



Appeal Decision

Site visit made on 21 June 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/N1730/W/23/3331263

Coldpiece Farm, Hound Green, Mattingley, Hook, Hampshire RG27 8LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Perrins against the decision of Hart District Council.
 - The application Ref is 23/00820/FUL.
 - The development proposed is erection of 10 floodlights, each 6m high, around the existing manege.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are currently floodlights on the site which I understand, based on the evidence, to be those for which planning permission was previously refused and dismissed at appeal.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The policies that are material to this decision are not subject to any fundamental changes and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023.

Main Issues

4. The main issues are the effects of the proposal on:
 - Ecology;
 - The character and appearance of the area;
 - The setting of the grade II listed buildings of Coldpiece Farm, and;
 - The living conditions of the occupants of nearby residential properties.

Reasons

Ecology

5. The farm buildings and structures, as well as surrounding trees have characteristics which could provide habitats for roosting, commuting or foraging bats, particularly given the proximity to a watercourse. All bats are designated and protected as European protected species and protected under the Conservation of Habitats and Species Regulations 2017.

6. Earlier bat surveys undertaken in 2018 and 2020 have found bat roosts within the wider Coldpiece Farm site, in particular within the Farmhouse, main barn to the south and the Cartshed. Those surveys are now dated and there is not substantive evidence to suggest that the findings of those reports are still valid, or to demonstrate the extent of bat populations which could be affected by the proposal.
7. The Council previously found the approved 2020 scheme to have acceptable effects on bats. However, given the absence of more recent surveys and given the proposed change in the height and positioning of lights under this proposal, it cannot be concluded that the circumstances would be the same. A buffer zone along the Whitewater River would be maintained free of development and restrictions on the hours of lighting are proposed. However, given the uncertainty surrounding local bat populations, it is not clear whether these measures would provide effective mitigation.
8. In conclusion on this main issue, the proposal could have a harmful effect on roosting, commuting or foraging bats. As such the proposal would conflict with the biodiversity objectives of LP Policy NBE4 and the Framework.

Character and Appearance

9. The surrounding area is rural in character and comprises areas of open grassland interspersed by areas of woodland and tree belts. There is a sparse pattern of development which includes scattered groups of buildings. Coldpiece Farm is a cluster of buildings and structures which have been largely separated into residential uses to the north and agricultural and equestrian uses to the south, which comprise buildings of a more utilitarian nature and substantial areas of hard surfacing. The manege is positioned to the south east of the site, and the open grassland beyond has been subdivided by post and rail fencing to provide paddocks, but maintains an open and rural character.
10. The site lies within Landscape Area MA-02 of the Council's Landscape Character Study 2016 which describes the area as having a high landscape value and good scenic qualities with a strong field pattern and historic landscape of farming with some longer distance views. The surrounding area is identified as having medium visual and character sensitivity. Street lighting is not present around the appeal site and the appellant accepts the area should be considered intrinsically dark as a relatively uninhabited rural area.
11. There may be existing lighting associated with the use of the site, in particular within and surrounding the stables and barn, although there is little evidence of the extent of existing lighting here. However the area of the manege extends notably beyond the confines of this group of buildings and into the open countryside beyond. The Council accept that the lighting columns themselves are not excessively visually prominent and, given their relatively slim profile I agree with those conclusions. However, the resulting lighting and introduction of lit areas would have urbanising effects on the landscape.
12. At the time of my site visit, there was little visibility of the manege and existing lighting from the road, where the hedgerow provided substantial screening other than at points of access. However natural screening would inevitably vary throughout the year and it is very likely that the lighting and lit areas would be apparent in public views from road at other times of year. There is not substantive evidence to suggest this would not be the case. The lighting would

also be visible in private views from nearby properties, as suggested by third parties.

13. Since the earlier appeal¹ the appellant has provided additional technical information in a Lighting Technical Report. This focuses on a comparison of the proposal with the 2020 planning permission², which is discussed in turn below. It demonstrates that lightspill from this appeal scheme would extend beyond the area of the manage, particularly to the east and west. It is unclear how this would manifest in views from the road and other public view points. It is, however, apparent that the lights and lit areas would be visible to some extent from the surrounding area, where they would appear heavily at odds with the dark and rural character of the landscape.
14. Overall, for the reasons given, the proposed floodlighting would be visually prominent within this intrinsically dark landscape, and would cause harm to the character and appearance of the area. The proposal would conflict with policies NBE2 and NBE9 of the Hart Local Plan adopted 2020 (the LP), as well as saved policies GEN1 and RUR34 of the Hart Local Plan Replacement Saved Policies 2000 (the LPRSP) which together require development to contribute positively to the appearance of the local area and respect special characteristics of the District's landscapes. It would also conflict with the Framework where it requires development to be sympathetic to landscape setting.

Setting of Listed Buildings

15. Coldpiece Farm comprises a complex of Grade II listed buildings including the Cartshed, Barn and the Farmhouse set around a historic farmyard. The Cartshed encloses the northern side of the yard and is a simple open fronted timber framed building clad with weatherboarding. The Farmhouse itself is a substantial residential property positioned to the east of the yard. It has been subject to later extensions and alterations acknowledged in the listing description and derives its significance from its architectural and historic interest. The Granary to its southern side is curtilage listed and comprises a small square building of timber frame construction and weatherboarding beneath a pyramid roof. The Barn encloses the southern side of the historic courtyard and is timber framed with weatherboarding and brick infills to its elevations, set below a substantial red tile roof. It similarly encompasses extensions and alterations, including lower level timber framed wings which together enclose a secondary courtyard to the south of the Barn.
16. The close relationship of the listed buildings around the historic farmyard, and their survival as a group contributes to their understanding and significance. The wider farmstead and the more open landscape beyond form a part of their setting. This setting is shared and has been altered by reconfiguring and subdivision of the land into the private domestic and equestrian and agricultural parts of the estate, now with separate driveways from Reading Road.
17. I note the findings of the earlier Inspector in October 2022³ who considered the same quantum of floodlights around the manege, albeit each being 2 metres taller at 8m. They note that the manage extends away from the heritage assets

¹ APP/N1730/W/21/3279009

² 20/01728/FUL

³ APP/N1730/W/21/3279009

and is separated by existing equestrian buildings. However, that Inspector found that due to the relative open landscape and close relationship, those floodlights would be more prominent in the context of the heritage assets, particularly the Farmhouse. This continues to be the case for this appeal scheme.

18. The degree of harm to the setting has been notably reduced from the previous appeal scheme by the amended height of the floodlights and resultant change to the directions of light overspill. Nonetheless, a degree of harm would continue to occur to the setting of the heritage assets for the reasons set out. For the purposes of the Framework this harm would be less than substantial.
19. The Framework requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The need to carry out this assessment is also reiterated in LP Policy NBE8 which relates to the effects of proposals on the historic environment. Benefits of the proposal include facilitating safe conditions for horses and riders and the use of low energy bulbs providing some environmental benefit. The presence of a fall-back position is not a public benefit and is considered separately below. The previous Inspector found these benefits did not outweigh the harm to the setting of the heritage assets and, although I find the degree of harm to be reduced, I have no strong reason to conclude that these benefits would now outweigh the harm identified, which must be given great weight. As such, the public benefits do not outweigh the less than substantial harm identified. Accordingly, the proposal would conflict with LP Policy NBE8.

Living Conditions

20. There are a number of residential properties located to the south east of the appeal site, which include some windows which have outlook towards the manege. The appellant suggests the nearest property is approximately 115m from the southern edge of the manege and I observed that the closest window is within its north facing side elevation. It also has a garden and detached single storey outbuilding to the rear.
21. Since the earlier appeal decision it has been demonstrated that lightspill would not extend as far as those properties or their gardens. It is apparent from the evidence submitted by those residents, however, that the lights and lit areas are currently visible, and this would be very likely to continue to be the case even when reduced in height by 2m, particularly given the context of the surrounding dark skies.
22. While the proposal would change the outlook from certain windows of those properties and the gardens, I do not consider that this amounts to unacceptable harm to the living conditions of those occupants, given the distances involved. In conclusion on this main issue, the proposal would have an acceptable effect on the living conditions of the nearest occupants and the proposal would not conflict with Policy GEN1 of the LPRSP insofar as it relates to the amenity of adjoining residential uses or LP Policy NBE11 relating to pollution. Neither do I find conflict with the Framework insofar as it relates to the effects of pollution on health and ensuring healthy living conditions.

Other Considerations and Planning Balance

23. The appellant refers to a fallback position, being a planning permission granted in 2020 which included provision of 8 2.5m high lighting columns around the manege. Based on the evidence, this is a realistic proposition which could be implemented by the appellant if this appeal were to be dismissed. As such I ascribe the fall back scheme significant weight. Further information on the effects of that fallback scheme have been submitted with this appeal since the consideration by the earlier Inspector.
24. Insofar as landscape issues and the effects on the setting of the heritage assets are concerned, it has been satisfactorily demonstrated that the effects of the proposal would be less harmful than the fallback scheme. This is by virtue of the reduced amount of lightspill which would arise, and the change to the direction of lightspill beyond the manege, which would take it further away from the heritage assets than the fallback scheme.
25. However, while lightspill would be less, there is otherwise very little evidence to suggest that the proposal would have comparable or improved effects on bat populations, which may also have been subject to change over time. The effects could be significant and long lasting, and attract very significant weight. Planning Practice Guidance states that the full impact of the proposal on protected species should be considered before granting planning permission, and for this reason it advises against the use of planning conditions that ask for surveys except in exceptional cases, which is not the case here.
26. In summary, the fallback scheme does not amount to a material consideration of sufficient weight to outweigh the conflict with the development plan where protected species are concerned.

Conclusion

27. 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 is dismissed.

C Shearing

INSPECTOR