

Paul Taylor  
Richard Buxton Solicitors  
Dale's Brewery  
Gwydir Street  
Cambridge CB1 2LJ

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Dear Paul

**Expert letter regarding potential light impacts from the proposed development at 42 Hurst Road, Hassocks BN6 9NL**

Thank you for commissioning BRE to prepare a letter in relation to potential light impacts from the above proposed development.

You have provided us with a daylight and sunlight assessment report dated 10 July 2023, prepared by Right of Light Consulting for a previously approved scheme at the same site (planning application DM/24/1748). That scheme consisted of a side extension to the west of the existing house at number 42, towards the neighbouring property at 44 Hurst Road. Under the current planning application DM/25/2626, the applicant intends to subdivide the site to create two new residential dwellings alongside the existing building – one replacing the previously approved extension and another located farther to the north of the site.

We understand that the residents of the neighbouring property at 44 Hurst Road, whom you represent, are concerned that the new proposed development could reduce the level of daylight and sunlight to their property and cause obtrusive light effects from artificial lighting, potentially affecting both their property and local wildlife receptors.

This letter presents the findings of an initial high-level review of the available information relevant to this matter. No site visit has been undertaken to inspect the site or take any measurements.

The content of this letter may assist your clients in submitting an objection to planning application DM/25/2626. The letter covers the following aspects:

1. A comparison between the previously approved scheme (planning application DM/24/1748) and the current proposal under planning application DM/25/2626 to identify differences in massing that may lead to detrimental impacts on daylight and/or sunlight to your clients' property at 44 Hurst Road.
2. A discussion of potential obtrusive light effects arising from artificial lighting associated with the proposed development, including impacts on your clients' property and local wildlife receptors, as well as headlighting from vehicles using the new access road to the additional property at the rear of the site.
3. Recommendations for next steps to mitigate the likelihood of impacts on daylight, sunlight, and obtrusive light effects.

## 1. Comparison of approved scheme and current proposal

This section provides a comparative assessment of the previously approved scheme (planning application DM/24/1748) against the current proposal under planning application DM/25/2626, focusing on differences in building massing that could influence daylight and/or sunlight availability to the neighbouring property at 44 Hurst Road.

The following architectural drawings, all prepared by Landívar Architects, have been reviewed:

- Submitted for planning application DM/24/1748, all dated March 2024:
  - Proposed OS and block plan, drawing 1684 3.101
  - Proposed site plan, drawing 1684 3.102 Rev A
  - Proposed plans, drawing 1684 3.103 Rev A
  - Proposed elevations, drawing 1684 3.105 Rev B
  - Proposed street elevation and site section, drawing 1684 3.107 Rev A
- Submitted for planning application DM/25/2626, all dated June 2025:
  - Proposed OS and block plan, drawing 1684 3.001 Rev A
  - Proposed site plan, drawing 1684 3.002 Rev B
  - Proposed pool hall plans, drawing 1684 3.003 Rev B
  - Proposed elevations, drawing 1684 3.004 Rev A
  - Proposed street elevation and site section, drawing 1684 3.006 Rev A
  - Proposed entry pavilion, drawing 1684 3.008 Rev B
  - Proposed axonometric, drawing 1684 3.010

The review of the above architectural drawings confirms that the overall massing of the current proposed development remains broadly consistent with the previously approved scheme, as illustrated in Figure 1 overleaf.

The dwelling proposed to the west of the existing house at number 42 matches the massing of the side extension in the approved scheme. The other garden house, located at the rear of the proposal site, has approximately doubled in length compared to the pool house included in the approved scheme. While this represents a notable increase in building length and footprint, the proposed garden house retains the same height as the previously approved pool house. Given its location at a sufficient distance from the neighbouring property at number 44 and the retention of the building height, the increase in massing of the garden house is not expected to result in any additional effects on daylight or sunlight to the main dwelling or garden areas of 44 Hurst Road compared to the previously approved scheme.

The 'Daylight and Sunlight Report' dated 10 July 2023, prepared by Right of Light Consulting for the previously approved scheme, concluded that there were no noticeable impacts on daylight and sunlight to the neighbouring property at 44 Hurst Road. A high-level review of this report confirms that the scope and methodology of the assessment followed the recommendations of the BRE Report BR 209 'Site layout planning for daylight and sunlight: A guide to good practice', June 2022, which is widely adopted by local authorities in determining planning applications.

In summary, the differences in massing between the previously approved scheme (DM/24/1748) and the current proposal (DM/25/2626) are minimal and would not lead to detrimental impacts on daylight or sunlight for the neighbouring property at 44 Hurst Road. The orientation and separation distances would continue to ensure compliance with the BRE guidelines for daylight and sunlight.



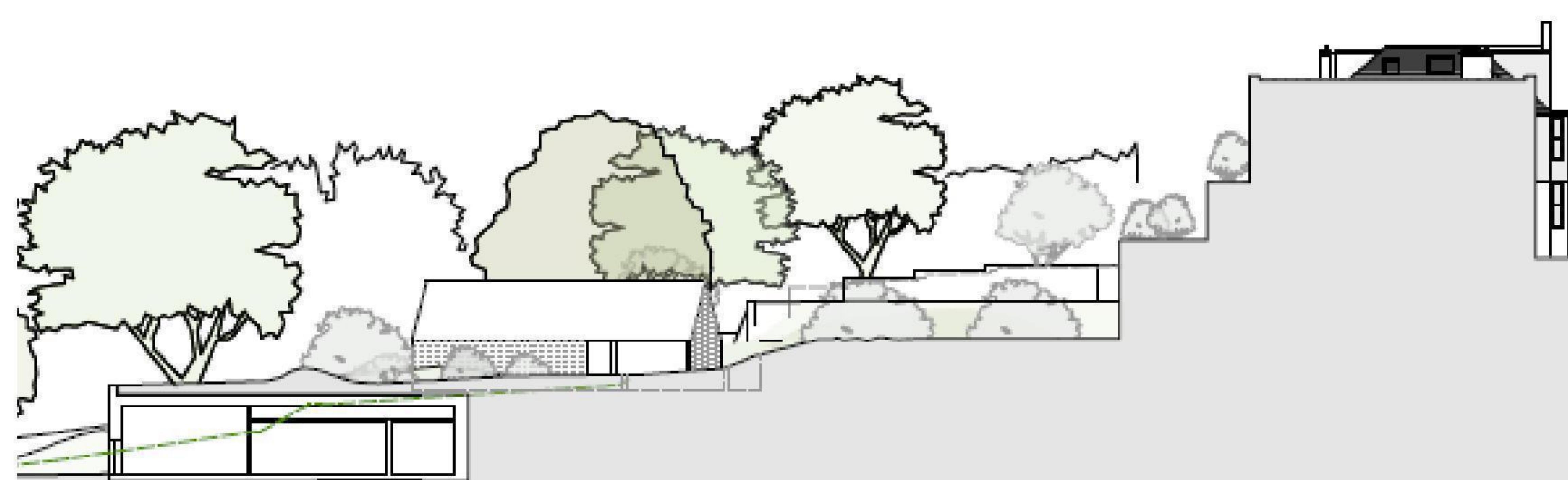
*Proposed street elevation for planning application DM/24/1748 (as per drawing 1684 3.107 Rev A dated March 2024 by Landívar Architects)*



*Proposed street elevation for planning application DM/25/2626 (as per drawing 1684 3.006 Rev A dated June 2025 by Landívar Architects)*



*Proposed site section for planning application DM/24/1748 (as per drawing 1684 3.107 Rev A dated March 2024 by Landívar Architects)*



*Proposed site section for planning application DM/25/2626 (as per drawing 1684 3.006 Rev A dated June 2025 by Landívar Architects)*

**Figure 1** Comparative illustrations of the proposed elevations and sections for planning applications DM/24/1748 and DM/25/2626.

## 2. Assessment of potential obtrusive light effects

This section considers the potential for obtrusive light impacts arising from artificial lighting associated with the current proposal under planning application DM/25/2626, including effects on the neighbouring property at 44 Hurst Road and local wildlife receptors, as well as headlighting from vehicles using the new access road to the additional garden house at the rear of the site.

### 2.1. *Relevant legislation, policies, guidelines, and recommendations*

Government guidance<sup>1</sup> defines light pollution or obtrusive light as “*light shining where it is not intended or wanted.*” It also states that light pollution is “*a source of annoyance to people, harmful to wildlife and undermines enjoyment of the countryside or the night sky, especially in areas with intrinsically dark landscapes.*”

A report by the House of Lords Science and Technology Committee<sup>2</sup> found that light pollution can contribute to adverse human health effects through impacts on sleep and circadian rhythms. However, it also emphasised the need for more research and better understanding and regulation of such effects.

The Clean Neighbourhoods and Environment Act (CNEA) 2005<sup>3</sup> introduced artificial light emitted from defined premises into the list of statutory nuisances. It amended section 79(1) of the Environmental Protection Act 1990<sup>4</sup> to classify “*artificial light emitted from premises so as to be prejudicial to health or a nuisance*” as a statutory nuisance. As such, Local Authorities and the Environment Agency can take enforcement action against inappropriate lighting. However, the light must come from one premises and affect another. The Act does not cover action against upward light pollution and lighting in areas that may not be considered to be premises, such as a public open space.

Government guidance on artificial light nuisance<sup>5</sup> states that “*for the artificial light to count as a statutory nuisance it must do one of the following:*

- *unreasonably and substantially interfere with the use or enjoyment of a home or other premises*
- *injure health or be likely to injure health”*

The above Government guidance also says that “*there are no set levels for light to be considered a statutory nuisance.*” The Local Authorities are responsible for enforcing Government legislation including reference to guidance material.

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<sup>1</sup> Department for Environment, Food and Rural Affairs, ‘Artificial light in the environment: Policy update’, December 2013, page 2. Available from <https://assets.publishing.service.gov.uk/media/5a7c626be5274a7ee25671b0/pb14108-artificial-light-progress-dec2013.pdf>

<sup>2</sup> House of Lords Science and Technology Committee, ‘The neglected pollutants: The effects of artificial light and noise on human health’, 19 July 2023, HL Paper 232 of session 2022–23, page 2. Available from <https://publications.parliament.uk/pa/ld5803/ldselect/ldsctech/232/232.pdf>

<sup>3</sup> Clean Neighbourhoods and Environment Act (CNEA) 2005, section 102. Available from <https://www.legislation.gov.uk/ukpga/2005/16/resources>

<sup>4</sup> Environmental Protection Act 1990, section 79(1). Available from <https://www.legislation.gov.uk/ukpga/1990/43/contents>

<sup>5</sup> Artificial light nuisances: how councils deal with complaints. Available from <https://www.gov.uk/guidance/artificial-light-nuisances-how-councils-deal-with-complaints>

Policy DP29: Noise, Air and Light Pollution of the Mid Sussex District Council's Development Plan<sup>6</sup> requires that the environment “be protected from unacceptable levels of light” by permitting development only where “*the impact on local amenity, intrinsically dark landscapes, and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised in terms of intensity and number of fittings*” and where applicants “can demonstrate good design, including fittings, to restrict emissions from proposed lighting schemes.” The policy also notes that “*the degree of the impact of light pollution from new development or change of use is likely to be greater in rural locations.*”

Numerical guidance on suitable light levels to limit obtrusive light is contained within the following key documents:

- Institution of Lighting Professionals (ILP), Guidance Note 01/21 ‘The reduction of obtrusive light’
- Commission Internationale de l’Éclairage (International Commission on Illumination; CIE), Technical Report 150:2017 ‘Guide on the limitation of the effects of obtrusive light from outdoor lighting installations’
- British Standards Institution (BSI), BS EN 12464-2:2024 ‘Lighting of workplaces – Outdoor workplaces’
- Chartered Institution of Building Services Engineers (CIBSE) / Society of Light and Lighting (SLL), Lighting Guide 21 ‘Protecting the night-time environment’

There is generally good agreement between the numerical criteria on obtrusive light contained in the key documents listed above. In addition to the other documents, BS EN 12464-2:2024 also provides recommended light levels for various outdoor work premises.

The guidelines produced by the Institution of Lighting Professionals (ILP) are the most commonly used in the UK. The expectation is that local planning authorities throughout the UK refer to these guidelines to ensure the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation is limited. The environmental effect of artificial light at night can only be evaluated through a specialist light impact assessment carried out in line with the ILP guidelines, which is commonly required by local planning authorities in connection with planning applications. A light impact assessment for a proposed scheme usually includes proposed hours of operation, curfew (if any), proposed illuminance of the building/object/space, potential light spill, effect on residential properties in line of sight, effect on nocturnal wildlife (especially bats), and visual appearance of light fittings in daylight.

The recommendations on limiting obtrusive light cover five aspects:

- Limitation of illumination on surrounding premises; quantified through vertical illuminances on windows of dwellings, this is an indicator of potentially obtrusive spill light entering rooms of dwellings that are normally dark, such as bedrooms.
- Limitation of bright luminaires in the field of view; quantified through light source intensity in a potentially obtrusive direction such as towards a house or garden, this is an indicator of potential annoyance, distraction, or discomfort in case of direct views of bright light fittings from normal viewing directions.
- Limitation of sky glow; quantified through upward light ratio and upward flux ratio from individual luminaires and an entire lighting installation, this is an indicator of upward directed light that lights up the environment and causes sky glow.
- Limitation of the effects on transport systems; quantified through veiling luminance and threshold increment, this is an indicator of effects on users of road networks that may

<sup>6</sup> Mid Sussex District Plan 2014–2031, adopted March 2018, page 80. Available from <https://www.midsussex.gov.uk/media/3406/mid-sussex-district-plan.pdf>

be subject to a reduction in the ability to see essential information due to bright lighting installations in the field of view.

- Limitation of the effect of over-lit building façades and signs; quantified through luminance of floodlit buildings, this is an indicator of potentially over-bright decorative floodlighting or sign lighting that may become obtrusive rather than enhancing the night scene.

The limits depend on the location of the site (for example whether it is an urban or rural site). The concept of a curfew is also introduced, where lighting is switched off or reduced at set times (it suggests curfew times may commence between 21:00 to 23:00 and run until 07:00) when lighting is not actually needed. Different guidelines are given before and after curfew hours.

Separate recommendations for daytime, evening and night-time light exposure include light levels that best support physiology, sleep, and wakefulness. These recommendations<sup>7</sup> are based on data from healthy adults (aged 18 to 55) with regular daytime schedules. Special considerations would apply to specific populations (e.g., children, older people, shift workers, or other individuals whose light sensitivity deviates substantially from an 'average' healthy adult). The recommendations are expressed in levels of melanopic equivalent daylight illuminance (EDI), measured in lux. This is the illuminance from daylight that would produce a melanopic irradiance, or a circadian stimulation, or a non-visual effect, equivalent to that of the lighting considered. Melanopic EDI values are derived from measurements of light spectrum weighted by the spectral sensitivity function for the melanopsin containing eye photoreceptors. For the night-time sleep environment, the recommendation is that no more than 1 lux melanopic EDI reaches the eyes.

The Institution of Lighting Professionals (ILP) / Bat Conservation Trust (BCT) Guidance Note (GN) 08/23 'Bats and artificial lighting at night' gives specific guidance on avoiding harmful effects of artificial lighting on bat species. The guidelines characterise 'complete darkness' through horizontal illuminances below 0.2 lux and vertical illuminances below 0.4 lux. These figures are in line with research findings for the illuminance found at hedgerows used by lesser horseshoe bats, a species well known for its aversion to light. GN 08/23 emphasises the need for a planning application to include calculations and documentation demonstrating compliance with lighting limits or mitigation measures as recommended by the ecologist.

In cases where lighting impacts on bats are likely, GN 08/23 states that local planning authorities will require some form of documentation to demonstrate compliance with the guidelines. Depending on the level of detail in the application, this could be in the form of a Lighting Strategy, whereby the agreed lighting parameters, objectives, likely mitigation requirements and a plan are set out, or a Lighting Design or a Lighting Impact Assessment, whereby finalised details are provided, including a plan showing modelled illuminance from all proposed (and existing, where necessary) lighting, lighting specifications, assessment assumptions and justifications for mitigation measures that may be considered.

## 2.2. Potential obtrusive light effects arising from the proposed scheme

A desktop review of baseline conditions, based on photographs submitted for both planning applications and Google Streetview imagery (dated July 2016), suggests that the site currently experiences low levels of artificial lighting at night, with minimal street lighting and low or no outdoor lighting at existing premises. This indicates the surrounding environment is relatively dark, increasing the sensitivity of both human and wildlife receptors to any new light sources.

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<sup>7</sup> Brown TM, Brainard GC, Cajochen C, et al. Recommendations for daytime, evening, and nighttime indoor light exposure to best support physiology, sleep, and wakefulness in healthy adults. PLOS Biology 2022 Mar 17; 20(3): e3001571. Available from <https://journals.plos.org/plosbiology/article?id=10.1371/journal.pbio.3001571>

Ecology documentation submitted on the planning portal ('Preliminary Ecological Appraisal' dated November 2024, prepared by Environmental Assessment Services for the applicant) confirms the presence of bats and other nocturnal species in the vicinity of the proposed development. These species are highly sensitive to artificial light at night, particularly short-wavelength (blue-rich) light emitted by modern LEDs and vehicle headlights. Such light sources present an increased potential to disrupt foraging and commuting routes, with likely significant ecological consequences.

No lighting impact assessment appears to have been undertaken or submitted as part of either planning application DM/24/1748 or planning application DM/25/2626. There is also no evidence of any lighting design, either for outdoor areas or internal spaces. This omission is significant given the potential for obtrusive light impacts.

Proposed elevations (drawing 1684 3.105 Rev B dated March 2024, which appears to have been carried over from the previously approved scheme into the current planning application) indicate considerable glazed areas, including windows and rooflights facing the neighbouring property at 44 Hurst Road. This could allow light from internal spaces to spill outward, contributing to obtrusive effects for both human receptors and wildlife unless appropriate mitigation measures are implemented and maintained.

Outdoor lighting, depending on its design (e.g., security lights, pathway illumination, decorative lighting) also has the potential to cause detrimental effects such as glare, sky glow, and light intrusion, particularly if luminaires are not shielded or controlled appropriately.

The proposed pitched access road leading to the garden house at the rear of the proposal site introduces an additional risk of light pollution from vehicle headlights. Vehicles leaving the garden house during hours of darkness will project intense beams of light toward windows at 44 Hurst Road and into the night sky. Modern LED headlights, with their cool white, blue-rich spectrum, amplify glare for human receptors due to their high luminous intensity and increased light scattering within the eye. They also contribute to greater sky glow through more intense atmospheric scattering of emitted light. These characteristics can further negatively affect wildlife receptors by disrupting circadian rhythms and interfering with foraging behaviour.

Construction activities could also introduce temporary light pollution impacts if works extend after dusk and temporary lighting is used without proper shielding or controls.

Even where mitigation measures are proposed at any stage of the project, including construction and operation, there remains a risk of obtrusive light effects if lighting controls are not properly commissioned, installed, or maintained.

In summary, in the absence of a formal lighting assessment and detailed design proposals, there is a credible risk of obtrusive light impacts affecting both human receptors at 44 Hurst Road and local wildlife. These risks arise from a combination of:

- Indoor light spill through considerable glazing
- Potential outdoor lighting installations
- Vehicle headlights on the new access road

### 3. Recommended mitigation measures

Based on the findings reported in the previous sections, this section outlines several mitigation measures that are recommended to reduce or eliminate potential impacts on daylight, sunlight, and obtrusive light.

First, it is essential to ensure that any new buildings do not extend beyond the massing presented in the drawings submitted as part of the planning application. This will help maintain

the spatial relationship and avoid introducing additional loss of daylight/sunlight and overshadowing risks.

A formal lighting impact assessment should be carried out to evaluate the effects of both outdoor and indoor lighting on human receptors and wildlife. This assessment must consider internal light spill through glazing, outdoor luminaires, and vehicle headlights associated with the new access road. The scope should include baseline conditions, predicted lighting levels, and compliance with relevant guidelines and standards. Once completed, the assessment should be subject to an independent expert review to confirm its appropriateness and robustness.

All project stages, including construction and operational phases, should follow the guidance provided by the Institution of Lighting Professionals (ILP) for human receptors and for wildlife such as bats. The ILP's recommendations on environmental zones, obtrusive light limits, and ecological sensitivity should be applied rigorously.

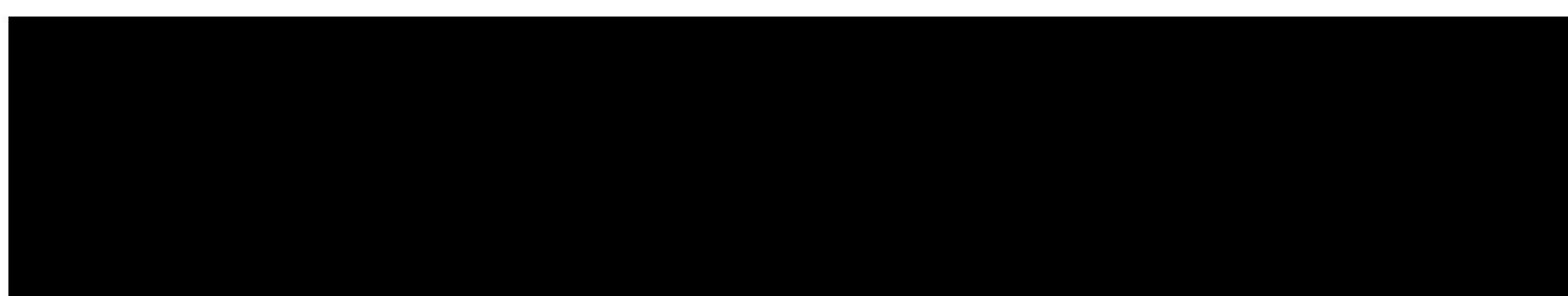
Mitigation measures should include the use of warm-spectrum, fully shielded luminaires to minimise glare and sky glow, as well as strict lighting controls such as timers, dimmers, and motion sensors to prevent unnecessary illumination. Design solutions should also address the risk of headlight glare from vehicles using the access road, for example by incorporating screening or angled approaches to reduce direct light intrusion toward sensitive receptors. These measures are particularly important given the tendency of modern LED headlights to emit blue-rich light, which increases glare, amplifies sky glow, and disrupts wildlife behaviour.

Verification and enforcement are critical to ensure that all lighting installations are implemented according to the approved design. This includes commissioning checks, ongoing maintenance, and periodic audits to confirm that lighting controls remain functional and effective. Without proper monitoring, even well-designed systems can fail to prevent obtrusive light impacts.

In summary, the recommended mitigation strategy combines design restrictions, technical assessments, adherence to obtrusive light guidelines, and robust compliance mechanisms. These steps are required in order to safeguard residential amenity at 44 Hurst Road and protect local wildlife from the adverse effects of artificial lighting associated with the proposed scheme.

We hope the above information is of assistance and please do not hesitate to contact us for any questions that may arise in relation to the content of this letter.

Yours sincerely,



Principal Lighting Consultant  
For and on behalf of BRE

Lighting Consultant  
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