

23/00978/FUL
NON MAJOR

Mr Jason Milner

TRYSULL & SEISDON
Councillor Robert F Reade
Councillor Victoria H Wilson

Little Round Hill Tinkers Castle Road Seisdon WOLVERHAMPTON WV5 7HF

Erection of a ground-mounted solar photovoltaic array

Pre-commencement conditions required: n/a	Pre-commencement conditions Agreed n/a	Agreed Extension of Time until 2nd February 2024
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SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application relates to a rural 5 bed detached property situated along Tinkers Castle Road in Swindon. Entrance to the site is via a gated entrance, enclosed by brick walls. At the front of the site is a large parking area, landscaped garden and detached dwelling. To the rear is a large garden which has a number of trees planted. The site is surrounded by agricultural fields. Access to the field behind the house is accessed via a small gate. The field boundaries are enclosed by hedgerows and trees.

1.2 The Proposal

1.2.1 The application proposes the erection of a ground-mounted solar photovoltaic array in the agricultural field to the rear of their garden. It would be positioned close to the existing hedge line and measure 16m long by 2.3m wide and would occupy a floor area of 37sqm. The solar array will be positioned using a ballasted -mounting system, onto a hardstanding pad. The panels would be angled 22degrees, facing South to achieve the maximum solar gain.

1.2.2 To avoid any confusion the proposed site plan has been updated, removing any reference to enclosure. No enclosure or additional boundary treatments are proposed for the solar array.

1.3 Agents Submission

1.3.1 The application is accompanied by a design and access statement which details the reasons for the siting of the solar array in the field behind the house.

Date of site visit - 15 December 2023

2. SITE HISTORY

Planning Applications

02/00660/FUL Demolition of existing garage and construction of new garage **Approve Subject to Conditions** 30th May 2003

96/00227 Extension **Approve Subject to Conditions** 2nd July 1996

96/00226 Dwelling 20th June 1996

96/00580 Demolition of existing dwelling _ erection of replacement 22nd April 1997

96/00883 Siting of Caravan **Approve Subject to Conditions** 7th January 1997
97/00057 CLOPUD - Carrying out of development approved under permission 0227/96 by the retention of the front (south-west) wall only of the existing dwelling 11th March 1997
96/00226 Proposed Dwelling 1st July 1996
96/00227 Extensions 2nd July 1996
96/00580 Replacement Dwelling 22nd October 1996
96/00883 Siting Of Caravan For Domestic Use During Construction Work 7th January 1997
97/00057 Carrying Out Of Development Approved Under Permission 0227/96 By The Retention Of The Front South West Wall Only Of The Existing Dwelling 11th March 1997
23/00611/FULHH Erection of a ground-mounted solar photovoltaic (PV) array at land adjacent to Little Round Hill. **Application Returned** 6th September 2023

3. POLICY

3.1 Constraints

Green Belt
Newt - Impact Risk Zone White
C Class Road C0059

3.2 Policies

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy 2012
Core Policy 1: The Spatial Strategy
Policy GB1: Development in the Green Belt
Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape
Core Policy 3: Sustainable Development and Climate Change
Policy EQ9: Protecting Residential Amenity
Core Policy 4: Promoting High Quality Design
Policy EQ11: Wider Design Considerations
Core Policy 11: Sustainable Transport
Policy EV12: Parking Provision

Supplementary Planning Documents

Green Belt and Open Countryside SPD 2014
Sustainable Development 2018

4. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
5 January 2024	N/A

Trysull And Seisdon PC

No Response Received

Councillor Robert Reade - Pattingham, Trysull, Bobbington & Lower Penn

No Response Received

Councillor Victoria Wilson - Pattingham, Trysull, Bobbington & Lower Penn

No Response Received

Senior Ecologist - South Staffordshire

13th December 2023

I have reviewed the following planning application documentation for the above application:

- Location plan
- Ground-mounted solar photovoltaic array plan
- Design and access statement

I have not visited the site but have viewed aerial photographs, biological records from Staffordshire Ecological Record, and information on DEFRA's MAGIC map to inform my response.

Assessment of Submitted Documents and Plans

Designated Wildlife Sites

I do not consider it likely that the proposed development will result in significant effects to designated wildlife sites.

Habitats

The proposed development will occupy an area of c.37m², it has been located away from hedgerows and mature trees and is proposed to be located in a small area of grassland.

I do not consider it likely that significant effects to grassland would arise as a result of the proposed development and its small footprint. Whilst I note and welcome that the applicant states that they are open to discussions on a reasonable and proportionate suite of biodiversity enhancements, given the very small-scale nature of the grassland loss as well as the habitat to be affected and the nature of the application, I do not consider it necessary in this instance to impose planning conditions to secure ecological enhancements.

Protected Species

I have no significant concerns regarding the proposed development and impacts to protected species. I have recommended an informative note be added to the decision notice.

Recommendations

Should you be minded to approve the application, I recommend the following informative notes are added to any decision notice:

The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. The nesting bird season is considered to be between 1 March and 31 August inclusive, however some species can nest outside of this period. Suitable habitat for nesting birds are present on the application site and should be assumed to contain nesting birds between the above dates unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

Please note that planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.

Environmental Health Protection

No Response Received

County Highways

18th December 2023

Recommendation Summary: Acceptance

Site Visit Conducted on: 15-Dec-2023

Note to Planning Office.

The proposed development is located in a semi rural area with an existing vehicular access off a classified road, subject to the National Speed limit of 60 mph. There are no recorded vehicular accidents at this access in the last 5 years.

Contributors

No Response Received

5. APPRAISAL

1. **Policy & principle of development**
2. **Layout, design & appearance**
3. **Access, parking & highway safety**
4. **Residential Amenity**
5. **Ecology & biodiversity**
6. **Arboriculture**
7. **Human Rights**

1. Policy & principle of development

1.1 The property is within the West Midlands Green Belt, where paragraph 155 of the NPPF states that certain forms of development in the Green Belt are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it, and include the material change of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

1.2 Policy GB1 of the Core Strategy is worded differently and accepts a change of use would be permitted where the carrying out of engineering or other operations, or the making a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes. Whilst worded differently, I consider the aims of the two are the same, but notwithstanding this the NPPF takes precedence.

1.3 Paragraph 156 of the NPPF confirms that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

1.4 The panels will introduce development into an area of land that is currently relatively free from any built form and as such would have some effect on openness albeit it minor (given their scale and position), therefore the proposed panels constitute inappropriate development in the Green Belt, and in-line with the NPPF, Very Special Circumstances will need to be demonstrated.

Very Special Circumstances

1.5 Paragraph 153 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

1.6 The NPPF provides (paragraph 163) that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions.

Furthermore paragraph 164 states that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).

1.7 The applicant's design and access statement provides:

"The property consumes some 15.000kwh of electricity per year. In order to make a meaningful impact upon reducing their carbon footprint, we consider that an array of 18 x 425w Photovoltaic modules is required, totalling 7.85kWp".

In terms of the rationale for its siting:

"Given the high aesthetic value of the property, coupled with the building orientation and the complex roofline geometry, the notion of mounting (any number of PV modules onto the roof has been rightfully discounted, as this would result in harm to the visual amenity of the property, and possibly the surrounding area.

In addition, the presence of mature trees located in the garden of the property would also cause potential overshadowing issues (if sited in the garden), resulting in a poorly performing PV system.

Instead, our client Mr Milner, wishes to install a ground-mounted PV array in the neighbouring paddock which is in the same ownership (please see enclosed title deeds and plan, Title Number SF41 5170). From a solar generation perspective, this location is considered excellent".

1.8 The proposed ground mounted solar panels would be limited in height and footprint and whilst outside of the domestic curtilage, they are close to its boundary (reducing encroachment); and would not have any meaningful impact on the use of the land for grazing. The field boundaries are heavily screened by mature trees and hedges, limiting the proposals visual impact. The applicant has also provided information about why the panels could not be accommodated on the dwelling or within the domestic garden.

1.9 The proposed solar panels would not therefore be considered prejudicial to the Green Belt or the purposes of including land within it, and therefore there are Very Special Circumstances to clearly outweigh the potential harm on the Green Belt, by reason of inappropriateness.

Impact on Openness

1.10 Paragraph 142 of the NPPF advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects. For the reasons given above, the proposal would not be considered materially harmful to the spatial or visual openness of the Green Belt.

2. Layout, Design and Appearance

2.1 Policy EQ4 of the Core Strategy advises that “the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views”. Core Policy 4 similarity seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

2.2 As aforementioned, the applicant has explained that the purpose of locating the panels in the paddock area is that alternative options for siting the panels elsewhere on the site (or on other buildings such as the main house) would not generate the same solar energy or could not be supported by the existing roof. As such, it is considered that sufficient justification for the proposed siting has been provided. Given the mature hedge/ trees that exist around the field boundaries and the low height of the solar panels, there will be no view of the panels from the public realm. Consequently, the proposals are considered compliant with Policy EQ11.

3. Access, Parking & Highway Safety

Off Street Car Parking

3.1 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development.

3.2 The proposed location of the solar panels would not impact the existing parking on the property or require additional parking space. The County Council Highways Department have raised no concerns with the use of the existing field access, which is positioned next to the property.

3.3 As such, there are no car parking or highway related concerns.

4. Residential Amenity

4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

4.2 There are no residential properties in close vicinity of the solar array and as such there would be no conflict of the proposed solar panels on neighbouring amenity. The proposal is compliant with Policy EQ9.

5. Ecology & Biodiversity

Protected Species

5.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CRoW) Act

2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

5.2 The proposal will have no affect on protected species.

Biodiversity

5.3 To comply with the guidance contained within Paragraphs 9, 112 and 122 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.4 The proposed development will occupy an area of c.37m², it has been located away from hedgerows and mature trees and is proposed to be located in a small area of grassland. The Councils Senior Ecologist has raised no concerns over the proposal and given its small footprint no ecological enhancements are recommended or considered necessary.

5.5 The proposal is compliant with Policy EQ9.

6. Arboriculture

6.1 Paragraph 186 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved".

6.2 The proposal raises no arboricultural concerns.

7. Human Rights

7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

6. CONCLUSIONS

6.1 Although this proposal does constitute inappropriate development in the Green Belt, there are Very Special Circumstances which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness. There is a strong steer from national policy to approve small scale renewable sites, and given the minor impact this proposal would have on openness, given its small footprint, it is not considered that the proposal would cause any material harm on openness or to the visual amenity of the Green Belt to warrant a refusal. The applicant has also provided clear justification for its location.

6.2 There would be no adverse harm would be caused on neighbouring amenity and there are no highway or ecological concerns. As such, approval of this application is recommended.

RECOMMENDATION - APPROVE Subject to Conditions

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The planning permission hereby granted is for temporary planning consent and shall expire on the 1st of February 2054. After this date the site shall be decommissioned and restored back to agricultural land.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Proposed Site Plan	CEC LRH 001	0	3 January 2024



Little Round Hill Tinkers Castle Road Seisdon WOLVERHAMPTON WV5 7HF