
Appeal Decision

Site visit made on 30 January 2017

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2017

Appeal Ref: APP/L3625/W/16/3160865

The New Defence, Anderson Way, Court Lodge Road, Horley, Surrey RH6 8RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Horley Town Football Club against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/01793/S73, dated, was refused by notice dated 11 October 2016.
 - The application sought planning permission for use of the sports ground without complying with a condition attached to planning permission Ref P/07/02346/RET, dated 14 January 2008.
 - The condition in dispute is No 1 which states that: "*The Floodlights shall not be used apart from: Saturdays 14:30 to 17:30 and no more than three times Monday to Friday 18:45 to 22:30*".
 - The reason given for the condition is: "*To ensure that the proposed development will not prejudice the enjoyment by neighbouring occupiers of their properties, with regard to policy Re2 of the Reigate and Banstead Local Plan 2005*".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant sets out that the application sought to vary the said condition so that the floodlights could be used for 6 days, Mondays to Saturdays 14:30hrs to 22:30hrs.

Main Issue

3. The main issue is the effects of the proposal on neighbouring residents.

Reasons

4. The appeal site sits at the edge of a residential area, with houses along parts of the northern and eastern boundary of the site. The Leisure Centre also occupies much of the eastern boundary of the site.
5. The northern pitch is the main pitch and is served by the floodlights. 8 lighting columns are sited around the pitch. Houses on Gower Road to the east have their rear gardens abutting the appeal site; these are a short distance away

from the nearest lighting columns and the pitch. The floodlights are considerably higher than the houses and, even when viewed from the front of the houses within the street, they are an obvious feature. Even though the lights are directed so that they illuminate the pitch, I have little doubt that the presence of the lights, when they are in use, is clear and obvious to those neighbouring residents. Furthermore, in my judgement they would be intrusive and would be the source of annoyance to some residents due to the presence of the bright lights in the hours of darkness. The appellant states that the presence of the floodlighting is the same as daylight; I consider that this reinforces my concerns rather than supports the appeal.

6. The floodlights would facilitate the use of the main pitch during the additional times stated. I consider that the use of the pitch has the capability of giving rise to noise and disturbance to local residents, as reported in some correspondence. I consider that some balance needs to be struck between the use of the sports facility which benefits some locals, and the effects that this may have on the home-life of the neighbours. The appellant states that there will be a high demand for the facility and it is anticipated that it will be well used by the club and that it would be let out to other teams and groups. This reinforces my concerns that the likely usage of the pitch would be such that noise and disturbance would be generated which would have a detrimental effect on the living conditions of neighbours.
7. I am aware that encouragement is given to expand the use of sports facilities and that some correspondence praises the club for its activities. However, these need to be balanced against the potential effect on neighbours who will be present all the time. In my view, the proposed additional hours would bring about unacceptable disturbance to neighbouring residents as a result of the intrusion of the lights and the noise generated by the additional use of the facilities. I find nothing which outweighs this harm.
8. Therefore, the proposal is contrary to Policies Re2 and Cf2 of the Local Plan. I find that the existing condition is necessary and reasonable in order to achieve those aims. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR