

Development Management Report

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Summary of Application

<u>Application Number:</u> 16/04891/FUL	<u>Parish:</u>	Longden
<u>Proposal:</u> Retrospective siting of Solar Array Panels		
<u>Site Address:</u> Stapleton Grange Longden Shrewsbury Shropshire SY5 8HF		
<u>Applicant:</u> Mr A Abbott		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 345821 - 305206



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks retrospective planning permission for the installation of a ground-mounted solar photovoltaic array on land to the south-west of Stapleton Grange, Longden. The panels were installed in January 2016. The development comprises a single row of 64 solar panels with a capacity of 16kw, mounted on a fixed metal frame. They are arranged two panels high in portrait orientation facing south. The width of the array extends to 32 metres with a depth of 3.65 metres and the panels angled at 30 degrees with the upper side 2.3 metres high and the lower side 0.6 metres high.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises the northern part of a pasture field. To the north-east is Stapleton Grange, a dwelling which is currently being constructed following the demolition of a previous dwelling on the site, and other retained agricultural buildings. Immediately to the north is a recently planted orchard. Land to the south is pasture. The nearest residential properties are Stapleton Grange, approximately 15 metres to the east, and Little Vinnals Bungalow, approximately 55 metres to the north. Access to Stapleton Grange is intended to be gained via a new access track to the north-east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation, and the Local Member has requested that the application is determined by Planning Committee if the Officer recommendation is to approve. The Area Planning Manager in consultation with the Chairman and Vice-Chairman of the Central Planning Committee has agreed that the objections are based upon material planning considerations and that a Committee decision is appropriate.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Longden Parish Council** After discussion it was agreed that the Parish Council do not support this application. The panels are not in the correct place and they are higher than they should be. The Parish Council is against any permanent solar panels in this position. They were originally to be temporary as they were intended to be put on the Barn that will be refurbished.

4.1.2 **SC Drainage** No objections. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.

4.2 Public Comments

4.2.1 The application has been advertised by site notice. In addition the adjacent residential property has been directly notified. One objection has been received, summarised as follows:

- Panels are in my complete vision and are totally obtrusive; not a natural part of

- the countryside
- Applicant advised panels would not be visible as the ground drops away by 4 feet and they were to be 4 feet high
 - Permission was granted for the panels to be sited 40 metres south, where the ground does drop away
 - Query why they have been put in the wrong place
 - Permission should be enforced to put the panels where they should be
 - Panels should be put on the roof when the modern building is built, as previously agreed
 - Was told they would be put on the roof within 3 years
 - Application states the nearest property is 200 metres to the south; this is wrong as my property is the nearest at just 60 metres north; holiday let is even closer
 - Panels have done demonstrable harm to me through visual impact
 - Likely impact on tourism in relation to log cabin holiday let; tourism should be promoted
 - Hedge planting is not the answer; would have to be a very tall hedge
 - Is against my human rights

5.0 THE MAIN ISSUES

- Background to the application
- Principle of development
- Siting, scale and design
- Residential and local amenity considerations
- Ecological, agricultural and drainage considerations

6.0 OFFICER APPRAISAL

6.1 Background to the application

- 6.1.1 Planning permission was granted in December 2015 for the installation of a ground-mounted solar photovoltaic array on agricultural land to the south-west of Stapleton Grange, Longden (ref. 15/04399/FUL). The application sought permission for the retention of the panels for a temporary period of three years, following which it was intended to relocate the panels onto the roof of an adjacent building. As such, permission was granted subject to a condition that the panels were removed within three years.
- 6.1.2 The panels were installed in January 2016. In July 2016 a planning application was submitted to seek the permanent retention of the solar panels (ref. 16/03325/VAR). The planning application stated that “on reflection and having regard to the cost implications, both of initial installation and those involved in potentially moving the panels to the roof of a building, it is not considered that the development as undertaken has resulted in any demonstrable harm to the appearance of the area and the permanent siting of the array is acceptable, and therefore the need to relocate cannot be substantiated on planning grounds Indeed, it may be considered that roof mounted panels would be more conspicuous than the ground mounted that exist.”
- 6.1.3 A site visit by the Case Officer identified that the panels had not been constructed in the approved position. They are approximately 40 metres to the north of their approved location. Following advice from officers the applicant withdrew that application and submitted the current application.

6.2 **Principle of development**

6.2.1 Applications need to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material consideration, and one of its core planning principles is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals (see Section 10.2 below) and states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.

6.2.2 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 9), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

6.2.3 The proposed development is small in scale, nevertheless the NPPF states that local planning authorities should recognise that such small projects provide a valuable contribution to cutting greenhouse gases. It is intended that the electricity produced would be used to meet the needs of the adjacent property that is currently being constructed, with any excess being exported to the National Grid. The proposal would provide environmental benefits through the generation of renewable energy thereby reducing demand for electricity produced by non-renewable means. As such the principle of the proposal is in line with planning policies and national guidance.

6.3 **Siting, scale and design**

6.3.1 The application site occupies a countryside location adjacent to Stapleton Grange, and as such Core Strategy policy CS5 is relevant. This seeks to control new development in the countryside. It states that development on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to types including: small-scale new economic development diversifying the rural economy, including farm diversification schemes; required community uses and infrastructure which cannot be accommodated within settlements.

6.3.2 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value.

The proposed development would extend the footprint of the development at Stapleton

6.3.3 Grange and comprises an incursion into open countryside. Stapleton Grange is a relatively large development, and includes a sizeable residential property with detached four-bay garage block, an agricultural building and another building with permission for conversion to a dwelling. The proposed solar array is small in scale in relation to the adjacent development. The visibility of the panels in the local area would be limited by the screening provided by the Stapleton Grange development, and by the small orchard to the north as it develops. In addition, it is proposed to plant a hedgerow along the northern side of the panels. In time this would assist with assimilating the row of panels within the landscape.

6.3.4 The relocation of the panels to a roof of one of the buildings at the adjacent Stapleton Grange development is likely to be a more acceptable option than the retention of the panels as proposed, given that a rooftop location would be likely to be less visible in the local area. Nevertheless the proposed siting has advantages over the permitted location as it is closer to the group of buildings comprising Stapleton Grange, and is not as isolated. It is considered that the single row of panels would have limited impacts on the landscape character of the area, and it is considered that the siting is acceptable in relation to the function of the installation and the need for a south-facing array. As such it is considered that the siting, scale and design of the proposal is acceptable.

6.4 **Residential and local amenity considerations**

6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Policy CS16 seeks to protect and enhance tourism in the county.

6.4.2 The panels would be sited approximately 40 metres from the boundary of Little Vinnals to the north, and approximately 55 metres from the dwelling itself. It would be sited approximately 35 metres from the approved site of a holiday cabin at Little Vinnals for which planning permission was granted in September 2016. The panels would be visible from Little Vinnals, particularly from the first floor windows of the dwelling. The objection raised by the local resident, including the reference to the harm that is being caused due to visual impact, is noted. However given the limited scale of the development, the intervening existing and proposed trees and hedgerow, and the distance it is not considered that the panels would have an overbearing impact on the property.

6.4.3 Any views from the permitted holiday cabin would be at an angle due to the orientation of the building. They would be partially screened by the existing hedgerow adjacent to the cabin, and by the existing orchard trees and proposed hedgerow as these develop. It is not considered that the presence of the solar panels would have a significant impact upon tourism benefits of the cabin.

6.4.4 It is not considered that the noise output from the photovoltaic system would be significant, and the site is located a satisfactory distance from receptors to ensure that adverse noise impacts do not arise. The nearest property to the south of the site is approximately 250 metres away and given this distance and the presence of some intervening vegetation it is not anticipated that adverse impacts from glint or glare would arise. It is not considered necessary to revoke the existing temporary permission as this would expire within three years in any event.

6.5 **Ecological, agricultural and drainage considerations**

6.5.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets. Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. The siting of the solar panels does not raise any particular ecological issues. The design of the array would allow for sheep grazing to take place around the installation. The Drainage Officer has confirmed that the proposal would not alter the surface water drainage characteristics of the site.

7.0 CONCLUSION

7.1 The proposed installation of ground-mounted solar panels on land at Stapleton Grange would provide renewable energy for the use of the applicant's domestic property and farm buildings. It would contribute towards a reduction in carbon emissions and as such it is supported in principle by both national and local planning policy. The proposal would affect a relatively small area of agricultural land which could be retained in grazing use if desired. It would be sited a sufficient distance from residential properties to avoid adverse impacts on residential amenity due to scale or overbearing.

7.2 The proposal would result in an increase in the footprint of the built development at Stapleton Grange into open countryside. However in the context of the large development at Stapleton Grange, the limited scale of the array, and the existing and proposed trees and hedgerows in the area, it is not considered that the proposal would adversely impact upon the landscape character of the area. As such the proposal can be accepted in relation to local and national planning policies and that planning permission can be granted subject to the conditions set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9. Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS13 - Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

11/04061/AGR Formation of vehicular access for agricultural purposes PNAGR 5th October 2011

12/03770/FUL Proposed replacement dwelling GRANT 21st November 2012
 13/00178/FUL Erection of replacement dwelling, formation of new access and demolition of existing barn (re-submission) (amended description). GRANT 21st February 2013
 13/03950/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the conversion of existing Groom's accommodation into a domestic annex GRANT 26th November 2013
 14/03129/FUL Amendment to planning permission reference 12/03770/FUL to provide an amended replacement dwelling design including a detached 4 bay garage (amended description) GRANT 4th November 2014
 15/01837/AMP Amendments to Planning Application 14/03129/FUL for the amendment to planning permission reference 12/03770/FUL to provide an amended replacement dwelling design including a detached 4 bay garage (amended description) GRANT 14th May 2015
 15/04399/FUL Installation of ground mounted solar PV array GRANT 16th December 2015
 16/00123/FUL Demolition of existing agricultural building and erection of a replacement modern building WDN 4th March 2016
 16/00231/FUL Erection of curved entrance wall together with supporting pillars and vehicular and pedestrian access gates REFUSE 24th February 2016
 16/01560/FUL Erection of curved entrance wall together with supporting pillars and vehicular access gates (Re submission of 16/00231/FUL) GRANT 7th June 2016
 16/01563/FUL Demolition of existing agricultural building and erection of a replacement modern building. (Re-submission of 16/00123/FUL) GRANT 17th May 2016
 16/03278/FUL Conversion of existing agricultural building into 1No dwelling GRANT 21st December 2016
 16/03325/VAR Variation of Condition No.3 attached to permission 15/04399/FUL to allow for the ground mounted solar PV array to remain on a permanent basis WDN 14th September 2016
 SA/02/0258/F Erection of 2 storey side extension, single storey porch extension and a detached garage and games room (amended description) PERCON 3rd May 2002

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Roger Evans

Appendices APPENDIX 1 - Conditions

APPENDIX 1 - Conditions**STANDARD CONDITION(S)**

1. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

2. Within two months of the date of this planning permission a landscaping scheme shall be submitted for the approval in writing of the local planning authority. The submitted scheme shall provide details of tree and/or hedgerow planting at the site (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') and include details of species, spacing, planting method, protection and management. The planting shall be carried out in full compliance with the approved scheme, and within the first available planting season following approval of the scheme. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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