



Appeal Decision

Site visit made on 6 August 2023

by Elaine Gray MA, MSc, IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal Ref: APP/E2734/W/23/3320985

Gillbeck Farm, Bewerley, Harrogate, HG3 5JF

- 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 John Adams against the decision of Harrogate Borough Council.
 - The application Ref 22/03405/FUL, dated 11 March 2022, was refused by notice dated 14 November 2022.
 - The development proposed is 30 ground mounted solar panels.
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Decision

1. The appeal is allowed and planning permission is granted for 30 ground mounted solar panels at Gillbeck Farm, Bewerley, Harrogate HG3 5JF in accordance with the terms of the application, Ref 22/03405/FUL, dated 11 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan and site of solar PV panels – 14 Sept 2022;
 - Location plan and site of solar PV panels – 20 Sept 2022;
 - Location plan for solar PV Gillbeck Farm – 14 Sep 2022;
 - Site location – Land belonging to Gillbeck Farm (HM Land Registry)
 - Plan View – Side Elevation
 - Location plan for Solar PV Gillbeck Farm – 20 Sep 2022;
 - Gillbeck Farm Bewerley HG3 5JF (site plan)

Preliminary Matters

2. On 1 April 2023, Harrogate Borough Council merged with a number of other Councils to form the new unitary authority of North Yorkshire Council. This appeal decision however refers to the name of the Council shown on the decision notice which is the subject of the appeal, that being Harrogate Borough Council. For the area they relate to, the development plans of each of the merged Councils remain in place until such times as they are revoked or replaced.

Main Issue

3. Usually, the main issues in an appeal will derive from the Council's reasons for refusal. Here, the decision notice cites a single reason for refusal relating to character and appearance. As per the description, the proposed development comprises an installation for the generation of renewable energy. At the

application stage, the appellant cited the local and national policies relating to renewable energy development, and sustained his argument on this matter through the appeal submissions. This issue is also referred to by third parties in their consultation responses.

4. In this context, it would be impossible to reach the view that the local and national policies on renewable energy development were not relevant to the consideration of this particular proposal. Nonetheless, without any explanation, the Council do not take into account or even mention this issue, or their own related development plan policies in their decision-making process.
5. In the interests of making a full and proper assessment of the proposal, I have therefore framed the main issue of the appeal to include renewable energy as a material consideration, and drawn the planning balance accordingly.
6. The main issue in this case is whether the benefits of the proposal, including the production of energy from a renewable resource, outweigh any harmful impacts, having particular regard to the effect on the character and appearance of the surrounding countryside within the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

Planning policy and other relevant published documents

7. Policy GS6 of the Harrogate District Local Plan 2014-2035 (HDLP) requires the natural beauty and special qualities of the Nidderdale AONB to be conserved and enhanced. Proposals will only be supported where they: A. do not detract from the natural beauty and special qualities of the AONB and its setting; B. contribute to the delivery of the Nidderdale AONB Management Plan objectives; and C. support the economic, social and environmental well-being of the area or support the understanding and enjoyment of the area.
8. The National Planning Policy Framework (NPPF) directs, at paragraph 176, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
9. HDLP Policy CC3 provides that renewable and low carbon energy projects will be supported provided that: i) The proposal does not have an unacceptable adverse impact on the landscape, the natural environment, biodiversity, the cultural environment, the historic environment, adjoining land uses and residential amenity; and ii) Appropriate mitigation measures would be taken to minimise and, where possible, address adverse impacts; and iii) The proposal avoids unacceptable cumulative landscape and visual impacts.
10. There is strong national policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. The NPPF sets out that the provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development. It directs, at paragraph 158, that when determining applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

11. Paragraph 5.10.12 of the Overarching National Policy Statement for Energy (EN-1) says that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites and (5.10.13) that a judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project.
12. The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% 'net zero' by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order SI 1056 in July 2019. This constitutes a legally binding commitment to end the UK's contribution to the climate crisis.

The effect of the proposal

13. It is proposed to install 30 ground mounted solar panels on agricultural land associated with Gillbeck Farm. The array would comprise two parallel rows of 15 panels each. The matt black panels would measure around 1002mm front to back, and would sit on angled metal frames reaching a maximum height of about 440mm. Each row would be just over 25m long.
14. The appeal site is located in 'Area 5 – Bewerley Moor Grassland and historic industrial area', as defined in the Council's document entitled 'Harrogate District Landscape Character Assessment' (LCA). The LCA identifies Area 5 as an upland area that forms a transitional landscape between the open moorland and the Nidd Valley at Pateley Bridge.
15. Generally, the land is undulating with rock outcrops and incised valleys. The landscape pattern is diverse due to varied historic land uses, field sizes and patterns, and is heavily influenced by human activity dating back to Roman times and beyond. It is characterised by the presence of features such as disused mines and quarries.
16. The appeal site itself is in the corner of a field close to Gillbeck Farm. It sits elevated on a gentle slope that rises up from the cluster of buildings that includes Gillbeck Farm. The site is enclosed by the boundary hedging to the south and by planting that delineates the northern edge of the field. Public rights of way (PROWs) run along these lines, and the proposed location can be seen from a section of Peat Lane, a single-track road which runs to the south of the site. As a result, the array would be visible from the public realm.
17. The development would introduce new built infrastructure to an open area of agricultural land where none currently exists. It would utilise modern materials that would be readily distinguishable from the natural background of the field. To that extent, it would detrimentally alter the appearance of the appeal site.
18. However, the new installation would have a close association with the nearby buildings, which would provide a visual context in the landscape. It would also be framed and visually contained by the existing planting around this corner of the field. Furthermore, the visual impact of the two rows of panels would be limited by their low height, and their recessive matt black colour.
19. Due to their proximity to the appeal site, the PROWs would allow views of the array at closer quarters. However, given the low-lying nature of the proposal, those views would be mitigated by the topography of the land and the presence

of stone walling and mature vegetation. The appellant states that for much of the year, the panels would be surrounded by meadow grass, which would help to soften their appearance.

20. It would be apparent to walkers on the PROWS that they were approaching a group of buildings, and so it would not be unexpected to find infrastructure of some kind associated with those residences. Arguably, the array would be a modern iteration of the ongoing changes to the landscape through human activity, as recognised by the LCA. The development would only occupy a small amount of the wider panorama, and so the adverse visual impact of the proposal on those receptors would be minimal and localised.
21. In mid-range views from Peat Lane, the array would be visible to users for a short stretch until the road turns north-west to join the B6265. Again, the presence of planting, the low height of the array and its location near the buildings would render it unobtrusive in the surrounding landscape.
22. In terms of longer-range views, the Council refer to 'a vast majority of vantage points', but do not identify these points or specify their location. Nonetheless, I have been directed by the appellant to the vantage point and tourist attraction known as Coldstone Cut, which is on high land close to the western end of Peat Lane.
23. I visited this location on a bright, clear afternoon with good visibility. I was able to identify the group of buildings where Gillbeck Farm is located, but I could see little more than their roofs. I was not able to perceive the proposed location of the array from Coldstone Cut. My observations were consistent with the photographs included in the appellant's statement of case, and the Council has offered no evidence to the contrary.
24. It has been suggested by the Nidderdale AONB Joint Advisory Committee that the panels would be better located on the roof of the house at Gillbeck Farm. In his Design and Access Statement, the appellant argues that this would necessitate the removal of the traditional Yorkshire slate roofing. In my view, such a change would contradict the aim of the LCA to protect vernacular buildings. Furthermore, an elevated location on the roof would serve to make the solar panels more obvious and visually intrusive in the surroundings.
25. Taking all these factors into account, the development would cause some limited harm to the character of the AONB landscape in the vicinity of the site, which is contrary to HDLP Policy GS6.

Benefits and overall planning balance

26. The proposed scheme would generate a 10kWp supply to Gillbeck Farm, which is a sizeable property with a separate cottage. The array would also provide power for an electric vehicle. Although the scheme is modest in size, paragraph 154 of the NPPF confirms that even 'small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'. Moreover, it is not necessary within the provisions of the NPPF for the appellant to demonstrate the overall need for the proposal.
27. The importance of tackling the climate crisis cannot be overstated. Whilst the development would make a limited contribution to the Government's overall targets, given the imperative of achieving the statutory Net Zero target by 2050, even this small contribution attracts substantial weight in favour of the

scheme. There would also be some small economic benefit arising from the construction of the array.

28. I have identified some adverse impact to the landscape and scenic beauty of the ANOB, to which I attach great weight. However, the scope of this harm would at worst be minor and localised. In addition, I am mindful that this harmful impact would be easily reversible. I have not been made aware of any other existing or consented solar developments in the area and saw none on my site visit. As such, no harmful cumulative effect in the wider area would result from the proposal. The scheme therefore complies with HDLP Policy CC3.
29. I therefore conclude that the substantial benefits in favour of renewable energy clearly outweigh the limited conflict with HDLP Policy GS6. The proposal would not therefore conflict with the development plan when taken as a whole.
30. I have also taken into account the historic importance of the area, but there is no evidence in this case of any effect arising from the proposal on any heritage assets, either designated or non-designated. I have had regard to the representations objecting to the proposal, but these have not led me to a different conclusion on the main issue of the appeal.

Conditions

31. The Council have not suggested any conditions. I have imposed a condition specifying the relevant plans, as this provides certainty.

Conclusion

32. For the reasons above, I conclude that the proposed development would comply with the development plan as a whole, and so the appeal is allowed.

Elaine Gray

INSPECTOR