



Appeal Decision

Site visit made on 3 June 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/W0340/W/23/3325561

Woodland Manor, Pangbourne Road, Pangbourne, READING RG8 8AW

- 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 Ms Anna Karim against the decision of West Berkshire District Council.
 - The application Ref is 23/00034/FUL.
 - The development proposed is the installation of a ground mounted solar PV array to provide electricity to be used in the home.
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Decision

1. The appeal is allowed, and planning permission is granted for the Installation of a ground mounted solar PV array to provide electricity to be used in the home at Woodland Manor Pangbourne Road, READING RG8 8AW in accordance with the terms of the application, Ref 23/00034/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. In November 2023, Areas of Outstanding Natural Beauty (AONB) were renamed as National Landscapes. I have used the new designation, where appropriate in my decision, but quoted the AONB when referring to local and national policy.
3. The West Berkshire [emerging] Local Plan (ELP) is subject to review and was submitted for examination in March 2023, hearings are due to take place this year. The National planning Policy Framework (The Framework) explains, at paragraph 48, that weight can be afforded to emerging policies based, among other things, on the stage of preparation of the plan. The Council has identified that the proposal would conflict with ELP policy DM4, which relates to building sustainable homes and businesses. Section 3, with respect to renewable energy projects, requires such schemes to be suitable for its location, not to be on most versatile agricultural land, be accompanied with a landscape/visual assessment and to not harm living conditions. Due to the early stage of the Plan's adoption I have afforded limited weight to this policy.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including the North Wessex Downs National Landscape, and

- The effect of the proposal on the living conditions of occupiers of Lower Bowden Barn with particular regard to the effect on outlook.

Reasons

Character and appearance

5. Woodland Manor is a large modern dwelling that stands within extensive grounds. It is adjacent to several other large residential plots in a scattered pattern of loosely connected development within the open countryside. The appeal site is an area of open agricultural land behind two garage blocks. This is a flat grassed area with tree and hedge planting to its perimeter and forms a gap to the adjacent dwelling of Lower Bowden Barn. To the north of the site, and the main rear garden of the dwelling, the land slopes downhill into a valley. As a result, the site forms part of an open downland section of land that gradually falls towards the valley. As such, the rear outlook from the site provides far reaching views of the surrounding countryside and wooded horizons.
6. The site is also located within the 'Basildon Elevated Woodland Chalk with slopes' landscape character area as defined by the West Berkshire Landscape Character Assessment [2019]. This area includes characteristics of undulating rolling landform with open downland summits, steep dry valleys and mixed arable farming with woodland blocks and parkland areas. Consequently, the site, as an open area of grassland, makes a positive contribution to the character and appearance of the surrounding countryside.
7. The site is within the North Wessex Downs National Landscape. Policy ADPP5 of the West Berkshire Core Strategy [2012] (CS) provides the Councils approach to development within the National Landscape. This requires development to conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly in the open downland. The associated Management Plan [2019-2024] includes themes to maintain chalk grassland habitat and conserve the undeveloped character of enclosed and intimate landscapes. The Framework requires great weight to be given to conserving and enhancing AONBs and for development to be sensitively located and designed to minimise any adverse impacts. Being within the National Landscape the proposal is within a designation of high visual amenity.
8. The proposed development would result in the installation of solar panels arranged in rows, facing south. These would be arranged on a single height mounting frame and be around 1.2 metres high, creating a low-lying and slim profile. The proposal would enclose an existing gap between the garage block and Lower Bowden Barn, infilling this space with development, but would be set amongst built form. As such, the landform and noted landscape characteristics would not substantially alter the features of importance to the character of the area. However, the landscape character would be eroded as the proposal would domesticate the site and partially infill an area of open downland summit land.
9. The Appellant's Landscape and Visual Impact Assessment¹ (LVIA) considers the landscape and visual effect of the proposal on the surrounding area. Although,

¹ Landscape and Visual Statement, by Landscape Matters, June 2023

an adverse effect on landscape character can occur even if development is not visible from the public realm, the proposal would be read as being part of the built-up limits adjacent to existing built form causing limited harm to the character of the National Landscape.

10. Moreover, the harm to the landscape character would be further diminished through mitigating plant screening, as proposed through the illustrative landscape masterplan and which could be further bolstered by additional landscaping. Such landscaping would enable the limited views of the site to become more diffused. The extent of landscaping need not be of such density that it would erode the openness of the land to the side of the garages to effectively diffuse views. Such a planting scheme could be agreed through the approval of a suitable landscape scheme by the imposition of a planning condition. Furthermore, the proposed solar array would be temporary in use and could be demounted, reversing the identified harm.
11. The Council's Landscape Statement of Case² and associated Landscape and Visual Appraisal finds that the site, and its surroundings, has exceptional landscape value. It finds that the proposal would cause harm to the National Landscape and fail to conserve it. Nonetheless, whilst the Appraisal indicates that the site would be totally urbanised, I find that the proposal would be of lightweight material with sufficient spacing to retain a modest level of the grassland appearance of the site. This area would be managed as a wildflower meadow, resulting in an overall visual affect that would be 'modest adverse' only. Furthermore, due to the panels being a temporary installation and with landscape mitigation the effect on settlement pattern would be a minor adverse effect, having only a modest adverse effect on the landscape character of the area.
12. The Appellant's LVIA considers the effect of the proposal on visual receptors from several viewpoints, including from Berry's Copse and Mount Pleasant Farm. These viewpoints represent the most exposed views of the site and demonstrate that the site is in a concealed location, with the proposal having no material effect on the identified visual receptors. A closer view, viewpoint 3, looks over the site from its edge towards Lower Bowden Barn. This demonstrates that views of the proposal, directly adjacent to the site, would be overt. Nonetheless, such a view would be localised only and private. These would also be largely screened by boundary planting and a boundary wall having only a minimal effect on neighbouring views, resulting in a low visual sensitivity.
13. The site is not visible within the public realm and would be relatively well screened within the site. Although having an open vista from the north, such views would only take in glimpses of the site through existing planting and such views would be limited, having a negligible visual impact on the surrounding area. As a result, the impact on visual receptors within Lower Bowden Farm would be moderate and the wider visual impact would be negligible.
14. Therefore, the proposal would have a negligible visual impact on the surrounding area and only modest harm to the area's landscape character. Nonetheless, having found harm to the area's landscape character this would result in conflict with the development plan. Accordingly, the proposal would

² Landscape Statement of Case, by Liz Allen, January 2024

conflict with CS policies ADPP5, CS14 and CS19 and the Framework. These seek, among other matters, for development to conserve landscape character and be sympathetic to local character. Furthermore, despite affording limited weight the scheme would also conflict to ELP policy DM4, due to the identified harm to the National Landscape.

Living conditions

15. The appeal site is adjacent to Lower Bowden Barn. This dwelling has two levels, with the first floor within the roof space. Lower Bowden Barn has a row of rooflights, facing the site, and first-floor French doors that open onto a small balcony, providing views to the rear of its plot. There is a brick wall on the side boundary around 1.5 metres high, with low lying holly bushes against the wall, with a line of fir tree hedging and a second line of pear trees providing further screening. The evidence provided by interested parties includes photographs showing views of the site from the first floor rooflights, which I shall pay regard to.
16. The Appellant's Glint and Glare Assessment³ notes that the proposed panels would be south facing and set at a 30-degree angle. This means that they would face neither the neighbouring dwelling nor the exposed views of the countryside to the north. The Assessment finds that there would only be solar reflections for less than 60 minutes a day (for more than three months of the year). It also found that the landscaping screening would obscure views of the panels from all ground floor windows, with first-floor views being partially obscured resulting in limited visibility and a low impact.
17. The Assessment's geometric reflection calculations demonstrate that the impact significance is low and, as such, no mitigation is required. Furthermore, the Appellant has demonstrated that the specified panels would be coated in a thin film of titanium oxide which would limit the reflectivity of the solar panels and thus further reduce any glint or glare.
18. The Assessment considers the effect of glint and glare to the side facing windows of the neighbouring dwelling and the mitigating effects of existing boundary material. The rear facing windows, which conceivably also provide views of the panels, would be oblique and outside a 45-degree field of vision from any rear facing window, reducing views towards the proposed solar array. Also, boundary screening would further limit intervisibility between these components further reducing any visual impact to being only negligible. Moreover, the proposed development would mostly present its side view to neighbouring occupiers. As such, views from Lower Bowden Barn would be extremely limited.
19. Accordingly, the proposed development would have no material effect on the outlook of neighbouring living conditions with respect to glint and glare. Consequently, the proposal would comply with CS policy CS14, ELP policy DM4 and the Framework. These policies seek, inter alia, for development to demonstrate high quality design, not cause harm to residential amenity and create places with a high standard of amenity for existing users.

³ Solar Photovoltaic Glint and Glare Assessment, by Pager Power, June 2023

Other Matters

20. An alternative location for the proposed solar array has been suggested by interested parties, that would be 85 metres south of the proposed site. There is no requirement to demonstrate that a site for renewable energy would be the least harmful of a range of options. Further, the appeal process requires me to assess the effects of the proposal on its merits in its proposed position.
21. Various approved schemes for ground solar arrays have been identified by both main parties. Nonetheless, each case must be considered on its own merits, an exercise I have undertaken in this case.

Renewable energy

22. The Framework explains, at paragraph 161, that all communities have a responsibility to help increase the use and supply of green energy and decision makers should support community led initiatives. The Framework also recognises that even small-scale projects provide a valuable contribution to cut greenhouse gas emissions.
23. The Planning Practice Guidance (PPG) explains that increasing the amount of renewable and low carbon technologies will help to make sure the UK has a secure energy supply. Microgeneration projects, by individuals to meet their own needs, also play an important part in combatting climate change.
24. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all⁴.
25. The North Wessex Downs AONB Management Plan recognises that renewable energy infrastructure can have a significant influence on the AONBs historic environment. Nonetheless, its strategic objectives, for the use of Natural Resources and Communities, support appropriate small-scale renewable energy generation projects. Also, the Council's Position Statement on Renewable Energy supports the provision of solar panels for microgeneration projects.
26. Furthermore, CS policy CS15, with respect to Sustainable Construction and Energy Efficiency, states that the Council supports renewable energy generation. The supporting commentary explains that carbon reduction is a key issue for the Council. This also notes that the district is the highest electricity user in the southeast with CO₂ emissions being within the upper quartile of local authorities within the region. As concluded by this section, this provides clear evidence that the Council needs to do more to meet national targets in relation to CO₂ emissions reduction. As a result, the benefits of renewable energy generation attract significant weight in the planning balance.
27. The proposed development would make a positive contribution towards the microgeneration of energy, enabling the associated dwelling to be largely carbon free and become self-sufficient for its energy needs. Also, being a

⁴ IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

microgeneration scheme, the scheme's location is necessary to serve the dwelling nearby, limiting the suitability of alternative sites to generate the same benefits.

Conditions

28. I have considered the use of conditions in line with the guidance set out in the PPG. I shall take the Council's suggested conditions into consideration and impose these with some amendments and adjustments for clarity.
29. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. A condition is also necessary to limit the installation period of the scheme to ensure the solar panels are removed in the future to prevent a permanent impact on the landscape character of the area [3]. A condition is required for a landscaping scheme to enhance the existing landscape screening to further mitigate the effect of the development on the area's landscape character [4]. To protect the identified Great Crested Newts within the area, and in accordance with advice from the Council's Newt Officer, a condition is necessary for the management of construction materials [5]. Furthermore, a condition is required to ensure that the solar array is only used for this purpose to prevent the expansion of the residential curtilage of Woodland Manor in the interests of the area's character [6].

Planning balance and conclusion

30. The Framework recognises the valuable contribution that microgeneration projects can make to cut greenhouse gasses. The proposal would provide renewable energy for a home that would supply the majority of its energy needs. This would assist the Council in meeting a key objective of complying with national targets in relation to CO₂ emission reduction, in a district that has an extremely high demand for energy, contributing to concurrently high CO₂ emissions. Therefore, these are benefits to which I have afforded significant weight. In this regard, the proposal garners substantial support from CS policy CS15 and the Framework.
31. Weighed against this benefit is my finding that the appeal scheme would not comply with the Council's policies that relate to the conservation of the National Landscape, causing conflict with relevant policies of the development plan. The Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues⁵. I have applied great weight to the identified harm in consideration of the National Landscape being attributed the highest status of protection.
32. However, the weight afforded to this policy conflict should be reduced as the identified harm is modest. As a result, the substantial weight afforded to the generation of renewable energy outweighs the great weight applied to the protection of the National Landscape as only modest harm has been identified. As such, the conflict found with the relevant policies of the development plan is outweighed by the benefits of the proposal.

⁵ National Planning Policy Framework, paragraph 182

33. For the reasons given above, the proposal would accord with the development plan as a whole. Therefore, the appeal is allowed, and planning permission is granted subject to the attached conditions.

Ben Plenty

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 drawing no's: Location plan - TQRQM23022194614272, Block Plan - TQRQM22274104117836, illustrative landscape masterplan, overhead plan, elevations Sunpower Maxeon specification sheet 1 and 2. The materials to be used in the development hereby permitted shall be as specified on the plans and supporting information.
- 3) The solar panel array hereby permitted shall remain at the application site for a limited period being the period of 30 years from the date of this decision. The solar panels and any ancillary equipment shall be removed, and the land restored to a condition first submitted to and approved in writing by the Local Planning Authority this shall include a scheme of works for the proposed restoration.
- 4) The development hereby permitted shall not commence until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, details of biodiversity improvement and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of the installation of the solar panels (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.
- 5) The development hereby approved shall be carried out in accordance with the following precautionary measure for great crested newts: (i) All vegetation within the works area shall be maintained at a maximum height of 30mm until construction is completed through regular mowing or grazing in order to discourage great crested newts from using the site and (ii) Any building materials will be stored on pallets or in jumbo bags/containers to discourage GCN from using them as shelter. (iii) Any demolition materials/waste will be stored in skips or similar containers rather than in piles on ground.
- 6) The land on which the solar panels hereby permitted are to be located shall be used for the siting of solar panels only and for no other purpose (including any purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

End of conditions