
Appeal Decision

Hearing held on 4 February 2014

Site visit made on 4 February 2014

by Andrew Hammond MSc MA CEng MIET MRTPI

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

Decision date: 20 June 2014

Appeal Ref: APP/R3325/A/13/2209592

Land at Tintinhull Forts, Tintinhull BA22 8PA

- 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 Lumicity Limited against the decision of South Somerset District Council.
 - The application Ref 13/02925/FUL, dated 12 July 2013, was refused by notice dated 1 October 2013.
 - The development proposed is installation of ground mounted solar photovoltaic array to provide 6 MW generation capacity together with inverter systems; transformer stations; substation; internal access track; landscaping; security fencing; associated access gate and removal of one Ash tree protected by a Tree Preservation Order.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character of the landscape and on the setting of nationally recognised heritage assets.

Reasons

3. The appeal site comprises some 25 hectares of open land within the open countryside but adjacent to the A303 dual carriageway to the north-west. The proposed development would comprise an array of around 32000 photovoltaic (pv) panels mounted at approximately 25° to the horizontal and facing south.

Hamdon Hill Camp and Montacute Castle

4. To the south of the appeal site there lies Hamdon Hill Camp (also known as Ham Hill) and Montacute House with its Registered Park and Garden, within which is located St. Michael's Hill surmounted by Montacute Castle.
5. Hamdon Hill is reputedly the largest hillfort in the country and it retains many of its features including its ramparts. It is a scheduled ancient monument. The hill is also a countryside park which is a significant tourist attraction and there is a Grade II listed war memorial overlooking the northern vista.
6. From the hill there is a wide panorama over the Somerset levels with the appeal site being clearly visible some 1.5km to the north. The proposed large pv array

- would introduce a substantial man-made feature into the predominantly rural landscape. Whilst there are other features which detract from the view, including the A303, the extent of the appeal proposal and its appearance would be such as to make it particularly prominent and out of character with the wider rural landscape.
7. Whilst the principal significance of the hillfort is its evidential value in the form of the physical above-ground and archaeological remains, the visibility of the hillfort from the wider area and the extensive views from it form part of the original function and contribute substantially to its significance.
 8. The introduction of the appeal proposal would detract appreciably from the views from the hillfort and from views towards it from the vicinity of the appeal site itself such as from the road bridge over the A303. Whilst this view coincides with an antiquarian sketch by William Stukeley it is noted that that is a view which would not have been possible at the time the engraving was made.
 9. Montacute Castle is a motte and bailey castle on St. Michael's Hill to the east of Hamdon Hill and is also a scheduled ancient monument. It is some 2km south of the appeal site. As with Hamdon Hill the principal significance of this heritage asset is its buried and visible remains. However, again, the views from the summit with its folly tower, which is not included in the scheduling but is nevertheless a Grade II listed building, enable an understanding of the form and function of Montacute Castle and contribute towards its significance as a heritage asset.
 10. The Planning Practice Guidance (PPG) published by the DCLG in March 2014 and upon which the main parties have had the opportunity to comment in relation to the appeal, states that *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.*
 11. The setting of a heritage asset is defined in the National Planning Policy Framework (the Framework) as *the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
 12. As accepted by the appellant, the views over open low-lying land from both Hamdon Hillfort and Montacute Castle enable an understanding of these two ancient monuments, thereby contributing towards their significance and the ability to appreciate that significance. The introduction of a substantial solar park into the views from both ancient monuments, albeit at some distance, would result in an expansive array of panels of an industrial appearance, detrimental to the enjoyment of the views and to the appreciation of the significance of the heritage assets, causing considerable harm.
 13. In addition, the solar park would be seen in the foreground in some views towards St Michael's Hill and Hamdon Hill, including from the road bridge over the A303.

The hills are major and striking elements in the landscape and the introduction of the solar park into these views would add harm to both the wider landscape and the setting of the heritage assets described above, albeit subject to caveats given above in relation to the significance of the engraving by William Stukeley.

14. Furthermore s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving a listed building or its setting. Views from and of the folly tower on St Michael's Hill form an essential component of the setting of the listed building and would be adversely affected by the presence of the solar park, adding considerably to the harm to be balanced against the benefits of the proposed scheme.

Montacute House and Gardens

15. In addition to the views from St. Michael's Hill there would appear to be potential for views of the solar park from elsewhere within Montacute Park and Gardens. However, for in at least the majority of cases views would be screened by vegetation and intervening buildings. It is concluded, therefore, that other than as described above, there would be no harmful significant effect on the setting of Montacute House, Gardens and Park.

Halfway House Farm

16. Halfway House Farm and associated stables are Grade II listed buildings some 100m from the boundary of the appeal site.
17. The proposed development would not significantly affect the relationship between the buildings or their setting and visibility of the proposed development would be restricted by existing and strengthened landscaping. There would be no unacceptable effect on this particular heritage asset or its setting.

Other Heritage Assets

18. There are a number of Conservation Areas and Listed Buildings within the wider area. However any impact on the setting of these other assets would be insubstantial.

Conclusion

19. The proposed development would have a considerable and significant adverse impact on the setting of both Hamdon Hill Hillfort and Montacute Castle, both ancient monuments and of the Grade II listed folly tower on St. Michael's Hill. It would also, to a lesser extent, impact on the wider landscape to the detriment of its character and appearance.
20. Whilst it is recognised that the Framework and the PPG support, in principal, renewable energy as a means of meeting the imperative of combating climate change, it is clear that this is not regardless of the need to protect the environment and heritage assets. In this instance the benefits of the provision of an albeit substantial contribution of renewable energy does not outweigh the harm that would be introduced.
21. The development would, therefore, be contrary to the guidance in the National Planning Policy Framework and Planning Practice Guidance and to saved policies of the South Somerset Local Plan which are aimed at protecting the environment and, in particular, the landscape and the setting of listed buildings and ancient monuments.

22. For the above reasons, and taking account of all material planning considerations, the appeal is dismissed.

Andrew Hammond

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Colin Virtue	Pegasus Planning
Mr Richard Morrison	Pegasus Planning
Ms Kate Watson	Pegasus Planning
Mr Duncan Coe	Lumicity
Mr Nick Thorne	Lumicity

FOR THE LOCAL PLANNING AUTHORITY:

Mr Dave Norris	South Somerset District Council
Mr Robert Archer	South Somerset District Council

DOCUMENTS SUBMITTED AFTER THE HEARING

Comments on the Planning Practice Guidance in relation to the appeal provided by the Council.

Comments on the Planning Practice Guidance in relation to the appeal provided by the appellant.