



Appeal Decision

Site visit made on 30 April 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/E3335/W/23/3331518

Anchors Drop (The Blue Anchor), Blue Anchor, Minehead, Somerset TA24 6JP

- 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 Marcus Kravis of Anchors Drop Limited against the decision of Somerset Council.
 - The application Ref is 3/26/22/013.
 - The development proposed is installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area.
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Decision

1. The appeal is allowed and planning permission is granted for installation of solar panels on main building and static caravans along with ground mounted solar panels in the north-western garden area at Anchors Drop (The Blue Anchor), Blue Anchor, Minehead, Somerset TA24 6JP in accordance with the terms of the application, Ref 3/26/22/013, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues in this appeal are whether the appeal site is a suitable location for the appeal scheme having regard to its location within a Coastal Change Management Area and the character and appearance of the area.

Reasons

3. The appeal site is located within the Coastal Change Management Area (CCMA) identified in Policy CC3 of the West Somerset Local Plan to 2031, adopted November 2016 (LP).
4. The appeal site offers holiday accommodation in the main building and in the caravans to the rear. At times of the year, commercial kitchens on site provide food and drink to customers. The appellant's submissions include a summary of the energy needs for the appeal site. In summary, there are two oil boilers that provide hot water and heating to the main premises. Electricity is also required for the immersion, high powered electric showers and the commercial kitchen. The caravans use propane and electricity. In total, 71 kwh of electricity were used over the two year period from October 2021 to October 2023 with electricity costs exceeding £50,000 per annum.
5. The appellant argues that the installation of the solar panels would reduce the running costs of the business making the tourism offering more sustainable. For example, it would enable the existing oil-fired boilers at the premises to be

- replaced with an electric system and battery storage on-site in one of the outbuildings would enable excess energy generated in the day to be used at night or on days when generating would be lower. This, they say, would enable them to open longer hours for food and drink, enable more out of season stays and allow for the provision of electric car charging points.
6. The installation of solar panels to meet the energy demands of the business would assist with the more efficient operation of the tourism enterprise on site. In this respect, the appeal proposal could not be located elsewhere. This would provide wider sustainability benefits as recognised in Paragraph 178 of the National Planning Policy Framework (the Framework). Solar panels have a limited lifespan, and their removal could be secured by condition, once they cease generating electricity. Accordingly, the appeal scheme would comply with Policies CC3 and CC4 of the LP which permit temporary, tourism-related development in the CCMA, and outside settlements if they cannot be located elsewhere.
 7. Even if I agreed with the Council that the solar panels did not amount to tourism-related development, Policy CC3 of the LP also permits other development necessary for sustainable development purposes where it would be protected by new sea defences which are to be maintained in the long term. I saw at my site visit that new sea defences in the form of rock armour have been provided on the beach below the site. Accordingly, there would be no conflict with Policy CC3 of the LP.
 8. The caravans have shallow pitch roofs and are sited on land which is well screened. As a result, the solar panels would not be prominent from locations outside of the site. Whilst the panels on the rear roof slope of the main building would be visible, these would be on part of the building which lacks character. On the roadside elevation, the limited number and positioning of the solar panels interspersed between the dormer windows means that they would not appear incongruous especially when seen in the context of the existing grey slate roof covering.
 9. The ground mounted solar panels would be located in the garden area to the front of the building. The garden is elevated above the adjacent road level, retained by a stone wall at the back edge of the footway. Three rows of 13 panels would have a south west facing aspect. From the beach, the rear side of the panel would be partially visible but standing at 1.2m high they would not appear particularly prominent.
 10. I have seen evidence that there was a wall and hedge located above the existing retaining wall, enclosing the garden on the road side. However, the wall was not in place at the time of my visit and the hedge was only along part of the boundary. In the absence of a wall, there are clear views into the site from the road and footway. The front face of the panels would face towards the road. Being elevated above the road, the panels would be visible. In this prominent location on rising land, they would appear as an incongruous and alien feature in the appeal site's coastal setting. That said, standing at only 1.2m high and amounting to only three rows, the overall harm would be modest.
 11. Paragraph 163 of the Framework states that applications for renewable and low carbon development should be approved if its impacts are or can be made acceptable.

12. In this context, I have considered whether the modest harm to the character and appearance of the area could be mitigated. The appellant has set out in their submissions that they intend to rebuild the wall that previously surrounded the garden area. This would provide an effective screen. However, this was not shown on the submitted drawings so public consultation on this aspect of the proposal has not taken place. Given that it would be located above road level, opposite a dwelling, natural justice requires that those occupiers should be afforded an opportunity to comment on the construction of a wall. Imposing the condition therefore would not be appropriate.
13. Landscape planting in the garden area would take several years to establish and become an effective screen. However, in the short term it would help to break up the visual mass of the panels. With a landscaping scheme in place, I find that the ground mounted solar panels in the north-western garden area would result in slight harm to the character and appearance of the area, contrary to Policy CC1 of the LP which supports energy generating development proposals where they respect the local natural environment in which they are located.

Planning Balance

14. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
15. The Framework supports the transition to a low carbon future and recognises that small-scale projects provide a valuable contribution to significant cutting of greenhouse gas emissions (Paragraph 163). This weighs in favour of the appeal proposal.
16. I have given significant weight to the need to support low carbon heating improvements to existing buildings through the installation of solar panels as set out in Paragraph 164 of the Framework.
17. Whilst I have identified that the proposal would be contrary to the development plan in terms of its impact on the character and appearance of the area, I have also found that the harm which would arise from this would be slight. On the other hand, there are benefits to the scheme which I have afforded significant weight such that they outweigh the conflict with the development plan. In these circumstances, I am satisfied that a decision should be taken other than in accordance with the development plan.

Other Matters

18. The parish council have made comments about the generating capacity of the panels, the way in which the system will operate and whether the caravans are structurally able to withstand the load of the panels on the roof. These are all matters which the appellant will need to satisfy themselves of and are not relevant to my findings in respect of the substance of the appeal.
19. Interested parties suggest that unacceptable levels of glare would be experienced but there is no evidence before me that clearly demonstrates that solar panels cause glare.

20. Interested parties also referred to the manner in which the Council determined the planning application particularly in respect of public advertisement of the proposals. However, this is not relevant to my findings in respect of the substance of the appeal.

Conditions

21. I have had regard to the advice in the Planning Practice Guidance and the conditions provided by the Council. The appellant has had sight of those conditions and has not indicated that I should not impose them. I have also sought comments from the main parties on conditions which are necessary but have not been put forward in the submissions. I have undertaken minor editing where required.
22. I have attached the standard time condition and it is necessary to specify the approved plans in the interests of certainty. A condition is also necessary to require details of the means of fixing of the panels to the roof of the main building to provide protection to protected species.
23. I have attached a landscaping condition for the reasons set out in Paragraph 13 above.
24. Given that the benefit of the development in respect of the generation of renewable energy has weighed in the balance in my decision, I have attached a condition requiring the removal of the panels and the restoration of the site once they cease to be used for this purpose. This reflects the temporary nature of the proposal and the advice in Paragraph 179 of the Framework.

Conclusion

25. The proposed development would be contrary to the development plan but in this instance material considerations, namely the Framework, indicate the proposal should be determined otherwise than in accordance with the development plan. Thus, for the reasons given, the appeal has succeeded.

Alison Fish

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plans Drawing Number 2239.2/200A; Proposed Elevations Drawing Number 2239.2/201A and Proposed Plans Drawing Number 2239.2/202A.
- 3) The solar panels in the north-western garden area shall not be installed until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the installation of the ground mounted solar array in the north-western garden area; and any plants which within five years die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) The solar panels on the main building shall not be installed until details of the means of fixing the panels to the roof have been submitted to and approved in writing by the local planning authority. The installation of the panels to the roof shall thereafter be carried out in accordance with the approved details.
- 5) Within three months of the solar panels ceasing to be used for the generation of electricity, the panels and associated infrastructure shall be permanently removed from the site and the site restored to its former condition in accordance with details submitted to, and approved in writing by, the local planning authority prior to these works being carried out.

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