



Appeal Decision

Site visit made on 20 February 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/N4720/W/23/3335658

Layton Grange, Layton Road, Rawdon, Leeds LS18 5EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Kay Higgins against the decision of Leeds City Council.
 - The application Ref is 23/03884/FU.
 - The development proposed is a 24 panel ground-mounted solar system.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and I have had regard to the latest version in reaching my Decision.

Main Issues

3. As the appeal site is within the Green Belt, the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it is one of the exceptions in paragraphs 154 and 155. Policy N33 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP) contains similar provisions.
5. Given that the term 'building' can include any structure or erection¹, I am satisfied that in relation to this appeal, the proposal can be considered a building under the terms of the Framework.

¹ As defined under section 336 of the Town and Country Planning Act 1990

6. The proposal is not one of the listed exceptions under either the Framework or Policy N33 of the UDP. Accordingly, the proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Effect on Green Belt openness

7. The appeal site is part of a grass paddock adjacent to Layton Grange, at the corner of Layton Road and West End Lane. To the north and east are other residential properties. To the south are further fields.
8. The proposed ground-mounted solar panels would occupy only a small proportion of the paddock, have a relatively low height above the ground, and would be surrounded by built development on three sides. This, together with the screening from the vegetation along the roadside boundaries, would ensure that the proposal has no material effect on Green Belt openness in the visual sense. For the same reasons, I am satisfied that the proposal would not harm the character and appearance of the area more generally.
9. However, the concept of openness does not relate solely to visibility or visual harm but to the absence of building and development. It follows that openness can be harmed even when development is not readily visible from the public domain. Although the frames holding the panels would have a limited footprint, the panels themselves are larger and would have the effect of covering more of the ground area in a part of the paddock that is currently absent of any built form. This would inevitably result in some spatial impact and reduce openness.
10. Accordingly, in addition to the harm caused by reason of inappropriateness, there would also be some harm arising from the loss of openness, albeit this would be slight in degree.

Other considerations

11. The Government and the Council recognise that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One action being promoted is a significant boost to the deployment of renewable energy generation. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. The British Energy Security Strategy 2002 recognises the contribution that ground mounted solar will make to future energy needs.
12. The evidence before me explains how the proposal would complement the existing renewable energy measures at the property and further reduce the reliance on fossil fuels. It would therefore contribute toward reducing greenhouse gas emissions and to improving energy resilience and security, and in that regard would accord with the aims of local and national policies and targets pertaining to climate change.
13. Given the domestic scale of the proposed system, the amount of renewable energy generated overall would be modest. Nevertheless, paragraph 163 of the Framework recognises that even small-scale renewable energy projects can provide a valuable contribution to cutting greenhouse gas emissions. In addition, paragraph 164 states that significant weight should be given to the need to support energy efficiency and low-carbon improvements to

existing buildings. I have therefore given significant weight to the renewable energy benefits of the scheme, despite its modest scale.

14. Although the proposal has the potential to be reversible at the end of its lifespan, it would still be likely to be in place for a considerable period and I cannot be certain that the panels would not be replaced. As such, the weight I have given to this matter is limited.

Other Matters

15. Given the proposal would not harm the character or appearance of the area, there is no conflict with the relevant provisions of Policy GP5 of the UDP and Policy P10 of the Leeds Core Strategy (Selective Review 2019). However, any absence of harm is a neutral matter.
16. Other planning application and appeal decisions involving solar panels have been referred to by the parties, but few details have been provided. In any event, just as each of those cases likely turned on their own merits having regard to the circumstances presented and an overall balancing exercise specific to those schemes, I must consider the scheme before me on its own merits.

Green Belt Balance and Conclusion

17. The proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also cause slight harm to the openness of the Green Belt.
18. Paragraph 153 of the Framework makes 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. Paragraph 156 of the Framework recognises that very special circumstances may include the contribution towards increased production of energy from renewable sources. However, this does not indicate that such environmental benefits, of any scale, or in isolation, outweighs harm by virtue of inappropriateness.
19. In this instance, the renewable energy benefits of the proposal, and its potential reversibility after a prolonged period, do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore conflicts with the Framework and Policy N33 of the UDP where they seek to protect the Green Belt. For this reason, the appeal should be dismissed.

A Caines

INSPECTOR