
Appeal Decisions

Site visits made on 30 December 2019 & 14 January 2020

by K R Saward Solicitor

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal A: APP/J1535/C/19/3235903

Spring Ponds, 42 Castle Street, Ongar, Essex CM5 9JS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Daniel James Fenn against an enforcement notice issued by Epping Forest District Council.
- The enforcement notice was issued on 19 July 2019.
- The breach of planning control as alleged in the notice is without planning permission the formation on the Land of an all-weather surface sports pitch (for personal use) with associated fencing and lighting.
- The requirements of the notice are:-
 - i. Remove from the Land the all-weather sports pitch with associated lighting and fencing.
 - ii. Following compliance with step i above, remove all resultant debris associated with the unauthorised development.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a),(f)&(g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed in part and the enforcement notice is upheld in the terms set out in the Formal Decision.

Appeal B: APP/J1535/W/19/3232029

42 Castle Street, Ongar, Essex CM5 9JS

- 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 Fenn against the decision of Epping Forest District Council.
- The application Ref: PL/EPF/1963/17, dated 18 July 2017, was refused by notice dated 3 April 2019.
- The development proposed is the formation of an all weather surface sports pitch (for personal use) with associated fencing and lighting.

Summary of Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, as set out in the Formal Decision.

Application for Costs

1. An application for costs was made by Mr Fenn against the Council in Appeal B. This application is the subject of a separate Decision.

Preliminary Matters

2. The development for which permission is sought in Appeal B had already been carried out. Section 73A of the Act allows permission to be granted for

development carried out before the date of the application. The original application form describes the development as 'erection of sports fence within rear garden behind existing tall boundary hedgerow'. The parties agreed a change in the description of the development after submission of the application. I have used the agreed revised description.

3. One of the reasons for refusing planning permission and issuing the enforcement notice concerns light pollution from flood lighting erected at the appeal site. In order to fully assess the effects, I undertook an unaccompanied site visit when it was dark, and the flood lights were on. The weather conditions were fine with a clear sky. A further accompanied site visit with representatives of the main parties took place on another occasion during daylight. On the second occasion I discovered that one floodlight had been removed from the bottom corner of the pitch furthest away from the side boundary although the metal pole on which it had been mounted remained. I understand that the light had been removed prior to my first site visit. As the appeals are for all the floodlights I shall assess them as though the lights were still in situ.

Appeals A and B

Ground (a), the deemed planning application & Appeal B

4. The development applied for in Appeal B is the same as that attacked by the enforcement notice in Appeal A where there is also a ground (a) appeal and deemed planning application. Ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. This ground is concerned with the planning merits of the case, and it raises the same issues as the deemed application for planning permission. As there is commonality with the linked section 78 appeal, I shall deal with the issues together.

Main Issues

5. The appeal site lies within the Metropolitan Green Belt and adjacent to Ongar Conservation Area. There is some disparity in the reasons given in the planning decision notice and enforcement notice albeit they relate to the same development. For instance, the planning decision notice refers to the floodlighting columns and fencing as conspicuous contrary to development plan policies protecting the Green Belt, but does not identify the development, or any part, as inappropriate development in the Green Belt whereas the enforcement notice does. Whether or not it is inappropriate development should be determined in the same way for both appeals.
6. The effect on wildlife is given as a reason to refuse planning permission, but not to issue the enforcement notice. However, the effect on protected species, and bats in particular, has been raised by third parties and those matters are relevant to both appeals. I address all reasons given in the Council's decisions noting that the appellant has had opportunity to make submissions on those matters.
7. Therefore, the main issues are:-
 - whether the development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and the development plan;

- the effect on the character and appearance of the surrounding area;
- the effect on ecology; and
- the effect on the living conditions of neighbouring occupiers with particular reference to noise, light and disturbance.

Reasons

Whether inappropriate development in the Green Belt

8. The development comprises an all-weather pitch with artificial grass measuring about 42m by 17m plus recesses at each end along with surrounding 3m high open mesh metal fencing and gates plus floodlighting. The eight flood lighting columns are positioned immediately outside the fence, four on each side. Each floodlight is 5m in height including the two light fittings at the top. The pitch is marked out as a football pitch with moveable goals. Some objectors have described it as a full-size football pitch, but it is in fact considerably smaller. The Council estimates it to be around one-third of the size of a full-size pitch.
9. The formation of the pitch constitutes an engineering operation amounting to 'development' under section 55(1) of the 1990 Act requiring planning permission pursuant to section 57.
10. The National Planning Policy Framework ('the Framework') was first published in 2012, and most recently re-published in February 2019. It sets out the Government's planning policies for England and how these should be applied. As such, it is an important material consideration in all planning decisions.
11. Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within a prescribed exception. One of the exceptions in Paragraph 145b) is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
12. Paragraph 133 of the Framework says that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 134 lists the five purposes of the GB, which include 'to assist in safeguarding the countryside from encroachment.'
13. Policy GB7A of the Epping Forest District Adopted Local Plan and Alterations¹ ('LP') is drawn more widely, but also seeks to protect the openness of the Green Belt.
14. Where existing development plan policies predate the Framework, as in this case, Paragraph 213 of the Framework indicates that due weight should be given to policies in the Local Plan according to their degree of consistency with the Framework.
15. The Epping Forest Local Plan Submission Version 2017 is currently subject to

¹ Published February 2008

examination. It is stated by the Council to be at an advanced stage although it is yet to be adopted and could be subject to change. As drafted, Policy DM4 appears to reflect the provisions of Paragraphs 145 and 134 of the Framework.

16. Clearly, the all-weather pitch is purpose built for outdoor sport. The facilities are 'appropriate' for that purpose and they are expressed to be for personal use in connection with the dwelling, to satisfy the first part of the exception.
17. The second part of the exception concerns whether the development preserves the openness of the Green Belt, and whether it conflicts with the purposes of including land within it.
18. The concept of 'openness' in Green Belt terms has spatial and visual aspects. Thus, the laying of an artificial pitch is capable of affecting openness. In this case it is undisputed that the pitch is substantial in size, but the dwelling occupies an expansive plot and the pitch is located within a domestic garden where there are a variety of surfaces. A swimming pool has been removed, but a hard-surfaced tennis court enclosed with 2m high fencing has been laid in another corner of the garden following the grant of planning permission. This serves to illustrate the size of the plot and how development has evolved within it. In this context, I do not consider that the hard-surfaced pitch adds to the sprawl of development of urban character.
19. The floodlights are mounted on tall metal poles. They are high but slender with limited visual impact in their unilluminated form. It is not untypical to find lighting columns of such kind around a sports pitch. The metal fence surround with gates is also high, but it is of a type that allows clear views through it. Dark green coating limits its visual impact further.
20. Whilst the appeal site and the neighbouring dwelling to the east are within the Green Belt, as are the buildings to the north, those dwellings lying immediately to the west fall outside the Green Belt. In the context of the site and its surroundings with development to the north and east the openness of the Green Belt is preserved and there is no material conflict with the Green Belt purposes.
21. In view of the above, the pitch, lighting columns and fencing are not inappropriate development in the Green Belt, as assessed against the Framework and the adopted and emerging Local Plan policies.

Character and appearance

22. The appeal site is not located within the Conservation Area, but adjacent to it where there are listed buildings. Specific mention is made of Ongar Castle which is a motte and bailey lying to the north of the appeal site. It is a Scheduled Ancient Monument ('SAM') and a listed building for the purposes of The Planning (Listed Buildings and Conservation Areas) Act 1990. Sections 66(1) and 72(1) thereof require that decision makers have special regard to the desirability of preserving listed buildings and their settings and to preserving or enhancing the character or appearance of conservation areas.
23. The 'setting' comprises the surroundings in which a heritage asset is experienced and can include views to and from the heritage asset.

24. Whilst the SAM and its setting enjoy the statutory protection described above, it does not extend to the setting of the Conservation Area. It is Paragraph 193 of the Framework which makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. Both the SAM and the Conservation Area fall within the definition of a designated heritage asset as set out in the glossary in Annex 2 of the Framework. As national policy, the Framework is an important material consideration.
25. There is other land and property separating the SAM from the appeal site. Where the sports pitch is positioned in the rear garden, it is not seen in the same setting as the SAM or other listed buildings. The pitch itself is not visible from the Conservation Area, but the floodlights will be seen clearly once lit from rear windows of some properties within it facing in that direction. Thus, the lights are within the setting, but light does not spill into the Conservation Area and they do not intrude into the line of view looking into it from outside. As the lighting does not noticeably affect the way that the Conservation Area is appreciated I conclude that its setting is not adversely affected.
26. That is not to say there are no other adverse effects on the surroundings. The presence of the heritage assets in the vicinity partially sets the scene for the character and appearance of the wider area and the context in which the development is located.
27. There is street lighting in Castle Street, but a few paces off the street towards the allotments and the area is dark. There are also open fields to the immediate south of the appeal site. Once off the street, the only lighting is the spillage from housing or garden lights. Against this backdrop, the intense light from the floodlights is obtrusive.
28. When lit they are extremely bright, and it is the number, position, orientation and vibrancy of the lights which makes them conspicuous. Even where there is screening from established trees, a glow can still be seen through and above the trees. The lights from housing within the Green Belt it is nowhere near as bright or prominent in the surroundings as the lit floodlights. They are also positioned close to the southern and western boundaries where the surroundings are open, and this exacerbates the level of visual harm. Despite representations from the appellant's representative that there is no light spill, the light is not contained within the appeal site. It can be seen vividly from parts of the surrounding area even with one light removed.
29. Notably, from the public footpath running between properties in the Conservation Area and the allotments, the illuminated floodlights are obvious and prominent, especially where gaps in the treeline expose the full brightness of some lights. They are so intense as to be a dominant feature in the night sky that totally differs from other light sources in the surroundings. The level and intensity of light is of a kind that may be expected in a commercial setting. It is not in keeping with its environment in a residential area let alone within the Green Belt with open fields adjoining the garden.

30. The effect could be reduced by additional planting, but it will take some considerable time to become established. In the meantime, the lighting will continue to adversely affect the character and appearance of the area. This is unsatisfactory in view of the position of the lights close to the boundary and within the Green Belt. Furthermore, I am not satisfied that more planting will alleviate the harm sufficiently given the number, vibrancy, position, orientation and height of the floodlights. An uncharacteristic glow will almost inevitably remain.
31. Most of the fencing around the pitch is screened from neighbouring land by trees. A section can be seen from the public footpath and nearer still from the allotments. I do not consider this to be harmful as its colour and design sits reasonably comfortably in its setting. I have also found no harm to heritage assets contrary to the expectations of Paragraphs 193 and 194 of the Framework and emerging Policy DM 7 which seeks to conserve and enhance the character, appearance and function of heritage assets.
32. Nevertheless, LP Policy GB7A indicates that planning permission will be refused for development conspicuous from within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt. In my view, the illuminated floodlights are conspicuous from locations both within the Green Belt and outside looking in. The duration be limited in time and a condition could restrict the number of occasions they are used. However, that does not mitigate the excessive adverse impact which occurs when the lights are in use upon the rural character and visual amenities of the Green Belt which is typified by undeveloped landscape free from harsh lighting. Nor is the quality of the rural and built environment conserved and improved by the lighting as LP Policy CP2 envisages. Such harm cannot be overcome by the imposition of conditions.
33. LP Policy LL2 provides that planning permission will not be granted for development in the countryside unless it will respect the character of the landscape and/or enhance its appearance. The appellant argues that the development is not in the countryside as it is within the garden of a residential dwelling. Emerging Policy DM 3 similarly seeks to protect landscape character. The appeal site is within the Green Belt and one of the Green Belt purposes as identified in the Framework is to protect the *countryside* from urban sprawl. For the purposes of planning policy, I consider that the development is a dwelling within the countryside.
34. As a domestic garden the character and appearance of the land has already changed. Consequently, I find no harm from the pitch itself and the fencing contrary to the development plan. However, the lighting affects the surrounding landscape with significant detrimental effect on its character and appearance. This is contrary to LP Policy LL2 and emerging Policy DM 3. Even if those policies are not engaged, I have found the lighting to contravene the development plan in relation to Policy GB7A and so whether it offends other policies is not determinative. The lighting also conflicts with Paragraph 127c) of the Framework which seeks development that is sympathetic to local character.

Ecology

- 35.No habitat survey accompanied the application although this was not a requirement for validation. The pitch has replaced grass and the existing established trees are to be retained. The Council suggests that it is probable creatures relying on the darker character of the area will be present given the proximity to fields behind the site, wooded areas and water course to the south. It is suggested that the ecological balance will be disrupted by the lights in particular. It is further suggested that the fencing would obstruct both ground and air-based wildlife. These submissions are generic.
- 36.Third parties raise more specific concerns over the operation of the floodlights on bats foraging during twilight hours. Bats are a protected species under the Wildlife and Countryside Act 1981. According to the Campaign to Protect Rural Essex five species of bats are recorded as being present in the Ongar area and it is suggested that detailed surveys of flight lines should be undertaken to minimise any interference from intrusive lighting to their foraging behaviour. The appellant dismisses the claims as speculative and say there is no evidence wildlife would be affected.
- 37.There is nothing before me to indicate that the fencing could present an issue for wildlife or any more so than garden boundary fencing. I note that similar mesh type of fencing has been erected with the benefit of planning permission around the tennis court in another part of the garden. The concerns expressed regarding the impact on wildlife from the use of the pitch and the fencing are too generalised to warrant any further action.
- 38.Artificial floodlighting on the other hand is a type of development which clearly has the potential to disturb nocturnal species, such as bats. Even though this is a domestic garden there are trees at the site and woodland in the vicinity. It is essential that the presence or otherwise of protected species and the extent they may be affected by the floodlights is established before planning permission can be granted to ensure that all relevant material considerations are addressed in making a decision.
- 39.Whether or not there is a reasonable likelihood of a protected species being present and affected by the lights simply cannot be determined on the information before me. If bats are recorded as present in the area, then it raises the possibility of interference with their feeding patterns or foraging routes from use of the floodlights. Without at least a desk study and basic walkover survey of the area to explain if there are any features that are likely to be used by protected species, I cannot be satisfied that there is not an adverse effect or mitigation measures required.
- 40.As such, it has not been demonstrated that the lighting accords with LP Policy CP2, emerging Policy DM1 or Paragraphs 170d) and 175a) of the Framework which all seek to protect biodiversity.
- 41.LP Policy NC4 is also cited, but this provides for the protection, enhancement and suitable management of established habitats of local significance for wildlife which does not apply.

Living conditions

42. The pitch is located behind neighbouring gardens in Castle Street and adjacent to allotments which separate the appeal site from other residential properties to the west. There may be no complaints from the closest residents, but it does not follow automatically that the level of noise and disturbance is acceptable. Other local residents describe disturbance from noise including shouting and swearing from participants playing football on the pitch and shouting/applause from spectators even if it is a five a-side match. Other complaints include the smacking sound of the football being kicked and struck against the metal fencing.
43. This is a reasonably tranquil area where noise may well resonate. Whilst I can understand the feelings of neighbours over noise and disturbance, it must be borne in mind that the occupiers could use their garden in any manner of ways capable of generating noise. For example, a pitch could have been marked out on the lawn for matches to be played with similar consequences in terms of noise made by players and spectators and the ball being kicked. Disturbance from noise can be mitigated by a condition tightly controlling the hours of use.
44. There is dense and tall planting along the shared boundary with the neighbouring gardens in Castle Street. The nearest floodlights are orientated away from these properties. It is possible that some lighting or glow will be seen through or above the trees, but the established planting should protect against unreasonable interference with the use and enjoyment of these properties if the hours of operation are restricted.
45. The illuminated lights will be seen across the allotments from the rear windows of several of the adjacent two storey dwellings. The amount of light visible to those occupants will vary. For some, the intense bright lights will be unobstructed but not be particularly close. The lights are prominent as they are so bright against the surrounding blackness making them visually intrusive. However, the distance from windows and gardens is too far for any light pollution or glare to cause unreasonable disturbance to living conditions which could not be controlled by a condition on the hours of use.
46. Subject to the imposition of conditions, I find no material adverse effect on living conditions in terms of noise, light spill and glare or general disturbance for the development to be contrary to LP Policy DBE9 which seeks to protect against an excessive loss of amenity for neighbouring properties in terms of factors such as noise and other disturbance. Nor do I find conflict with emerging Policy DM9 H(iv) which expects the amenity of neighbours to be addressed in matters such as noise and light pollution. Similarly, I find no conflict with the aims within Paragraph 127f) of the Framework to promote well-being, with a high standard of amenity for existing and future users.

Other Matters

47. Several other matters have been raised in objection. No evidence is produced beyond mere supposition that the development will affect house prices. It is argued that unnatural hedge lines have been created in an attempt to screen the development. Those trees could have been planted at any time, for any reason and so this does not influence my findings.

48. Traffic movements along the road will be generated as players/spectators arrive and depart in vehicles. There could be quite a number especially if people do not car share. Given that any number of people could be invited to the house to socialise at any time irrespective of a match on the sports pitch, I attach little weight to this argument and the associated pollutants. There is no reason to suppose that guests attending or observing a match would park in the street rather than at the house where space is plentiful.
49. There is nothing before me to indicate that the pitch has been built with inadequate drainage to present a problem with water run-off to affect the neighbouring allotments. Nor is there supporting evidence of risk of ground water pollution following surface degradation that might pose a threat to Cripsey Brook.
50. Complaints regarding noise from a party held at the house fall outside the remit of this decision.
51. The appeal site has not been identified as one of known or potential archaeological interest to trigger LP Policy HC1 as cited in both notices. In addition, it is unclear how the Council considers that LP Policy NC1 applies which is listed in the enforcement notice only. The policy relates to development which could directly or indirectly destroy or adversely affect a Site of Special Scientific Interest.

Planning Balance and conclusion

52. Whilst I have found no harm arising from the pitch and fencing which cannot be mitigated acceptably by conditions, I have found significant harm from the operation of the floodlights in terms of their effect on the character and appearance of the surrounding area. In addition, I have not been satisfied that the lighting is acceptable in regard to any effect on protected species. Those issues cannot be overcome by planning conditions.
53. The Government's Planning Policy Statement of 31 August 2015 indicated that intentional unauthorised development is a material consideration that should be weighed in the determination of appeals. The development was undertaken without authorisation and this weighs against the grant of planning permission to a moderate degree. However, this does not outweigh the case in favour of the grant of permission for the pitch and fencing which is capable of according with the development plan if conditions are imposed.
54. The acceptable part of the development is clearly severable from the unacceptable part. I shall therefore issue a split decision.

Overall conclusion on ground (a), the deemed planning application and Appeal B

55. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a), the application for deemed planning permission and Appeal B should succeed in part insofar as they relate to the sports pitch and fencing. The appeals should be dismissed in relation to the lighting.
56. The enforcement notice shall be upheld, but the effect of Section 180 of the 1990 Act is that a notice will cease to have effect insofar as it is inconsistent with any subsequent permission. This includes a permission granted under

ground (a). Therefore, the notice will not bite with regard to the pitch and fencing, but it will take effect with regard to the lighting.

57. Having reached this decision, the appeal on grounds (f) and (g) in Appeal A do not need to be considered in relation to the sports pitch and fencing. Those grounds remain to be considered with regard to the lights.

Conditions

58. The Council revised the conditions originally set out in its Officer's report. I have considered the revised conditions in accordance with the tests found in Paragraph 55 of the Framework and the national Planning Practice Guidance.
59. In Appeal B there is no need for a condition requiring retention of the development in accordance with the submitted plans when the development is already complete.
60. The ad hoc use of the pitch in the past has triggered complaints by residents which would warrant tight controls on the hours and days of use to prevent prolonged and unreasonable noise and disturbance. The appellant has not opposed the Council's suggested revised hours. In all the circumstances I consider the limitation on hours to be reasonable to achieve appropriate balance between the occupiers and neighbours competing interests.
61. The Council suggested a condition restricting use of the sports pitch to the occupiers of No 42 and their guests. Anyone could be a guest and so this part of the condition would be ineffective. It is enough to limit the use to private, domestic sports with no use for commercial or community purposes. I am satisfied this is capable of being enforced. Any use beyond private, domestic sports use would be inconsistent with the use of a domestic garden in a predominantly residential area.
62. The condition proposed for additional planting is unnecessary given my decision to dismiss that part of the appeal relating to the floodlights. Noise can be adequately controlled through the restrictions on hours. Equally, the restriction on use of the floodlights is not needed.

Appeal A - Ground (f)

63. The ground of appeal is that the steps required by the notice to be taken are excessive. The ground (f) appeal is made on the basis that it is excessive to require removal of the sports pitch, fencing and lighting when any cause for concern over the lighting could be addressed by granting permission for the pitch and fencing only.
64. As a result of my findings, planning permission will be granted for the pitch and fencing, but not the floodlights. No argument is advanced to suggest that removal of the floodlights is excessive in these circumstances.
65. There is no obvious alternative scheme that would overcome the planning difficulties. I consider that the requirements of the notice in this case do not exceed what is necessary to remedy the breach or the injury to amenity for the purposes of section 173(4)(a) and (b).
66. The ground (f) appeal fails.

Appeal A - Ground (g)

67. The ground of appeal is that the time given to comply with the requirements of the notice falls short of what should reasonably be allowed. Instead of the 2 months afforded by the notice the appellant seeks a 6-month compliance period to allow time for tender, contract and the period of work. It is also argued that it is not desirable to drive large vehicles across the landscaped grounds and the root protection zone of the trees.
68. The Council has acknowledged that a longer period would be appropriate for the removal of the entire development now that the dwelling is complete and large plant cannot access the land. It agrees to an increase to 4 months.
69. The partial success of the appeal on ground (a) means that only the floodlighting columns must be removed. As it involves a much smaller scale operation than complete removal of the entire development, I see no reason why this could not be arranged and undertaken within the prescribed 2-month period. Whilst this would necessitate completion of works over the winter months when the ground will be soft, it should not entail works that could harm the trees. Any damage that may be caused in the process to the appellant's lawn does not outweigh the harm identified above or the need to remedy the breach promptly. I consider 2 months to be reasonable and proportionate.
70. The appeal on ground (g) fails.

Formal Decisions

Appeal A

71. The appeal is allowed on ground (a) insofar as it relates to an all-weather surface sports pitch (for personal use) with associated fencing. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely an all-weather surface sports pitch (for personal use) with associated fencing at Spring Ponds, 42 Castle Street, Ongar, Essex CM5 9JS subject to the conditions in the Schedule at the end of this Decision.
72. The appeal is dismissed in respect of the lighting. The enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the lighting.

Appeal B

73. The appeal is dismissed insofar as it relates to the lighting, but is allowed insofar as it relates to the remainder of the application and planning permission is granted for an all-weather surface sports pitch (for personal use) with associated fencing at 42 Castle Street, Ongar, Essex CM5 9JS in accordance with the terms of the application, Ref: PL/EPF/1963/17, dated 18 July 2017, and drawing nos. 2707/01 (location plan); 2707/04 (site plan); 2707/07 Rev B (proposed site plan); SC-MUK1797-02 (proposed 3G mini pitch elevations); RSMEP/SP/LUX (measured as built pitch lux plot results) and tree protection plan, submitted with it, so far as relevant to that

part of the development hereby permitted and subject to the conditions in the Schedule at the end of this Decision.

KR Seward

INSPECTOR

Schedule of Conditions - Appeals A and B

- 1) The sports pitch hereby permitted shall not be used:
 - i) before 1300 hours or after 2100 hours on Mondays to Fridays;
 - ii) before 1000 hours or after 1800 hours on Saturdays;
 - iii) before 1000 hours or after 1600 hours of Sundays; and
 - iv) at any time on Bank or Public holidays
- 2) The sports pitch hereby permitted shall be used for private, domestic sports use only and shall not be used at any time for commercial or community purposes.

-END-