



Appeal Decision

Site visit made on 17 December 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2020

Appeal Ref: APP/H1033/W/19/3238572

Leaside Cot, Hague Bar, New Mills, High Peak SK22 3AT

- 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 Robert Griffiths against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0184, dated 17 April 2019, was refused by notice dated 29 July 2019.
 - The development proposed is to install solar panels to the rear of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - if the development is inappropriate, 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 development.

Reasons

Whether the proposal is inappropriate development within the Green Belt

3. The Government attaches great importance to Green Belts. Paragraph 133 of the National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At paragraph 143 the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
4. Policy EQ4 of the High Peak Local Plan 2016 (LP) seeks to maintain the openness and permanence of the Green Belt and states that within the Green

Belt, planning permission will not be granted for development unless it is in accordance with national planning policy. Hence, the policy is consistent with the Framework.

5. The proposal is for the installation of twelve solar panels arranged in two banks of six on land to the rear of, but within the grounds of the host property, Leaside Cot. The tilted frames that would each support three panels would measure approximately 3 m long and 1.7 m deep and would hold the panels between 500-700 mm from ground level. Due to the steep incline of the site the exact positioning of the panels would vary. However, I was able to see during my site visit an area of land measuring approximately 10 m x 10 m that had been marked out and which corresponded with the submitted plans.
6. For renewable energy projects located in the Green Belt, paragraph 147 of the Framework requires developers to demonstrate very special circumstances. The development would not fall within any of the building exceptions contained within paragraph 145 of the Framework. In addition, the proposal would not meet any of the other exceptions under paragraph 146. Consequently, I find that the proposed development would constitute inappropriate development, which is by definition, harmful to the Green Belt and to which substantial weight should be given. The development would therefore conflict with Policy EQ4 of the LP as well as the Framework.

Openness

7. The fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt is clearly evident around the site, particularly as the steep incline of the hillside enables far reaching views across the hillside and valley. The solar panel structures would be located in the corner of an area of open land which the appellant suggests is within the residential curtilage of the host property. Whilst I do appreciate that the delineation of garden boundaries is not strictly necessary and that the land is within the same ownership as the host dwelling, I note that there is an area of landscaped garden surrounding the property that is demarked by a boundary treatment and is more residential in character due to the fact that it is host to domestic paraphernalia, planting and structures. I find that whilst there are some fruit trees beyond this garden area the appeal site has a more open, rural feel irrespective of whether or not any part of the appeal site could reasonably be described as domestic curtilage or not.
8. Nevertheless, the proposed development would be located in the corner of the field and on an area of land that would not extend beyond the line of the existing neighbouring gardens. It would be partially screened by planting and due to the fall of the land and the positioning of the host property and garden it would not be overly conspicuous. The solar panel structures would be modest in size and scale in relation to the surrounding field and would not be visible from the wider area other than from the public footpath to the east. However, whilst the visual impact on openness would be modest the proposal would still have a spatial impact on openness arising from the introduction of significant built form into an open field where otherwise there is no other development.
9. Consequently, the proposal would cause significant harm to the openness of the Green Belt and would undermine the fundamental aim of keeping Green Belt land permanently open. As a consequence, it would conflict with LP Policy EQ4 and the Framework.

Any other harm- Character and appearance

10. The host property sits at the end of a row of dwellings which line the north side of Hague Bar Road. The properties sit on a steep incline and consequently houses sit at a higher level than the road. The appeal site sits to the rear of the last house in the row and beyond the immediate area of garden which surrounds the house. The field in which it sits is relatively open, interspersed with clusters of gorse and natural landscaping. Whilst there are some buildings located sporadically in the wider landscape around the appeal site these are not easily visible from the site due to the steep incline. Therefore, the area overall has an open and rural character and appearance.
11. The proposal would introduce a significant element of built form into a part of the rural landscape that is otherwise devoid of development. The structure would be modern in appearance and would be prominently located on a steep hillside. Whilst I accept the appellant's submission that the proposed landscaping would offer partial screening, I do consider that the proposal would introduce an alien feature into an area of open land that is rural in character and would therefore have a significantly detrimental effect on the rural landscape character of the area. In this regard I find conflict with Policies EQ2, EQ3 and EQ6 which collectively, amongst other things aim to protect and enhance the integrity, character and appearance of the rural landscape by supporting well designed, development.

Other considerations

12. The solar panels would provide power to the host property Leaside Cot. Renewable energy is supported in Chapter 14 of the Framework as part of a low carbon future in a changing climate. I note that Policy S1 of the LP is also supportive of renewable and low carbon forms of energy where they are considered to be acceptable against all other development plan policies. There would be some environmental benefit in helping to address climate change attributed to the reduction of carbon emissions as well as energy and cost savings. However, I consider that these benefits would be small, localised and principally of private benefit to the appellant and would not constitute the wider environmental benefits indicated in paragraph 147 of the Framework.
13. I acknowledge the appellant's reference to paragraph 154 of the Framework and accept that the proposal would undoubtedly make a valuable, albeit, small scale, contribution to the reduction of greenhouse gas emissions. However, the benefits associated with the other considerations combined are relatively modest.

Other Matters

14. I have considered the comment with regard to Council's handling of the planning application. However, I must determine the appeal on its planning merits.

Conclusion and Planning Balance

15. I have found the proposal to be inappropriate development within the Green Belt and harmful to Green Belt openness to which I must attach substantial weight. I have also found harm to the character and appearance of the area. I find that the other considerations are not sufficient to outweigh the totality of

harm. Consequently, the very special circumstances needed to justify to the proposed development, do not exist.

16. Thus, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR