



Appeal Decision

Site visit made on 7 January 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/J1915/D/22/3306172

Ladygrove, Stanstead Road, Hunsdon, Hertfordshire SG12 8PZ

- 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 Stephen Burton against the decision of East Herts District Council.
 - The application Ref: 3/22/0967/FUL, dated 7 May 2022, was refused by notice dated 25 August 2022.
 - The development proposed is the erection of ground mounted solar array on the site of part of the applicants garden consisting of 72 panels in 2 rows, each row 18 panels long by 2 panels high.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a ground mounted solar array on the site of part of the applicant's garden consisting of 72 panels in 2 rows, each row 18 panels long by 2 panels high at Ladygrove, Stanstead Road, Hunsdon, Hertfordshire SG12 8PZ in accordance with the terms of the application ref:3/22/0967/FUL, dated 7 May 2022, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan(received by the LPA on 10 May 2022);285-05 Rev B; 285-06 Rev B, 285-07 Rev B; 285-08 Rev B and 285-09 Rev B.
 - iii. No development shall commence until there has been submitted to, and approved in writing by the local planning authority, a scheme of landscaping. The scheme shall comprise the planting of a new hedge on the land to ensure that the approved development is screened from all views from Stanstead Road. The planting of the hedge, in accordance with the approved scheme, shall be carried out in the first planting season following the first use or completion of the development, whichever is the sooner. If the hedge or any component part is removed, is seriously damaged or diseased within 10 years, it shall be replaced in the next planting season with another hedge or component part of similar size and species.

Main Issue

2. The main issue is the effect of the proposal upon existing trees and the landscape character of the area.

Reasons

3. The appeal property is a large, detached dwelling located within a defined '*Rural Area Beyond the Green Belt*'. The appeal site is to some extent self-contained given boundary landscaping and entrance gates/walls. Nevertheless, parts of the mainly open and green landscaped grounds can be seen from the main road particularly in the autumn/winter months when trees are without leaf. The surrounding area is mainly open and rural in character and there is overall an absence of built/engineered development. This adds positively and distinctively to the landscape character of the area.
4. The solar arrays would be positioned close to the northern boundary of the site which is undeveloped. The array structure would be 2.5 metres at its highest point. The applicant has commented that non-protected silver birch and pear trees would be removed to enable suitable sunlight to the solar arrays and to '*screen the array from people arriving at the house, we will plant a laurel hedge along the eastern edge, from the northern boundary of the property directly south and then turning east to box in the corner of the array area*'.
5. There is no objection in land-use principle to the formation of solar arrays within the grounds of Ladygrove. Indeed, policy GBR2 (e) of the East Hertfordshire District Plan 2018 (DP) permits limited infilling or the partial or complete redevelopment of previously developed sites. However, the policy requires such development to be '*appropriate to the character, appearance and setting of the site and/or surrounding area*'.
6. In this case, the appellant has not provided detailed plans/information relating to the proposed hedge. There is an aerial image showing in a white line the approximate location of a proposed hedge, but this does not provide the level of detail needed to reach a fully informed view about the proposal in terms of its impact upon the landscape character of the area. However, I consider that such landscaping detail can be determined by way of a condition and that on this basis the development would be suitably screened from the main road.
7. On my site visit, I was able to see that the proposed development would not be located close to existing boundary trees. Despite the views expressed by the LPA, I find that, owing to the separation distance of the proposed solar arrays from existing boundary landscaping, the development would not cause harm to or infringe any root protection areas.
8. I conclude that the proposal would not cause harm to existing trees/vegetation on the site, and that the imposition of a condition relating to the proposed hedge would be sufficient to protect the landscape character of the area. In this regard, the development would accord with the landscape character and design requirements of policies GRB2, CC3, DES2, DES3 and DES4 of the DP.

Conditions

9. I have imposed the standard time condition as well as a condition relating to the approved plans for certainty. In the interests of the landscape character of

the area, I have imposed a landscaping condition requiring the approval of precise details of a hedge on the site. In this case, there is clear justification for this condition to be pre-commencement as it is important that there is certainty that, in terms of the position, height and type of hedge, it would suitably screen the development, and that it is then implemented at an early stage. The appellant has expressly agreed to the imposition of this pre-commencement condition.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR