



Appeal Decisions

Site visits made on 23 December 2024 and 2 January 2025

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 JANUARY 2025

Appeal A Ref: APP/W4223/C/23/3327439

Land at Higher Counthill Farm, Turf Pit Lane, Oldham, OL4 2PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act). The appeal is made by Match Lake Holdings Limited against an enforcement notice issued by Oldham Metropolitan Borough Council.
 - The notice was issued on 7 July 2023.
 - The breach of planning control as alleged in the notice is use of the land as a riding arena for equestrian purposes and the associated raising of land levels and the construction of an artificial surface, boundary fencing, and lighting columns on the land to facilitate the unauthorised use of the riding arena.
 - The requirement of the notice is to permanently remove the floodlights of the riding arena from the Land.
 - The period for compliance with the requirement is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (d), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/W4223/C/23/3327441

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 - The breach of planning control as alleged in the notice is use of the land as a riding area for equestrian purposes and the associated construction of an artificial surface, boundary fencing, and lighting columns on the Land to facilitate the unauthorised use of the riding area.
 - The requirement of the notice is to permanently remove the floodlights of the riding arena from the Land.
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Decisions

Appeal A Ref: APP/W4223/C/23/3327439

1. It is directed that the enforcement notice is varied by the deletion of the words *"The actions specified in paragraph 5 above must be carried out within the period of 3 months from the date on which the Notice comes into effect"* in section 6, and its substitution with the words *"The actions specified in*

paragraph 5 above must be carried out within the period of 6 months from the date on which the Notice comes into effect". Subject to the variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/W4223/C/23/3327441

2. It is directed that the enforcement notice is varied by the deletion of the words *"The actions specified in paragraph 5 above must be carried out within the period of 3 months from the date on which the Notice comes into effect"* in section 6, and its substitution with the words *"The actions specified in paragraph 5 above must be carried out within the period of 6 months from the date on which the Notice comes into effect"*. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. The National Planning Policy Framework was revised in December 2024 (the 2024 Framework). This replaces the previous version of the National Planning Policy Framework published in December 2023. I afforded the main parties the opportunity to comment on the implications of the 2024 Framework for the purposes of determining the deemed planning applications made under the ground (a) appeals. I have considered the comments received from the main parties.
4. A new development plan for the area referred to as 'Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside and Wigan 2022-2039' (PfE) was adopted in March 2024. This post-dates the date of the issued enforcement notices. I have been provided with a copy of policy JP-P1 of PfE and have taken it into account in so far that it is relevant to the deemed planning applications main issues.
5. The evidence is that PfE does not supersede the Council's adopted 2011 Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (CS and DM Policies). PfE and CS and DM Policies collectively form part of the development plan for the area.
6. I visited the appeal site and the surrounding area in the day and at night. The latter visit took place when it was dark, and the floodlights were turned on as pre-arranged.

The Notices

7. Appeals A and B relate to the issue of two separate material change of use enforcement notices. They both relate to unauthorised riding arenas (appeal A also includes the raising of land levels) with an artificial surface positioned and position alongside one another. The riding arenas are enclosed with timber post and rail fences (with green mesh attached) and each of them have lighting columns. The arena for appeal A has twelve floodlighting poles and the arena for appeal B has sixteen floodlighting poles. My site visit indicated that there were about twenty-six stables on the site.

8. It is clear from reading the notices that the Council has made decisions to underenforce in terms of the two riding arenas. This is because the notices attack only the floodlights. Consequently, if the notices were to be upheld and there was compliance with the requirements, then, save for the floodlights, the remainder of the identified development outlined within each alleged breach of planning control would have deemed planning permission given section 173(11) of the Act.
9. The evidence is that the Council issued notices encompassing the same appeal sites on 31 March 2020 for the '*continued use of 2 No. menages on the land*'. Among the requirements was to remove the floodlights for both menages or riding arenas. This notice was withdrawn by the Council. Section 171B(4)(b) of the Act does not prevent the local planning authority (LPA) '*taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach*'. The notices which are the subject of appeals A and B were issued on 7 July 2023. Therefore, the Council were not barred from taking enforcement action in respect of the material change of use notices. The appellant's claim that the notices are invalid, or null, is unfounded in this regard.
10. The evidence is that the Council issued three separate notices in 2023 in respect of only the erection of floodlights on the appeal sites. These three notices were withdrawn by the Council. The breach of planning control alleged in these notices related to operational development and not to a material change of use of the land. Having regard to section 171B(4)(b) of the Act, the 2023 notices are not relevant as they relate to a different breach of planning control than is the subject of appeals A and B. I find that the Council were entitled to issue the Appeal A and B notices given the wording in section 171B(4)(b) of the Act.
11. The appellant considers that the notices should be quashed in so far that they require the removal of lighting columns which have allegedly been in place for more than four years and hence are immune from enforcement action owing to section 171B(1) of the Act (including transitional arrangements). I shall deal with this matter as part of the ground (d) appeals below.

Ground (d) appeals

12. An appeal made on ground (d) of section 174(2) of the Act is that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In an appeal against an enforcement notice on ground (d), the burden of proving relevant facts is on the appellant, and the relevant test of the evidence is on the balance of probability.
13. The claim made by the appellant is that the floodlights were installed between October and November 2018 and were commissioned and brought into use at that time. The Council does not dispute the appellant's claim that the floodlights to each of the riding arenas were substantially completed between October and November 2018. The appellant claims that on this basis the floodlights are immune from enforcement action owing to section 171B(1) of the Act as they have been in place for more than four years.

14. While it may be the case, on the balance of probability, that the floodlights have been in situ for more than four years, the evidence is that that they have facilitated the material change of use of each site to a riding arena. Indeed, they have facilitated the material change of use of the land by enabling the riding arenas to be used when it is dark and are part and parcel of such riding arenas. In respect of the material change of use notices, the appellant has not lodged appeals under grounds (b) or (c) of section 174(2) of the Act. In other words, there is no claim made by the appellant that the material change of use breach of planning control has not occurred, or that it does not require planning permission.
15. The Courts have held that operational development can be required to be removed in respect of a material change of use where it has facilitated that material change of use and is subordinate or ancillary to it. There is no claim made by the appellant that the floodlights are not part and parcel of the material change of use of the appeal sites as riding arenas. Moreover, there is no evidence that the floodlights were erected and used for a purpose unconnected with the breach of planning control. In addition, and, considering the judgement of *Caldwell & Timberstore Ltd v SSLUHC & Buckinghamshire Council* (2024) EWCA Civ 467, the floodlights are not fundamental, or causative of the material change of use of the two appeal sites.
16. I find that the evidence indicates that the floodlights have facilitated the unauthorised use of the land as riding arenas for equestrian purposes, but they are not in themselves a fundamental component of the material change of use of the appeal sites. Put another way, the riding arenas could still be used in the absence of the floodlights, albeit that such a use would likely be more restricted during the hours of darkness. As a matter of fact and degree, I therefore find that the floodlights are ancillary or secondary to the associated material change of use of the appeal sites as riding arenas.
17. I therefore conclude that while the floodlights may have been substantially completed for more than four years, they are not immune from enforcement action in so far that the evidence demonstrates, on the balance of probability, that they have facilitated the material change of use of the land as two riding arenas. In any event, an appeal on ground (d) of section 174(2) of the Act should relate to the breach of planning control and not to facilitating development. The breaches of planning control relate to a material change of use of land. The appellant does not make a claim, or submit any objective evidence, to suggest that the material change of use of the appeal sites has continued for a period of ten years. On the balance of probability, I therefore conclude that the ground (d) appeals fail.

Ground (a) appeals and the deemed planning applications

18. Appeals are made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notices.
19. While there are two ground (a) appeals, and there are two separate riding arenas with facilitating development including fencing and floodlights (plus land levelling works for Appeal A), the main issues for both ground (a) appeals are the same.
20. I have no reason to disagree with the conclusions reached by the Council that the material change of use of the sites to riding arenas (including the provision

of artificial surfaces) for equestrian purposes, land level changes (Appeal A), and boundary fencing, is acceptable from a development plan and national planning policy point of view. I do not find that these elements of the breaches of planning control constitute inappropriate development in the Green Belt or that that they cause harm to the character and appearance of the area.

21. The point of dispute between the main parties relates to the facilitating floodlights for each riding arena. I have considered the reasons for issuing the two notices. The land falls within land designated as Green Belt. In this context, the main issues for both appeals are:
- whether the breach of planning control as a whole, including the floodlights, constitutes inappropriate development in the Green Belt including its effect on Green Belt openness and purposes;
 - the effect of the breach of planning control, including the floodlights, on the character and appearance of the area; and,
 - if the breach of planning control is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

Whether inappropriate development in the Green Belt

22. In respect of Green Belt policy in the 2024 Framework, based on the type of development which is the subject of the two ground (a) appeals, I find that it is necessary to consider the development against both paragraph 154(b) and paragraph 155(a)/(b)/(c) of the 2024 Framework. I do not find that paragraph 154(g) of the 2024 Framework is applicable as the position and extent of the arenas is such that they do not amount to limited infilling and, moreover, the evidence does not indicate that this part of the land comprises land which has been lawfully developed. The evidence does not indicate that the definition of previously developed land, as outlined in the annex to the 2024 Framework, has been met.
23. Paragraph 154(b) of the 2024 Framework states that appropriate facilities for outdoor sport or outdoor recreation is not inappropriate development as long as the facilities '*preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*'.
24. The evidence is that the riding arenas with enclosed fencing have been sited on land which was previously devoid of development. While the arenas and fencing have had some limited adverse impact on the openness of the Green Belt from a spatial and visual perspective, I do not find that this is to the extent that it could be said that the openness of the Green Belt has not been 'preserved' or that there has been conflict with any of the purposes of the Green Belt including, in particular, safeguarding the countryside from encroachment.
25. Notwithstanding the above, and when the floodlights are considered alongside the riding arenas and enclosing fencing, I find that the openness of the Green Belt has not been preserved. I reach this conclusion, whether it be in respect of the quantum of floodlights across the two riding arenas, or whether it is in respect of the separate consideration of the floodlights relating to each of the riding arenas. I recognise that individually the floodlights (including columns)

are relatively slender, but given the position, height, and extent of them as they relate to each breach of planning control, I find that they do not preserve the openness of the Green Belt when considered alongside the fencing associated with the respective riding arenas.

26. In the context of the above, the floodlights, which are positioned on a hilltop and valley edge, cause visual and spatial harm to the openness of the Green Belt being visible from both localised viewpoints and medium distance views across the valley. While I appreciate that the escape of light does not in itself have an impact on the openness of the Green Belt, the aforementioned impacts of the floodlights on the openness of the Green Belt are also experienced at night when the floodlights are turned on and where the immediate environment would otherwise be much darker.
27. During periods of darkness, when the lights are turned on, the riding arenas, associated fencing, and the associated floodlights are very apparent to passers-by. The illumination draws attention to the breaches of planning control as a whole and creates an illuminated focal point for the two sites from both short and medium distance views. The visual presence of the floodlights is experienced in the landscape during this time when otherwise the environment would be much darker. To this extent, some harm is caused to the visual aspect of the openness of the Green Belt.
28. I find that when the floodlights are considered alongside each riding arena, fencing and surfacing, the respective breaches of planning control conflict with the purposes of the Green Belt, namely safeguarding the countryside from encroachment. The floodlights seek to urbanise the essentially more open and rural character of this urban fringe Green Belt location and this harm is exacerbated when the floodlights are turned on as it materially changes this part of the countryside from an area which would otherwise be a darker and less developed environment, to one that is bright and more urbanised and hence where there is a noticeable degree of countryside encroachment.
29. For the reasons outlined above, I conclude that the breaches of planning control, which includes two rows of floodlights extending to about 150 metres from the west to the eastern extent of the riding arenas, both individually and collectively amount to inappropriate development in the Green Belt from the point of view of paragraph 154(b) of the 2024 Framework.
30. It is also necessary that I consider the breaches of planning control against the exception to inappropriate development in the Green Belt as outlined in paragraph 155 of the 2024 Framework. I find that the two riding arenas fall within land which strongly contributes to the Green Belt purpose in paragraph 143 (a) of the 2024 Framework, i.e., to check the unrestricted sprawl of large built-up areas. Indeed, the riding arenas which include a considerable number of floodlights are seen within the wider landscape as urban sprawl. Indeed, to the passer-by there is a clear visual distinction between the new housing development located to one side of Counthill Road and the appeal land which is much more open and rural in character and where there is a sporadic pattern of development.
31. The unauthorised development would not therefore utilise grey belt land and hence the exception to inappropriate development in the Green Belt in paragraph 155 of the 2024 Framework is not met. Even if one were to disagree with my finding that the unauthorised development does not utilise grey belt

land, I do not find that the evidence supports a claim that it would accord with paragraph 155 of the Framework in any event. This is because while the appellant states that the riding arenas with floodlights are facilities '*which the local community desires*', this is not the same as providing evidence that there is a '*demonstrable unmet need for the type of development proposed*'.

32. Paragraph 153 of the 2024 Framework states that inappropriate development is, by definition, harmful to the Green Belt and paragraph 153 of the 2024 Framework states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.

Effect on the character and appearance of the area

33. I am satisfied that the riding arenas (including land level changes for Appeal A) and fencing do not cause any significant harm to the character and appearance of the area. However, I was able to appreciate the floodlights as part of my site visits which were carried out both in the daytime and at night. In respect of the latter, the floodlights relating to both riding arenas were turned on.
34. The riding arenas are positioned on an exposed hilltop location. This is an urban fringe location and there is a noticeable change to the character and appearance of the countryside as one climbs up Counthill Road. The area changes from one that is more urban and developed in character to one that is characterised as being more rural and where development is more sporadic.
35. I was able to see on my site visits that the floodlights were conspicuous from parts of Counthill Road and could be seen from medium distance views in Roebuck Lane and Turf Pit Lane. At my request, all floodlights were turned on during my nighttime visit. I have also considered the photographs taken by the Council between 18.10 and 18.45 hours on 28 November 2023 which show floodlights turned on '*around menage 2*'. While I accept that when looking back from the countryside the townscape is also lit at night, the floodlights around the riding arenas are nonetheless experienced as being very bright in this context. Furthermore, when looking from Counthill Road where it meets Haven Lane, the floodlights are experienced as being very bright when judged against the otherwise dark and tranquil countryside character in the background.
36. In respect of the harm caused to the character and appearance of the area in the daytime, this is most apparent when viewed from parts of Counthill Road and hence from localised viewpoints. Given the number, extent, and position of the floodlights on each riding arena, I find that they have individually and collectively harmed the character and appearance of the area. I find that such harm is most significant during periods of darkness and when the 'on-demand' coin operated floodlights are turned on.
37. I find that the extent of light spillage and intensity within what is otherwise an essentially darker and more tranquil environment within this urban fringe location has caused material harm to the character and appearance of the countryside. The appellant has suggested mitigation measures which could reduce the harmful effects of the floodlights. The appellant states that the floodlights are normally used between 17.00 and 20.30 hours in the winter and that a condition could be imposed so that the floodlights are not used outside these hours.

38. I do not find that an hours of use condition for the respective floodlights would be sufficient to overcome the harm caused. The site has stables and appears to be used by many people for exercising horses. There is therefore potential for the floodlights to be used frequently during the winter months. Use of the floodlights for up to three and a half hours each day during periods when daylight hours are short, constitutes, in my judgement, the potential for prolonged and lengthy floodlighting use in the context of the planning harm that I have identified. I do not therefore consider that the suggested hours of use condition for the floodlights would be sufficient, on its own, to overcome the identified planning harm.
39. The appellant states that the provision of shields around the lanterns would seek to block rays from travelling further afield. However, I have not been provided with technical details of any proposed shields around the lanterns, or indeed whether it would be possible to reduce the intensity of the lights to an acceptable level while also ensuring appropriate safety for the horses and riders.
40. Moreover, the appellant has not submitted a lighting assessment/mitigation strategy as part of the appeal. Hence, I do not know to what extent any alternative scheme(s) might have on reducing the harm caused to the character and appearance of the area from the floodlights during periods of darkness. In addition, it is suggested that the significant number of floodlights might be able to be reduced on each riding arena or simply overall. However, I have not been provided with any alternative scheme(s) and, furthermore, do not know what impact any such alternative scheme(s) would have on the character and appearance of the area (or indeed the openness of the Green Belt), or whether it would be conducive to providing a safe environment for exercising horses during periods of darkness.
41. I acknowledge that some coniferous trees have been planted in the vicinity of the riding arenas. However, these trees are not significant in height and may not endure forever. Even if they did grow taller after a few years, there is insufficient evidence before me to demonstrate that they would suitably mitigate the noticeable bright glare from the floodlights when viewed from some localised views, and from longer distance views such as from the Roebuck Inn and across the landscape. Indeed, from the Roebuck Inn my site visit revealed that when it is dark, and the many floodlights are turned on, they are seen as occupying a very extensive area. The floodlights are uncharacteristically bright and excessive relative to the more sparsely located and subdued floodlights that exist elsewhere in this countryside location. Such harm is very apparent from wider landscape views owing to the exposed hilltop position of the floodlights.
42. In this case, I do not find that the suggested mitigation measures would overcome my findings on the main issues. In the absence of detailed and technical information from the appellant about an alternative scheme(s), which would go to the heart of the in-principle consideration of the main issues, I do not find that the evidence indicates that the identified harm is capable of being suitably addressed by condition. I deal with this matter further as part of the ground (f) appeal.
43. For the reasons outlined above, I find that the floodlights element of each breach of planning control, when considered alongside the respective riding

arenas, surfacing and fencing, causes material harm to the character and appearance of the area. In this regard, the developments which are the subject of Appeals A and B, do not accord with the landscape, character, appearance, and design requirements of policy JP-P1 of PfE and chapter 12 of the 2024 Framework. The harm caused to the character and appearance of the area arising from the Appeal A and Appeal B developments, are matters to which I separately afford moderate adverse weight in the planning balance.

Other considerations

44. I recognise that the floodlights serve to ensure that horses can be exercised during times in the winter months and when it goes dark earlier. In this regard, there are clear advantages in terms of the exercise and welfare of horses, as well as providing more opportunities for people to ride horses when the weather is inclement, or it is dark. This is therefore a positive matter to weigh in the overall planning balance for each of the ground (a) appeals.
45. The appellant has referred to floodlights at Waterhead Sports Academy Sports Complex and says that these floodlights are in a similar context to those that are the subject of the two appeals. The context relating to Waterhead Academy Sports Campus is not directly analogous to the land at Higher Counthill Farm although I do acknowledge some similarities.
46. I do not know the exact circumstances which led to the floodlights at Waterhead Academy Sports Complex being erected. In any event, their existence does not justify the planning harm that I have identified in respect of each breach of planning control. I have determined the deemed planning applications on their individual planning merits and against up-to-date planning policies. The existence of the floodlights elsewhere does not alter or outweigh my overall planning balance and conclusion below.

Ground (a) appeals planning balance and conclusion

47. I have concluded that each breach of planning control is inappropriate development in the Green Belt. This is owing to the impact of the floodlights when considered alongside the other components of each breach of planning control. The openness of the Green Belt is not preserved in respect of each breach of planning control and the respective developments do not accord with all of the purposes of the Green Belt. The harm caused to the Green Belt by each development is a matter to which I afford substantial adverse weight in the planning balance. In addition, I have found that moderate harm has been caused by each breach of planning control to the character and appearance of the area.
48. I conclude that the appeal A and appeal B developments respectively amount to inappropriate development in the Green Belt. I find that the harm caused by reason of inappropriateness, and the other identified harm, is not clearly outweighed by the other identified considerations so as to amount to the very special circumstances necessary to justify either development.
49. In reaching the conclusion above, I am mindful that I have had to reach a judgement in terms of whether the respective developments are inappropriate development in the Green Belt. In particular, this includes whether the land comprises grey belt land and whether there is a demonstrable need for the type of development proposed. I therefore emphasise, for the avoidance of

doubt, that even if I had found that the appeal developments were not inappropriate development in the Green Belt, this would not, in any event, have overcome or altered my conclusion in respect of the character and appearance main issue. Had the latter been my only concern, I would have concluded, for the reasons outlined, that the harm caused to the character and appearance of the area arising from the erection and use of the floodlights for each riding arena, would not have been outweighed by the other considerations outlined above. Therefore, I would still have refused the deemed planning applications.

50. Overall, and, for the above reasons, I conclude that the ground (a) appeals fail.

Ground (f) appeals

51. An appeal on ground (f) of section 174(2) of the Act is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
52. In respect of the requirement of each notice, i.e., to permanently remove the floodlights, the purpose is to remedy injury to amenity which has been caused by the breaches. The notices do not require the removal of the riding arenas (including boundary fencing and level changes). In the event of compliance with the requirements of the notices, these components of the breaches of planning control would have deemed planning permission given section 173(11) of the Act.
53. The appellants consider that the removal of the floodlights from each horse arena is excessive as lesser alternatives would include controls over the hours of operation and/or controls over the orientation of the lanterns; and/or controls over how the lanterns are shielded; and/or a restriction on the number of columns and lanterns either on each riding arena or on one or other of the riding arenas. I have considered these suggestions as part of the consideration of the ground (a) appeals and deemed planning applications. For the reasons outlined, I have concluded, on the evidence before me, that I cannot conclude that such suggested alternatives would sufficiently overcome the harm caused to the Green Belt and to the character and appearance of the area.
54. I therefore find that the requirement in each of the notices is not excessive. The step in each of the notices is necessary to remedy the injury which has been caused by the breaches of planning control. Therefore, I conclude that the ground (f) appeals fail.

Ground (g) appeals

55. An appeal on ground (g) is that the period specified in the notice in accordance with s173(9) falls short of what should reasonably be allowed.
56. The appellant accepts that the floodlights that are required to be removed for Appeals A and B could be removed within the three months compliance period. However, he says that if the floodlights are removed it will restrict opportunities for exercising horses on the appeal site during the winter months and may mean that some of those that keep horses at Higher Counthill Farm may decide to seek alternative arrangements.

57. My decisions are to uphold the notices and such decisions have been made in the winter. This will therefore give the appellant time over the rest of the winter period to retain/use the floodlights and until the start of spring when the days are lighter for longer.
58. I have considered each breach of planning control based on the evidence that is before me. This does not include technical details of lantern shields and, moreover, it does not include an alternative scheme(s) relating to a reduced number of floodlights, controls over lighting illumination and, importantly, an assessment of resultant light spillage and any associated impact on the character and appearance of the surrounding countryside. On the evidence that is before me, I cannot therefore be certain if some alternative form of floodlighting on the land would be acceptable when all matters are considered in the balance.
59. However, it seems to me that, at the very least, the appellant may be able to explore the potential for considering an alternative scheme(s) alongside new technical floodlighting evidence and to discuss any such possibilities with the Council. I do not know if any such possibility would, on balance, be capable of being acceptable in planning terms. Nonetheless, I find that this is a matter which justifies extending the compliance period. I find that it is therefore reasonable and proportionate to increase the compliance period from three months to six months.
60. I do not doubt that there are many people who keep their horses at Higher Counthill Farm. There are indeed a considerable number of horses kept on the appeal site. I acknowledge that some may want to move their horse to another place in the context of the upheld notices. Increasing the compliance period from three months to six months, for the reasons outlined, would also give the owners of some of the horses more time to find alternative premises. I consider that this strikes a reasonable and proportionate balance between bringing the use of the unauthorised floodlights to an end and ensuring sufficient time for some of the horses to be moved elsewhere.
61. To the extent that I have extended the compliance period from three to six months, I conclude that the ground (g) appeals succeed.

Conclusions

Appeal A Ref: APP/W4223/C/23/3327439

62. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal B Ref: APP/W4223/C/23/3327441

63. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR