



Appeal Decision

Site visit made on 26 October 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2022

Appeal Ref: APP/N1730/W/21/3279009

Cold Piece Farm, Hound Green, Mattingley, Hook RG27 8LQ

- 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 Mrs Vanessa Perrins against the decision of Hart District Council.
 - The application Ref 21/00266/FUL, dated 28 January 2021, was refused by notice dated 4 May 2021.
 - The development proposed is erection of 10 floodlights, each 8m tall, around the existing manage - retrospective, to replace the 8 approved floodlights.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's Statement of Case refers to Saved Policy GEN1 of the Council's 1996-2006 Local Plan¹. The appellant has had opportunity to consider the implications of this in her evidence, so would not be prejudiced by my referral to it in the appeal.
3. At the time of my site visit the floodlight situated at the northern end of the manage was not operational, but there is no evidence before me to suggest that it would not be operational in the future. I have therefore determined the appeal on the basis that all of the floodlights would be operational in future.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework), which I have had regard to in my decision. I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.
5. The appeal is also related to four others at the same address² for which there are two further separate decisions.

Background and Main Issues

6. The appellants have an approved lighting scheme courtesy of an existing planning permission³, which primarily relates to the overall consented scheme for the enlargement of the manage to its current size. There were to be eight floodlights erected at around half the height of those in the appeal scheme. Moreover, the proposal relates to ten floodlights, which have already been

¹ Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 - Saved Policies (April 2009).

² Appeal Refs: APP/N1730/W/20/3258981 and APP/N1730/Y/20/3258984; and APP/N1730/W/20/3258974 and APP/N1730/Y/20/3258976.

³ Planning Reference: 20/01728/FUL.

installed at a height of 8m. With this in mind, the main issues are the effect of the proposed development on:

- the landscape character of the area, including its scenic and visual qualities, and whether it would preserve the setting of the Grade II listed buildings known as 'Cold Piece Farmhouse', 'Barn at Cold Piece Farm to South of Farmhouse', and 'Cartshed at Cold Piece Farm';
- roosting, commuting or foraging bats; and
- outlook from the houses and gardens of properties situated to the south of the site.

Reasons

Landscape Character and Setting of Listed Buildings

7. The appeal site and the heritage assets situated within it form part of the rural landscape to the east of the B3349, within Landscape Area MA-02 of the Council's Landscape Character Study (2016). This is not referred to in Policy NBE2 of the Hart Local Plan: Strategy and Sites 2016-2032 (HLP). However, in the absence of an opposing assessment from the appellant, I have no reason to doubt its findings, or that the landscape has good scenic qualities, formed of a strong field pattern and evidence of historic farming. Moreover, the surrounding area has medium visual and character sensitivity, with a high landscape value.
8. Development is more sparse north of Hound Green with scattered groupings of buildings and lighting is not a characteristic feature, with streetlighting absent. While the landscape is not designated for its scenic beauty or as a dark sky area in the Development Plan, it is a generally undeveloped and intrinsically dark rural landscape.
9. The Farmhouse is a Grade II listed building, positioned to the east of its historic farmyard, that is likely of early-18th Century origin, or possibly earlier. It has been subject of a series of later alterations, principally in extensions to the east and is now a relatively large house of two-storeys with attic rooms served by dormer windows. Despite this meaning that large parts of its fabric are more modern in origin, including the south façade facing farm buildings, these form part of the significance of the building, as they demonstrate how the building has evolved over time to meet the needs of its occupants. The architectural detailing is also noteworthy, particularly to its openings and roof.
10. In light of the above, as far as it is relevant to this appeal, the significance of this listed building is to be found in its architectural and historic interest, as a fine example of an early-18th Century, possibly earlier, Farmhouse with later additions.
11. The Farmhouse also includes the mid-to-late 18th Century Granary to its south. It is small square building of timber frame construction, clad in weatherboarding, beneath a pyramid roof covered with iron sheeting and elevated on staddle stones. Given its age, and physical and functional relationship with the Farmhouse, the Granary is a curtilage listed building. Moreover, its simple architectural form is typical of its historic use for crop storage and helps to illustrate traditional joinery techniques from the period, which contributes to the significance of the listed Farmhouse.

12. The Grade II listed barn is a timber-framed structure that encloses the southern side of the farmyard. It likely dates from the 18th Century but has been extended and modified with additional bays, wagon porches and aisles open-fronted to its northern side, as well as brick nogging between its timber frame. The roof is of a regular pitch and clad in clay tiles, with gables to either end, but the northern side continues lower over the open fronted aisles. These are broken by the wagon porches. While the exterior is without significant embellishment, its composition, derived from subsequent alteration is pleasant in appearance, including the surviving clapboarding.
13. The barn also includes timber-framed wings of late-19th Century construction, arranged at right angles at either end. These are both clad in weatherboarding above lower brickwork, beneath a red tiled roof. The western wing, 'Tack Room Cottage', is referred to in the list description and incorporates a half-hipped gable to the north. It was relatively recently converted to a self-contained dwelling, while the eastern wing, 'The Piggeries', has been used in conjunction with the Farmhouse.
14. Despite some insensitive repairs and works to its external fabric, as far as it is relevant to this appeal, I find the significance of the listed barn lies in its architectural and historic interest due to its 18th Century origin and 19th Century alterations and modifications. In particular, the extension and modification of the barn illustrates how it was adapted to meet changing farming requirements and practices.
15. The Grade II listed Cartshed lies to the west of the Farmhouse and encloses the northside of the farmyard. It is a simple, open fronted, timber frame building of three bays, that likely originates from the early-18th Century. Its exterior is clad in weatherboarding and roof in red tiles. However, the evidence before me suggests that it may have been moved from another location, as it is constructed of a mix of timbers, is of similar construction to the nearby barns and historic mapping indicates that it did not appear in its current location until 1875. As far as it is relevant to this appeal, the significance of this listed building is to be found in its architectural and historic interest, as a noteworthy example of an early-18th Century cart shed.
16. The close relationship of the listed buildings together around the historic farmyard also contribute to their understanding and, thereby, significance. Their survival as a group also adds further value, including as evidence of the changes in the prosperity and farming practices of the parish between the 17th and 20th Centuries.
17. The shared settings of the listed buildings have altered over modern times due to reconfiguration and distinguishment of the private domestic and equestrian and agricultural parts of the estate, with a separate driveway serving the latter. Despite this, on the whole both parts of the estate remain physically and visually linked. The presence of the buildings within a relatively intact rural landscape also contributes to their settings, but this is more extensive for the Farmhouse due to its large garden and farmland beyond to the east.
18. The inclusion of lighting at the farm and the approved scheme for lighting of the manage will no doubt also have altered the setting of the listed buildings, as this does not cease to exist during the hours of darkness. The nature of the landscape and extent of lighting within it therefore affects their rural setting.

Effect on Landscape Character and Setting of Heritage Assets

19. Views of the manage and its lighting are, to a certain extent, filtered by mature tree and hedge planting at the roadside, but this will vary when planting is not in leaf. Any impression of the illumination provided by the proposed floodlights would also be in the wider context of its relationship to the road, the other lighting at the site and the modern stable and equipment buildings and hardstandings therein. I also appreciate that floodlighting is not necessarily an unexpected feature of such development and an alternative, fallback position, exists for floodlighting of the manage through the approved scheme.
20. The Council did not require technical information pertaining to the effect of the approved lighting scheme and there is no such information before me as part of the appeal. Nevertheless, given the proposed increase in the number and height of floodlights, they will likely be more visually prominent within their sensitive historic setting and the surrounding rural landscape, particularly the additional floodlight which faces north toward the heritage assets.
21. I note that the proposed floodlights have been designed to reduce glare but the appellants' Technical Submittal does not refer to light spill beyond the confines of the manage and the average luminance levels and uniformity referred to are greater than the minimum requirements promoted by the appellants. When in use and at night, the luminance of the floodlights would not therefore be contained to the manage and the floodlights would be perceptible beyond the site, through vegetation at the roadside and at the access from the B3349, a point which the appellant accepts. They would also be visible from nearby residential properties and their gardens, as shown in third party evidence.
22. Similarly, I appreciate that the manage runs away from the heritage assets and layout of the existing equestrian buildings partially separates it from them. Nevertheless, the landscape remains relatively open and they have a relatively close relationship with the manage, so the floodlights would be more prominent in their context, particularly the Farmhouse, which is sited further east.
23. Although the lighting of the manage could be said to be a further evolution of the farmyard and the lighting columns are not, of themselves, excessively visually prominent within the immediate landscape, the proposed lighting would appear more urban in character. It would also fundamentally detract from and be uncharacteristic of the sensitive environment surrounding the appeal site, which includes the heritage assets and the intrinsically dark rural landscape.
24. The approved lighting scheme included control of the hours of illumination of the floodlights to mitigate against a potential impact on bats, which I discuss in the second main issue. However, a restriction of this nature would not be appropriate in the context of the visual implications of the proposed lighting, which could still be put to use outside of the restricted hours, during the hours of darkness. This would be detrimental to the setting of the listed buildings and the landscape character of the area, including its scenic and visual qualities.

Public Benefits and Conclusions on the First Main Issue

25. The statutory duty in section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight and paragraphs 197, 199 and 200 of the Framework are also of paramount importance.

26. The proposal would be harmful to the setting of the Grade II listed buildings, which would have a negative effect on their significance as designated heritage assets. The harm that I have identified would equate to less than substantial harm to the significance of these assets. In such circumstances, paragraph 202 of the Framework identifies this harm should be weighed against the public benefits of proposals.
27. The lighting of the manage is required to be sited at a greater height and with sufficient luminance to avoid shadows and glare to reduce distractions for horses and, thereby, ensure safe conditions for horses and riders. Although this could amount to a benefit to members of the public utilising the site, it is unclear to what extent this takes place, so I am only able to afford limited weight to this as a public benefit. Similarly, the use of low energy LED bulbs in the proposed floodlights would be a small public benefit in environmental terms due to the minimisation of energy consumption.
28. Taking the above together, the public benefits I have outlined would not justify allowing development that would fail to preserve the setting of the Grade II listed buildings. Therefore, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
29. I therefore conclude that the proposed development would fail to preserve the setting of the Grade II listed buildings known as 'Cold Piece Farmhouse', 'Barn at Cold Piece Farm to South of Farmhouse', and 'Cartshed at Cold Piece Farm'; and would have a significantly harmful effect on the landscape character of the area, including its scenic and visual qualities. Hence, it would fail to satisfy the requirements of the Act, paragraphs 130, 185, 197, 199 and 200 of the Framework and conflicts with the design and heritage aims of Policy GEN1 of the Council's 1996-2006 Local Plan; HLP Policies NBE2, NBE8, NBE9 and NBE11 and Planning Practice Guidance on the Historic Environment.

Roosting, commuting or foraging bats

30. As I referred to above, evidence before me suggests the Council considered the effect of the approved lighting scheme on bats and subsequently restricted its hours of use. The appellant claims there would be no greater impact on bats from the additional height and extent of lighting associated with the appeal scheme and relies on a Bat Survey Report undertaken in July 2018 to support other proposals. The report does not refer to the manage, the approved lighting or that now proposed, but identifies the site as habitat for several species of bats, albeit small in number. Roosts were proposed to be maintained in connection with those other proposals.
31. The report also acknowledges that lighting in the vicinity of roosting, foraging and commuting habitats can affect bats. It therefore recommends that lighting should be at the minimum required for public safety and avoid light spill through the use of low level, directional lighting and luminaires should be fitted with low ultraviolet or narrow spectrum bulbs. Based on the evidence before me, it is unclear how the proposal achieves these aims or would not have a greater effect on the local bat population than the approved scheme. I am also not able to determine whether controlling the hours of illumination or adding shielding to the luminaires would be effective in mitigating this impact.

32. I have already referred to the safety reasons for lighting of the manage and note that the Council's Ecology Officer did not object to the appeal scheme. However, that response does not appear to be informed by the evidence before me as part of this appeal.
33. In view of the nature and extent of the lighting proposed for the manage and its close proximity to buildings known to be habitat for bats, I conclude that it is likely that the proposed development would have a harmful effect on roosting, commuting or foraging bats. Hence, the proposal is contrary to the biodiversity aims of HLP Policy NBE4, Framework paragraphs 174 and 180, and the Conservation of Habitats and Species Regulations 2017.

Outlook

34. Due to the characteristics of the rural landscape surrounding the appeal site, the residential environment of properties to the south of the appeal site would be likely to be one of relatively dark surroundings. However, I am mindful of the approved lighting scheme, which would have been likely to be apparent from those properties.
35. I identified in the first main issue that technical information pertaining to the effect of the approved lighting scheme was absent, but the appeal scheme includes two additional floodlights, one of which faces the residential properties further south. Evidence relating to the luminance from the floodlights also stops at the manage boundary and does not include surrounding land.
36. Although the properties further to the south of the manage are some distance away, there is very little planting in the landscape between. The floodlights would be much taller than in the approved scheme so would project further into the sky above surrounding buildings. The luminance from the proposed floodlights would therefore appear very prominent and intrusive within the otherwise dark landscape surrounding the site, particularly when viewed from the properties and their gardens.
37. For similar reasons to those expressed in the other main issues, it would not be appropriate to restrict the hours of illumination to the times imposed for the approved scheme, as these only relate to the period of year that bats may be impacted. This would not therefore protect against the harm I have identified.
38. For the above reasons, I conclude that the proposed development would have an unacceptably harmful effect on the outlook from the houses and gardens of properties situated to the south of the manage. Hence, the proposal would be contrary to the aims in respect of living conditions expressed by Saved Policy GEN1 of the Council's 1996-2006 Local Plan⁴ and paragraph 130 of the Framework.
39. I have not found in relation to Policy NBE9 of the HLP, as it does not refer to the implications of poor design on the living conditions of neighbouring occupiers.

Planning Balance and Conclusion

40. The development plan for the area includes the HLP and Council's 1996-2006 Local Plan. While these both predate the current Framework, they should not

⁴ Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 - Saved Policies (April 2009).

be considered out-of-date simply because they were adopted prior to its publication. Due weight should be given to them according to their consistency with the Framework.

41. Policies NBE2, NBE4, NBE8, NBE9 and NBE11 of the HLP and Saved Policy GEN1 of the Council's 1996-2006 Local Plan are consistent with the aims of the Framework regarding the effect of proposals on biodiversity, light pollution, landscape settings, design and the historic environment. These are therefore up-to-date policies and I afford conflict with them significant weight.
42. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets.
43. In terms of harm, the proposed development would not comply with development plan policy in respect of the harm to the landscape character of the area, including its scenic and visual qualities; the setting of the Grade II listed buildings; roosting, commuting or foraging bats; and outlook from the houses and gardens of properties situated to the south of the site.
44. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impact of the proposal is a matter of great weight against the grant of planning permission that outweighs the stated benefits.
45. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR