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# Appeal Decision

Site visit made on 3 May 2023

**by F Rafiq BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 May 2023**

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**Appeal Ref: APP/P1045/W/22/3313934**

**The Walsage, Mill Lane, Roston, Derbyshire DE6 2EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr & Mrs Davis against the decision of Derbyshire Dales District Council.
  - The application Ref 22/01020/FUL, dated 31 August 2022, was approved on 7 November 2022 and planning permission was granted subject to conditions.
  - The development permitted is the construction of a riding arena with associated fencing and floodlights.
  - The condition in dispute is No 3 which states that: *Prior to the erection of any floodlights, a scheme for the minimisation of the effect of light glare on nearby properties shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be maintained throughout the lifetime of the development hereby approved.*
  - The reason given for the condition is: *To protect the amenity of neighbouring properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan.*
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## Decision

1. The appeal is dismissed.

## Background and Main Issue

2. Planning permission was granted for a riding arena with associated fencing and floodlights which included a condition requiring a scheme for the minimisation of the effects of floodlights to be submitted and agreed with the Council. The reason given for the condition is to protect the amenity of neighbouring properties. The appellant does not consider the condition should have been imposed with reference to various factors.
3. Taking the above background into account, the main issue is whether the condition is reasonable or necessary in the interests of the living conditions of neighbouring occupiers.

## Reasons

4. The planning permission subject of this appeal included the provision of floodlights. The imposition of the disputed planning condition does not prevent the installation of floodlights, but rather requires details to be first submitted and agreed with the Council as Local Planning Authority.
5. Some details of the lighting scheme have already been submitted. However, they do not show details of any measures to avoid unnecessary light spillage from the floodlights. Whilst I note the presence of tall trees to one side of the

riding arena and the nearby industrial area which has numerous floodlights, I still consider it reasonable and necessary, in the interests of living conditions, for the imposition of a condition on floodlighting to avoid adverse light glare on neighbouring occupiers.

6. Accordingly, I conclude that condition 3 is reasonable and necessary, and would ensure that the development complies with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017), which seeks, amongst other matters, for development to not have an unacceptable effect by reason of light pollution or by other adverse impacts on local character and amenity.

### **Other Matter**

7. Although reference has been made by the appellant to discussions with the Planning Officer where it was stated that the disputed condition should not have been applied, it is evident from the Council's Statement<sup>1</sup> that they consider this subject condition to be necessary. I have determined the appeal before me on its own merits.

### **Conclusion**

8. For the reasons given above, I conclude the appeal should be dismissed.

*F Rafiq*

INSPECTOR

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<sup>1</sup> April 2023