
Appeal Decision

Site visit made on 7 March 2016

by R Phillips BA (Hons) MSc DipM MRTPI MCIM

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

Decision date: 26 April 2016

Appeal Ref: APP/N1730/W/15/3139981

Trimmers Farm, Totters Lane, Hook, Hampshire, RG27 8HX

- 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 Trimmers Solar Farm Ltd against the decision of Hart District Council.
 - The application Ref 15/01614/FUL, dated 2 July 2015, was refused by notice dated 16 November 2015.
 - The development proposed is temporary construction intended to stand for 25 years of a ground mounted solar array having a generating capacity of 10MWp with ancillary equipment including inverter cabinets, transformers and a sub-station. Connection via cables under Totters Lane to the national grid. The land is reclaimed landfill currently used for grazing and will continue to be used for sheep farming.
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Decision

1. I dismiss the appeal.

Procedural Matter

2. The appellants submitted further information and revised details prior to the Council's determination of the application. This included the addition of a buffer zone along the Potbridge Bank as advised by the Environment Agency, relocation of the proposed sub-station and a supplementary supporting statement. The Council took this information into account in reaching its decision. Those who had commented on the planning application were notified and, given that the proposed changes to the scheme are of a minor nature, I do not consider that anybody's interests would be prejudiced by my consideration of them. I have thus determined the appeal on the basis of the revised details.

Main Issues

3. I consider the main issues in this case to be the effect of the proposed solar farm on:
 - a) The character and appearance of the surrounding landscape; and
 - b) The setting of heritage assets.
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Reasons

Policy Context

4. The National Planning Policy Framework (NPPF) describes the purpose of the planning system as to contribute to the achievement of sustainable development which has economic, social and environmental dimensions. In paragraph 14 there is a presumption in favour of sustainable development which in summary provides for approving without delay development proposals that accord with the development plan. It also provides for the granting of permission where the development plan is absent, silent or relevant policies are out of date, unless any adverse impacts would demonstrably outweigh the benefits or specific NPPF policies indicate development should be restricted. Paragraph 215 provides that due weight should be given to policies in existing plans according to their degree of consistency with the NPPF.
5. The NPPF at paragraph 93 states that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development. It provides at paragraph 98 that applications should be approved if their impacts are (or can be made) acceptable.
6. The Written Ministerial Statement dated April 2014 confirms the Government's support for solar energy including larger-scale field based solar. It refers to the guiding principles set out in the UK Solar Strategy including that proposals should ensure that they are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact and provide opportunities for local communities to influence decisions that affect them. Planning Practice Guidance (PPG) identifies the particular planning considerations that relate to ground mounted solar photovoltaic farms and I have taken these into account in identifying the main issues in this case.
7. The saved policies of the adopted Hart District Local Plan (LP) also apply. LP saved Policy GEN10 which seeks to protect the immediate and wider landscape from harmful development of renewable energy schemes and to ensure that features and areas of historic interest are not adversely affected is therefore of particular relevance. Saved Policy GEN1 says proposals will be permitted subject to certain criteria including that they are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density. Saved Policy GEN3 relates to landscape character areas and seeks to prevent development that would adversely affect the particular character of the landscape.
8. Saved Policy CON23 seeks to prevent development that would seriously detract from the amenity and consequent recreational value of well-used footpaths and other public rights of way in the countryside by reducing their rural character or detracting from significant views. Saved Policy RUR2 relates to development in the open countryside and seeks to prevent development that would have a detrimental effect on its character and setting by virtue of its siting, size and prominence in the landscape. Saved Policy RUR3 builds on Policy RUR2 by setting out particular environmental considerations that may be taken into account for development in the countryside including that the site is satisfactorily landscaped to reduce its impact on the surrounding countryside. As LP saved Policy GEN10 is more specific to renewable energy and is consistent with national policy, which similarly allows for the balancing of harm

and benefits, I consider that Policy GEN10 is here the dominant development plan policy to which greater weight should be accorded.

The effect on the character and appearance of the surrounding landscape

9. The appeal site comprises approximately 17.9 ha of agricultural land which is bounded to the north by a railway line and to the south by the M3 motorway. The site slopes to the south. The north boundary bordering the railway is fenced. To the east is an area of woodland known as Beggars Corner which is a Site of Importance for Nature Conservation (SINC). There is a high pressure pipeline and a high voltage electricity line which both run through the eastern field. Part of the site to the east has previously been used for landfill. There are public rights of way (PROW) which run through the centre of the western field (PROW 729) and adjacent to the M3 motorway in the eastern field (PROW 501). The appellants' claims that the footpaths are not well used are unsubstantiated. I observed users of PROW 501 during the site visit and users of these paths have written to object to the proposal.
10. It is proposed to erect up to 1,670 strings of 24 x 250 kWp solar photovoltaic panels mounted on metal frames for a period of 25 years. The panels would measure approximately 0.5 m above ground level at the front edge rising to around 1.91 m at the rear. The mounting structure would comprise galvanised steel posts. For the majority of the area the posts would be screwed and piled into the ground but where this would not be possible due to buried rubble on the site, an anchoring method would be used utilising concrete blocks on a gravel base. It is also proposed to level this eastern area to provide a suitable surface for the panels. Ancillary equipment including inverter cabinets, a video security system and a sub-station would be installed within the site boundaries. Green welded open mesh fencing would be erected at a height of approximately 2.3 m. The site would continue to be used to graze sheep.
11. The appeal site is located within an area identified in the Thames Basin Heaths National Character Area. However, I agree with the appellants that the local landscape character assessment is the most relevant and appropriate for the baseline character assessment of the Landscape and Visual Impact Assessment (LVIA). The site is identified in the Hart District Landscape Character Assessment (LCA) as being within the Whitewater Valley landscape area which is described as containing attractive countryside of generally good quality. Having considered the characteristics of the site and its surrounding area, I find that its features are closely allied to the main distinguishing features of this landscape with its gentle valleys framed by woodland with a sheltered, pastoral and rural character with few distracting influences except for overhead power lines and roads and some buildings seen on the higher slopes.
12. The site is elevated and affords views over the valley floor to the south-west and towards distant ridgelines to the west and south. Large woodland blocks and landform provide enclosure to the site to the north and east but the large pylon towers are detractive features in the landscape. The appellants' LVIA identifies the site as a large-scale open rural landscape where tranquillity is affected by the proximity of the M3 motorway and intermittent passing trains. From my observations of the site and its surroundings, I agree with this assessment.
13. The appellants' LVIA acknowledges that the proposal would introduce man-made elements into a rural area. However, given that the area is currently

influenced by high voltage power lines, railway and motorway it considers the effects on landscape character to be moderate adverse within the immediate context and 0.5 KM of the site and slight adverse for areas up to 2 KM from the site. However, whilst I acknowledge the influence of the railway, motorway and pylons on the landscape, I agree with the Council that due to the location and topography of the site it would be visible from both short and long distance views and that the rural character of the site would fundamentally change. The solar farm would introduce a series of uncharacteristic utilitarian structures across the open fields, together with supporting equipment, cameras and security fencing. The rows of panels would be in uniform, regimented ranks and appear as an overtly modern, industrial and engineered structure. With the proposed fencing some 2.3 m high, the existing hedgerows would not provide a complete screen to the development. Whilst the LVIA refers to native hedgerow planting being proposed along the site boundaries with Totters Lane together with shrub planting along the railway line and gap planting close to Paynes Cottage, no specific details or plans with regard to soft landscaping mitigation have been submitted.

14. The panels located on the upper slopes of the eastern field would be in a conspicuous location and there are views into the site from near and far. As the panels would be dark blue they would stand out from their green and rural surroundings, changing the character of the landscape from both within the site and in the wider context. Consequently, the landscape character of the site itself would be subject to a significant change and lose its rural quality.
15. The appellants' LVIA considers the visual effects of the development from a number of viewpoints which provide an indication of the types of views which would be gained of the solar farm. For example, views from the south and west as shown in viewpoints 2, 3A and 3B provide an indication of the effect when the solar panels would be seen in silhouette against the skyline on this prominent and elevated site. The west field has greater inter-visibility with surrounding open countryside and as identified in the LVIA, it contributes to the setting of the Whitewater Valley to the west. When viewed from Totters Lane 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. I consider that the photomontages illustrate that the landscape is highly sensitive to the introduction of the rigid structures of the solar panels.
16. Users of the public footpaths are identified in the LVIA as having a high sensitivity. PROW 501 runs adjacent to the southern side of the eastern field and would be directly affected for approximately 485 m. The footpath is bounded on one side by the boundary fence of the motorway but would be fully enclosed by the stark metal site boundary fence of the appeal site. The PROW passes through an area of open land and the character is currently open to the north-west. This character would change and I agree with the LVIA assessment that the visual effect would be substantial.
17. Views of the western field are clearly visible from PROW 729 where it meets with Totters Lane. The current view of the open fields would change to that of uniform rows of solar arrays stepping up the hill and breaking the horizon. As this PROW crosses through the site it would be surrounded on both sides by fencing and solar panels. I agree with the LVIA which identifies that the panels would be prominent on the skyline. I acknowledge that the impact on walkers

and users of Totters Lane would be temporary if the route is part of a longer journey. However, the effect would continue for some considerable distance along these routes. Overall, I consider that the development would have a substantial visual effect rather than a moderate-substantial one as identified in the LVIA.

18. From my own observations and having regard to the appellants' photomontages and Zone of Theoretical Visibility (ZTV), the solar farm would have an adverse visual impact which would significantly detract from the visual amenity of the area. Having taken into account the presence of the railway, motorway and pylons I consider that the proposal would consolidate the spread of man-made features across the skyline and add to the creeping urbanising effect on the area, thereby exacerbating the resultant harm to the landscape character and visual amenity. In conclusion the level of harm to the character and appearance of the landscape would be significant and would conflict with LP saved Policies GEN10, GEN1, GEN3, CON23, RUR2 and RUR3.

The effect on the setting of heritage assets

19. The Council has objected to the proposal on the basis that the LVIA has failed to take account of heritage assets within the ZTV including listed buildings at Poland Mill and Potbridge Farm and the Odiham Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting. The NPPF Glossary defines the setting of a heritage asset as the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Whilst the appeal site is outside the conservation area, NPPF paragraph 132 says that significance of a designated heritage asset can be harmed or lost through development within its setting.
20. From my own observations on site, the solar arrays on the elevated eastern fields would be discernible in the distance from some aspects of the conservation area. Elements of it would also be visible from the listed buildings referred to above. However, in view of the distance from the appeal site, the limited element of the solar farm that would be discernible due to the topography of the site and the presence of intervening woodland areas and vegetation, I do not consider that the development would harm the views from, or the setting of these heritage assets. Furthermore, it would not detract from the setting of the conservation area. Overall, I find that there would be no harm to the setting of these heritage assets.

Other Matters

21. Policies in the NPPF seek to protect the best and most versatile (BMV) agricultural land, and PPG advises that where green field sites are proposed, poorer quality agricultural land should be used in preference to higher quality land, and the proposal should allow for continued agricultural use, and/or encourage biodiversity improvements around arrays. In this case the land is indicated as being within Grades 3 and 4. I have not been advised as to whether the Grade 3 land is BMV agricultural land. Whilst I note that both parties agree that the land does not represent BMV land, I have no basis on which to reach a finding as to whether any BMV land would be lost. I do

acknowledge, however that the land would be continued to be used to graze sheep.

22. My attention has been drawn to examples of other solar farms that have been granted planning permission as well as two recent solar farm proposals south of Potbridge Farm which have both been refused by the Council. I note that one of those schemes is now the subject of a separate planning appeal. However, these schemes are in different locations with different characteristics and impacts and my decision is based on the site specific circumstances of this case which provide compelling grounds to dismiss this appeal.
23. In relation to glint and glare from the panels, solar panels are designed to absorb light and have a surface which is anti-reflective and diffusing. The appellant's assessment identifies that the presence of existing hedges and vegetation together with additional planting and boundary mitigation that could be secured by way of an appropriate condition, would ensure that users of the motorway and railway and nearby residential properties would not be affected to any significant degree. Considering the existing and proposed planting, the distances from residential properties and the likely reduced frequency of direct sunshine at the critical times, I consider that glint or glare would not cause any unacceptable harm to local residents.

Conclusion

24. The proposal would make a valuable contribution to the cutting of greenhouse gas emissions. It would also assist in securing the ongoing viability of the farm enterprise. However, it would cause substantial harm to the character and appearance of the surrounding landscape. Notwithstanding my findings in respect of heritage assets, I consider that this harm would significantly and demonstrably outweigh the benefits. The proposal does not satisfy the environmental dimension to sustainable development and would not comprise sustainable development.
25. I have considered all the other matters raised, but have not found anything to alter my conclusions on the main issues which lead me to dismiss the appeal.

Rebecca Phillips
INSPECTOR