



Appeal Decision

Site visit made on 16 October 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 16th April 2026

Appeal Ref: APP/F0114/W/25/3367819

New Farm, Marksbury Lane, Priston, Bath, Bath and North East Somerset BA2 9HJ

- 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 Richard Bendall against the decision of Bath and North East Somerset Council.
 - The application Ref is 25/01489/FUL.
 - The development proposed is installation of lighting in association with canine training.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of lighting in association with canine training, at New Farm, Marksbury Lane, Priston, Bath, Bath and North East Somerset BA2 9HJ, in accordance with the terms of the application, Ref 25/01489/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Richard Bendall against Bath and North East Somerset Council. This application is the subject of a separate decision.

Main issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the “Framework”) and any relevant development plan policies;
 - the effect on the openness of the Green Belt, including any associated light spillage; and
 - whether the harm arising by reason of inappropriateness, together with any other identified harm, would be clearly outweighed by other material considerations to amount to the very special circumstances required to justify the proposed development.

Reasons

Appropriateness of the development proposal in a Green Belt

4. Paragraph 154 of the Framework sets out among others the pertinent category of development which may be regarded as not inappropriate in the Green Belt as:

- the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation and allotments; if the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; and
 - material changes in the use of land (such as changes of use for outdoor sport or recreation) provided they preserve its openness and do not conflict with the purposes of including land within it.
5. The canine training arena was previously refused and subsequently dismissed on appeal (Ref. APP/F0114/W/21/3278320). However, that decision established that the dog agility training facility constitutes an outdoor sport and is, in principle, acceptable within this rural Green Belt location, if it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
6. The area is primarily agricultural, with dairy farming being a key activity at New Farm. The landscape is dominated by open fields, farmyards, and gentle hills, typical of the Somerset countryside. Because of the recent planning consent, the site is now mixed agricultural and canine training use, showing a blend of traditional and modern rural activities. The buildings at New Farm on Marksbury Lane have a distinctly rural, functional, and agricultural character, typical of traditional Somerset farmsteads. The area is dominated by working farm structures, stone barns, metal-clad agricultural sheds, and farmhouse buildings, set within open fields and accessed by narrow country lanes.
7. The canine training arena to which the proposed lighting relates was approved under Ref. 22/01158/FUL, with no provision for fixed lighting. The appellant now seeks to introduce lighting to enable use of the arena during periods of limited daylight, particularly in the winter months. I note that the decision notice for the original permission included a specific restriction on the installation of lighting, imposed to avoid harm to bats and other wildlife. Condition 7 of that consent states that:
- No new external lighting shall be installed unless full details of the proposed lighting design have been submitted to and approved in writing by the local planning authority. These details shall include lamp models, predicted lux levels and light spill, and measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

Reason: To avoid harm to bats and wildlife.

8. The appellant then sought the discharge of this condition (Ref. 25/01489/FUL). Although that application was refused, the Council's Ecology Officer advised that the proposed sensitive lighting design, emitting below 0.5 lux, fell within acceptable lighting parameters. On this basis, no objection was raised to this aspect of the lighting proposal, subject to a condition securing the use of sensitive lighting.
9. The approved site consists of a rectangular plot enclosed by a low-level mesh fence supported by timber posts. The appeal proposal seeks permission for the installation of ten wooden lighting columns, each measuring 2.47 metres in height, positioned evenly along two sides of the dog arena and fitted with baffled downlights. To limit light spill beyond the arena boundary, each downlight would be

contained within a timber-boarded triangular housing, and each supporting column would be equipped with a 3-metre-high vertical timber-boarded shield to the rear.

10. One of the illuminated sides lies adjacent to the large barn within the host property. The five lighting columns positioned along this boundary, together with the corresponding five on the opposite side, would be screened by the barn and therefore would not be visible beyond the host property in that direction.
11. The remaining five columns on the opposite side are located where the landscaped ground rises gradually before forming a more pronounced hilly backdrop. The appellant proposes new hedgerow planting along this boundary, incorporating three English Oak tree whips at intervals. In my assessment, the combination of the rising landform, the proposed hedgerow, and the young oak trees would reduce the visibility of the lighting columns from viewpoints within the hilly landscape.
12. The Council argues that the Inspector in the previously dismissed appeal considered lighting to be a contributing factor in reducing the openness of the Green Belt, and that this was the reason the appellant omitted a lighting scheme from the subsequent, approved application. However, it is not evident from paragraph 9 of that decision that the Inspector specifically objected to a lighting scheme. Rather, the concern appears to have related to the cumulative impact of various elements associated with the car park and the canine training arena.
13. I note from the block plan for that earlier appeal that the dog training arena was surrounded by an extensive area of car parking. The Inspector stated:

“Although no specific details have been provided, I would expect the car park to also include lighting columns and apparatus for the charging of vehicles. Apparatus used for the dog agility activities would also occupy the site. Consequently, the existing improved grassland would be more intensively occupied by a combination of physical structures, agility equipment and parked vehicles across the site and would reduce the openness of the Green Belt in spatial terms.”
14. The proposal before me relates solely to the installation of lighting for the canine training arena. No other equipment or structures are included apart from those explained above. The Council also argues that, although the proposed light-screening measures address ecological concerns, the illumination itself would be highly visible within the countryside and would erode the area’s dark-skies character. However, the earlier decision made clear that the restriction on lighting was imposed to avoid harm to bats and other wildlife. In this case, the Council’s Ecology Officer has confirmed that the proposed lighting design is acceptable, subject to a condition ensuring that the agreed measures are retained. I note that the Council’s suggested condition includes this requirement. On this basis, I am satisfied that the lighting scheme would be appropriate.

Effect on the openness of the Green Belt

15. Openness is a fundamental characteristic of the Green Belt, incorporating both spatial and visual aspects. As set out above, the canine training arena already contains mesh fencing supported by timber posts. The appeal site is screened on one side by the host property’s buildings, which would also obscure views of the lighting columns. On the opposite side, the proposed boundary planting, together

with the rising landform that transitions into a hilly backdrop, would provide additional screening and reduce the visual exposure of the lighting columns.

16. The installation of lighting columns would, by definition, have some effect on the openness of the Green Belt. However, I am satisfied that their scale, number and form would not amount to a disproportionate addition to the approved arena. The resulting impact on openness would therefore be very limited and would not give rise to significant harm to the Green Belt. In these circumstances, the proposal would not constitute inappropriate development and would accord with Policies CP8, D8, GB1 or NE2A of the Bath and North East Somerset Local Plan (Adopted January 2023), which together seek to safeguard the character and openness of the Green Belt.

Conditions

17. The Council has provided a list of suggested planning conditions, which I have considered in light of paragraph 57 of the Framework and the guidance within the Planning Practice Guidance.

Conclusion

18. The proposed development would not lead to disproportionate additions to the canine arena. Consequently, any impact on the openness of the Green Belt would be limited, and the scheme would not constitute inappropriate development as defined by the Framework. For these reasons, the proposal would not conflict with the policies of the development plan or the Framework. Having considered all relevant matters, I conclude that the appeal should be allowed.

A Oyeboade

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than three years from the date of the grant of planning permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No. TP01 dated 08 April 2021 – Site Location Plan
 - Proposed new lighting details dated 19 March 2025
 - Drawing No. LPC 5320 EX 02 B dated March 2022 – Revised Site Plan
 - Drawing No. LPC 5320 EX 03 B dated October 2024 – Lighting Details
- 3) No new external lighting, apart from that already approved, shall be installed unless full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with, but not limited to, the approved Proposed New Lighting report (Norton Electrical, March 2025) and shown on Lighting Detail plan (Dwg no. LPC 5320 EX 03 REV B). These details shall include:
 - (a) Lamp models and manufacturer's specifications, positions, numbers and heights;
 - (b) Predicted lux levels and light spill; and of the last such matter to be approved.
 - (c) Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.