

3/09/0434/FP – Retrospective permission for the erection of two floodlights to ménage of 2.35metres in height at Rennesley Farm, Anchor Lane, Wadesmill for Mrs J. Johnson.

Date of Receipt: 23.03.2009

Type: Full

Parish: THUNDRIDGE

Ward: THUNDRIDGE AND STANDON

Reason for report: development contrary to policy

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. The floodlights hereby permitted shall not be used before 08:00 or after 21:00 on any day of the week unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties, in accordance with ENV23 of the East Herts Local Plan.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies GBC1, ENV1 and ENV23. The balance of the considerations having regard to these policies and the special circumstances in this case is that planning permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site lies within the Metropolitan Green Belt and is located on the edge of the built up area of Wadesmill, a Category 2 Village. This retrospective application seeks permission for the erection of two floodlight columns which are located to the south of the existing ménage (with the lights facing north-east), which is located some 100metres from the access to Rennesley Farm from the B158. The floodlights are a maximum height of 2.35metres, and are sited 13metres apart. The applicant has stated that the ménage has been floodlit for over 20 years and it would appear that previously the lights were sited on a stable block which has now been demolished. However, the Council received a

complaint in October 2007 that floodlights had been erected, and it is following this complaint that this application was submitted.

- 1.3 There are numerous agricultural buildings and stables within the farm which encompasses a large area. Whilst I note that part of Rennesley Farm lies within the Thundridge and Wadesmill Conservation Area, the floodlights lie outside of this Conservation Area (to the north of the Conservation Area). To the south of the site are a number of residential properties and to the south east of the application site there lies a substantial barn and agricultural buildings which were converted into three residential dwellings in 1999 with a detached garage and double garage.

2.0 Site History

- 2.1 As stated earlier in this report, this application has been submitted as a result of a complaint to the Council's Enforcement team on the 22nd October 2007 regarding the floodlights at the site. When investigating this complaint, Officers investigated the use of the site, and whilst the Council have not granted permission for such a use, it appears that a livery business has been run from the site for a period in excess of 10 years. The use, due to the amount of time that it has been operated, is now appears to be lawful and immune from enforcement action. The applicant, in the submitted design and access statement, states that the characteristics of the site are a family farm and small livery yard for a few locals.

3.0 Consultation Responses

- 3.1 Environmental Health have commented that they do not wish to restrict the grant of permission. Following a telephone conversation with the relevant Environmental Health Officer, it was confirmed that Environmental Health do not object to the floodlighting because the lights are angled downwards, away from any neighbouring properties. They also commented that the poles the lights are sited on are low in height and that the spill from the lights does not go towards any neighbouring properties. They further commented that the bulbs used for the floodlights provide a low level of lighting.

4.0 Parish Council Representations

- 4.1 Thundridge Parish Council was consulted on the application and has no objections.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. Two letters of objection have been received from nearby residential properties which made the following comments:

- The existing floodlights are in their direct line of sight from nearby properties
- If permission is granted conditions regarding light output and a restriction on the time of use of the floodlights should be applied
- The floodlights do not constitute the special circumstances required for development within the Green Belt
- The lights are not necessary for security or operational purposes
- It is not essential for evening riding to take place at the site
- The floodlights have a direct impact upon the openness and character of the Green Belt
- They have a detrimental impact upon the amenity of nearby residents
- The lights result in an increase of night time activity and an increase in traffic to the site.

6.0 Policy

6.1 The Policies of the East Herts Local Plan Second Review April 2007 most relevant to the consideration of the application are:

- GBC1 Development within the Greenbelt
- ENV1 Design and Environmental Quality
- ENV23 Light Pollution and Floodlighting

7.0 Considerations

7.1 The determining issues in this instance are whether the development is appropriate in the Green Belt and the impact of the development on the neighbour amenity and highway safety.

Green Belt considerations

7.2 Rennesley Farm is sited within the Metropolitan Green Belt wherein permission will only be given for appropriate development as outlined in Policy GBC1 of the Local Plan. Although Policy GBC1 of the Local Plan states that essential small scale facilities for outdoor sport and outdoor recreation are appropriate development in the Green Belt, it is not considered that the floodlighting would constitute appropriate development. Whilst it is not considered to be unreasonable to seek

floodlighting for a ménage, it is necessary to consider whether very special circumstances exist in this case, and to consider whether the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it.

- 7.3 The applicant has stated that they consider the very special circumstances in this case to be that, due to work commitments, they are unable to use the ménage in the winter months before it gets dark. The applicant also outlines that prior to the erection of the floodlights, portable floodlights were used. They comment that the use of portable floodlights resulted in floodlights that faced neighbouring properties. The portable floodlights also required an extension lead that was a danger to health and safety to those working on the farm.
- 7.4 Turning to the impact of the development on the Green Belt, it is considered that the number, the modest size and the siting and design of the existing floodlights do not result in a detrimental visual impact upon the character and appearance of the Metropolitan Green Belt and do not intrude into the openness of the Green Belt. Furthermore, the floodlights would not in Officers opinion conflict with the purposes of including land in the Green Belt.
- 7.5 Having regard therefore to the above considerations it is considered that the harm caused by the floodlights, and the impact on the openness of the Green Belt is not of such detriment to warrant refusal of the application. Together with the very special circumstances outlined by the applicant, it is considered that a departure from policy is appropriate in this instance.
- 7.6 Policy ENV23 of the Local Plan also requires floodlights to minimise the impact upon dark rural landscapes. It is Officers opinion that the height, siting and design of the floodlights minimise any glare and light spillage and therefore minimise any impact upon the surrounding dark rural landscape. The impact of the light spillage from the floodlights can also be controlled via a condition limiting their hours of operation.

Neighbour amenity

- 7.7 With regards to neighbour impact, the representations from the third parties have been taken into account. Taking into consideration that the floodlights retain a distance of over 25metres to the rear wall of Trinity Barn and over 35metres to the flank elevation of The Byre; the existing extensive mature landscaping to the south of the site; and the comments from Environmental Health, Officers do not consider that the floodlights have such an adverse impact upon residential amenity from glare, light spillage or similar to warrant refusal of the application.

- 7.8 In the interests of neighbour amenity however, a condition is proposed to be added to any grant of permission to limit the hours of use of the lighting.

Highway safety

- 7.9 Turning to highway safety, taking into account that the lights retain a distance of almost 100metres to the nearest highway, Officers do not consider that they are a distraction to motorists or cyclists using nearby roads, or a danger to highway safety.

8.0 Conclusion

- 8.1 In conclusion, the existing floodlights are of an appropriate size and siting that do not significantly affect the character, appearance or the openness of the Metropolitan Green Belt. Very special circumstances are considered to exist in this case, and the development does not conflict with the purposes of including land in the Green Belt. The floodlights do not create an adverse impact upon neighbouring amenity and the design and siting of the floodlights minimise any glare or light spillage. Accordingly, it is recommended that the application be approved subject to the condition set out at the commencement of this report.