



Appeal Decision

Site visit made on 21 September 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/Y3940/W/22/3296052

Rabley House, Poulton, Nr. Marlborough SN8 2LW

- 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 Ms Alison Gill against the decision of Wiltshire Council.
 - The application Ref PL/2021/06348, dated 22 June 2021, was refused by notice dated 7 December 2021.
 - The development proposed is retrospective installation of stable windows and external door to tack room to existing barn and external lighting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more comprehensively describes the proposal. The development is also retrospective, so the relevant works have been carried out.
3. The main issues in this appeal concern the effect of light spill from the appeal property. As a consequence, I undertook my site visit during the evening when it was dark. This enabled me to properly assess any associated impact of the development on neighbouring properties, as well as on the designated dark sky reserve of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of the occupiers of neighbouring properties, with particular regard to light intrusion; and
 - the character of the designated dark sky reserve of the North Wessex Downs AONB.

Reasons

Living Conditions

5. The appeal site is located within the open countryside, and comprises a large barn used for equestrian purposes. The south-western elevation of the barn directly faces the frontage of two residential dwellings, known as 1 and 2 Rabley Hill Cottages (the Cottages). A close boarded fence, which is

- approximately 2 metres tall, separates the Cottages from the land surrounding the barn.
6. The development includes the installation of 7 stable windows along the south-western elevation of the barn. These windows sit above the top of the fence line, which means they are clearly visible from along the frontage of the Cottages. Given this arrangement, the extent and potential impact of any light spill from the new window openings needs to be considered.
 7. As part of its evidence, the appellant commissioned a technical lighting report¹ (Lighting Report), to assess the extant levels of light spill from the development, as well as estimated levels once proposed mitigation is in place. Given the location of the appeal site within a relatively uninhabited rural area, the Lighting Report establishes that the appeal site is located within Environmental Zone 1. The Environmental Zone helps inform levels of light spill which may be acceptable, when measured against guidance set out in GN01:2021².
 8. The results of the lighting survey show that light spill from the barn currently exceeds recommended levels within Environmental Zone 1, when measured from certain receptor points. In turn, it concludes that "*as of the date of the lighting survey it is clear there is an adverse impact on Receptor 1*" (receptor 1 being the Cottages). Such adverse impact was readily evident on my site visit, where illumination emanating from the barn was very bright along the front access to the Cottages. Photographs submitted by the occupiers of the Cottages also show various habitable rooms within the Cottages bathed in bright artificial light when the internal lights to the barn are in operation, further corroborating the harmful impact of the new window openings.
 9. Given the brightness of the internal lights to the barn, the development has also given rise to uncomfortable levels of glare when looking directly through the new window openings of the barn. This is particularly problematic, given the direct intervisibility between the new window openings and the frontage to the Cottages. Indeed, the glare is readily experienced within a number of rooms situated to the front of these dwellings, including kitchens, bedrooms and family rooms. The sense of glare is especially acute, given the rural location of the appeal site, and the corresponding blanket darkness in and around these properties.
 10. Whilst the proposed cladding would help overcome general illuminance levels emanating from the barn, particularly from its eaves, it would not overcome the issue of glare, which arises directly from the window openings themselves. Given the height of the new windows to the barn (which sit higher than the 2m boundary fence), the proposed landscaping would also be unlikely to overcome this issue. The proposed hedgerow would also take time to properly mature, which means any associated reduction in light spill would take some time to materialise.
 11. For these reasons, I consider that the development does harm the living conditions of the occupiers of the Cottages, and the proposed mitigation would not sufficiently overcome this harm. The development therefore conflicts with Policy 57 of the Wiltshire Core Strategy (2015), which says development

¹ Lighting Technical Report, Rabley Stable Barn, March 2022

² Guidance Notes for the Reduction of Obtrusive Lighting (GN01:2021), Institution of Lighting Professionals

should ensure appropriate levels of amenity are achieved, specifically highlighting the need to protect against unacceptable light intrusion. The development also conflicts with paragraph 130 of the National Planning Policy Framework (2021) (Framework), which says development should promote good levels of health and wellbeing, with a high level of amenity.

North Wessex Downs AONB

12. As mentioned, the appeal site is located within the North Wessex Downs AONB. The AONB Guide to Good External Lighting³ (AONB Lighting Guide) highlights the importance of dark skies to the prevailing character of the AONB. Indeed, the guidance cites the North Wessex Downs AONB Management Plan 2019 – 2024, which highlights the goal of the AONB to be a place “*where a sense of remoteness and tranquillity predominates and where vast night skies can thrill the eye, unaffected by light pollution*”.
13. Subject to the installation of cladding and the implementation of the proposed landscaping scheme, the appellant’s Lighting Report suggests that illuminance levels through the new openings from internal lighting would generally conform to recommended exceedance levels for a property within Environmental Zone 1 (as set out in guidance GN01:2021). In time, this should ensure that any general light spill from the appeal property would not have an undue impact on the dark skies which characterise the AONB. Whilst I have concluded that the mitigation would not properly address the issue of glare, such impact is largely isolated to the Cottages themselves, as opposed to the wider surrounding landscape.
14. In terms of external lighting, this element of the development is necessary for the effective safety and security of the equestrian use of the appeal property. Given that it is activated on a motion-sensor basis, any impact in terms of light spill is also appropriately mitigated. In turn, this element of the scheme broadly aligns with the overarching principles of good lighting, as set out in the AONB Lighting Guide.
15. On this basis, I consider that the development would preserve the dark skies that typify the area, and in turn, would preserve the character and rural beauty of the North Wessex Downs AONB. In this regard, the development is consistent with Policies 51 and 57 of the Wiltshire Core Strategy (2015). Together, these seek to ensure that development preserves the character of the area, and also highlight the need to protect any particular sense of tranquillity against intrusion from light pollution. The development is also consistent with paragraphs 176 and 185 of the Framework, which emphasise the importance of conserving the natural landscape and scenic beauty of AONBs, as well as the need to protect tranquil landscapes from undue light pollution.

Other Matters

16. I acknowledge that the stable windows are important to the health and wellbeing of the horses which are kept in the appeal property. Nonetheless, on the submitted evidence, I am not persuaded that there is no less harmful solution, that would serve the same purpose.

³ Dark Skies of the North Wessex Downs, A Guide to Good External Lighting

17. The appellant has highlighted that the internal lighting is rarely used during the evenings. Nonetheless, the impact of the development on the occupiers of the Cottages is sufficiently severe to warrant a refusal, irrespective of how scarce its use may be.

Conclusion

18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR