



Appeal Decision

Site visit made on 21 June 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/M9496/W/22/3291597

**Back Forest Farm, Hazelwood Road, Swythamley, Rushton Spencer
SK11 0RF**

- 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 John Suffolk against the decision of Peak District National Park Authority.
 - The Application Ref NP/SM/0621/0682, dated 20 June 2021, was refused by notice dated 18 August 2021.
 - The development proposed is 36 solar panels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Various configurations of the proposed arrangement of solar panels are referenced in the appeal documentation. For example, the Planning Statement (by MPD Built Environment Consultants Limited, June 2021) refers to a proposal for either 3 rows of 12 panels with a maximum height of 2.6m, or 4 rows of 9 panels with a maximum height of 4.5m. The Landscape and Visual Impact Assessment (by Annabell Langhorn, June 2021) (LVIA) states that it has been prepared to support a planning application for panels set out in a 3 by 12 grid. However, both the LVIA and the subsequent wireframe photomontages relate to a scheme comprising 2 rows of 18 panels, with a maximum height of 2.19m.
3. Nevertheless, as the proposal was submitted as an application for full planning permission, it is necessary for the proposed layout to be defined. The submitted block plan (Ref 105) shows the panels in a 3 by 12 grid. That is the arrangement on which the Peak District National Park Authority (the Authority) made their decision. In the interests of transparency and fairness to all parties, I have determined the appeal on the same basis. The appellant highlighted another decision from 2014 (the Wetwood Farm scheme) for which the Authority included a condition relating to an interpretation panel (Ref: NP/SM/1014/1046). However, that condition is understood to relate to installation of an information panel, rather than being a means of seeking agreement on the precise configuration of the scheme post determination.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, having regard to its location within the Peak District National Park.

Reasons

5. The appeal site comprises a field adjacent to a private access road which leads steeply down to Back Forest Farm (the farm). There are undulations within the field such that it slopes up away from the road but falls away again towards the northern end of the site. It therefore occupies a slightly elevated position relative to the farm and access road with a good level of visibility from surrounding land due to open post and rail fencing. The field is separated from the farm by a public footpath (Dane Valley Way/Leekfrith 48). Scattered gorse bushes are present close to the boundary with the public footpath providing an element of screening.
6. The appeal site is within a landscape with local undulations but that generally slopes downwards towards the river Dane. Ridge lines are visible in all surrounding directions. Tree cover is relatively sparse on higher ground with more dense woodland blocks closer to the river. In the vicinity, fields are generally separated by dry stone walls or post and rail fencing. Clusters of farm buildings are visible across the landscape, comprising farm houses and agricultural barns of varying sizes.
7. The appeal site is within the South West Peak national character area (NCA). Its key characteristics include a ridge-and-valley landscape of distinctive pattern and character, as well as an enclosed farmed landscape with a pastoral character. Within the South West Peak, the site falls within the Slopes and Valleys with Woodland landscape character type (LCT). Key characteristics include its undulating topography, permanent pasture fields enclosed by hedgerows and trees, scattered farms and loose clusters of dwellings. Therefore, the appeal site is characteristic of these landscape classifications within the National Park. It is also characteristic of the qualities of tranquillity and remoteness that the National Park designation seeks to protect and enhance.
8. Within the appeal site, the proposed solar array would be positioned to be parallel to the footpath boundary, but set back from it. The footprint of the proposal would be broadly comparable to that of nearby farm buildings and it would be lower in height. However, it would introduce a new built form of a type that is not characteristic of its setting, being neither a farm house nor an agricultural building. Although grazing could continue around the scheme, the introduction of a solar array would be a notable change in character to part of the existing field. This change could be time limited, with restoration of the site upon removal of the solar panels at a future time. Nonetheless, the existing remote, unspoilt nature of the site would be lost for the lifetime of the development.
9. Given the modest size of the proposal, occupying a relatively small proportion of the field, the landscape harm would be minor. Over time, the landscape impact from additional tree and hedge planting could contribute to the mosaic of woodland in the surrounding area. However, given the limited extent of the landscaping proposed such a contribution would be modest. Furthermore, the

planting could not reasonably be enhanced to be so extensive as to fully mitigate the harm to landscape character, without unduly shading the appeal scheme. Such dense landscaping might also lead to landscape harm. No robust evidence is before me to the contrary.

10. There are numerous footpaths through the landscape surrounding the appeal site. Users of those footpaths are likely to be aware they are within the National Park and so their sensitivity as visual receptors would be very high. Given its proximity to the Dane Valley Way/Leekfrith 48 footpath adjacent to the northern site boundary, the appeal scheme would be highly visible to users of the footpath on approach to the site from the west, at relatively close range.
11. From that direction, their gaze would be drawn to the path ahead which slopes upwards towards the appeal scheme, providing a clear line of sight of the proposal. The wireframe for viewpoint 1 shows the proposed 2 by 18 solar panel grid projecting a considerable way above the brow of the hill. Whilst I am considering the 3 by 12 grid formation this confirms that such a formation would also be seen above the brow of the hill from viewpoint 1. Similar views are likely to occur for users of the footpath between viewpoint 1 and the site. Furthermore, in those views the proposed 3 by 12 grid would appear noticeably wider and slightly taller than indicated by the wireframe.
12. The proposed planting scheme, to include a native species boundary hedge and a cluster of new planting including some trees, would help soften the appearance of the solar panels resulting in more filtered views from this section of footpath. However, without a section or elevation drawing of the proposed solar array, I am not satisfied that the landscape mitigation would effectively screen the proposal on approach from the west, particularly given the higher ground level within the site relative to the footpath.
13. In addition, due to leaf fall from deciduous trees, even once matured after some years there would be seasonal variation in the extent of screening, with the scheme being considerably more visible in winter months. Therefore despite the mitigation, the proposal would remain noticeable and disrupting to those high sensitivity users experiencing the rural National Park landscape from this viewpoint. No robust evidence is before me to indicate otherwise. Consequently, the magnitude of this visual harm would be medium.
14. To the south of the site, Leekfrith 28a footpath runs along higher ground. There are sections of that path where the position of the footpath relative to the adjacent dry stone wall affords open views down on to the appeal scheme. Viewpoint 11 in the LVIA is representative of one such view. The proposed development would be visible against the backdrop of woodland that flanks the river Dane. Nevertheless, the full length of the appeal scheme would be seen from that footpath, without intervening vegetation or screening. In addition, from that perspective the appeal scheme would appear distinctly separate from the existing farm house, noticeably set back from it. It would consequently appear as a new, substantial built form, markedly urban amongst the rolling landscape that surrounds it. Given the degree of separation of the views from that footpath and the proposal, the magnitude of the visual harm would be minor.
15. There would be some visibility of the proposed development from Wincle FP25 footpath. However, given the greater degree of separation from the appeal site and intervening vegetation, the harm to users of that footpath would be

negligible. The proposal would also be visible to users of roads travelling through the surrounding landscape. For example, from the unnamed road to the north of the appeal site indicated by LVIA viewpoints 16 and 17. However, from these and other public roads, visibility of the proposal would be more filtered by intervening vegetation. Moreover, users of those roads are likely to be travelling at greater speeds and therefore much less sensitive to changes in the more distant landscape.

16. In drawing together the visual effects for highly sensitive receptors using the Dane Valley Way footpath and Leekfrith 28a, the appeal proposal would result in a noticeable deterioration of views and experience which I am not satisfied would be meaningfully offset by the proposed landscaping. Consequently, the magnitude of visual harm would range from negligible to medium.
17. The Peak District Landscape Strategy and European Landscape Convention Action Plan (July 2009) (Landscape Strategy) confirms that small-scale renewable energy for local needs is envisaged within South West Peak, including in some parts of the Slopes and Valleys with Woodland LCT. It seeks to increase renewable energy use within new development and the management of woodlands, where it would have a positive impact on landscape character. The proposed native hedgerow and area of additional planting, in isolation, could contribute to the mosaic of woodland in the surrounding area. However, similar landscaping would not be reliant on the scheme before me, would not fully mitigate the landscape and visual harm of the appeal scheme, and hence would not amount to an enhancement of landscape and scenic beauty.
18. I acknowledge the letter of support from the CPRE. However, the LVIA to which they refer showed a scheme of different dimensions to the one that the Authority determined. Furthermore, as their letter acknowledges, the marker posts placed on site to indicate the visibility of the scheme from the surrounding landscape did not reflect the full height of the proposed array. It is also unclear how accurately the positioning of the posts reflected the proposed scheme. Like the authors of that letter, I have visited the site and relevant viewpoints and, for the reasons given above, I conclude on the main issue that the appeal scheme would unacceptably harm the character and appearance of the area, including the landscape and scenic beauty of the National Park.
19. The appellant highlights the approved Wetwood Farm scheme comprising 600 solar panels. However, details of the Authority's reasoning on that scheme are not before me. In any event, effects of development proposals in the National Park are highly context specific. Moreover, that scheme would in all likelihood have been capable of considerably greater energy generation, amounting to greater public benefit.
20. Details of a solar scheme granted at Tagg Lane, Monyash are also provided (Ref NP/DDD/0122/0035). Whilst that site is also within the Peak District it is described as being within the Limestone Plateau Pastures LCT. I observed that the immediate context of that site is much flatter and appears less remote, being close to the A515, and visually linked with a complex of buildings relating to the Tagg Lane Dairy. Therefore, I am not persuaded that the context of those two schemes is sufficiently similar to the proposal before me to alter my reasoning.

21. Consequently, the proposal would conflict with Policy CC2 of the Peak District National Park Core Strategy Development Plan Document (October 2011) (Core Strategy) which supports proposals for renewable energy development where there is no adverse effect on landscape character or other valued characteristics. Accepting that few solar schemes would meet the requirement for enhancement and landscape character, I find conflict with Policy L1 of the Core Strategy for proposals to both preserve and enhance valued landscape characteristics. It would similarly conflict with Policy GSP1 of the Core Strategy which requires that development is consistent with the National Park's legal purposes and duty, and conservation and enhancement of the National Park will be given priority when there is irreconcilable conflict between the statutory purposes.
22. Policy GSP3 of the Core Strategy has adaptation and mitigation of climate change as a key principle. However, the proposal would conflict with other key principles of GSP3 and the policy as a whole which aims to ensure that proposals respect, conserve and enhance all valued characteristics of the proposed development site. For similar reasons, the proposal would conflict with Policy DMC3 of the Peak District National Park Development Management Policies¹ (May 2019) (Local Plan), which requires that proposals are of a high standard of design that respects, protects and where possible enhances the natural beauty of the landscape.
23. The National Planning Policy Framework (the Framework) offers in principle support for small-scale renewable energy schemes (chapter 14). There is no requirement in the Framework to demonstrate the need for such renewable energy schemes. Further, there is recognition that small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions (paragraph 158.a)). Nevertheless, it has not been robustly demonstrated that impacts of the proposal are (or can be made) acceptable. In light of the great weight to be given to conserving and enhancing landscape and scenic beauty in National Parks, the proposal would conflict with the Framework as a whole.
24. Similarly, the Authority's Climate Change and Sustainable Building Supplementary Planning Document (March 2013) (SPD) offers in principle support for renewable energy schemes which should be designed to minimise visual impact (paragraph 9.2.2). The proposal has been designed to minimise its visual effects, including through the proposed choice of panel colour. Nonetheless, whilst ground mounted solar arrays are favoured in some instances, particularly involving historic buildings, the SPD specifies that ground mounted solar arrays outside the curtilage of a building should be avoided (paragraph 9.2.9). Therefore, the SPD does not provide clear support for the proposal in this instance.

Other Matters

25. The proposal would reduce the farm's reliance on energy from non-renewable sources, with the stated intention that it would provide 100 per cent of its energy from renewable sources and allow for the removal of an existing boiler. It would consequently result in greater energy security for the farm and some modest economic benefits to the farm business. However, for the above reasons, the proposal would conflict with the development plan and the Framework as a whole.

¹ Development Management Policies: Part 2 of the Local Plan for the Peak District National Park (May 2019)

Conclusion

26. For the reasons set out above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR