



Appeal Decision

Site visit made on 10 February 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/E2340/W/24/3352283

Ogden Hill Farm, Barley Lane, Barley, Lancashire BB9 6LQ

- 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 Paul Barlow against the decision of Pendle Borough Council.
 - The application Ref is 24/0449/FUL.
 - The development proposed is the installation of solar panels to existing roof structures.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. All designated Areas of Outstanding Natural Beauty (AONB's) in England and Wales became 'National Landscapes' in November 2023. However, the legal designation and policy status remain the same. I have referred to the Forest of Bowland National Landscape (FBNL) throughout my decision.
3. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). Although some sections and paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issue in this appeal. The parties would not therefore be prejudiced by reference to the revised Framework.

Main Issue

4. The main issue in relation to this appeal is the effect of the proposal on the character and appearance of the area, including the FBNL.

Reasons

5. Ogden Hill Farm comprises a 2-storey farmhouse with associated agricultural and domestic outbuildings, including a traditional linear stone-built barn and a single storey brick outbuilding. The existing roofs are plain in appearance with no adornment, other than a chimney to the farmhouse. The appeal site sits at the lower reaches of Pendle Hill, an isolated and landmark hill popular with walkers. The surrounding area is rural in character with gentle pasture to the east where farmsteads and dwellings are few and far between, and wild, open moorland to the west. It has a sense of tranquillity and remoteness. As a typical vernacular farmstead, the appeal site contributes positively to the character of the FBNL.
6. The proposal seeks to install 82 solar panels on the roofs of the farmhouse, barn and brick outbuilding¹. The proposed development is therefore of a considerable

¹ As shown on the existing and proposed site plan, drawing number 03.

scale. Policy ENV3 of the Local Plan for Pendle Part 1: Core Strategy (CS) 2015, supports proposals for renewable and low carbon energy generation where they do not have an unacceptable impact on a recognised designation and the landscape and visual character of an area, either on its own or cumulatively. The FBNL is a recognised designation and Policy ENV1 of the CS advises that great weight will be given to conserving its landscape and scenic beauty. This is consistent with the national policy expectation set out at paragraph 189 of the Framework and I have determined the appeal with these responsibilities in mind.

7. Paragraph 9.6 of the Council's Design Principles Supplementary Planning Document (SPD) 2009, further advises that building-mounted solar equipment should be sited where it will have the least visual impact on the street scene, balancing this against the need to give optimum performance.
8. Notwithstanding the reference to a model name contained within the Reliable Renewables document, there are no drawings, sections, photographs or manufacturers specifications to illustrate the precise colour and appearance of the proposed solar panels. The lack of detail is undesirable in general terms, but especially given that the appeal site is located in the FBNL.
9. Even if I could accept that the proposed solar panels could be treated with an anti-glare coating, some solar panels can have a blue colouration with white gaps, fingers and busbars clearly evident, and silver surrounds to each panel. Such details would draw the eye to a negative degree preventing the muted brown roof slopes of the farmhouse and barn from assimilating the panels satisfactorily.
10. A network of public rights of way (PROW) crisscross the surrounding area from which the appeal site is noticeable in close and medium views². The proposed panels would be read in the context of the buildings on which they would be sited. A group of trees to the front and the undulating topography provide some occasional filtering of views from the east, but they would not screen the development in its entirety.
11. As I observed during my extensive visit, the scale of the panels would be particularly conspicuous from PROW's FP1308052, FP1308047 and BW1308007 on the rising land to the west, where there is no tree cover or mitigation from the topography, even with the buildings nestling into the hillside. My observations therefore lead me to take a different view regarding the visibility of the proposed development to that expressed in the Council's officer report.
12. Although the panels would be set in marginally from the sides, little of the original roofs would remain visible due to the number proposed. This would undermine the strong robust character of the roofscapes. The panels to the front roof slope of the barn would also be laid in a complicated arrangement that would detract from the simple utilitarian character of the host building. An invasive effect would therefore be exerted on the farm steading which is important to the character of the area. This harm would endure for the lifetime of the development which at circa 30 years, is not insignificant³.
13. Given the concerns raised regarding the cumulative impact of the number, position and arrangement of the panels proposed, I am not satisfied that the details of the

² Public rights of way FP130853, FP1308052, FP1308045, FP1308047 and BW1308007 as referenced in Figure 2, in the appendix to the Council's statement of case.

³ As set out in the Reliable Renewables document accompanying the appeal.

specific solar panels could be left to be dealt with by planning condition. The appearance of the solar panels is unlikely to effectively mitigate the visual impact in isolation.

14. I find that in this instance given the scale of the development proposed and the ambiguity regarding its precise appearance, the proposal would result in an adverse effect on the character and appearance of the area. In this regard, it would not conserve and enhance the landscape and natural beauty of the FBNL, which has the highest status of protection in relation to these issues. The proposal would therefore be contrary to Policies ENV1 and ENV3 of the CS and the objectives of the SPD as set out above. Conflict is also found with the aims of the Framework in respect of conserving and enhancing the natural environment.

Other Matters

15. The Framework is supportive of renewable and low carbon energy and associated infrastructure, recognising that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions⁴. I am not convinced that 82 panels at this particular site would represent a small-scale project, particularly noting that the 24,693-kWh estimated energy production would be significantly in excess of the 8500-kWh of assumed annual usage. Nonetheless, I attach significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings as directed by paragraph 167 of the Framework.
16. Solar panels could be installed through the exercising of permitted development (PD) rights, the effect of which the appellant suggests would be similar to the appeal scheme. Such permitted development rights require solar pv or thermal equipment to be sited so far as practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area. Given the ambiguity in the evidence presented I cannot be certain that would be the case.
17. Moreover, the installation of panels on non-domestic premises are subject to a prior approval process. They do not crystallise until and if, that process is completed and granted. There is no evidence before me to indicate that prior approval has, or would be, granted. Even then, the degree of harm is likely to be less given the conditions and limitations attached to the PD rights. I ascribe limited weight to this fallback position as a result.
18. The planning committee is not obliged to follow the recommendation of officers. Concerns regarding the handling of the application are a matter for the parties.

Planning Balance and Conclusion

19. Notwithstanding the significant weight I must attach to the renewable energy benefits of the proposal, this would not outweigh the other harm I have identified, including the great weight to be given to preserving the landscape and scenic beauty of the FBNL. The proposal conflicts with the development plan and there are no material considerations including the suggested fallback position that would outweigh this conflict. Accordingly, the appeal should be dismissed.

M Clowes - INSPECTOR

⁴ Paragraphs 161 and 168b) of the Framework.