
Appeal Decision

Site visit made on 6 January 2026

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Appeal Ref: APP/W3520/W/25/3374122

4 Church Knoll, Baylham, Suffolk IP6 8LF

- 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 Keven Thomas against the decision of Mid Suffolk District Council.
 - The application Ref is DC/25/02669.
 - The development proposed is for the construction of 14 panel ground mounted solar array.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 14 panel ground mounted solar array at 4 Church Knoll, Baylham, Suffolk IP6 8LF in accordance with the terms of the application, Ref DC/25/02669, subject to the following 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 drawing ref TQRQM25154110501524 and the submitted Solar Array Specification (Pages 1-7).
 - 3) The permission hereby granted shall be limited to a period of 35 years from the date when electricity is first exported from the solar array to 4 Church Knoll (the First Export Date). Written confirmation of the First Export Date shall be given to the local planning authority within one month of the First Export Date.
 - 4) In the event of the solar array failing to produce electricity supplied to 4 Church Knoll for a continuous period of 12 months, it will be deemed to have ceased to be required. The solar array and its ancillary equipment shall be dismantled and removed from the site within 6 months of the deemed cessation date and the site restored to its former condition in accordance with a decommissioning scheme that shall first have been submitted to and approved in writing by the local planning authority.
 - 5) The development hereby permitted shall take place in accordance with the precautionary measures set out in the 'Precautionary method of working for reptiles, common toads, hedgehogs, badgers and nesting birds' document (Pages 1-2) submitted with the application.

Preliminary Matters

2. The Baylham Neighbourhood Plan 2024 – 2037 (2025) (NP) was made after the Council determined the planning application. In reaching my decision on this appeal, I have had regard to the NP as part of the development plan.

3. While the appellant's statement refers to the appeal as being against non-determination, it is understood that the Council's decision was issued before a valid appeal had been submitted. On this basis, the appeal has been treated as one against the refusal of planning permission rather than non-determination.
4. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, this is subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the potential changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

5. The main issues are the effect of the proposed development:
 - on the character and appearance of the area; and
 - on the provision of Best and Most Versatile Agricultural Land (BMVAL).

Reasons

Character and appearance

6. The Baylham Neighbourhood Plan Landscape Assessment: and Key Views (2024) (the NP Landscape Assessment) summarises the various landscape designations relevant to the appeal site. At the County level, the appeal site lies within the Rolling Valley Farmland Special Landscape Area (SLA), a landscape characterised by sloping valley sides and traditional agricultural field patterns. At the Parish level, it also falls within the BAY2 Middle Bayham character area, which broadly reflects the qualities associated with the SLA. In addition, the NP confirms the site as falling within the Baylham Area of Local Landscape Sensitivity (ALLS). Despite the presence of some detracting features, including pylons and other manmade features, the special landscape qualities of the ALLS has been surveyed in the NP Landscape Assessment and the area around the appeal site is identified, amongst other things, as a quiet and tranquil landscape.
7. The Framework requires decision makers to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside. Within this context, the landscape around the appeal site has a degree of recognised value and is a valued landscape under paragraph 187(a) of the Framework.
8. Church Knoll is a short cul-de-sac serving four detached dwellings. It rises gently in gradient and connects to Upper Street which leads through the settlement of Baylham. The rear garden of 4 Church Knoll (No 4) backs onto a gently rolling field, set at a lower level, with stepped pedestrian access down into it. A mature hedgerow forms a well-defined boundary between the garden and field. The appeal site lies towards the corner of this field, close to No 4. The open and verdant appearance of the appeal site which forms part of an attractive green backdrop to the built edge of Baylham, contributes to the rural setting of the locality and makes a positive contribution to the ALLS.

9. Policy BAY 3 of the NP states that development in the ALLS, will only be permitted where it protects or enhances the special landscape qualities of the area as identified in the NP Landscape Assessment; and are designed and sited so as to harmonise with the landscape setting; and are in accordance with other relevant policies in the development plan. It also states that proposals that have a significant detrimental impact on the landscape quality of the Parish will not be supported.
10. Two public rights of way (PROW 30 and 31) run broadly parallel along the boundaries of the wider field in which the appeal site is located. Viewpoint 7 located along PROW 30 is identified as a locally important view in the NP Landscape Assessment. It is likely that views experienced from this viewpoint would be wider than that drawn and photographically depicted within this document and are likely to be kinetically/sequentially experienced. Even so, from my observations on site, the existing mature field boundary that runs either side of the majority of this stretch of PROW 30, and its alignment with the field boundary would likely screen the proposed solar array, which comprises a single row of panels set on a metal framework, from this viewpoint.
11. The proposal would however be visible from numerous other locations along the PROWs, particularly along PROW 31 close to the appeal site, as demonstrated in the appellant's photomontages. Although the solar array would occupy only a small footprint in the context of the wider field, it would nevertheless introduce a distinctly modern and engineered feature into an otherwise open and rural landscape. Its low height, dark colour and the backdrop provided by the mature hedgerow to the rear of dwellings on Church Knoll would reduce some of its visual impact. Nevertheless, for users approaching Baylham along PROW 31, the presence of the array would be perceptible and could contrast, albeit modestly, with the prevailing open character of the field.
12. The appellant has advised that the recently planted sapling trees, intended to establish a native orchard on part of the wider field outside the appeal site, do not form part of the appeal proposal. Although this planting was not designed specifically to mitigate the proposal, the appellant's photomontages indicate that, over time, the trees could soften and provide a degree of screening. However, the relatively spacious arrangement of the planting means that glimpsed views of the proposal would likely remain. Additionally, they would require a considerable period to reach maturity and could potentially be removed in the future. Consequently, the planting already undertaken would be unlikely to provide substantial or timely screening, and the siting of the solar array within an open corner of the field would introduce a feature that would not fully harmonise with the rural character of its surroundings. No additional planting beyond that already planted is proposed. While the resulting harm would not be significant, it would nonetheless fall short of the level of landscape protection sought for land within the ALLS.
13. Although not specified on the application form, the appellant has clarified that permission is sought for a temporary period to reflect the technological lifespan of the panels. The scheme would therefore be capable of being reversed at the end of its lifespan. Even so, given that the installation would still remain in place for a considerable period, this does not overcome the harm identified.
14. I conclude that the proposed development would result in a harmful effect on the character and appearance of the area. In this regard, the proposal would conflict

with Policies SP09, LP17 and LP25 of the Babergh and Mid Suffolk Joint Local Plan (2023) (LP) and Policies BAY 1, BAY 3 and BAY 7 of the NP which amongst other things require development to contribute to the conservation, enhancement and management of the natural and local environment; to integrate with the existing landscape character; to support renewable energy proposals subject to the impact on landscape having been fully taken into consideration and effectively mitigated; to not have a detrimental impact on landscape designations; to protect or enhance the special landscape qualities of the area identified in the NP Landscape Assessment and to reflect the local characteristics.

15. Given my findings above, there would be no conflict with Policy BAY 4 of the NP which seeks to ensure that there would be no significant detrimental impact on the key features and attributes of important views identified on the Policies Map.

Agricultural land

16. The agricultural land classification map in the NP identifies the appeal site as part of a wider area of Grade 2 agricultural land. The appeal site therefore falls within the definition of BMVAL set out in the Framework and the Council contend that the proposal fails to demonstrate that alternative, less sensitive sites have been considered.
17. While Planning Practice Guidance promotes the effective use of land, particularly by focussing large scale solar farms on previously developed and non-agricultural land¹, the appeal proposal is small in scale. Even if such demonstration were required, it is reasonable for the solar array to be located close to No 4, given that it is intended to serve that dwelling directly. The appellant has considered and discounted alternative locations within the garden or on the roof of No 4, and I am satisfied with the justification given.
18. Furthermore, the appellant explains that the appeal site comprises arable land currently left fallow and part of a defined field margin. On this basis, the proposal would not lead to a direct reduction in agricultural production. Even if the wider field were to return to active agricultural use, the limited footprint of the solar array, positioned close to the field boundary would result in only a negligible overall loss of agricultural land.
19. I conclude that the proposed development would not have an unacceptable effect on the provision of BMVAL. In this regard, the proposal would comply with Policy LP15 of the LP which states that where development needs to take place on greenfield land, avoidance of BMVAL will be prioritised. Moreover, there would be no conflict with paragraph 3 of Policy LP25 of the LP, as its requirement for an assessment of alternative sites applies only in specific circumstances that are not relevant to the appeal proposal.

Other Matters

20. The appeal site lies near to the Grade II listed building known as Yew Tree House² and the Grade II* listed Church of St Peter³ (the Church). The significance of these assets derives from their respective historic and architectural interest. Yew Tree House, formerly a post office, dates back to the 18th Century and contributes to the

¹ Paragraph: 013 Reference ID: 5-013-20150327

² List Entry Number: 1293284

³ List Entry Number: 1033258

historic character of Upper Street. The Church is located in a prominent elevated position and contains many important elements of antiquity, including features dating back to the 14th Century.

21. In considering whether to grant planning permission, I have been mindful of my statutory duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be given to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Having considered the modest nature of the proposal, the spatial relationship between the appeal site and these buildings and the presence of intervening land and features, I am satisfied that the proposal would preserve the settings of both buildings and that no harm to their significance would arise. This is a conclusion also reached by the main parties.
22. An interested party has referred to additional development plan policies that they consider to be relevant, although these appear to relate to earlier iterations of the development plan. My decision is based on the policies of the current development plan identified by the Council.
23. Matters relating to noise, living conditions and biodiversity are not in dispute and there is no substantive evidence before me to indicate that the proposal would obstruct or make unsafe the definitive routes of the PROWs. In this context these considerations do not provide a reason to dismiss the proposal. Furthermore, the Council has confirmed that the appellant was not required to undertake community consultation prior to submitting the planning application.
24. The appeal site lies within the 13km zone of influence for the Stour and Orwell Estuaries Special Protection Area and Ramsar Site, designated for their internationally important populations of birds and associated habitats. They are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). The Council's mitigation strategy⁴ identifies the forms of development that, in combination with other plans and projects, have the potential to give rise to adverse effects through deterioration habitat quality, including by reason of increased recreational disturbance. However, based on the evidence before me, there is no indication that the proposal would result in any additional recreational pressure or other impact pathway capable of giving rise to a likely significant effect on the integrity of these designated sites.

Planning Balance

25. Inconsistent with the Framework's provisions which seek to protect and enhance valued landscapes, the proposed development would harm the character and appearance of the area. The landscape harm would attract moderate weight given that the resulting harm would be relatively localised and would not be intrusive in terms of identified viewpoints within the ALLS. Nevertheless, the conflict with LP and NP policies in relation to this matter leads me to conclude the appeal proposal, despite its lack of conflict with some other LP policies, including in relation to the loss of BMVAL, would conflict with the development plan as a whole.
26. The public benefits of the proposal include the contribution the solar array would make towards the transition to net zero by 2050, as supported by paragraph 161 of

⁴ Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy for Ipswich Borough, Babergh District, Mid Suffolk District and East Suffolk Councils – Technical Report (2019)

the Framework. Although the Council considers that the renewable energy benefit to one dwelling would be limited, Paragraph 167 of the Framework states that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings, including domestic buildings. Furthermore, Paragraph 168 recognises that even small-scale renewable energy projects can provide a valuable contribution to cutting greenhouse gas emissions. I therefore attach significant weight to the renewable energy benefits of the scheme, despite its modest scale.

27. Taking all matters into account, the benefits of the proposal attract significant weight and would outweigh the moderate harm to the character and appearance of the area and the conflict with the relevant LP and NP policies identified.

Conditions

28. Various conditions have been suggested by the Council in the event the appeal is allowed, on which the appellant has also commented. I have considered these against the tests set out in the Framework and Planning Practice Guidance, amending the wording where necessary to ensure precision and omitting others for the reasons set out below.
29. In addition to the standard time condition (1), I have imposed a condition requiring the development to be carried out in accordance with the approved plans (2) in the interests of certainty.
30. Conditions setting out the time limit for the operational period of the solar farm (3) and its subsequent decommissioning and restoration (4) are necessary in the interests of the character and appearance of the area and the requirements of Policy LP25 of the LP. Having regard to the site at present, the requirement for a biodiversity assessment and details of landscape planting at restoration stage are not considered necessary.
31. A condition requiring development to take place in accordance with the precautionary method statement (5) is reasonable and necessary in the interests of protecting biodiversity. While the Council has additionally suggested a condition requiring biodiversity enhancement measures, the nature and extent of the enhancements sought has not been specified and the evidence before me indicates the proposal would be exempt from biodiversity net gain. In the absence of this detail, I am not satisfied that such a condition would meet the tests of precision, enforceability or reasonableness, nor that it would be achievable or commensurate to the scale of the development.
32. Suggested conditions relating to a construction management plan, soil management plan, cable routing and a scheme for grazing are not considered reasonable or necessary given the modest scale of the proposal and the small size of the appeal site. Furthermore, the appellant has confirmed that the duration of construction would be limited to approximately one day.
33. While the Council express concern that additional screen planting to assist in mitigating this harm could have a detrimental impact on the otherwise open field, they suggest a condition relating to a landscape scheme and planting seasons. However, the appellant has made it clear that they landscaping does not form part of the appeal proposal and it would not therefore be reasonable to impose

conditions relating to landscaping (including beyond that already planted on the wider field) on this basis.

Conclusion

34. For the reasons given above the appeal should be allowed.

H Marriott

INSPECTOR