

Appeal Decision

Site visit made on 14 October 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/D0840/W/24/3341683

Healey's Cyder Farm, Land at Healey's Cyder Farm, Callestick TR4 9LW

- 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 Natural Generation against the decision of Cornwall Council.
 - The application Ref is PA23/02391.
 - The development proposed is Proposed construction of a solar farm with associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a solar farm with associated infrastructure at Healey's Cyder Farm, Land at Healey's Cyder Farm, Callestick TR4 9LW in accordance with the terms of the application, Ref PA23/02391, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Since the Council's decision on the planning application, the Perranzabuloe Neighbourhood Development Plan (NDP) 2018-2030 passed the referendum stage. For the purposes of decision making, the NDP therefore now forms part the development plan. The main parties were given the opportunity to comment on this, and I have taken the comments received into account in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding landscape; and the setting of a scheduled monument.

Reasons

Landscape

4. The appeal site forms part of a sloping grass field and is bounded by relatively extensive hedging on three of its four sides. With its rural character and verdant appearance, the site contributes positively to its undulating pastoral setting with its small-medium sized fields bounded by Cornish hedges. However, the site's hedges, combined with topography, trees and other mature hedgerows in the locality serve to limit views of it. In the main, views

include glimpses on the A3075 – a commuter and tourist route – and from the ‘gold priority’ byway. Whilst the site can also be seen in some longer-distance views, including from the newly dualled A30, its presence is not particularly discernible, particularly given its limited size.

5. Accordingly, the site is a relatively minor, inconspicuous feature both in the locality and wider open landscape. In addition, the A3075 runs along the site’s western boundary and the built form associated with Healey’s – including car parking, a wind turbine and various buildings, some of which are relatively large and have a somewhat industrial appearance – is on the other side. Although the surrounding landscape is dominated by farmland, it is also punctuated by various other development. This includes roads, scattered buildings and several other features, such as overhead power lines, wind turbines, and the Four Burrows solar farm which is nearby but physically and visually separated from the site by the c0.5km gap and the intervening fields and hedges. As such, the site is neither situated in an area devoid of development nor a particularly important feature in the locality.
6. The NDP’s Local Landscape Character Assessment puts the site within the ‘undulating land’ landscape type and adjoining/near to the ‘Perranwell and Callestick Valleys’ landscape of local significance (LLS). However, the NDP’s maps show the site as outside the LLS and also not within the views and vistas of the Callestick to Ventongimps Valley, the latter of which NDP Policy NE7 seeks to protect. Whilst the area surrounding the site may be locally valued and the Council is reviewing the extent of Areas of Great Landscape Value, the site is also not currently situated within any such adopted area.
7. Although there is broad agreement between the main parties that the appeal proposal would harm the surrounding landscape, both on its own and cumulatively with the solar farm to the south, the extent of the effect is disputed. However, the scale of the proposed development, combined with the site’s size and position and the screening effect of topography and existing hedges means that the extent of harm would be localised and not significant, with the wider landscape’s overall rural context unaffected and not becoming dominated by solar development.
8. The Landscape and Visual Impact Assessment and my site visit observations also indicate that the proposed development would not be particularly visible, with the main public views being fleeting glimpses from the relatively fast A3075 and from the byway to the east. However, the views from the A3075 would be limited to vehicles (mainly those heading north) and restricted by topography and boundary treatment; whilst a combination of the site’s sloping nature and hedges means that essentially only the solar panels close to the field access would be visible from the byway, with the main view being via an opening in the byway’s hedgerow near to existing development. The glimpses of the proposed development that would be possible in some medium-longer distance vistas do not lead me to a different view. In addition, with the proposed additional soft landscaping further reducing views as the planting establishes, the development would become even less visible in both close and any further-reaching views in the longer-term.
9. Accordingly, the development would not read as a significant feature in the locality. Although the installation of a solar farm on an undeveloped field in

the countryside would change the site's character and appearance, and thus its contribution to the rural landscape, neither would it appear as an entirely unexpected or incompatible element given existing development in the area. Furthermore, whilst the proposed development would occasionally be visible in the same views as the solar farm to the south, such views would involve little more than snatched glimpses from the A3075. The degree of separation to the solar farm to the south also means that there would be a sufficient break and thus little coalescence between them.

10. In coming to this view, I have taken account of the site not being in a sheltered fold or valley; the time new planting would take to establish and that existing native trees are deciduous; the presence of other solar farms and wind turbines in the area; the Council's identification of the landscape as being at medium sensitivity to solar development; and the relevant and nearby character areas noting solar farms as having a negative impact on the landscape. Ascribing a higher sensitivity to drivers on the A3075 would also not lead me to a different view.
11. Nevertheless, for the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding landscape. I therefore find that it does not accord with NDP Policies NE2 and NE3, Policy 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP) and Policy C1 of the Climate Emergency Development Plan Document (DPD). Amongst other aspects, these support proposals which demonstrate neutral or beneficial effects on landscape character and set out that development should protect the quality of the landscape setting, sustain local character and increase the distinctiveness of the natural environment. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (Framework) in relation to conserving and enhancing the natural environment.
12. However, the harm I have identified would be limited and localised, and planting would further mitigate the development's effect on the landscape. I therefore find no conflict with DPD Policy RE1 in relation to this matter because it sets out that renewable energy proposals will be supported where, amongst other aspects, there would be no significant adverse impacts on the local environment that cannot be satisfactorily mitigated.

Scheduled monument

13. The appeal site is adjacent to a scheduled monument which is a prehistoric enclosed agricultural settlement known as a round, with evidence of use from the Bronze Age through to the Roman period. Listed under section 1 of the Ancient Monuments and Archaeological Areas Act 1979, it is of national importance. Similar to the CLP, the Framework identifies scheduled monuments as designated heritage assets of the highest significance and sets out that great weight should be given to the asset's conservation. Being an irreplaceable resource, the Framework also sets out that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed by existing and future generations.
14. The round is bisected by a hedge, has little surviving surface expression and, except in short distance views, is relatively well screened by trees and planted field boundaries in the surrounding area. Despite its siting, its presence is not

therefore readily apparent. Nevertheless, the monument is present, with extensive and substantially intact earthworks and below-ground features. Representing a chiefly Cornish type of later prehistoric enclosed settlement, it comprises the remains of successive periods of settlement activity. With the round (with its hut circles, enclosures and annex) demonstrating the prehistoric equivalent of later farming hamlets, its significance primarily stems from it evidencing historical settlement, social organisation and economy over a significant period of time and change, through prehistory into the era of Roman Britain.

15. The available evidence indicates that, when active, the round would have sat in an open pastoral landscape. Whilst modern built form has changed its historical setting, particularly to the east, the appeal site and other nearby fields continue to provide it with a generally open setting to the west. This maintains the round's relationship with adjacent open farmland, and thus contributes towards the asset's significance, including by allowing appreciation of the monument's function and relationship within its historical surroundings; the development to the east and the consequent loss of openness reinforces the importance of the remaining open land. The available evidence indicates that elements of the later prehistoric round and associated features also extend beyond the scheduled area, including into the appeal site.
16. The main parties agree that the proposed development would negatively impact on the setting of the scheduled monument. Based on the available evidence, the location of the proposed development and the site forming part of the round's remaining undeveloped pastoral situation, I concur and find that the solar farm would intrude into and erode the round's open setting.
17. It has been put to me that the harm caused would be serious and at the upper range of the Framework's less than substantial category. However, the extensive hedgerow along the site's boundary closest to the scheduled monument provides significant screening and the proposed development would also slope away (and down) from the round due to topography. Combined with the development's limited overall footprint and the maximum height of its panels, this would limit its visual intrusion and its subsequent effect on the round's setting; and the ability to appreciate the round in the open pastoral landscape would thus not be significantly diminished. With its non-permanent nature and the provision of additional planting to provide further screening, the effect of the appeal proposal on the significance of the designated heritage asset would therefore sit squarely within the category of less than substantial harm. The available evidence also indicates that there are no more suitable alternative locations.
18. Nevertheless, less than substantial harm still constitutes harm, and in such circumstances the less than substantial harm should be weighed against the public benefits. In this instance, the development would provide various public benefits. This includes the generation of renewable energy and the associated reduction in carbon emissions; supporting a rural business, which is an important economic growth sector in Cornwall, and reducing its energy costs, thereby helping to maintain employment at the cyder farm; some additional employment from construction of the solar farm and its on-going maintenance; biodiversity net gain beyond the minimum required by policy; and furthering knowledge and facilitating greater awareness of the round's

significance through archaeological investigation and recording, and enhanced management of the scheduled monument (which may include, as suggested by the appellant, features such as interpretation panels).

19. With a maximum capacity of some 900kw, the proposed solar farm would not generate a particularly significant amount of energy nor make a substantial difference to overall renewable capacity in the country or, given Cornwall's installed and permitted capacity, the county. Nevertheless, as recognised by the Council, the proposed development would make an important contribution to the generation of renewable energy, the reduction in carbon emissions (which would equate to some 170 tonnes per year) and the meeting of national and local targets on renewable energy and carbon emissions. It would also reduce the demand on the electricity network from the cyber farm's operations. In coming to this view, I have taken account of the additional rooftop solar panels being installed at Healey's following the Council's recent prior approval.
20. Collectively, these amount to a substantial level of public benefit. Accordingly, despite the considerable importance and very great weight that I afford to the preservation and conservation of the scheduled monument (given its status is an asset of the highest significance), the public benefits provide clear and convincing justification and outweigh the less than substantial harm to its significance.
21. For the above reasons, I conclude that the proposed development would result in less than substantial harm to the setting of the scheduled monument. However, given I have found that the public benefits would be substantial and thus sufficient to outweigh the harm, the proposal accords with CLP Policy 24 and DPD Policy RE1. Whilst expecting proposals to sustain designated heritage assets, these support proposals that balance the wider benefits of renewable electricity and would not result in significant adverse impacts on the significance of designated heritage assets and their settings; set out that any harm to the significance of designated heritage assets must be justified, that proposals causing such harm will be weighed against the substantial public benefits and whether all reasonable efforts have been made to mitigate the extent of the harm; and expect opportunities to better reveal the asset's significance to be taken. The proposal would also be consistent with the provisions in the Framework in relation to conserving and enhancing the historic environment.

Other matters

22. The Council does not allege that the development would have an adverse effect on the Grade II listed Callestick Vear Farmhouse or its setting or any features of special architectural or historic interest which it possesses. Due to topography and extensive screening, there is no intervisibility between the site and the listed building. Having considered the development and visited the site, I concur with that view and find that the development would preserve the listed building and its significance as a designated heritage asset.

Planning Balance

23. The proposed development would harm the character and appearance of the surrounding landscape and result in less than substantial harm to the setting

of the scheduled monument. Although I attach significant weight to these matters, I have found that the landscape harm would be limited and localised whilst the public benefits are sufficient to outweigh the latter harm. This means that there would be no conflict with heritage-related policies; and given my above findings in relation to DPD Policy RE1 and the scale of the proposal, NDP Policy EW1 also supports the scheme. Nevertheless, the conflict I have identified with CLP, NDP and DPD policies in relation to the first main issue leads me to conclude that the proposed development, despite its accordance with some other development plan policies, conflicts with the development plan as a whole.

24. However, the proposed development would provide significant benefits. This includes the generation of renewable energy and a consequent reduction in carbon emissions and the cyder farm's reliance on the grid; supporting the county and country in meeting national and local targets on renewable energy and carbon emissions; supporting a rural business and reducing its energy costs; providing additional employment; biodiversity net gain in excess of the minimum; and furthering knowledge and awareness of the scheduled monument and archaeological features.
25. These economic, social and environmental benefits are extensive and are sufficient to outweigh the landscape harm and, as I have found above, the less than substantial harm to the scheduled monument. Despite the landscape and heritage harm that would arise, and to which I give great weight, I therefore find that the local environmental impact of the appeal proposal is also acceptable in this instance.
26. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, material considerations outweigh the harm that would arise, the very great weight afforded to the conservation of the designated heritage asset, and the conflict with development plan policies and the Framework. Consequently, material considerations indicate that the proposed development should be permitted notwithstanding the conflict with the development plan as a whole.

Conditions

27. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.
28. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. A condition setting out the time limit for the operational period of the solar farm and its subsequent decommissioning is necessary in the interests of landscape and heritage. I have, however, amended the Council's suggested condition for the sake of clarity and reasonableness.
29. Pre-commencement conditions requiring an arboricultural method statement and a construction environmental management plan are necessary in relation

to landscape and biodiversity. As the site has been identified as having high archaeological potential, a pre-commencement condition covering this matter is also necessary in the interests of historic heritage.

30. However, considering the issues raised in the appeal comments submitted by the Council's Historic Environment Planning Archaeology team, it is necessary to include some additional wording in the archaeological and construction environmental management plan conditions. This ensures measures to avoid and reduce impacts on buried archaeological features on the site from construction works and any safeguarding measures to ensure in-situ preservation of important archaeological remains are identified and implemented as necessary. As such, I have not imposed the additional condition suggested in the Historic Environment Planning Archaeology team's appeal comments. However, in the interests of historic heritage and to secure the related benefit, I have imposed an additional condition requiring a management plan to be put in place for the scheduled monument.
31. In the interests of landscape and ecology, I have imposed a condition relating to the landscape and ecological management plan. A condition relating to the biodiversity net gain report is also necessary with regards to biodiversity.
32. A condition covering working hours is necessary in the interests of the living conditions of nearby residents. I have imposed a condition relating to contamination in the interests of public health and the environment. I have also imposed an additional condition, as referenced in the Council's Officer Report, relating to surface water drainage. This is necessary to ensure the installation and management of a sufficient surface water drainage system. However, I have not imposed the Council's tenth suggested condition because I have little evidence that it would be necessary in relation to the safe and efficient operation of the local road network. A Construction Traffic Management Plan has also already been submitted and that indicates that construction works would not be significant or particularly prolonged, whilst the number of construction deliveries would be negligible relative to the deliveries associated with the cyder farm.

Conclusion

33. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location block plan (Drawing No 22388-PL-00-01, Rev B); Existing site plan (Drawing No 22388-PL-00-02, Rev B); Proposed site plan (Drawing No 22388-PL-00-03, Rev B); and Proposed equipment details (Drawing No 22388-PL-02-01).
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar farm to the electricity network (First Export Date). Written confirmation of the First Export Date shall be given to the local planning authority within 14 days of the First Export Date. Within six months of the expiry of this permission or within six months of the cessation of electricity generation by the solar farm (whichever is sooner), the solar farm and associated infrastructure shall be dismantled and removed from the site and the land restored in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 4) Prior to commencement of the development hereby permitted, an Arboricultural Method Statement (AMS) to ensure the satisfactory protection of retained trees and hedgerows during the construction period shall be submitted to and approved in writing by the local planning authority. The approved statement shall thereafter be implemented accordingly and should include: a) A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities. b) The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees and, where relevant Cornish Hedges to be retained, in accordance with the recommendations of the current edition of BS 5837 "Trees in relation to construction", and details of the timing and duration of its erection. c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.
- 5) Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period, and should include: the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting; measures to control the emission of smoke, dust and dirt during the construction/installation of solar panels and for the life of the development; measures for the storage/recycling/disposal of waste resulting from the construction works; any hoarding/security fencing to be erected; any measures necessary to reduce impacts on buried archaeological resource; and details of ecological mitigation (in-line with the construction-related recommendations of the Preliminary Ecological Appraisal by Cove ecological surveys, dated 23 January 2023) and ecological watching brief.

- 6) Prior to commencement of the development hereby permitted, a programme of archaeological work including a Written Scheme of Investigation (WSI) shall be submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the WSI which should include an assessment of significance and research questions along with: the programme and methodology of site investigation and recording; any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains; the programme for post investigation assessment; provision to be made for analysis of the site investigation and recording; provision to be made for publication and dissemination of the analysis and records of the site investigation; provision to be made for archive deposition of the analysis and records of the site investigation; and nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
The development shall not be made operational until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 7) Prior to installation of the solar panels, a management plan for the scheduled monument, including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with the approved details and the timetable, and thereafter maintained.
- 8) Prior to installation of the solar panels, the sustainable drainage system for the site shall be completed in accordance with the submitted Flood risk assessment and surface water drainage strategy (by Nijhuis, reference J-15214, edition 2, dated 31 January 2024, edition 02). The sustainable drainage system shall thereafter be managed and maintained in accordance with the details contained in the aforementioned document.
- 9) The development hereby permitted shall be implemented and operated in accordance with the submitted Landscape and Ecological Management Plan (by laurance associates, dated July 2023).
- 10) The development hereby permitted shall be undertaken in accordance with the submitted Biodiversity Net Gain Report (by Cove ecological surveys, dated 19 April 2023) and any subsequently approved details, and all features shall be retained in that manner for the lifetime of the development.
- 11) Construction times (including deliveries) shall be limited to 08:00 - 18:00 hours Monday to Friday and 08:00 - 13:00 hours on Saturday, with none on Sundays or Bank Holidays. No works or deliveries shall take place outside of these times or without the prior written agreement of the local planning authority.
- 12) Any contamination that is found during the course of construction of the development hereby permitted shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to

and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

END OF SCHEDULE