



Appeal Decision

Site visit made on 17 June 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2022

Appeal Ref: APP/R0335/W/22/3294302

Cokeley Mead, Ryehurst Lane, Binfield, Bracknell RG42 5QZ

- 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 Raymond Livesley against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/00855/FUL, dated 25 August 2021, was refused by notice dated 24 November 2021.
 - The development proposed is described as 'To install a 10Kw ground mounted PV solar panel system in the field at the back of the property'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt; and
 - Whether the harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by the other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. The solar panels are proposed to be installed in a field to the north of Cokeley Mead that is located within the Green Belt.
4. Government attaches great importance to Green Belts, with the Framework identifying that development within the Green Belt is inappropriate, except for specific developments that are listed at paragraphs 149 and 150.
5. Policy CS9 of the Core Strategy Development Plan Document, adopted February 2008 (Core Strategy) and Saved Policy GB1 of the Bracknell Forest Borough Local Plan, adopted January 2002 (Local Plan), set out a presumption against inappropriate development in the Green Belt. Policy GB1 of the Local Plan establishes a few limited exceptions, including some uses of land that

preserve the openness of the Green Belt. The aims of these policies are broadly consistent with the Green Belt provisions of the Framework.

6. The proposal is not one of the listed exceptions under either the Framework or Saved Policy GB1 of the Local Plan. Accordingly, the appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful.

Openness

7. The Framework also sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence.
8. The area that the development is proposed to be located within is devoid of buildings or structures. The proposed solar panels would be located relatively centrally within the field, set away from its boundaries. Due to their scale and siting within the field, alongside mature vegetation at the site's boundaries, views of the solar panels would be extremely limited from public vantage points. The trees that have been planted by the appellant, once matured, would further screen and limit views of the proposal.
9. However, the concept of openness does not relate directly to visibility or visual harm but to the absence of building and development. It follows that openness can be harmed even when development is not readily visible from the public domain. The installation of solar panels covering an area of approximately 50sqm and having a height of around 2m, would still have a spatial impact and reduce openness.
10. Accordingly, in addition to the harm arising from the proposal constituting inappropriate development, there is also a degree of harm arising from the loss of openness and from being contrary to one of the purposes of including land within the Green Belt.

Other Considerations

11. The proposed scheme would contribute toward reducing carbon emissions. Given the proposal is of a domestic scale, supporting a single dwelling, the level of renewable energy produced would be rather modest. Nevertheless, the Framework sets out that even small-scale renewable energy projects can provide a valuable contribution to cutting greenhouse gas emissions. Paragraph 151 of the Framework also recognises that very special circumstances may include the environmental benefits associated with the production of energy from renewable sources. I have therefore given significant weight to the renewable energy benefits of the scheme, despite its relatively modest scale.
12. It has been put to me that the solar panels could be removed after a period of around 30 years, with the land then restored to its previous state. The appellant has indicated a willingness to accept a condition to secure their future removal. Although the proposal would be in place for a considerable period, it remains that the development would be reversible and this could be appropriately conditioned. Planning Practice Guidance (PPG) advises on circumstances where a temporary planning permission may be appropriate¹; the proposal does not meet such circumstances. As such, the reversible nature

¹ Paragraph: 014 Reference ID: 21a-014-20140306

of the development weighs in favour of the scheme, albeit only carries moderate weight.

13. It is also suggested that the solar panels are a more efficient use of the land compared to its potential use as a paddock for horses or agricultural use. However, the site is not currently used in such a manner, and there is no compelling evidence before me as to the potential scale of these alternative uses, their likelihood, or their associated impacts. Accordingly, the weight that I have given to this matter is limited.
14. The appellant has already undertaken several measures to improve the energy efficiency and carbon impact of Cokeley Mead. It is also indicated that additional methods to further decarbonise the property, as an alternative to the current proposals, have been considered but were not deemed appropriate. However, limited evidence has been provided to verify that alternative options are not feasible or have been exhausted.
15. The scheme's lack of harm to neighbouring amenity or the character and appearance of the area are to be expected of new development proposals. Therefore, these matters are of neutral consequence in the overall planning balance.

Planning Balance and Conclusion

16. The proposed solar panels would comprise inappropriate development that harms the openness of the Green Belt and the purposes for including land within it. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
17. The Framework makes it clear at Paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The Framework recognises that "very special circumstances" may include the contribution towards increased production of energy from renewable sources. However, this does not indicate that such environmental benefits, of any scale, or in isolation, outweighs harm by virtue of inappropriateness.
18. In this instance, the renewable energy benefits of the proposal and the fact that the development would be reversible after a prolonged period, together with all other matters raised in support of the proposal, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with Saved Policy GB1 of the Local Plan, Policy CS9 of the Core Strategy and the Green Belt provisions of the Framework.

Lewis Condé

INSPECTOR