

<u>No:</u>	BH2022/01584	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Drove Road Brighton BN2 6AJ		
<u>Proposal:</u>	Erection of single storey building for 7no stables and open-fronted timber framed lean-to hay barn, erection of residential mobile home for temporary period of three years and retention of existing buildings for commercial equestrian purposes (Part retrospective).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	27.04.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.06.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.12.2022
<u>Agent:</u>	David Campion Ltd Albion House Albion Street Lewes BN7 2NF		
<u>Applicant:</u>	Mr Roger Rowell The Boneyard Drove Road Brighton		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be retained in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	235.22.30	Rev C	6 October 2022
Proposed Drawing	235.22.20	Rev C	27 September 2022
Proposed Drawing	235.22.01		27 April 2022
Proposed Drawing	235.22.03		27 April 2022
Proposed Drawing	235.22.04		27 April 2022
Proposed Drawing	235.22.05		27 April 2022
Proposed Drawing	235.22.06		27 April 2022
Proposed Drawing	235.22.07		27 April 2022
Proposed Drawing	235.22.08		27 April 2022
Proposed Drawing	235.22.09		27 April 2022
Proposed Drawing	235.22.21		16 August 2022
Proposed Drawing	235.22.22		16 August 2022

2. Within 6 months of this decision, additional signage shall be added to the road and access track within the site boundary which will advise drivers to lower their speeds and drive with caution. The signage should also include messaging to

advise motorists that there is no access to Chalky Down Campsite via the Warren Road entrance to Drove Road.

Reason: In the interests of highway safety and to be in accordance with policy CP9 of the City Plan Part One and DM33 of the City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. It remains the applicant/developer's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries. It is noted that the SDNPA have refused to grant the application that was before them. This application only relates to the matters within the Brighton and Hove area and does not grant consent for anything within the South Downs National Park Authority area.

2. SITE LOCATION

- 2.1. The application site straddles across the administrative boundary of Brighton and Hove City Council and the South Downs National Park Authority area (SDNPA) for the purpose of the determination of planning applications. The southern boundary of the site is marked by Drove Road which is a public byway (BOAT) and marks the boundary of the SDNP. The majority of the site falls with the SDNP.
- 2.2. Whilst the application as a whole relates to the erection of buildings for the purpose of equestrian use and a temporary residential use of a building the Local Planning Authority (LPA) can only consider the impact of the proposals on the land within its jurisdiction, which is the access track to the wider site. Drove Road is classified as a Byway Open to all Traffic, with a 1998 Traffic Regulation Order restricting traffic to access only (and horse drawn vehicles).
- 2.3. It is noted that the application is retrospective.
- 2.4. The access track is with the Urban Fringe (SA4). The majority of the site falls within a Nature Improvement Area (CP10), however coverage does not include the access track.
- 2.5. No physical works are proposed to the access; however the application would lead to an change in usage and as part of the overall development this needs assessing. The access narrows to a slim single track with no passing places from the point adjacent to the western corner of the site as marked in blue, and there is a gate across just east of the main site entrance. The site entrance is enclosed with tall fencing and metal gates. There is a further track north of the site on lower ground that leads to Brown Loaf Farm.

3. RELEVANT HISTORY

- 3.1. **BH2010/02225** - Outline application for proposed riding school, livery facility and ancillary staff office and accommodation. Withdrawn
- 3.2. A duplicate application has been submitted to South Downs National Park Authority (**SDNP/22/01454/FUL**). The site at the end of the access track from the adopted highway is within their remit. This application has been determined and refused.
- 3.3. This application was refused for reasons relating to the intensity of the use being incompatible with the capacity of the application site and consequential impact on the SDNP; the need for residential accommodation was not sufficiently demonstrated to the SDNPA and insufficient information about the engineering operations already undertaken, physical development within the site to support an increased number of horses and potential impacts on the water, landscape and ecological interests of the site.

4. APPLICATION DESCRIPTION

- 4.1. The application description includes all the works and proposed change of use within the site boundary (red line). The B&HCC LPA can though, only consider the works / uses within the area of land within their jurisdiction.
- 4.2. In this case that is the access to the site and any impacts relating to the access, which would be the amenity impacts relating from a change in patterns of use and impacts on highway safety.
- 4.3. In situations where there is a cross boundary application the respective planning authorities consider the development and impacts within their boundaries. Therefore, what is not considered under this application has been considered by the SDNPA.

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters have been received objecting to the proposed development for the following reasons:
 - The road is not suitable for the large vehicles that have been using it.
 - Hazard to walkers and cyclists.
 - Unauthorised changes to the topography of the site.
 - Entrance has been widened and moved forward.
 - Residential mobile home installed without planning permission.
 - Concerns about a future permanent dwelling on the site.
 - Additional traffic and intensified use of Drove Road.
 - Detrimental impact on property value
 - Noise and nuisance to neighbours

- Security concerns
- Equestrian use being a full-time use and no 'down' time.
- Overdevelopment
- Restriction of view
- Traffic or Highways
- It would ruin an AONB
- Light pollution
- Poor Design
- Adversely affects conservation area
- Concerns about holiday let use
- Stables and development already visible.
- Residential amenity
- Loss of privacy

5.2. **Councillors Simson and Bell** have objected to the application. A copy of their objection is added to the report.

6. CONSULTATIONS

Internal:

6.1. **Sustainable Transport:**

First Response:

Pedestrian access and vehicle access to the site will remain as existing from Drove Road. This is considered acceptable.

6.2. There are 8 existing car parking spaces and 2 existing horseboxes, both of which are to remain the same as part of the proposed development. There is an absence of cycle parking provided as part of this application to support the development proposals. SPD14 sets out the minimum cycle parking requirements. The two-bedroom temporary dwelling located in an 'Outer Area' is required to provide a minimum of one cycle parking space per unit (Long Stay). In order to comply with the development plan a minimum of one cycle parking space should be provided. The cycle parking provided should be secure, convenient to access and, wherever possible, sheltered. It is recommended that cycle parking is secured by condition.

6.3. It is not anticipated that the addition of seven stables and a residential mobile home temporarily for a three year period will result in an excessive increase in vehicle trips. Therefore, we consider that the development will not have a severe impact on the highway and the surrounding transport network.

Second Response (following submission of the traffic statement):

6.4. There are no concerns about the change to trips to and from the site, however it is considered that there is a small operational impact which could benefit from better signage for drivers.

External:

6.5. **South Downs National Park Authority:** Comment

The application you are considering is a cross boundary dual application and SDNPA are currently considering the bulk of the proposals as the land encompassing the majority of the activity is located with the South Downs National Park.

- 6.6. The land falling within BHCC jurisdiction largely relates to the access and associated track to which it is understood there is no physical alteration. SDNPA therefore do not formally comment upon your application but ask that you undertake an assessment of the highway impacts of the proposals.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Joint Area Action Plan (October 2019)

- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP9 Sustainable Transport
CP10 Biodiversity
SA4 Urban Fringe

Brighton & Hove City Plan Part Two

DM20 Protection of Amenity
DM33 Safe, Sustainable and Active Travel

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations of this application relate to the highways and neighbouring amenity impacts arising from the increased use of the access road.

9.2. A site visit was undertaken in June 2022 (late morning on a weekday), the BOAT was in use at the time of the visit. It is noted that this provides only a small snapshot of the way the BOAT is used.

Impact on Neighbouring Amenity:

9.3. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

9.4. The retrospective works to the wider application site have resulted in an intensification of the equestrian use and as such an increased number of trips on the access track.

9.5. The applicant has submitted a Transport Assessment that sets out that there has been an increase in monthly trips from 468 to 510 which is an increase of 9%. Whilst the access abuts the rear garden boundaries of the properties to south it is not considered that there is significant uplift in trips associated with the equestrian use.

9.6. Neighbouring occupiers have raised concerns about the increased noise and disturbance from the current operations, however it is not considered that the 9% increase in trips shown in the traffic statement is a material increase in noise and disturbance which would warrant the refusal of the application with regard to DM20 of City Plan Part Two.

Highways:

9.7. The application is supported by a traffic statement which sets out a 9% (42 trips) increase in trips on a monthly basis since the activity increased following the relocation of the majority of the operations from the other (Southdowns) site. It is noted that not having to travel between sites does remove some trips that would have taken place prior to September 2021. It is noted that this is based on an estimation of the previous trips prior to the amalgamation of the operations on this site.

9.8. It is stated that “Currently, there are 14 livery horses on the yard owned by 8 people who come to the stables on average twice a day. Three clients live within walking/cycling distance and others car share when possible. Horses on full livery will only rarely be visited by their owners (say once a week, usually at weekends).”

9.9. It is noted that the application form states that there will also be a part-time member of staff and that there will be additional trips to the recycling centre and for the removal of manure, which do not appear to have been factored into the estimate. There is also no mention of the usual domestic trips and visitors, although these additions are considered negligible.

- 9.10. Based on the use of the site for two bedroomed accommodation and livery stables accommodating the current number of horses, it is not considered that the development will not result in an excessive increase in vehicle trips or have a severe impact on the highway and the surrounding transport network.
- 9.11. A condition has been suggested to secure the signage which is considered to be of an operational benefit to the byway by directing drivers to lower speeds and drive with caution and advising them that there is no through access from the Warren Road entrance to Drove Road.
- 9.12. The Local Highway Authority are satisfied with the application in regard to highways safety and therefore, the development is in accordance with highway policies CP9 and DM33.

Other matters:

- 9.13. A corresponding application has been submitted to and determined by the SDNPA. This application has considered the impacts of the proposal and the physical works indicated on the plans which fall outside of the Brighton and Hove area.
- 9.14. It remains the applicant/developer's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries. It is noted that the SDNPA have refused to grant the application that was before them, however as this did not consider the access it would not be reasonable to recommend refusal on this basis. Furthermore, we can only assess and mitigate, where appropriate, impacts within the Brighton and Hove area.

Conclusion

- 9.15. The intensification of the equestrian use within the wider site would not result in any significant increase in trips on the access track that would result in an unacceptable neighbouring amenity or highway safety impacts. The proposal is in accordance with policy CP9 of the City Plan Part One and policies DM33 and DM20 of the City Plan Part Two.

10. EQUALITIES
None identified

11. BIODIVERSITY AND CLIMATE CHANGE
None identified

