



Appeal Decision

Site visit made on 4 June 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/R1038/W/24/3341050

The Old Rectory, 1 Swathwick Lane, Wingerworth, Derbyshire S42 6QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Rhodes against the decision of North East Derbyshire District Council.
 - The application Ref 22/00740/FL, dated 18 July 2022, was refused by notice dated 26 October 2023.
 - The development proposed is change of use of field to sustainable energy, construction of barn and retention of concrete hardstanding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development differs from the application form to the decision notice, and I have not been provided with any evidence to suggest this alteration was agreed. However, the appellant has mentioned the fact in the opening of his statement of case and has not objected to the change. I have therefore used the description of development on the decision notice in the header above. I have no reason to believe either party is prejudiced by this course of action.

Main Issues

3. The main issue in this appeal is:-
 - The effect of the proposed development on the character and appearance of the countryside from the proposal and its domestic encroachment into the countryside

Reasons

4. The appeal site is land adjacent the Old Rectory, with a hedgerow boundary on the main boundary with Swathwick Lane. The site is shown to be outside the settlement development limit of Wingerworth, the boundary of which is formed by the residential properties opposite.
5. Whilst the solar array individually would not cover a large area of land, with the addition of the barn and the retention of the concrete hardstanding it would extend development into the agricultural field, outside and away from the existing buildings. The ground source heating system, located within the field, would initially disrupt the field structure during installation, then reinstatement would return the field to its original appearance.

6. The layout of the solar array, plus the introduction of construction materials would appear alien in this location and would harm the gentle, pleasant countryside setting. Whilst the panels would be sat down on the land, under the height of the hedgerow due to the topography, they would not harmonise with the character and appearance of the area. Although the mitigation of the array from the existing and proposed hedgerow would provide some benefits, it would also highlight the size and shape of the site which would appear conspicuous and out of character with the fields and boundaries that surround the site.
7. This harm is magnified by the proposed shed and the retention of the concrete hardstanding. An Inspector in a previous appeal has commented on the inappropriateness of the hardstanding, and its retention, coupled with the erection of the shed, would bring a domestic element that would encroach into the countryside, and would look inappropriate and harmful to the character and appearance of the locality.
8. Whilst the proposed site is small, and the solar panels could be removed at the end of their life, because of its siting, it would appear incongruous in this location. Therefore, to conclude, the development proposal would result in harm to the character and appearance of the area.
9. Paragraph 163 of the Framework advises that planning applications for renewable and low carbon development should be approved if its impacts are, or can be made, acceptable. It has been suggested by the appellant that the existing hedge on Swathwick Lane is robust enough to screen the solar array and a large percentage of the shed, whilst the proposed new planting on the far side of the solar array would assist in screening the other side.
10. However, from my site visit, it is apparent that the Swathwick Lane hedgerow, even in June for my site visit, is not as burgeoning as quoted by the appellant, as there were areas through the hedge on Swathwick Lane where solar panels and the shed would be seen – mitigated against, but still visible. In addition to this I understand the hedgerow is not an evergreen. This feature would not satisfactorily mitigate against the harm identified in respect of the proposal. The solar array and top section of the shed would be visible from the first floors of some of the properties opposite, not a reason for refusal in itself, but definitely a factor against the appeal proposals.
11. The proposal is of a domestic scale relating to one dwelling. As such, the level of renewable energy production would be modest, of which a considerable percentage would be exported to the National Grid. However, the National Planning Policy Framework (the Framework) states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. I therefore give moderate weight to the renewable energy benefits of the scheme, despite its relatively modest scale.
12. As such, I find conflict with policies SS1, SS9, SDC3, SDC10 and SDC12 of the North East Derbyshire Local Plan (2021) in that, amongst other matters, it expects development to protect and enhance the character, quality and setting of town and villages, protect the character, quality and diversity of local landscapes and not, as a renewable scheme, cause harm to visual amenity and character. I also find conflict with policies W2 and W15 of the Wingerworth Parish Neighbourhood Plan where it relates to important views and vistas.

Conclusion

13. Notwithstanding the renewable energy benefits of the proposal, this would not outweigh the other harms that I have identified. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.

Paul Cooper

INSPECTOR