

Appeal Decision

Site visit made on 15 August 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/C1570/W/22/3294001

Brooklands Farm, High Street, Clavering, Saffron Walden, Essex CB11 4QW

- 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 Noble against the decision of Uttlesford District Council.
 - The application Ref UTT/21/3394/FUL, dated 17 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is the installation of solar panels to provide green electricity to Brooklands Farmhouse.
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Application for Costs

1. An application for costs was made by Mr John Noble against Uttlesford District Council. The cost application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of Clavering Conservation Area.

Reasons

4. The proposal would result in a row of solar panels 40 metres long, set against the backdrop of a hedge within a field that lies within the southern part of the two areas that make up Clavering Conservation Area. The conservation area is characterised by the generally linear form of this rural village and includes a wide variety of historic buildings, often set in a landscaped setting. The open areas within the village, that provide links to the countryside, also contribute positively to the character of the conservation area. The field within which the panels would be set is a large open area in a prominent location given its position on the bend in High Street and its junctions with Middle Street and Stortford Road. The views of this open area and the presence of grassed areas opposite, which includes the bus stop and interpretation boards, make this a focal point within the conservation area.
 5. The proposed row of panels would be clearly evident from the junction of Stortford Road with High Street, beyond the three-bar fence, particularly from the footpath at the point where the hedge along Stortford Road begins.
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Although the panels would be set at an angle which would shorten their perceived length; and they would be of a height that would be below that of the hedge behind them, they would nevertheless be an intrusive and uncharacteristic feature when viewed from this central part of the conservation area.

6. I acknowledge that views would be more limited when moving further along the field boundary footpath adjacent to High Street to the north due to the angle of view; and from the south due to the position of the Stortford Road section of field boundary hedge. Similarly, the views from the bus stop and when approaching from Middle Street would also offer only a small angle of view, limiting the perceived scale of the works. Views from further up Stortford Road would be obscured from the road and pavement by the hedge, although some views would be available when passing the field gate. There would also be limited views from the raised area to the front of the chapel. The photographs provided by the appellant, from the position of the proposed panels, suggest that there would be some visibility from a number of residential properties.
7. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Although care has obviously been taken to reduce the wider visual impact of the panels by setting them well away from the road and against the backdrop of the hedge, they would nevertheless, be apparent from a number of vantage points and they would detract from the appearance of this open area. They would be at odds with the rural character of this part of the settlement. The proposal would fail to preserve or enhance the character or appearance of the conservation area.
8. The production of green energy is a matter that I afford considerable weight. I am also mindful that other options have been considered by the appellant with regard to solar production within the curtilage of the house but these have been found to be impractical. Given the status of the house, this is also a matter that weighs in favour of the development. The proposal would represent a relatively large domestic array but would be small in comparison to commercial proposals. The scale of the benefits are commensurate with its size. Although the council have noted that it has not been identified how much surplus energy would be likely to be available once the requirements of the house, swimming pool and vehicles have been provided for, it would in any event, reduce emissions locally and potentially more generally. There would also be other economic benefits from installation and maintenance. I note too that ecological enhancements are proposed with regard to provisions for wildlife which would also represent a public benefit. I have also had regard to the lack of objections; and the support from the Environmental Health Officer.
9. With regard to the development plan, I find conflict with Policy ENV1 of the Uttlesford Local Plan 2005 (LP) as it would fail to preserve or enhance the character and appearance of the essential features of the conservation area. I find this open area and its surrounds to be such a feature. Although not fully compliant with the heritage requirements of the *National Planning Policy Framework*, the policy is not inconsistent with the legislative duty or the general thrust of the Framework's heritage objectives. I afford it moderate weight.

10. There is dispute as to the weight that should be afforded to LP Policy S7 which seeks to protect the countryside from development unless its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The appellant has put forward reasons for the panels being located in the countryside rather than in the curtilage of the house, although it is not clear if a range of options, including sites outside the conservation area, were considered. In the absence of a comprehensive site selection process, I cannot assume that the panels need to be in this particular location. The panels would detract from the character and appearance of this area and would conflict with the policy's objectives with regard to the countryside. However, given the inconsistencies between the policy and Framework; and given that I have concerns that the policy was not actually directed at proposals such as this, I afford it limited weight in these particular circumstances.
11. Overall, with regard to the development plan, I find clear conflict with policy ENV1. Whilst I have had regard to all of the benefits of the proposal, I am not satisfied that these are sufficient to outweigh this concern.
12. The Framework is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. The harm to the conservation area would be less than substantial. There would be public benefits with regard to the production of green energy and the associated economic activity associated with installation and maintenance. I have had regard to Framework's support for the transition to a local carbon future. Although I afford considerable weight to the public benefits of green energy production, I am not satisfied that the scale of these benefits would be sufficient to outweigh the harm to the conservation area. The works therefore conflict with the heritage requirements of the Framework.
13. The appellant suggests that as the proposal represents sustainable development the test of paragraph 11(d)(ii) of the Framework that the development must be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, should be applied. Even if the development plan policies were considered to be out of date, paragraph 11(d)(i) would apply. In any event, I do find that the adverse impacts of this proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.
14. I have had regard to the suggestion that a condition could require a planting scheme, particularly a hedge, that would screen the panels from view. The suggestion includes a temporary two metres high willow fence which would be placed behind the hedge to provide immediate screening. Although the correspondence with the planning department includes a reference to a separate plan, I have not been provided with a copy of it. Without full details of the position of a proposed hedge and screen, I am not certain what is anticipated. I am unable to assess if it would prevent or satisfactorily reduce the harm. Given the scale of the application red line, a condition without greater detail would be insufficiently precise in any event. I am also not certain that the short-term measures suggested would adequately address short to medium term concerns whilst the hedge established. This would take some years regardless of the size of the initial hedging whips. As I am not satisfied

that the harm could be prevented and given my conclusions, I dismiss the appeal.

Peter Eggleton

INSPECTOR