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## Appeal Decision

Site visit made on 18 November 2013

**by Jessica Graham BA(Hons) PgDipl**

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

**Decision date: 9 January 2014**

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**Appeal Ref: APP/R3325/A/13/2196611**

**Land at Forton Lane (OS 0751), Tatworth, Chard, Somerset**

- 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 Lightsource Renewable Energy against the decision of South Somerset District Council.
  - The application Ref 12/03797/FUL, dated 19 September 2012, was refused by notice dated 10 January 2013.
  - The development proposed is the installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverters, transformers and fence.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The Council's reasons for refusal referred to conflict with a number of saved policies of the Somerset and Exmoor National Joint Structure Plan. However, since the refusal notice was issued, the Structure Plan (with the exception of a policy relating to the Bristol/Bath Green Belt) has been revoked by Order taking effect on 20 May 2013, such that it no longer forms part of the adopted Development Plan. I have therefore assessed the proposed development against the relevant saved policies of the South Somerset Local Plan, and the National Planning Policy Framework (NPPF). I have also had regard to the government's *Planning Practice Guidance for renewable and low carbon energy*, published in July 2013.

### Main issue

3. The main issue is whether the benefits of the proposed development would outweigh any harmful impacts, having particular regard to the effect upon the character and appearance of the surrounding countryside.

### Reasons

#### *Benefits*

4. One of the core principles set out in paragraph 17 of the NPPF is the need to support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources. Paragraph 93 then goes on to explain that planning plays a key role in helping shape places to secure radical

reductions in greenhouse gas emissions, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 98 advises that applications for renewable energy projects should be approved if the impacts are, or can be made, acceptable.

5. Evidence submitted by the appellant, and not disputed by the Council, is that the proposed solar development would have a generation capacity of approximately 1.02 megawatts; enough to power 300 typical households, and save approximately 511,830 kg in carbon dioxide emissions per annum. This would constitute a significant contribution toward meeting local and national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. In addition, the proposed development would help to increase the security and diversity of the electricity supply.
6. A number of local residents have questioned the need for the proposed solar PV array, expressing concern that it would not actually contribute toward the reduction of greenhouse gases, and would have no local benefit. However, the NPPF advises that applicants should not be required to demonstrate the overall need for renewable or low carbon energy, and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
7. In the light of all this, I consider that the benefits of the proposed development, in terms of the production of a clean, renewable and sustainable form of energy, carry substantial weight in its favour.
8. However, while the delivery of renewable energy infrastructure is central to the economic, social and environmental dimensions of the "presumption in favour of sustainable development" on which the NPPF is based, it does not follow that all renewable energy development is necessarily sustainable. Other considerations, such as the impact the development would have on the natural environment, need to be taken into account.

*The impact on the character and appearance of the area*

9. The appeal site is some 2.59ha in area, being part of a larger 6.51ha field. The proposed PV modules, and associated infrastructure, would cover some 30% of this 2.59ha site. Mounting frames would be pile-driven into the ground, without the need for concrete foundations, and these would support 4,434 solar panels, arranged in twelve south-facing rows. Each panel would be mounted at an angle of 20°, with its highest edge set a maximum of 2.05m above ground level. There would also be an inverter house, transformer house and communications building, each around 3m high and between 4.4 and 7.2m long, and two substations.
10. The field in which the appeal site lies is part of a valley floor, and largely flat, rising steadily to the north west. The surrounding area is mainly characterised by enclosed farmland and pasture, with a strong network of hedgerows forming field boundaries. The appeal site is fairly typical of the general scale and underlying rectilinear pattern of the fields in this area.
11. Other development features within the locality are generally of a small agricultural or domestic scale. There is however a Victorian cemetery immediately adjoining the appeal site, on a strip of land which takes access from the A358. Formal pathways are laid out such that visitors turn their back

on the road and follow a long, straight walkway, with clear views of the countryside beyond. A number of seats and arbours are provided, also facing out toward the gently rising slopes of the countryside beyond. I saw at my site visit that close views of the formal planting arrangement of trees within the cemetery, the austere symmetrical shapes into which the shrubs have been clipped, and the closely mown grass give way to longer views of more naturally shaped trees in more open, undeveloped farmland. It seems to me that this gentle contrast between the cemetery and its surroundings is an important part of its character and function, providing space for quiet contemplation of humanity's place in nature.

12. The installation of the proposed solar PV array and ancillary buildings would fundamentally alter the existing undeveloped, agricultural character of the appeal site by covering a large proportion of it with man-made infrastructure. I appreciate that the development would be contained within the existing boundary hedgerows, and rather than filling the whole field would be restricted to a central area surrounded by large areas of grassland, but nevertheless the ranks of PV panels and their associated infrastructure would become the predominant features of the appeal site. While the 2m high deer fencing around the perimeter would allow visual permeability, the inclusion of CCTV cameras on 3.5m high poles would clearly identify it as security fencing, contrasting starkly with the existing pattern of hedgerow boundaries.
13. In my judgment, the proposed development would cause serious harm to the character of the adjoining cemetery. It would be close at hand and clearly visible in views out toward the surrounding countryside, and due to its incongruous appearance within the farmed landscape, would draw the eye. The balanced relationship of gentle contrast between the formal and informal green spaces of the cemetery and adjoining fields would be completely altered by the large expanse of man-made structures, more industrial than agricultural in character, and unrelated to any element of their surroundings. There would also, to my mind, be an uneasy disjunction between the ancient form of the sculpted gravestones in the cemetery, and the modern engineered glass slabs of the solar array.
14. I note that the proposed planting scheme would include a new area of woodland in the south-west corner of the appeal site, intended to screen views from the cemetery. However, this would take some time to establish and even when mature would only provide partial screening; the solar array would still be visible from the western part of the cemetery, and through the trees in winter. I also note that the proposed development is only intended to remain in place for 25 years, and its removal after that time could be secured by condition. The fact that it would be a temporary rather than permanent form of development clearly reduces the extent of the overall impact on its surroundings. Nevertheless, the harm it would cause to the character of the adjoining cemetery would subsist throughout those 25 years, and in my judgment this is a consideration that carries substantial weight against the proposal.
15. The proposed development would also be visible in glimpses through gateways and hedges along Forton Lane, which runs alongside the eastern boundary of the appeal site. The proposed planting of shrubs and a new area of woodland in the north-eastern corner of the appeal site, together with the gapping-up and strengthening of the existing hedgerow boundaries, would reduce the

availability of such views and of course, the simple fact that development would be visible does not automatically mean that it would be harmful. However, as discussed above, the installation of the proposed solar PV array would greatly alter the existing rural character of the appeal site, and introduce incongruous and uncharacteristic elements to the landscape. The evidence of local residents is that Forton Lane provides a much-appreciated and well-used opportunity for them to walk, cycle and ride horses away from the traffic of busier roads and to enjoy the tranquillity of the surrounding countryside. For 25 years, their experience of being surrounded by relatively undeveloped countryside would be diminished by the visible presence of the solar panels in close proximity on the adjoining field. While I do not consider this adverse visual impact anywhere near harmful enough on its own to outweigh the considerable benefits of the proposal, it nevertheless carries a small amount of weight that must be included in the overall balance.

16. I conclude that the proposed development would conflict with the objectives of Policies ST3, ST5, ST6 and EC3 of the Local Plan, which together seek to ensure development is restricted to that which maintains or enhances the environment and respects the form, character and setting of its surroundings.

#### *Other matters*

17. In view of the narrowness of the lanes that would provide access to the appeal site, and recent experience of their use by HGVs, local residents are greatly concerned about the impact of traffic associated with the proposed development. Once the solar panels and associated infrastructure were installed there would only be in the region of 13 vehicle movements to and from the site each year, so the construction period is the main concern. In view of the limited duration of that period I share the Highway Authority's view that were I otherwise minded to grant permission, potential problems could be addressed by imposing conditions that would prevent the development from going ahead unless and until details of the movements to be undertaken by construction traffic, and measures to deal with any consequent damage to the highway, had first been approved by the Council.
18. Concerns have also been raised about the potential loss of agricultural land. The presence of the solar array and the newly planted woodland areas would diminish the area of the appeal site available for crops, but a significant margin of grassland would remain and could be utilised for agricultural purposes; at some existing solar arrays, sheep graze around and beneath the PV panels. Importantly, the development would only exist for a temporary period of 25 years, and at the end of that time its effects would be easily reversible, unlike (for example) the development of land for housing. The cessation of arable farming throughout this period may even have benefits in terms of improving the condition of the soil, and enabling biodiversity to flourish. The extent of any such benefits are, however, difficult to quantify; I accept that various measures could be put in place to prevent any adverse impact on the local badger population and other wildlife, but in the absence of details concerning the future use and management regime of the grassland and hedgerows, I cannot reach an informed conclusion as to whether there would be a net biodiversity gain. On balance, I consider that the potential loss of agricultural land carries no significant weight against the proposal, but equally the potential gains for biodiversity carry no significant weight in its favour.

19. The appellant rightly points out that the Council's preferred choice (as set out in its unadopted development management guidance note *The development of large-scale Solar PV Arrays in South Somerset – Informal Guidance*) of siting such development on previously developed land is often difficult to achieve, due to problems with viability, scale, and the pressure to use these sites for other types of development. However, there is clear evidence that the Council has granted permission for solar arrays elsewhere within the district, recognising that greenfield sites can form acceptable locations for this type of renewable energy development. I note the appellant's contention that some of these existing locations are very similar to the current appeal site, but that is not a consideration that weighs in favour of allowing this appeal: it is important that each individual proposal is considered on the balance of its own particular site-specific merits.

*Conclusion*

20. Taking all of this into account, I conclude that while the benefits of the proposed development would be substantial, in this particular case they would be outweighed by the combined impact of the substantial harm that would be caused to the character of the adjoining Victorian cemetery, the significant adverse visual impact in public views from that cemetery, and the additional adverse visual impact in public views from Forton Lane.

21. I therefore determine that the appeal should be dismissed.

*Jessica Graham*

INSPECTOR

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