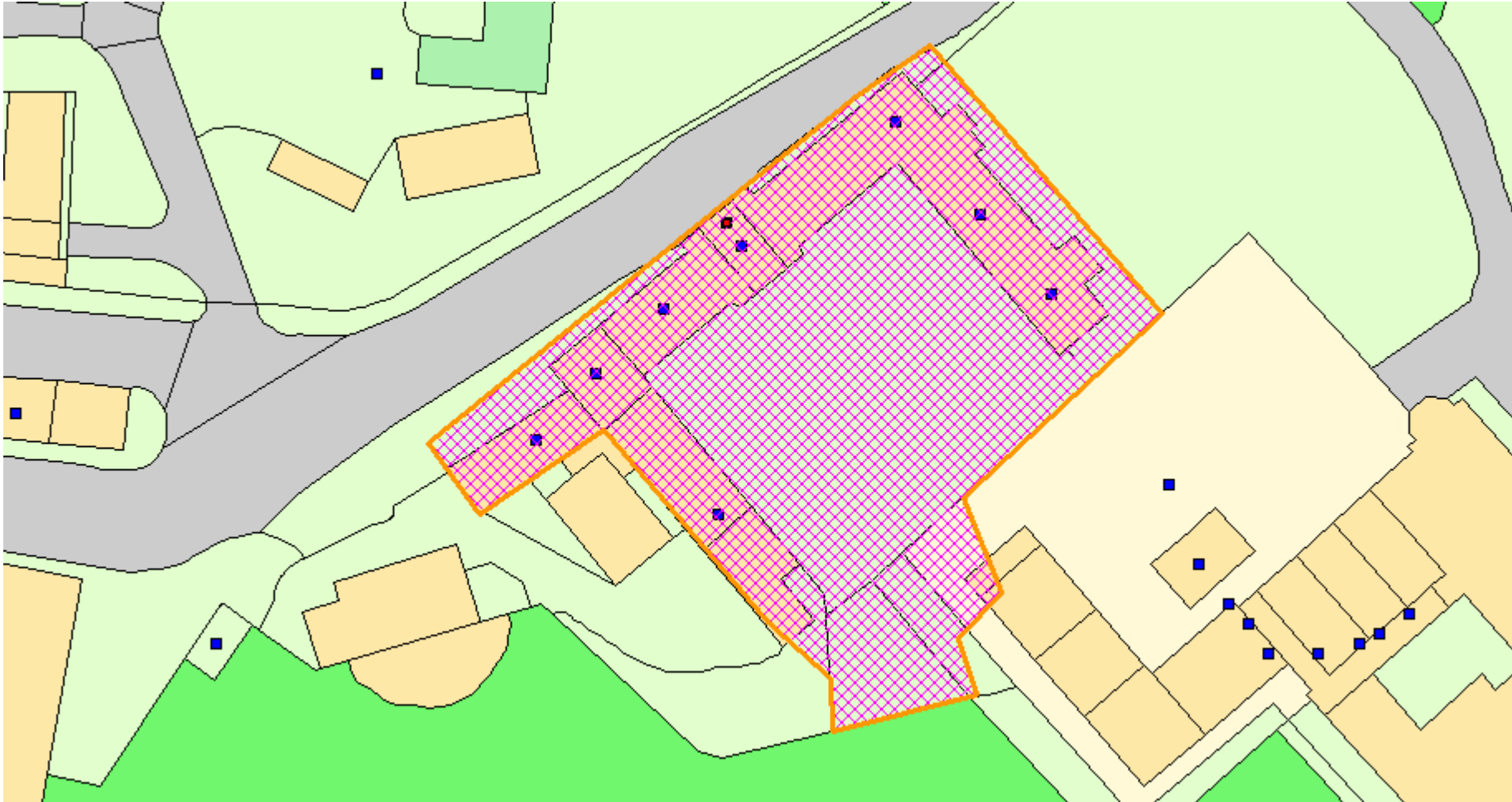
[National Planning Policy Framework](#)

[National Planning Practice Guidance](#)

[SDNP Partnership Management Plan](#)

[Brighton and Hove local Plan 2005 \(policies retained on adoption of the Brighton and Hove City Plan Part One \(March 2016\)\)](#)

Agenda Item 9 Report PC08/17- Appendix I Site Location Map



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