



## Appeal Decision

Site Visit made on 22 June 2021

**by Samuel Watson BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2021**

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**Appeal Ref: APP/G4620/W/21/3271775**

**Land to rear of 20 Miles Grove, Dudley DY2 7TQ**

- 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 Martin Taylor against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref DC/20/64951, dated 2 November 2020, was refused by notice dated 13 January 2021.
  - The development is 18 No. ground mounted solar panels.
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### Decision

1. The appeal is allowed and planning permission is granted for 18 No. ground mounted solar panels at Land to rear of 20 Miles Grove, Dudley DY2 7TQ in accordance with the terms of the application, Ref DC/20/64951, dated 2 November 2020, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the approved plan: No 1a

### Preliminary Matters

2. The solar panels that are the subject of this appeal have already been installed. This appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
3. The development was amended during the application process and no longer reflects the description of development the appellant originally applied for. Therefore, in the interests of clarity the description set out above has been taken from the Council's decision notice. I have also removed the phrase "retention of" from the description as this is superfluous.

### Main Issues

4. The main issues in this case are the effect of the proposal on:
  - the character and appearance of the area; and,
  - local ecology and biodiversity.

### Reasons

#### *Character and appearance*

5. The appeal site is located within an open field directly behind the boundary fences and hedgerows serving a row of residential gardens. The field is part of a larger group which contain mature trees and hedgerows, and are collectively

surrounded by a built-up area. This area is part of the Rowley Hills Strategic Open Space (SOS) the character of which I find to stem from its open and rural nature which is discrete from the adjacent built-up residential area. Whilst not a part of the development before me, I note that a post and rail timber fence has been erected around the solar panels.

6. The solar panels are set out on a low, linear frame which is relatively lightweight in its construction and appearance. As a result, during my observations on site, I found they were not intrusive and did not compete with the mature planting in contributing towards the open and rural character of the area. Moreover, the panels are set closely to tall boundary treatments at the back of the appeal site and there are a substantial number of mature trees, hedges and bushes surrounding the field. Collectively these features go some way to soften and screen the solar panels. Therefore, given the above and the low height of the panels, they are not prominently visible from surrounding properties or public views to the detriment of the continuous and wide open character of the area.
7. I therefore conclude that the solar panels, as a result of their siting and scale do not harm the character and appearance of the area and as such comply with Policies EOS3 and EOS9 of the Site Allocations and Delivery Development Plan Document (adopted December 2012, the SAD) which require development to, amongst other things, be appropriate and compatible with its surroundings and not prejudice the character of the SOS. It also complies with Paragraph 170 of the National Planning Policy Framework (the Framework) which requires, amongst other things, development to protect valued landscapes.

#### *Ecology and biodiversity*

8. The appeal site is within a Site of Local Importance for Nature Conservation (SLINC) which provides wildlife corridors and habitats. From my observations on site it is clear that the importance of this area (in ecological terms) stems from the mixture of open fields and wooded areas bounded by hedgerows and other vegetation.
9. The solar panels and the framework upon which they sit were in place at the time of my visit, and I have not been provided with any details of how the appeal site would have appeared prior to the development. However, to the front and sides of the site is short grass, the same as that which makes up the main body of the field, to the rear, along the hedgerow, was a mixture of low vegetation. Given its position it is likely that the development works would have resulted in the loss of a mixture of both of these features.
10. However, given the small scale of the development, and especially in relation to the size of the area as a whole, it is unlikely that it would have resulted in the significant or unacceptable loss of either feature to the detriment of the provision of wildlife habitats and corridors. Moreover, at the time of my visit tall grasses and wildflowers had grown within the appeal site, which are likely of some benefit to the overall biodiversity of the area.
11. Whilst I note the Council's concerns regarding the effect of the solar panels themselves on the function of the area as a wildlife habitat and corridor, the Council have not demonstrated how this harm would occur. Mindful of the above, and the lack of any evidence to the contrary, I therefore find that the panels are not detrimental to wildlife and their habitats on or near the site.

12. As such the solar panels, by way of their scale, siting and nature, do not unacceptably affect the function of the area as a wildlife habitat and corridor, and therefore comply with Policies ENV1 and ENV7 of the Black Country Core Strategy (2011), and Policy EOS3 of the SAD. These policies, amongst other things, require development to protect the natural environment including wildlife habitats, corridors, the SOS and the SLINC. The development also complies with the overarching natural environment aims of the Framework including at Paragraph 170 which requires development to protect sites of biodiversity value.

### **Other Matters**

13. Given the particular location and small scale nature of the development, as well as its purpose in creating green energy, I find this development to have a set of factors which, taken collectively, mean that allowing it would not set a precedent for future development.

### **Conditions**

14. As the development has already been carried out it is unnecessary to impose the statutory time limits condition. However, for the sake of clarity I have imposed a condition listing the plan drawings.
15. The council did not submit any suggested conditions for in the event of the appeal being allowed. Mindful of this, the scope of the development, as well as my foregoing findings and the evidence before me, I find that it would not be necessary to impose any further conditions.

### **Conclusion**

16. For the reasons given above, and considering the development plan as a whole, I conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR