

Appeal Decision

Site visit made on 17 January 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 14 March 2017

Appeal Ref: APP/D0840/W/16/3160709

Land at Bake Farm, Trerulefoot, Saltash, Cornwall

- 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 Steve Ellam (Murex Power Ltd) against the decision of Cornwall Council.
 - The application Ref PA16/03122, dated 5 April 2016, was refused by notice dated 7 September 2016.
 - The development proposed is installation of dual fuel generators, associated infrastructure and cable route for the provision of a flexible generation facility.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Steve Ellam against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to its inclusion within the South East Caradon Area of Great Landscape Value.

Reasons

4. The appeal site sits in a tranquil, rural valley setting, characterised by rolling arable land populated by clusters agricultural buildings and dispersed dwellings, within an area designated as an Area of Great Landscape Value (the AGLV). The appeal site comprises part of the lower portion of a sloping field that is partly occupied by numerous rows of photovoltaic panels and associated equipment housing, within the wider landholding of Bake Farm. The site itself separated from the solar arrays by an access track and is surrounded by dense vegetation on the other three sides. The site has yet to be fully remediated from its temporary use during the construction of the adjacent solar array. Notwithstanding the proximity of the existing infrastructure, the site is tranquil, open and undeveloped and thus retains the characteristics relevant to the open countryside and the AGLV.
 5. The appeal scheme proposes the installation of 10 generators, associated fuel tank, switchroom, transformers, welfare unit and CCTV enclosed within a wooden acoustic fence and gate. The design of the proposed facility, including
-

the proposed 2.4 metre high fence would appear blank and utilitarian and introduce a dominating and alien feature within the rural surroundings. While there may be various buildings associated with the existing solar farm of a similar appearance to those proposed, further utilitarian development on the rural field location would not conserve the specific qualities, character and distinctiveness of the AGLV. To some degree, the nature and extent of the development associated with the solar park has altered the site's wider context; however, the evident visual impact the adjacent solar farm already has on the character of the landscape does not justify further harm to it. Therefore, even if the proposed development would be, in percentage terms, a relatively modest extension to the solar park, it would harmfully encroach into the surrounding countryside and undermine the characteristics of the wider AGLV.

6. I accept that the proposed development could be screened by the woodland and vegetation that bounds part of the appeal site, if this greenery were maintained. However, I am unaware of any designations, such as a Tree Preservation Order or other means of control, which would go some way to imply that the vegetal screening would be secured. The landowner could reasonably fell some of the trees, or otherwise reduce the screening effect of the green boundary, making the proposed development more exposed to view and resulting in wider visual harm to the character and appearance of the surrounding area and AGLV.
7. I note the Council's Environmental Protection Officer is satisfied that the proposal would not result in harm to living conditions of neighbouring residents; however, the noise-sensitive receptors are located some distance away from the appeal site itself. It is proposed to limit operation to between 07:00 and 23:00, there would therefore be potential for generators to operate continually during those hours. The day specific sound level map¹ shows the sound from the proposed development would be up to 70.0dB(A). Even if nearby residents would be unaffected by noise, in my judgement, the proposal would significantly undermine the tranquillity of the site's more immediate environment, failing to conserve or enhance the AGLV as a result.
8. The appellant argues that the proposed generators would play a supporting role to the adjoining solar farm and ensure security of supply locally. There would therefore be some benefits resulting from the provision of a back-up supply of electricity to the local network, which weighs in favour of the appeal scheme. However, there is little substantive evidence to indicate the extent to which the proposal is specifically needed to support the neighbouring solar arrays. Moreover, the proposed facility itself is a non-renewable energy source that would introduce 10 diesel generators, leading to an increase in air pollutants including nitrogen dioxide, carbon monoxide and hydrocarbon concentrations². While the proposal would provide top-up electricity to the grid during periods of high demand, in itself, the development would not be sustainable. The anticipated 24 deliveries of diesel to the site each year, while not defined as a 'significant' change, would introduce heavy-duty vehicles to the site twice a month. This would lessen the sustainability of the proposal and further undermine the rural characteristics and tranquillity of the AGLV.

¹ Noise Assessment, April 2016

² Air Quality Assessment, June 2016

9. While the appellant asserts that the proposed development would be reversible, there would be significant harm to the character and appearance of the area for its lifespan. Even if conditions restricting the lifetime of the development, or linking it to the adjacent solar arrays, could be imposed, they would not mitigate the adverse effects of the development. In light of the above, I consider the harm to the character and appearance of the area, including the AGLV, would significantly and demonstrably outweigh the benefits and the proposal would not be sustainable development in accordance with the criteria within the Framework.
10. I conclude that the proposed development would fail to preserve the character and appearance of the area and would result in material harm to the distinctive landscape qualities of the AGLV. The development would therefore run contrary to Policies 12 and 23 of the Cornwall Local Plan, 2016 and saved Policy CL9 of the Caradon Local Plan First Alteration, 2007 which requires development is an appropriate response to its landscape setting, sustains local distinctiveness and character of Cornwall's natural environment, and maintains the character and distinctive landscape qualities of the AGLV. The development would also fail to accord with the core principles and policies within the National Planning Policy Framework, insofar as they require recognise the intrinsic character and beauty of the countryside, and require development that contributes to an enhances the natural and local environment.

Other matters

11. I note the appellant's comments in relation to the Council's handling of the original planning application and committee reports, however, these factors do not have a bearing on my determination of the appeal, which relies solely on its individual planning merits.
12. The Council have not referred to any potential impact of the proposal on the setting of nearby designated heritage assets, or identified any conflict between the proposal and their conservation. However, in consideration of the location of the appeal site, I find the surroundings in which the heritage assets are experienced would be unaffected. I therefore conclude, owing to the nature of the proposal in terms of its scale, location and appearance, the setting of nearby heritage assets would be preserved and there would be no harm to their significance. A lack of harm in this regard, however, does not alter my overall conclusion.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR