



Appeal Decision

Site visit made on 4 June 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/D1265/W/24/3337470

Solar Farm, Coldharbour, Chickerell DT3 4BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Atlas Tower Group against the decision of Dorset Council.
 - The application Ref is P/PAEL/2023/03076.
 - The development proposed is described as the installation of a 25m lattice tower, 3 no. antenna apertures, 4 no. 600mm microwave transmission dishes and 8 no. equipment cabinets inside an 8.5m x 9m compound enclosed by a 1.8m high chainlink fence with gate, alongside an 8m x 9m parking area adjacent the compound and development ancillary thereto.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the siting and appearance of 25m lattice tower, 3 no. antenna apertures, 4 no. 600mm microwave transmission dishes and 8 no. equipment cabinets inside an 8.5m x 9m compound enclosed by a 1.8m high chainlink fence with gate, alongside an 8m x 9m parking area adjacent the compound and development ancillary thereto at Solar Farm, Coldharbour, Chickerell DT3 4BG in accordance with the terms of the application Ref P/PAEL/2023/03076, dated 26 May 2023, and the plans submitted with it including: Proposed Site Plan 003 A and Proposed Elevation 005 A.

Preliminary Matters

2. The provisions of the Order, under Paragraph A.3 requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. I have taken the address as 'Solar Farm' rather than 'Newlands Farm Solar Park' as this is the address which was specified on the application form and developer's notice. The appeal site is also identifiable from the submitted drawings.

Planning Policy

4. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan

as there would be for any development requiring planning permission. I have had regard to the policies of the development plan and the National Planning Policy Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is therefore the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed considering any suitable alternatives.

Reasons

6. The appeal site sits within a predominantly open and rural area just outside the more built-up area of Chickerell. A scattering of buildings, solar farm and electricity pylons are sited near to the appeal site and the appeal site also commands an elevated position. The immediate area has a verdant and open character which provides relief between built-up areas.
7. The proposed development would be located within an open field near to an existing electricity pylon and its associated transmission cables. It would include the erection of a lattice tower with antenna, dishes, and compound. The proposed drawings show that the top of the tower would measure 25 metres above ground level.
8. The proposed tower would comprise additional infrastructure visible from several views both near and far and this is acknowledged in the appellants Visual Impact Assessment (VIA). The proposed development would however be narrow in its form and would have an open lattice design. It would also sit next to existing functional structures, in this case a solar farm, telegraph poles with cables, and a taller electricity pylon with associated transmission cables.
9. The proposed development's impact would be significantly reduced given its siting near to the existing electricity pylon. It would also be considerably shorter and narrower than this existing structure. While the proposed tower would still have a visual presence, given its proposed siting near to the electricity pylon and other nearby buildings and structures, it would not result in an unduly prominent or conspicuous feature.
10. The proposed development includes fencing, a compound and a parking area which would sit at ground level. However, mature screening around the site would limit visibility from public vantage points. In coming to this conclusion, I have considered the VIA which shows that from various viewpoints the proposed development would not be a dominant feature on the landscape. Consequently, the effect on the character and appearance of the area would be acceptable.
11. As I have found that the siting and appearance of the proposed development would be acceptable, it is not necessary to consider the detailed merits of any potential alternative site or the possibility of erecting antennas on an existing building, mast, or other structure.
12. While the developer's notice is dated the same as the application form, there is limited documented evidence to suggest the application was made before notice was given. It has also not been robustly shown that the proposed development would adversely impact public highway.

Conditions

13. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

N Praine

INSPECTOR