



Appeal Decision

Site visit made on 9 April 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/B1550/W/23/3330056

Francis House 20A Western Road, Rayleigh, Essex SS6 7AX

- 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 Mr A Priest against the decision of Rochford District Council.
 - The application Ref is 23/00159/FUL.
 - The development proposed was originally described as 'erect solar panels to rear garden 20A Western Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, I note that the appeal form describes the proposal as 'Erection of double row of free standing solar panels measuring 25m long by 6.5m wide at land to the rear of Francis House, 20A Western Road, Rayleigh, Essex, SS6 7AX' which reflects the description stated on the Council's decision notice.
3. In December 2023, the Government published a revised version of the National Planning Policy Framework ('the Framework'). The main parties were invited to comment on any implications for the proposal of this change and I have determined the appeal having regard to the revised version of the Framework.

Main Issues

4. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness and purposes of the Green Belt; and
 - iii) if the development would be inappropriate, whether the 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 it.

Reasons

Whether Inappropriate Development

5. The appeal proposes two rows of solar panels on part of a sloping area of roughly mown grassland which extends to the rear of 20A Western Road.

6. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt. Some exceptions are specified and the Framework identifies certain other forms of development that are not inappropriate, but there is no compelling evidence before me that any of these would apply to the appeal proposal. I further note that Paragraph 156 of the Framework states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.
7. I find that the proposal would constitute inappropriate development which the Framework sets out is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances.

Green Belt Openness and Purposes

8. The proposed solar panels would be of relatively modest height, but they would still project some way above ground level, even at the lower edge. Given the length of each row at around 25m, they would also cover a fairly significant area. Notwithstanding that this would be small as a proportion of the wider area of mown grassland and the total area within the appellant's control, the proposal would have a clear physical presence on the site. There may be no requirement for additional structures or ancillary development, but this presence would inevitably result in a loss of openness in spatial terms.
9. The siting of the development on sloping ground and screening by vegetation means that it would not be readily visible from nearby properties on Western Road or West View Drive. Based on my observations however, it would be apparent in views from a public footpath that runs along the westernmost boundary of the wider mown grassland area that the site is part of. In these views, the layout and materials of the development would give it a formal appearance that would contrast with the existing open and undeveloped quality of this part of the site. Although the development may be seen together with other structures in the vicinity including dwellings and outbuildings, I consider that its position sitting some way beyond the general rear extent of dwellings, structures and neighbouring gardens on this edge of Rayleigh would be appreciable. In this context, I find that there would be an adverse visual impact on the openness of this part of the Green Belt.
10. I accept that views would be from a relatively short section of footpath and that the visual impact of the proposal would be limited. However, while the appellant asserts that effects on the landscape would be neutral or negligible at worst and the Council has not identified harm to landscape as a reason for refusal, Green Belt is not a landscape designation. Instead, the essential characteristics of Green Belts are their openness and their permanence. For the reasons above, I find that there would be a loss of openness to this part of the Green Belt in both spatial and visual terms.
11. In addition, the Framework identifies that Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment. The site for the proposed panels may not be remote, but whether or not it forms part of the curtilage of the appeal dwelling, it extends beyond the rear of the typical extent of other neighbouring gardens on this edge of Rayleigh. It comprises generally open and undeveloped land that the appellant's statement refers to as part of a field and in my assessment, the spread of development some way out onto this land would result in noticeable encroachment to the countryside. The effect would be localised but would still conflict with one of the stated

Green Belt purposes. The Council has not argued conflict with any other Green Belt purposes, but that does not outweigh or negate the resulting harm.

12. The proposal would cause a loss of openness to this part of the Green Belt in both spatial and visual terms and harm to one of the purposes of Green Belt. The suggested operational lifespan of around 20-30 years would temper the harm but while it would not be permanent, the development would still be present for a fairly long period. Although localised, I find that there would be harm to the openness and purposes of the Green Belt in addition to the harm by reason of inappropriateness.

Other Considerations

13. The Framework identifies moving to a low carbon economy as important to achieving sustainable development. The Government has a target for net-zero greenhouse gas emissions by 2050. In this respect, the appellant's evidence refers to the Government's Net Zero Strategy: Build Back Greener highlighting a commitment to a fully decarbonised power system including through seeking to accelerate deployment of low cost renewable generation, including solar, as well as the importance of a strong renewable power sector to strengthen energy security. I further note that the National Policy Statement for Renewable Energy Infrastructure comments that solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation. From the evidence before me including the references to various documents and reports cited by the appellant, I have no firm reason to doubt the importance of providing solar capacity to contribute to achieving ambitions for Net Zero. I also note that at the local level, the Council has declared a Climate and Ecological Emergency.
14. The appellant states that the proposed panels will generate approximately 16,079kw electricity per year, offering a carbon saving of 4.1 tonnes annually and 102.5 tonnes over the life of the system equivalent to 782 trees being planted. The electricity generated would be used solely by the appellant including through storage in batteries. Nevertheless, the Framework advises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It further sets out that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings.
15. Insofar as the proposal would reduce energy draw from the national grid, it would help to reduce reliance on fossil fuels and greenhouse gas emissions in accordance with national and local objectives to tackle climate change and facilitate a transition to a low carbon future. In view of the context above, I give significant weight to the generation of renewable energy as a benefit of the proposal. That said, the scale of the benefit would be relatively minor in that it would serve only the appellant.

Other Matters

16. The appellant's evidence includes details of permission granted on appeal for a solar farm on land at East Hanningfield, Chelmsford. As a larger proposal, the harm arising may well be greater than that in the appeal before me. However, I note that the decision also refers to the proposal as providing power for around 16,581 households. From the information before me, it is not clear that the circumstances and any overall balance would be directly comparable to those of

the appeal scheme which I have in any event considered on its own specific merits.

Planning Balance

17. The proposal comprises inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. In addition, there would be harm to the openness of the Green Belt and to one of its purposes. This harm would be localised and to some extent tempered by the fact that the development would not be permanent. However, the proposal would still be in place for a significant period and the Framework sets out that substantial weight should be given to any harm to the Green Belt.
18. Where renewable energy projects comprise inappropriate development, the Framework indicates that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. However, while I give significant weight to the benefit of renewable energy production, I am not persuaded that the magnitude of the other considerations in this case would be sufficient to clearly outweigh the substantial weight afforded to the totality of the harm that would be caused to the Green Belt overall through development in the location proposed.
19. Consequently, I conclude that very special circumstances to justify the development in the Green Belt do not exist in this case and I find that the proposal would conflict with the Framework.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR