
Appeal Decision

Site visit made on 21 October 2016

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 9 February 2017

Appeal Ref: APP/P1133/W/16/3148497

Land at Higher Humber Farm, Humber Lane, Bishopsteignton TQ14 9TD

- 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 TGC Renewables Ltd against the decision of Teignbridge District Council.
 - The application Ref.14/03725/MAJ, dated 19 December 2014, was refused by notice dated 5 April 2016.
 - The development proposed is a solar farm and associated development.
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Preliminary Matters

1. In the course of the application, the scheme went through a number of iterations. I have dealt with the appeal on the basis of *Site Design* Revision B7 and associated material, the scheme the Council took its decision upon.
2. During the accompanied part of the site visit I walked a length of the driveway into Lindridge Park. After that, I took in views of the site from Humber Lane, and from Rowden Cross, unaccompanied. I also drove along the roadway through Lindridge Park and took in views towards the appeal site from the residential complex and its environs.

Decision

3. The appeal is dismissed.

Main Issue

4. The Council's third reason for refusal (of three) related to the potential impact of the proposal on biodiversity and in particular, Greater Horseshoe Bats, Cirl Buntings, and the integrity of the South Hams SAC. Having considered the matter further, the Council has not pursued this reason for refusal as part of the appeal. On the basis of the information before me, that is the correct course. I take the matter no further, therefore.
5. The first reason for refusal relates to the impact of the proposal on the setting of Lindridge, a garden included in the Register of Historic Parks and Gardens for its special interest, at Grade II. The second reason for refusal refers to the Area of Great Landscape Value¹ Lindridge lies within. There is a significant amount of crossover between the two reasons for refusal and in that context, the main issue in this case is the effect of the proposal on the landscape setting, and thereby the significance, of Lindridge, a designated heritage asset.

¹ Referred to hereafter as AGLV

Reasons

6. In summary, the list entry for Lindridge describes it as an early 20th Century garden of formal terraces and informal pleasure grounds around an early 17th Century house (destroyed by fire in 1963) set in parkland of 17th or early 18th Century origin.
7. Policy EN5 of the Teignbridge Local Plan 2013-2033 adopted in May 2014² seeks to protect and enhance the area's heritage. To achieve that, development proposals are expected to take account of the significance, character, setting and local distinctiveness of any affected heritage asset. LP Policy EN2A requires development to be sympathetic to the natural and cultural landscape, in particular in AGLVs.
8. Those policies operate under the umbrella of LP Policy S1A which effectively replicates the presumption in favour of sustainable development as set out in paragraph 14 of the National Planning Policy Framework³.
9. Paragraph 132 of the Framework tells us that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Moreover, one of the core principles of the Framework is that the intrinsic character and beauty of the countryside should be recognised.
10. The solar array proposed would sit immediately to the south-east of King's Wood, which is the south-western part of Lindridge. It would cover parts of various fields given over to pasture. These fields that span between King's Wood and Humber Lane have a very clear parkland quality that acts as an attractive and historically-appropriate setting for Lindridge. The parkland setting contributes much to the overall significance of Lindridge as a designated heritage asset, and is identified as such in the list entry.
11. This parkland setting is especially evident when viewed from the main driveway to Lindridge Park, to the east of the proposal, from field entrances along Humber Lane, to the south. There is also a panoramic view of Lindridge in its landscape setting available from Rowden Cross.
12. The solar array proposed would introduce an incongruous, modern element into the parkland setting of Lindridge. Its discordant presence would be a significant detractor that would dilute the contribution that setting makes to the designated heritage asset's overall significance.
13. It might be argued that boundary treatments could be introduced that would limit the visibility of the array from the driveway and from Humber Lane. However, sub-dividing the existing fields into smaller enclosures that way would detract from the parkland quality that exists, and this would itself harm the setting and thereby the significance of Lindridge. Moreover, there would be no escaping the incongruous presence of the array in longer views, such as that from Rowden Cross.
14. On that overall basis, the proposal falls foul of LP Policy EN5. Given that Lindridge is an important element in the AGLV, it must follow that the proposal would harm the AGLV too, contrary to LP Policy EN2A.

² Referred to hereafter as LP

³ Referred to hereafter as the Framework

15. The appellant argues that because the LP is silent on renewable energy, the proposal should be assessed against paragraph 14 of the Framework and suggests that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In my view, that is incorrect because the acknowledged impact on a designated heritage asset means that there are specific policies in the Framework that indicate development should be restricted.
16. The correct balancing exercise, for Framework purposes is paragraph 133, if the harm to the significance is considered to be substantial, or paragraph 134, if it is considered to be less than substantial.
17. Substantial harm is a high test and given that the proposal would leave Lindridge itself intact, and be both temporary and reversible, I consider that the harm caused to the significance of the designated heritage asset would be less than substantial. In those circumstances, paragraph 134 requires the harm to be weighed against the public benefits of the proposal.
18. The appellant has helpfully set out these benefits which include around 5GWh of renewable energy generated each year, powering 1,500 local homes, and a minimum of 63,800 tonnes of carbon dioxide emissions saved over the lifetime of the scheme. There would be economic benefits too, through business rates that would be paid to the Council, and opportunities for local companies during construction and operation. On top of that, there would be biodiversity enhancements and improved land stewardship during the operational period, especially in relation to Great Horseshoe Bats and Cirl Buntings.
19. Given the strongly supportive stance of the Framework towards renewable energy, the economy, and biodiversity, these public benefits attract significant weight in favour of the scheme. Nevertheless, given that great weight must be given to the conservation of heritage assets, they are insufficient, in my judgement, to outweigh the harm, albeit temporary and reversible, that would be caused to the setting, and thereby the significance of Lindridge. In the parlance of paragraph 98 of the Framework, the impacts are not, and cannot be made, acceptable. In the light of that conclusion, the proposal must also fall contrary to LP Policy S1A and the development plan as a whole.
20. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR