



**VARIATION OF CONDITIONS 12 & 13 OF PERMISSION DC/22/0083
AT BROWNS FARM**

August 2024

Introduction

1. Planning permission was granted at Browns Farm under application **DC/22/0083** for the installation of a shipping container with open-fronted shelter and covered seating area for use as a shop/café. The permission was granted with a number of conditions. This document seeks to provide the necessary information to enable the Council to vary conditions 12 and 13.
2. Condition 12 states that ***“No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of a formal application”***.
3. Whilst Condition 13 states that ***“The use hereby permitted shall not be open for trade or business except between the hours of 09:00 and 17:00 Monday to Sunday (inclusive)”***.
4. The Applicant is seeking permission to vary these conditions to retain some lighting that has been implemented at the Site and to be able to open longer on certain evenings throughout the year.

Background of the Site and the permission

5. The Applicant operates a poultry farm which is based to the south of the shop/café. In 2021, the Applicant located a shipping container on part of the land and erected a canopy to the side. Initially this was operated as a café and selling egg-based products. However, following strong community support and a considerable demand, this changed to a general café.

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6. The café is accessible to and therefore for, pedestrians, horse riders and cyclists only and is not accessible by any vehicles. The demand and popularity of the café meant that the Applicant applied for permission for the retention of the café in 2022. Permission was later granted in January 2024.
7. It must be noted that from the point the application was submitted to the point of the decision (two years later), the café had evolved and gained considerable interest from people within the area that often walked/cycled/rode past the Site. This meant that events (such as monthly pizza evenings throughout the summer) and lighting (festoon style lights) were at the Site.
8. Therefore, when permission was granted in 2024, conditions 12 & 13 restricted the Applicant from both the events and lighting that were already taking place/installed at the Site.

Condition 12: External Lighting

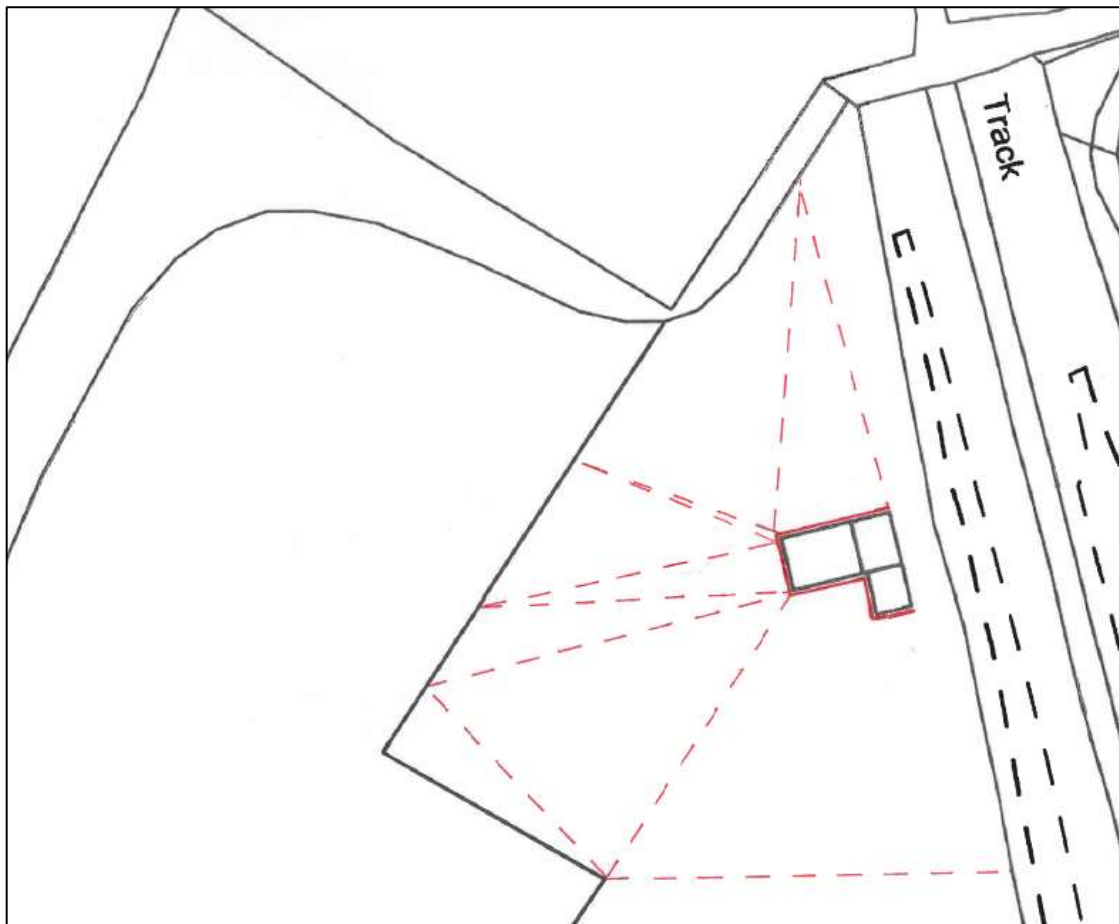
9. A condition was implemented to the permission which restricted the use of external or flood lighting at the Site. This is considered to be a standard condition for any development which is in an area not heavily lit to not impact the dark night sky. The condition does not prevent lighting, it simply places control in the hands of the Local Planning Authority, following an application, which is fair.
10. Prior to the decision being issued, lighting had already been installed at the Site which was used on an ad-hoc basis when the daylight had started to reduce.
11. The lighting at the Site is minimal and is only used on an ad-hoc basis (approximately 25 times per year), when events are taking place and the daylight starts to reduce. The lighting is only on for a minimal length of time and turned off once any event is finished. The lighting at the site is 1 watt, warm white LED bulbs, which are on festoon lighting. The lighting is shown on the image below.

Photograph 1 & 2. Lighting at the Site



12. The festoon lighting covers the area within close proximity to the café. This can be seen illustrated on the plan below, with the festoon lighting indicated in red.

Insert 1. Location of Festoon Lighting.



13. Therefore, the Applicant seeks for a variation of condition to allow the existing festoon lighting to remain at the Site. The variation would ensure that any further lighting would have to be approved by the Council prior to installation.
14. In respect of the proposed variation, the Applicant wishes the condition to approve the existing lighting. He is happy for a further condition to be worded as follows (or similar):

“No further external lighting or floodlighting shall be installed (other than the existing festoon lighting at the Site) unless the details have been submitted to and approved by the Local Planning Authority”.

Assessment

15. It is understood that the condition imposed for lighting is a standard condition to prevent heavy light spill in areas of dark skies.
16. Therefore, an assessment was undertaken to determine whether there could be any light spill from other areas within the area, that were considered to be acceptable. This search found two other units, within close proximity to the Site, that had either lighting to the buildings or a form of floodlighting. The two Sites identified can be seen illustrated by the red marker on the Google Earth image below.

Insert 2. Lighting in the Area



17. The light spill from both of these units can be seen on the image below (taken from the Application Site).

Photograph 3 Light Spill from other units



18. Based on this it is not considered that the existing festoon lighting at the Site will cause a major impact, especially when taking into consideration the lighting which is in place to the west of the Site.

Condition 13: Opening Hours

19. A further condition was imposed on the permission, which restricts opening hours to 09:00 to 17:00 Monday to Sunday.
20. However, as with the condition above, prior to the permission being granted and condition imposed, the business had already evolved and offered some evening events throughout the year.
21. Day to day, the opening hours are fine for the café, however, on the evenings that the café is used for pizza events (a company come in and sell pizza at the Site (not made on Site in the café), the conditioned hours do not allow.
22. To try and overcome this the Applicant has been applying for Temporary Events Notices (TEN's). However, you are only able to apply for five of these licenses within a year. The Applicant is now a license holder, which has increased the number of licenses they are able

to have to 15 events. However, it does restrict the Applicant and means they are unable to take advantage at particular times of year (summer evenings, Halloween time, Christmas time), when they would like to hold small events to mark occasions.

23. This has been found to be very popular for people in the local area and has provided good support for the business. Therefore, the Applicant would like to alter the hours of opening to allow for their events to take place. The Applicant proposes the following opening hours.

Date	Opening Hours	Events
Sunday – Tuesday	9am – 5pm	-
Wednesday – Thursday	9am – 9pm	Local Club Meetings
Friday – Saturday	9am – 10pm	Monthly pizza evenings, summer evenings, Halloween, Christmas Events

24. It must be made very clear that these opening hours, will not be every week. In most cases the 9am – 5pm will be the general hours. However, this is simply the hours for when events are taking place at the Site at to provide the Applicant with some flexibility for the business.
25. Therefore, if the Council wishes to include in the varied condition that “in the case of events taking place at the Site the following opening hours will be...” to restrict this to events only, then this would be considered fair.

Conclusion

26. To conclude, the Applicant wishes to vary two conditions to allow for existing lighting to remain at the Site and to alter the opening hours to allow for events to be held.
27. The variations will allow for the festoon lighting at the Site, which is considered to cause minimal light spill in relation to the larger light sources in close proximity to the Site and longer opening hours to allow for ad-hoc events at the Site.
28. Based on the above, we can see no reason as to why the Council would not support the variations of Condition 12 and Condition 13.