

<u>No:</u>	BH2026/01166	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Drove Road Brighton BN2 6AJ		
<u>Proposal:</u>	Change of use of land to commercial equine, erection of stables, barns and siting of a mobile home to be occupied for a temporary period of 5 years (part-retrospective).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	08.05.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	03.07.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	30.10.2026
Agent:	Mr Richard Stone 1 Sunnybank Gravel Hill Shirrell Heath SO32 2JQ		
Applicant:	Ms Leesa Long The Boneyard Drove Road Brighton BN2 6AJ		

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:

- The development hereby permitted shall be carried out 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	235.22.10		17-Jun-26

- The use of the access hereby permitted in connection with the commercial equine facility/stables and mobile home as set out within the application shall cease prior to the expiration of 5 years from the date of this permission.

Reason: For the avoidance of any doubt and as the application has been submitted and assessed as a 5-year temporary proposal only, and to enable the Local Planning Authority to maintain future control over the use of the land in question for highways and visual amenity reasons, to comply with policies DM33, DM36, SA4 and SA5 of the Brighton & Hove City Plan.

Informatives:

- 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 previously refused to grant permission for the application that was before them. This current application only relates to the matters within the Brighton and Hove area (i.e. the access only) and does not grant planning permission for any development within the South Downs National Park Authority area.
3. The applicant is advised to add additional signage to the road and access track within the site boundary to 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.

2. SITE LOCATION

- 2.1. The application site, known as The Boneyard, is located on the northeast edge of Brighton and Hove in a countryside location between Bevendean and Woodingdean. The majority of the site falls within the South Downs National Park (SDNP).
- 2.2. The application site straddles across the administrative boundary of Brighton and Hove City Council (BHCC) and the South Downs National Park Authority Area (SDNPA). The southern boundary of the site is marked by Drove Road which is a public byway and marks the boundary of the SDNP. To the south of Drove Road is residential housing in Woodingdean.
- 2.3. Drove Road is classified as a Byway Open to All Traffic (BOAT), with a 1998 Traffic Regulation Order restricting traffic to access only (and horse drawn vehicles). The access track is within the jurisdiction of Brighton and Hove Local Planning Authority. The land is within the Urban Fringe and City Plan Part One Policy, SA4 applies.
- 2.4. The access track extends from Warren Road in a north-easterly direction towards the application site. It narrows to a slim single track with no passing places from the point adjacent to the western corner of the site. 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. The below site history includes applications determined by Brighton & Hove (B&H) and the South Downs National Park (SDNPA). Details of the respective applications can be found on each Local Planning Authority's planning register.

- 3.2. **SDNP/26/01568/FUL (SDNPA)** - Retrospective change of use of land to commercial equine, erection of stables, barns, and the siting of a mobile home to be occupied for a period of 5 years. Under consideration
This is a duplicate application for the current proposal which has been submitted to the South Downs National Park Authority for their consideration.
- 3.3. **BH2022/01584 (B&H)** - 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). Approved 02/2/2023 (temporary permission lapsed 02/02/26)
- 3.4. **SDNP/22/01454/FUL (A duplicate application to the above, assessed by the SDNPA)** Change of use of property and associated structures for equestrian purposes together with the change of use of land for the stationing of a residential mobile home for a temporary period of three years (retrospective). Refused 15/12/2022
- 3.5. The reasons for refusal related to the intensification of the equestrian activities and subsequent impact on the landscape and character of the SDNP, insufficient justification for the residential unit, harmful engineering work and visual impact on the SDNP, overdevelopment of the site, and potential impact on ground water resources.
- 3.6. **BH2010/02225 (B&H)** - Outline application for proposed riding school, livery facility and ancillary staff office and accommodation. Withdrawn

4. APPLICATION DESCRIPTION

- 4.1. The application seeks a change of use of the land to a commercial equine facility, erection of stables, barns and siting of a mobile home to be occupied for a temporary period of 5 years. The application is part-retrospective as the use is occurring (including the access) and the buildings are already in situ. The application is effectively seeking a further 5 years temporary consent following an initial 3-year temporary consent granted in 2023 (which has now lapsed).
- 4.2. As noted above, the application is a cross-boundary application. The South Downs National Park Authority (SDNPA) is considering the greater part of the proposal as the land encompassing the majority of the development site is located within the South Downs National Park.
- 4.3. The application description includes all the works and proposed change of use within the site boundary (red line). Brighton and Hove City Council Local Planning Authority must only consider the works / uses within the area of land within their jurisdiction. In this case that is only the use of the existing access to the site (no physical changes proposed) and any impacts relating to the access, namely the amenity impacts relating from a change in patterns of use of the access, and any impacts on highway safety.

- 4.4. 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 shall be considered by the SDNPA under the duplicate application. To succeed as an overall proposal, both LPA's would need to support their respective applications.
- 4.5. With the exception of the site location plan, the submitted drawings which accompany the application are submitted for information only.

5. REPRESENTATIONS

- 5.1. **Eleven (11)** representations have been received objecting to the application on the following grounds:
- Previous applications have been refused and orders made to remove all structures
 - Previous restorative work for the site has not been undertaken
 - Harm to the landscape and wildlife
 - Increased vehicle movements and traffic result in conflicts between access track users
 - Track is illegally used by motorbike and electric scooters
 - Improvements to the tracks are required
 - A 5mph speed limit should be implemented
 - The site is being used for car parking
 - Living accommodation unnecessary and unjustified
 - Claims that it is a stud farm questioned
 - Noise and disturbance
 - Overdevelopment of the site
 - Sets an unwanted precedent for residential accommodation in the SDNP
 - The use is not genuinely temporary, as there has been a long history of temporary uses
 - Examples of similar development in the area have occupancy safeguards in place
 - Reports submitted with this application are out of date and are from the 2022 application. New reports and assessments are required
 - Cumulative impacts on wildlife if a residential use is established on site
 - The track is in a poor state of repair and will be made worse
- 5.2. **Twelve (12)** representations have been received supporting the application on the following grounds:
- The applicant has an established need to be onsite to facilitate successful horse breeding
 - It is a well-run local independent business and should be supported
 - There is a public benefit from the improvements to the pre-existing buildings
 - The applicant provides a valuable service for local horse owners
 - The application supports the local rural businesses and the equestrian community
 - The site offers benefit to the wider community including children with additional needs

- 5.3. **Councillor Jacob Allen and Councillor Jacqui Simon** support the application for the following reasons:
- The application represents an appropriate and pragmatic approach for the site
 - Equine activity has been part of the landscape and economy in the area
 - The new buildings would improve animal welfare and storage
 - The temporary residential use is justified for operational reason
 - It is a small-scale enterprise which is sensibly managed within the SDNP
 - There have been no complaints arising from the site
- 5.4. A copy of the joint representation from Councillor Allen and Councillor Simon is appended to this report.

6. CONSULTATIONS

Internal:

6.1. **Transport** No Objection

Pedestrian and vehicle access would remain via Drove Road. No changes to car parking are outlined. The application does not provide specific details regarding loading, servicing or delivery. A Traffic Statement was submitted in support of the previously approved temporary permission and there is no evidence that the scale or nature of the equestrian use has materially changed. The previous assessment estimated that the development would result in an increase of approximately 9% in vehicle movements compared with the previous arrangement. Cycle parking should be sought by condition.

6.2. **Environmental Health** No Objection

External:

6.3. **South Downs National Park Authority (SDNPA)** Comment

This is a cross-boundary application. The SDNPA are currently considering the bulk of the proposals submitted under application reference SDNP/26/01568/FUL as the land encompassing the majority of the development is located within the South Downs National Park. The land falling within BHCCs jurisdiction largely relates to the access and associated track to which it is understood there are no physical alterations proposed. The SDNPA therefore has no formal comments to make on this application.

- 6.4. Full details of all representations made, and consultee comments, can be viewed on the council's Planning Register.

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 updates October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA4	Urban Fringe
SA5	Setting of the South Downs National Park
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage

Supplementary Planning Documents:

SPD14	Parking Standards
SPD16	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. As stated earlier in this report, the principle of whether the proposed use is acceptable on this site within the National Park will form part of the consideration undertaken by the South Downs National Park Authority. The main considerations of this application relate to those parts within the Brighton and Hove administrative boundary, namely whether the access is acceptable to serve the proposed type and scale of use.

- 9.2. No physical changes to the access route are proposed, and the main considerations are highways access and safety and neighbouring amenity impacts arising from changes in the use and the activity of the access road. Any associated impact of the use of the access on the rural character and appearance of the adjacent National Park is also a consideration, as the council has a statutory duty to consider, and seek to further, the statutory National Park purposes and duty.
- 9.3. The application is similar to a previously approved application in 2022 (see History section above). This approval is also a material consideration for this application.
- 9.4. A site visit was undertaken in August 2026.

Highways Considerations

- 9.5. This application is part- retrospective. The application contains background information to explain the previous use of the site and the changes which have taken place over time. It is understood that the applicant and their partner previously ran a livery and competition yard at the nearby South Down Stable in Bear Road. The applicant appears to have gradually relocated activities to the application site since September 2021. The previous application was supported by a traffic statement which itemised a 9% increase in trips on a monthly basis following the relocation of the majority of the operations from the South Downs site. There have been no recent surveys of actual trip generation. However, as in the 2022 planning application, the Transport Team remain comfortable with the trip generation associated with current activity on the site. There is no evidence of a subsequent intensification of use of the site since the last permission.
- 9.6. It is explained in the Planning Statement that the applicant envisages a change in direction in the next few years, which would reduce the livery element of the business and increase the emphasis on breeding. The mobile home would continue to be used as residence for the applicant and their partner. Based on the use of the site for accommodation and livery stables accommodating the current number of horses, it is still considered that the development would not give rise to an excessive increase in vehicle trips or have a severe impact on the highway and the surrounding transport network. A move towards less livery provision (and associated individual and likely frequent trips associated with different owners) could result in less traffic generation potentially going forward. The Highway Authority considers that the conclusions of the previous transport assessment remain broadly applicable, and no significant impacts are anticipated in terms of the safety of users of Drove Road.
- 9.7. In regard to the type and condition of the Drove Road track, it is a single track, and the Transport Team have confirmed that the Highway Authority (BHCC) is responsible for its upkeep. It has been confirmed that resurfacing has not been undertaken in the last 10 years. The Transport Team have confirmed that the last resurfacing of this track was undertaken to improve the cycle network. It is not considered the associated traffic movements proposed would have a demonstrable impact on the road surface or maintenance, and its nature is appropriate for the proposed use.

- 9.8. In regard to speed limits, the Transport Team have confirmed that the speed limit on Drove Road does not immediately decrease from Warren Road, which has a restriction of 40mph. When Drove Road forks to access the application site and the track to the north east, the official speed limit is reduced to 30mph. In practice, appropriate speeds are likely to be much lower than this. Suggestions made in representations suggested a need to secure 5mph signage in Drove Road. This has not been advocated as necessary by the Transport Team. On the previous application the applicant was advised to use signage to advise users of the track to lower speeds and to advise that access was restricted, by way of an informative on the previous decision. The site visit revealed no signage to this effect had been installed, however, and this shall be added again to remind the applicant that signage would be beneficial. It has also been clarified that the 'no motorised' vehicles sign which is displayed close to the junction with Warren Road is not an official highways sign, and it is not enforceable.
- 9.9. In regard to parking, there is not anticipated to be a significant change from the previously approved scheme. The site comprises a commercial equestrian use and does not fit neatly within the land use categories contained within SPD14 Parking Standards. For comparison purposes, the closest equivalent category is considered to be outdoor sports and recreation uses (F2 use, former D2 use). There are no changes proposed for the on-site provision therefore no evidence that parking would be displaced on to the highway.
- 9.10. Cycle parking provision is not detailed within the current submission. Given the site's accessibility by the cycle network and the absence of any confirmed cycle parking provision, the Transport Team recommends that a Cycle Parking Scheme condition is attached to any permission granted. The Transport Team previously requested a cycle parking condition in relation to the previous approval, BH2022/01584, however this was not attached to the final decision notice. The cycle parking would be required to be located within the main part of the application site which is outside of BHCC jurisdiction. For this reason, it would be for the SPNPA to impose such condition should the authority consider it necessary.
- 9.11. Overall, the Local Highway Authority are satisfied with the application in regard to highways safety and the development is considered to be in accordance with highway policies CP9, DM33 and DM36.

Impact on Neighbouring Amenity

- 9.12. 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, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health. Policy DM40 addresses Environmental Protection. The policy seeks to ensure development does not give rise to environmental pollution, and this includes, relevant to this proposal, noise and disturbance.

- 9.13. The retrospective works and change of use to the wider application site in 2021 have resulted in an intensification of the former equestrian use of the site and as such, an increased number of trips on the access track. The residents most impacted by the development are those directly south of the access track, Drove Road. The rear gardens of these properties adjoin the access track to the south.
- 9.14. Whilst Drove Road is directly adjacent to the boundary with noise sensitive premises, it is not considered that the development has resulted in an uplift in trips associated with the equestrian use. It is noted that in the previous application, the submitted Transport Statement set out that there was an increase in monthly trips from 468 to 510 which is an increase of 9%. No up-to-date Transport Assessment has been submitted with this application. Whilst this would have been helpful to quantify the number of trips associated with the current activity, this cannot be insisted upon, and the LPA must assess the application on the information which has been submitted. As noted by the Transport Team, it is considered that the situation on site has not materially changed since the previous application was approved in 2022.
- 9.15. Neighbouring occupiers have raised concerns about the increased noise and disturbance from the current operations; however, it is not considered that the increase in trips associated with application results an increase in noise and disturbance to a degree which would warrant the refusal of the application. The properties which border the site have good-sized rear gardens, and the overall level of motorised vehicles using Drove Road to access the application site remains a generally low number. In addition, there is screening between the rear gardens and the access track in the form of closed boarded fencing and some planting. This offers some degree of a visual screening and an acoustic buffer between vehicles using the access track and the residential gardens.
- 9.16. It is also noted that the nature of the access track, which is a narrow, shared space, necessitates low vehicle speeds in general, and this means noise from vehicle movements would be less than what would be experienced on a conventional road open to through traffic.
- 9.17. Overall, it is not considered that the associated movements on Drove Road present significant harm to the residential amenity of neighbouring occupiers and no conflict with City Plan Part Two Policies DM20 and DM40 have been identified.

Setting of the South Downs National Park

- 9.18. No physical changes are proposed to the width/type/surfacing of the access point or to Drove Road, which remains a relatively low key single track access road, and this is appropriate for its rural setting. The level of activity and traffic movement associated with the development is not considered to compromise the setting, character or main purposes of the Park, given the relatively low level of activity as outlined above and when compared to the previous use. Whilst consideration of the use of the main site for equine/residential use is for the SDNPA, it is in principle one that can be appropriate in a rural location. The proposal is therefore considered to comply with policies SA4 and SA5 of the City Plan.

Other matters raised in representations

- 9.19. Comments made regarding the safety of all the road users are noted. The type of access route does mean that users have to share the narrow space and adjust their speed and behaviour accordingly. This is not unusual for a Byway Open to All Traffic (BOAT) within a countryside setting. Concerns regarding use of the track by other types of vehicles is not for consideration and is a matter for other authorities.
- 9.20. Comments made regarding the change of use, the physical alterations to the site, the wider character and appearance of the SDNP, landscape considerations, and ecology are noted and require assessment under the corresponding application which is under consideration with the SDNPA. See also section on SDNP Setting above.
- 9.21. In regard to any unauthorised works and enforcement proceedings relating to the use of the site, these matters also sit with the SDNPA who refused the previous application for the site. The SDNPA would need to be satisfied that the current application has addressed previous concerns in order to grant consent for the works. The outcome of the current application before Planning Committee does not prejudice the outcome of the SDNPA application.

Matters of Clarification

- 9.22. At the time of writing this report, the corresponding application which has been submitted to the SDNPA remains under consideration. This application with the SDNPA must consider the impacts of the proposal and the physical works indicated on the plans which fall outside of the Brighton and Hove area. It remains the applicant's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries.

10. CONCLUSION

- 10.1. The proposed equestrian use within the wider site would not result in any significant increase in vehicle trips on the access track. The application has been fully assessed by the Transport Team, and no concerns have been raised. It is not considered that this development would result in an unacceptable impact on neighbouring amenity or highway safety impacts or adversely affect the setting or purpose of the National Park. The proposal is in accordance with policy CP9, SA4 and SA5 of the City Plan Part One and policies DM36, DM33, DM20 and DM40 of the City Plan Part Two.

11. BIODIVERSITY NET GAIN

- 11.1. Within the boundaries of BHCC jurisdiction, this scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

12. EQUALITIES

12.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

