



Appeal Decisions

Site visit made on 21 September 2022

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal A Ref: APP/M3645/W/21/3288539

Limpsfield Lawn Tennis Club, Detillens Lane, Limpsfield RH8 0DH

- 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 Nick Jones, Club Manager of Limpsfield Lawn Tennis Club against the decision of Tandridge District Council.
 - The application Ref TA/2021/834, dated 8 April 2021, was refused by notice dated 12 July 2021.
 - The application sought planning permission for the erection of 18 x 7m high floodlights on courts 2, 3, 4 and 5 without complying with a condition attached to planning permission Ref TA/2012/299, dated 23 May 2012.
 - The condition in dispute is No 4 which states that: *The floodlights hereby permitted shall be fitted with timing and control equipment to ensure that the courts are not illuminated after 21.30 hours or before 09.00 hours on any day.*
 - The reason given for the condition is: *To restrict the use of the floodlights in the interests of the amenities of the surrounding residents, in accordance with Policy BE1, RT6 and EV9 of the Tandridge District Local Plan 2001 and Policy CSP18 of the Tandridge Core Strategy DPD 2008.*
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Appeal B Ref: APP/M3645/W/21/3288544

Limpsfield Lawn Tennis Club, Detillens Lane, Limpsfield RH8 0DH

- 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 Nick Jones, Club Manager of Limpsfield Lawn Tennis Club against the decision of Tandridge District Council.
 - The application Ref TA/2021/748, dated 8 April 2021, was refused by notice dated 12 July 2021.
 - The application sought planning permission for the erection of 12 x 6.9m high lighting columns to provide floodlighting to courts 6, 7 and 8 without complying with a condition attached to planning permission Ref TA/2001/P/410, dated 30 October 2001.
 - The condition in dispute is No 2 which states that: *The floodlights hereby permitted shall be fitted with timing and control equipment to ensure that the courts are not illuminated after 21.30 hours or before 09.00 hours on any day.*
 - The reason given for the condition is: *To restrict the use of the floodlights in the interests of the amenities of the surrounding residents.*
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Decision

Appeal A Ref: APP/M3645/W/21/3288539

1. The appeal is dismissed.

Appeal B Ref: APP/M3645/W/21/3288544

2. The appeal is allowed and planning permission is granted for the erection of 12 x 6.9m high lighting columns to provide floodlighting to courts 6, 7 and 8 at Limpsfield Lawn Tennis Club, Detillens Lane, Limpsfield RH8 0DH in accordance with the application Ref TA/2021/748 dated 8 April 2021, without compliance with condition number 2 previously imposed on planning permission Ref TA/2001/P/410 dated 30 October 2001 and subject to the following conditions:
 - (1) The floodlights hereby permitted shall be fitted with timing and control equipment to ensure that the courts are not illuminated after 10pm or before 9am on any day.
 - (2) The floodlights hereby permitted are to be maintained so that only courts 6, 7 and 8 are illuminated for play, and surface illumination resulting from the floodlighting shall not exceed 3 lux when measured at any boundary of the site.

Procedural Matters

3. For ease of reference, I refer to the different cases as Appeals A and B, as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this decision.
4. Due to the similarities between the appeals, I note there has been some conflation between the 2 applications by the Council. Nevertheless, I am satisfied the evidence before me represents their case sufficiently. However, for clarity, Appeal A relates to courts 2, 3, 4 and 5 and Appeal B relates to courts 6, 7 and 8.

Background and Main Issue

5. The applications subject to these appeals were made under Section 73 of the Planning Act for minor material amendments. They seek to alter the wording of specific conditions to extend the time the floodlights on courts 2-8 can be illuminated, requiring them to be switched off at 10pm rather than 9.30pm.
6. The main issue is the effect that varying the conditions would have on the living conditions of the occupants of the nearby residential properties in relation to light pollution, noise and disturbance.

Reasons

7. The appeal site is located at the junction of Detillens Lane and High Street with Glebe Meadows and a series of community buildings relating to St Peter's Church to the rear. Due to the undulating topography the appeal site is terraced, with the courts in question furthest away from the roads and at the lower end of the site.
8. The appeal site has been used as a tennis club for a considerable time and has expanded to include 15 tennis courts, a fitness suite, squash courts, other racket ball courts and a bar. It is well established in the local community both physically and visually. It is surrounded by thick, well maintained boundary hedging which is of a similar height to the existing light columns. The tennis courts are set behind the buildings which are set behind the car parking which fronts Detillens Lane.

9. It is evident, from my site visit (lunchtime midweek), that the club is well used by its members. The appellant has confirmed that the club's license to operate the bar allows them to stay open until midnight, although they usually do not stay open beyond 11pm during the week and 9pm at weekends, unless there is a function. It is understood all other facilities, not reliant on the floodlights in question are available until 11pm also. This has not been contradicted by the Council or any other interested party.
10. As such the appeal site can currently be used reasonably intensely beyond 9.30pm without restriction, other than those set out by the club above, and this would include the moving and parking of vehicles. With that in mind the issues are limited to the effect of the light, noise, and disturbance the additional 30 minutes of play on the 7 courts in question would have.
11. The properties along High Street, are set at a considerable distance away from the courts 2-8 beyond the existing hedging and a street lit road. Due to the topography, where accommodation is present on a second floor, such as at the Manor House, the windows would be above the height of the hedging. However, as the floodlights specifically light downwards, and due to the distance involved, the occupants would only be marginally aware of the additional light into the evening. It is appreciated the noise of playing tennis is very specific and can travel, but through observation I note that the distances involved, and the sound dampening created by the hedge are likely to continue to reduce the noise to acceptable levels even at the later proposed time.
12. These points would also be similar for the properties on the opposite side of Detillens Lane. Although closer to courts 2-8, the clubs buildings are between them and Detillens Lane, which further screen the light, and dampen noise and disturbance. As such I am satisfied that the occupants of the residential properties on the opposite side of High Street and Detillens Lane from the appeal site would not be so affected by the proposal as to cause any significant harm to their living conditions.
13. Dunrobin the next property along Detillens Lane and is wrapped on 2 side by the appeal site. The rear portion of 48 Detillens Lane's garden also shares a boundary with the site. Both these properties are broadly at the same level as courts 2-3.
14. The hedging would go some way to screening light and dampening sound from the potential additional play, for the occupants of Dunrobin and No 48. They are, however, close enough that a marginal increase in the length of time the court could be used could have a more impactful affect, specifically from the courts immediately adjacent to their boundaries. It is noted the original conditions were specifically attached to protect the amenity of the surrounding residents.
15. The direct proximity of courts 2-6 to the properties in question and a lack of any interim development along the shared boundaries means the original considerations relating to why the conditions were attached still stands. From the evidence before me I am not satisfied that there has been enough of a change in circumstance or provision of mitigation to ensure there would not be a detrimental impact to the living conditions of the occupants of Dunrobin and No 48 should the illumination time on courts 2, 3, 4 and 5 be extended.

16. However, since the installation of the lighting on courts 6-8 there has been further development on the site including an additional building and mini-tennis facilities which create additional screening and dampening of those courts from Dunrobin and No 48. This along with courts 6-8's relatively central location within the site, and proximity to the club buildings (where the bar and other facilities are housed) which are in use until 11pm during the week, would ensure that the elongation of illumination and additional play on these courts would not be specifically discernible over the other existing activities on the site, so would not have a significant impact to the occupants of Dunrobin and No 48.
17. It is noted that the appellant asserts the need for the additional 30 mins on all 7 courts is related to the potential benefits of the tennis scheduling. However, this is a private benefit for the club and its members and so only bears limited weight when considering the impact on the surrounding residents. It is agreed that outdoor sport has positive physical and mental health benefits, but this should not be at the cost of the living conditions of surrounding residents. A reduction in living conditions could also have comparatively negative effect on physical and mental health, so I give this matter neutral weight.
18. I also note the comparison to Woldingham Tennis Club, however without additional detail I am unable to conclude whether this was a comparable approval with similar issues as that before me.
19. Consequently, I find that the variation of the condition relating to Appeal A would cause harm to the living conditions of the occupants of the nearby residential properties, specifically Dunrobin and 48 Detillens Lane, in relation to light pollution, noise and disturbance. This would be contrary to Policy CSP18 of the Tandridge District Core Strategy 2008 (LPCS) and Policies DP7 and DP22 of the Tandridge Local Plan: Part 2: Detailed Policies 2014 (LPDP) insofar as they seek to protect occupants of adjacent properties from harm caused by unacceptable levels of lighting, noise and disturbance.
20. I also find that the variation of the condition relating to Appeal B would not significantly affect the living conditions of the occupants of the nearby residential properties in relation to light pollution, noise and disturbance, and this would comply with LPCS Policy CSP18 and LPDP Policies DP7 and DP22.

Conditions

21. In relation to Appeal B I will grant a new planning permission with the amended condition, as set out in the background, but retaining those non-disputed conditions from the previous permission that appear still to be relevant. I have removed the condition relating to landscaping, as its 5 year timeframe has since expired.

Conclusion

22. For the reasons given above, I conclude that Appeal A should be dismissed, and Appeal B allowed.

RJ Redford

INSPECTOR