



Appeal Decision

Site visit made on 12 September 2023

by J Woolcock BNatRes MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/N0410/W/23/3317099

**Shardeloes Farm Equestrian Centre, Cherry Lane, Woodland,
Buckinghamshire HP7 0QF**

- 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 Tony Williams against the decision of Buckinghamshire Council.
 - The application No.PL/22/1533/FA, dated 23 June 2022, was refused by notice dated 23 August 2022.
 - The development proposed is the installation of a 234-panel ground mount solar PV system.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application plans include details about two types of panels. The top of the Perlite panels would be 2.584 m above ground level, whereas the top of the JA panels would be 3.210 m above ground level. Given that either would be permitted if planning permission were to be granted, I have assessed the effects of the scheme on the basis of the JA panels because of their greater height and resultant potential to adversely impact the character and appearance of the area. The Council stated that insufficient information was submitted with the application to specify the capacity of the proposed development. At the appeal stage the appellant stated that the output of the system would be 93.6 kW.
3. The development plan for the appeal site includes the Core Strategy for Chiltern District adopted in November 2011 (CS) and saved policies of the Chiltern District Local Plan adopted in September 1997 (including alterations adopted 29 May 2001) and consolidated in September 2007 and November 2011 (LP). I have also had regard to the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
4. The appeal site is within the Green Belt as designated in the development plan. The parties are agreed that the proposed development would be inappropriate development in the Green Belt. Paragraph 151 of the NPPF provides that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, where developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. LP Policy GB2 does not incorporate current provisions in the NPPF regarding very special

circumstances.¹ I have therefore given more weight to the NPPF in applying Green Belt policy.

5. The appeal site lies in the Chilterns Area of Outstanding Natural Beauty (AONB). Given the nature and height of the proposed development, its setting adjacent to a hedgerow, along with the size of the appeal site, I do not consider that the proposal would be major development for the purposes of applying paragraph 177 of the NPPF. I am required by section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The AONB Management Plan 2019-2024 is a material consideration in determining this appeal, albeit not part of the development plan. The parties were given the opportunity to comment on the relevance of the AONB Management Plan in this case.

Main issues

6. The main issues in this appeal are; (1) the effects of the proposed development on the character and appearance of the area, having regard to policies for the AONB, and (2) whether very special circumstances exist to justify inappropriate development in the Green Belt.

Reasons

Green Belt

7. The appeal site is part of an open field. The proposed panels would be located to the south of a hedgerow that adjoins Cherry Lane. Buildings and facilities associated with Shardeloes Farm Equestrian Centre are located on the other side of Cherry Lane to the north-east of the appeal site.
8. The Government attaches great importance to Green Belts and the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In considering applications substantial weight should be given to any harm to the Green Belt. The NPPF adds 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.
9. The appeal scheme would be inappropriate development, which is by definition harmful to the Green Belt. The proposed panels would occupy an area that is currently part of an open field. The installation of 234 solar PV panels would result in a substantial built form that would have a significant adverse effect on the openness of this part of the Green Belt.
10. The following sections of this decision consider whether the appeal scheme would result in any other harm, and then has regard to other considerations, so that a balancing exercise can be undertaken to determine whether very special circumstances exist.

¹ The supporting text at paragraph 4.18 of the LP states that any inappropriate development which the Council is minded to approve would have to be referred to the Secretary of State as a departure from the Development Plan.

Character and appearance

11. The site is within Landscape Character Area 18.2, Penn Rolling Farmland LCA, in the 2011 Buckinghamshire Landscape Character Assessment. Key characteristics of this LCA include a rolling topography with open fields contrasting with dense woodland cover and some long views across open fields, with a strong sense of rural character. This derives in part from a lack of intrusive features and a visually intact landscape, along with an absence of modern development. The guidelines for this LCA include ensuring that new development is sensitively integrated into the landscape through careful siting, to conserve its intact, remote and peaceful character, and to conserve open views across arable farmland to wooded horizons.
12. The proposed solar PV panels would be a utilitarian structure, sited a considerable distance from the buildings associated with the equestrian centre. The metal and glass panels, along with their arrangement in a single long row, would be out of keeping with the character of the area. The colour and texture of the panels would not be typical of the largely rural context, and so the proposed development would introduce a discordant element into the local landscape that would detract from the character of the Penn Rolling Farmland LCA. I consider that the proposal would have an adverse effect on the landscape resource of moderate/major significance.
13. Turning to visual effects, the PPG states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero. It was apparent at my site visit that the hedgerow along the lane would limit views of the proposed panels from public vantage points. However, it would be possible to see some of the panels through an opening in the hedgerow to the east of the appeal site. Furthermore, in the absence of any visualisations showing the proposed 3.210 m high panels in relation to the existing ground levels and hedgerow height, I am unable to assess the likelihood of other views of the proposed development.
14. Overall, I find that the proposal would have an adverse effect on the character and appearance of the area of moderate/major significance. In accordance with NPPF paragraph 176, I have given great weight to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. This harm weighs heavily against the proposal.

AONB policy

15. The proposed development would not conserve and enhance the natural beauty of the AONB. It would also have an adverse impact on local landscape character within the AONB. I consider that the appeal scheme would conflict with Policy DP2 of the AONB Management Plan, which rejects development unless it, amongst other things, is a use appropriate to the location and appropriate to local landscape character. The proposal would also be contrary to AONB Management Plan Policy DP14, which seeks to avoid new infrastructure which harms the AONB landscape.

Planning balance

16. Key amongst the other considerations relied upon by the appellant is the contribution the panels would make towards targets for increasing renewable energy generation. I have taken into account that the planning system should support the transition to a low carbon future; and support renewable and low carbon energy and associated infrastructure. The NPPF also recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The appeal scheme would provide local employment and contribute to the local economy. It would be a diversification for the enterprise providing an alternative income stream for the landowner. The development would have a limited duration, be reversible and would utilise the availability of a grid connection.
17. Against these considerations must be weighed the harm I have identified to the character and appearance of the area, to the AONB and to the Green Belt. In doing so I have given substantial weight to the harm to the Green Belt. In my judgement, the wider environmental benefits associated with increased production of energy from renewable sources, along with the other benefits cited by the appellant, do not in this case outweigh the harm I have identified.

Conditions

18. There is no convincing evidence to indicate that the impact of the proposed development could be made acceptable by the imposition of appropriate planning conditions.

Conclusion

19. In my judgement, the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, and the very special circumstances necessary to justify the development do not exist. I find that the appeal scheme would be contrary to national Green Belt policy set out in the NPPF.
20. The proposal would not accord with the provisions of CS Policy CS22 and LP Policy LSQ1 about conserving and enhancing the landscape character, natural beauty and distinctiveness of the Chilterns AONB. I have had regard to local and national policies for sustainable development that contribute towards targets to reduce carbon dioxide emissions, but find, overall, that the proposal would conflict with both the development plan and national policy. The scheme would also be at odds with provisions of the AONB Management Plan.
21. I have taken into account all other matters raised in evidence, but I have found nothing of sufficient weight to alter my conclusions. For the reasons given above I conclude that the appeal should be dismissed.

J Woolcock

INSPECTOR