

Report to	<b>Planning Committee</b>
Date	<b>14 June 2018</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Called In Application)</b>
Application Number	<b>SDNP/17/00340/HOUS</b>
Applicant	<b>Mr J Ffitch-Heyes</b>
Applications	<b>Proposed erection of 5 loose box stables</b>
Address	<b>The Tote House, The Motor Road, Old Racecourse, Lewes, East Sussex, BN7 1UR</b>

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**Recommendation:**

**That planning permission be granted subject to the conditions set out in Paragraph 10.1 of this report.**

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**Executive Summary**

The site forms part of land belonging to the Tote House on the southern edge of the envelope of Old Racecourse. This is one part of the wider Old Lewes Racecourse complex to the north west of Lewes in a landscape characterised by rolling open downland.

The application site has a lawful equestrian use and a stable block used for the keeping of four horses is already situated adjacent to the paddock. The proposal relates to the provision of an additional 5 loose horse boxes to be situated on an existing hardstanding adjacent to existing stables. The application has been amended to omit the proposed extension of the garden and associated fencing.

There is a broad presumption in favour of the principle for the provision of additional stables on the land which is already under an equestrian use and is being used to keep horses. The boxes are considered to appropriately designed for their intended use and would not appear incongruous in the landscape, given their siting adjacent to existing stables and backdrop of hedge planting.

Subject to conditions it is concluded that the stables conserve the character and appearance of the rural area, the amenity of adjoining land users and users of the Public Right of Way network. Planning permission is recommended to be granted on this basis.

**I. Site Description**

- I.1 The application site is one of a wider collection of buildings forming the Old Lewes racecourse complex, located to the west of Lewes within the National Park. Most of the buildings across the wider site are now given over to both residential and equestrian uses. A main course remains including a 'gallops' which has been used for the training of race horses although it is no longer used for racing.

1.2 The application site is situated to the south of the Tote House on the western boundary of a spacious plot set amongst rolling downland. The land adjoins the garden of the Tote House although all land south of this garden boundary benefits from a lawful equestrian use. A series of public rights of way run across the wider site including Bridleway 3, 17 & 29b and Footpath 5 & 48a.

## 2. Relevant Planning History

2.1 Permitted development rights were removed by Article 4 Direction on 8 December 1993 for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. The Direction was made for the purpose of controlling various forms of enclosure in order to protect this characteristically open downland landscape.

2.2 SDNP/12/01438/FUL – Planning permission was approved in September 2012 by Lewes District Council for the erection of an extension for use as a bed and breakfast and for short stay guests.

2.3 SDNP/17/05255/FUL – This retrospective proposal is for renewing existing and installing new fencing work with access gates to reform grazing paddocks for horses into 3 new enclosures, including new access tracks for vehicles to the south of the site running parallel to the gallops and a cross route to allow access to the old racetrack gallops land to the west of the site. The new paddock layout is proposed to accommodate the established existing public bridleway route - the Planning application is pending consideration by Members of the Planning Committee at 14 June 2018 meeting.

2.4 SDNP/18/00138/FUL – the proposal seeks the retention of a wooden crucifix cross standing within a paddock field adjacent to the Motor Road at the Old Lewes Racecourse which was given temporary planning approval in January 2012 - planning reference: LW/11/1391/NP - the Planning application is pending consideration by Members of the Planning Committee at 14 June 2018 meeting.

## 3. Proposal

3.1 The application seeks planning permission for the erection of 5 loose timber box stables on land adjacent to existing stable block. The boxes would mimic the shape and form of the existing stables with a depth of approximately 4 metres, length of 19 metres and height of approximately 4 metres. Proposed materials include red brick walls over the existing concrete base, a shingle roof with vertical boarded split doors. Each horse box would measure approximately 3.6 metres by 3.6 metres internally. The gross area of the new stables is stated as 78 square metres.

## 4. Consultations

4.1 **St Ann (Without) Parish Meeting** - No comments received.

4.2 **Southern Gas Net** - No objection.

4.3 **Lewes District Council Environmental Health** – No objection.

4.4 **ESCC Archaeologist** – No objection.

4.5 **ESCC Landscape Officer** – Comment.

- Comments given under SDNP/17/05255/FUL are also relevant to this proposal.
- The proliferation of fencing across this area is detrimental to the character of the downland area. There is no justification for such development given the landscape sensitivities of the area.

**Officer Note:** These comments were given in relation to fencing and change of use of the land, both of which have subsequently been omitted from the application.

4.6 **South Downs Society** – Objection.

- The proposed stables are in addition to what is already there and the Society is concerned about creeping development of the racecourse area, which increases the visual intrusion in the downland landscape.

- The Local Planning Authority should be satisfied as to the need for further stables before approving the application.

## 5. Representations

5.1 2 third-party representations have been received *supporting* the proposal on the following grounds:

- The history of Lewes has a long historical association with horses and racing.
- Horse ownership and equestrian businesses are in decline and measures should be taken to encourage horse ownership.
- New fencing and additional stables would meet a need for more equestrian uses.
- Support given on the basis that the adjoining neighbour's rights of way are preserved.

5.2 2 third-party representations have been received *objecting* to the proposal on the following grounds:

- This is an unwarranted extension beyond the existing development boundary.
- Fencing and paddocks have spoiled the appearance of the area.

## 6. Planning Policy Context

6.1 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- 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.

### National Planning Policy Framework and Circular 2010

6.2 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. Paragraph 116 states that planning permission for major developments within National Parks should be refused except in exceptional circumstances.

6.3 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. Planning Policy

7.1 The statutory development plan in this area is the Lewes District Local Plan (2003) (LDLP) and the Lewes District Joint Core Strategy (2016) (JCS).

7.2 The relevant Saved Policies in the Lewes District Local Plan are:

- CT1: Planning Boundary and key countryside
- ST3: Design Form and Setting of Development
- ST11: Landscaping of Development
- RE8: Equestrian and Related Activities
- LW9: Lewes Battlefield

7.3 The relevant policies in the Joint Core Strategy are:

- CPI0: Natural Environment and Landscape
- CPI1: Built and Historic Environment & Design

### South Downs Local Plan (2017)

7.4 The Pre-submission version of the South Downs Local Plan (2017) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation from 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Lewes District Local Plan (2003), the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight.

7.5 The following policies from the SDLP are relevant:

- SD1: Sustainable Development
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD8: Dark Night Skies
- SD12: Historic Environment
- SD24: Equestrian Uses

### South Downs National Park Partnership Management Plan (SDPMP)

7.6 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

7.7 The following Policies are of particular relevance to this case:

- General Policy 1 – conserve and enhance the natural beauty and special qualities of the landscape.
- General Policy 3 – protect and enhance tranquillity and dark night skies.
- General Policy 9 – the significance of the historic environment is protected from harm.

## **8. Planning Assessment**

### Principle

8.1 A letter of support is given for the proposal on the basis that there is a need for equestrian business expansion in the area, however the proposed horse boxes are stated to be required solely for the personal use by the applicant and his family. Notwithstanding any reference to demand for equestrian facilities, the application should be determined on the basis of the proposed personal use.

8.2 Saved Policies CT1 (Planning Boundary and key countryside) and RES6 (New Development in the Countryside) seek to restrict new development in the countryside unless it confirms with other policies in the plan. Saved policy RE8 of the Lewes District Local Plan (2003) is a main relevant policy which permits 'small-scale equestrian and related developments' provided that:

- a) There would be no adverse effect on nearby rights-of-way or open spaces and their users;
- b) Good access is available to existing bridleways and the creation of new access points to public roads is avoided wherever possible;
- c) The development would not give rise to new buildings, unrelated to existing buildings, in open downland landscapes; and

- d) The proposals comply with other relevant policies of the Plan. Proposals in the Sussex Downs Area of Outstanding Natural Beauty, Parks and Gardens of Special Historic Interest, Sites of Special Scientific Interest and National Nature Reserves will not be permitted unless they are compatible with the objectives of these designations.
- 8.3 Regarding point a) it is not considered that the proposed stable block would have a detrimental impact on rights of way users, despite bridleway 3 running through the applicant's land and abutting the application site.
- 8.4 In relation to point b), the horse boxes and fencing would not prevent access to existing bridleways or prevent access to public roads.
- 8.5 Under point c), the location of the stables appears to be reasonable as it is closely associated with existing stabling on an existing concrete base. The visual impact of additional stables is reduced by a row of tall hedge screening. Whilst the evergreen hedge species is not characteristic of the native hedge type typically expected to be seen within the downland landscape the screening on this side would mitigate impacts from strategic views to the west.
- 8.6 The degree of compliance with point d) is dependent upon further consideration with other policies in the development plan, particularly those relevant to the special landscape protection afforded to sites within the National Park. These are discussed in turn below.
- 8.7 In addition to RE8, the tests of emerging policy SD24 (Equestrian Uses) of the SDLP are relevant. Given the age of the existing Lewes Local Plan, this policy is considered to carry significant weight in decision making. The policy has not been subject to a high number of representations and no significant issues have been raised. The policy tests are set out as follows:
- a) The development is of a scale and / or an intensity of equestrian use compatible with the landscape and the special qualities;
  - b) It demonstrates good design which is well located and responds to local character and distinctiveness;
  - c) It will re-use existing buildings wherever feasible and viable;
  - d) Measures take to locate new buildings, stables, yard areas and facilities adjacent to existing buildings provided they respect the amenities and activities of surrounding properties and uses;
  - e) The proposals are well located to existing utilities and transport infrastructure, including vehicular and field accesses, tracks and bridleways;
  - f) New or supplementary landscape features are provided including hard and soft treatments and planting, consistent with local character; and
  - g) A conservation based land management approach can be demonstrated.
- 8.8 In relation to point a), it should be noted that there is already an established equestrian use of the land which covers an extensive south eastern part of the Old Racecourse. The proposed stables would serve a personal use solely for the applicant and their family. However, it should be noted that there are already stabling for four horses which would be increased to nine. This amounts to a significant number of horses being kept by one family although the applicant has highlighted that he breeds horses for show jumping, point to point horse racing as well as thoroughbreds. This is the main reasoning for the provision of additional stabling.
- 8.9 The applicant asserts that when he purchased Lewes Old Racecourse in 1982 it already came with an established equestrian use with full commercial business use for training, livery, schooling, trotting, racing, galloping, selling and breeding. Equestrian activities are said to have been carried out at the Lewes Racecourse since 1727 and therefore the equestrian use of land and for stabling is clearly established and characteristic of its historic use.
- 8.10 Regarding b), the stable block is utilitarian in design and typical of small scale structures used to keep horses both within and outside of the National Park. The design does not promote any particularly high aesthetic quality, however the design, scale, form and footprint of the building reflects the intended use, and is not objected to. The stables would not be excessive in height and would benefit from some existing screening along the south west boundary.

Overall the proposed stables are not considered to detract from local landscape character or result in harm to local distinctiveness, having regard to the lawful equestrian use of the land.

- 8.11 Against point c) there are no existing buildings within the applicant's ownership which would be feasible or viable for re-use.
- 8.12 The application responds adequately to point d) as the new boxes are located adjacent to the existing stables and there are not adjoining properties which would be affected by additional stabling.
- 8.13 Under point e) there is good access onto the public right of way network, and vehicles and horse boxes can gain access to the stables and adjoining field.
- 8.14 Regarding f) and g) no supplementary landscaping is proposed and no land management details have been submitted, although visual impacts are deemed to be acceptable in all other respects. Therefore it is not expedient to require further landscaping in this instance.

#### Design and impact on Landscape Character

- 8.15 The South Downs Integrated Landscape Assessment places the site in the landscape Type A: Open Downland the most relevant key characteristics to the site are: large scale open elevated landscape of rolling Chalk Downland, with dry valleys and scarp slopes; Sparse settlement, with occasional isolated farms and barns; blocks of modern farm buildings punctuate the open landscape with some urban development, beyond the designated area apparent in views from the wider landscape.
- 8.16 Policies CPI0, CPI1 of the JCS seek to preserve and enhance the character and appearance of the countryside. The proposed stabling is appropriately designed for its intended use and sensitively located in order to minimise impacts. Therefore, officers consider that policies ST3, ST11, RES6 of the LDLP (2003), CPI0 and CPI1 of the JCS, SD4, SD5 and SD6 of the SDLP are complied with. The development would also meet the requirements under dark night skies policy SD8 subject to a condition of consent to restrict external lighting unless otherwise agreed by the Local Planning Authority.

#### Heritage impact

- 8.17 Policy LW9 of the LDLP states that planning permission will not be granted for development which would affect the landscape, setting or archaeological integrity of the Lewes Battlefield. The additional stables when considered in their own right or in accumulation with the existing stables are not of a scale or location to result in a detrimental impact on the historic landscape setting. Furthermore there is no objection from ESCC archaeologist.

#### Amenity

- 8.18 The Design and Access Statement states that the owners are experienced in caring for horses and will manage the new stables in such a way as to prevent smells, noise and disturbance to neighbours. Disposal of manure will be by arrangement with the adjacent racing stables situated at the Old Racecourse.
- 8.19 The nearest neighbouring property is 'The Stewards'. Taking into account the distance between this house and the stables, and the fact that there are existing stables within the application site, it is not considered that the impact on the amenity of neighbouring residents arising from the proposed development will be unduly harmful, out of keeping with the established activities within this locality.
- 8.20 Overall, officers consider that the stables are of an appropriate design and setting within land already serving an equestrian use. Subject to their use for personal purposes by the applicant and his family the stables in accumulation with those as existing would be unlikely to result in an adverse impact upon the amenity of adjoining residents, or a detrimental impact upon users of the PROW network.

#### Other issues

- 8.21 The site has no discernible ecological value and so surveys are not required. There are no known drainage implications which require further consideration.

- 8.22 There is no objection to the proposal on highways grounds, however a wider commercial use of the stables would require additional parking provision. In the absence of further information regarding additional parking it is recommended that the stabling be conditioned for use solely by the occupants of the property known as the Tote House.

## **9. Conclusion**

- 9.1 The proposed 5 loose box stables are proposed for personal use in relation to the extant equestrian use of the land within the applicant's ownership. The provision of additional stabling adjacent to existing stables would not result in landscape or visual harm contrary to the statutory purposes of the South Downs National Park Authority. There is sufficient policy support for the proposal, having regard to policies within the Lewes District Local Plan (2003), Lewes District Joint Core Strategy (2016), emerging South Downs Local Plan (2017) and National Planning Policy Framework. Furthermore the provision of private stables for sole use by the occupants of the Tote House would not conflict with the statutory Purposes of the National Park and permission is recommended to be granted subject to conditions.

## **10. Reason for Recommendation and Conditions**

- 10.1 It is recommended that the application be approved, subject to the following 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. The development hereby permitted shall be carried out in accordance with the plans listed in the decision notice. For the avoidance of doubt the planning permission hereby granted relates solely to the erection of the 5 loose horse box stables and does not benefit or authorise any other development within the red line of the application site including fencing, access tracks, gates and other means of enclosure.  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  3. No development shall take place until samples and details of all materials and finishes to be employed in the implementation of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason: In the interests of visual amenity and in order to preserve and safeguard the character and appearance of the locality, having regard to Planning Policy Framework.
  4. The stables hereby permitted shall be used for the stabling of horses and storage of equipment in accordance with the lawful equestrian use of the land, and shall be used solely by the occupiers of the Tote House and shall not be used by any other person or for any commercial livery or other business purpose unless through a subsequent application to be submitted to and approved by the Local Planning Authority.  
  
Reason: To ensure the development remains commensurate with the landscape sensitivities of the site in accordance with the first purpose of the National Park and to prevent harm to neighbouring amenity.
  5. No form of floodlighting or illumination of any kind shall be installed or used unless otherwise agreed by the Local Planning Authority.  
  
Reason: In the interest of protecting the visual amenity of the countryside and dark night skies designation of the National Park, having regard to Policy ST3 of the Lewes District Local Plan (2003) and SD8 of the South Downs Local Plan (2017).

## **11. Crime and Disorder Implication**

- 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 in a positive and proactive way, in line with the NPPF. This has included discussions with SDNPA Officers and consultees.

### **TIM SLANEY**

#### **Director of Planning**

#### **South Downs National Park Authority**

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Appendices	I. Site Location Map
SDNPA Consultees	Legal Services South Downs National Park Authority Ranger (East)
Background Documents	<a href="#">Application Documents</a> <a href="#">Lewes District Local Plan (2003)</a> <a href="#">Lewes District Joint Core Strategy (2016)</a> <a href="#">South Downs National Park Local Plan (2017)</a> <a href="#">South Downs Local Plan Schedule of Changes (2018)</a> <a href="#">South Downs Partnership Management Plan (2014-2019)</a> <a href="#">National Planning Policy Framework</a>





