



Appeal Decision

Site visit made on 10 January 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/C1435/W/21/3287830

**Groombridge Tennis Club, Upper Tanyard, Corseley Road,
Groombridge TN3 9PP**

- 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 Rebecca Allan of Groombridge Tennis Club against the decision of Wealden District Council.
 - The application Ref WD/2019/2121/F, dated 1 October 2019, was refused by notice dated 28 May 2021.
 - The development proposed is described as 'floodlighting of two tennis courts'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The area surrounding the appeal site is distinctly rural in its character, comprising predominantly flat grassland set around a network of streams and water courses and interspersed by trees and hedgerows. The settlement of Groombridge exists further to the north on higher ground. Together these attributes and natural features contribute positively to the landscape character and to the visual distinction between the settlement and the countryside. Based on a 2015 map of light pollution in the UK, the site can be seen as falling within an area of relatively dark skies.
4. Saved Policy EN6 of the Wealden Local Plan 1998 (the WLP) states that development in the High Weald AONB will only be permitted if it conserves or enhances the natural beauty and character of the landscape, and goes on to list matters which should be given particular regard. This aligns with paragraph 176 of the National Planning Policy Framework (the Framework), which states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, among other designations, which have the highest status of protection in relation to these issues.
5. The appeal relates to an established tennis club on the eastern side of Corseley Road, and the proposal would introduce twelve lighting columns to the western side of the tennis courts. The lighting has been designed to reduce light spillage, glow and glare, and include the use of 'box' fittings, limited upward tilt

angles and deflectors to obscure the light source. Although it has been demonstrated that the pool of light would consequently be limited to the area of the tennis courts, the visual effects of such lighting would, nonetheless, be visible from the surrounding area particularly from the nearby public footpaths, adjacent recreation ground and from Corseley Road. The lighting may also be perceivable in private views from the buildings at the edge of Groombridge.

6. The trees surrounding the site would provide some degree of screening, although, based on the findings of my site visit, screening would be limited during winter months, when the lights are most likely to be in use. The mesh screening surrounding parts of the tennis courts would reduce the visibility of the illuminated courts themselves in views from the road, but would not provide screening of all visual effects. Additional evergreen hedging is proposed to the perimeter of the site, however full details of the location and species of such planting have not been provided and I am unable to conclude that these additions would be appropriate to the character of the area, or conclude on the effectiveness of the screening it would provide.
7. The Institute of Lighting Professionals defines AONBs as intrinsically dark (zone E1). The appellant confirms the lighting to adhere to the requirements of zone E2, which relates to areas including villages and relatively dark outer suburban locations. Given this discrepancy I cannot be satisfied that the proposals achieve compliance with those guidelines for AONBs. While this does not form a part of the development plan it nonetheless adds to my concerns relating to the visual effects of the proposal.
8. Taken together, for the above reasons, the proposed lighting would appear prominent in this area of relatively dark sky and would represent the creep of an urbanising feature into this distinctly rural location. While the hours of lighting and use of a timer system could be controlled by the imposition of a planning condition, this harm would nonetheless still occur during the hours of use.
9. The proposal would cause harm to the character and appearance of the area and would neither preserve nor enhance the landscape and scenic beauty of the AONB. As a consequence, it would conflict with saved policies EN1, EN6 and GD2 of the Wealden Local Plan 1998 (the WLP) and spatial planning objective SPO1 of the Wealden District Core Strategy 2013 (WCS) which together seek to enhance and manage the distinct landscapes of the District and support sustainable development. There would also be conflict with the Wealden Design Guide Supplementary Planning Document 2008 which seeks to encourage a high standard of design within the District and which, among other things, states that the introduction of urban elements such as lighting, has a detrimental impact on the area's essential rural character. The proposal would conflict with the objectives of the Framework in respect of AONBs as stated above.
10. Based on the evidence, the proposal would comply with saved Policy EN29 of the WLP, through meeting the technical criteria it specifies for external lighting. However, this is a neutral factor and does not weigh in favour of the proposal.

Other Matters

11. Based on the evidence, the tennis club is a valued local facility used by a range of individuals and community groups including local schools, and it contributes

positively to the health and well being of its users. The proposal would allow the facility to operate for extended periods and allow tennis lessons to continue into winter months, providing a public benefit to its users. The importance of such facilities is widely acknowledged, including within the Council's Health Strategy Plan, and I ascribe this benefit moderate weight, given the size of the facility and number of courts which would benefit from the proposal.

12. Through extending the use of the tennis courts, the proposal would align with the social objective of sustainable development and the aims of paragraph 92 of the Framework which states that decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles. However, the Framework should be read as a whole and the objectives to achieving sustainable development, which include an environmental objective, are interdependent and should be pursued in mutually supportive ways. The benefits of the extended hours of use of the tennis courts would not, in this case, outweigh the harm to the character and appearance of the area and the AONB, to which I ascribe substantial weight given the stipulations of the Framework stated above.
13. The evidence refers to other tennis clubs set within AONBs which benefit from flood lighting. Despite this I have not been provided with details of the locations or circumstances of these sites or their lighting, and as such I am unable to conclude that the circumstances of those sites are comparable to the appeal before me. As such these attract limited weight.
14. The appellant refers to planning permission granted in 2021 for a new house immediately adjacent to the appeal site. The Council report that this property benefits from a certificate of lawfulness and as such, the Council were unable to impose conditions on external lighting. Evidence of external lighting at the water works site to the north has also been provided. However, the Council note this to be an old development, and the circumstances of that site are different to the scheme before me, notably because it relates to infrastructure and is set closer to the settlement of Groombridge. There are, therefore, notable differences in both cases to the appeal scheme and I do not consider that any blight resulting from these developments would justify additional harm arising from the appeal scheme.
15. In the determination of the appeal I have had regard to the presumption in favour of sustainable development contained in the WCS (WCS14) and the Framework. As the proposal has been found not to accord with an up to date development plan as a whole, and as the policies in the Framework provide a clear reason for refusing the proposal in any event, the dismissal of the appeal accords to those principles.

Conclusion

16. Although the proposal would comply with part of the development plan, the conflicts are such that the proposal should be regarded as being in conflict with the development plan, when read as a whole.
17. With the above in mind, there are no material considerations, including the approach of the Framework, that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

C Shearing

INSPECTOR