
Appeal Decision

Site visit made on 15 December 2016

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 7 April 2017

Appeal Ref: APP/X1925/W/16/3156843

Land opposite Wymondley Grid Station and to the south of Sperberry Hill, St Ippolyts, Herts

- 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 GEUK Direct against the decision of North Hertfordshire District Council.
 - The application Ref 15/01532/ 1, dated 8 June 2015, was refused by notice dated 24 February 2106.
 - The development proposed is the installation of a 5MW Solar PV Park complete with inverters, CCTV, security fencing, soft landscaping, substation, grid connection, access, and all ancillary works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - Whether the proposed solar farm constitutes inappropriate development in the Metropolitan Green Belt for the purposes of advice in the National Planning Policy Framework (NPPF) and development plan policy;
 - The effect of the proposed development on the character and appearance of the area and the openness of the Metropolitan Green Belt; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Policy background

3. The development plan for the area includes the North Hertfordshire District Local Plan No.2 with Alterations (LP) adopted in 1996. The LP is silent on renewable energy development. Policy 2 is referred to in the reasons for refusal and concerns development in the Green Belt. It advises that the uses of land will be kept open in character. Planning permission will only be granted for appropriate development which would not result in significant visual impact, or in very special circumstances. This reflects the national guidance available at the time set out in Planning Policy Guidance Note 2 *Green Belts*. As far as this proposal is concerned, the aims of policy 2 are consistent with the up to date
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- guidance on Green Belts in the National Planning Policy Framework (NPPF) of 2011.
4. The NPPF requires as a core principle that *'planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'*. Section 11 of the NPPF also seeks to conserve and enhance the natural environment. However, paragraph 97 indicates that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. Paragraph 98 says that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved if their impacts are (or can be made) acceptable.
 5. National policy as a whole supports and encourages the development of renewable energy sources. Photovoltaic development (PV) is a key technology in achieving this. Paragraph 5.9.18 of the Overarching National Policy Statement for Energy (EN-1) says that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed areas and that a judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project.
 6. National Planning Practice Guidance (PPG) advises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include (as relevant to this scheme):
 - Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 7. The guidance makes specific reference to a speech by the Minister for Energy and Climate Change to the solar PV industry on 25 April 2013, in which the Minister encourages development on brownfield land, low grade agricultural land and on buildings; and to a Written Statement to Parliament in March 2015. The Written Statement sets out the Government's most recent aims on solar energy development amongst other streamlining objectives. The Secretary of State said amongst other things: 'We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be

considered on its individual merits, with due process, in light of the relevant material considerations.'

8. The planning guidance also states in relation to all renewable energy development that the need for renewable or low carbon energy does not automatically override environmental protections; cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases; local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas; and great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.

Whether the proposed solar farm would be inappropriate development

9. The proposed solar farm would include solar panels, their supports and ancillary buildings. The development would not fall within any of the exceptions listed in paragraph 89 of the NPPF and would therefore be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Having said that, paragraph 91 advises that *'when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'*

The effect on character and appearance and openness

10. The appeal site consists of around 7.65 hectares (ha) of an arable field of a total area of about 8.44 ha in open countryside close to the village of St Ippolyts. The site lies in an area designated as Landscape Character Area (LCA) *Wymondley and Titmore Green*. The character of the LCA is, in brief, a gently undulating chalk ridge and valley landscape with occasional woodland tree belts. Arable use with hedgerows predominates, sometimes in large blocks. The area of panels proposed is on relatively higher ground, consequently benefiting from views towards Preston and Pinnacle Hill to the south and west. Adjacent to the site to the north east behind woodland is a major electricity infrastructure installation, the Wymondley transformer complex. Large pylons and local electricity poles cross the field, in which the panels would be arranged to face south.
11. The LCA sets out management objectives, including the need to reinforce and promote ancient woodland and hedgerow restoration, the extension of the rights of way network and the retention of the rural character and intimate scale of the area. It advises that new development should be avoided in visually intrusive locations, such as on upper ground or where they would be visible on the skyline.
12. The panels would be just under 1.7 metres (m) high and would occupy the flattest part of the plateau in the southern portion of the field. New hedgerow and tree planting is proposed to screen the development. Despite this,

although the steepest corner of the field would not contain panels, most of the development would still be visible seen from higher ground within a relatively short distance, mainly from Mill Hill and Almshoe Bury to the south and from the opposite side of the valley to the west and some other locations. The panels would be particularly noticeable in the northerly view from Almshoe Bury. This is a consequence of the undulating landscape, which limits the effectiveness of the proposed hedgerow screening. The Ippollitts Brook valley lies to the west of the site and facilitates the long views. Whilst the landscape is affected by existing vertical power infrastructure, the addition of a strong new horizontal element in the form of blue/black glass panels with reflective qualities would substantially increase the harmful impact on character. The impact would be for up to 25 years. Moreover, the Wymondley transformer station is not conspicuous in these views.

13. Turning to visual amenity, new hedgerow screening planting would be effective within 5-10 years for users of the roads and public rights of way that surround the immediate site. The area is criss-crossed by linked public rights of way including the Hertfordshire Way and the Chiltern Way which are long distance paths. I saw that these are well used, probably because of the close proximity of the towns of Hitchin and Stevenage. The Hertfordshire Way circumnavigates Hertfordshire and passes across sloping land north of Almshoe Bury. From here, looking north, the viewer would be about 10m higher than the appeal site and there would be a direct view of the panels as part of a broad landscape experience for a significant distance along the path. This is most clearly envisaged in the appellants' photomontage viewpoint 4. The panels in this view would appear conspicuously out of keeping. Although the edges of the scheme would gradually be softened by new planting, it would not be possible to mitigate for the long term visual impact.
14. I conclude on the main issue that whilst the development would facilitate restoration of some hedgerow and woodland features, the undulating nature of the landscape means that the extensive area of panels would be highly visible from high ground within a radius of 1 kilometre (km) and further afield. There would be a considerable period within which passers-by would notice the panels at close quarters until screening develops. The introduction of development of an industrial character would diminish openness, detract from landscape character and have a noticeable detrimental effect on the experience of visitors and residents.

Other matters

15. The Chilterns Area of Outstanding Natural Beauty lies about 4 km to the north west. This is beyond a distance at which any significant impact would be experienced. Similarly, although there are listed buildings in St Ippolyts, along the B656 and a Grade II listed building near the site, their setting and heritage significance would not be noticeably affected because of existing screening and/or topography.
16. The agricultural land classification (ALC) of the area proposed for development is indicated to be almost all Grade 3a, the remainder being in Grade 2. The NPPF says that grades 1, 2 and 3a are considered to be best and most versatile (BMV) agricultural land. There is no prohibition on the use of any particular grade of agricultural land or BMV land for solar panels, but paragraph 112 advises that areas of poorer quality land should be used in preference to that of

a higher quality. Having regard to the Written Statement to Parliament of 2015, the proportion of Grade 2 and 3a land in the area generally is high. I accept that it might be difficult to find lower quality land in this area with an appropriate grid connection. This matter does not count against this scheme.

Conclusion

17. The installed capacity of 5MW of renewable electricity, sufficient to power 1250 homes and offsetting the production of about 2000 tonnes of CO₂ is a very important factor in favour of the scheme. It would make a significant and meaningful contribution to renewable energy supply in the area and would contribute to the legally binding target to achieve 15% of all energy generated from renewable resources, including electricity, heat and transport, by 2020. I have also taken into account the proximity of a grid connection. Against that, the proposal would significantly diminish the character and appearance of the area and the openness of the Green Belt in a prominent location, detracting from the experience of those living in and those visiting and enjoying the wider area, which is close to two large towns. For 25 years, there would also be a significant and ongoing harmful effect on landscape character and visual amenity. The scheme would conflict with the Green Belt protection aims of policy 2 of the LP and national guidance.
18. The harm caused by reason of inappropriateness, together with the effect on the openness of the Green Belt and the detrimental impact on landscape character and visual amenity are not outweighed in this case by the benefits of the renewable energy produced. The benefits do not amount to the very special circumstances necessary to allow the scheme to proceed.
19. For the reasons above, the appeal must be dismissed.

Paul Jackson

INSPECTOR