



Appeal Decision

Site visit made on 25 November 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

Appeal Ref: APP/J4423/W/25/3368003

48 Devonshire Road, Sheffield S17 3NW

- 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 Maurice Patterson against the decision of Sheffield City Council.
 - The application Ref is 24/03668/FUL.
 - The development proposed is the installation of low level LED floodlighting to outdoor tennis court Nr 2 to be operated on a seasonal basis.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of low level LED floodlighting to outdoor tennis court Nr 2 to be operated on a seasonal basis at 48 Devonshire Road, Sheffield S17 3NW in accordance with the terms of the application, Ref 24/03668/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

3. Dore and Totley Tennis Club is an established sports club located in a suburban area. It is a backland development which is surrounded by residential properties. Although there are street lights in proximity to the appeal site, it is not disputed that there are low levels of ambient lighting to the rear of the properties surrounding the Tennis Club.
4. The proposal is for the installation of floodlights around the middle court. There would be some light spill onto the outside courts and extremely limited light spill onto neighbouring land. Whilst floodlights are not a common feature within suburban areas, they are a common feature of sports clubs with external facilities. As such, the illuminated courts would be consistent with the character of the established Tennis Club which forms part of the wider character of the area.
5. Moreover, the operating times of the floodlights could be restricted by condition. As such, the floodlights would only result in the tennis courts appearing illuminated for a limited period of the evening for part of the year. Therefore, the proposed development would only have an effect on the character and appearance of the

area for part of the year. Also, the floodlights would not alter the character of neighbouring gardens, as they would not light up neighbouring land.

6. The proposed floodlights would be sited within the mesh fence which encloses the courts. Given their slim utilitarian design and metallic finish, the proposed floodlights would assimilate with the appearance of the tennis courts and boundary treatments. Overall, six small floodlights would be commensurate with the size of the Tennis Club and would not appear as an overdevelopment of a small club.
7. A previous planning appeal¹ for floodlights at the Tennis Club was dismissed, and the Inspector concluded that they would be harmful to the character and appearance of the area. Nonetheless, that appeal proposal was for eight floodlights which were almost double in height to those now proposed. Also, they were proposed to be sited around the edge of all three courts. As such, that proposal is materially different to the one before me and does not set a precedent to dismiss this appeal.
8. I conclude that the proposal would not have a harmful effect on the character and appearance of the area. The proposal would comply with saved Policy H14 of the Sheffield Unitary Development Plan, March 1998 (UDP). The Policy indicates that in housing areas, development will be permitted for non-housing uses provided that it would be of a scale consistent with the residential character. The proposal would also be in accordance with paragraphs 135 and 139 of the National Planning Policy Framework (the Framework) where they indicate that planning decisions should ensure that developments are sympathetic to local character and development that is not well designed should be refused.

Living conditions

9. There are only three courts available to use at any one time. As such the amount of activity associated with the Club is limited by its modest size. Furthermore, tennis cannot be played during or immediately after inclement weather, this further reduces the usage of the site. Currently play is restricted by natural light. People are able to use the courts up to 2200pm in the summer months, but the courts cannot be used in the evenings during the winter months.
10. The proposed floodlights would facilitate additional playing time when natural light would be limited. In particular, this would allow the use of the site further into the evening. This would result in occupiers of nearby properties experiencing increased noise and disturbance from people playing sports and from increased vehicle movements of people travelling to and from the Club.
11. Notwithstanding this, due to the Club's size and restrictions on play during and immediately after inclement weather, the increase in activity and resultant noise and disturbance would be limited. A condition requiring the floodlights to be switched off at 21:00pm would ensure that the noise experienced by neighbouring occupiers would be similar to summer months. Moreover, occupiers of nearby properties are less likely to have their windows open or use their gardens during the autumn/winter evenings when compared to the summer. Consequently, the use of the tennis courts in the evening, in the autumn/winter months would have less of an effect on the living conditions of neighbouring occupiers than in the summer months.

¹ Planning Appeal Ref. APP/J4423/A/13/2197316

12. I acknowledge that there is no restriction on the opening hours of the clubhouse and that they are linked to the use of the tennis courts. As such, a consequence of the proposal is that the clubhouse could be used later into the evening. Nonetheless, it is modest in size, and it is not permitted to be used for independent functions. Therefore, the clubhouse would not generate unacceptable levels of noise or disturbance, even if the proposal results in an increased use of the Club. Furthermore, the use of security lighting on this building would be expected in a backland area and it would be a significant distance from the nearest properties. As such, it would not cause harm to the living conditions of neighbouring occupiers.
13. As above, an Inspector dismissed a previous appeal for floodlights at the appeal site. As part of that decision, the Inspector expressed concerns with the extended use of the Club into the evening hours. However, that proposal requested that the floodlights be used until 2200pm, all year round. The proposal that is before me is materially different as the operating hours would be until 2100pm for part of the year. On balance, whilst the proposed development would extend the use of the site into the quieter evening hours, the earlier finish would be acceptable as people would be off site earlier than they would be during the summer months.
14. The light spill onto neighbouring land would be extremely limited. Accordingly, even without a tall, solid boundary treatment, the proposed floodlights would not be overbearing on neighbouring occupiers. This is not disputed by the Council.
15. Overall, I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance. The proposal would comply with saved UDP Policy H14 where it indicates that in housing areas, development will be permitted for non-housing uses provided that it would not lead to noise or other nuisances for people living nearby. The proposal would also be in accordance with paragraph 135 of the Framework where it indicates that planning decisions should ensure that developments create places with a high standard of amenity.

Other Matters

16. Members of the Tennis Club may park on the road rather than within the car park. Nevertheless, there are no parking restrictions in the area and there is no substantive evidence of parking stress. Accordingly, there is no reason why vehicles cannot park safely on the road. Also, street lighting would ensure that the pavements are safe to use in the evening.
17. There is no cogent evidence that the installation and operation of the proposed floodlights would have a harmful effect on protected species within or in proximity to the appeal site.
18. I note that there are other similar facilities nearby which include either internal or floodlit tennis courts. Also, it is a private club and there may be other proposals which could ensure the ongoing vitality of the Club. However, the assessment on the acceptability of the proposal is not affected by whether the Club is meeting an identified need, whether it is a community asset, or required to ensure the ongoing vitality of the Club. Instead, the proposal would not be harmful and would therefore be acceptable. Likewise, previous consents may have specified that no floodlighting shall be used at the Club. However, the proposed floodlights would

not be harmful, and the planning permission granted by this appeal could be lawfully implemented regardless of conditions on other planning permissions.

19. I note the comments in relation to the potential increased energy usage by the Club. However, this cannot be considered in isolation. Paragraph 8 of the Framework is clear that the environment is only one of three objectives of sustainable development. The proposal would provide both economic and social benefits which would outweigh the potential increase in energy usage.
20. I have received a list of people notified of the appeal and a copy of the representations made in relation to the planning application and appeal. I am satisfied that the planning application and the subsequent appeal have been sufficiently publicised. In reaching my decision, I have had regard to the representations made to the planning application and appeal by interested parties. This includes the significant objection from local residents.
21. Interested parties have raised concerns that the appellant may use the facilities outside of the operating times conditioned within this appeal and previous consents. In particular, the appellant has not specified what they would do if a match has not finished by 2100pm. It would be a matter for the local planning authority to decide whether to take enforcement action against any activity which is in breach of a planning permission. The potential to act contrary to an enforceable planning condition would not be a reason to withhold planning permission.
22. The planning system is concerned with the public interest. The effect of the proposal on neighbouring house values is a matter of private interest. As such, this does not alter my assessment on the acceptability of the appeal proposal.
23. Finally, I am cognisant of the Clean Neighbourhoods and Environment Act 2005. Allowing the appeal would not be contrary to this legislation.

Conditions

24. The Council has indicated the conditions that it considers would be appropriate if I were to allow the appeal. I have considered the suggested conditions in light of the guidance within the Framework and Planning Practice Guidance.
25. Conditions specifying a time limit to implement the permission and approved plans are necessary in the interest of certainty. However, it is not necessary to include the Block Plan² showing the existing site within the approved plans as this shows the site before the construction of the proposed development. Neither is it necessary to include the floodlights specification within the list of approved plans as this is subject to a separate condition.
26. Conditions specifying that the proposed floodlights should be installed in accordance with the submitted specification and restrictions on when the floodlights can be used are necessary to ensure that the living conditions of occupiers of nearby properties are not harmfully affected.
27. It would not be reasonable to attach a condition reserving a right for the Council to require modification of the floodlights at any time, as the proposed floodlights would not be harmful.

² Drawing Ref. 2024 CAS 011 011 Rev A

Conclusion

28. I have had regard to the rights of the occupiers of nearby dwellings under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998 (HRA98). Article 8 affords the right to respect for private and family life and home. I have also had regard to Article 1 of the First Protocol of HRA98 which concerns the protection of property and affords people the right to the peaceful enjoyment of their possessions. Allowing the appeal would not interfere with the nearby occupiers' rights under Article 8, or Article 1 of the First Protocol as they could continue to live in a home which meets their need for a private life and would continue to peacefully enjoy their possessions.
29. I have also had due regard to the Public Sector Equality Duty as set out within the Equality Act 2010. Interested parties have indicated that some of the neighbouring occupiers are young children and others are elderly. Accordingly, the protected characteristic of age would be relevant to these local residents. The proposal would not have a harmful effect on their living conditions. As such, granting planning permission would not be contrary to the need to eliminate discrimination of people with the protected characteristic of age, advancing equality of opportunity for those persons, and fostering good relations between them and others.
30. For the reasons given above the appeal should be allowed and planning permission should be granted.

J Hobbs

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 2024 CAS 011 010 Rev A; 2024 CAS 011 013 Rev A; 2024 CAS 011 015 Rev A; 2024 CAS 011 022 Rev A; and, 2024 CAS 011 023 Rev A.
- 3) The development hereby permitted shall be constructed in accordance with specifications detailed within S.F.P.D Limited Outdoor Lighting Design, Dore & Totely Tennis Club, Installation of Low Level LED Floodlighting to Court Nr 2, Lighting Design P.A.07 R8, dated 27.11.2024.

The floodlights shall thereafter be retained and maintained to the standards specified in the approved details.
- 4) The floodlights shall only be used between 0800am and 2100pm Monday to Sunday, including Bank or Public Holidays, September to April.