
Appeal Decision

Site visit made on 9 October 2014

by Wendy J Burden BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2013

Appeal Ref: APP/R3325/A/13/2197853

land adjacent to Caves Farm, Stowey road, Pitney, Somerset TA10 9AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by AEE Renewables UK Ltd against the decision of South Somerset District Council.
 - The application Ref 12/00441/FUL, dated 25 January 2013, was refused by notice dated 2 May 2013.
 - The development proposed is the installation of 4.75MW solar farm including the construction of access roads, substation, inverter station, transformers and 2.0m high boundary fencing and hedgerow planting and enhancement.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The council's second reason refusal referred to the lack of sufficient information to demonstrate that existing heritage assets on the site would be safeguarded by the proposed development. The appellant has now carried out archaeological investigations, and as a result of findings in one field, that field has now been excluded from the proposal by means of an amended plan which was submitted on the 16 August. In addition to the reduction in the site area, the scheme has been reduced to a proposal for 17,952 solar panels with the capacity to generate 4.40MW.
3. The amendment constitutes a reduction in the scale of the proposal, and the Council and interested parties have been consulted on the amended scheme. As a result those likely to be affected have had the opportunity to have their views taken into account on the amendment. The revised scheme remains within the original application boundaries, and with the reduction in the area to be used as a solar farm it is likely to have less impact than the original proposal. In these circumstances I consider that the amendment can be accepted without causing prejudice to any interested party and I am determining the appeal on the basis of the amended plan.
4. In view of the archaeological investigations which have been carried out and the amendment to the scheme, the Council has withdrawn its second reason for refusal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the landscape.

Reasons

6. The South Somerset Local Plan (2006) constitutes the adopted development plan, and includes no policies on the delivery of renewable energy development. The Council has produced a Development Management Guidance Note which seeks to direct developers of Solar PV arrays to look at alternative sites and adopt a sequential approach to site selection, and a number of objectors argue that the appellant should have sought alternative locations for the proposal before choosing a green field site. However, the Council's document does not have the status of adopted development plan policy, and in the absence of such policy, it is the policies of the National Planning Policy Framework (NPPF) which carry significant weight in the determination of this appeal.
7. The NPPF encourages Local Planning Authorities to adopt proactive strategies and to design policies to maximise renewable and low carbon energy development whilst ensuring that adverse impacts are satisfactorily addressed. Where suitable areas for such development have been identified in plans, applications for commercial scale projects outside these areas can be expected to demonstrate that the proposed location meets the criteria used in identifying suitable areas. In this case there is no adopted development plan which identifies the areas suitable to accommodate solar farm development, and therefore there is no requirement for the appellant to demonstrate that the appeal site is the best available for the scheme.
8. The proposal would contribute to the national objective of promoting renewable energy technologies. The benefits of developing the use of renewable resources as an increasing proportion of total energy consumption are reflected in the objectives of European Union and UK law and policy such as the UK Government Climate Change Programme, the Energy White Paper 2007, the Climate Change Act 2008 and the Renewable Energy Strategy 2009. The Energy White Paper reaffirmed the government's commitment to achieving the contribution by renewable energy to electricity generation of 20% by 2020. It sets out a strategic vision for energy policy and establishes a target of a reduction in carbon dioxide emissions of some 60% from current levels by 2050. Key to achieving this goal is the provision by renewable energy of at least 30-40% of energy generation.
9. In the NPPF at para 93 it states that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development. A presumption in favour of sustainable development is set out in para 14 of the national policy. In taking decisions in accordance with the NPPF, the presumption in favour of sustainable development requires that planning permission should be granted unless any adverse impacts of a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Thus the provision of renewable energy forms a vital part of the Government's policy in relation to sustainable development, and there is a clear presumption in favour of development which would provide for renewable energy.

10. "Planning practice guidance for renewable and low carbon energy" recently published by the Department for Communities and Local Government (DCLG) recognises that the deployment of large scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the guidance also recognises that the visual impact of a well planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. The guidance sets out the factors which need to be considered in para 27. In this case, the proposal involves a green field site, but allows for continued agricultural use in terms of grazing of animals around the arrays. It would be a temporary structure proposed for 25 years and a condition could be imposed to require the reinstatement of the site at the end of that period. As a result there would be no permanent physical change and or damage to the landscape. However, 25 years is a significant period of time, and the effects of the development on the character and appearance of the landscape during that period of time remains a key issue to be weighed against the contribution of the scheme to the national strategy on low carbon energy.
11. In this case the landscape is not subject to any national designation. It is identified in Natural England's Landscape Character Assessment as part of the Mid Somerset Hills. In the Landscape of Somerset assessment, it lies within the Fivehead and High Ham Escarpments, Valleys and Moors character area within the subdivision of the Lias Clay Dislope. This is described as giving the impression of "pockets of high quality 'designed' landscape often closely associated with the numerous settlements in the area."
12. The landscape setting of the appeal site is characterised by the sloping ground from the north, south, east and west which forms a natural bowl and well contained valley in which the village of Pitney is centred on the water course which runs from east to west. The village is framed by the agricultural fields and occasional farm and other houses which are dotted around the area. Whilst the appellant rightly describes the appeal site as being discreet and self contained, that does not separate the site from its close association within the valley with the modest rural settlement of Pitney. The installation would have no moving parts and would follow the undulations of the ground. No hedgerows would be removed, so the general shape of the field pattern would not be physically altered. Furthermore, existing hedgerows would be allowed to grow in height to provide additional screening, new hedgerows would be planted and reinforcement planting would be provided where required. As a result of the planting strategy, it is likely that close views of the development would be largely screened, and limited to glimpses through gateways.
13. However, the solid structures of the arrays would form a strong physical presence of industrial appearance which would change the character of the rural fields in which they are located. In particular the east west spread of the arrays across the valley would be out of proportion with the modest scale of the village of Pitney. With the two fields to the west of Stowey Road elevated in relation to the fields to the east, the eye would be drawn towards the site in views from public footpaths and from nearby roads and residential properties. Whilst I accept that the successful growth of the hedgerows would do much to provide effective screening from close views into the site, the development would be visible in wider views, and would form an incongruous expanse of metal structures out of keeping with the intimate and rural character of the valley, and disproportionate to the scale of the village of Pitney.

14. The DCLG guidance states that with effective screening and appropriate land topography the area of the zone of visual influence of ground mounted solar panels could be zero. In this case having regard to the character of the topography, that would not be the case, and when viewed in the context of the setting of the existing small settlement I find the harm to the character and appearance of the area to be significant. The scale of harm in this location is such that in my view it would not be outweighed by the wider benefits of renewable energy provision.
15. I have had regard to all the other matters raised in the representations, but they do not alter or outweigh the considerations which lead me to conclude that the appeal should be dismissed.

Wendy Burden

INSPECTOR