



Appeal Decision

Site visit made on 19 November 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2025

Appeal Ref: APP/A1530/W/25/3373509

Playing Field, Brook Street, Dedham, Essex CO7 6AD

- 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 K Wilsher of Dedham Tennis Club against the decision of Colchester City Council.
 - The application Ref is 250230.
 - The development proposed is installation of eight floodlights to outdoor tennis court.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs against the Council is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on the Dedham Vale National Landscape and the Dedham Conservation Area.

Reasons

National Landscape

4. The appeal site is a set of three outdoor tennis courts in the corner of a sports field. It is in the Dedham Vale National Landscape (NL). Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an NL to seek to further the purpose of conserving and enhancing the natural beauty of the NL.
5. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. It also states that planning decisions should limit the impact of light pollution from artificial light on intrinsically dark landscapes.
6. Policy ENV4 of the Colchester Borough Local Plan (2017) (the Local Plan) states that development will only be supported in the NL if it makes a positive contribution to its natural beauty and special qualities, including its good quality night/dark skies. As such, the policy adheres broadly to the Framework.
7. The Planning Practice Guidance sets out the relevance of management plans for NLs when assessing planning applications. Whilst these do not form part of the

development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. The Dedham Vale AONB and Stour Valley Management Plan (2021-26) is therefore a material consideration. It cites the Natural Beauty and Special Qualities of the NL as resulting from its unspoilt rural character having remained remarkably free from the intrusion of modern development, and goes on to list negative impacts on tranquillity such as light pollution as a key influence on the NL.

8. The area around the appeal site has very little lighting, including very few streetlights, even in the village centre. Much of the land beyond the village is arable countryside and, as such, likely to be unlit in the main. A path leading through the sports field is lit only by sensor-activated lighting in low bollards, an approach which keeps illumination minimal.
9. An area near the tennis courts used by the local football team is floodlit and, from the evidence before me, this can result in illumination with a significant presence. That said, I have little to show me that the floodlights were ever approved, how often they are used, and for what duration. The lights appear to serve a relatively small area of land behind a marked-out pitch, rather than to operate as part of any formal facility. The area has a simple grass surface, and I have little information as to whether it is usable all year round. Taking these factors together, it is not evident that the football team floodlights are used often or for very long.
10. Otherwise, I have not been made aware of any remotely comparable source of illumination nearby. Overall, I find that the appeal site and surrounding area is an intrinsically dark landscape at night, albeit one which may be encroached upon intermittently by the football team floodlights.
11. The appeal proposal is to erect eight floodlights around the perimeter of the existing tennis courts. The appellant has detailed the notable degree of professional care taken in designing the floodlights so as to direct illumination and restrict light spillage. This includes opting for poles tall enough that the lamps would be angled at no more than 85 degrees. Guidance Note GN01/21 on the reduction of obtrusive light (2021), issued by the Institution of Lighting Professionals, states that the effect of this on the ability to see the night sky at various angles would be 'minimum' in respect of sky glow effect and 'some' in respect of glare. Light overspill beyond the courts would be largely contained to a close area.
12. At the same time, the proposal would nevertheless introduce prominent artificial lighting over a reasonably large area in a place which is intrinsically dark at night. Even in instances when the football team floodlights are on, the tennis court floodlights would add significantly to the degree of illumination, which would be visible at least from the footpath through the sports fields, from the roads around the site, and from nearby buildings. As such, the proposal conflicts with Local Plan Policy ENV4. It does not conserve or enhance landscape and scenic beauty in the NL, and does not further the purposes of conserving and enhancing the natural beauty of the NL.

Heritage

13. The appeal site is in the Dedham Conservation Area (the CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of

preserving or enhancing the character or appearance of a conservation area. In addition, the Framework advises that when considering the impact of a development on the significance of designated heritage assets, great weight be given to their conservation.

14. For the purposes of the appeal, the significance of the CA is in its timeless, historic character as a small, traditional village in a wider rural setting. The very limited amount of artificial lighting and resultant darkness of the settlement at night is a distinct and beneficial characteristic of the CA which contributes to its significance. The appeal site adheres and contributes to this by being non-illuminated.
15. The floodlights themselves would be some 8m tall. They would be visible from within the sports fields, including from the pathway, as well as from Brook Street, as the mature hedgerow boundary would not be tall enough to hide them entirely all year around. The area has no streetlights and, as such, the floodlight poles would be a somewhat unusual sight. That said, telegraph poles and the football team floodlights are established features of the immediate setting and, given they would be relatively slim, the tennis court floodlight poles would have a reasonably innocuous visual presence when switched off.
16. The absence of formal lighting on the outskirts of the village, combined with the relative darkness of the rural setting beyond, allow for some sense of what it would have been like to approach the village at night in the past. This is a strong component of its timelessness. Lights on inside houses, car headlights, modest external lighting, and the football team floodlights when they are on, are all capable of impinging upon this, but not to the point that it cannot be appreciated. This is largely because these light sources are intermittent and inconsistent, allowing for spells where most or all of them are not illuminating the area.
17. I have set out above that, notwithstanding the measures taken to restrict and direct illumination, the floodlights would nevertheless introduce artificial light to an area that is usually dark at night, adding significantly to the degree of illumination in a manner directly visible from at least the immediate surroundings. This would harmfully undermine the existing historic timelessness of the CA.
18. Given the above, the proposal conflicts with Local Plan Policies DM15 and DM16 where they require development to respect the character of the site, its context, and surroundings, and to enhance the historic environment or better reveal the significance of the heritage asset. It would fail to preserve or enhance the character and appearance of the CA, and would fail to satisfy the requirements of the Act, as well as the historic environment protection policies of the Framework. Given that the harm would be reversible and controllable to a degree, I consider the harm to be less than significant.

Other Considerations

19. There is no question that participation in sport can offer significant physical, mental, and social benefits. It can also generate economic activity. Whilst some may be able to play tennis during working hours it is probable that many cannot; In this respect, the appeal scheme would increase opportunities to play.
20. However, I have little to show me that the wider area lacks for available tennis courts that can be used after dark. Indeed, the Colchester and Tendring Open Space Playing Pitch Outdoor Sports and Built Facility Overarching Strategy

(2023), to which the appellant draws my attention, informs me that “Overall, Colchester is serviced by sufficient provision to accommodate both the current and future demand”, whilst the appellant tells me that two floodlit facilities exist relatively nearby. It is not evident, therefore, that the appeal scheme is critical in ensuring residents of the wider area, including Dedham, have the chance to play tennis, including after dark.

21. The appeal scheme would provide some 3000 extra hours of playable time at the appeal site. This would allow Dedham Tennis Club (DTC) to better operate a junior tennis programme and ensure competitive league matches are not at risk of incompleteness. I do not doubt that, by extension, it would also provide social and economic benefits to the village.
22. I recognise that, at present, DTC is unable to offer the same benefits as other local tennis clubs, leading to concerns as to whether it can continue to be maintained in future. I do not doubt that the diminishment or loss of an established village sports club such as DTC, which has some 230 members at present, would be to the notable detriment of the village.
23. I have little to show me, however, that the required additional minutes of playable time could not be provided by means other than the appeal proposal. Whilst any alternative approach including, for example, seeking to create more unlit tennis courts at or near the appeal site, or the use of a temporary inflatable cover over one or more of the existing courts, would of course need to be assessed on their merits, I have very little to show me that the viability of options other than illuminating the existing courts have been explored.
24. Planning conditions could be used to restrict the operational hours of the proposed floodlights, and the appellant has proposed that 22.00 be the cut off point. To my mind, by that time of night most people will have concluded any business they have outdoors after dark, and their experience of the setting when minimally illuminated will already have been affected. It is not clear that the proposed development would remain viable to the appellant if a significantly earlier cut-off time were imposed. Overall, it is not apparent that conditions could be used to overcome the concerns I have identified.

Heritage and Planning Balance; Conclusion

25. Paragraph 212 of the Framework states that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I have found the harm in this instance to be less than substantial. Under such circumstances paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In all cases, I must consider whether material considerations indicate that the appeal should be decided other than in accordance with the development plan.
26. As I have set out above, the proposed development would likely bring sporting, social, and economic benefits, but would not appear to provide a facility otherwise lacking in the local area. Insofar as the benefits to the village are concerned, the proposal would support the ongoing operation of the DTC. It is not clear, however,

that alternative ways of providing more playing hours have been explored, yet alone exhausted.

27. Overall, given the above, and the duty I have to seek to further the purpose of conserving and enhancing the natural beauty of the NL, the great weight the Framework requires I give to conserving and enhancing landscape and scenic beauty in NLs, which have the highest status of protection in relation to these issues, and to the conservation of heritage assets, I find that the benefits of the proposed development do not outweigh the harms I have identified, and are not material considerations indicating that the appeal should be decided other than in accordance with the development plan.
28. The appeal is dismissed.

A Knight

INSPECTOR