



Appeal Decision

Site visit made on 13 June 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2024

Appeal Ref: APP/J1915/W/23/3330457

Stanstead Lodge, Stanstead Road, Stanstead Abbotts SG12 8LD

- 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 Angelika Hinton against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/0721/FUL.
 - The development proposed is the installation of 3 x rows of freestanding solar panels along with associated cable connection to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, and since the Council made its decision on the application, a revised version of the National Planning Policy Framework (the Framework) has been published. I have had regard to the revised Framework insofar as it is relevant to this appeal.
3. The submitted evidence indicates to me that the Stanstead Abbotts and St Margarets Neighbourhood Plan (NP) is emerging. I have limited information before me in relation to the NP, but it would not seem to be at an advanced stage in its preparation. The Council's reason for refusal does not rely upon any of the NP's emerging policies and none have been put before me. In such circumstances, the NP is not a matter to which I have attributed any meaningful weight in my determination.
4. The appeal site is within the Metropolitan Green Belt. There is no dispute between the main parties that the development would constitute inappropriate development within the Green Belt, and I have no reason to disagree.

Main Issues

5. In this context, the main issues are:
 - The effect of the development upon the openness of the Metropolitan Green Belt; and
 - Whether the harm to the Metropolitan Green Belt, by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development proposed.

Reasons

The effect of the development upon openness

6. Stanstead Lodge is a large house which is served by a spacious and mature garden which is largely enclosed by trees and hedgerows. The proposed solar panels would be sited on a parcel of land currently comprising of grassland to the south of this garden. There is an existing cricket net adjacent to this parcel of land but, that aside, the land upon which the solar panels would be sited forms a part of a quite extensive tract of grassland with trees to its edges and which exhibits a largely open character.
7. The proposal would introduce built development onto a parcel of land where presently there is none. Reaching over 2.3 metres (m) above the ground level, each of the solar panels proposed would be of quite significant height. The panels would be arranged in 3 rows and would cover an area of 462m², albeit there would be gaps of undeveloped land left between them. Nevertheless, the solar array installation as a whole would represent a quite significant built feature. Given this, and how the existing land the development would be sited upon would change, a reduction in the openness of the Green Belt would result.
8. In coming to this view, I acknowledge that the appellant has assessed and discounted alternative locations for the installation. I have no grounds to conclude that the reasons for the other sites being discounted are not valid. Even so, and for the above reasons, in addition to the harm caused by reason of inappropriateness, there would also be harm to the Green Belt as a result of a loss of openness.

Other considerations

9. Stanstead Lodge is a Grade II listed building. The statutory duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess.
10. Stanstead Lodge is a distinctively designed property which includes sash windows, a red tile-covered hipped roof and a semi-circular moulded porch with columns. Such traditional design features and materials exude architectural interest, and they contribute strongly to its significance as a heritage asset. It was once a farmhouse and so the building is also of historic value – it provides evidence of the area's agricultural heritage. Stanstead Lodge's mature garden, which features some large trees and lawns with planted borders, provides the building with an attractive and leafy immediate setting which contributes meaningfully to its significance. Beyond the garden, there is countryside and parkland which also provides a verdant and attractive wider setting to the listed building.
11. The Grade II listed park and garden of Briggens lies adjacent to Stanstead Lodge. The principal significance of Briggens stems firstly from its architectural and artistic interest which results from the features which remain from its original early 18th Century design. Secondly, it provides historic interest given it was designed by Charles Bridgeman a landscaped gardener of that era of national interest. Briggens includes individually listed features including, at its centre, the Grade II listed Briggens House. It is a mansion house which

exhibits distinguished and ornate design details. For this reason, I find its significance principally stems from its architectural and artistic interest. The remains of the historic park and garden the house overlooks, and is associated with, provides it with a verdant setting.

12. The trees and other soft landscaping which run along Stanstead Lodge's garden boundaries would provide effective screening for the panels in views from within the property and the garden. The trenches dug for the cabling would be filled in and could be appropriately re-landscaped in a manner sympathetic to the garden through which they would run. Details of the precise connection point to the house are not before me, it is proposed that this would be submitted to the Council under a separate application for listed building consent. For these reasons, and on the basis of what is before me, I am satisfied that the development proposed as a part of the appeal would preserve Stanstead Lodge's special interest and setting.
13. Between the listed park and garden and the land upon which the solar array would be sited there is a parcel of land which includes mature landscaping. This separation and the screening that exists would assist in limiting the intervisibility between the proposed development, Briggens and the listed buildings contained therein. Consequently, no harmful effects upon the setting of these designated heritage assets would result.
14. It is submitted to me that the proposed solar array would not only be able to provide for all of Stanstead Lodge's electricity requirements but that there would, in addition, be a power excess which would be exported into the grid and used to power other properties and services. Therefore, despite being a small-scale renewable energy project, the proposal would make a valuable contribution to significantly cutting greenhouse gas emissions. Doubtless it would improve the energy efficiency of the existing property, a matter which the Framework sets out should be given significant weight.
15. These would be benefits of the proposal, and I note that the proposal has attracted some public support as a result. These benefits would also be delivered at a time when East Hertfordshire District Council has declared a climate emergency in recognition of the effects that climate change is having upon residents of the district.
16. As a designated heritage asset, Stanstead Lodge is an irreplaceable resource which should be sustained. However, I have no substantive evidence that this would not occur in the absence of the proposal.
17. My attention has been drawn to appeal decisions for solar installations at East Hanningfield and Digswell. At East Hanningfield, a substantially larger solar installation was proposed. The decision sets out that it would provide power for over 16,000 households. Its contribution to combatting the effects of climate change would be substantially different from that at Stanstead Lodge. The two schemes are therefore not comparable.
18. More akin to the appeal before me, the Digswell scheme was a small-scale solar array project. I note that the power generated by the Digswell scheme was less than would be the case at Stanstead Lodge too. Equally, the solar array at Digswell had a smaller land-take, and the panels had a height of only 1.2m which is quite considerably lower than that proposed in my case. Consequently, the particular effects upon the openness of the Green Belt would

differ. Moreover, not all of the evidence that was before the Inspector in the Digswell case is before me. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For these reasons, whilst I have had regard to them, neither of the submitted appeal decisions are a strong influence upon my decision.

Planning Balance

19. The proposal amounts to inappropriate development in the Green Belt. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. I attach substantial weight to this harm. The development would reduce the Green Belt's openness, which gives rise to additional harm.
20. Whilst the proposal's benefits of cutting greenhouse gas emissions and improving the energy efficiency of Stanstead Lodge are significant, the other considerations in this case are not so significant that they clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development referenced at paragraph 153 of the Framework, do not exist. As Policy GBR1 of the East Herts District Plan requires that proposals are considered in line with the Framework, it follows that the proposal also conflicts with this policy. National planning policy attaches great weight to the Green Belt. Consequently, Policy GBR1 which relates to it is at the heart of the development plan. By conflicting with it, I find that the proposal conflicts with the development plan as a whole.

Conclusion

21. The proposal conflicts with the development plan as a whole and the material considerations in this case, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Jones

INSPECTOR