
Appeal Decision

Site visit made on 9 August 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/A2335/W/17/3176308

Field Number 4900, Hazelrigg Lane, Lancaster, Lancashire LA2 0RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Hodgson against the decision of Lancaster City Council.
 - The application Ref 16/01598/FUL, dated 20 December 2016, was refused by notice dated 2 February 2017.
 - The development proposed is installation of 4 lighting columns.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the application is taken from the appeal form for consistency and clarity because the Council issued a split decision in which it approved the other element of the original proposal, namely a wind turbine, whilst refusing permission for the 4 lighting columns. This decision therefore relates solely to that refused element of the total scheme.

Main Issue

3. The main issue is the effect of the proposed development on the character and quality of the landscape.

Reasons

4. The appeal site is situated on an elevated spur of land or ridge between the M6 motorway to the west and the River Conder. Higher land to the east is within the Forest of Bowland Area of Outstanding Natural Beauty ('the AONB'). The site commands extensive views both towards the open hillsides across the valley of the Conder and the developed coastal plain including Lancaster University.
5. The University has an environmental studies facility/meteorological station to the south of the appeal site which includes a wind turbine and a smaller turbine development was approved on the appeal site by virtue of the Council's split decision. This is to power the primarily equestrian facilities that have over time been developed, including the ménage proposed to be illuminated. Amongst other scattered development in the area there are other equestrian facilities and dwellings, but the dominant features on the skyline across the ridge are the high voltage power line and the University's turbine.

6. Notwithstanding these relatively intrusive features, the overall impression is of remote open countryside and I am in no doubt that it does form complementary setting to the AONB itself, contrasting as it does with the lower, more settled and urbanised landscape west of the M6. As such, and despite its lack of formal designation, I consider these physical attributes and qualities are sufficient to categorise it as a valued landscape for the purposes of paragraph 109 of the National Planning Policy Framework ('the Framework') as the Council submits. This emphasises that great weight should be given to conserving landscape and scenic beauty in designated areas including AONBs but also emphasises that valued landscapes should be protected and enhanced.
7. In daylight hours the relatively small and slender lighting columns would be relatively unobtrusive alongside the other utilitarian structures I have referred to. However, there is nothing to suggest that policies to protect landscapes are limited in effect to daytime hours. On the contrary dark, skies and landscapes are increasingly under pressure from the lighting associated with development and whether at dawn or dusk or in true darkness, appreciation of the AONB and its immediate environs is potentially diminished by artificial external lights.
8. The purpose of the lighting columns in contention is unequivocally to illuminate the ménage for the benefit of the appellant and his family and for no other purpose. Whilst this is an entirely understandable aspiration, it serves no purpose in the public interest which planning policy is intended to safeguard. In my estimation, the use of the proposed lighting columns would introduce a widely visible, jarring, discordant element into the otherwise relatively dark landscape, including in relatively distant views from the west.
9. Bearing in mind that the other infrastructure in the area is not extensively illuminated and that oft-repeated, prominent lighting such as that proposed, for example at other properties, could further erode the quality of the landscape at night and at dawn and dusk, the justification for introducing any new element of that nature would need to be compelling.
10. Policy DM28 of the Council's Development Management DPD (Development Plan Document), which concerns development and landscape impact, attaches greatest weight to nationally important designations such as AONBs and also seeks to protect their settings from inappropriate developments. Moreover, policy DM10 of the same document, which deals specifically with equine related development, requires that external lighting should respect the rural setting and landscape. For the above reasons it would not; and all in all I consider there would be a straightforward and harmful conflict with the intentions of the development plan and the Framework's intention to protect and enhance valued landscapes.
11. Limiting the hours of use by condition would reduce the harm but the hours of use are likely to coincide with times when many members of the public would be abroad to observe the harm. Equally, the anticipated screening to Hazelrigg Lane by fast growing conifers already planted behind the existing hedgerow is likely to be of limited effectiveness as far as perception of the lighting in the wider landscape is concerned; and in any event would damage the landscape in daylight hours by introducing an uncharacteristically tall and formal hedge in addition to the roadside hedgerow comprising mainly mixed native species. It should not therefore be relied on for mitigation.

12. Against that background of environmental harm and conflict with relevant policy I am not persuaded that other solutions to the appellant's evident difficulties in optimising the use of the ménage involving much less obtrusive illumination are not in any event available, bearing in mind that car headlights at, clearly, a lower level are apparently resorted to.
13. The relevant legislation requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.¹ In this case there would be harmful conflict with the intentions of both the development plan and the material consideration of national policy as expressed in the Framework, which pulls in essentially the same direction. I have taken into account all other matters raised, including the appellant's comments in respect of the health and safety of the horses, but consider that no material considerations sufficiently compelling to outweigh that harm have been identified.
14. I therefore conclude that the appeal must be dismissed.

Keith Manning

Inspector

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004