



Appeal Decision

Site visit made on 30 April 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/M9496/W/23/3329001

Cressbrook Hall, Bottomhill Road, Cressbrook SK17 8SY

- 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 Joanne Cunningham against the decision of Peak District National Park Authority.
 - The application Ref is NP/DDD/1122/1434.
 - The development proposed is erection of a ground mounted solar panel array.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a ground mounted solar panel array at Cressbrook Hall, Bottomhill Road, Cressbrook SK17 8SY in accordance with the terms of the application, Ref NP/DDD/1122/1434 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Solar Array Location Plan: Drawing Number 524 – P05 Revision C

Landscape Master Plan: Drawing Number 1427-001 Revision B
 - 3) When the development hereby approved is no longer in use, it shall be removed, and the land shall be restored to its former use.
 - 4) No development shall commence until a detailed plan of the location and route of any cabling and/or ducting associated with the development and/or its connection to the National Grid has submitted to and approved in writing by the Peak District National Park Authority.

Main Issues

2. The main issues in this appeal are the effects of the proposal on:
 - the setting of the Grade II listed building;
 - whether the proposal would preserve or enhance the character or appearance of the Cressbrook Conservation Area (CCA); and
 - the character and appearance of the area.

Reasons

3. The appeal site is located to the east of Cressbrook Hall ('the Hall') and comprises grassland which rises steeply to the north and is intersected by two

flat plateaus. The proposed development site was evidently historically within the 'pleasure grounds' of the Hall, and the grounds now include other dwellings located off the access track and two converted former gatehouses at either entrance to Bottomhill Road. The grounds descend to the south towards the River Wye while the Hall includes a walled garden with views out over the valley. The village of Cressbrook is located to the north.

4. The proposal seeks to erect two separate arrays of solar panels on each of the two plateaus of the grass hill. The unit on the higher plateau would measure 4.4 metres (m) depth by 17.5m width, while the lower unit would have the same depth with a total width of 30m. The height of both units would be 1.5m while they would be of predominantly black colour with black frames and an anti-glare coating. Any required cabling would be buried.

Listed Building

5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act (the Act) 1990 requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
6. The appeal site is located within the grounds of the Grade II listed building 'Cressbrook Hall and attached terracing'¹. The hall is described as a small country house dating from 1843 and extended in 1851. It was built from coursed sandstone with gritstone blocks and dressings and a Welsh slate roof.
7. From all that I have seen and read, including the submitted Heritage Statement², the special interest and significance of the listed building is predominantly derived from its historic and architectural interest. Historic interest is drawn from the age of the building and its links to the industrial and societal heritage of the area through its former occupier who founded a nearby mill.
8. Architectural interest is derived mainly from its status as a good example of a Tudor manor house, which has remained largely preserved from the time period, its intricate detailing such as the stone ridge and eaves, and the fine terraced gardens to the south which offer open views over the Millers Dale valley. There is further significance drawn from the group value of the Hall in combination with the two Grade II listed gatehouses at each entrance from Bottomhill Road.
9. There is general agreement between the main parties that the appeal site is not in the curtilage of the Hall but is within its setting. Based on all that I have seen and read I see no reason to disagree. The historic pleasure grounds of the Hall were evidently used in a manner ancillary to the enjoyment of the home and to take in the surrounding landscape views. I also understand that the ground upon which the panels would be erected has been disturbed in the mid to latter half of the 20th century, which may have been due to explorations made in relation to planning permission granted for the extraction of calcite. There is a history of industry in the area, with the Cressbrook Mill a surviving remnant of textile manufacturing with links to Richard Arkwright.

¹ List Entry Number: 1334987

² Philip E. Heath, October 2022.

10. Due to the historic function of the grounds and links to industry, the setting of the Hall clearly makes a significant contribution to the special interest of the listed building.
11. The proposal to install the two solar panel arrays would introduce two relatively large, utilitarian elements of dark colour and modern appearance, with metal and glass materials, into the setting of the Hall. The tree belt between the Hall and the appeal site would largely screen the two elements from one another and reduce intervisibility. I also understand that historically industry has contributed to the area and on the appeal site itself due to mining explorations. However, on balance, the introduction of the arrays would dilute the historic understanding of the Hall and the contribution its' grounds make to the significance of the listed building.
12. I note that the National Park Authority (NPA) granted planning permission³ for a solar array on adjacent land to the west of the appeal site which is located within former walled gardens and now serves several holiday lets. I have little information on this matter before me, although I did observe the arrays on my site visit. Based on these observations, it was clear to me that these panels were contained within the walls of the redundant gardens and were not readily visible from the appeal site. In any event, these would have had their own site-specific considerations and their existence does not in and of itself mean the proposal before me would not be harmful. This is particularly the case given the appeal proposal would be in a much more open and visible location relative to the enclosed arrays adjacent.
13. Accordingly, the proposal would not preserve the setting of the listed building, contrary to the requirements of section 66(1) of the Act.

Conservation Area

14. Section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The CCA includes the whole village of Cressbrook, including the landmark buildings of Cressbrook Mill, which is cited as the reason for the village's existence, and Cressbrook Hall, which was built for and occupied by the mill owner at the time.
15. From all that I have seen and read, the significance of the CCA is derived mainly from its founding as a village for the workers of the mill, the layout of the village with the majority of housing grouped tightly together on higher ground, and the vernacular character of properties with regards to common traits and their traditional materials.
16. The CAA⁴ advises that although the settlement is quite spread out, the overall feeling is one of tightly grouped houses. There is strong continuity in the village given much of it was designed by renowned local architects Weightman and Hadfield. Houses are generally well preserved to this day and of note are architectural features such as diamond paned metal windows and decorative bargeboards and all properties are constructed of limestone with gritstone dressings to windows and door surrounds. Blue slate roofs and Staffordshire blue tile roofs are typical, as are limestone boundary walls. Taken together, these elements combine to create a distinctive and strong sense of place. The

³ Planning Reference: NP/DDD/0813/0762

⁴ Cressbrook and Ravensdale Conservation Area Appraisal (September 2011)

Hall is a prominent feature and makes a substantial positive contribution to the character and appearance of the CCA as a whole and thereby to its significance as a designated heritage asset.

17. The introduction of the arrays, built of modern synthetic materials with a sleek black appearance, would invariably clash negatively with the prevailing traditional and reserved features of the village as detailed above. However, visibility of the panels would be limited to within the grounds of the Hall itself and potential glimpses from the access track to the north which serves holiday cottages. Due to the positive contribution that the Hall makes to the CCA, and identified harm to the setting of that building, it logically follows that there would be some associated harm to the character and appearance of the CCA as a whole.
18. Overall, I conclude that the proposal would harm the setting of the Grade II listed Cressbrook Hall and would not preserve or enhance the character or appearance of the CCA. It would therefore fail to satisfy the requirements of sections 66(1) and 72(1) of the Act.

Heritage Balance

19. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
20. I agree that the magnitude of harm would be less than substantial due to the nature and scope of the works, although I note that the appellant claims that this would be on the 'low end' of less than substantial. However, the courts⁵ have held decision-makers are not obliged to place harm that would be caused to the significance of a heritage asset, or its setting, somewhere on a "spectrum" in order to come to a conclusion. The only requirement was to differentiate between "substantial" and "less than substantial" harm for the purposes of undertaking the weighted balancing exercise.
21. Paragraph 208 advises that in the case of less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Less than substantial harm to the setting of the listed building and the CCA should not be confused with a less than substantial planning objection, and it weighs considerably against the scheme.
22. Conversely, there would be very substantial benefits to the proposal. The appellant advises that the current electricity requirement of the Hall is in excess of 51,000 kilowatt hours (kWh) annually. In context, it is claimed that this usage is some 10 times more than a five-bedroom property. I understand that a Ground Source Heating system using boreholes is already in place at the hall to provide heating and hot water and battery storage utilities are in the basement. The solar array would supply the electricity requirements of the Hall and the operation of the ground source system, with the existing batteries storing the remainder of electricity generation for future use when required.
23. A core objective of the Framework in its aims to achieve sustainable development is mitigating and adapting to climate change, including moving to a low carbon economy. The appellant advises that the solar array in

⁵ Shimbles v City of Bradford MBC [2018] EWHC 195 (Admin)

conjunction with the existing heating and energy storage methods would reduce the carbon footprint of the Hall by around 89%. This would clearly be of extensive benefit in the ongoing mitigation of climate change.

24. Based on the above, I am satisfied that the public benefits of the proposal development would outweigh the less than substantial harm that would be caused to the setting of the Hall and the character and appearance of the CCA. There would therefore be no conflict with policies CC2 and L3 of the Core Strategy⁶ (CS) and DMC5, DMC7 and DMC8 of the Local Plan (LP)⁷, which generally advise development which would harm the significance of a heritage asset will be resisted unless suitable justification is demonstrated. Among other things, these policies state that development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset (from its alteration or destruction, or from development within its setting), unless: (i) for designated heritage assets, clear and convincing justification is provided, to the satisfaction of the Authority, that in the case of less than substantial harm to its significance, the harm is weighed against the public benefits of the proposal.

Character and Appearance

25. The planning application was supplemented with a Landscape and Visual Appraisal⁸ (LVA), which establishes that the appeal site is located within the Limestone Dales Landscape Character Type (LCT). The key characteristics of this LCT include steep sided dales, grassland, woodland, being largely unsettled apart from occasional small mill settlements, and a history of mineral working.
26. From my own observations on the site visit, the area is overwhelmingly rural with a tranquil character and a dynamic landscape of deep valleys and steeply rising plateaus. Due to tree coverage and the topography of the surrounding area, the Hall has a secluded feel from within the grounds, although views open up to the south over the valley. Narrow roads and drystone boundary walls underpin the rural location alongside traditional building materials such as limestone. As a National Park, the area is subject to the UK's highest level of landscape designation and protection.
27. The proposal would introduce two relatively large, modern features of stark black appearance constructed of metal and glass into the local landscape. Set against the key characteristics of the LCT, the installation of the panels would lead to a small loss of grassland while causing a minor change in the topography of the area. Taken together, there would be an adverse effect on the landscape character of the area as a result of the panels.
28. Turning to visual effects, the LVA includes a Zone of Theoretical Visibility (ZTV) which demonstrates that on a bare earth scenario (i.e., not including trees and buildings), there would be no clear views of the appeal site from the north and west outside of the historic grounds of the Hall. The ZTV also shows that the majority of views would be from close range and generally limited to higher land to the south and east. In practice, due to tree coverage inside and around the boundaries of the grounds of the Hall, I observed that there were very few vantage points whereby clear views of the site would be possible.

⁶ Peak District National Park Local Development Framework Core Strategy Development Plan Document (adopted October 2011).

⁷ Peak District National Park Development Management Policies (adopted May 2019).

⁸ Weddle Landscape Design: Revision A – November 2022

29. The 10 perspective photographs appended to the LVA were taken from locations within the ZTV area. Of these, it is demonstrated that four viewpoints would have views of the arrays. This includes one from within the grounds, two from the plateau to the south and a long-range view to the southeast from Monsal Head.
30. From the first viewpoint within the grounds, the top of the panels would be glimpsed, while from the southern plateau, the panels would likely be prominent set against the steeply rising hill to the north from these two locations. Although the anti-glare coating would reduce instances of light reflection, the array's modern appearance, colour and materials would be incongruent set against the deft natural tones of the grassland, and so the proposed development would introduce a discordant element into the local landscape. From the longer-range view at Monsal Head, at a distance of some 2km, views of the panels would likely be negligible and fleeting, appearing as small and insignificant feature in the overall view.
31. These views would eventually be lessened by the proposed bunds and planting of native species, which is demonstrated in the landscape masterplan. Over time this would partially screen the panels from these viewpoints. Overall, the visual impacts of the scheme would be minor. Taken together, in terms of both landscape character and visual impacts, there would be a minor adverse impact.
32. My attention is drawn to two other planning applications⁹ that were granted planning permission by the NPA. I have been provided with site plans and officer reports for both of these. I note that the NPA considered the array at Shireoaks Farm would be 'located entirely behind the farmhouse with a dry-stone boundary wall. This severely limits the impact on the setting of the farmstead...'. That application was assessed on its own merits and does not automatically mean that the proposal before me is therefore not harmful either. Furthermore, the application at the Old Vicarage was recommended for refusal but was approved by members of the planning committee. This is their prerogative of course. As such neither of these examples would convince me that the proposal before me is not harmful to the considerations of landscape and visual impact in this case.
33. Drawing things together, despite the appellant's claims that the proposal would respond positively to landscape related policies at national and local levels, due to this minor adverse effect the proposal cannot be considered to be a positive feature in the landscape. As such, it would harm the character and appearance of the area which would be contrary to policies CC2 and L1 of the CS and DMC1 of the LP. These seek, among other things, to ensure proposals clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced.
34. The proposal would also be contrary to guidance in the SPD¹⁰ which advises that large scale ground mounted solar arrays are not appropriate. Although 'large' is not defined, the SPD goes on to advise that to meet National Park policies, ground mounted solar arrays outside the curtilage of a building should be avoided.

⁹ Planning application references: NP/HPK/0822/1039 & NP/DDD/0622/0830

¹⁰ Climate Change and Sustainable Building Supplementary Planning Document (adopted March 2013).

Planning Balance

35. I have identified further harm to the character and appearance of the area due to adverse impacts to landscape and visual elements. This weighs against the proposal significantly due to the local landscape context and the appeal site being within a National Park. Consequently, the proposal would be in conflict with the development plan as a whole.
36. This is a matter of planning judgement and one which is finely balanced. However, the issue of climate change is one of existential importance and while in a national context the proposal is of relatively small scale, the Framework recognises in paragraph 163 that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions. I have already outlined the benefits of the proposal in consideration of the heritage issues. There is no need to repeat them here.
37. Whilst there would be some conflict with the development plan in these regards, given that I have found the proposal to be in accordance with the advice in the Framework, and in the context of the presumption in favour of development described above, I am satisfied that the public benefits of the proposal would outweigh the conflict with the development plan that would arise in this particular instance.
38. Taken together, on balance it is my judgment that the benefits of the proposal would outweigh the harm to the setting of the listed building, character and appearance of the CCA and the local area and planning permission should be granted.

Other Matters

39. There are two points of entry to the grounds of the Hall from Bottomhill Road, both of which have former gatehouse lodges. These are evidently both Grade II listed buildings and have been converted into dwellings. I note the NPA has not assessed these and has not provided listing descriptions for either, although there is reference in the list entry for the Hall to group value. The Heritage Statement concurs that this is in conjunction with the two gate lodges.
40. I note the Heritage Statement concludes that the settings of both lodges would not be affected by the proposal. Due to the historic association between the lodges and the Hall, the setting of both lodges must include the Hall and its grounds. However, there is dense tree coverage and rising topography between both lodges and the appeal site. While visibility is not the only factor to determining the effect of a proposal on the setting of a listed building, in this case the experience of both listed buildings would not be affected by the solar arrays. As such I concur that there would be no harm to their settings and the proposal would not be contrary to the Act.

Conditions

41. The NPA has provided a list of suggested conditions in the event that the appeal was allowed. I have had due regard to these and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG), making such amendments as necessary to comply with those documents.

42. The standard conditions relating to timescale for commencement and accordance with plans, including the landscape masterplan, are imposed for certainty. A condition is imposed to ensure that the site is restored to its current state after the cessation of the use of the solar arrays, in the interests of the setting of the listed building, character and appearance of the CCA and local landscape.
43. A detailed plan of the route of underground cabling between Cressbrook Hall, the solar arrays and any connection point to the National Grid is necessary to protect the character and appearance of the area, setting of the listed building and the CCA. This needs to be submitted prior to the commencement of development to ensure that appropriate measures are in place.

Conclusion

44. For the reasons given above the appeal should be allowed.

C McDonagh

INSPECTOR