
Appeal Decision

Site visits made on 27 and 29 September 2016

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 January 2017

Appeal Ref: APP/D0840/W/16/3146032

Land at Boslandew Hill, Sheffield, Penzance TR19 9UH

- 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 Far West Solar Ltd against the decision of Cornwall Council.
 - The application number PA15/05386, dated 10 June 2015, was refused by notice dated 23 December 2015.
 - The development proposed is erection of solar array with attendant infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I undertook an accompanied site visit on 27 September 2016, but was unable to complete an unaccompanied part of the visit because low cloud resulted in poor visibility. I returned to complete this part of the visit on 29 September when the visibility was acceptable.
3. The site address on the application form refers to Bearlendrew Hill, but subsequent correspondence refers to Boslandew Hill, and I have used this in the heading above. The 1.8 ha appeal site is an open agricultural field bounded by Cornish hedges that lies in the countryside between the small settlements of Sheffield and Paul. The proposed panels themselves would occupy in total about 0.65 ha of the site. It is proposed that sheep would graze the spaces between the panels. Access would be via the existing field gate. The south-eastern corner of the field is about 100 m outside the boundary of the Cornwall Area of Outstanding Natural Beauty (AONB).
4. The Church of St Paul de Lion at Paul (also referred to as St Pol de Leon), is a Grade I listed building, and lies about 450 m to the north-east of the site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the setting of a listed building.

Main issues

5. The main issues in this appeal are:

- (a) The effects of the proposed development on the character and appearance of the area.
- (b) The effects of the proposed development on heritage assets.
- (c) The compatibility of the proposed development with policy in respect of the generation of energy from renewable sources.
- (d) Whether any harm that might be caused would be outweighed by the benefits of the scheme.

Planning policy

- 6. The Council's decision referred to saved policies of the Penwith Local Plan 2004 (PLP). However, the Cornwall Local Plan Strategic Policies 2010-2030 was adopted on 22 November 2016 (CLP). The parties were invited to comment on the current development plan, and I have taken their responses into account.
- 7. CLP Policy 14 concerns renewable and low carbon energy, and CLP Policy 23 deals with the natural environment. The site lies within an Area of Great Landscape Value (AGLV) designated in PLP Policy CC-5, which is a policy that the CLP states will continue to be saved. Policy CC-5 states that development would not be permitted where it would cause significant harm to the character and amenity of AGLVs, and CLP Policy 23 adds that development within an AGLV should maintain its character and distinctive landscape qualities.
- 8. The *National Planning Policy Framework* (hereinafter the *Framework*) provides that applications for renewable energy development should be approved if its impacts are (or can be made) acceptable. The *Planning Practice Guidance* (hereinafter the *Guidance*) provides that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. But adds that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. The *Guidance* also refers to particular factors that would need to be taken into account, including that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land restored to its previous use.
- 9. The Written Ministerial Statement, dated 25 March 2015, by The Right Hon Sir Eric Pickles (WMS) provides, amongst other things, that any proposal for a solar farm involving the best and most versatile (BMV) agricultural land would need to be justified by the most compelling evidence. BMV land is that classified as grade 1, 2 and 3a agricultural land.

Reasons

Character and appearance

- 10. The appeal site lies within landscape character area (LCA) 01 West Penwith South (Land's End – Newlyn) in the *Cornwall and Isles of Scilly Landscape Character Study* 2007. This LCA is characterised by an open exposed landscape with a strong maritime influence. The undulating inland plateau is defined by an ancient pattern of small fields, with extensive views in which

church towers are distinctive elements. It was evident from my site visits that there are few modern intrusions into this ancient and remote landscape, and those that do exist are predominantly structures associated with existing agricultural buildings, or with local infrastructure, such as a small substation. LCA01 outside of the AONB is classified as being 'moderate to high' in terms of overall landscape sensitivity to solar PV development in the Council's broad strategy *Renewable Energy Planning Advice including Sensitivity and Strategy Matrices for LCAs*, which was adopted in 2016. Outside the AONB the strategy is for a landscape with occasional solar PV development of less than 1 ha.

11. The solar array and associated infrastructure would be utilitarian structures in this countryside location. The construction of the panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The man-made structure would be of a colour and texture that was not typical of its agricultural context, and so the proposed development would introduce a discordant element into the local landscape. I consider that the appellant's finding of a negligible to low magnitude of impact for LCA01 understates the likely effect on landscape character. With medium sensitivity to the development proposed, and with a medium magnitude of effect, I consider that the proposal would have an adverse effect on the landscape resource of moderate significance. I turn next to visual effects.
12. The panels and fences would be 2.5 m high and the existing hedges around the site would provide a degree of screening in close views, especially from the north and from the road between Sheffield and Paul. The scheme proposes mitigation planting and management to increase the height and density of hedges where they are thin or relatively low. However, I am not convinced that these would screen out middle and longer distance views, unless the hedges were uncharacteristically high for this locality. The development would be a prominent feature in the wider landscape when seen from public vantage points further to the south. The Zone of 100% Theoretical Visibility extends to over 500 m from the site in this direction, and this area includes part of the AONB and a section of public right of way (PRoW). This is part of the footpath between Castallack and Paul, and follows a section of the AONB boundary.
13. I walked this part of the PRoW on an unaccompanied part of my site visit. The route lies to the west of Halwyn Farm and encompasses Viewpoint 2 (about 250 m from the appeal site) and Viewpoint 3 (about 500 m). It was evident from my visit, and from the photomontage for VP2, that the proposed panels, which would face south, would be a discordant feature in this open and exposed rural landscape that adjoins the AONB, and which is a feature of its setting. I consider that the appellant's assessment understates the likely magnitude of impact in this area and that the proposed development would, with medium to high sensitivity for receptors, have an adverse impact of moderate/substantial significance on the visual amenity of the area.
14. The appellant's final comments refer to observations made about likely visual impact in the context of considering a screening direction. However, that concerned whether the proposal would be a development that required Environmental Impact Assessment. Different considerations apply in deciding this appeal on its planning merits, and these involve judgements about landscape and visual impact.

15. On the first main issue, I consider that the proposed development would have a significant adverse effect on the character and appearance of the area, and would harm the setting of the AONB.

Heritage assets

16. The proposed solar array would not be visible from ground level views around the church at Paul because of the local topography and local vegetation. However, the photomontage from VP2 shows how the proposed development would be seen, from the PRow, to the west of the tower of the church. In this rolling landscape church towers are a distinctive feature, which draw attention to the scattered settlements. The nature and scale of the proposed solar array would be substantial enough to draw the focus away from the church tower, and so would diminish its local importance. I find that the proposal would have a slight adverse effect on the setting of the listed church. This would be less than substantial harm for the purposes of the *Framework*, and a matter to be weighed against the public benefits of the proposal. CLP Policy 24 has similar provisions.
17. Any distant views of the solar array from St Michael's Mount, some 6 km away, would not be significant because of the separation distance, along with the local topography and vegetation. Paul Conservation Area is tightly drawn around the historic core of the village, and so the proposed development would have a negligible effect on the conservation area and its setting.

Renewable energy

18. The proposal would have a capacity of approximately 1 MW and would generate an estimated 1,098 MWhr/yr. This would be the equivalent to the annual electricity needs of 222 average UK households. The *Framework* provides that applicants do not need to demonstrate the overall need for renewable energy development. The scheme would provide a valuable contribution to cutting greenhouse gas emissions. The proposal would also contribute to diversification of farm income and towards the rural economy. It would make a significant contribution towards meeting national targets for renewable energy and towards energy security. The proposal therefore gains support from national and local policies that promote renewable energy generation. I find that the contribution of the appeal scheme to renewable energy, the reduction of greenhouse gas emissions and towards energy security, is a consideration that should properly be given significant weight in determining this appeal.

Other matters

19. The Council takes no issue about the use of agricultural land, but a third party questions the appellant's view about the agricultural land classification of the site. The appellant's advisor indicated that the land is known to him as the tenant is his client. He records that although the land is mapped as category 3, continuous cropping could not be realistically sustained, and so from his knowledge of the land he considers the site to be category 3b. The third party, an agronomist, was familiar with the land because it was farmed by his family until 2000. He advised that the land was classified as grade 2 for some potato trials in the 1980s. In the evidence before me there is a clear difference of opinion about the quality of the land. It seems to me that in these circumstances it would be necessary to undertake on-site survey work to

resolve this professional disagreement on the basis of sound technical evidence. In the absence of such evidence, I am unable to find that the proposal would comply with relevant policy and guidance about the use of BMV agricultural land.

20. Subject to the implementation of the recommended mitigation measures set out in the appellant's ecological appraisal report, I am satisfied that the scheme would have no significant negative ecological impacts. In the long term, with appropriate management the development could have a positive impact on biodiversity. The submitted noise assessment indicates that the development would be likely to have a low impact at the nearest sensitive receptor, and there are no grounds to find against the proposal because of its effects on the living conditions of nearby residents.
21. Local concerns about the capacity of the grid should not be decisive as the grid is affected by many considerations. Not much reliance, for the purpose of determining this appeal, should be placed upon its capacity at any given point in time.
22. I have had regard to all the other matters raised, including local concerns about flooding and highway safety. However, I am satisfied, having regard to the submitted Flood Risk Assessment, subject to the imposition of appropriate planning conditions, that the scheme would be unlikely to change downstream hydrology or flood risk. I find no conflict with CLP Policy 26. Prior approval of a Construction Traffic Management Plan could address concerns about the effects on the local highway network. I note that there is no objection from the Highway Authority, and I find no conflict with CLP Policy 27.

Planning balance

23. The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the *Framework*, require in this case that a balancing exercise be performed to weigh the benefits of the proposed solar array against its disadvantages. The proposed development would make a significant contribution to renewable energy targets and towards the reduction of greenhouse gas emissions. It would also have energy security benefits. The scheme would contribute to the local economy and would have some biodiversity advantages. These benefits should be given significant weight.
24. Against the benefits of the appeal scheme must be weighed the harm I have identified to the character and appearance of the area, and particularly to the setting of the AONB. The harm to the local landscape would be significant. There would also be some harm to the setting of the listed church, to which I have given special weight and considerable importance in the overall planning balance. However, it seems to me that the public benefits of the renewable energy generated by the appeal scheme would go a long way to offsetting the slight harm I have found to the designated heritage asset. The proposed development would be temporary and the reversibility of the development after 25 years is a relevant consideration. However, the harm would affect the area for a considerable time. In my judgement, the benefits of the proposed development would not be sufficient to outweigh its disadvantages. My inability to find compliance with policy and guidance about the use of agricultural land tips the balance even further against allowing the appeal.

25. I acknowledge that Policy CCE1 of the Cornwall AONB Management Plan, which was adopted in 2011, encourages appropriate renewable energy technologies of a scale and design that can be accommodated within the sensitive landscapes of the AONB. I note also that Policy PD8 seeks to ensure that development within the AONB or its setting is of an appropriate scale, addresses landscape sensitivity and is compatible with the distinctive character of the location and has regard to the setting of historic assets. Given the specific circumstances that apply here regarding the effects of the proposed solar array on the character and appearance of the area, I do not consider that the proposal would accord with the aims of the AONB Management Plan.
26. The proposed development would significantly harm the landscape character and amenity of the countryside and would therefore conflict with PLP Policy CC-5, and the related provisions of CLP Policy 23. It would also be contrary to that part of CLP Policy 23, which states that great weight will be given to conserving the landscape and scenic beauty within and affecting the setting of AONBs. The proposal would gain some support from CLP Policy 2 in that it would deliver renewable energy, and from CLP Policy 14(1) because noise, glint and glare could be adequately mitigated, and from Policy 14(3) due to the wider benefits of providing energy from renewable sources. But it would conflict with Policy 14(4), which states that development within the setting of AONBs would only be permitted in exceptional circumstances. The harm I have identified would be sufficient to bring the proposal into conflict with CLP Policy 14. Overall, I find that the proposal would conflict with the development plan when read as a whole.
27. The core planning principles set out in the *Framework* encourage the development of renewable energy, whilst recognising the intrinsic character and beauty of the countryside. However, in this case the adverse effects I have identified would outweigh the benefits, when assessed against the policies in the *Framework* as a whole.

Conclusions

28. Notwithstanding the benefits of the scheme to renewable energy targets and the reduction of greenhouse gas emissions, and the contribution it would make towards energy security, the local economy and biodiversity, I do not consider that the evidence submitted demonstrates that the impacts of the appeal scheme are, or could be made, acceptable. The proposal would conflict with relevant policies of the development plan, and would not accord with the requirements for sustainable development set out in CLP Policy 1 and the *Framework*. There are no material considerations here that would indicate that a determination other than in accordance with the development plan was justified. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock
Inspector