

**PROPOSED VARIATION OF CONDITON 10 OF PLANNING PERMISSION 0016/10 – CHANGE OF USE AND ALTERATIONS TO FORM 8 STABLES. ERECTION OF A STABLE BLOCK WITH 2 STABLES TO SERVE EXISTING COMMERCIAL LIVERY – YEOMAN STUD, MOATS TYE LIVERY, MOATS TYE, COMBS**

**PLANNING STATEMENT**

**Background**

Planning permission was granted on the 15<sup>th</sup> April 2010 for Change of use and alterations of land and buildings to form commercial livery and stables. Siting of caravan for use as office/ w.c. mess room. Demolition of 2 no. Nissen huts and construction of manege - Buildings adjacent White House Farm, Moats Tye, Combs ref 0016/10. Condition 10 of that permission stated:-

*ILLUMINATION RESTRICTION. Notwithstanding details submitted there shall be no means of external illumination installed and/or operated at the site and stables hereby approved except pursuant to the grant of planning permission on an application made in that behalf.*

*Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.*

Planning permission was subsequently granted on 14 September 2012 for the change of use and alterations to form 8 stables. Erection of a stable block with 2 stables to serve existing commercial livery at Yeoman's Stud Moats Tye Livery, Moats Tye, Combs – ref: 1962/12.

Condition 6 of the permission stated the following:-

*ILLUMINATION RESTRICTION. Notwithstanding details submitted there shall be no means of external illumination installed and/or operated at the site and stables hereby approved except pursuant to the grant of planning permission on an application made in that behalf.*

*Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.*

This is a resubmission with further information on lighting impact following withdrawal of application DC/22/04159. A lighting assessment is submitted with this application.

**Proposal**

The applicant has been using 3 portable flood lights to illuminate the manege during the winter months between the hours of 6 am to 8 am and 4 pm to 8 pm. The lights have a mains plug and are plugged into sockets inside the building and attached to the outside on hooks – see photographs below showing hooks and lights.



They are removed when they are not in use.

The lights are attached to the building on hooks and face the manege and paddock land, they do not impact on any nearby dwellings.

The applicant, Mr Charles Oliver, has received a letter from Babergh Mid Suffolk Council Enforcement Department regarding use of the lights, requesting planning permission be applied for or the lights removed. This letter suggests breach of condition 6 in planning permission 1962/12. However closer inspection of the plans would suggest that the manege is outside that application area so cannot be subject to that condition. However, the previous permission did include that area so its condition 10 of that permission that applies.

It is difficult in this instance to know what to apply for as no equipment has been installed on the site. The lights are simply portable mains connected lights which are only plugged in and used when necessary. There is no development in planning terms.

Although technically the use of the portable lights does breach the condition, in this instance as no lighting has been formally installed the breach of condition as outlined in the letter dated 10 March 2022 (ref: EN/21/00744) is considered to be unenforceable. Should enforcement be served on a day or time when the lights are not plugged in or I use then there would be nothing to enforce against.

It is therefore suggested to vary Condition 10 of planning permission 0016/10 to the following for the avoidance of doubt:-

*ILLUMINATION RESTRICTION. Notwithstanding details submitted there shall be no means of external illumination installed and/or operated at the site and stables hereby approved except pursuant to the grant of planning permission on an application made in that behalf or for temporary removable portable lights used between the hours of 6 am – 8 am and 4 pm – 8 pm only*

Or similar condition to be agreed.