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# Appeal Decision

Site visit made on 9 December 2015

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 22 March 2016**

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**Appeal Ref: APP/L3245/W/15/3014413**

**Land lying to the South of Whitton House, Ludlow. Grid Ref Easting: 356500; Grid Ref Northing: 273400**

- 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 EBS Energy LLP against the decision of Shropshire Council.
  - The application Ref 14/02873/FUL, dated 25 June 2014, was refused by notice dated 27 October 2014.
  - The development proposed is the erection of ground mounted solar panels with an electrical output of 8600kW along with associated infrastructure, landscaping and ancillary structures on agricultural land.
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## Procedural Matters

1. I have used the site address from the Planning Appeal Form in the header above as it is more accurate than that shown on the original application form.
2. The appellant has drawn my attention to a revised scheme for a reduced amount of solar panels which was submitted to, and refused planning permission by, the Council. However this revised scheme and the details associated with it, including the Landscaping and Management Plan are not before me. I have limited myself therefore, to the scheme at issue in the appeal.
3. During the course of the appeal, the Council adopted the Site Allocations and Management of Development Plan (SAMDev). Both parties were given the opportunity to comment on this Plan and I have taken the comments received into account in my Decision. Although the SAMDev policies were not referred to within the Council's decision notice, given the adoption of this plan I have considered the appeal against the relevant policies of the Core Strategy<sup>1</sup>, the SAMDev and national planning policy as contained within the National Planning Policy Framework (the Framework).

## Decision

4. The appeal is dismissed.

## Main Issue

5. The main issue in this case is the effect of the proposal on the character and appearance of the landscape, including views into and out of, or the setting of,

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<sup>1</sup> Shropshire Local Development Framework: Adopted Core Strategy March 2011

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the Shropshire Hills Area of Outstanding Natural Beauty (AONB). This analysis needs to take place in light of any benefits the proposal might bring forward.

## **Reasons**

### *The Policy Background*

6. Core Strategy Policy CS5 strictly controls new development in the countryside and only permits it where it would not harm the vitality and character of the countryside, and where it would improve the sustainability of rural communities by bringing local economic and community benefits, including, amongst other things farm diversification schemes, and required infrastructure which cannot be accommodated within settlements. Policy CS6 requires new development to be designed to a high quality which, amongst other things, respects and enhances local distinctiveness and which mitigates and adapts to climate change. Policy MD2 of the SAMDev has similar objectives and requires development to contribute to and respect locally distinctive or valued character and existing amenity value, by amongst other things, enhancing, incorporating or recreating natural assets.
7. Policy CS17 of the Core Strategy relates to the protection and enhancement of Shropshire's environmental assets including the diversity, quality and character of the natural, built and historic environment. The policy requires all development to respect the visual, ecological, geological, heritage and recreational functions of these assets, including the Shropshire Hills AONB.
8. These policies broadly reflect the Framework's general approach as set out in its core planning principles, in particular, the account that should be taken of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Paragraph 109 of the Framework further advises that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes. Paragraph 115 advises that great weight should be given to conserving landscape and scenic beauty in, amongst other designated areas, AONBs.
9. The appellant has referred me to Policy CS8 of the Core Strategy which positively encourages renewable energy generation where this has no significant adverse impact on recognised environmental assets. The Council consider that this policy cannot be afforded significant weight because it makes no provision for the balance that needs to be struck between identified harm and acknowledged public benefits as set out in the Framework. Whilst noting the Council's concerns, I attach moderate weight to this policy particularly as it supports renewable energy. The recently adopted Policy MD8 of the SAMDev also encourages the transition to a low carbon future by supporting applications for new strategic energy, where its contribution to agreed objectives outweighs the potential for adverse impacts. Policy MD12 of the SAMDev states that where harm is caused to natural assets, development will only be permitted where the social or economic benefits of development outweigh the harm.
10. The Planning Practice Guidance (PPG) provides further guidance in respect of solar farms, advising that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it continues that the visual impact of a well-planned and

well-screened solar farm can be properly addressed within the landscape if planned sensitively.

*Landscape impact*

11. The appeal site comprises 4 grazing fields accessed off an unnamed road which links Caynham Road to Wooton and Whitton. The site is located to the south and west of this road and is approximately 17.4 hectares. There are mature hedgerows along the road, and hedgerows and trees between the field boundaries.
12. The appellant's Landscape and Visual Impact Appraisal (LVIA) has identified the site as being located within the Principal Settled Farmlands Character Area. This is not disputed by the Council. The key characteristics of such areas are mixed farming land use and a varied pattern of sub-regular, hedged fields. These key characteristics are evident in the local landscape upon and around the appeal site. At a more detailed level, the Shropshire Landscape Assessment (SLA) identifies the appeal site as falling within the landscape description unit SH/81. Such areas are identified as having 'moderate' overall strength of character, 'poor' condition; 'moderate' visual sensitivity; 'moderate' inherent sensitivity and 'moderate' overall sensitivity to change. The management vision for SH/81 is 'Restore and Enhance'.
13. From what I observed on my site visit, I agree with the conclusions of the LVIA that the local landscape appears more attractive than that described above within the SLA. The field boundaries are established and there are a number of mature trees within the appeal site. The Shropshire Hills AONB is approximately 450 metres away to the north east, running along Whitewayhead Lane and the road to Whitton. The AONB is characterised by rising land with Clee Hill and its surroundings dominating the skyline.
14. The site largely lies within a natural fold in the landscape, with adjoining land to the north and south rising up from the appeal site. As such, and having regard to the existing hedgerow and trees upon the site, the proposal would not be prominent in the wider landscape. There would be sufficient separation between the AONB and the appeal site to ensure that the difference between the landscape of the AONB, and that of the adjacent landscape description unit, remained easy to distinguish. As a consequence, there would be no materially harmful impact on views into or out of the AONB, or its setting.
15. However, the introduction of solar arrays, along with ancillary structures and high fencing would be incongruous in this otherwise pastoral landscape. This would be particularly apparent from the network of public rights of way in the area particularly those closest to the site, including the footpath to the south, which is elevated relative to the southern part of the appeal site, from that part of the footpath that crosses the bottom corner of the site, and from the bridleway to the south of the site.
16. At present the views from these public rights of way are across open, undulating fields, enclosed by hedgerows, comprising an attractive, largely unspoilt landscape. The proposed development, with a close presence of solar panels beyond a security fence, would alienate the foreground landscape from its surroundings with the constituent elements having a highly intrusive presence from both the footpaths and bridleway.

17. Although new planting is proposed<sup>2</sup>, this is largely along the northern and western boundaries of the site and as such would have little effect in reducing the impact of the development from the adjoining public rights of way. The retention and management of the existing hedgerow to a height of 3 metres as proposed would serve to reduce the impact of the development from close up views, but not from the footpath that runs through the site, or from the footpath and bridleway to the south, given the elevated nature of these routes relative to the site. Whilst these views would be likely to be screened more during the months when the trees and hedgerows were in leaf, I find that the development would still be visible and would have an industrialising effect upon this attractive area of countryside.
18. In terms of the proposal's impact from other public of rights of way within the area and from higher ground, including Caynham Camp, I observed on my site visit that the scheme would not be particularly prominent in the wider landscape. Views would be fragmented through existing vegetation and any views of the site would be limited, given the intervening distance and wider panorama. There would be no adverse impact on the setting of Caynham Camp, or its significance as a result of the proposal. Furthermore, there would be no adverse impact on public rights of way further away from the site.
19. I note that the appellant would be prepared to undertake additional landscaping and my attention has been drawn to the landscaping plan for the reduced scheme on the site. Whilst I note the appellant's intentions, this scheme is not before me. In any event, I find that a landscaping condition requiring further planting along the southern boundary of the site would not mitigate my concerns, particularly given that this boundary is at a considerably lower level than the footpath and bridleway to the south. Any new landscaping would need to be of considerable height and maturity to reduce the impact of the scheme on these rights of way and I am not convinced that this could be satisfactorily achieved, using species that are characteristic of the area.
20. My attention has been drawn to an appeal decision at Hayford Farm, Westbury, where an Inspector considered that the relationship of the solar farm was acceptable with footpaths which ran through the site. I do not have detailed drawings of this scheme or the particular circumstances of that case and as such I am unable to ascertain if this scheme is directly comparable to that before me and therefore attach limited weight to it in my overall Decision. In any event, each planning application and appeal must be determined on its individual merits, and this is the approach that I have adopted.
21. Whilst the impact of the proposed development would be localised, I conclude that significant harm would be caused to the character and appearance of the landscape within the vicinity of the appeal site, and as a consequence its enjoyment by users of the affected public rights of way. This landscape harm brings the scheme into conflict with the character objectives of Core Strategy Policies CS5, CS6, CS8 and CS17, and Policy MD8 of the SAMDev. There would also be conflict with the character and natural environment core planning principles of the Framework.

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<sup>2</sup> As indicated on Dwg number 1420.03

### *Benefits of the Proposal*

22. A core planning principle of the Framework is to support the transition to a low carbon future in a changing climate, and amongst other things, encourage the reuse of existing resources and encourage the use of renewable resources, including the development of renewable energy. Paragraph 98 of the Framework recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and the Framework advises that applications should be approved<sup>3</sup> if their impacts are (or can be made) acceptable. The support that Policy CS8 of the Core Strategy and Policy MD8 of the SAMDev give to renewable energy generation supports the Framework in this respect.
23. In this context, the renewable energy generating potential of the proposal would be in the region of 8600kW, and this is a matter that attracts considerable weight in favour of the proposal. Whilst there is some concern about the continued use of the land for agriculture, the appellant has indicated that sheep would continue to graze the land and this continued agricultural use weighs in favour of the proposal. The additional landscaping would be likely to enhance biodiversity in the area and this matter weighs in the scheme's favour.
24. Furthermore, the proposal would assist with rural diversification and assist in the ongoing viability of the farming enterprise, including investment in a TB unit which would be of benefit to the operation of the enterprise. This accords with the Framework, which advises that planning policies should support economic growth in rural areas through the development and diversification of agricultural and other land-based businesses. Jobs would be created both directly and indirectly as a result of the proposal. Taken as a whole, there would be economic benefits associated with the proposal.
25. The scheme would make a contribution to increasing the deployment of renewable energy in the United Kingdom (UK) and assist in helping to meet the UK's target of 15 per-cent renewable energy from final consumption by 2020 and support the decarbonisation of the UK's economy in the longer term<sup>4</sup>.

### **Conclusion**

26. The proposal would bring considerable benefits in terms of the generation of renewable energy and it would assist in agricultural diversification. However, even though the proposal is expected to have a life span of 25 years, and is largely reversible, in my judgement, those benefits would be outweighed by the significant adverse impact that would result in landscape terms. These impacts are not acceptable and on the basis of the evidence before me, cannot be made acceptable. As well as the policies quoted above, the proposal conflicts with Policies MD8 and MD12 of the SAMDev in that the scheme's contribution to agreed objectives (supporting the transition to a low carbon future) do not outweigh the harm identified; the social and economic benefits associated with the scheme do not clearly outweigh the harm to natural assets.
27. In reaching this conclusion I have had regard to a scheme at Sundorne, Shropshire where a solar farm has been granted planning permission, and a

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<sup>3</sup> Unless material considerations indicate otherwise

<sup>4</sup> As set out in UK Solar PV Strategy Part 1: Roadmap to a Brighter Future

number of appeal decisions<sup>5</sup> where my colleagues concluded in favour of the solar farms. However, again I have not been provided with the particular circumstances of these cases and as such I am unable to assess if they are directly comparable to the scheme before me. I have therefore only afforded limited weight to the examples quoted in my overall Decision.

28. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*R C Kirby*

INSPECTOR

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<sup>5</sup> Appeal Refs: APP/Z2830/A/11/2155999; APP/H1705/A/14/2217110; APP/D3125/A/14/2214281; APP/Z3825/A/14/2219843 and APP/D0840/A/14/2213745; APP/L3245/W/15/3022913

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