



Appeal Decision

Site visit made on 10 June 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/X1735/W/25/3359465

Seacourt Tennis Club, 20 Victoria Avenue, Hayling Island, Hampshire PO11 9AJ

- 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 Mr Nick Atkins against the decision of Havant Borough Council.
 - The application Ref is APP/23/00415.
 - The development proposed is the installation of fencing and lights to form two padel tennis courts.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of the surrounding residential properties, with regard to noise and disturbance.

Reasons

3. The appeal site is in a residential area and is surrounded by neighbouring dwellings. It forms part of a long-established tennis club which comprises a clubhouse with indoor courts, 2 floodlit external tennis courts, a pétanque court and a car park. At the time of my site visit, which I appreciate is only a snapshot in time, while relatively peaceful given its location to the rear of the neighbouring residential properties, there was a discernible low level of noise at the site, arising from passing traffic and other activities, including indoor racket sports.
4. The appeal proposal would see the siting of 2 padel courts on part of the site which is coterminous with the rear boundaries of the residential properties to the north and south, on an area of grass which currently accommodates the pétanque court. Each court would be enclosed by a 3m high glass wall to either end, which would wrap around the side elevations in part, with wire mesh fencing above, up to a height of 4m. The remainder of the side elevations would largely be made up of wire mesh fencing 3m in height. The courts would be illuminated by floodlights to the perimeter and would operate between 09.00 to 21.00 Monday to Sunday inclusively.
5. My attention is drawn to the Sport England Design Guidance Note¹ which recommends that noise levels outside a residential property should not exceed 50 dB LAeq(1 hour). The appellant's Noise Impact Assessment² and supplementary information conclude that the effect of the proposals are expected to be low. It

¹ Artificial Grass Pitch (AGP) Acoustics – Planning Implications New Guidance for 2015 (August Revision 001)

² Noise Impact Assessment by Venta Acoustics dated 17 August 2023

indicates that, subject to the provision of an acoustic fence to the boundaries of the adjoining residential properties, the average predicted noise levels would not exceed 50 dB LAeq in relation to the dwellings both to the north and south of the site, with the exception of the first floor windows in the dwelling to the south. Consequently, aside from these openings, the predicted noise levels would not exceed those recommended by Sport England.

6. However, even if mitigation could be put in place to ensure noise levels were within these standards, the guidance relates specifically to noise generated by sporting activities on artificial grass pitches (AGPs), including hockey, football and rugby. It sets out that research behind the guidance found that the most significant noise levels on AGPs were derived from the voices of players, except for hockey, where impact noises of balls hitting perimeter strike boards and goal back boards were more noticeable. Thus, the sports considered have distinctly different noise characteristics to racket sports, in particular padel tennis, whereby noise is primarily likely to be generated from the frequent motion of bats striking the ball, as well as balls hitting the glass walls at the ends of the courts. As such, it is not clear how the AGP noise environments to which the guidance relates are directly comparable to the specific characteristics of the noise associated with padel tennis. For this reason, it has not been demonstrated that the guidelines would be a suitable benchmark against which to assess the appeal scheme.
7. The noise generated by the appeal proposal would be of a similar nature to that generated by the existing racket sports which take place at the club, particularly in terms of a rhythmic pattern of noise from the contact of a ball on a racket. There would also be regular peak effects over and above the average noise levels, together with associated human activity and voices.
8. Nevertheless, there is no dispute that the sound from tennis and padel is different and would be discernible. By virtue of the size of the courts, together with their contained nature, which would give rise to balls rebounding from the glass enclosure, even if not deliberate, together with the composition of the rackets, mean the frequency of ball strikes is likely to be significantly greater and generate noise which would differ in character from that in connection with the existing racket sports at the site. In addition, the provision of the padel courts, in the position shown, would introduce activity on part of the site not currently used for such purposes. This would thus lead to a considerable increase in racket sport activity, closer to the rear boundaries of neighbouring properties than the existing outdoor courts, particularly if carried out for the periods proposed.
9. In light of these considerations, notwithstanding the existing noise context at the tennis club, it has not been demonstrated that the specific characteristics of the noise generated by the proposal would be sufficiently comparable to the existing activity at the site so as not to give rise to tangible changes to the acoustic environment experienced by those living nearby. Consequently, there is no substantive evidence that the proposed padel courts would not harm the living conditions of the occupiers of the surrounding residential properties, including the enjoyment of their outdoor amenity space, as a result of noise and disturbance.
10. The appellant contends that the periods of time the courts would be in use would, in reality, be less than that proposed, particularly at specific times of the year, which would result in lower noise levels. However, given representations made by interested parties which highlight the rising popularity of the sport, and apparent

shortage of facilities, I cannot be certain that this would be the case. Moreover, should permission be granted it would enable the use of the courts for the full duration of the hours specified.

11. It is suggested that noise from associated human activity could be controlled through a Noise Management Plan, nonetheless, this would not obliterate the effects of the noise generated by the padel tennis itself. Furthermore, while I note the appellant's willingness to increase the height of the proposed acoustic fence to 3m, the details of such are not before me, to enable an assessment of the effects of this in all other regards.
12. For the foregoing reasons, I find that the proposed development would harm the living conditions of the occupiers of the surrounding residential properties, with particular regard to noise and disturbance. In that regard it would fail to accord with the aims of Policy CS16 of the Havant Borough Core Strategy, adopted March 2011 (CS) which seeks development of a high quality design which, among other things, does not cause unacceptable harm to the amenity of neighbours through noise and Policy DM10 of the CS, which sets out that development that may cause pollution through noise will only be permitted where specific criteria are met, including that the health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk.

Other Matters

13. The provision of the padel courts would offer benefits in terms of increased physical and social activity, which would complement the existing facilities at the club. The proposal would therefore reflect the aims of the National Planning Policy Framework which identify that access to opportunities for sport and physical activity is important for the health and well-being of communities and would accord with Policy CS1 of the CS which supports development which offers benefits in terms of health and wellbeing.
14. In addition, the proposal may go some way to addressing the unmet demand for padel tennis, which I note is an inclusive sport which is increasing in popularity. However, there is no substantive evidence that the appeal proposal is the only means by which this need could be met, or that the proposal is necessary to enable the future viability of the club. Moreover, any benefits in terms of increased tourism and local expenditure would be modest given the scale of the development.
15. The appellant suggests that the part of the site to which the appeal relates could be used for the purposes of grass tennis without the need for additional permission. However, permission is sought for the provision of 2 padel tennis courts and the appeal is therefore assessed on that basis. Furthermore, it has not been demonstrated that the effects of development on the part of the site to which the appeal relates, which may not require planning permission, would be the same or worse than the appeal proposal.
16. The absence of harm in terms of the character and appearance of the area, highway safety, ecology and trees are normal expectations of new development and are therefore matters of neutral weight.

Conclusion

17. The proposed padel courts would offer benefits in terms of the provision of additional sports facilities. However, set against this, I have found that the development would harm the living conditions of the occupiers of neighbouring residential properties and would therefore conflict with the development plan as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR