



Appeal Decisions

Site visit made on 8 July 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2024

Appeal A Ref: APP/Y3940/W/23/3327318

Etchilhampton House, Etchilhampton, Devizes, Wiltshire SN10 3JH

- 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 Jocelin Harris against the decision of Wiltshire Council.
 - The application Ref is PL/2023/03842.
 - The development proposed is the installation of solar panels on the roof of the outbuilding of a listed building.
-

Appeal B Ref: APP/Y3940/Y/23/3328707

Etchilhampton House, Etchilhampton, Devizes, Wiltshire SN10 3JH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Jocelin Harris against the decision of Wiltshire Council.
 - The application Ref is PL/2023/04167.
 - The works proposed are the installation of solar panels on of the roof of the outbuilding of a listed building.
-

Decisions

1. Appeal A is allowed, and planning permission is granted for the installation of solar panels on the roof of the outbuilding of a listed building at Etchilhampton House, Etchilhampton, Devizes, Wiltshire SN10 3JH in accordance with the terms of the application, Ref PL/2023/03842, subject to the conditions in the attached schedule A.
2. Appeal B is allowed and listed building consent is granted for the installation of solar panels on the roof of the outbuilding of a listed building at Etchilhampton House, Etchilhampton, Devizes, Wiltshire SN10 3JH in accordance with the terms of the application Ref PL/2023/04167 and the plans submitted with it subject to the conditions in the attached schedule B.

Preliminary Matters

3. The proposals relate to Etchilhampton House, a Grade II listed building located within the Etchilhampton Conservation Area (CA). The description of the proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes are different. I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate. However, to reduce repetition, I have dealt with both appeals together in this decision letter unless stated otherwise.

Main Issue

4. The main issue in both appeals is the effect of the proposals on the significance and special interest of the Grade II listed building, and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

Significance and special interest

5. The listed building dates from 1773 and comprises a substantial, detached two storey house set in generous verdant grounds. Featuring Flemish brickwork with stone dressings, with a two-storey projecting porch, its significance and special interest are partly drawn from its architectural and aesthetic qualities as a handsome example of an 18th century country house. Linked to that, there is heritage value in the surviving historic fabric and workmanship embodied in the building.
6. Further special interest stems from its spacious, largely rural surroundings including the configuration of the main house with outbuildings and The Lodge around a gravelled courtyard to the north. These elements reveal information about the likely higher status of the historic occupants of the listed building, and their probable relationship with the surrounding countryside and community.
7. The appeals concern the roof of a garage outbuilding that lies perpendicular to Etchilhampton House. The broadly rectangular brick structure has a pitched slate roof, which the information presented confirms is a modern development¹. Relative to the main house, the garage is considerably smaller and has limited detailing. As such, it possesses limited architectural significance, but its traditional form, modest scale and materials mean it is generally sympathetic to the architecture of the house.
8. Furthermore, its secondary positioning to the far eastern side of the house adjacent to the boundary, combined with its functional openings results in a structure that clearly reads as subordinate to the main house. Overall, its unassuming presence and serviceable character reinforce the hierarchy and status of the principal house. In this way, the appeal structure makes a small contribution to the significance and special interest of the listed building as an entity.
9. The CA covers most of the settlement of Etchilhampton and comprises clusters of built form loosely arranged along the principal routes through the village. Its significance is derived from several factors. Firstly, there are some notable historic buildings including Etchilhampton House and the stone church of St Andrew which enrich the architectural quality of the CA. In addition, the extent of greenery, open space and pockets of woodland both within and surrounding the CA is an important attribute. The irregular settlement pattern and informal lanes suggest the settlement evolved from manorial, estate or farmstead origins. Overall, the CA has a strongly rural character and appearance.
10. The appeal site is an important and substantial historic building set in spacious grounds that augments the aesthetic and rural qualities of the CA. It also reveals social and economic information about the likely historic structure of

¹ Case Officer's report, including relevant planning history

the settlement. Hence, Etchilhampton House contributes positively to the character and appearance of the CA.

The effect on the listed building and CA

11. The proposals would introduce 13 solar panels arranged onto the pitched roof of the garage outbuilding. 12 would be on the front west facing slope, with one panel on the south facing side of the projecting gable.
12. The panels would be fixed over the slate tiling. Therefore, they would be slightly raised relative to the planes of the roof, which would add complexity to the roof profile. By comparison, the rectangular solar panels would be larger than the slate roof tiles and comprised of black glass² resulting in a smoother more reflective finish. Consequently, they would have an obviously manufactured modern appearance, noticeably different from the traditional matt finish of the slate roof tiles and their subtle natural variations in colour and texture.
13. For these reasons the solar panels would undermine the traditional appearance of the garage building. However, the extent of harm to the heritage value of the listed building would be minor in nature for the following reasons. Firstly, the proposals would not affect historic fabric given that the slate roofing is a recent addition. Secondly, the solar panels would not interfere with the secondary or functional nature of the garage outbuilding, or its role in reinforcing the hierarchy of the main house.
14. Thirdly, although the solar panels would be visible from the west, they would be positioned in a relatively inobtrusive location. The main approach to the house from the west is along a wooded driveway, whereby trees and vegetation prevent longer range views. Upon reaching the gravelled area to the front of the house, my observations were that the proximity and grandeur of the house with its two-storey porch takes precedence as it is in the foreground. In this context, the immediacy of solar panels on the west facing roof plane of the secondary garage structure would recede into the background. This would be further compounded by the presence of hedgerows and other vegetation. To an extent this is illustrated in the photograph³ provided.
15. Moreover, the position of the garage structure to the eastern side of the courtyard would curtail wider visibility. The boundary brick wall and eastern roof plane of the garage would prevent views from the east. If accessing the appeal site from this direction, the eye is drawn to the principal elevation of the house rather than the garage. Therefore, overall, I cannot agree with the Council's contention that the solar panels would be highly visible from or within the grounds of the listed building, or the wider CA.
16. Nevertheless, those factors would not entirely negate the negative impact arising from the solar panels. As such, a small amount of harm to the significance of the listed building and CA would remain which would conflict with the expectations of the statutory duties in the Act.
17. In terms of the National Planning Policy Framework (the Framework), it follows that the proposals would cause some minor harm to the significance of both the listed building and the CA as designated heritage assets. In the parlance of

² Planning application form

³ Site photographs – View from the West

the Framework, the degree of harm to the significance of each asset would be less than substantial. In these circumstances, paragraph 208 of the Framework indicates that the harm should be weighed against the public benefits of the proposals including, where appropriate, securing the asset's optimum viable use.

Heritage balance

18. The introduction of solar panels would result in greater energy generation from renewable sources. The appellant explains⁴ that the principal reason for the installation is to respond to the climate emergency. It is further stated that there will be storage capacity to enable surplus energy generated to be fed into the national grid. As such, the proposals would have the potential to cut carbon dioxide emissions at the appeal property, as well as contribute to wider reductions.
19. The Council describes the benefits from the proposals as primarily private. Planning Practice Guidance⁵ advises that public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. To my mind, whilst there would be some crossover with private interests, the reduction in carbon dioxide emissions arising from increased renewable energy generation is undoubtedly an important public benefit.
20. This is reinforced by paragraph 164 of the Framework which stipulates that significant weight should be given to the need to support energy efficiency, including the installation of solar panels on domestic properties. The provision of solar panels at the appeal site would further those aims and would bring public benefits that garner significant favourable weight.
21. At the heart of my determination in these appeals is the question of where to strike the balance when there is friction between conserving the historic environment and the need to support low carbon energy improvements. This is a complex and dynamic subject, as both are valid objectives for which support and encouragement can be found in national and local planning policies and guidance. Indeed, Core Policy 57 (CP57) of the Wiltshire Core Strategy, January 2015 (LP) that seeks to ensure a high standard of design includes reference to both matters in criteria iv and v.
22. Paragraph 205 of the Framework states that great weight should be given to the conservation of designated heritage assets. The extent of 'less than substantial harm' to the listed building and CA would be small. Even attributing these harms great weight, they are outweighed by the significant weight of the public benefits. It follows that the less than substantial harm to the listed building and CA would in this instance be justified. On that basis, the proposals would accord with the measured historic environment protection policies within the Framework.
23. The Council highlight that they recommended alternative positions for solar panels, such as within the roof valley of the main house or freestanding in the wider grounds. It is suggested that a hidden roof valley location would have no impact on the aesthetic value of the listed building. However, there is little evidence to substantiate this assertion, nor to show that harm to historic fabric would be avoidable. On the limited information before me, I am not convinced

⁴ Design and Access Statement

⁵ Paragraph: 020 Reference ID: 18a-020-20190723

that there are obviously preferable and feasible alternatives that would avoid any harm to the designated heritage assets.

24. Both parties refer to solar panels on the roof of the Chapel at Kings College, Cambridge. However, the location, historic use, architecture, setting and thereby, significance, of that Grade I listed chapel is very different from that of Etchilhampton House. Hence, it has had little bearing on my consideration of the merits of these appeals.
25. Accordingly, I consider that the proposals would strike an appropriate balance with the criteria in CP57 of the LP which, amongst other things, seek proposals that are designed to be sympathetic to the conservation of historic buildings whilst maximising opportunities for the use of renewable energy sources. Overall, I find no conflict with CP57 on this basis.
26. However, Core Policy 58 (CP58) of the LP requires development to protect, conserve and where possible enhance the historic environment. It was adopted some time ago and does not refer to a heritage balancing exercise in the event harm to significance is found. In that respect, it departs from an important component of national policy in the Framework. Therefore, although I find the proposals would conflict with CP58, I have given greater weight to the Framework policy that relates to a measured consideration of impacts on designated heritage assets.

Conditions

27. In the interests of certainty, conditions are imposed to set a commencement time for the development and works respectively. In relation to Appeal A, a condition is imposed to ensure that development accords with the approved plans, but this is unnecessary for Appeal B as it is made clear in my decision wording that the works must accord with the plans submitted.
28. In relation to both appeals, limited or generic details were submitted regarding the specification, finish and method of fixing for the solar panels. As the appeal property is a Grade II listed building, to ensure its significance is safeguarded as far as possible, further details in those respects should be agreed with the Council prior to their installation. Moreover, a dark colour of the panels and fixings is required to ensure they would be visually recessive.
29. Furthermore, it will be seen from my reasoning that I found the proposals in these cases to be justified largely based on the public benefits arising from renewable energy generation. It follows that should the renewable electricity generation permanently cease, the favourable basis for the presence of the solar panels falls away. Given that they would be relatively straightforward to dismantle, I have imposed conditions that the solar panels be removed in those circumstances.

Conclusions

30. For the reasons given above both Appeal A and Appeal B should be allowed.

Helen O'Connor

INSPECTOR

Schedule A 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: Location plan, Site Plan drawing number 883.1, Proposed Elevations drawing number 883.4 and Proposed Elevations drawing number 883.5.
- 3) Prior to the installation of the photovoltaic (PV) panels details showing how the PV panels shall be integrated into the roof, their projection above the roof slopes, mounting brackets and rails, finish and reflectance shall be submitted to and agreed in writing by the local planning authority. The PV panels should be finished in black, with minimal reflectance. The mounting brackets, rails and associated framework, should be finished in a dark colour and should either be hidden underneath the solar PV panels or be minimally visible beyond the solar PV panels. The development shall be carried out in accordance with the approved details.
- 4) When the photovoltaic (PV) panels cease to be used for the generation of electricity, the PV panels and all the associated framework installed onto the roof slopes of the garage outbuilding shall be permanently removed and the roof restored to its former condition.

Schedule B Conditions

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the installation of the photovoltaic (PV) panels details showing how the PV panels shall be integrated into the roof, their projection above the roof slopes, mounting brackets and rails, finish and reflectance shall be submitted to and agreed in writing by the local planning authority. The PV panels should be finished in black, with minimal reflectance. The mounting brackets, rails and associated framework should be finished in a dark colour and should either be hidden underneath the solar PV panels or be minimally visible beyond the solar PV panels. The works shall be carried out in accordance with the approved details.
- 3) When the photovoltaic (PV) panels cease to be used for the generation of electricity, the PV panels and all the associated framework installed onto the roof slopes of the garage outbuilding shall be permanently removed and the roof restored to its former condition.