



Appeal Decision

Site visit made on 2 May 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/G2245/W/22/3297878

Daneby Views, The Lane, Fordcombe, Kent TN3 0RP

- 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 Mrs M Drake Brockman against the decision of Sevenoaks District Council.
 - The application Ref 22/00310/FUL, dated 4 February 2022, was refused by notice dated 29 March 2022.
 - The development proposed is the erection of 12 no. solar panels, native hedging and fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The parties agree that the proposed development constitutes inappropriate development in the Green Belt. Based on the evidence before me, I agree with this conclusion.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the openness and purposes of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the site being located within the High Weald Area of Outstanding Natural Beauty (AONB).
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

4. Paragraph 137 of the National Planning Policy Framework (2021), (the Framework), states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
5. Openness can be perceived spatially and visually. In spatial terms, the proposed Solar Panels and the associated stock fencing would inevitably reduce

the openness of the appeal site as Green Belt by occupying a space on the appeal land that is currently part of the largely undeveloped grass surfaced paddock.

6. Visually, the Solar Panels would be visible on the site in views from a nearby property. They would also be visible to a limited extent in glimpse views from the public footpath that extends through the field to the west of the appeal site and through narrow gaps in the rows of trees and hedgerow plants growing along the western boundary of the appeal site. The thin profiled stock fencing would also be visible until such time as the proposed hedgerow becomes established.
7. The Solar Panels would generally be seen against either the backdrop of dense planting in the form of relatively tall trees and hedgerows that border the open fields. Nonetheless, they would project above the level of the ground by a noticeable extent, with a uniform height across a reasonably extensive area of ground. Set well away from the nearest buildings and seen in the context of the largely open paddock and adjacent open field to the east, the proposed development would erode the openness of the appeal site in both spatial and visual terms.
8. For these reasons, the proposed development would result in a loss of openness to the Green Belt. The loss of openness would be relatively localised to the appeal site and its surroundings, and to a modest extent given its overall scale in terms of both height and land area covered. Consequently, the proposed development would cause a moderate degree of harm to the openness of the Green Belt.
9. As I have found that the proposal would adversely affect the openness of the Green Belt, the proposal would not be consistent with the extracts from Policy SP2 of the Sevenoaks Local Development Framework Core Strategy Development Plan Document (Adopted 2011) (CS), which the appellant has provided. As such, this matter does not weigh in favour of the proposal.

Purposes

10. The proposed Solar Panels would be set well away from the existing dwelling and in the part of the large open paddock that relates more to the countryside than to the built-up parts of the settlement. One of the five purposes of the Green Belt, as set out in Paragraph 138.c) of the Framework, is to assist in safeguarding the countryside from encroachment. The appeal proposal represents encroachment of development into the countryside, and it therefore conflicts with this purpose of the Green Belt, causing a moderate degree of harm.

Character and appearance

11. The paddock at the appeal site is a relatively spacious parcel of land covered with grass, which extends away from the existing dwellings, towards the open rural landscape beyond. It is separated from the relatively open fields to the north and east by low height hedgerows and thin profiled fencing, allowing views across and out of the paddock.
12. Visually, the part of the paddock in the location of the proposed Solar Panels is part of the surrounding rural landscape, which comprises of irregular shaped open fields bordered by rows of trees and hedgerow, with the occasional dense

woodland. The landscape is strongly defined by topography, with a pronounced slope downwards to the valley to the north, providing long distance views across the landscape. Apart from the buildings within the settlement, built development is relatively absent, with only the occasional building visible in the distance. These characteristics give the landscape its scenic quality and rural character and appearance.

13. Once established, the proposed hedgerow would limit the visibility of the Solar Panels in the landscape, particularly its supporting structure. However, even if the hedgerow was retained and maintained at a height no lower than shown on the drawings, the proposed Solar Panels would still be visible.
14. The upper parts of the Solar Panels would project above the proposed hedgerow and be visible from the public footpath that extends through the field to the west of the appeal site. Such views would be glimpsed through the narrow gaps in the rows of trees and hedgerow plants growing along the western boundary of the appeal site and would therefore be limited in extent.
15. Nonetheless, in these views the linear rows of Solar Panels, with their uniform appearance and likely dark and shiny colour finish, would be an uncharacteristic feature within the open grass paddock. They would appear noticeably at odds with the rural landscape.
16. By occupying land elevated well above the public footpaths beyond the northern site boundary, the proposed Solar Panels would not be visible in the landscape from these paths. In long distance views from the valley side to the north, the proposed Solar Panels would be seen against the largely green backdrop of trees and fields, and would barely be perceptible in these views.
17. The proposed development would be relatively small in the context of the entire AONB and reversible, noting that concrete foundations are not required. It would also be visible from a relatively limited number of vantage points. However, for the reasons given above, I conclude that the scale and appearance of the proposed development would have a minor adverse impact on the landscape character and scenic beauty of the AONB, and this would persist over a relatively long period of time. Therefore, the appeal proposal would not conserve or enhance the landscape and scenic beauty of the AONB. I am required by Paragraph 176 of the Framework, to give great weight to conserving and enhancing the landscape and scenic beauty in the AONB.
18. The proposal would therefore conflict with Policies EN1 and EN5 of the Sevenoaks Local Plan Allocations and Development Management Plan (Adopted February 2015), which require development to respect the character of the site and the surrounding area, and conserve and enhance the character and appearance of the landscape within the AONB.
19. As I have found harm to the AONB, the proposed development would not be consistent with the extracts from Policy SP2 of the CS, which the appellant has provided. As such, this matter does not weigh in favour of the proposal.

Other considerations

20. Paragraph 158 of the Framework states that local planning authorities should recognise that even small-scale renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions; and applications for

- renewable development should be approved if its impacts are (or can be made) acceptable.
21. Based on the evidence before me, the proposed development would generate renewable energy for consumption at the appeal property and no others. No substantive evidence quantifying the reduction in greenhouse gas emissions is before me in this appeal. However, the scale of the reduction is likely to be modest given the size of the development and the likely energy demands at the appeal property.
 22. Nonetheless, the appeal proposal would make a valuable contribution to cutting greenhouse gas emissions through generating renewable energy. It would contribute to meeting the Government's climate change targets and the Council's commitment (set out in the Net Zero 2030 Action 2022-2023 document) to assist the District to become Net Zero. Therefore, I give significant weight to the environmental benefits associated with the appeal proposal.
 23. Siting the Solar Panels closer to the appeal dwelling or mounting them on its roof have been discounted due to concerns over efficiency and viability, noting the shading effect of mature trees to the south, and the potential to cause water leaks through the dwelling's roof. Photographs showing shading of a part of the ground area close to the dwelling have been provided. However, the appellant's reasons are expressed in broad terms and are largely unsupported by technical evidence. As such, the relative absence of alternative locations for the Solar Panels to achieve efficient energy generation has limited weight in favour of the proposal.
 24. The proposal's harm to the Green Belt and AONB would persist for a significant duration of time and therefore the reversibility of the proposed development, noting that concrete foundations are not required, carries limited weight in its favour.
 25. The proposal would reduce the need for energy to be supplied to the property from the national grid. However, the reduction in grid supplied energy to the property would likely be modest. There is no substantive evidence that the national grid is under pressure in this location or that energy supply from the grid is not secure. As such, these considerations carry limited weight in favour of the proposal.
 26. The purpose of the hedgerow is to screen the proposed Solar Panels and any biodiversity enhancement derived from the hedgerow would be limited by the scale of development. It therefore carries limited weight in its favour.
 27. No harm would be caused to the living conditions of nearby occupiers of residential properties. However, an absence of harm does not weigh positively in favour of the proposal.
 28. There is no substantive evidence that refusing planning permission for the appeal proposal would leave the appeal property, or those in rural areas generally, dependent on non-renewable energy forever. Such concerns do not weigh in favour of the proposal.

Other matters

29. The Inspector in the Digswell appeal (Ref. APP/C1950/W/19/3225810) accorded substantial weight to the benefits of renewable energy. However, that appeal was for a considerably larger development of some 67 Solar Panels, with a greater renewable energy generating capacity that would deliver greater environmental benefits than the appeal scheme before me. Furthermore, the Solar Panels at Digswell would be sited on land that was not subject to any national landscape designation and within a hollow in the ground, thus limiting the visibility of the Solar Panels in the landscape. As such, the Digswell appeal proposal is materially different in scale and context to the appeal before me and therefore has limited relevance to my considerations.
30. The proposed Solar Panels granted planning permission by the Council at Fernshaw, The Brooms, Seal, would be sited adjacent to a tennis court. They would be close to mature boundaries on two sides, with vegetation establishing on a third, and screened in views from nearby properties. The drawings appear to show the tennis court as enclosed. Although set within the AONB, the site at Seal is therefore materially different in context to the appeal before me and it therefore has limited relevance to my considerations. In any case, I am not bound by the decisions of the Council.
31. On the evidence before me some general similarities can be drawn with the cases in Digswell and Seal. However, each case must also be determined on its own merits and such proposals are subject to various site-specific considerations and judgements. Having done so in this appeal, the cases brought to my attention do not alter my conclusions on the main issues.

Green Belt balance and conclusion

32. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. In having regard to established caselaw, I must therefore give substantial weight to the proposal's harmful effect on the openness of the Green Belt and encroachment into the countryside. The other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness, harm to openness and encroachment into the countryside, and the harm to the character and appearance of the AONB. Consequently, the very special circumstances necessary to justify the development do not exist.
33. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As such, the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.
34. The proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR