
Appeal Decision

Site visit made on 14 April 2016

by Louise Crosby MA MRTPI

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

Decision date: 06 June 2016

Appeal Ref: APP/L3245/W/16/3142392
Rhosygadfa, Gobowen, SY10 7BP

- 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 Mr David Meehan against the decision of Shropshire Council.
 - The application Ref: 14/03946/FUL, dated 26 August 2014, was refused by notice dated 13 July 2015.
 - The development proposed is construction of solar farm to include solar panel arrays, inverters, sub-station, security fencing and CCTV cameras.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal, in combination with the adjacent approved solar development, on the character and appearance of the landscape having particular regard to the use of nearby public rights of way and local highways.

Procedural matters

3. I have taken the appeal site address from the submitted appeal form since the planning application form does not contain an address.
 4. The planning application was amended by the appellant prior to its determination by the Council. The original scheme was for a 15MW capacity system, with 60,000 panels covering 31.6ha of land and included CCTV. The scheme that was refused by the Council and is the subject of this appeal is for 40,000 solar panels (with no CCTV), which would generate 10MW of electricity and cover an area of around 21ha.
 5. Since the Council refused planning permission for the scheme before me planning permission has been granted for a 5MW capacity scheme, with 20,000 solar panels. This is on land that comprises part of the appeal site and has become the baseline. So, in effect it is the additional 20,000 solar panels that would be sited in the fields in the eastern section of the appeal site that are the main focus of my decision. Nevertheless, the cumulative impact of the proposal as a whole is an important consideration.
 6. It was agreed at the accompanied site visit that I would return at a later date to view the appeal site from more distant, elevated viewpoints to the west that were shrouded in cloud on the day that I visited. These are the viewpoints that
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local residents and the Council to Protect Rural England are concerned about. However, given my findings in relation to the near viewpoints, that I shall set out below, I considered it unnecessary to view the site from farther afield.

Reasons

Character and appearance

7. The appeal site is located in gently undulating countryside. The irregular shaped fields are generally bounded by hedgerows. The roads are narrow with grass verges and regular passing places, as well as field entrances. There are numerous public footpaths in the area, some of which border or pass through the appeal site. Because of the rural nature of the area people walk and cycle along the network of narrow roads that carry vehicular traffic. Dotted around the area are a number of dwellings and farmsteads. The site is divided by an unmade road that passes in a north-south direction and the 2 fields that are the main focus of this appeal case are themselves separated by another field that would not contain any solar panels.
8. Drawing on the local landscape type '*principal settled farmland*', the key common elements within the vicinity of the appeal site include, predominantly hedgerow boundaries; scattered farms and varied soil conditions that are predominantly utilised for mixed farming; tree cover comprises scattered hedgerow and field trees; fields have a varied pattern and are relatively small and sub-regular, though intensification of farming has resulted in the amalgamation of fields in some areas. The elements combine to create medium scale landscapes with predominantly filtered views.
9. The appellant's landscape and visual assessment says that 'the overall impression is that of a rural, peaceful and tranquil landscape with little noise from traffic' and I strongly agree with this assessment.
10. The appeal proposal, taken as a whole, would occupy an extensive area of land covering 5 small and medium sized fields (3 already approved). The introduction of the 2 additional fields of solar panels would extend the array of solar panels significantly. Notably they would as a result of this proposal be present on both sides of the road. The perception of the landscape would in places be changed markedly when looking left, right and straight on.
11. The submitted landscape and visual impact assessment (LVIA) concedes that the change in the immediate locality of the solar development would be high. The impact would quickly recede as one moved away from the site. Nevertheless, this proposal would result in the five closely grouped fields being covered by solar panels in this rural landscape where development is limited to scattered farms and dwellings. So, locally the proposal would alter the character of this unified landscape due to the introduction of extensive areas of regimented strings of solar arrays into what is currently a natural rural landscape devoid of concentrated areas of man-made elements or built development. As such, the intrusive proposal would have an adverse impact on the local character of this unchanged tranquil, rural landscape.
12. In terms of appearance, the array of solar panels in the smaller north eastern field is bounded on 2 sides by narrow roads. Hedgerows interspersed with trees exist along the field boundaries with these roads. It was apparent at my site visit that these hedges and others bounding the appeal site have been left

- to grow taller in recent times. The submitted landscape mitigation statement advises that they are being allowed to grow to 3m in height to provide screening. I saw at my site visit that the hedgerows are still very sparse, providing clear views into this field from the adjacent roads. While the visibility would be reduced in summer, when they are in leaf, the hedgerows would be in their current sparse state for around half of the year.
13. One of these roads is a no-through route leading to Top House Farm and a cluster of other individual dwellings. This lightly trafficked road provides a short circular route, in conjunction with a public footpath to the south, and so is likely to be very popular with walkers. When walking along this road in a westerly direction one would be very aware of not only the solar panels to the north, but also those already approved in the fields to the west, especially because of the spread and degree of visibility.
 14. Both on their own and in conjunction with those already approved, the north eastern field of solar panels would appear as a prominent feature in this extremely attractive rural landscape. In terms of views from passing vehicles, although the proposed panels would be clearly noticeable, the level of impact would be reduced by passing through the area at moderate speed; the drivers' attention would be focused on the route ahead; and views for passengers would tend to be glimpsed.
 15. The larger south eastern field is bounded to the south by a hedgerow similar to those I have already described above. However there is an existing public footpath running inside the southern and eastern field boundaries. This would be retained and run between the proposed security fencing, which would be around 2.5m high and consist of timber posts at 6m centres with galvanised wire between, and the hedgerow. From these footpaths the fencing would allow clear views through to the solar panels and the posts on which they would be mounted at all times of the year. This rural walk with clear views across the open field to the hedgerows and trees beyond would be dramatically changed to one containing unavoidable views of modern man-made structures.
 16. Given the number of solar panels close to the footpath, combined with those on the opposite side of the road that would be visible when walking in a westerly direction, overall the solar panels would appear visually overwhelming. This is despite the fencing and panels being set back to provide a good sized corridor. Again, the impact on the occupants of cars would be reduced for the reasons set out above. Moreover, this field is only bordered by a road on one side and it is one of the shorter sides of the rectangle.
 17. Along the northern edge of both fields there would be inverter substations. According to the submitted plans there would be one in the more northerly field and 2 in the southern field. These would each measure around 7m x 3m x 2.5m. Their impact, in conjunction with the solar panels, would be minimal given their size in comparison to a field of solar panels.
 18. The planning application was accompanied by a landscape management plan which shows hedgerow planting to infill any gaps in the existing hedgerow and also the planting of a few more trees close to both fields. Additional planting and hedgerow infilling is also proposed as part of the approved development to the west.

19. Over time the additional planting, along with the increase in height of the existing hedgerows, would screen the solar panels during the summer months from certain viewpoints such as roads. This planting would result in a limited benefit to users of the public footpaths as they would not be separated from the closest solar panels by landscaping. It is not clear from the evidence before me how long the hedgerow infilling or the new trees would take to be mature, but in my experience it is likely that the mitigation measures will take some years to become truly effective and this could be a significant part of the lifespan of the development which would be around 25 years.
20. In any event, in the winter months (when the hedgerows are not in leaf), even with the proposed increased height and infilling the solar panels are still likely to be highly visible, particularly to people passing through this area on foot. Regardless of the proposed mitigation the solar panels would also be visible from a number of properties in the surrounding area, particularly from first floor windows.
21. I am in no doubt that an additional 2 fields of solar panels would greatly increase the visual impact of the proposal on the appearance of the landscape. This increase would result in an unacceptable harmful effect, despite the proposed mitigation measures.
22. To summarise, the proposal would have a significant adverse effect on the character and appearance of the surrounding area and be in conflict with Shropshire Local Development Framework adopted Core Strategy policies CS5 and CS6 in so far as they seek to protect the countryside from harmful forms of development. It would also conflict with policy CS17 in so far as it aims to ensure that all development contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape.

The Planning Balance

23. In terms of the public benefits of the scheme, the proposal would contribute towards the Government's long-standing and well documented commitment to renewable energy generation. The additional 5MW of electricity that would be generated by the additional solar panels, that do not already have planning permission, would equate to the average annual electricity consumption of approximately 1500 homes for a period of around 25 years. The National Planning Policy Framework confirms that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.
24. The appellant advises that if this appeal is not allowed, the smaller, approved scheme may not be viable and therefore in jeopardy. This evidence is not substantiated by any technical or financial evidence which reduces the weight I can attach to it.
25. The proposal would not result in the complete loss of agricultural land as sheep would graze beneath the solar panels. The use of best and most versatile agricultural land has been avoided and there is no compelling evidence to show the availability of brownfield alternatives. These benefits are of considerable importance and thus attract substantial weight.
26. While the effects of the development would be reversible, it is likely that the solar panels would be in place for 25 years. This is a considerable period of time and therefore I attach little weight to this matter.

27. On the other hand I have identified significant harm to the character and appearance of the surrounding area to which I attribute very substantial weight.
28. I find that that the identified harmful effects of the proposal would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal would be in conflict with the development plan and the Framework when taken as a whole.
29. Local residents have raised a number of additional concerns regarding the proposal, having considered them they do not add anything of material weight to the balance and so there is no need for me to address these points in my decision.
30. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR