



Appeal Decision

Site visit made on 10 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/J3720/D/23/3318822

1 Arden Glade, Kington Lane, Claverdon, Warwick CV35 8PP

- 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 Penn against the decision of Stratford-on-Avon District Council.
- The application Ref 22/03131/FUL, dated 20 October 2022, was refused by notice dated 9 January 2023.
- The development proposed is ground mounted solar panels with associated works.

Decision

1. The appeal is allowed and planning permission is granted for ground mounted solar panels with associated works at 1 Arden Glade, Kington Lane, Claverdon, Warwick CV35 8PP in accordance with the terms of the application, Ref 22/03131/FUL, dated 20 October 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 and details: Dwg No. 01-FDB-V1-ZZ-DR-A-9001 -S3 A – Site Location and Block Plan, Dwg No. 101-FDB-V1-ZZ-DR-A-9002 -S3 – Site Section Photovoltaic Panels, Technical Sheet – Battery Storage, Technical Sheet – Ground Fixings, Technical Sheet – Inverter and Technical Sheet – Solar Panels.

Background and Main Issues

2. The appeal site is within the Green Belt. The parties agree that the proposal would constitute inappropriate development within the Green Belt, and I have been provided with no reason to take another view. Against this backdrop, the main issues are the effect of the development on the openness of the Green Belt; and 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 necessary to justify the proposal in the Green Belt.

Reasons

Openness

3. The appeal site comprises 1 Arden Glade, one of 3 hemicycle dwellings and its garden. It is in an area of open countryside, and is bound by the neighbouring dwelling, a plant nursery, and the adjoining agricultural land. A public footpath

runs along the side boundary between the site and Greenfingers Nurseries and part of the rear boundary.

4. The proposal is for 88 ground mounted solar panels and associated equipment, including inverters which would be located inside the dwelling and external battery storage. The development would operate alongside the existing renewable energy systems at the property including solar photovoltaic panels for hot water and ground and air source heat pumps for heat production, to create a net zero carbon dwelling. To achieve this, on site production of renewable electricity is necessary to meet the electricity demand of the existing systems.
5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence.
6. The consideration of Green Belt openness has several aspects and caselaw has established many factors to be considered in that regard on a case-by-case basis. However, the proposed ground mounted solar panels would be located on land which is currently free from built form. Whilst relatively modest in scale and low in overall height, the installation of solar panels would nevertheless cover an area of approximately 147m². Consequently, notwithstanding that the garden would constitute previously developed land, the open nature of this part of the site would be undermined by the bulk of the solar panels, thus leading to a reduction in the openness of the Green Belt in spatial terms.
7. Regarding the visual aspect of openness, there would be glimpsed views of the proposed solar panels from the driveway and the public footpath. However, despite their functional design and appearance, due to the scale of the development and contained nature of the site, together with the surrounding landscape features, there would be very little effect visually on the wider rural landscape as a result of the proposal. As such, I conclude in visual terms, the proposed development would have no material effect on the openness of the Green Belt.
8. Overall, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be harm to the spatial dimension. I therefore find that the proposal would result in limited harm to the openness of the Green Belt. In accordance with paragraph 148 of the Framework substantial weight is given to any harm to the Green Belt.

Other considerations

9. The evidence before me explains the benefits of the proposal, including that it would form an integral part of the overall renewable energy provision at the property. This would enable the dwelling to be net zero carbon and no longer reliant on fossil fuels. The proposed scheme would therefore contribute toward reducing carbon emissions, and in that regard would accord with the aims of relevant local and national policies and targets pertaining to climate change.
10. I note the Council's concern regarding the modest scale of energy production and the limited contribution the proposal would make to the overall reduction in CO₂ emissions compared to other sources at the property, which would equate to approximately a third of the total. In addition, given the scale of the

development, in relation to a single dwelling, the amount of renewable energy generated overall would be modest.

11. Nonetheless, paragraph 158 of the National Planning Policy Framework (the Framework) recognises that even small-scale renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions. Paragraph 151 of the Framework sets out that where renewable energy projects in the Green Belt constitute inappropriate development, very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Therefore, the energy benefit of the proposal must be afforded great weight.
12. In addition, the appeal submissions indicate that the proposal would also give rise to landscape and biodiversity enhancement measures including tree and hedge planting. However, in light of the lack of specific details in that regard, this carries limited favourable weight.
13. Although the proposal would be likely to be in place for a considerable period, the development would nonetheless be temporary in nature and reversible. In that regard the Council has suggested a planning condition to secure the future removal of the structures, in the event that permission is granted. The circumstances where a temporary permission may be appropriate are set out in the Planning Practice Guidance¹, none of which apply to the appeal proposal. Consequently, whilst the reversible nature of the development weighs in favour of the scheme, it is of limited weight.
14. The fact that there were no objections raised to the proposal by statutory consultees or members of the public is of neutral consequence in the overall planning balance.

Green Belt Balance and Conclusion

15. The proposed solar panels would constitute inappropriate development in the Green Belt, which is harmful by definition and should not be approved except in very special circumstances. The development would also cause limited harm to openness which is the key objective of Green Belt policy.
16. Paragraph 148 of the Framework makes it clear that any harm to the Green Belt must be given substantial weight and sets out that very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS) reflects the approach towards protecting the Green Belt set out in the Framework.
17. In terms of the other considerations, there are no other matters weighing against the appeal proposal. I have also found that the development would provide benefits in terms of the contribution it would make towards the production of energy from renewable sources and the reduction in carbon emissions, to which I attach great weight. In addition, it would be reversible, and there would be landscape and biodiversity enhancements, which carry limited weight in favour of the appeal proposal.
18. For the foregoing reasons, I find that the matters weighing in favour of the appeal proposal would clearly outweigh the substantial harm to the Green Belt

¹ Paragraph: 014 Reference ID: 21a-014-20140306

by reason of inappropriateness and harm to openness. As such they would amount to very special circumstances necessary to justify the development in the Green Belt. The proposal would therefore accord with Policy CS.10 of the CS and the Green Belt aims of the Framework which support development in such circumstances.

19. For these reasons the appeal is allowed.

Conditions

20. I have imposed conditions requiring commencement of the development within three years and for the development to be carried out in accordance with the approved plans, which include materials, for certainty. For the reasons set out above, I have not imposed a condition to secure the future removal of the solar panels.

E Worley

INSPECTOR