

Report to	Planning Committee
Date	10 August 2017
By	Director of Planning
Local Authority	SDNPA (Brighton and Hove Council area)
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. Listed Building Consent application SDNP/16/04264/LIS be refused for the reason set out in 11.1 of the Report**
 - 2. Planning Application SDNP/16/04263/FUL be refused for the reasons set out in Paragraph 11.2 of the report**
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Executive Summary

Planning permission and Listed Building Consent was granted in 2013 for the conversion of this stable courtyard to form 7 houses and 1 flat. A requirement of this planning permission was that one room (room 8) be retained as stables due to its historic interest, and the provision of cycle storage be accommodated in room 9 which adjoins the stable room. The submission of the current applications for the conversion of the remaining stable room to a studio flat brought to light the fact that the applicant had destroyed this area of the original stables which were to be retained for their historic interest. The applicant had also incorporated the required cycle storage area under the earlier permission into part of the studio flat thus meaning the current development has no provision for cycle storage for residents.

These applications were before Members at its meeting in February 2017 where it was decided to defer consideration for officers to obtain further information relating to details on the historical fixtures and fittings in the original stable and also to consider the appropriateness of the cycle store location. The Report to Committee from February is attached at **Appendix 2**.

Subsequent to Committee, officers have researched documents and photos in relation to the building and the particular stable room which is the subject of the Application. This has included liaison with the Stanmer Preservation Society and reference to documents submitted with the previous application providing photographic evidence of some of the former fittings in this particular room. Officers now have sufficient information to seek the re-instatement of the stable room (notwithstanding that some of the original fixtures have not been retained and would have to be replaced with a faithful facsimile of the original).

Bearing this in mind, it is considered that the application for conversion to a studio flat be refused and that listed building consent also be refused.

The applicant has suggested new locations for the cycle storage since the consideration by Planning Committee in February 2017 however it is considered that none of these are considered to be practical locations for the cycle storage compared to that originally intended within the stable building and refusal is therefore proposed in relation to the lack of appropriate cycle storage which was a requirement of the original permission.

Given the recommendation for refusal, officers are also recommending that the Director of Planning be authorised to pursue enforcement action to seek the restoration of the stable room to its original state in 2013 and also the provision of the cycle storage as approved in planning application BH2012/00717.

1. Site Description

- 1.1 Please refer to paragraph 1 of **Appendix 2**.

2. Proposal

- 2.1 **SDNP/I6/04264/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/I6/04263/FUL** This application seeks planning permission for the use of this former stable and the cycle store area as a studio flat, (whilst the works have been carried out, 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 part of a shed building which is currently used partly for display of museum artefacts and storage of such. This location differs slightly from that previously proposed and the applicant now confirms that access to the cycle storage could be achieved from within the courtyard (in the south western corner).

3. Relevant Planning History

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.

BH2005/05038 Restoration and alterations in connection with change of use from storage and drinking establishment to disabled children's holiday centre and nursery (Listed Building Consent). Approved 6 February 2007.

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.

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 (Listed Building Consent). Withdrawn 12 August 2011.

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.

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 (Listed Building Consent). Approved 2 January 2013.

4. Consultations

- 4.1 Please see section 4 of **Appendix 2**.

5. Representations

- 5.1 Please see section 5 of **Appendix 2**.

6. Planning Policy Context

6.1 Please see section 6 of **Appendix 2**.

7. Planning Policy

7.1 Please see section 7 of **Appendix 2**.

8. Planning Assessment

Consideration of Listed Building Application

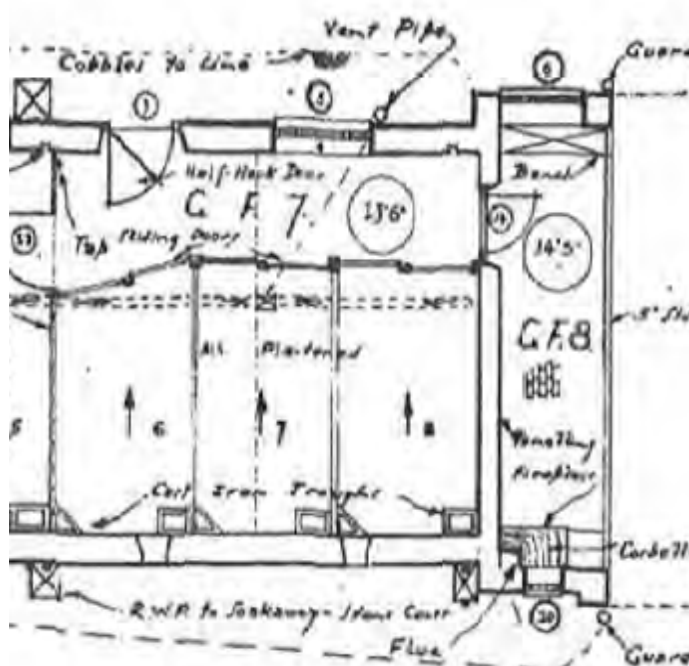
8.1 The applicant states that when undertaking the restoration of this part of the building (as with other parts) there was a considerable amount of damp in the external walls and the floor of the stable was earth. In order to address the problem of damp the internal stable fixtures had to be removed 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 states:

'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 Planning (Listed Buildings and Conservation Areas) Act 1990 (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. Recent work by the Case Officer, Conservation Officer and the Stanmer Preservation Society has resulted in the clarification of the original fittings in the room concerned.

8.4 The first available evidence of the survival of stable stalls in the space recorded as Room 8 in the ASE record is a survey drawing by Brighton Corporation made sometime after acquiring the building in 1947 (see below). Obviously, the drawing is to an imperial scale, but three stalls of broadly equal width are clearly depicted, each stall equipped with a cast corner trough and sliding doors. Room is 'plastered'.



8.5 The existing masonry walls of the entrance turret and the stable wing running to the side are clearly evident on the drawing. An inward opening door aperture and a window to the space are evident to the courtyard side. This window is one of the high-set Diocletian windows, shown (though slightly obstructed by the lower scaffold) during construction in the photograph, below.



- 8.6 The photograph of Room 8 (below), supplied by the applicant, shows the sliding doors of the stable stalls before their removal, looking towards the turret wall. The outward opening door into the narrow turret room, set within a timber architrave in a plastered wall, is clearly visible. Although the space is cluttered, the general form of the stall doors is evident. They slide sideways from right to left and are clearly suspended from two flanged cast rollers on an iron rail. Plate 20 of the ASE report shows these roller housings, cast by A. Kenwick & Sons of West Bromwich in considerable detail. The suspended doors themselves are simple, robust, framed elements, divided horizontally roughly two-thirds, one third in height, with the taller lower panel furnished in solid, vertical matchboards flush with the frame and the open, upper segment by a row of nine metal dowels let vertically into the middle and top rails of the door frame. The fixed elements behind the sliding doors are not visible in this photograph, but these features normally duplicate the framing and design of the doors in almost all respects.



- 8.7 The principal post of each stall subdivision protrudes slightly and is marked by a finial of simple anvil form, apparently carved from the timber. This punctuates the overall frame design of the stalls, so performing a modest aesthetic function, but would also act as a 'stop' for the sliding doors.
- 8.8 The sliding doors of the stall facing the external door are canted backward to the other two at an angle of eight degrees on the ASE survey drawing. The Brighton Corporation survey indicates that this deviation was to clear a former door opening in a stud wall, now replaced by a modern block wall.
- 8.9 Although the old tractor wheel in the photograph gives a reasonable indication of scale, it is necessary to turn to another photograph of the conventionally opening stall doors in Room 1 for a more accurate assessment of feature height. The ASE report states that;
- "The stall partitions are of the same type as those in Room 1, suggesting they are of the same date."*
- However, close observation of the two photographs suggests that the proportion of boarded panel to rail was actually slightly different in the two rooms.
- 8.10 The photograph below shows the mid-rail of the door in Room 1 terminating at the chest height of the surveyor, indicating that the panelled element to mid-rail here was approximately four foot six inches tall. The iron dowelled rails here appear to have a revealed depth of approximately two foot, resulting in an overall door height approaching seven foot. For Room 8, it is suggested that the height to mid-rail was probably about five foot with the revealed depth of the dowel rails about eighteen inches. The suspension rail above would probably have been set at about seven foot.



- 8.11 The width of the stalls may reliably be scaled from the ASE measured drawings, dimensions which will also determine the door and fixed panel widths. The stall side partitions had lower matchboard panels of identical joinery design to the doors but the dowelled metal uprights were shorter, probably about a foot tall, terminating in a narrow timber rail. We know that Room 8 was plastered and the ASE report confirms that walls to the individual stalls were not boarded.

- 8.12 No photographs of the cast corner troughs have emerged, though there is one of the shelf bracket, incorporating a hanging eye beneath, to the corner of each stall. The only photographs showing the floor finishes relate to Room 1. Although they were almost certainly the same, or very similar, the photograph of Room 8 shows the space too cluttered to determine the paving type.
- 8.13 If reinstating these features, it would be desirable to track down roller housings and rails manufactured by Kenwick, but if a reasonable search of architectural salvage specialists or internet auction sites proves fruitless, a similar patent or generic suspension system might reasonably be employed.
- 8.14 Given this additional information it is considered that the works as have been carried out have an adverse impact on the listed building to its detriment. The loss of the historic fittings and fixtures is regrettable however it is felt that there is sufficient information to allow the Authority with confidence to seek a reasonable reconstruction of the stables as recorded in 2013.
- 8.15 In conclusion it is considered that the conversion has had an adverse impact on the setting of the listed building and resulted in the loss of important historic assets and refusal of listed building consent is recommended

Considerations in relation to planning application ref. no SDNP/16/04263/FUL

- 8.16 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. However, as noted above and following the further investigations, it is now considered that the adverse impact caused by the unlawful works to the building could be restored by way of an authentic re-instatement of fixtures and fittings where possible. It is therefore considered that the conversion of this historic stable to a residential flat would have an adverse impact and should be resisted. Refusal is therefore recommended on this basis.
- 8.17 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.
- 8.18 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 is proposed to provide a 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 courtyard. The latter potential solution would impact on the character and setting of this listed building. At the previous Committee the applicant had put forward a solution by way of part of the museum area to the west of the courtyard, with access gained by way of the gated entrance. Residents would all be given keys to access the area.
- 8.19 Members raised concerns about the practicality and feasibility of the cycle storage area in this location. The applicant gave further consideration to this and put forward the suggestion of the cycle storage being located in a different building in the museum area, but with access being provided from through the south western part of the courtyard. It is considered that this solution provides marginally greater benefits than that previously considered. On balance it is considered that the provision of cycle storage in the new location, though a little distance from the residential units, does represent a marginally better option than previously put forward with no detrimental impacts on the character or setting of the listed building. However ultimately, given that the use of the room adjacent to the stables (room 9) had originally been approved as a cycle storage area and that this is preferable to any other location proposed by the applicant, and the conversion works are considered to be unacceptable as a principle, it is considered that there is no reason why the cycle storage cannot be provided in the originally approved area, which would be far more ideally placed and useable by local residents.
- 8.20 In conclusion, it is considered that the conversion of the building has resulted in an adverse impact on the setting of the listed building and loss of important historic assets to the detriment of the listed building. In addition, it has not been demonstrated that suitable alternative cycle

storage has been provided as a replacement for that approved under planning permission BH2012/00717. Refusal is therefore recommended.

9. Conclusion on Planning Application and Listed Building Consent

- 9.1 Given the information now before the Authority it is considered that the proposal has resulted in an adverse impact on the listed building to its detriment and it is recommended that planning permission and listed building consent be refused, with the added concern that the proposed cycle storage would not be acceptable given that it is located some distance from the properties it would be serving.

10. Enforcement

- 10.1 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). Officers are currently giving consideration as to whether to pursue a prosecution, in liaison with legal services.
- 10.2 If members are minded to refuse planning permission and listed building consent, then Officers will naturally give thought to enforcement as a natural progression in resolving the planning breach. The options for resolution include the requirement for a reasonable restoration of the stable room, and provision of cycle storage in Room 9 (as originally approved under planning permission BH2012/00717). Any future enforcement will be undertaken under delegated authority by the Director of Planning. If such action exceeds the delegated authority of the Director of Planning the matter will be brought back to members for consideration at Committee.

11. Reason for Recommendations

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

- 11.1 It is recommended that application SDNP/16/04264/LIS is refused for the following reason:
- The conversion work has resulted in detrimental impact on the setting of this important heritage asset and the removal of important fixtures and fittings and is contrary to Policy HE1 of the Brighton and Hove Local Plan (2005) and Paragraphs 128 - 140 of the National Planning Policy Framework

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

- 11.2 It is recommended that application SDNP/16/04263/FUL is refused for the following reason:
1. The conversion work has resulted in detrimental impact on the setting of this important heritage asset and the removal of important fixtures and fittings and is contrary to Policy HE1 of the Brighton and Hove Local Plan (2005) and Paragraphs 128 - 140 of the National Planning Policy Framework
 2. It has not been demonstrated that suitable and cycle storage can be provided as a replacement for that which should have originally been provided under Planning Permission and the proposal is therefore considered to be contrary to Saved Policy TR14 of the Brighton & Hove Local Plan (2005)

12. Crime and Disorder Implications

- 12.1 There are considered to be no crime and disorder implications.

13. Human Rights Implications

- 13.1 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.

14. Equality Act 2010

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

15. Proactive Working

- 15.1 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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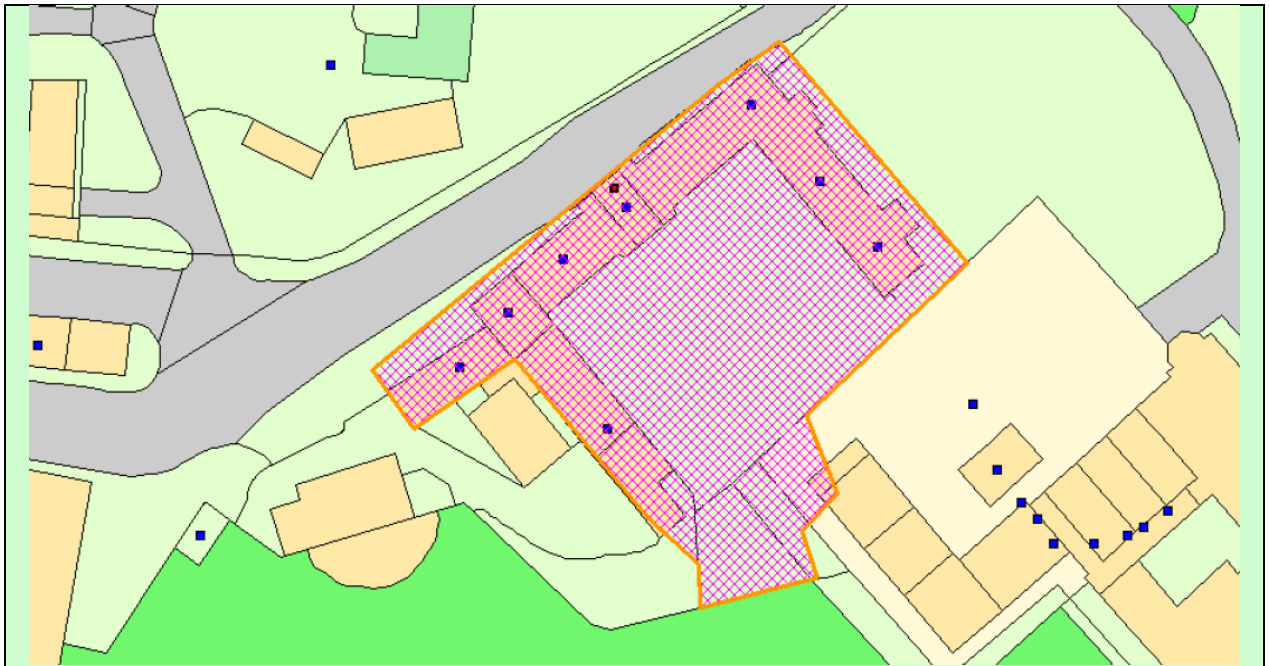
email: Robert.Ainslie@southdowns.gov.uk

Appendices Appendix 1 - Site Location Map
Appendix 2 - Previous Committee Paper
Appendix 3 - Excerpt of Planning Committee Meeting Minutes February 2017
Appendix 4 - Table of Plans Referred to

SDNPA Consultees

Background Documents Application SDNP/16/04263/FUI – Associated Documents and Plans
<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCGBDATUK7I00>
Application SDNP/16/04264/LIS – Associated Documents and Plans
<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCGBDGTUK7K00>
[https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/Brighton and Hove Local Plan 2005:](https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/Brighton%20and%20Hove%20Local%20Plan%202005)
[Stanmer Park Conservation Area Appraisal and Restoration Plan 2003:](https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/Stanmer%20Park%20Conservation%20Area%20Appraisal%20and%20Restoration%20Plan%202003)
Stanmer Park Conservation Plan (LUC, July 2016):
<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OBBKPI TUJQ600>

Site Location Map



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Previous Report To Committee February 2017

**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.**

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/I6/04264/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/I6/04263/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:
- (a) Urgently necessary in the interests of safety or health or for the preservation of the building;
 - (b) 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;
 - (c) That the works carried out were limited to the minimum measures immediately necessary; and
 - (d) 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 1758/54A and 1758/55B

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 1758/54A and 1758/55B 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.](#)

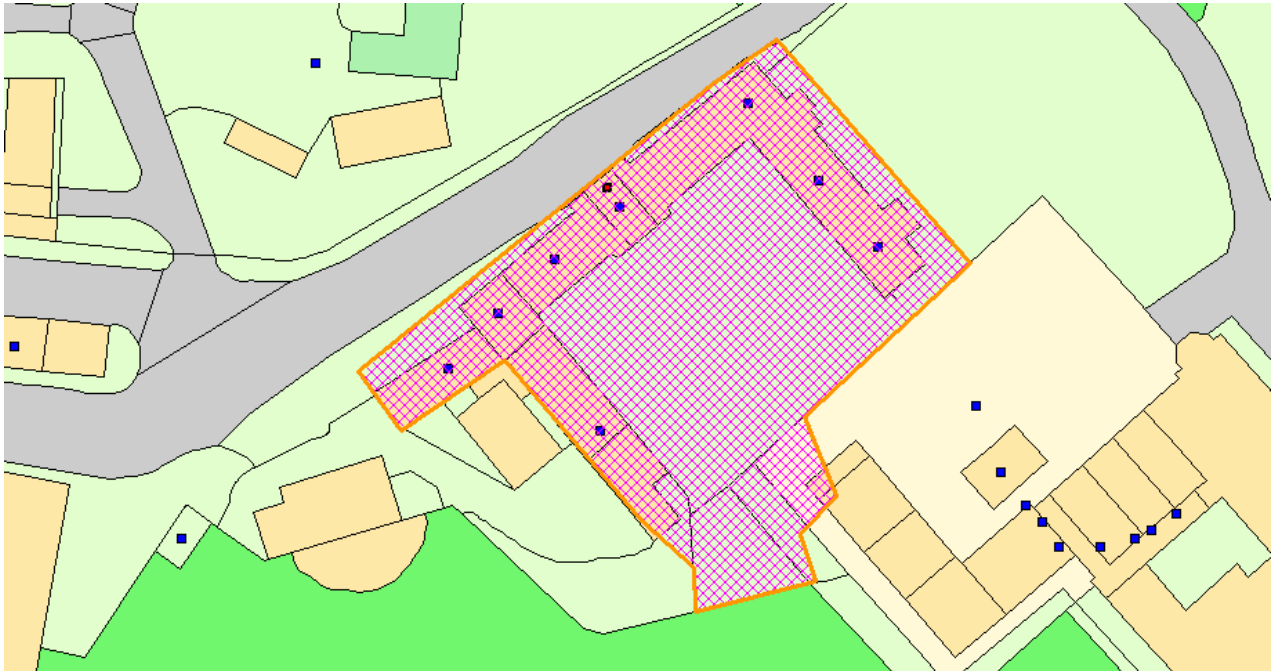
[National Planning Policy Framework](#)

[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 1 Site Location Map



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Excerpt of Planning Committee Meeting Minutes February 2017

ITEM 9: SDNP/16/04263/FUL & SDNP/16/04264/LIS STANMER HOUSE STABLE BLOCK STANMER VILLAGE STANMER PARK BRIGHTON BN1 9QA

270. The Case Officer [presented](#) the application and referred to the [February update sheet](#).
271. The following public speakers addressed the Committee:
- Rosie Harrison spoke against the application on behalf of Stanmer Preservation Society.
 - Bill Fairhall spoke against the application representing himself.
 - Phil Purvis spoke in support of the application as the Agent.
272. The Committee considered the report by the Director of Planning (Report PC08/17), the [February update sheet](#), the public speaker comments, and commented:
- There was a need to be satisfied that a thorough investigation had taken place to establish the facts in regard to the loss of historical fixtures and fittings. There was also a need to establish if any historical photos existed
 - The public speakers had indicated that additional information and historical photos might exist; therefore the decision should be deferred to investigate.
 - Any additional historical information would be highly desirable
 - It would be appropriate to defer any decision in order to investigate restoration or recreation options
 - Some Planning Committee members had seen the stables in their original state prior to the previous permission for conversion being granted
 - There was a need to have the cycle store on site and other options needed to be explored. The proposed arrangements were not appropriate or practical
 - The current internal finish of the studio flat was un sympathetic to the surroundings of the historic building
273. In response to questions, officers clarified:
- Any prosecution case would not require the owner to restore the building. The application before the Committee was to be determined on its merits.
 - There was a significant loss of the stable stalls with the original fabric gone. Any attempt at a restoration could only be a recreation.
 - Listed Building enforcement could seek to recreate the feature. As there was no evidence of the existence of working drawings, photos would need to be used which could be open to challenge as their interpretation might not be entirely correct
 - The agent had confirmed that the historical fixtures and fittings had been destroyed during the conversion works.
274. It was proposed and seconded to defer the consideration of the planning and listed building consent application for no more than 6 months from the date of the meeting in order to obtain further information relating to: Details on the historical fixture and fittings and the appropriateness of the proposed cycle store location
275. **RESOLVED:** SDNP/16/04263/FUL & SDNP/16/04264/LIS: To defer the consideration of planning application reference SDNP/16/04263/FUL and listed building consent application reference SDNP/16/04264/LIS for not more than 6 months from the 9 February Planning committee meeting in order to obtain further information relating to:
1. Details on the historical fixtures and fittings and
 2. The appropriateness of the proposed cycle store location

Plans Referred to in Consideration of this Application

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

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Block Plan	1758/51A			Not Approved
Plans - Site Plan	1758/10			Not Approved
Plans - Proposed Ground Floor Plan	1758/31D			Not Approved
Plans - Floor Plan	1758/52B		30.08.2016	Not Approved

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

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Block Plan	1758/51A			Not Approved
Plans - Floor Plan	1758/52B		30.08.2016	Not Approved
Plans - Site Plan	1758/10			Not Approved
Plans - Proposed Ground Floor Plan	1758/31D			Not Approved
Plans - Block Plan - Old Boiler House	1758/54A			Not Approved
Plans - 1758/55B- Old Boiler House	1758/55A			Not Approved

