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## Appeal Decision

Site visit<sup>1</sup> made on 15 July 2020

by **Neil Pope BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

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**Appeal Ref: APP/D1265/W/19/3241953**

**Land at Higher Farm, Fifehead Magdalen, Dorset, SP8 5RT.**

- 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 Next Power Higher Farm Limited against the decision of Dorset Council (the LPA).
  - The application Ref. 2/2019/0470/FUL, dated 28 March 2019, was refused by notice dated 14 October 2019.
  - The development proposed is the construction of a solar farm and associated development, including perimeter fencing, CCTV cameras and landscaping (amended description).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The LPA's decision is based upon various revisions to the application as originally submitted. These include a reduction in height of the proposed solar panels to 2.6 metres above ground level, additional hedge planting, a revised Traffic Management Plan, further ecology work, a revised site design and a revised landscape masterplan. I have taken these revisions into account.
3. This 21.4 ha appeal site<sup>2</sup> forms part of the settings of a number of listed buildings<sup>3</sup>. It also forms part of the settings of the Fifehead Magdalen Conservation Area (FMCA), the West Stour Conservation Area (WSCA) and the Stour Provost Conservation Area (SPCA). On behalf of the appellant, it is accepted that the proposal would harm the settings of some<sup>4</sup> heritage assets.

### Main Issue

4. The main issue is whether the benefits of the proposal, including the production of energy from a renewable resource, outweighs any harmful impacts, having particular regard to the effects upon the character and appearance of the area and the significance of various designated and non-designated heritage assets.

### Reasons

#### *Planning Policy and Other Relevant Published Documents*

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<sup>1</sup> As part of my visit, I noted the relationship between the appeal site and properties within the surrounding area. I was able to assess the likely impact of the proposal upon these buildings and the occupants without needing to take up the invitations to enter several of the properties during the COVID-19 pandemic.

<sup>2</sup> The 'footprint' or area inside the proposed perimeter fencing would comprise approximately 16 ha.

<sup>3</sup> The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

<sup>4</sup> These include the SPCA, Stour Provost Mill, Mill House and The Old Rectory.

5. My attention has been drawn to numerous planning policies, Acts, Statutory Instruments, strategies/statements and other published documents. I briefly refer below to those which are of most relevance to this appeal.
6. The development plan includes the North Dorset Local Plan Part 1 (LP) that was adopted in 2016. The most relevant policies to the determination of this appeal are 3 (climate change), 4 (the natural environment), 5 (the historic environment) and 22 (renewable and low carbon energy).
7. The National Planning Policy Framework (the Framework) is an important material consideration that carries considerable weight. Amongst other things, it states that the purpose of the planning system is to contribute towards the achievement of sustainable development. In meeting the challenge of climate change the planning system should support the transition to a low carbon future and support renewable and low carbon energy. When determining applications for such development local planning authorities should approve applications if its impacts are (or can be made) acceptable.
8. The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050. This was amended to 100% 'net zero' by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order SI 1056 in July 2019. This constitutes a legally binding commitment to end the UK's contribution to climate change.
9. The UK Solar PV Strategy sets out guiding principles for the deployment of solar energy development in the UK. Amongst other things, this recognises that solar PV assists in delivering carbon reductions, energy security and affordability for customers. It acknowledges that large scale developments can have a negative impact on the rural environment and on local communities. This national Strategy is several years old and has moderate weight.
10. My attention has also been drawn to the Bournemouth, Dorset and Poole Renewable Energy Statement (RES) that was published in 2013 and which, amongst other things, aims to facilitate renewable energy development. This local non-statutory document carries limited weight.
11. Whilst not forming part of the development plan, the North Dorset Landscape Character Area Assessment<sup>5</sup> (LCAS) 2008, the Dorset Landscape Character Assessment 2009<sup>6</sup> and the Landscape Sensitivity to Wind and Solar Development in North Dorset District (LSA) 2014<sup>7</sup> are material considerations. The LCAS and the LSA form part of the evidence base to the LP and can be given considerable weight.
12. The key characteristics of the North Dorset Limestone Ridges LCA include, elevated open plateau areas of undulating farmland landscape with distinctive sloping edges in places, thick dense hedgerows and open views from higher areas. The key characteristics of the Upper Stour Valley LCA include a varied but generally flat, pastoral river valley landscape.

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<sup>5</sup> The appeal site lies within the North Dorset Limestone Ridges landscape character area (LCA) and the eastern boundary abuts the Upper Stour Valley LCA.

<sup>6</sup> I understand that the main body of the appeal site lies within the Limestone Hills landscape character type (LCT) and part of the eastern boundary is within the Valley Pasture LCT. This Assessment has moderate weight.

<sup>7</sup> The North Dorset Limestone Ridges LCA is identified as having 'moderate-high' sensitivity to solar farms of 10 to 30 ha in size and the Upper Stour Valley LCA as 'high' sensitivity to such developments.

13. The key characteristics of the Limestone Hills LCT include varied landform, diverse scenery with mixed farmland and dense hedgerows, expansive generally open landscape, some key parkland landscapes and associated features. Management objectives include conserving the intimate character of incised valleys, replanting new hedgerow trees and conserving parkland landscapes. Key characteristics of the Valley Pasture LCT include flat and open valley floor landscape with meandering river channels which often floods. Management objectives include conserving the strong visual unity of the valley.

#### *Benefits*

14. On behalf of the appellant, I have been informed that the anticipated<sup>8</sup> MWp from the proposed development would be 14.3WMP (circa 13.6GWh), which would be sufficient to power 4,387 homes annually<sup>9</sup>. The proposal would provide a clean, renewable and sustainable form of energy and would accord with the thrust of the UK Solar PV Strategy and RES. It would assist in meeting the Government's commitment to achieving 'net zero' carbon emissions by 2050 and make a valuable contribution towards cutting greenhouse gas emissions. In combination with other renewable and low carbon energy schemes it would assist in tackling climate change. These wider environmental benefits can be given substantial weight in the planning balance.
15. The proposed development would provide some new tree and species rich hedgerow planting, including 'gapping up'/reinforcement of existing hedges. Wide green rough grassland/wildflower corridors would also be provided around the margins of the fenced area. These measures would enhance the landscape qualities of the area and together with proposed bird and bat boxes, would provide new and improved wildlife habitats. The proposal would accord with the duty<sup>10</sup> to conserve biodiversity. These local environmental benefits can be given moderate weight in the planning balance.
16. The proposal would provide some support for the construction industry and could assist in helping to create and sustain employment during the current economic downturn. Some construction workers could also use some local services and the development would generate additional income for the landowners, enhancing farm incomes and possibly diversifying some farm businesses. This would accord with the Government's objective of promoting a strong rural economy. In addition, the proposal would assist in increasing the security and diversity of electricity supply. These economic benefits are important considerations that can also be given moderate weight.
17. These public benefits must be weighed in the balance.

#### *Character and Appearance*

18. The appeal site comprises three adjoining pasture fields<sup>11</sup> with boundary hedgerows and trees. It forms part of an elevated open plateau of undulating farmland and one of the fields (F3) slopes gently downwards in an easterly direction towards the River Stour. Several public rights of way bisect the site

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<sup>8</sup> Dependent upon the final row spacing of the photovoltaic panels.

<sup>9</sup> On behalf of the appellant, it has been calculated that using Ofgem's latest Typical Domestic Consumption Value the proposal could power 4,689 homes annually.

<sup>10</sup> Section 40 of the Natural Environment and Rural Communities Act 2006.

<sup>11</sup> F1, F2 and F3. F3 is the eastern most field and F1 is the western most field.

- and the long-distance Stour Valley Way links the settlements of West Stour (to the north), Stour Provost (to the east) and Fifehead Magdalen (to the north).
19. The appeal site does not form part of a designated landscape and other than the corridor along the River Stour this part of the countryside is not especially tranquil. Nevertheless, from everything that I have seen and read, including the appellant's Landscape and Visual Impact Assessment and the review of this document by those acting on behalf of some interested parties, the appeal site lies within an intimate valley landscape and an attractive rural area.
  20. The LPA and some interested parties have argued that the site forms part of a 'valued landscape' to which paragraph 170(a) of the Framework<sup>12</sup> applies. In support, my attention has been drawn to paragraph 2.9 of the LP which states that the valley of the River Stour is an important landscape feature in North Dorset. However, this does not mean that the appeal site forms part of a 'valued landscape'. All landscapes have some value and are likely to be important to local communities. Whilst the valley of the River Stour is an attractive and popular landscape feature, the site would need to form part of a landscape that exhibits some demonstrable physical attributes.
  21. In this regard, and whilst not planning policy, the LPA in determining the application assessed the site's attributes having regard to widely used guidance<sup>13</sup>. I agree with the assessment within the planning officer's report that the landscape within which the appeal site sits is of medium quality/condition, has medium scenic quality, does not possess rare elements or features, is highly representative of the above noted LCTs, has high conservation interest, high recreational value, medium perceptual qualities and low to medium cultural/artistic associations. Overall, this leads me to find that the site forms part of a landscape that exhibits demonstrable physical attributes so as to amount to a 'valued landscape'. Whilst the Framework requires such landscapes to be protected and enhanced, neither this nor the development plan places an embargo on proposals for renewable energy.
  22. The proposed development would introduce very many rows/arrays of solar panels within the site. In addition, numerous metal clad inverter cabins (approx. 12m x 3m x 3.2m high), a substation, communication buildings, storage/battery containers, a switchgear building, 4m wide access track, 2m high perimeter deer fencing and CCTV cameras would be provided. There would be limited hedgerow removal and the existing field pattern would be maintained. Whilst the new tree and hedgerow planting, 'gapping up' of hedgerows and management regime<sup>14</sup> would reduce the impact, the proposal would markedly change the character and appearance of the site.
  23. The attractive, unspoilt green open qualities and pleasing natural attributes of F1, F2 and F3 would be replaced by regimented rows of uniform solar panels mounted on metal frames, with a scatter of various ancillary buildings and set inside a fenced compound. This overtly utilitarian form of development would considerably erode the rural and pastoral character of these fields and diminish their contribution to the key landscape characteristics of the North Dorset Limestone Ridges LCA and the Limestone Hills LCT. This change in character of

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<sup>12</sup> The Framework does not define what is meant by a 'valued landscape'.

<sup>13</sup> Box 5.1 of the Guidelines for Landscape and Visual Impact Assessment by the Landscape Institute and Institute of Environmental Management & Assessment. This can be helpful in identifying a 'valued landscape'.

<sup>14</sup> This would include maintaining the hedges at 3m high.

F3 would also contrast sharply with the key characteristics of the Upper Stour Valley LCA. Whilst the impact of this landscape change would be localised it would be adverse and weighs against granting planning permission.

24. The proposed development would be seen from many sections of the public rights of way that bisect the site and the surrounding landscape. Whilst I understand that the appellant and the Council's Senior Ranger have discussed diverting some sections of the footpaths that cross the site, the development would be prominent from the existing and any diverted sections. Instead of continuing to experience and enjoy walking across pleasant open fields with views across the rural landscape, in future, 'high sensitivity'<sup>15</sup> receptors would, at close quarter, experience row upon row of solar panels and a significant loss of amenity when using the public rights of way across the site.
25. Given the limited height of the proposed solar panels, intervening vegetation (existing and proposed) and landform/topography, beyond a distance of about 1km from the site it is unlikely that the proposed development would give rise to any significant adverse visual impacts. However, when seen by 'high sensitivity' receptors using the Stour Valley Way to the north and east, the rows of solar panels and some of the ancillary buildings would appear as conspicuous and incongruous additions to this open elevated plateau and considerably detract from the appearance of this part of the countryside. This would be especially so for the development proposed in F3, where the rows of solar panels would cascade down this east facing slope and seriously intrude into the very attractive unspoilt rural scene along the River Stour. This element of the proposals would disrupt the visual unity of this part of the valley. These adverse visual impacts also weigh against granting permission.
26. I am mindful that the proposed development would be largely reversible and the impacts would be limited to a period of 40 years. However, this is a very long period of time, during which the adverse impacts would be experienced by very many people, including those using the popular Stour Valley Way. Limiting the development to a 25 year period would foreshorten these harmful landscape and visual impacts and could have had a bearing in the overall planning balance. However, the appellant's agent has informed me that this would render this 'subsidy free' development unviable<sup>16</sup>.
27. There is nothing of substance to diverge from the appellant's assessment that the proposals would result in any harmful cumulative landscape or visual impacts. However, the harm that I have identified above to the character and appearance of the area leads me to find that the proposed development would conflict with the provisions of LP policy 4, Government objectives for 'valued landscapes' and the management objectives for the Valley Pasture LCT. This harm carries considerable weight in the overall planning balance.

#### *Heritage Assets*

28. The appeal site forms part of the countryside setting to a number of designated heritage assets. One field (F2) also comprises part of the former parkland to Fifehead House (now demolished), a non-designated heritage asset. Whilst elements of the proposal would be seen from and in association with many of

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<sup>15</sup> I disagree with the appellant's assessment that users of these footpaths and the Stour Valley Way are 'medium sensitivity' and 'medium to high sensitivity' receptors. Most, if not all, would be using these rights of way for the purposes of enjoying the amenity of the countryside and/or relaxation.

<sup>16</sup> It reasonably follows that a condition precluding development in F3 would also render the scheme unviable.

these heritage assets, seeing the development would not in itself amount to an adverse impact upon their heritage interest or significance. In many instances, the combination of distance and topography or intervening buildings/structures or vegetation would avoid any adverse impacts arising from the proposals. Having considered all of the evidence/representations and following my site visit, I set out below my findings in respect of the likely significant impacts.

#### The Church of St. Michael at Stour Provost

29. The significance of this Grade I listed coursed rubble and ashlar church, which dates from the 13<sup>th</sup> century, is derived primarily from its architectural qualities, which include its nave (part 14<sup>th</sup> century), south tower (part 15<sup>th</sup> century), north aisle (16<sup>th</sup> century), chancel, porch, fenestration, tie-beam roof and font, as well as its historic interest, including its fabric and as a long-standing place for religious activity and worship within this part of Dorset.
30. As noted within the consultation response of Historic England, this church overlooks the Stour Valley and the appeal site forms part of the gentle, rolling rural landscape setting of this designated heritage asset. The unspoilt, green open qualities of the appeal site assist in affording an appreciation and understanding of the special architectural and historic interest of this listed building. However, there are only glimpsed views of parts of the appeal site from a small section of the churchyard. The site makes a very small contribution to the significance of this designated heritage asset.
31. Some rows of the proposed solar panels (those in F2 and F3) and some inverter buildings would be visible in glimpsed views from part of the churchyard. The utilitarian form and appearance of these would detract from the green open qualities of the appeal site and, to a limited extent, would erode the contribution the site makes to the historic landscape setting and significance of this church. In the context of the Framework, this would amount to less than substantial harm. If there is a sliding scale of harm within this category the proposal would be towards the lower end. Nevertheless, harm to the significance of this high grade designated heritage asset carries considerable weight in the planning balance.

#### The Old Rectory

32. The significance of this two storey, two range 19<sup>th</sup> century Grade II listed house is derived primarily from its architectural qualities, which include its coursed, square rubble walls, hipped slate roof and sash windows, as well as its historic interest, including much of its fabric and association with the church. As I saw during my visit, the west elevation is prominent within the local landscape including views from F2 and F3, as well as some other parts of the surrounding countryside. The unspoilt, green open qualities of parts of the appeal site assist in affording an appreciation and understanding of the special architectural interest of this listed building and its historic landscape setting.
33. Many of the rows of proposed solar panels and some inverter buildings, especially those proposed in F3, would be prominent in some views to and from this designated heritage asset. The utilitarian form and appearance of these elements of the proposal would detract from the green open qualities of the appeal site and, to a limited extent, would erode the contribution the site makes to the historic landscape setting and to an appreciation of the significance of this listed house. In the context of the Framework, this would

amount to less than substantial harm. If there is a sliding scale of harm within this category the proposal would be towards the middle. This harm carries considerable weight.

#### Mill House and Stour Provost Mill

34. The significance of these Grade II listed early 19<sup>th</sup> century buildings are derived primarily from their architectural qualities, which include the stone walls, slate and tiled roofs, windows, as well as their historic interest, including associations with milling in this part of Dorset and the remains of the mill machinery in Stour Provost Mill. The adjacent river and surrounding fields, including F3, form part of the historic countryside and riparian setting of these designated heritage assets and assist in affording an appreciation and understanding of the role of these listed buildings within the local landscape.
35. Many of the rows of proposed solar panels and some inverter buildings, especially those proposed in F3, would be prominent in views to and from these designated heritage assets. The utilitarian form and appearance of these elements of the proposal would detract from the green open qualities of the appeal site. For the development proposed in F3, this would considerably erode the contribution the appeal site makes to the historic landscape/riparian setting of these listed buildings and to an appreciation of their heritage interest/significance. This would amount to less than substantial harm. If there is a sliding scale of harm within this category the proposal would be between the middle and upper end. This harm carries considerable weight.

#### Conservation Areas - The SPCA, FMCA and the WSCA

36. At its nearest, the appeal site is approximately 100m to the north east of the FMCA, approximately 400m to the west of the SPCA and about 500m to the south of the WSCA. The significance of these CAs is derived primarily from their architectural interest, which includes the contribution made by the various listed buildings, as well as their historic interest, which includes the arrangement and layout of buildings and spaces within the streets and the association with their rural surrounds. The appeal site forms part of the extensive countryside and characterful settings to these CAs and assists in affording an appreciation and understanding of their historic rural landscape settings. However, there is nothing of substance before me to substantiate the argument that intervisibility between these CAs adds to their heritage interest.
37. Some elements of the proposed development would be visible from parts of the CAs. However, due to distance, topography, intervening buildings/structures and vegetation there would be no adverse impacts upon the significance of the FMCA or the WSCA and no harm to their extensive rural settings.
38. In contrast, from the western edge of the SPCA, including around The Old Rectory, Mill House and Stour Provost Mill, the development proposed in F3 would markedly intrude into and detract from the characterful and unspoilt rural setting of this CA. The harm that I have identified above to the significance of these three listed buildings would diminish the contribution that they make to the special qualities of the SPCA and, in turn, erode the heritage interest of this CA. This would amount to less than substantial harm. Much of the heritage interest of the SPCA would be unaffected and if there is a sliding scale of harm within this category the proposal would result in a moderate level of harm to CA as a whole. This also carries considerable weight.

### Former Parkland to Fifehead House

39. The proposed rows of solar panels and the inverter/transformer building that are proposed for F2 would amount to a modern, utilitarian form of development that would be ill-fitting within a parkland landscape. However, this parkland appears to be in various ownerships and only fragments of this 'designed' landscape are now discernible, including a few parkland trees and hedgerows.
40. The proposed development would entail the retention of these features and include a management regime for the boundary vegetation. Sheep grazing would also continue. These aspects of the proposal would assist in maintaining important elements of the parkland and the new deer fencing would not be out of place. Overall, the proposal would result in a small adverse impact upon the ability to appreciate the significance of this non-designated heritage asset. This carries some limited weight in the planning balance

### The Heritage Balance

41. When the above harm to designated and non-designated heritage assets is weighed with the public benefits of the proposal I find this matter is finely balanced. Mindful that the development would be reversible and temporary in nature, the heritage balance just tips in favour of granting planning permission. The proposal would accord with the provisions of LP policy 5.

### *Other Matters*

42. The appellant's supporting evidence<sup>17</sup> demonstrates that: there are no reasonably available alternative sites within the area for accommodating the proposed development; the proposals would avoid using the best and most versatile agricultural land with the land continuing to be used for sheep grazing and; there would be no significant increase in the risk of flooding.
43. There have been a large number of objections from many of those living within the surrounding area, including extensive representations made on behalf of a local residents group (No Solar on the Stour). Concerns have also been raised by Fifehead Magdalen Parish Council, The Stours Parish Council and the local Member of Parliament. Whilst I note the strength of local feeling public opposition is not in itself justification for withholding planning permission.
44. In this regard, some of the representations amount to a 'blunderbuss approach' and if I was to address each and every matter raised by interested parties this decision would comprise a weighty tome. Whilst I shall touch on some of these fears and concerns, as required, I have focused on the main issues in dispute between the LPA and the appellant.
45. The proposed development would alter the outlook from some properties in the surrounding area. However, seeing a development does not in itself amount to a harmful impact. No part of the proposals would be so close or too high as to have any serious adverse impact upon those living nearby. The new landscape planting would also reduce the impact of the development. Whilst there would be noise and other disturbance for some residents during the construction phase this would be for a limited period and would not be so great as justify withholding permission.

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<sup>17</sup> This includes details of a site search and selection process, an Agricultural Land Classification Assessment and a Flood Risk Assessment.



46. During the construction phase there is likely to be a considerable increase in traffic along sections of the local highway network, including the junction with the A30 and the 'c' class road (C21) to the north west of the site. As part of my visit I saw the layout of this junction and noted the width and alignment of the C21. However, the Highway Authority has advised that subject to the use of appropriate planning conditions as part of an approval there would be no highway justification for withholding permission. This matter was considered by the LPA when it determined the application and I agree with its assessment that permission should not be withheld on highway grounds.
47. The adverse impacts on the character and appearance of the countryside that I have identified above could deter some visitors. However, the impact would be very localised and there is nothing to substantiate the fears of some interested parties that this would have a significant effect on tourism. There is also nothing to substantiate the fears of the local residents' group that the solar panels would cause glint and glare and pose a hazard to a local aerodrome.
48. There is also no evidence to substantiate the concern of some interested parties that the development would be unable to connect to the electricity grid. The appellant has refuted this allegation and I note from the Planning Design and Access Statement that was submitted with the application that grid availability formed part of the appellant's site search. I also note that the project viability included grid connection costs and the proposals only proceeded to application stage after this had been established.
49. Some interested parties have argued that there is adequate existing provision for renewable energy development within Dorset, including a recently approved solar park near Spetisbury. However, the Framework states that applicants are not required to demonstrate the overall need for renewable energy schemes. Moreover, targets for renewable energy generation are not ceilings that cannot be exceeded and unless climate change is adequately addressed the effects will be experienced everywhere. Certain parts of the country, such as the South West, also have a higher incidence of solar radiation than other areas and a greater theoretical energy potential. As a consequence, areas like Dorset are likely to experience greater pressure for accommodating solar farms/parks.
50. I note the findings in other appeal decisions<sup>18</sup> that have been drawn to my attention and the decision of the Secretary of State for Business, Energy and Industrial Strategy to grant a Development Consent Order (ref. EN010085) for a solar generating station with a gross electrical output of over 50MW and an energy storage facility on the north Kent coast (Cleve Hill Solar Park). Each case must be determined on its own merits and no two sites or schemes are exactly the same. The landscapes to which these other decisions relate are very different to the North Dorset Limestone Ridges and the Upper Stour Valley and the impact upon heritage assets was different. These other decisions do not set a precedent that I must follow.

#### *Overall Planning Balance/Conclusion*

51. When all of the above are weighed together, I find that the benefits of the proposal, including the production of energy from a renewable resource and the wider environmental benefits, are insufficient to outweigh the totality of the harmful impacts to the character and appearance of the area and to the

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<sup>18</sup> APP/K1128/A/13/2206258 and APP/E2530/A/14/2218270.

significance of various designated and non-designated heritage assets. This in turn leads me to find that the development would be an inappropriately sited renewable energy scheme (mainly because of what is proposed in F3) that conflicts with the provisions of LP policies 3 and 22. The adverse impacts of the development could not be made acceptable and the proposal also conflicts with the Government's objectives for renewable and low carbon development.

52. Having regard to all other matters raised, I conclude that the appeal should not succeed.

*Neil Pope*

Inspector