



Appeal Decision

Site visit made on 4 April 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/T2350/W/23/3331604

Lower Barn Farm, Whalley Road, Sabden, Lancashire BB7 9DT

- 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 Mark Solomon against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2023/0221.
 - The development proposed is field mounted 20Kwp field mounted solar PV array.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised site plan, drawing 101 Rev A, showing Public Right of Way (PROW), FP0337113, was submitted to the Council. However, this does not follow the same route as the Council's definitive map that shows the various public footpaths that are located around the appeal site. Nevertheless, it is the definitive map that I must rely on as the route of this PROW and is the basis on which I must determine the appeal.
3. The appellant has provided a plan showing an alternative location for the solar array, option B, which they consider would provide more natural screening. Whilst I viewed the location of this option, this is not the proposal on which the Council made its decision. Therefore, applying the principles established by 'Holborn'¹, this is a fundamental change to the proposal, and it is important that the appeal is determined on the basis of the plans on which the Council based its decision. To do otherwise would prejudice the interests of third parties and consultees, who have not been consulted on the revised scheme. I have therefore proceeded to determine the appeal on the basis of the plans submitted to the Council.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area and the Forest of Bowland National Landscape².
 - The effect of the proposal on a public right of way.
 - The effect of the proposal on biodiversity.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Formerly the Forest of Bowland Area of Outstanding Natural Beauty.

Reasons

Character and appearance and National Landscape

5. The appeal site comprises a large, detached dwelling, in the open countryside. It is reached by a drive off Whalley Road, either side of which are fields which are part of Lower Barn Farm. To one side of the drive, close to the house, is a stable block and manège. The proposed solar array would be located next to this, in an open, agricultural field used for grazing. This field rises moderately steeply from Whalley Road. It is, however, undulating, although the site of the solar array would be on a relatively flat area of ground.
6. The existing equestrian facilities, when viewed from the field, have been screened by a line of trees and a high hedge and surrounded by post and rail fencing. This area of the field already has a domestic character, particularly as the hedging is, from what I could see on site, not traditional in form and species.
7. Whilst the solar array would not cover a large area of land, it would extend development into the agricultural field, outside and away from the existing buildings and garden area. The layout of the 52 panels, in four rows, plus the introduction of materials, such as aluminium, would appear alien in this location and would harm the gentle, pleasant countryside setting of fields, hedgerows and trees that exist around the site. Whilst the panels would be low in height, they would not harmonise with the characteristics and appearance of the area. Although screening the array would provide some benefits, it would also highlight the size and shape of the site which would appear conspicuous and out of character with the fields and boundaries that surround the site.
8. It is unlikely that the development would be visible from Whalley Road, it would, however, be visible from those using the PROW that passes through this field and the PROWs that rise above the site to the north. This is where the Forest of Bowland National Landscape ('the NL') is sited, which surrounds Lower Barn Farm to the north and east. National Landscapes are designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision.
9. The NL in this area is an attractive lowland landscape of agricultural fields, hedgerows and stone walls, often with large trees and areas of woodland. Beyond this are views of the moorland. Amongst this are substantial stone buildings relating to the longstanding agricultural use of the land, as well as historic villages and towns.
10. Policy EN2 of the Ribble Valley Local Plan Core Strategy 2008-2028, adopted 2014, (LP) states that the landscape and character of those areas that contribute to the setting and character of the NL will be protected and conserved. Paragraph 182 of the National Planning Policy Framework (the Framework) advises that great weight should be given to conserving the landscape and scenic beauty of National Landscapes. Moreover, the Planning Practice Guidance (PPG) highlights that land within the setting of a National Landscape makes an important contribution to maintain their natural beauty, which is especially the case where the landscape character of land within and adjoining the designated area is complementary. This is the situation in this case where the site is set against a backdrop of the surrounding countryside

consisting of fields, hedgerows and trees which are like, and coalesce with, the field in which the development proposal is located.

11. Whilst the proposed site is small, and the solar panels could be removed at the end of their life, it is within the setting of a National Landscape, and because of its siting, it would appear incongruous in this location. Therefore, to conclude, the development proposal would result in some moderate harm to the character and appearance of the area and the landscape setting of the NL.
12. Therefore, it would not accord with LP Policy DMG1 which requires development to be sympathetic to existing and proposed land uses, and Policies EN3 and DME5 which support renewable energy schemes providing they do not cause unacceptable harm to the landscape, including any visual impact. It would also not accord with LP Policy EN2 as set out above.

Public right of way

13. The solar panels would be sited across a designated PROW, FP0337113. As such, a Diversion Order would be required. Whilst there has been some confusion over the exact location of the footpath on the ground, the definitive map clearly shows that the development proposal would conflict with its location. Whilst the Council's advisor on PROWs has no outright objection to the proposal, this would be subject to the necessary diversion being agreed and implemented.
14. Paragraph 104 of the Framework states that planning decisions should protect and enhance public rights of way and access. Whilst an appropriate diversion would be acceptable in principle and the appellant has agreed to the conditions suggested by the Council's advisor to achieve this, there is no detailed scheme to divert the PROW before me. Consequently, I am unable to say whether such a proposal would be acceptable in practice.
15. Therefore, to conclude on this matter, the development proposal would not protect the existing PROW on the site. It would not accord with LP Policy DMG1 that requires the protection and enhancement of public rights of way and Policy DME5 which amongst other things, supports renewable energy schemes subject to the degree to which nuisance is caused and minimised to the function of the countryside.

Biodiversity

16. The appeal site has no protected areas of ecological value. An ecological assessment of the site is not part of the evidence, although the appellant contends that as the land is closely grazed improved grassland, the effect on biodiversity does not need to be demonstrated.
17. The Framework does, however, identify that planning decisions should contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity. In addition, LP Policies EN4 and DME3 require measures to enhance biodiversity in development proposals. Furthermore, LP Policy DME5, whilst supporting renewable energy, states that regard must be had to the potential impact on biodiversity.
18. Therefore, to conclude, no evidence has been provided to show that the proposal would enhance the natural environment and biodiversity in this

location. It would not accord with LP Policies EN4, DME3 and DME5 as set out above.

Other Matters

19. The development proposal is part of the appellant's aim to become carbon neutral and to help tackle climate change. The property includes a large house and annex which have been improved by measures such as insulation, new windows, and the removal of energy inefficient heating. The site is now entirely reliant on electricity for power and heating. Wind power has been discounted as not appropriate on this site. Therefore, solar power is considered suitable, although the roof area of the buildings is not large enough for panels and the garden is reputed to be under shade.
20. The proposed solar panels have been located by the appellant to try and minimise the impact on the open countryside and to not be overshadowed, although needing to be on open land, south facing and in direct sunlight. A location on the other side of the house has been discounted for these reasons.
21. The proposal is of a domestic scale relating to one dwelling. As such, the level of renewable energy production would be modest, generating all the electricity requirements in the summer months, but only providing some contribution in the winter months, with no export to the grid. It would therefore only provide 50% of the requirements for the house. However, the Framework states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. I therefore give significant weight to the renewable energy benefits of the scheme, despite its relatively modest scale.
22. The appellant has submitted a photograph of an example of a similar solar array within the NL. However, there is no evidence of the location and siting of this proposal, and the photograph only shows part of the array. Therefore, based on the evidence submitted, it is not clear whether it is of a comparable size to the appeal site or whether it is in a less or more visible location. Consequently, this provides limited weight in the determination of the appeal.
23. The development proposal has been screened³ which showed that it was not likely to have significant effects on the environment and that it is not Environment Impact Assessment (EIA) development. Therefore, this matter does not need to be considered further.
24. The appellant has expressed concerns regarding the way the application was dealt with by the Council and the timing of the uploading of a consultation response. However, these matters are between the parties, and do not affect this appeal decision.

Conclusion

25. Notwithstanding the renewable energy benefits of the proposal, this would not outweigh the other harms that I have identified. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.

³ Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment) regulations 2017

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

M J Francis

INSPECTOR