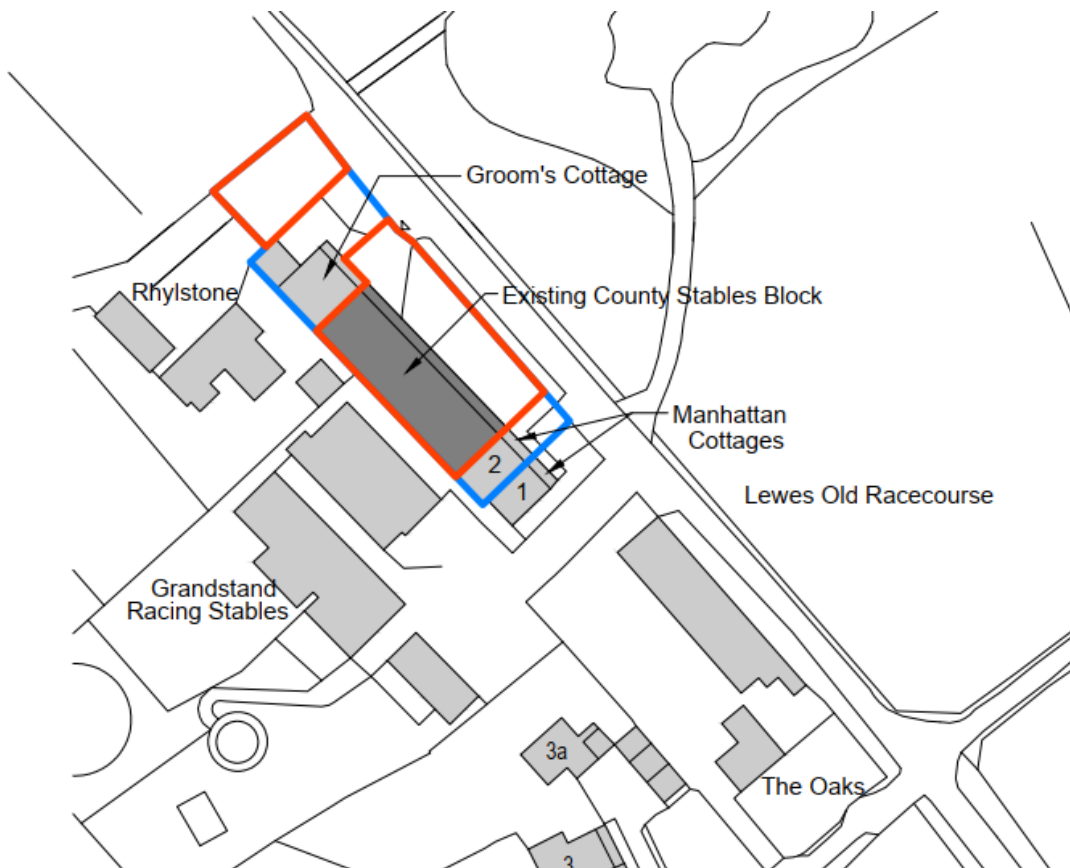
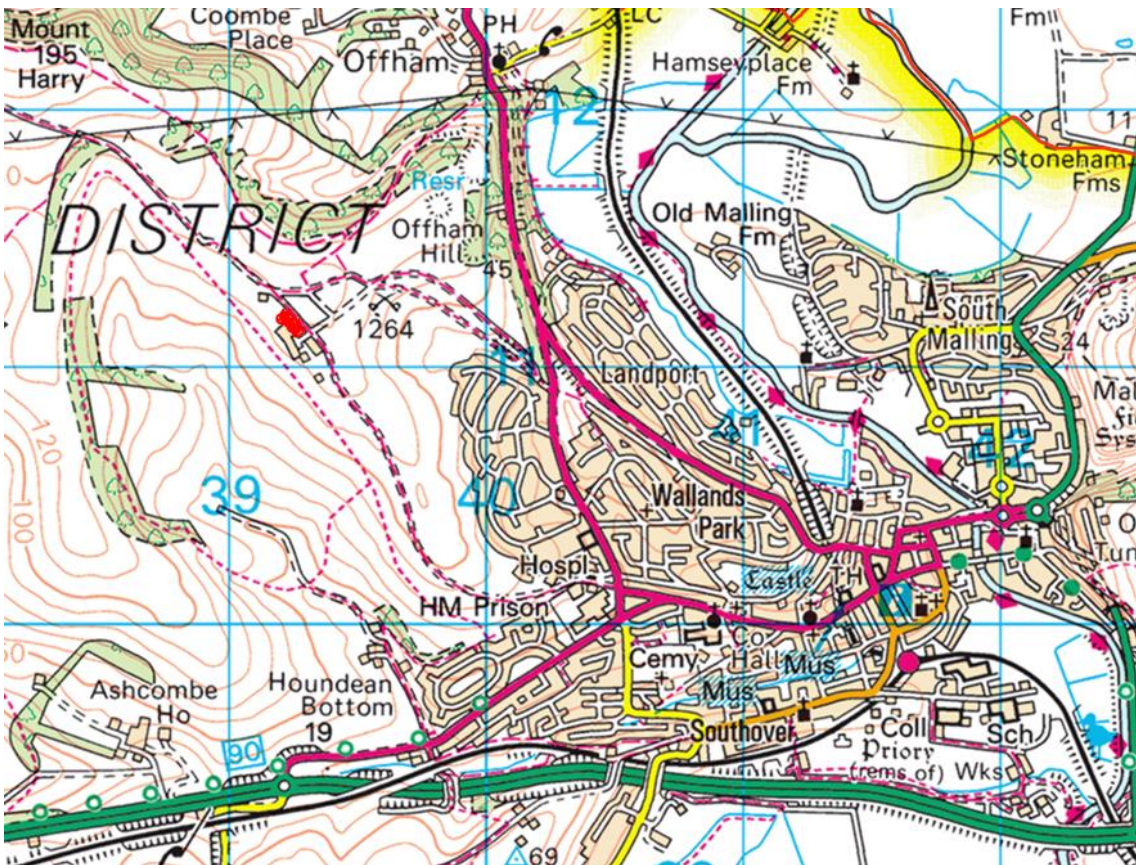


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| Report to | Planning Committee |
| Date | 14 September 2023 |
| By | Director of Planning |
| Application Number | SDNP/23/02048/FUL |
| Applicant | The Old Racecourse Ltd |
| Application | Change of use of existing County Stables building from Sui Generis (commercial equestrian purposes) to a mixture of F1(e) exhibition space, E(b) ancillary cafe and Sui Generis bunkhouse |
| Address | County Stables, The Motor Road Old Racecourse Lewes East Sussex BN7 1UR |

Recommendation:

- 1) That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and a legal agreement, the final form of which is delegated to the Director of Planning, to agree that the application land will not be used for any development which is contrary to the existing section 52 agreement, other than that development proposed through this application. It is also proposed that the Authority will agree not to enforce the requirement in the section 52 agreement associated with a single equestrian use in respect of the development permitted.**
 - 2) That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed, or sufficient progress has not been made, within 6 months of the Planning Committee meeting of 14 September 2023.**
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Executive Summary

The proposal is for the conversion of part of the existing County Stables (former Totaliser) building from Sui Generis (commercial equestrian purposes) to a mixture of F1(e) exhibition space, E(b) ancillary cafe and Sui Generis bunkhouse.

The exhibition space would be used to display historical information about Lewes Old Racecourse as a visitor attraction alongside the ancillary café. The bunkhouse comprises three bedroom areas (each accommodating four bunk beds) with ensuite bathrooms and a shared living room / kitchen area and would be for short stay tourist accommodation, particularly for users of the adjacent public rights of way including the South Downs Way which runs approximately 1.5 miles to the west of the application site.

The main issues for consideration are:

- Whether the proposed uses would conserve and enhance the National Park, including the special historic landscape of this site, in accordance with Local Plan policies; and
- Whether the s52 planning agreement serves a useful purpose in precluding non-equestrian uses in relation to this site and whether the Authority should agree not to enforce the requirements in relation to this particular proposed development.

The application is placed before the Planning Committee due to the objections raised by third parties and unusual nature of the legal agreement required.

1. Site Description

- 1.1 The building subject of this application is one of a wider group of buildings that formed the Lewes Old Racecourse complex, located to the west of Lewes within the National Park. The Lewes Old Racecourse is a former horse racing track that closed in 1964. Areas of the gallops still remain and there is still a strong equine influence on the area. Many of the former grandstands / stable buildings are now residential units, with a small number of inhabitants living at the Racecourse. The main application that facilitated the change of use of the former racecourse buildings is LW/80/1892 which was approved on 22 April 1982 subject to a section 52 agreement which included restrictions on the number of residences and equestrian units allowed.
- 1.2 The site falls within the Adur to Ouse Open Downs landscape character area, where open downland is an important component and feature. The site also lies to the edge of the Lewes Registered Historic Battlefield (Battle of Lewes, 1264) which is also classified as an Archaeological Notification Area (ANA).
- 1.3 There are a number of public rights of way in the area including a public bridleway which follows the access road leading to and past the application site. These PROWs link into Landport Bottom to the east and the South Downs Way approximately 1.5 miles to the west.
- 1.4 The Clayton to Offham Escarpment Site of Special Scientific Interest (SSSI) lies c. 448m north, and Lewes Racecourse Local Wildlife Site (LWS) lies c. 154m south east.
- 1.5 The wider site is the subject of a 1993 Article 4 Direction which prohibits all erection, construction, maintenance, improvement or alteration to a gate, fence, wall or other means of enclosure without first obtaining planning permission. This is to protect the openness of the landscape and the integrity of the remaining gallops and racetrack.
- 1.6 The subject of the application is a portion of the former 'Totalisator Building' dating from the 1930s that was originally used as a betting office in connection with the racecourse when it was operational, and was converted to provide stables in the 1980s. The building is of a traditional form and appearance, being constructed with black timber cladding and painted brickwork, white render and green stable doors. It has a single pitched roof covered with mixture of clay and concrete roof tiles, with some dormer windows. Planning permission was granted under SDNP/22/03386/FUL and SDNP/23/00350/FUL for physical alterations to the building including replacement dormer windows and new fenestration and doors. These alterations are currently being implemented.

2. Relevant Planning History

- 2.1 The following is the most relevant planning history pertaining to the site:

SDNP/23/03025/LDE Dwelling use (C3). Grooms Cottage. Application currently undetermined.

SDNP/23/02206/FUL Change of use from tackroom, workshop and feedstore to residential accommodation ancillary to Grooms Cottage (subject of separate application

SDNP/23/03025/LDE) Grooms Cottage. Application currently undetermined.

SDNP/23/00350/FUL Fenestration alterations to the existing County Stables block including new glazing configuration and new access door to the principal elevation and replacement of rear facing glazing. Approved 15 Mar 2023.

SDNP/22/03643/MPO Release of land at The Old Racecourse from Section 52 agreement

Lewes Racecourse. Refused 07 Nov 2022 The reason for refusal is set out in full in paragraph 7.9 below.

SDNP/22/03386/FUL Material alterations to the existing County Stable block and attached Manhattan and Grooms Cottages including: new roof lights and roof tiles (Stable Block), replacement of RW goods, fascias and alterations to the existing dormers. County Stables. Approved 27 Jan 2023

SDNP/22/03388/FUL Extension of permitted temporary recreation use for the Horse Box Bar from 28 days to 78 days per calendar year. Paddock Field North of The Residential Enclave. Approved 28 Sep 2022

SDNP/21/02850/FUL Change of use of part of an empty and redundant stable block from equestrian use to storage use. Refused 10 December 2021. Appeal dismissed 27 Mar 2023 The reasons for dismissal are set out in paragraph 7.2 below and the full decision is in the Appendix to this report.

LW/07/0997 (relating to Unit 3/the Totaliser building) Proposed stable block with tackroom and feed store. Approved 15.08.2007

LW/90/1447 Erection of a block of 26 stables and associated trainers dwelling. Erection of dwelling to existing stables (unit 3/County Stables) and release of S.52 agreement linking unit

1 to stable yard. Approved 06.10.1992. Section 106 Agreement dated 20th August 1992 pertaining to amend the section 52 Agreement entered into in 1982. The s.106 agreement sought to release the land from the obligations that required only a single business unit across the site.

LW/82/0597 (relating to whole Racecourse site, including the main dwelling and annex building) Compliance with Condition 2 (LW/80/1892) for residential development and equestrian centre. Approved 10.06.1982, subject to a S.106 agreement dated 20.08.1992.

LW/80/1892 Conversion of buildings and land into residential and equestrian complex. Approved 22 April 1982 subject to a section 52 agreement. The section 52 Agreement contains a number of obligations one of which is that there shall only be a single business devoted to equestrian purposes across the site and that the land in question can only be used for that use. The full Agreement is in the Appendix to this report.

3. Proposal

- 3.1 The application seeks conversion of part of the existing County Stables (former Totaliser) building from Sui Generis (commercial equestrian purposes) to a mixture of F1(e) exhibition space, E(b) ancillary cafe and Sui Generis bunkhouse. The exhibition space would be used to display historical information about Lewes Old Racecourse as a visitor attraction alongside the ancillary café. The bunkhouse as amended comprises three bedroom areas (each accommodating four bunk beds) with ensuite bathrooms and a shared living room / kitchen area and would be for short stay tourist accommodation, particularly for users of the adjacent public rights of way including the South Downs Way which runs approximately 1.5 miles to the west of the application site.
- 3.2 A total of seven parking spaces are proposed, 3 for bunkhouse guests and 3 for staff located to the north of the building and 1 disabled space immediately adjacent to it. Outside cycle parking is also proposed for visitors together with internal cycle storage for the bunkhouses. It is intended

that the heritage centre and café would be used primarily by non-motorised visitors accessing the adjacent public rights of way.

- 3.3 No external physical alterations to the building are proposed as part of this application, which utilises those permitted under previous consents SDNP/22/03386/FUL and SDNP/23/00350/FUL. The former stable divisions have been removed but the external stable doors have been retained to reflect the historic use of the building.

4. Consultations

ESCC Highway Authority: No objections subject to conditions on parking including cycle parking and submission of a travel plan.

- 4.2 **ESCC Archaeology:** does not believe that any significant archaeological remains are likely to be affected by these proposals.

- 4.3 **SDNPA Economy and Tourism:** Supports subject to building alterations and energy requirements responding to the needs of climate change. The visitor economy is a vital part of the economy of the South Downs National Park and helps to maintain the character and appearance of the National Park through its contribution to the local economy. The increased holiday accommodation provision is welcome as holiday accommodation is under-represented within the SDNP Visitor Economy and overnight stays inject on average 75% more into the local economy than a day visitor. Lewes Racecourse is an important site for the SDNP and Lewes. The use of the existing structure, and the heritage centre is sympathetic to the site's history. The café and accommodation is of importance to the SDNP Visitor Economy and would provide funds to support the rewilding and protective schemes on the Old Racecourse itself.

- 4.4 **Friends of Lewes:** object to this proposed change of use as the Society is concerned that it will have an adverse impact on the tranquillity of the setting of the Old Racecourse.

- 4.5 **Friends of the South Downs:** comments that the application seeks to adapt the building for uses more in line with the current development plan than the previous storage proposal, but raises concerns about the sensitive location and the related infrastructure for the proposed uses e.g. single track private access road, extra traffic, water supply, and sewerage. These uses could impact the peace and tranquillity of this iconic area. Considers that the only way to remove the section 52 is by the agreement of all relevant parties or an application to the Lands Tribunal.

5 Representations

- 5.1 13 letters of objection (including from Lewes Old Racecourse Residents Association (LORRA - representing 7 of the 10 homeowners on the site) raising the following concerns:

Major Development

- The proposal should therefore be classed as 'Major Development' due to noise and increased activity.

Justification for and Sustainability of Location

- The isolated location of this proposal means that the overnight visitors are likely to either bring their own food and drink with them. No other nearby facilities.
- The nearest major bus route (Route 28/29) is 1.5 miles from this 'car free' 'heritage centre'.
- Contrary to policy SD25 as there is no essential need for a tourism use at this location
- No evidence that lack of grazing makes stable use unrealistic.
- The Paddock bar already provides visitor facilities.
- Lack of transparency around long term intentions for the whole estate.

Noise/Impact on Tranquility

- No impact assessments undertaken on noise, light or traffic pollution.
- Conflict with SD4, SD7 and NPPF 176.

- The development is likely to result in noise from visitors to the exhibition space and café, and from people coming and going to the holiday let units.
- The proposal is contrary to SD23 Sustainable Tourism due to extra activity, noise and traffic and because there are no other attractions or tourism uses nearby.
- The site was previously used for the training of racehorses.
- The proposed letting accommodation may impact on the adjacent stables.
- The restaurant and 'bunkhouse' patrons will want to move outside onto the large grass expanse in front of the stable so not all internal.
- The exhibition space will be used for business meetings.
- Impact on non-motorised users of the private road across the downs.
- Increased use of restricted and muddy paths.
- Impact on the open countryside where town residents and their dogs can get away to green, peace and calm.

Traffic

- Conflict with policy SD19 as the development is likely to generate extra road traffic.
- The existing private road down to the A275 is narrow with limited places for cars to pass; it is unsuited to extra traffic.
- The Motor Road is owned by all of the homeowners on the Racecourse and the cost of maintenance is shared.

Infrastructure

- Insufficient capacity to accommodate the proposed development with regards to water, gas, electricity or sewage contrary to Policy SD42.
- Concerns about private electricity supply and private water supply to the site needing to be upgraded.

Proposed and Potential Uses

- The bunkhouses are not C1 but C3 uses.
- The cycle/general store could be used as a fourth holiday let or for applicant's electric bike business and a shop.
- No community consultation to demonstrate need or demand for this public venue.
- No detail of how the café would be managed and used.

Dark Skies

- Roof lights, dormers and glazing would fundamentally alter the landscape character and have a significant impact on light pollution in a protected dark skies area.

S52 agreement

- The proposal, which includes three C3 residential units and is not for an equestrian use, does not comply with either of the requirements of the section 52 agreement.
- The section 52 agreement cannot be varied without the agreement of the Successors in Title or a Land Tribunal.
- It is not within the gift of the SDNPA to "under-enforce" the Section 52 protecting the site, essentially ignoring the law in the Town and Country Planning Act.
- It would set a dangerous and worrying precedent. It implies that developers can bypass an open and democratic process by doing deals with case officers directly.

Note that comments relating to previous behaviour and apparent motivations of the applicant are not relevant to the consideration of this application and therefore have not been included in the above summary.

5.2 3 letters of support raising the following points:

- The development would provide an excellent venue to showcase the rich history and heritage on this prominent location and support the purposes of the Park.
- The inclusion of a café within the Visitor Centre would greatly enhance the overall visitor experience and provide a community facility.
- Wider economic benefits and support in NPPF for rural businesses.
- Proposed development and re-wilding of the racecourse contributes positively to National Park purposes.
- The sustainable re-use of the buildings should be welcomed as use compatible with the purposes of the Park.
- Level of activity higher when race course was open and when used for training race horses.
- The Park needs more bunkhouses and meeting places especially for young people.
- Concerns regarding expansion of these uses could be addressed by conditions.

5.3 2 neutral comments as follows:

- Not commenting on the merits or demerits of the application but concerned about whether the SDNPA will enforce the existing breaches of the section 52 agreement.
- Disputing applicant’s account of previous site history (not relating to current application).

5.4 The applicant has made the following comments in response to the above representations:

- Section 52 agreement is already being under enforced - highlighted breaches.
- Horses can’t be sustained in all the stables as there isn’t enough grazing. Some stables need to be re-purposed ideally with commercial uses rather than residential.
- A future application is going to include a modern and more useable riding school so equestrian activities are to be preserved.
- Water usage will be reduced from when the building was occupied by horses, electricity and gas use is from what the applicant has access to already.
- Details of previous marketing of stables and lack of grazing land.
- Additional traffic could be due to the new livery yard recently consented. Transport report prepared.
- The store is storage ancillary to the heritage centres use not a shop.
- The road was put in place to cater for up to 6000 visitors on a race-day with buses and all types of vehicles using it. It was also used for speed trials hence its name ‘The Motor Road’.

6 Planning Policy

6.1 Relevant Sections of National Planning Policy Framework:

- NPPF6 - Building a strong, competitive economy
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

6.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix I)

- SD4: Landscape Character

- SD5: Design
- SD7: Tranquility
- SD9: Biodiversity and Geodiversity
- SD25: Development Strategy
- SD19, 20 and 22: Transport, Rights of Way and Parking
- SD23 Sustainable Tourism
- SD34 Sustaining the Local Economy

6.3 The South Downs Management Plan (2020-2025)

- Outcome 4: The cultural heritage of the National Park is to be enhanced and widely understood and enjoyed.
- Outcome 8: More responsibility and action is taken by visitors, communities and businesses to conserve and enhance the special qualities and use resources more wisely.
- Outcome 9: Communities in the National Park are more sustainable with appropriate provision of housing to address local needs and improved access to essential services and facilities.
- Outcome 10: A diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park.

7 Planning Assessment

7.1 The main matters for consideration relate to:

- Whether the proposed uses would conserve and enhance the National Park, including the special historic landscape of this site, in accordance with Local Plan policies; and
- Whether the s52 planning agreement serves a useful purpose in precluding non-equestrian uses in relation to this site and whether the Authority should agree not to enforce the requirements in relation to this particular proposed development.

The proposal is not considered to constitute major development for the purposes of policy SD3 and paragraph 177 of the NPPF. The NPPF accompanying footnote 60 advises that ‘major development’ in designated landscapes is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In this case, the proposal is for the change of use of an existing building and it is considered that any adverse impacts on the designation as a result of development will not be significant.

Principle of development

7.2 The County Stables is a large traditional building in a prominent location which has not been used for stabling horses for many years. There are differing views on the reasons for this, but it is unlikely that the building will be returned to use for equestrian purposes. This is due to the costs of maintaining such a large historic building and the lack of useable grazing land to support the number of horses previously stabled here. If an alternative economic use is not found for the building then this could have consequences for its continued maintenance in a condition that positively enhances the landscape of the National Park. A previous (retrospective) proposal to use the building for B8 storage purposes was refused planning permission and dismissed on appeal. The current application seeks alternative uses to overcome the Inspector’s reasons for dismissing the appeal. In summary these were as follows:

- A storage use does not have an essential need for a countryside location so there would be conflict with Policy SD25(2)(b).
- The proposal would help safeguard the future of the building by bringing an income to the owner and using part of the building. However, this would not in itself amount to exceptional circumstances sufficient to justify the proposed development outside the

settlement boundary as there could be other uses more appropriate to a countryside location that could also achieve this.

- The proposal would not promote or protect businesses linked to the National Park's key economic sectors of farming, forestry and tourism as identified in Policy SD34 of the LP.
- The storage use would be reliant on private car and lorry use so the proposal would conflict with Policy SD19 and may adversely impact users of the public rights of way and would disrupt the sense of remoteness and tranquillity which is a characteristic of the National Park.
- He observed that the stable stalls, which were not part of the original building, had been removed and there would be no alterations to the exterior of the building and no views into it from public vantage points. As a result, he found no harm to the landscape context and appearance of the area.
- He acknowledged that there would be likely to be vehicles, noise and disturbance associated with equine and racing uses. However, they would be an intrinsic part of the countryside and National Park character rather than associated with an activity such as furniture storage that does not need to be in the countryside. The proposal would also replace a countryside activity with one generally more suited to a built-up area and disrupt the link with equine related activities which is one of the historic cultural activities associated with this part of the National Park.
- He considered the installation of bird or bat boxes, or planting would provide environmental net gain and could be achieved by way of condition. He noted the existence of legal agreements but did not consider further given that his decision was to dismiss the appeal. He also noted that the effect of the proposal, if any, on the historic Lewes Battlefield was material and would have sought further information if his main findings had been different.

7.3 The current proposal seeks to overcome these issues as follows:

- The proposed heritage centre, café and bunkhouses would support the visitor economy and the heritage centre in particular would enhance the enjoyment of visitors to the National Park by providing information about the historic racecourse use and the adjacent battlefield. These would provide facilities with a strong link to the landscape history and sense of place of Lewes Old Racecourse and meet the requirement of policy SD25 that development outside of settlement boundaries will exceptionally be permitted where it responds to its context, is an appropriate reuse of a previously developed site and delivers multiple benefits to the National Park.
- The tourism facilities, and the bunkhouses in particular, will support a key economic sector for the National Park in compliance with policy SD34 of the Local Plan and chapter 6 of the NPPF by providing overnight accommodation to support users of the PROW network and the South Downs Way in particular.
- The limited parking provided on site and the intended customer base of non-motorised users (to be secured by the travel plan proposed by ESCC Highways) would address the concerns around traffic and its impact on PROW users and the tranquillity of the area.
- As with the storage use, the lack of external alterations limits the impact of the proposals on the physical landscape of the area, which includes the battlefield site. Increased opportunities for visitors to learn about the sensitive landscape of this area will enhance visitor experience and provide an economic benefit to the area from these visitors.
- Given the requirements for bird and bat boxes secured from the operational works previously permitted it is considered that there are no other opportunities for biodiversity net gain on the site itself. The eco-systems services benefits proposed relate to the public enjoyment and health benefits of the use.

7.4 Overall, it is considered that the proposed uses would conserve the natural beauty, wildlife and cultural heritage of the National Park (purpose 1) and positively contribute to purpose 2, which is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. It will also meet the duty of the National Park Authority to foster the local economy in pursuit of those purposes.

The Legal Agreement

- 7.5 There is an extant S.52 Town and Country Planning Act 1971 legal agreement dated 1982 attached to permission LW/80/1892 for the conversion of buildings and land into residential and equestrian centre approved by Lewes District Council (LDC) in April 1982. The agreement was between Lewes District Council (local planning authority at that point in time) and the original landowner for the entire site N G B Cheyney.
- 7.6 The S.52 agreement ties the approved site plan area to a number of covenants, including that the part of the site designated for equestrian use should be retained as a single business unit devoted to equestrian purposes and that such land shall not be used for any purpose other than that of a single equestrian unit.
- 7.7 Since the 1982 S.52 agreement, the tied land has been subdivided into numerous plots, such that there are now a number of successors in title all of whom are bound by the original agreement. There is now more than one equestrian business operating within the wider land subject of the S52 agreement following permission LW/90/1447 dated 20.08.1992. A S.106 legal agreement (pertaining to part of the S.52 land, including the County Stables/Totaliser building 'Unit 3' – the subject of this application) between Lewes District Council (local planning authority at that point in time) and various landowners sought to override the S.52 agreement in permitting more than one equestrian business on part of the S.52 land, as well as allowing a greater number of residential dwellings.
- 7.8 Having considered the 1982 s.52 agreement and 1992 s.106 legal agreement and associated legislation the SDNPA is of the view that a S.106 agreement cannot in law be assured to vary a s.52 agreement. In law a s.52 agreement can only be varied or discharged with the agreement of all the parties or through an application to the Upper Tribunal (Lands Chamber).
- 7.9 In 2022 an application was made under SDNP/22/03643/MPO to release some of the land at The Old Racecourse from the Section 52 agreement including the current application site. This was refused under delegated powers for the following reason:
- “The S52 agreement cannot be discharged by way of agreement between the Local Planning Authority and all successors in title within the red line of the Section 52 because agreement with all parties cannot be reached. Furthermore, there is no acceptable change of use application before the Local Planning Authority to justify full or partial discharge of the S.52 or any formal agreement to under enforce the obligation. The S.52 therefore still serves a useful purpose in precluding non-equestrian uses that may not conserve or enhance the equine cultural heritage and landscape character of the site, in accordance with the National Park's First statutory purpose and development plan policies SD4, SD5, SD6 and SD25”.
- 7.10 The issue of whether an acceptable change of use is now proposed is dealt with in the previous section. The legal issue with discharging the section 52 agreement remains the case because agreement with all parties cannot be reached. In the officer report for SDNP/22/03643/MPO two options were set out to resolve this situation: applying to the Upper Tribunal (Lands Chamber) to discharge the agreement; or seeking confirmation from the SDNPA (by way of agreement) that it would not seek to enforce the terms of the S.52 against the parcel of land within the applicants ownership. This would not amend the terms of the S.52, which would remain extant and unaffected. It is proposed that an agreement between the applicant and the Authority would seek to prevent the applicant from undertaking any form of development, other than that permitted through this planning application, which is contrary to the provisions of the s. 52 agreement in relation to the County Buildings/Totaliser buildings; and that the Authority would not enforce the obligation under the s. 52 agreement that requires a single equestrian use. The agreement would only relate to the land the subject of this planning application.
- 7.11 Whether or not a formal agreement about enforcement of the s.52 agreement could be reached turns on the LPA's view as to whether the S.52 still serves a useful purpose in planning terms, in this case by tying the Applicant's land to a predominantly equestrian use, or whether an alternative sensitive and appropriate use of the Totaliser building is proposed that conserves and enhances the site's landscape character and cultural heritage and provides genuine public benefit, would meet the National Park's purposes and be in accordance with the development plan polices. The current application seeks to determine whether the proposed uses meet these requirements.

- 7.12 The Authority takes enforcement action when it is in the public interest to do so and when such action is reasonable and proportionate. It is a discretionary power. Having considered the development plan and other material considerations it is felt that any enforcement action pursuant to the s.52 agreement would not be in the public interest or reasonable if the proposed development is implemented. It is therefore proposed that the Authority agrees not seek to enforce the provisions of the s.52 agreement in relation to the County Stables/Totalisator building if this permission is implemented. It is however proposed that the applicant should be required to enter into a Section 106 agreement which ensures that the land in question will not be used for any other development that is not in accordance with the provisions of the s.52 agreement.

Other Issues raised by Third Parties

- 7.13 There is a mixture of views about the proposal which are summarised in section 5. The following addresses the points raised in objection that have not been covered already above.
- **Justification for and Sustainability of Location:** The location of Lewes Old Racecourse is detached from the town of Lewes and its facilities are currently limited (a horsebox bar which is only open for part of the year and for limited hours in the afternoon/evening). It is nevertheless very popular with visitors, both from the town itself using Landport Bottom and adjacent downland for walking and exercising dogs, and for wider users of the public rights of way network. The intention is that the facilities proposed will predominantly serve these existing visitors rather than attracting large numbers of new ones.
 - **Noise/Impact on Tranquillity:** The area around Lewes Old Racecourse is currently very tranquil with limited vehicle movements, and this is highly valued by residents and visitors. It is undoubtedly very different to the level of activity that would have been experienced when the racecourse was operating, and even when the racehorse training facilities were fully operational. Nonetheless the provision of modest facilities on the site is unlikely to have a significant impact on levels of tranquillity and activity, especially given that they are primarily designed to capture an existing market of visitors to the area and only limited parking facilities are provided on site. Similar concerns were raised about the operation of the horsebox bar, but these concerns have not been realised due to the careful management of the site and encouragement of car-free visits. Conditions are proposed to control the types of uses and the hours of operation to protect residential amenity and the wider tranquillity of the site.
 - **Traffic:** ESCC Highways originally raised concerns due to lack of information, but these were addressed by a subsequent transport report setting out the anticipated traffic numbers and parking provision. Conditions are recommended securing the parking provision, including for bicycles, and the submission of a travel plan setting out how the applicant will limit the number of vehicles visiting the site. The maintenance of the Motor Road is a private matter between the owners and not a matter for the Planning Authority.
 - **Infrastructure:** Lewes Old Racecourse is off-grid for most of its infrastructure and relies on private facilities for water, gas, electricity and sewage. The cost of these facilities are shared by the owners. How these costs are divided up and any improvements funded is a private legal matter for them and not a matter for the Planning Authority.
 - **Proposed and Potential Uses:** As originally proposed the bunkhouses were three separate units which could have been occupied as C3 dwellings (albeit they would not have met space standards). On officer's advice the layout has now been amended to three separate bedrooms with en-suites and a shared living room / kitchen. This is considered to be a Sui Generis use that could not be changed to other types of accommodation without planning permission. The layout and size of these facilities also encourages their use for short-term stays rather than longer term accommodation. Conditions are recommended to control the uses, any physical changes and hours of operation.
 - **Dark Skies:** No physical changes are proposed to the building in this application and the previous permission for alterations includes a condition preventing outside lighting.

8 Conclusion

- 8.1 It is considered that the proposed uses would meet the purposes of the National Park by

enabling appropriate re-use of an existing building, providing facilities to support visitors to the Park, encouraging overnight stays in the area and educating them about the special character of this part of the National Park. The restrictions on vehicular traffic and other controls over the development will ensure that the development's contribution to purpose 2, (to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public) is not achieved at the expense of purpose 1, which is to conserve and enhance those special qualities. The proposal will also meet the duty of the National Park Authority to foster social and economic well-being in pursuit of those purposes. In the light of these conclusions, it is considered that the proposed development meets the requirements of the relevant development plan policies.

- 8.2 The above conclusions on the merits of the proposed development mean that the section 52 agreement no longer serves a useful purpose in planning terms in respect of the use of the application site. It is therefore recommended that the Authority will not seek to enforce the requirement of the S52 that relates to a single equestrian use of the site where that requirement conflicts with the uses proposed in this planning application.

9 Added Value

- 9.1 During the course of the application, officers have negotiated additional details of the transport impacts of the proposal and a revised layout for the bunkhouses to ensure that they are not used as permanent dwellings.

10 Reason for Recommendation and Conditions/Reasons for refusal

- i) It is recommended that the application be approved subject to the conditions set out below and the completion of a S106 agreement to agree that the application land will not be used for any development which is contrary to the existing section 52 agreement, other than that development proposed through this application. It is also proposed that the Authority will agree not to enforce the requirement in the section 52 agreement associated with a single equestrian use in respect of the development permitted.
- ii) Conditions 3 – 5 are to secure the car and cycle parking facilities proposed and to require a travel plan to set out how motorised visits to the site will be minimised. Conditions 6-8 are to restrict the uses to those proposed and remove permitted development rights to change to other uses or building extensions without planning permission. Condition 8 is to restrict the hours of use of the café and exhibition space to protect the amenities of neighbours and the tranquillity of the wider area.

Planning Conditions and Reasons

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 of the Town and Country Planning Act 1990 (as amended).
2. 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. Prior to the commencement of the uses hereby permitted a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan Statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
Reason: To encourage and promote sustainable transport and safeguard the tranquillity of the countryside and neighbouring amenity.
4. Prior to the commencement of the uses hereby permitted, the parking areas shall be provided in accordance with the details which have been submitted to and approved in writing by the Planning Authority and the area shall thereafter be retained for that use and

shall not be used other than for the parking of motor vehicles. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

5. Prior to the commencement of the uses hereby permitted, the cycle parking and storage areas shall be provided in accordance with details which have been submitted to and approved in writing by the Planning Authority, and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures or works as defined within Part 7 of Schedule 2 or any order revoking or re-enacting that Order shall be erected or undertaken on the site.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interests of the character and appearance of the development and area.

7. The application site shall be used for F1(e) exhibition space, E(b) ancillary cafe and Sui Generis bunkhouse in accordance with the approved floorplan; and for no other purpose (including any other purpose in Classes E or F of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the uses contribute to the purposes of the National Park as proposed in the planning application.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed bunkhouse accommodation shall be used for short-stay holiday accommodation only for a maximum of 2 weeks per occupant and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority.

Reason: To ensure that the accommodation is only used as short stay holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and the accommodation does not meet adequate space requirements for permanent dwellings.

9. The exhibition space and ancillary café hereby permitted shall not be open for business other than between the hours of 8:00 and 18:00.

Reason: To protect the residential amenities neighbouring dwellings and the tranquility of the locality.

Tim Slaney
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South Downs National Park Authority

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Appendices I – Information concerning consideration of applications before committee
Appeal decision for SDNP/21/02850/FUL and Section 52 Agreement
SDNPA Consultees Director of Planning, Legal Services
Background Documents [All planning application plans, supporting documents, consultations and third party responses](#)
[National Planning Policy Framework \(2021\)](#)
[South Downs Local Plan \(2014-33\)](#)
[South Downs National Park Partnership Management Plan \(2020-25\)](#)