



Appeal Decision

Appendix FP.03

Site visit made on 12 March 2019

by JP Tudor Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 16th April 2019

Appeal Ref: APP/X0415/W/18/3203978

**Penn and Tylers Green Football Club, Elm Road, Penn, Buckinghamshire
HP10 8LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Penn and Tylers Green Football Club against the decision of Chiltern District Council.
 - The application Ref CH/2017/1958/FA, dated 19 October 2017, was refused by notice dated 23 February 2018.
 - The development proposed is erection of 6 retractable floodlight columns (2.8m rising to 15m) and lamps to light a football pitch plus associated control cabinet.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 6 retractable floodlight columns (2.8m rising to 15m) and lamps to light a football pitch plus associated control cabinet at Penn and Tylers Green Football Club, Elm Road, Penn, Buckinghamshire HP10 8LG in accordance with the terms of the application, Ref CH/2017/1958/FA, dated 19 October 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: numbered 754/BA/1; UKS15618_1a; UKS15618_1; E-CC-G.A.-001 A; PNE200/5/GA2 and PNE200/5/GA3.
 - 3) The floodlights hereby permitted shall remain fully retracted and not in use or illuminated except for football match play and only between the hours of 1900 and 2200 on up to 2 weekday evenings and between the hours of 1500 and 1800 on Saturdays and bank holidays. The floodlights shall not be used or illuminated on Sundays. The period in which the above use can take place will be for no more than 8.5 months of the year, in a scheme to be submitted to and approved in writing by the local planning authority.
 - 4) No other external lighting shall be installed within the site unless first agreed in writing by the local planning authority.
 - 5) The 3 existing 6 metre-high floodlight poles on the site will be removed before the development hereby permitted is brought into use.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2018, after the Council had determined the application. The parties have been able to take any relevant changes into account during the appeal. The Framework was further updated in February 2019, but it was not necessary to revert to the parties for comment as the alterations are minor. I have taken account of the current Framework in my determination of the appeal.
3. For ease and brevity, generally, I shall use the term 'floodlight' in this decision to refer to the whole of each structure, including its composite elements such as columns and lamps.

Main Issues

4. Given the location of the appeal site, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt (GB), taking into account effects on the openness of the GB and its purposes, with regard to the Framework and relevant development plan policies;
 - the effect on the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB); and,
 - the effect on the settings of nearby listed buildings and the character and appearance of the adjacent Penn and Tylers Green Conservation Area (CA).

Reasons

Whether inappropriate development in the GB

5. The appeal site comprises the main football ground at Penn and Tylers Green Football Club (the Club). It is located to the rear of a line of houses, several of which are listed, along Elm Road, a main road through the pleasant rural village of Penn. A tennis club and a cricket club are situated to the north. All three sports clubs have use of the Penn & Tylers Green Sports and Social Club building and a car park, which is accessed via a lane from Elm Road. The football club has a second football pitch, just to the south of the main pitch. Open countryside is to the east and the appeal site lies within the GB, the AONB and is adjacent to the CA. It is proposed that 6 retractable floodlights would be sited around the main football pitch.
6. I appreciate that the Council has found that the proposal would not be inappropriate development within the GB. However, given the great importance which the Government attaches to Green Belts and the detailed policies within section 13 of the Framework, it is necessary for me to carefully consider that aspect.
7. The Chiltern District Local Plan (LP)¹ predates the Framework, first published in 2012, and most recently re-published in February 2019. As the Framework sets out the Government's planning policies for England and how these should be applied, it is an important material consideration in all planning decisions.

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001)
Consolidated September 2007 & November 2011

8. Where existing development plan policies predate the Framework, as in this case, paragraph 213 of the Framework indicates that due weight should be given to policies in the LP according to their degree of consistency with the Framework.
9. Paragraph 145 of the Framework advises that the construction of new buildings, which would include structures, should be regarded as 'inappropriate' within the GB. However, it also provides exceptions to that, including at 145.b): *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.'*
10. LP policy GB2 and R6 are similar to the Framework and include exceptions relating to the provision of facilities for outdoor sport. However, policy GB2 refers to 'essential' facilities and policy R6, which deals specifically with floodlights, indicates that it should be demonstrated that they are 'essential' to the use of land for outdoor sport, as well as meeting some other criteria. The requirement in those policies to show that the facilities or floodlights are 'essential' is a more stringent criterion than the requirement in the Framework for the provision of 'appropriate' facilities. Therefore, whilst having broad similarities with the Framework, to that extent policies GB2 and R6 are inconsistent with it. Consequently, I give the LP policies limited weight.
11. Paragraph 133 of the Framework says that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open. Framework paragraph 134 lists the five purposes of the GB, which include *'to assist in safeguarding the countryside from encroachment.'* The proposed floodlights would be used in connection with the existing use of land for outdoor sport. Therefore, the issue is whether they would preserve the openness of the GB and not conflict with its purposes.
12. The concept of 'openness' in the GB has spatial and visual aspects. In spatial terms, the floodlights would not have a substantial footprint, as they are relatively narrow columns and would be spaced out around the football pitch, even allowing for the addition of a control cabinet. Visually, although they extend to around 15 metres in height their main form would be slender and, when retracted, which they would be for most of the time, the floodlight columns would be only about 2.8 metres high. That is lower than the existing 3 x 6 metre floodlights on the northern side of the football pitch and 8 x 8 metre floodlights at the nearby tennis courts.
13. Given those factors, the design of the floodlights and the context of the site, amongst other sporting facilities and behind existing residential housing on the edge of a village, there would not be a detrimental effect on the openness of the GB. Similarly, as they would be sited around an existing football ground, there would be no conflict with the purposes of the GB in terms of, for example, safeguarding the countryside from encroachment or restricting urban sprawl. Indeed, paragraph 141 of the Framework supports the provision of opportunities for outdoor sport and recreation within Green Belts.
14. Floodlights are often used for outdoor sport to enable play in the late afternoons and evenings. Moreover, the appellant has provided persuasive

evidence, including relevant correspondence and documentation,² which explains that the floodlights are needed to meet Football Association (FA) ground requirements to enable two of the Club's senior teams to continue to play at their current level, a Step 6 competition within the FA National League System. That evidence and the nature of the development are sufficient, in my view, to conclude that the floodlights do constitute 'appropriate' facilities for outdoor sport, for the purposes of the Framework.

15. I am aware of the previous appeal decision³ dating from 1997, which allowed floodlights at the adjacent tennis courts. However, as some third parties have alluded to aspects of the Inspector's findings regarding the GB, it is relevant that the methodology and policy for considering that aspect has changed with the advent of the Framework.
16. Overall, I have found that the floodlights would preserve openness and do not conflict with the purposes of including land within the GB. Therefore, the development would not be inappropriate development in the GB, as assessed against the Framework.

The effect on the landscape and scenic beauty of the AONB

17. Policy LSQ1 of the LP appears generally consistent with paragraph 172 of the Framework, which says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
18. The appellant advises that the appeal site is located in a part of the AONB which is characterised by mostly dry valleys separated by ridges and plateau areas. Broadleaved woodland also contributes to the area's character, with the village sitting on a ridge, adjacent to farmland and with views towards woodland. The Council has not taken issue with that description and it appears to be broadly in accordance with what I saw on my site visit.
19. It is also relevant that the football club ground, adjacent to other sporting facilities on the edge of the village, forms part of the landscape of this part of the AONB and, notwithstanding some changes, has been an established feature for over a century. Floodlights would not necessarily be an unexpected or unusual feature at a football ground, seen in the context of a Sports and Social Club, a car park, goalposts, stands and a storage container, even in relation to a small club in a rural village. Indeed, there are already floodlights at the football pitch and the tennis courts.
20. Moreover, the appellant cites examples of other football and tennis clubs in the wider area, which have floodlights and are on the edge of settlements, some of which are within the GB, the AONB or border conservation areas. The Council has not specifically disputed those examples or sought to distinguish them from the appeal proposal. Whilst all proposals and sites have their individual characteristics and some third parties have referred to differences between the appeal site and those other sites, the examples lend support to the general point that the extent of the AONB means that it does encompass some sporting facilities with floodlighting.

² Letter from Chief Executive, UHLSport Hellenic League dated 14 September 2017, inspection report and associated emails between representatives of the Club, Spartan South Midlands League and the FA Group.

³ T/APP/X0415/A/96/267941/P9

21. It seems to me that the key aspects of the proposal are: that the design of the floodlights allows the columns to be lowered to about 2.8 metres and that the floodlights would only be extended and illuminated for limited periods. It is understood that the technology enables them to be fully retracted in less than a minute. Therefore, that should address one of the concerns, expressed by the Parish Council in relation to a previous proposal in 2012,⁴ where the length of time that it would take to lower the floodlights led to doubt about whether that task would be undertaken on a daily basis.
22. The appellant has stated that the use of the floodlights would be limited to football matches on up to two weekday evenings, between 1900 and 2200 hours, and between 1500 and 1800 hours on Saturdays and bank holidays. The appellant has also proposed that the period of use would be further restricted to no more than 8.5 months of the year, reflecting the normal football season, in a scheme to be agreed and approved by the Council. When not in use the floodlights would be fully retracted and unlit. Those aspects could be secured by condition. I see no reason why such a condition could not be enforced.
23. Therefore, their use would be limited essentially to up to 9 hours a week during an 8.5-month period of the year. In practice, the appellants advise that it would be rare that home matches for the first and reserve teams would be scheduled on all 3 days of the same week. Furthermore, floodlighting may be unnecessary for the full periods of some matches during months with longer daylight hours. As a result, it is possible that actual usage may, in fact, be for lesser periods.
24. As the appeal site is behind a row of houses, there would be very limited views of the floodlights in their retracted state from Elm Road or the village green. Whilst they would be visible from the rear of some dwellings, views would be likely to be restricted by hedges and trees along the western boundary of the site, accepting that the effectiveness of screening vegetation would be reduced during the winter months because of loss of foliage. In any event, there are already views from public and private vantage points of existing floodlights at the football pitch and tennis courts which are taller than the proposed floodlights in their retracted state.
25. Views of the retracted floodlights would be obtainable from the surrounding countryside and public rights of way network, but most would be distant, and the floodlights would not appear prominent in their context and against the backdrop of the existing built form of the village.
26. When in use and at night the floodlights would be seen, but although they would be taller, there are already floodlights at the site and the adjacent tennis courts, along with other lighting. Therefore, given that three existing floodlights would be removed, the new floodlights would not, taking into account the limited periods of use, significantly affect the visual landscape.
27. In the appeal decision relating to floodlights at the tennis courts, already referred to, the Inspector considered that *'any impression of the pool of light would be in the wider context of the lighting in the built up area of High Wycombe and the illumination of the club car park and outdoor training area'*.

⁴ CH/2005/2012/FA

That appeal also took account of the absence of street lighting in the village. I take a similar view in relation to the effects of the proposed floodlights.

28. I conclude, therefore, that the development would not harm the landscape and scenic beauty of the AONB. Consequently, it would conserve it. It follows that the proposal would comply with LP policy LSQ1 which advises that development should conserve, and where considered appropriate and practicable, enhance the special landscape character and scenic quality of the AONB. It would not be appropriate or practicable to expect floodlights to enhance the AONB. The proposal would also comply with relevant parts of the Framework.

The effect on the settings of nearby listed buildings and the adjacent CA

29. The Planning (Listed Buildings and Conservation Areas) Act 1990 ss.66(1) and 72(1) require that decision makers have special regard to the desirability of preserving listed buildings and their settings and to preserving or enhancing the character or appearance of conservation areas. The 'setting' comprises the surroundings in which such heritage assets are experienced and can include views to and from the heritage asset.
30. The CA Appraisal⁵ refers to the village green and the mainly original buildings which surround it and formed the old core of the settlement. The large pond and avenue of Elms are described as adding interest to the scene, along with views across open countryside to the east. Several of the attractive, detached and semi-detached houses which are set back from Elm Road, but run alongside it opposite the Green, are grade II listed. Some of the listed buildings and other houses along this part of Elm Road back onto the appeal site which is outside, but immediately adjacent to, the CA. The significance of the CA, therefore, derives broadly from the historic, rural character of Penn. That setting also contributes to the significance of the listed buildings.
31. When retracted, there would be very limited views of the floodlights from Elm Road or the village green. However, when they are extended to some 15 metres and illuminated, there would be visibility from parts of the village green and the road, especially at night. The floodlights along the northern and southern sides of the football pitch would be roughly in alignment with the grade II listed pairs of semi-detached houses at 'The Chestnuts' and 'Collaine', and 'Kenilworth' and 'Japonica', respectively. However, because of the orientation of the pitch, the two lines of three floodlights on each side would be running away from the CA and its listed buildings.
32. The site is also at a lower elevation than the village to the west and the nearest two corner floodlights would be in the region of 40 metres beyond most of the main rear elevations of dwellings on Elm Road. There are also trees on the village green, along the road and between some dwellings with further mature trees to the rear. Therefore, whilst there would be visibility of the floodlights when extended, between or above buildings from the road and the Green, it would be variable and partially dissipated by the above factors. The cowls fitted to the lamps would also help to reduce light intensity when viewed from within the CA.
33. Despite those mitigating factors, and whilst tall trees are a feature of the CA, the floodlights, when extended, with their metallic columns and lamps, rising

⁵ Conservation Area V32 - Penn & Tylers Green – as amended by Chiltern District Council 1992

- above the roofs of dwellings would cause some harm to the semi-rural setting of listed buildings and the character and appearance of the CA.
34. Although the land continues to fall away to the east, the floodlights would also be noticeable, when extended, from the surrounding countryside looking back towards the CA and its listed buildings. That would include some views from the grade II listed Puttenham Place Farmhouse. However, as already described, the floodlights would be seen in the general context of existing sporting facilities on the edge of the village, with residential housing in the backdrop. At night, notwithstanding the absence of street lighting, given the existing floodlights, other lighting at the site and tennis courts and in the conurbations beyond, the effects would be relatively limited. A similar view was taken by the Inspector in the appeal decision relating to the eight floodlights at the tennis courts, previously referred to.
35. As in relation to the other main issues, the key factors, which acknowledge the sensitive location of the site, are the retractable nature of the floodlights and the limited periods of proposed use. The three existing 6m high poles with floodlights currently located on the northern side of the pitch would also be removed.
36. Therefore, taking matters in the round, I conclude that there would be limited harm to the settings of listed buildings and to the character and appearance of the CA, when the floodlights are extended and in use. Consequently, there would be some conflict with policies LB2 and CA2 of the LP which seek to protect the settings of listed buildings and important views within, looking out of, or into a conservation area. However, in the language of the Framework, I consider that the harm would be 'less than substantial'.
37. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or a conservation area, great weight should be given to the asset's conservation, irrespective of whether the harm amounts to substantial harm, total loss or less than substantial harm.
38. I am also mindful that paragraph 194 of the Framework indicates that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Nevertheless, paragraph 196 of the Framework says that: '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal....*'. That aspect is not reflected in policies LB2 and CA2 of the LP, which predate the Framework. Therefore, they are inconsistent with the Framework to that extent and out-of-date, which limits the weight that can be afforded to the conflict with them.
39. The Club was established in 1905 and is run by volunteers. It has a membership of over 400 and offers sporting opportunities for children and adults in the local community. Indeed, I understand that it provides a range of teams from senior to youth and junior level, including sides for boys and girls. It is also clear that there has been investment in the Club and its facilities over the years, which is said to have been financed by the community and grants from public bodies.

40. I am satisfied that the Club offers an important sporting and recreational community facility, alongside the tennis and cricket clubs and the shared Sports and Social Club. In supporting a prosperous rural economy, the Framework encourages the retention and development of community facilities such as sports venues.⁶ It also acknowledges that sports facilities can enable and support healthy lifestyles and advance the well-being of communities.⁷
41. The Clubs senior teams have played at the current level in the FA National League System for some 34 years. The evidence presented indicates that in order to avoid potential automatic relegation of two of its senior teams, because of a failure to meet the FA's mandatory ground requirements with regard to floodlighting, a temporary arrangement was put in place this season to enable the club to play home games at Amersham Town Football Club. I understand that there are costs associated with that arrangement and the appellant advises that the special dispensation from the FA to allow it was only given pending the outcome of this appeal, which appears to be supported by the surrounding correspondence already referred to.
42. In any event, whilst some third parties have suggested that the ground-share arrangement could continue, if the Club is to remain an important local sporting facility in a rural community, as supported by the Framework, it would be reasonable to expect that its senior teams would be able to play home games within that community, at their home ground. Whilst it is the two senior teams that would be most directly affected, their possible automatic relegation and the inability to play at the current league level would, it is reasonable to think, have a negative impact on the overall standing and continued success of the Club and associated facilities, such as the Sports and Social Club.
43. It is also reasonably likely, in my view, that relegation would harm the Club's ability to attract new players. It could also potentially discourage children and young people from joining and progressing through the junior and youth teams to play at senior level. The ability to do so would help to ensure that the health and well-being benefits associated with regular sporting activity and exercise are sustained into adulthood.
44. Therefore, the proposed floodlights are important to the Club's continued success and role as a sporting, recreational and social facility for this rural community and the surrounding area. I consider that those public benefits are sufficient to outweigh the 'less than substantial' harm that the development would cause to heritage assets, particularly given the limited periods of use sought, which could be secured by condition.

Other Matters

45. In addition to the matters dealt with above, the occupier of 'The Chestnuts', one of the listed buildings along Elm Road, has expressed concern about the proximity of the floodlights to his house and garden, from where I viewed the appeal site. According to the Council, the nearest floodlights would be about 10 metres from the boundary of the nearest house on Elm Road and about 47 metres from the rear elevations of that dwelling, although other residents have suggested that the distance is shorter from some other dwellings.

⁶ Paragraph 83.d)

⁷ Paragraph 91.c) and 96

46. However, what is apparent is that the relevant dwellings along Elm Road are characterised by long back gardens, providing a reasonable separation distance between rear elevations and the football ground. Existing floodlights at the adjacent sporting facilities can already be seen from 'The Chestnuts' and its rear garden. There would be views of some of the new floodlights, even when retracted. Notwithstanding, given existing views, the limited times when the new floodlights would be extended and lit and the separation distances, they would not change the view to an extent that would be significantly overbearing to adjacent residents. I note that the Council reached a similar conclusion and see no reason to take a different view.
47. Other local residents, particularly along Elm Road, have suggested that light spill from the floodlights would lead to sleep disturbance or affect privacy. However, in some cases, the relevant properties do not directly back on to the main football pitch where the floodlights would be sited. Moreover, my understanding is that the 3 existing floodlights (to be removed if the appeal were successful) and some portable floodlights have been used previously.
48. Given the cowls and focussed nature of the proposed lighting, as detailed by the appellant and their lighting engineers,⁸ I am satisfied that it would not have a significant adverse effect on the living conditions of nearby residents. Existing hedges and trees should also mitigate light spill. In addition, it is pertinent that, according to the Council, their Environmental Health Department has no recorded complaints of 'nuisance' at the football club since 2007 and that the proposed illuminance falls within the acceptable guidance limits.
49. Reference has been made by the Council and others to a 'local policy' of disallowing street lighting within the village, although there is no reference to a development plan policy to that effect. In any event, whilst that may be common practice in this and other villages, the proposal is limited to the provision of floodlights to facilitate sporting activities during some late afternoons and evenings.
50. Moreover, as already discussed, there are existing floodlights and other lighting at the football and tennis clubs, with the tennis club floodlights approved at a previous appeal, where the absence of street lighting was also considered. Although all cases must be judged on their individual merits, floodlights at other villages in sensitive rural locations have been referred to in evidence.⁹ Therefore, the absence of street lighting in the area and the effects of floodlights on the night skies do not lead me to alter my decision.
51. The Council refers to the level of local opposition to the proposal in the context of paragraph 172 of the Framework which says that planning permission should be refused for 'major development' in designated areas, such as AONBs, other than in exceptional circumstances and where it can be shown that the development is in the public interest.
52. The Council submits that because of the level of objection, the development would not be in the 'local public interest'. However, given that the development relates to 6 retractable floodlights, which would be in use for limited periods, in terms of nature, scale and setting, I have already found no

⁸ Abacus Lighting Ltd

⁹ Prestwood and District Sports Centre and Great Missenden Tennis Club

significant effect on the AONB. Therefore, the proposal is not 'major development' for the purposes of paragraph 172 of the Framework.¹⁰ In any case, whilst there is strong opposition to the proposal from some local residents and groups, there is also support from other members of the local community and in the wider area.

53. I have also considered alleged effects relating to parking, traffic and highway safety. Most of the houses that I saw along Elm Road appeared to have private off-road parking, but some residents have said that they have difficulty accessing their properties on match days due to inconsiderate street parking. Shouting from the pitch during matches is also referred to and it is suggested that spectators returning to their parked cars on Elm Road cause late night noise. However, the Council has not indicated that their Environmental Health Department has received complaints over recent years regarding noise and the relevant highway authority has not objected to the proposal.
54. Whilst many residents have referred to problems caused by on-street parking along Elm Road during games, there is no compelling evidence to indicate that the proposed floodlights would lead to a significant intensification of use of the ground or generate extra traffic. Rather, they are intended to enable the club's senior teams to continue to play at the ground at their current league level.
55. A submission on behalf of a group of Elm Road residents suggests, amongst other things, that the Club should have sought to negotiate further with the FA regarding compliance with their requirements. However, I have already found that sufficient evidence has been submitted regarding those requirements, as referred to in footnote 2 above, and that special dispensation was negotiated to enable the club to play its senior games elsewhere this season, pending the outcome of this appeal.
56. The planning history of the site is referred to in various submissions along with the fact that some applications appear to have been retrospective. However, there is no bar in law on successive planning applications. Although retrospective applications are not ideal, the law allows applicants to seek to regularise development which has taken place without planning consent, which may have occurred for a variety of reasons. Therefore, no adverse inference should be drawn based on those aspects in assessing the current proposal, which is not retrospective.
57. The absence of an Ecological report is referred to, but the Council has not expressed concern regarding effects on biodiversity and protected species. Given that the appeal site is already in use as a football ground with existing floodlighting, based on the evidence before me, I see no reason to take a different view from the Council on that issue. Submissions that the Council has not taken effective enforcement action in relation to previous alleged breaches of planning control or conditions should be pursued with the Council, if appropriate.
58. It is acknowledged that the proposal has generated a considerable degree of local interest and some controversy. It is also apparent that there are strong and sincerely held views on both sides of the debate. I have carefully considered the objections of various groups and individuals, including Penn & Tylers Green Residents Society, the Campaign for the Protection of Rural

¹⁰ See Footnote 55 to paragraph 172 on p.50 of the Framework.

England (Buckinghamshire Branch), the Chilterns Conservation Board (CCB), the Chilterns Society and the Parish Council. However, whilst I appreciate that my decision will be disappointing to a significant number of groups and individuals in the community, the various matters raised have either been dealt with in the main issues above or are not of sufficient weight to lead me to alter my decision.

Conditions

59. The Council has suggested conditions which I have considered, making amendments, if necessary, to ensure compliance with the tests contained in the Framework¹¹ and the Planning Practice Guidance (PPG). A condition setting a time limit for commencement of the development is required by statute. It is appropriate for there to be a condition requiring the development to be carried out in accordance with the approved plans for certainty.
60. It is necessary for there to be a condition restricting the hours and periods of use of the floodlights in order to protect the GB, the AONB, heritage assets and the living conditions of nearby residents. The condition imposed is more restrictive than the Council's suggested condition and in line with a condition suggested by the appellant, in recognition of the sensitive location. It is appropriate for there to be a condition restricting the installation of any other external lighting for similar reasons. I have also included a condition to ensure that the 3 existing floodlight poles are removed, as the proposal was made on that basis and it would also help to safeguard the GB, the AONB and heritage assets.
61. I have considered examples of conditions applied to other developments in AONBs, provided by the CCB. However, they are either covered by the above conditions or do not meet the tests of necessity or reasonableness, referred to within the Framework and the PPG, when applied to the circumstances of this case.

Conclusion

62. To sum up, I have found that the proposal would not harm the GB or the AONB. Less than substantial harm to the settings of listed buildings and the CA was identified leading to some conflict with policies LB2 and CA2 of the LP. However, that less than substantial harm is outweighed, applying the provisions of the Framework, by the public benefits of the proposal.
63. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

JP Tudor

INSPECTOR

¹¹ Paragraph 55