



Appeal Decision

Inquiry held on 10, 11, 12, 13, 17, 18, 20 February 2026

Site visit made on 19 February 2026

by **J P Longmuir BA(Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th May 2026

Appeal Ref: APP/E3335/W/25/3374756

Dunsham Lane, Wayford, Crewkerne, Somerset, TA18 8QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Greentech Invest UK (5) Limited against Somerset Council.
- The application Ref is 24/00352/FUL.
- The development proposed is a Solar Farm with photovoltaic arrays and associated infrastructure.

Decision

1. The appeal is dismissed and planning permission for the proposed Solar Farm with photovoltaic arrays and associated infrastructure is refused.

Preliminary Matters

2. The Council did not determine the application but provided a putative reason for refusal.
3. The proposal was screened under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 by the Planning Inspectorate and was not found to warrant an Environmental Impact Assessment.
4. Wayford Action Group participated in the Inquiry as a Rule 6 Party.
5. The site location plan, site layout, and mitigation plan were submitted as Inquiry documents to ensure that the latest plans were considered.
6. On the 16 December 2025 the Government published a consultation¹ on suggested changes to the National Planning Policy Framework (the Framework). I have given this consideration but do not find the changes significant for this appeal.

Main Issues

7. The Council's putative reason for refusal refers to the effect of the proposal on the surrounding landscape. This is the basis of a main issue.
8. The Council found that the proposal would cause less than substantial harm to heritage assets which would be outweighed by the benefits. This was contrary to the view of the Rule 6 Party and in any event I have a statutory duty to consider this matter.

¹ Consultation closed on 10 March 2026

9. The Rule 6 Party's Statement of Case expressed concerns about the impact on residential amenity. This was agreed at the Case Management Conference (CMC) to be a main issue. The effect of the proposal on the quality of drinking water, surface water run-off and relatedly land stability were also considered to be main issues.
10. At the CMC it was agreed that as the proposal would involve some loss of the Best and Most Versatile Agricultural Land, this also warrants consideration as a main issue.
11. The main issues are therefore:
 - the effect of the proposal on the character and appearance of the area including the setting of the National Landscape Area;
 - the effect of the proposal on the settings of heritage assets including designated listed buildings, registered parks and gardens, archaeological remains and non-designated heritage assets;
 - the effect of the proposal on the Best and Most Versatile Agricultural Land;
 - the effect of the proposal on residential amenity, in particular the occupants of Townsend House; and
 - the effect of the proposal on the quality of drinking water, surface water run-off and relatedly land stability.

Reasons

The effect on character and appearance

12. The parties agree that the site is not in a valued landscape as defined in the Framework. It is within 450-480m of the Dorset National Landscape (DNL) and all parties agree that the proposal potentially affects its setting. Dorset National Landscape Management Plan, Policy C1a states that there is a requirement to 'manage the landward and seaward settings to conserve and enhance character', C2a requires significant weight to the area's special qualities in planning decisions, C3a encourages projects with positive environmental outcomes, while C4a refers to protecting the quality of views into, within, and out of the National Landscape.
13. Policy EQ1 of the South Somerset Local Plan 2006-2028, allows and encourages renewable energy projects providing there is no significant adverse impact on landscape character. Similarly EQ2 requires proposals conserve and enhance the landscape character, whilst SD1 promotes sustainable development.
14. Section 245 of the Levelling Up and Regeneration Act 2023 amends section 85(A1) of the Countryside and Rights of Way Act 2000 (CROW Act) so that any planning decision-maker must [in reaching that decision] seek to further the purposes of conserving and enhancing the natural beauty of a National Landscape. This amendment to the CROW Act (added on 26 December 2023) represents a 'strengthened' duty. The High Court has held a decision-maker to do more than simply weigh any effect in the balance; in order to discharge the strengthened duty, the decision-maker must determine whether the proposed

development is consistent with the statutory purposes and [if it is not] they must consider whether (and explain why) permission should nonetheless be granted².

15. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes and that development within the setting of a National Landscape should be 'sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'
16. The DEFRA Guidance on the Protected Landscapes Duty also applies to functions undertaken outside of the designated boundary which affects land within the Protected Landscape: Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. The Court of Appeal³ has ruled that the requirement to give "great weight" extends to proposals for development within the setting, and not only to development on sites within it.
17. Paragraph 187 of the Framework also requires decisions should recognize the intrinsic character and beauty of the countryside.
18. A Landscape and Visual Appraisal (LVA) was submitted by the Appellant at the application stage. Initially this included a Zone of Theoretical Visibility 3 km away from the site. This was found to be inappropriate by the Council, and it was subsequently amended to 6 km distance. Additional representative viewpoints where the site is experienced were also provided by the Rule 6 Party and the Council. As agreed by all parties at the Inquiry one's perception is a kinetic experience along a route rather than a specific viewing point.
19. The site is in National Character Area 147 Blackdowns. This is defined as: 'Long, flat-topped Greensand ridges create distinctive landscape features offering far-reaching views'. In addition it is 'a mainly pastoral landscape with small, irregular fields of medieval origin on the slopes and in the smaller valleys with little widespread modern development'. There is also reference to the 'outstanding views'.
20. Somerset Council's Landscape Character Assessment 2025 places the site within Character Area 25b Scarp Slopes and Hills, which is described as 'a rolling landscape of low hills with distinctive steep-sided scarp slopes.' Key sensitivities and valued features include: 'the rural character of the LCT forms part of the setting of the Dorset National Landscape to the south and contributes to outward panoramic views experienced from the National Landscape.' Increased pressure for renewables is referred to 'as a pressure'. The development management guidelines include the need for sensitive siting and design of renewable energy as well as conserving the character of the panoramic views across the LCT that are experienced from, and characteristic of the DNL.
21. The Scarp Slopes and Hills Area is bordered by the Axe Valley Character Area which has 'largely retained its strong undeveloped rural character with associated characteristics of tranquillity, remoteness and dark night skies'. Its special qualities

² *10 R (oao CPRE, Kent Branch) v SSHCLG* [2025] EWHC 1781 (Admin), [63]. Also relevant is *New Forest National Park Authority v Secretary of State for Housing, Communities, Local Government and Another* [2025] EWHC 726 (Admin)
³ *Persimmon Homes (Thames Valley) Ltd v Worthing BC* [2023] EWCA Civ 762

are an 'open landscape with long views over the Axe Valley' and the area's 'strong undeveloped rural character'.

22. The special qualities of the DNL as set out in the Dorset National Landscape Management Plan are its undeveloped rural character, tranquillity and remoteness, dark night skies and panoramic views.
23. The parties generally agreed that the appeal site and surroundings are representative of the above Character Areas.
24. I find that this is a complex landscape due to varied landforms of high Somerset and the edge of Dorset, interspersed by the meandering Axe Valley. It is experienced in several stages: initially as a whole, then the subtleties become more apparent notably the folds in the hillsides and the irregular pattern of woodland. The appeal site and this south Somerset fringe empathise with the facing Dorset hills.
25. The site consists of eight fields. These are divided horizontally and vertically by mature hedges, which local residents referred to the collective appearance as a 'ladder'. The fields have a discernible openness with few trees.
26. The fields have a convex bowl shape, which draws the eye and contributes to their pastoral idyllic impression. The fields are perceived as part of a ridge of hills, which directly faces the higher land (Dorset) to the south.
27. The site is barely experienced from the adjacent roads due to thick hedges on the Wayford village side and Dunsham Lane south side. The nearest significant view is Stakers Cross Lane (viewpoint 1) where it is experienced side on in conjunction with expansive countryside beyond.
28. However the site is substantially evident from the south, south east and east. The evidence of all three parties shows that the viewpoints from these aspects are numerous, the Rule 6 Party identifies 26. Thus the site is conspicuous throughout the surroundings and is a recurring feature as one moves around the area.
29. These viewpoints are also distributed across the varying (Local Character Areas) landscape types: Windwhistle Ridge, Axe Valley Hills, Axe Valley and the edge of the West Dorset Escarpment⁴. The site is appreciated in the context of these landscapes and thereby compliments the richness and diversity of the landscape. These viewpoints are diverse too including roads, bridleways and footpaths so that it is experienced by those passing by, those with limited mobility and those actively participating in various recreational activities.
30. The site is visible along well used and important footpaths: Liberty Way, Monarch Way and the Jubilee Way as well as various roads. The countryside to the south and east of the site has an extensive network of public rights of way, thereby encouraging access.
31. I noted that the site is visible from a considerable distance, even being discernible at circa 9km near Axnoller⁵. Whilst the views are from a kilometre or more away they are nonetheless generally open and clear. They are perceptible during both summer and winter.

⁴ Ms Bollard Appendix A

⁵ Ms Martin Appendix F

32. From many of the positions the site is experienced in a sequence of views thereby holding attention for a while. They are generally not fleeting glimpses. Approximately half of the views of the site are from within the DNL. This shows the importance of the appeal site to its setting.
33. I therefore find that the site would have a medium-high sensitivity to change.
34. The submitted elevation shows the panels would have a height of 3.1m and would have a 20 degree tilt. The panels would be arranged in rows separated by grass, however all the parties agree that the panels would be seen as a collective expanse in each field.
35. The submitted layout plan shows the extent of coverage, whereby some parts of the fields are excluded from panels, in particular the top of field 1, the eastern part of field 6 and the southern end of field 8.
36. The absence of panels in the eastern part of field 1 would lessen the expanse of their visible extent and limit the impact on the side view at Stakers Cross Lane (viewpoint 1).
37. Further along this eastern side a 200-metre undeveloped strip to the eastern edge of field 6 and a new 5 metre-wide belt of vegetation would provide filtering of the views near and around Manor Farm.
38. A 30-metre undeveloped strip within the southernmost field of parcel 8, and new 10-metre-wide belt of vegetation, would help screen the panels from Dunsham Lane along the southern edge of the site, which in any event is lower than the site and partly shrouded by a high bank.
39. The proposal includes the reinforcement of the existing hedges and the planting of new hedges along with a scattering of trees. However this would do little to screen the panels from the south, south east and east, as away from the immediate roadside grass bank at Dunsham Lane, the site has an open aspect which would be scarcely changed by the new landscaping.
40. The site is experienced from the large number of positions to the south and south east, where from some it is directly facing. In many of these views the site is visible for a considerable time rather than a specific point. Several views are from hilltops where the site forms part of a semi or full circular panorama. The viewpoints are amongst a rural landscape which enhances the appreciation of the site and its adjacent ridgeline hills. There is very limited development, with scattered farm groups being the most significant.
41. The site is part of a ridge of hills and readily discernible for its distinctive ladder like hedgerows. The eye is also drawn to the range of hills as they form a band defining the horizon. Moreover the site appears in the middle of the ridge and is the focus for the views particularly being elevated with the distinctive ladderlike hedges.
42. The foreground and context for these views are verdant fields, in a countryside location, and so the expectation of the viewer would be a background of natural landscape. However the panels would appear as a greyish/black colour with a perceptively quasi- industrialised manufactured finish, accordingly they would stand out against the mottled green naturally vegetated hillsides. They would appear intrusive and artificial in an otherwise verdant landscape with soft grass and tree textures.

43. The panels would be eye catching and would attract attention away from the surrounding hillsides. They would spoil the continuity of the ridgeline as well as the merging of the foreground into the background landscapes, whereas currently there are uninterrupted views and continuity of the landscape as development is very sparse.
44. There are no other solar panels visible in the vicinity of the appeal site. Whilst the Appellant argues that the panels would be legible structures and would be understood as such, they would nonetheless appear intrusive due to their colour and finish. Additionally whilst the existing field pattern would be unchanged, the relationship between the green fields and hedges would be fundamentally harmed as would the way the appeal site's fields blend into the surrounding hillsides. The panels would distract from the distinctive 'ladder like' appearance of the field boundaries.
45. The site's all eight fields are not visible from many of the viewpoints in their totality and consequently nor would be all the panels. Nonetheless the panels would cover a significant expanse in most views, particularly as they would be over a wide area, 150-430m,⁶ and much of the 1km length as well as the 1:12 gradient of the slope⁷. Even in long range views, where the site (and panels) would be a small component of the wider view, they would stand out due to the site's elevated position and open aspect.
46. The proposal also includes access tracks around the site. However these would be narrow and could be surfaced in muted materials, so would not be significant. Whilst the visual and landscape effects would be pronounced during the construction process, these would be short term.
47. The Appellant confirmed at the Inquiry that the grid connection off site would be underground except for the crossing over a railway line. This resolved earlier concerns from the Council about off site implications.
48. The parties had no objection in terms of the lighting associated with the proposal and the effect on dark skies and similarly in terms of tranquillity after construction.
49. The panels are proposed for a 40 year duration after which they would be removed. Whilst this would not be permanent, nonetheless they would be present for a considerable time, broadly half an average human's life span. Their potential impact would be the same for their duration albeit less prolonged than permanent.
50. The Appellant's Landscape Architect commented that there is a danger of 'overlooking' for the site in the particular views. However, the site is prominent from a considerable number of positions, and the panels would commensurately have considerable impact. They would attract attention, so that the uninterrupted expanse of natural grassland shades and textures of the landscape would be undermined. I find that the proposal would harm the site and its contribution to the surroundings, including the setting of the Dorset National Landscape.
51. The proposal would be contrary to LP Policies EQ1, EQ2 and SD1 as well as C1, C2, C3 and C4 of the DNL Management Plan, and Framework paragraphs 187 and 189 and would not be consistent with the statutory purposes of the National Landscape.

⁶ Mr Allin Proof of Evidence paragraph 5.1.2

⁷ Mr Allin Proof of Evidence paragraph 5.1.3

Heritage

52. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings and the Planning Practice Guidance (PPG) on the Historic environment.
53. Local Plan Policy EQ3 is centred on heritage. All new development is expected to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets. EQ2 requires proposals reinforce local distinctiveness and respect local context. EQ1 allows and encourages renewable energy projects providing there is no significant adverse impact on designated heritage assets.
54. The assets potentially affected by the proposal are grouped below according to their particular special interest and/ or their age. The Appellant provided details of the assets in an initial and supplementary assessment, whilst the Rule 6 Party also provided their own assessment.
55. Historic England's 'Managing Significance in Decision taking in the historic Environment'⁸ states: the significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest.
56. Historic England's 'Good Practice Advice on the Setting of Heritage Assets' states⁹ the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The definition of setting in the Framework also refers to the setting as the surroundings in which the asset is experienced. The Planning Practice Guidance on 'Historic environment' highlights that the extent and importance of setting includes visual factors as well as experiences including the historic relationship. The Court of Appeal case involving Kedleston Hall¹⁰ shows that historical, social and cultural matters are relevant to the definition of setting, and that a direct physical or visual connection is not always necessary to form part of a setting.
57. The Barnwell Manor judgement¹¹ re-affirms the need to give 'considerable importance and weight' to any harm to heritage assets.
58. The oldest assets are the scheduled ancient monuments on the Wessex Ridgeway: Pilsdon Pen hillfort, Lewesdon hillfort and Roman fort at Waddon Hill. The former two assets are within National Trust ownership and are readily accessible to the public. Their significance and special interest is derived from their age, earthworks and positions. All parties agreed at the Inquiry that Pilsen Pen is a 'magical place'. Their settings are the surrounding panoramic landscape. These settings are essential to their rationale as they have an inherent connection with the landscape. The appeal site being part of the undeveloped ridgeline is an important component of the views. The proposal would undermine the undeveloped countryside aspect. I find that a medium high level of harm would

⁸ Good Practice Advice in Planning Note 2 Paragraph 30

⁹ Good Practice Advice in Planning Note 3 Paragraph 9

¹⁰ Catesby Estates Ltd v Steer [2018] EWCA Civ 1697

¹¹ Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137

result to Pilson Pen due to its direct alignment facing the site and openness whilst leading to a medium low level to the other two assets.

59. One of the closest assets to the appeal site is Townsend House. Its significance and special interest is derived from its simple rustic architecture and stone walling. Its setting is particularly important where it appears isolated, separated on its own from the rest of the village, and enveloped by the adjoining hillside due to a sunken footprint, which provides its setting. The appeal site is a major component of the hillside setting. Whilst the panels would be set back approximately 60m away from the house, with a new hedge, nonetheless they would have a perceptible presence and being extensive would undermine the undeveloped countryside surroundings. I therefore find that a high level of harm would result.
60. The other very close asset is Manor Farmhouse. Whilst this is a non-designated heritage asset, its significance and special interest is derived from its stone walls, pronounced gables and proportions, which help make this a bold Victorian statement. Its setting is the surrounding fields which are important to provide the sense of a large holding to offset the elaborate architecture rather than a mere functional farmhouse. The appeal site was part of the farm holding and today forms part of the backdrop of hills. The proposal would undermine the undeveloped countryside aspect and historic connection. I therefore find that a high level of harm would result even with the proposed intervening new hedge.
61. The assets in Wayford Village are dominated by The Manor which includes its associated church, enveloped around a courtyard to the side of the house and the Priest House, attached to a service wing of the house. The main parish church, St Michael, is close by, although The Old Rectory is within the village rather than being adjacent to the church. The thatched Rose Cottage has vernacular detailing and proportions. These assets collectively make their own mutual setting together with the rest of the village, perched on a hillside overlooking the distant Axe Vale.
62. The Manor's significance and special interest is derived from its medieval structures but also from a partial rebuild in the 1660s. The parties confirm it reflects influences of the nearby Montacute House¹² especially in its architectural detailing, floor plan and siting. The Manor appears built in a 'beautiful location'. Additionally the surrounding garden is a Grade II registered park and garden. It is notable for its sunken position and outdoor rooms, Arts and Crafts influences, reflecting the work of the renowned landscape architect Harold Peto.
63. Both house and garden have a complementary mutual relationship and setting, in particular three arched loggias provide such interface and similarly windows address the garden views. In addition both house and garden are experienced wider amidst the surrounding hills and rest of the village. The appeal site is associated with the Manor and rest of the village being on the medieval spring line. In addition it was also part of the historic Glebe landholding. Additionally whilst they initially appear not to have intervisibility, as I noted on my site visit, there is a view to the appeal site from a window in the service wing as well as a point in the garden. The proposal would undermine the undeveloped countryside sense of timelessness to the setting of the Manor, and its association with Wayford. It is still possible to appreciate why the village was established in its current location and I

¹² Elizabethan mansion now owned by The National Trust

find that the proposal would detract from that significance. I therefore conclude that a medium high level of harm would result.

64. Clapton Mill was rebuilt in the 1860s but the original mill was medieval. Its significance and special interest is derived from its surviving machinery, stone walls, simple architecture, window wall/ratios, proportions and form. Its setting is the surrounding river and road with backdrop of hills. The setting is significant to complement the rationale for its location and its perception as having an inherent connection with the countryside. Apart from the road being metalled the setting appears largely unchanged since its medieval peak. The appeal site is a component of the backdrop of hills. The proposal would undermine the undeveloped countryside aspect. I find that a low level of harm would result.
65. St Andrews church at Burstock also has medieval origins. It is on a spring line and its significance, and special interest is derived from its tower, simple architecture, and sunken footprint. Its setting is particularly important, where it appears isolated on three sides and subsumed amongst surrounding fields with a backdrop of hills. The setting shows its largely encirclement by the countryside and moreover is on the junction of a network of footpaths linking with the rural hinterland, which may well have been significant historically for access. The appeal site is an important component of the view of the ridgeline hills. The proposal would undermine the undeveloped countryside aspect and sense of timelessness. I find that a medium level of harm would result.
66. Courtwood, West Swillets, Higher Wollminstone, Wood, Lower Sandpit and Old Netherhay are all farmhouses reflecting a vernacular style. Their significance and special interest is derived from their stone walls, simple architecture, window/ wall ratio, proportions and form. Their settings are the surrounding fields with a backdrop of hills. These settings are significant to complement the rationale for the farmhouses and their perception as having an inherent connection with the countryside. The appeal site is a visual component of their countryside setting, being on the skyline ridge. The proposal would undermine the aspect of undeveloped countryside. I find that a low level of harm would result to each asset.
67. The Axe Farmhouse is eighteenth century, and relatedly I find that its significance and special interest is derived from its classical architecture, including its proportions and form as well as windows and their arrangement. Its setting is formed by the surrounding fields with the backdrop of hills. The setting is significant in the way the first floor and ground floor windows have been arranged to capitalise on the views. The appeal site is an important component of the side view on the approach of the house and the outward views from the windows. The proposal would undermine the undeveloped countryside aspect and the likely contributing rationale for the sizing and position of the windows as well as siting of the house. I find that a medium high level of harm would result.
68. Also eighteenth century is Greenham House which has significance and special interest derived from its 'Polite' architecture as a rendered villa and country seat, likely reflecting its accessibility created by the railway. Its setting is the garden with the backdrop of hills. This is significant in the way the first floor bay and ground floor windows have been arranged to capitalise on the views. The appeal site is a central element of this view and so is important. The proposal would undermine this undeveloped countryside outlook and the likely rationale for the detailing and siting of the house. I find that a medium high level of harm would result.

69. The nineteenth century Netherhay Church's significance and special interest is derived from its simple architecture and example of Wesley influence. Its setting is the churchyard with the backdrop of hills. This is significant to show the rurality of the area it served. The appeal site is an important part of the view being experienced as part of the ridgeline. The solar panels would in part be experienced from the churchyard and would detract from the unspoilt rural backdrop to the church, thereby leading to a medium high level of harm.
70. Also nineteenth century, the church at Hewish has significance and special interest in its simple architecture which reflects its methodist origins. However its setting is largely modern and contributes little to its character, and relatedly whilst the appeal site is discernible, it makes a very limited contribution to its rural charm. I therefore find there would be very limited harm to this asset.
71. Seaborough Court is within the vicinity of the site. I note its tall manorial and gothic appearance, set within open grounds which together with the surrounding landscape forms its setting. It lacks any historic or cultural connection with the appeal site. There is also no apparent intervisibility although both are experienced together in some views and accordingly the proposal would attract attention away from the asset and its status within the landscape. I find that the proposal would lead to very limited harm.
72. I note that Historic England had no objection to the proposal, however they would not have had the benefit of all the evidence put before this Inquiry, and I cannot be sure that they had the opportunity for a comprehensive site visit to experience all the assets.
73. I noted above the proposed 40 year duration for the siting of the panels. I find this would only slightly lessen the impact to the heritage assets.
74. The harm to the assets varies from very slight to medium high, in the less than substantial spectrum. There is also a large number of assets involved. The Wayford village assets also have group value in their mutual settings and some associations. Overall the effect of the proposal on the totality of the assets would be broadly just above a medium level of harm on the less than substantial spectrum. Accordingly the proposal would be contrary to Policy EQ3.

Amenity

75. Policy EQ1 allows and encourages renewable energy projects providing there is no significant adverse impact on residential amenity. Policy EQ2 requires proposals protect the residential amenity of neighbouring properties.
76. The parties confirmed that the only affected dwelling would be Townsend House, which is opposite the appeal site separated by a road and raised bank, topped with a hedge in between. The proposal is for the roadside hedge to be reinforced, and an additional hedge, behind which would be the panels at approximately 60 metres away from the house.
77. Following the submission of a glint and glare assessment impact report, the Rule 6 Party's concern related only to visual amenity in terms of potential overbearing, oppressive nature and loss of outlook. Shadowing and daylighting were not concerns.

78. The windows that are suggested would be affected are 3 second storey windows, two serving a bedroom and a third in a bathroom. As I observed on my site visit these have high cill and head heights. The panels would occupy some of the outlook from the windows which would vary in extents as one moves around the rooms.
79. The parties made reference to the GLVIA TGN 02/19¹³ assessment as well as the need for planning judgement. The rooms are considered as habitable although would not be principle living rooms.
80. The Burnthouse Farm Inquiry decision¹⁴, used the following test whether the proposal would affect a resident's outlook: "to such an extent, i.e. be so unpleasant, overwhelming and oppressive that this would become an unattractive place to live."
81. I find that there would be some loss of outlook from these rooms, and the panels would be marginally oppressive. Concern was also raised about the potential increase in height of the roadside hedge, however that could be controlled by a planning condition.
82. The Appellant makes reference to the New Works Lane, Telford appeal decision¹⁵ where significant visual affects at residential properties did not constitute unacceptable visual intrusion, noting that views would be limited to only a few upper story windows and most properties had alternative outlooks. I also note the Inspector in the Upleadon appeal¹⁶ expressed concern about the visual impact on residential amenity from solar panels. However much would depend on the site specific circumstances to make such assessments, and I cannot be sure that they are wholly comparable with this situation. Consequently these cases do not lead me to a particular conclusion.
83. I therefore find that the proposal would result in a marginal loss of residential amenity and thus would negligibly conflict with policies EQ1 and EQ2.

Best and Most Versatile Agricultural Land

84. Paragraph 187 of the Framework recognises the economic and other benefits of the best and most versatile agricultural land (BMV). The footnote to paragraph 188 states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
85. Policy S1 promotes sustainable development and makes reference to the need to take into account the Framework.
86. The site consists of 12 ha (52.2%) Grade 3a, 8 ha (34.8%) Grade 3b, and 3 ha/ (13%) Grade 4¹⁷. The soil was tested by digging and examining three trial pits on site which demonstrated water logging, which would impede the potential for growing crops. In addition the site has steep slopes and small fields which would hinder the use of machinery¹⁸.

¹³ Landscape Institute Residential Visual Amenity Assessment

¹⁴ APP/D05151/N/10/2131194

¹⁵ APP/C3240/W/22/3293667

¹⁶ APP/P1615/W/23/3331416

¹⁷ Appellant closing paragraph 77

¹⁸ Figure 2 Appendix A Alan Taylor Proof of Evidence

87. The site is being used for the grazing of 20-40 deer and has not been used for crops for 40 years. The Inquiry was provided with evidence to show how the site would provide wheat yields, which is a typical yardstick. The net potential income from wheat on the 12 ha of BMV land would be approximately £5,500 (gross £14,000, less running costs of £9,000). The hypothetical wheat yield of 84 tons would be negligible against UK annual production of approximately 12 million tons. Based on the evidence before the Inquiry, the economic value of the site from agriculture would be low.
88. There is considerably other BMV land in Somerset although its Grade 3 grading is not quantified into 3a and 3b sub-divisions. In any event a sequential site selection is not required as confirmed by the Bramley judgement¹⁹. Whilst the site could be used otherwise than for grazing, more intensive use would have challenges, and I find that the site is not important for food security.
89. The proposal would also involve the grazing of sheep between the panels, which would provide some agricultural use and benefit. A soil management plan has been prepared which details the measures to restore the site after the 40 year use of the solar panels, so that its full agricultural potential would not be permanently lost.
90. The predominate use of the land other than for agriculture for 40 years must also be balanced against the threat of climate change to food production and the contribution to renewable energy offered by this proposal.
91. I therefore find that as the proposal would lead to a temporary and partial loss of BMV land, it would be contrary to paragraphs 187 and 188 of the Framework and Policy S1, but that harm would be very limited.

Hydrology and land stability

92. Policy EQ7 of the LP guards against pollution of water sources. Paragraph 196 of the Framework states decisions should take into account ground conditions and any risks from land instability. Paragraph 187 also has such a reference. The PPG on Land Stability highlights that the planning system should avoid risks to properties, infrastructure and the public, by helping to ensure that development does not occur in unstable locations.
93. There was a landslip near Townsend House in the early 1980s, which confirms the potential for such an occurrence. The Environment Agency (EA) response to this appeal notification was not an objection to the proposal but included a recommendation that land stability needed to be considered.
94. Both the Appellant and Rule 6 Party agree that surface water run-off, and land stability are related issues. The proposal includes a surface water strategy whereby run off would go into swales supplemented by infiltration trenches, to send excess overtopping water below ground. The proposed grass surfacing too is suggested as helping run off and land stability.
95. The geological layers near the surface are robust but underneath there is a Greensand layer which can move with water. The infiltration trenches would go into the Greensand layer, but the submitted cross section shows that layer extends

¹⁹ *Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities* [2023] EWHC 2842 (Admin)

beyond the site and emerges by Townsend House, which suggests the underlying geology has the potential to loosen the slope, if ground water levels are high, whether due to rain and/or a proposal such as this. The nearest swale would be 25m away from Townsend House, but it was not made clear in the evidence before the Inquiry how that distance was devised.

96. There was considerable debate at the Inquiry whether the capacity of the swales had been properly calculated. There was also dispute about the significance of research into the run-off implications for solar farms on slopes of this steepness.
97. The potential for a condition to provide the calculated details of the drainage strategy was raised by the Appellant at the Inquiry. The Rule 6 Party felt that a sound strategy might not be feasible especially considering the associated implications for land stability. I return to this later.
98. Local residents rely upon boreholes into springs for drinking water as there is no mains supply. The EA identify the area as a protected source for drinking water.
99. Concern was raised about the use of fertilizers to boost the grass surface between the solar panels. The potential for surface water run off high in nitrates was regarded as a particular threat as current levels are high. Similarly there was concern about the use of cleaning products entering the water supply.
100. The Appellant advised that the panels are typically cleaned once a year which could involve a non-polluting product. Similarly the grass could be maintained without noxious fertilizers, and both aspects could be covered by conditions. There was no clear evidence before the Inquiry to show that such conditions would not be appropriate.

Other Matters

101. One of the local residents commented that Smooth Newt, Common Frog and Toads are present in the area and will be likely to be using the site. Wildlife patrols for toads at road crossings have shown declining numbers of these species and inevitably their numbers would be reduced by the proposal.
102. The Appellant's Ecologist commented²⁰ that the assessment, as supplied to Somerset Council on 4 June, included impacts on reptiles and amphibians. Additionally he anticipates that the Construction Environmental Management Plan, which could be conditioned, would address impacts during construction.
103. Another resident commented that Bechstein's and Barbastelle bats are using the site, which is important for foraging, especially as these bats have to substantially increase their weight to survive winter habitation. Insects are their food source and will be using this grassland, which would be harmed by this proposal.
104. The Appellant's ecologist comments that Barbastelle bats were recorded using the site as in the report submitted 24 January 2025. These were primarily along the hedgerows, which would be retained. Furthermore the open fields where the panels would be present had less Bechstein's bat activity in the survey. They are a primarily woodland species.

²⁰ Inquiry document INQ15

105. I note the comments from the local residents and the Appellant's Ecologist and return to this issue latterly.

Planning Benefits

106. The Clean Power 2030, the Solar Roadmap, National Policy Statements EN-1 and EN-3, the Somerset Council Climate Emergency declaration, the Somerset Energy Plan all promote renewable solar power.

107. The proposal would have an export capacity of 18MW, with energisation targeted for 2027. It is material that the scheme is implementable with a grid connection shown to be secured at nearby Oathill and has reasonable road access for construction. Additionally implementation would be unfettered by public rights of way.

108. The energy generated would help diversify and decarbonise the UK energy supply as promoted by Clean Power 2030. In December 2024, this set a target of 45–47GW of solar power. The Government has binding targets to decarbonise the energy system by 2030 and achieve net-zero carbon emissions by 2050. There is currently a significant shortfall in the infrastructure. The Solar Road Map, June 2025, foresees large scale projects significantly contributing to the need.

109. The Somerset Energy Plan identifies the need for a near fivefold increase in solar capacity, even with Hinkley Point. Moreover Somerset Council has declared a Climate Emergency. The Inquiry was not presented with evidence that other solar farm sites were available, which is particularly relevant with grid capacity being constrained elsewhere.

110. The Solar Roadmap emphasises the direct employment and indirect jobs from the supply chain and related services arising from construction of solar farms. However no evidence was submitted before the Inquiry to quantify the benefits from this proposal. They would also be likely to be in the most part temporary, during the construction process. Accordingly I give this benefit limited weight.

111. EN3 notes the need to consider the irradiance of the site for its suitability. This location would rate highly, and this is a relevant consideration.

112. The proposal would deliver a biodiversity net gain of 12.75% for habitat units and 13.63% for hedgerow units. The new planting would enhance the Green Infrastructure. These would be a modest improvement.

113. Overall I find that the above benefits would be significant.

Heritage and Planning Balances

114. As I have found above the proposal would harm the heritage assets, contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

115. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, Paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting should require clear and convincing justification. Paragraph 215 states where a development will lead to less than

substantial harm to the significance of a designated asset, the harm should be weighed against the public benefits, including securing its optimum viable use.

116. The written submitted evidence from the Appellant did not include a heritage balance. In closing the Appellant highlighted that the significance of the heritage assets and whether the harm is less than substantial is also highly relevant. That approach accords with a Court of Appeal²¹ judgement: [the] duty to accord "considerable weight" to the desirability of avoiding harm does not mean that any harm, however slight, must outweigh any benefit, however great, or that all harms must be treated as having equal weight. The desirability of avoiding a great harm must be greater than that of avoiding a small one.
117. Nonetheless taking the public benefits together as a whole I conclude that they would not be of sufficient weight to outweigh the identified harm to the heritage assets, which is just above a medium point in the less than substantial spectrum. Thus the proposal should be dismissed on heritage grounds.
118. Additionally Section 38(6) of The Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. This is echoed in paragraph 11(c) of the Framework.
119. I have also found above harm to the landscape including the DNL as well as considerably lesser harm to BMV. The proposal would be contrary to Policies EQ1, EQ2, EQ3 and SP1. In terms of the impacts on residential amenity I found only marginal conflict with the Development Plan.
120. Whilst there is some policy support for the proposal in the Development Plan, the above are the most important policies and go to the heart of the principle of this proposal. When taken as a whole I find that the proposal would be contrary to the Development Plan.
121. I noted the evidence on hydrology and land stability earlier, as well as the local residents' concerns about the protected species, but these do not lead me to a different position.
122. The Appellant suggests that the Development Plan is out of date as renewable energy targets have since changed. Additionally it makes no allocation for solar farms. Whilst the Local Plan was adopted in March 2015, the above policies do correlate with the more recent iterations of the Framework. The policies in the Plan are also supportive of the principle of renewable energy, indeed Policy EQ1 'encourages' it, but nonetheless the Plan points out the relevance of other planning considerations.
123. The Clean Power 2030, the Solar Roadmap, EN-1 and EN-3, the Somerset Council Climate Emergency declaration, the Somerset Energy Plan are relevant material considerations which support the proposal, but do not undermine the Development Plan Policies.
124. The Appellant highlights that EN-1 identifies low-carbon infrastructure as a "critical national priority" whereby there is a presumption that permission should be granted unless exceptional circumstances indicate otherwise. However the Planning Act 2008 defines critical national priority solar farms as having 100 MW

²¹ Palmer v Herefordshire Council [2016] EWCA Civ 1061

capacity and this is well short at 18 MW capacity. Moreover other legislative requirements apply, which here, would include the CROW Act, and the Planning (Listed Buildings and Conservation Areas) Act 1990.

125. I therefore find whilst EN-1 and EN-3 are material considerations and national policy, which provide guidance on the decision, but I do not find that they are presumptive. The Inspector determining the North Court Fruit Farm appeal²² came to a similar conclusion.
126. The Appellant additionally suggests that as the Framework is generalist, EN-1 and EN-3 should take precedence being more specific. Nonetheless Paragraphs 161 and 168 of the Framework are clear, balanced, and contemporary. In addition to the conflict with the Development Plan, the proposal would be contrary to the DNL Management Plan and CROW Act.
127. I find that overall, the weight to the benefits of the proposal does not outweigh the cumulative harm to the landscape, the designated heritage assets and the BMV. I therefore conclude that the planning benefits whilst significant do not warrant a decision other than that in accordance with the Development Plan.

Conclusion

128. I therefore find that the appeal should be dismissed.

John Longmuir

INSPECTOR

²² APP/E2205/W/24/3353598

Appearances

The Council

Philip Robson, Lead Counsel, Kings Chambers

Millie Critchlow, Junior Counsel, Kings Chambers

Michelle Martin BA(Hons) DipLA PGCert Senior Landscaping and Placemaking Officer

Peter Morgan Senior Planner M.A. MRTPI

Rule 6 Party: Wayford Action Group

Michael Feeney, Counsel, Francis Taylor Building

Tessa Hampden, BSc (Hons), MA, MRTPI Associate Planner, Context Planning Ltd

Nichola Burley, BA (Hons) Arch Dip Cons Arch MATCP IHBC MRTPI

Director, Heritage Vision Ltd

Sara Boland, BA (Hons), PG Dip CMLI Director, Influence Landscape Planning and Design Ltd

Stephen Buss, MS MSc CGeol Environmental Consulting Ltd

The Appellant

Sioned Davies, Counsel, No.5 Chambers

Alan Taylor BSc MSc M.I. SoilSci Principal Environmental Consultants, Oracle Environmental Experts LTS

Nils White BSc Dip MRTPI IHBC Heritage Consultant, Nils White Heritage Conservation

Nick Allin BSc MSc PGDip CMLI Associate Director, Stephenson Halliday

Stephen Muggerridge BSc MSc Principal Hydrologist, SLR

Daniel Watson BSc MSc C.WEM CSci Technical Director Hydrology, SLR

Michael Reeve BSc FGS Technical Director Geotechnical Engineering, SLR

Kate Cantwell BA (Hons) MSc MRTPI Associate Director, Lighthouse Development Consulting

Interested Parties

Charles Hind Architect and local resident

Lee Elliott Local resident

Christopher Claridge Local resident

Gillian Thompson Vice chair Wayford Parish Council

Peter Pollon Local resident

Richard Brown Officer for Dorset National Landscape

Fletcher Robinson CPRE Somerset Branch

Josh Taylor Local resident

Lynda Retter Local resident

Stephen Acreman Local resident

Chris Roskell Local resident

Adrain McGowan Local resident

Documents submitted during the Inquiry

INQ1 Opening Appellant

INQ2 Opening Rule 6 Party

INQ3 Opening Council

INQ4 Photographs of Townsend House by Nils White

INQ5 Landscape and Visual clarifications
INQ6 Figure 4.1a Site Layout Plan
INQ7 Figure 4.1b Site Location Plan
INQ8 Landscape Mitigation Plan
INQ9 Map showing the site and relationship to Oathill
INQ10 Rainfall Events Map
INQ11 Susdrain: applying climate change allowances to SUDS design.
INQ12 SLR Technical memorandum
INQ13 Extract from BGS Sheet 312
INQ14 Seaborough Hall list description
INQ15 BSC Ecology statement
INQ16 Potential Wheat Revenue Calculations
INQ17 Gradient Measurement
INQ18 Revised conditions
INQ19 Site visit route map
INQ20 Closing Council
INQ21 Closing Rule 6 Party
INQ22 Closing Appellant