

Appeal Decision

Site visit made on 22 September 2016

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 8 February 2017

Appeal Ref: APP/T3725/W/16/3146398

Chesford Bridge House, Bericote Road, Blackdown, Leamington Spa CV32 6QP

- 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 Mr Vik Tara against the decision of Warwick District Council.
 - The application Ref: W/15/1653, dated 7 October 2015, was refused by notice dated 17 December 2015.
 - The development proposed is a solar photovoltaic (Pv) installation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal papers include proposed amendments to the size of the solar panel arrays, with two being increased in length and one reduced. Additional landscaping measures are also proposed and the height of the fencing on the northern boundary of the site has been increased. The Council and interested parties have had the opportunity to comment on these revisions, and as they are relatively minor in extent and effect I shall take them into account in my consideration of the appeal scheme.
3. The Council advises that it no longer wishes to pursue the third reason for refusal relating to the implications of the proposal for protected species subject to the imposition of relevant conditions in the event that the appeal succeeds. I shall not therefore consider this matter in any detail in my decision.

Main Issues

4. The main issues in this case are:
 - (i) whether the proposal constitutes inappropriate development in the Green Belt;
 - (ii) the effect on the openness and purposes of the Green Belt;
 - (iii) the effect on the character and appearance of the area, which is within the Ancient Arden Landscape Area;
 - (iv) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
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Reasons

Whether inappropriate development

5. Paragraph 91 of the *National Planning Policy Framework* (the Framework) indicates that elements of many renewable energy projects will comprise inappropriate development in the Green Belt. The proposed development would consist of four linear arrays of solar panels together with an associated inverter/switchgear building. As such, it cannot reasonably be argued that the proposal, whether regarded as a building or an engineering operation, would be appropriate in Green Belt policy terms. It would not fall within any of the exceptions described in paragraph 89 of the Framework nor would it preserve openness as referred to in paragraph 90.
6. Accordingly, I conclude that the proposal amounts to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The Framework states that such harm attracts substantial weight.

Openness and purposes

7. The arrays of varying length would be arranged on an east-west axis in a former manege and part of a paddock to the north-west of Chesford Bridge House. The 200 solar panels would be mounted on aluminium frames at an angle of 30° to the horizontal and some 0.5m above ground level to give an overall maximum height of about 2.3m. The inverter/switchgear building would be approximately 3.1m wide, 1.8m long and 2.1m high and would be located in the south-east corner of the appeal site. A 1.8m high close-boarded timber fence would be erected along the northern (roadside) boundary of the site on the inside of an existing tree and hedge line. Low post-and-rail fencing on the southern and western boundaries would be renewed. The scheme also includes 3.2m high pole-mounted CCTV cameras in the south-east and south-west corners of the site. The lifespan of the installation is anticipated to be 25 years and electricity generated would serve the appellant's dwelling, with any surplus being exported to the national grid.
8. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with openness identified as one of the essential characteristics of the Green Belt. The proposed array and its associated infrastructure would reduce openness in this part of the Green Belt in conflict with this aim. Whilst foliage and fencing may go some way to screening the development, the measures do not overcome the loss of openness arising from the proposal, which is not determined by how visible the installation would be.
9. Paragraph 80 of the Framework sets out five purposes of the Green Belt, and I find no material conflict with four of them in this case. However, the proposal would result in some encroachment into the countryside given the nature and size of the arrays, the building, the fencing and the CCTV poles I have described. As such, there is conflict with the purpose of Green Belt designation which seeks to safeguard the countryside from encroachment. Together with the loss of openness, these considerations attract significant weight against the proposed development. The Framework advises that where renewable energy projects comprise inappropriate development, very special circumstances will need to be demonstrated if projects are to proceed. I deal with this matter later in the decision.

Character and appearance

10. The appeal site lies in open countryside between Royal Leamington Spa and Kenilworth. This gently undulating agricultural landscape is defined locally by small villages, sporadic dwellings and other buildings, a sports ground and scattered farmsteads, enhanced by mature woodland and hedge boundaries to a patchwork of fields. These characteristics are reflected in the *Warwickshire Landscapes Guidelines* (1993). It identifies the Ancient Arden Landscape Area as the only area of ancient countryside in the County, describing it as a small-scale farmed landscape with a varied, undulating topography characterised by an irregular pattern of fields and narrow, winding lanes. The document sets out general development guidelines to mitigate any adverse effects of development, including conservation of rural character by restricting changes in the use of rural land.
11. The appeal site is largely contained on the northern boundary to Bericote Road by established trees and hedges which have been supplemented by recent planting adjacent to the eastern end of the site next to an earth mound. Additional infill landscaping is also proposed along this boundary, and a living willow fence and hedging are proposed along the eastern side of the site. Taken together these measures would filter views of the installation from the road to a great degree when in leaf. Further screening would be provided by close-boarded timber fencing, although I do not consider that such a utilitarian and suburban feature would be visually appropriate in this rural location even for a temporary period as the appellant suggests.
12. The array would be intermittently visible from the busy A452 Kenilworth Road across open fields to the south of the site against a backdrop of foliage. No additional landscaping is proposed along this boundary or the western edge of the site, although such measures could be required by condition if the appeal were to succeed.
13. In the wider landscape the development would not be particularly prominent during late spring and summer. From the edge of Hill Wootton to the south of the site and Ashow to the north the array would not be readily visible for a good part of the year due to intervening foliage, and from public rights of way in woodland to the south and south-west it would be largely screened by trees. Tall crops in the field adjacent to Hill Wootton Road prevented views of the site during my visit, but this would change once harvested or with lower crops in the field, rendering the array visible.
14. With the exception of views from Kenilworth Road, the existing levels of visual enclosure of the site together with additional planting would largely restrict views of the development when trees and hedges are in leaf. However, during autumn and winter months the array would become far more visible from most of the above viewpoints. The introduction of black glass panels and their associated framework up to 2.3 metres above ground level would clearly alter the nature of the site at odds with its rural character and appearance. The inverter/ switchgear building, CCTV poles and close-boarded fencing would add to the visual clutter and reinforce the incongruity of the installation.
15. In these seasonal circumstances the proposal would be seriously harmful to the open character of the appeal site and its surroundings and detract from the visual amenity of the area, including the Ancient Arden Landscape Area. Accordingly, I conclude that the development would conflict with policy DP3 of

the adopted *Warwick District Local Plan 1996-2011* which, amongst other things, only permits development where it protects important natural features and positively contributes to the character and quality of its natural and historic environment through good landscape design.

Other considerations

16. Paragraph 91 of the Framework states that very special circumstances to justify inappropriate development in the Green Belt may include the wider environmental benefits associated with the increased production of energy from renewable sources. Paragraph 98 makes it clear that even small-scale renewable energy projects (such as the appeal proposal) provide a valuable contribution to cutting greenhouse gas emissions. A number of factors have been promoted in support of the argument that very special circumstances exist in this case.
17. The proposed development would have a peak capacity of 50KWe and is expected to generate about 46,450 kWh of electricity annually; equivalent to the consumption of some 12 typical homes. This would reduce carbon emissions by about 25 tonnes per year. These factors weigh substantially in favour of the proposal.
18. The proposal would contribute to the local economy by reducing reliance on imported energy and provide employment opportunities, but these factors attract only modest weight in favour of the scheme. Improvements to the landscape via additional planting and enhanced biodiversity on the site carry very limited weight.

The planning balance and overall conclusion

19. Whilst the Framework makes it clear that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions, it also emphasises that such support for renewable energy requires that its impacts are (or can be made) acceptable.
20. In this case the harm by reason of inappropriateness is substantial and the harm arising from loss of openness and encroachment is significant. Furthermore, I have found that the proposal would cause serious harm to the character and appearance of the area, the impact of which cannot be made acceptable. Although the renewable energy benefits of the proposal carry significant weight, they do not clearly outweigh this harm. The very special circumstances necessary to justify inappropriate development in the Green Belt do not therefore exist.
21. For the above reasons I conclude that the appeal should be dismissed.

Michael Moffoot

Inspector