

Planning History of Soldiers Field House and Soldiers Field Stables Findon 1962 - 1999

(source: Arun DC microfiche archive)

SUMMARY

In respect of the current Soldiers Field House planning application:

1. Although considered as separate planning units for the determination of the current, separate and different planning applications, that has not been the case historically. The 1968 planning consent for Soldier Field House FN3/68 included occupancy Condition 2, *'The occupation of the house shall be limited to persons employed or last employed in agriculture as defined in section 119 (1) of the Town and Country Planning Act 1947 or in forestry, and the dependants of such persons, or persons employed at the Downs Training Stables, Findon'*.

'The reasons for these conditions are as follows :-

The site is outside the limits for general residential development in Findon and the Planning Authority are accordingly only prepared to grant consent in this case in view of the special circumstances advanced in this application.' (FN/3/68 Decision Notice)

2. The above Condition is the standard agricultural occupancy condition of that time adapted to include the 'stables' occupancy to reflect the 'special circumstances' in the planning application as there was no planning policy that would allow a stand alone 'stables' occupancy condition, as the training of racehorses, or any equine based activity, is not an agricultural use. At the time of the application Ryan Price, the applicant owned and ran Downs Stables and also owned and used the stables at Soldiers Field as part of his combined training operation, hence the 'stables' condition refers to Downs Training Stables.
3. The *'special circumstances advanced'* in the 1968 planning application were the need for a race horse trainers house close to the stables at Soldiers Field, as the original trainers house at Downs House, close to Downs Stables, at the top of Stable Lane was needed as the stable's racing manager's house, as the Downs Stables operation, which included further stables at Soldiers Field was very successful at that time and needed to expand further at Soldiers Field. (1)

4. In 1970 however, the two stable operations separated with Ryan Price deciding to focus on training race horses for flat racing at Soldiers Field Stables, living in Soldiers Field House while Josh Gifford concentrated on training race horses for jumps racing at Downs Stables and living in Downs House, having been offered and acquired Downs Stables and Downs House from Ryan Price. This arrangement did comply with the intention behind the occupancy condition on Soldiers Field House. (1)
5. Following the death of Ryan Price in 1986, Josh Gifford offered to buy the stables at Soldiers Field with the paddocks and gallops, from Mrs Price, but the offer was conditional on the occupancy condition on Soldiers Field House being removed, or otherwise regularised. Josh Gifford did not need the house as the now, again about to become the combined Downs Stables/Soldiers Field Stables operation could be run, it was argued, from the trainers house at Downs House and in particular a third party not connected with the training of racehorses wanted to acquire Soldiers Field House with the occupancy condition removed or otherwise regularised.
6. After much debate Arun DC finally granted consent on 10 April 1989, for the 1987/88 planning application relating to the occupancy condition, only 20 years after it had been originally included as part of the 1968 consent. The condition however was not removed, the application and consent was for '*Continuance of use without complying with Condition 2*' (Application and Decision Notice FN/24/88)
7. Although Soldiers Field House has been continuously occupied without complying with Condition 2, since c 1987, with the current owners occupying from c 1992 to c 2017, current planning law is likely to consider that if there is a period of significant non occupancy there is no longer any breach of Condition 2 and the 'clock' for the period on any new non compliance would start again and have to run continuously for 10 years, without any enforcement action.
8. The Local Plan housing site allocation however will prevail over the existence of occupancy condition on the (only) 50 year old Soldiers Field House when it is demolished, even though the PDL status of the site was the main justification for its allocation. The occupancy condition was originally imposed because the development would not otherwise have been granted consent as it was outside the

settlement boundary in 1968, which has held as the settlement boundary until the adoption of the 2019 SDNP Local Plan. It can be argued that the site should not have been considered to be PDL in the first place, under the NPPF definition, because of the occupancy condition.

9. If, for whatever planning reason, consent is not granted for any particular residential redevelopment scheme, or is granted and not implemented within 3 years, and Soldiers Field House is occupied again, Condition 2 will in effect apply and any application for 'continuance of a breach of condition' would have to wait for 10 years.
10. As is always the case with 'occupancy conditions' there is a very significant financial impact on the open market value of the house, the 'occupancy condition' valuation being typically between 35% and 40% lower than the valuation for the house with no 'occupancy condition'.

In respect of the current Soldiers Field Stables planning application:

11. The reason the 1987 planning application for 'Continuance of a breach of Condition 2' at Soldiers Field House was initially refused was because it was considered by Arun DC that if the house was 'separated' from the stable complex this would prevent the stables being run as a separate stable operation from Downs Stables as a trainer at Soldiers Field Stables would need an associated trainers house and this may result in a further planning application for another new house outside the settlement boundary. This decision was changed a year later, after significant pressure on Arun DC when Josh Gifford offered to buy the Soldiers Field Stables, without the house, to run as one training operation with Downs Stables.
12. Ironically, this is what has happened some 15-20 years later, with Kristina Cook (Gifford) seeking planning consent to build a replacement house at Soldiers Field Stables, associated with a proposed new stable complex, facilitated by an associated application for planning consent for two large detached houses; when there is already a large detached 'trainer's' house (Soldiers Field House) adjoining the existing stable complex. The irony is that planning consent for Soldiers Field House was only granted with the occupancy condition that tied it to the stables (or to the Downs Stables

operation to be strictly correct). If the SDNP had not brought forward Soldiers Field House as a housing allocation site, it would have, as it was on the market in c 2017/18, been, and could still be, potentially available as a trainer's house again for an upgraded, or replacement stable complex at Soldiers Field Stables without the need to introduce additional new large detached houses as part of a redevelopment at Soldiers Field Stables which will harm the sensitive landscape.

13. The replacement house included in the current, and previous, planning applications also has an occupancy condition from the 1970/71 consent for the building and there does not appear to have been any application for a 'Continuance of breach of condition' or a removal of the condition, although it has been continuously occupied in breach of the condition for more than 10 years.
14. The 1970/71 occupancy condition related to the stated use of the building in the planning application, as '*accommodation for stable boys*', the condition being that the building could only be occupied by (persons) employed at the racing stables.
15. The 'replacement house' in the current planning application is strictly in terms of its planning use therefore either replacement '*accommodation for stable staff*' or a replacement house for the trainer, if a concurrent application for a continuance of breach of condition is to be included.

Conclusions

16. However well intentioned an LPA may be in trying to word an 'occupancy condition' where a housing consent would not normally be granted, in practice this is likely to be relatively short lived and always open to future challenge particular by an astute owner or developer. This will also be the case with any 'affordable in perpetuity' conditions or S106 agreements, particularly on shared ownership applications where the applicant is not a registered provider.
17. In the case of the current planning application at Soldiers Field Stables, even if an occupancy condition is imposed on the replacement house, it is more likely than not that in the relatively near future the replacement house could, like Soldiers Field House, become separated from the stables, as a large private house, or as a large

private house with private stables. A condition on a consent which would not otherwise be granted because of landscape harm is not enough of a safeguard to justify the harm to the landscape.

Detailed planning history

- 1962 Ryan Price of Downs Stables acquires land and farm buildings/stables associated with Downs Edge Farm (the acquired land and buildings otherwise known as Soldiers Field)
- 1963 Planning consent granted for a bungalow for a racing stables manager, north of Nephote Green (more or less on the site of the later Soldiers Field House) after much LPA and FPC objection because of landscape harm, the consent only granted with an agricultural/forestry worker condition with the addition 'or employed at Downs Stables'. (Decision Notice FN/13/63)
- 1968 Ryan Price granted planning consent for a much larger racehorse trainers house (Soldiers Field House) on the same site, adjoining the stable complex adjoining to the north, again with LPA and FPC objection on landscape harm and again with the same occupancy condition as the 1963 (unimplemented) condition, now scheduled as Condition 2.
At this time Ryan Price was living in Downs House as trainer of Downs Stables with the stables at Soldiers Field also in use as a combined Downs Stables complex (1)
- 1969 Ryan and Dorothy Price move to the new Soldiers Field House, the racing manager occupies Downs House. (1)
- 1970 Ryan Price offers and sells Downs House and Downs Stables to Josh Gifford (retiring stable and champion jockey) and moves the flat horses in training to Soldiers Field Stables where he concentrates training horses for flat racing while Josh Gifford trains horses for National Hunt (jump) racing. (1)
- 1971 Ryan Price granted planning consent for further stables at Soldiers Field Stables and separate accommodation for 'stable boys' at Soldiers Field Stables with a planning

condition that the accommodation is only to be used for 'stable boys employed at Soldiers Field Stables.

This accommodation later becomes known as an 'existing house' when planning consent is granted for the regeneration of Soldiers Field Stables to include a 'replacement house', two new houses and a holiday cottage to facilitate the regeneration of the stables at a smaller scale for the training of eventing horses.

There does not appear to be any record of any planning application or consent for the continuance of a breach of condition on the 'stable boys' accommodation which would mean that the planing application for a 'replacement house' is not correct.

1982 Ryan Price retires from training but under the occupancy condition can remain in occupation of Soldiers Field House, as the former racehorse trainer at Soldiers Field House.

Josh Gifford now is given use of Soldiers Field Stables as an extension of the Downs Stables training complex, mirroring the 1962 -1970 amalgamation of the two stables under Ryan Price.

1987 Following the death of Ryan Price, Dorothy Price makes and is refused a planning application for a continuance of a breach of the condition of occupancy, primarily on the grounds that the separation of Soldiers Field House from Soldiers Field Stables would prevent the stables from becoming a separate racehorse training establishment from Downs House again and that the breach of a condition itself was little more than a year. (the 10 year continuous breach rule did not apply at this time)

The agricultural part of the condition also allowed a dependent of the occupier employed in agricultural to remain in occupation and although that wasn't expressly the wording of the 'employed at Downs Stables' part of the condition it would be reasonable to assume the dependent would also be allowed to occupy the house.

1988 However the following year Josh Gifford offered to buy Soldiers Field Stables, the
-1989 paddocks and the gallops, but not Soldiers Field House, while a third party took out an option to buy the house subject to the occupancy condition being removed or a

a consent granted for a continuation of a breach of occupancy. This constraint on the purchase of the house then became a condition of the purchase of the stables by Josh Gifford.

Despite LPA and FPC objection, Arun DC planning committee decided to grant consent for the application for a continuation of a breach of occupancy on 22 April 1989.

The planning application was not for the removal of the condition neither was the consent.

If the house reverted to a subsequent period of no occupation, under current planning precedent that is likely to be considered a period when no breach of condition took place with the consequence that the commencement of a continuous period of 10 years in breach would have to start again, following re occupation.

- 1993 Christopher and Elizabeth Hobden bought and occupied Soldiers Field House as a family home.
- 1995 Christopher Hobden granted consent for all weather tennis court at Soldiers Field House.
- 1999 Hobden Estate Management, a property and investment company acquired Soldiers Field House but the Hobden family remained in residence as a family home until c 2017, while promoting the house and grounds as a housing allocation site through the SDNPA SHLAA process and by direct correspondence with officers from c 2015.

Details of the various planning applications that have been made at Soldiers Field House and Soldiers Field Stables since 2000 are still available to view on line on the Arun DC and SDNPA websites.

(1) Further references: A short History of Findon and the Racehorse

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