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# Appeal Decision

Site visit made on 2 October 2015

by **David M H Rose BA (Hons) MRTPI**

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

Decision date: 15 October 2015

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**Appeal Ref: APP/L3245/W/15/3032646**

**Land associated with High Trees Farm, Chapel Lane, Tasley, Bridgnorth, Shropshire, WV16 4QS<sup>1</sup>**

- 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 Markus Wierenga, Green Switch Developments Ltd against the decision of Shropshire Council.
  - The application Reference 14/02386/FUL, dated 29 May 2014, was refused by notice dated 27 January 2015.
  - The development proposed is the installation of a solar park with an output of approximately 3.8MW on land associated with High Trees Farm.
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## Decision

1. The appeal is dismissed.

## Preliminary matter

2. The appeal is to be determined on the basis of the revised drawing showing the formation of a bund and hedge along the northern side of the public footpath which runs along the southern boundary of the site; a revised point of access; a rearrangement and reduction in the number of modules (from 16,082 to 15,180); and the repositioning of the inverter cabins.

## Main Issues

3. The main issues are the visual effects of the proposal on the landscape, public rights of way and nearby dwellings; its effect on the setting of Aldenham Park, a Grade II\* Listed Building, and on its associated Grade II Registered Park and Garden; and whether the benefits of the project would be significantly and demonstrably outweighed by any harmful impacts.

## Reasons

### Planning Policy

4. Two policies relating specifically to renewable energy generation are of particular relevance. Saved Policy D11 of the Bridgnorth District Local Plan (1996 – 2011) requires renewable energy schemes to be designed to minimise their impact on the landscape; to ensure no adverse impact on Listed Buildings; to consider residential and recreational amenity (noise, vibration and any increased risk to health or public safety); and to include measures for site restoration. In turn, Policy CS8 of the Shropshire Core Strategy positively encourages renewable energy generation where this has no significant adverse impact on recognised environmental assets.

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<sup>1</sup> The site address and description of the development are taken from the Planning Application form

5. However, neither of the above policies makes any provision for a balance to be struck between identifiable harm and acknowledged public benefits and, in that regard, it does not reflect the approach to renewable energy development in the National Planning Policy Framework and its call, at paragraph 98, to approve renewable energy developments if their impacts are (or can be made) acceptable.
6. Paragraph 14 of the Framework, in its presumption in favour of sustainable development, confirms that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (or specific policies in the Framework indicate development should be restricted).

#### **Visual effects**

7. Looking first from the public footpath within the site, the initial part of the route from the road provides an extensive open aspect across the site to the west, north and east. The view is characterised by undulating, well-treed countryside with scattered dwellings and farmsteads. It also includes six woodland lodges beyond the north-western corner of the site which are dwarfed by, and merge against, their substantial woodland backdrop.
8. The appeal site forms an integral part of the rural vista, sweeping down and leading into the wider landscape to the west and north-west; with the effect accentuated by the site forming part of a much larger field which continues, without subdivision, onto lower ground. As the path drops, the view broadens to embrace a wider view over open agricultural land to the south-west, which is crossed by the public footpath to Footbridge Cottage, before becoming contained by a substantial hedgerow on its southern side. Aldenham Park provides a noticeable landmark building to the west.
9. The proposed development, with a close presence of solar panels beyond a site security fence, would alienate the foreground landscape from its surroundings with the constituent elements having a highly intrusive presence from the public footpath. As the path descends the view back towards the road would be marked by regimented module strings rising towards the eastern crest of the site which would appear ragged and uneasy against the skyline backdrop.
10. Although a low bund, planted with a new hedgerow, on the northern edge of the footpath, is intended to limit the impact of the project, the masking effect would inevitably take several years<sup>2</sup> before the planting reaches optimal height, depth and density in order to provide an effective screen; and the presence of that screen would isolate the footpath and deprive users from the enjoyment of the existing panoramic view of the wider countryside.
11. The appeal site is also widely visible from the continuation of the footpath to the west, in the vicinity of the fishing ponds; and from the vicinity of Henley Farm (using the photographic evidence provided).<sup>3</sup> In these views the appeal site, rising sharply to the skyline, is central to the view, with added

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<sup>2</sup> Acknowledged to be 'around 5 – 8 years' in the Landscape and Visual Impact Assessment and 5 – 7 years in the grounds of appeal

<sup>3</sup> Access to Photoview 5 was not available as the public footpath appeared to have been obstructed by 'fencing'

emphasis from the framing effect of woodland to the north and south. Despite the existing foreground and mid-ground vegetation, and the proposed planting of a new hedgerow along the western boundary of the site, the upper parts of the development would stand aloft and highly intrusive in the rural scene.

12. Moving further to the west, in the locality of The Lye, the rising topography of the site appears compressed from this similar height viewpoint and the proposal would appear as nothing more than a thin sliver in the landscape. Similarly, from the greater elevation of the public right of way running north-westward from Meadowley, the impact of the development would be diminished by the absence of any skyline effect and its presence against a tiered landscape backdrop.
13. Finally, taking in the public footpath to the south of the site, which runs from the church to, and beyond, Footbridge Cottage, this route provides a clear view across the lower part of the site. Given that the existing substantial, intervening, hedgerow fails to obscure the land from sight, it is inevitable, that elements of the solar farm would be conspicuous and intrusive in the landscape.
14. Overall, in landscape terms, the proposed site is prominent in the rural scene and widely open to public views from both within and close to the site. The proposed development, without mitigation, would cause very serious harm to the appearance of the countryside and its enjoyment by users of the affected public rights of way.
15. Whilst bunding and planting could offset these stark and damaging impacts, the intended landscape works, including those along the western and northern boundaries of the site, would reduce, rather than eliminate, these effects; they would take a disproportionate length of time to become established in relation to the 'temporary' nature of the development; and, by themselves, would diminish the attributes of the public footpath which runs through the site.
16. In addition, although it is suggested that the woodland lodges are '*a prominent and discordant element in existing baseline views*', resulting in an adverse effect on existing views from nearby footpaths, the claim is overstated in that the lodges are a small and relatively discrete element in the landscape with a very limited effect on the inherent qualities of the locality.
17. In terms of the living environment of the adjacent woodland lodges,<sup>4</sup> beyond the low hedge along the northern boundary of the site, the Landscape and Visual Impact Assessment acknowledges that the magnitude of impacts on five of the properties would be high, and the visual impacts would be very substantial adverse. In this regard, the effect on the outlook for occupants, consisting of a security fence and the rear of the solar strings climbing across the site, would be particularly inconsiderate and unforgiving. Again, intended planting, or growth of the existing hedge, would take time to materialise leading to undesirable living conditions (even for short-term and periodic occupation) over a period of several years.

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<sup>4</sup> The lodges are described as '*holiday lodges*' by the appellant and the local planning authority – it is noted that the representations on behalf of Keep Tasley Green indicate that the lodges are occupied full time by owner occupiers or long term rental tenants and they are not rented out as short term holiday lets

18. Turning to Tasley Cottage, to the south of the site, although the house has several north-facing windows, the property sits in mature surroundings with established vegetation breaking the outlook towards the eastern portion of the appeal site. Adding the distance of the dwelling from the site, the overall effect of the proposed development would not be unduly damaging to the living environment of Tasley Cottage.

#### **Heritage assets**

19. Aldenham Park is a Grade II\* Listed Building which is described as a '*Classical late C17 mansion with earlier core at the end of a long avenue ..... altered in C19 .....'*. It sits within a Grade II Registered Park and Garden comprised of 18<sup>th</sup> century gardens, 19<sup>th</sup> century gardens and pleasure grounds with a 17<sup>th</sup> century avenue leading to the house.
20. Although the principal elevation of the house is now its south-western façade, with aspect along the tree lined avenue, the south-eastern elevation contains a number of main room windows overlooking formal gardens and the wider open countryside beyond. Substantial tree planting on each side of the garden provides every indication of a 'designed view' over a pastoral landscape.
21. The effect, from first floor rooms, is to funnel the view into a narrow fragment of countryside which includes the appeal site as its 'centre-piece'. The proposed solar farm would inevitably have a striking negative influence on the contribution of setting to the significance of the Listed Building. However, this would amount to 'less than substantial harm' to the significance of the designated asset when considered as a whole.
22. Moreover, the proposal would also be visible from the garden itself, principally along its south-eastern boundary, with mid-ground vegetation providing a foil to the northern portion of the site. Other views from within the wider parkland would be limited by the effects of topography and/or vegetation but, as illustrated by Photoview 14 (on a public right of way), there would be instances where the outlook over the wider countryside would include a view of the proposed solar farm. Indeed, from this location, the rising topography of the appeal site is particularly marked; and the open nature of the site, framed by woodland on each side, is clearly evident. The insertion of the proposed development would be noticeably out of place.
23. Finally, there is a short, sideways, glimpse of the appeal site from the avenue to the house, immediately beyond the gateway from the main road. However, as the clear focus of the avenue is towards the house, the effect of the proposal would be minimal.
24. Reference has also been made to the Church of St Peter and St Paul, Tasley which is listed Grade II. The church sits within an enclave of trees with outward glimpses of the countryside from the churchyard, including a limited view, from the north-western edge of the churchyard, of the western portion of the appeal site. Whilst part of the development would be visible from this location, the impact on the setting and the experience of the asset would be very limited.
25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in considering whether to grant planning permission for development which affects a Listed Building or its setting, that special regard shall be had to the desirability of preserving the building or its setting.

26. The National Planning Policy Framework, at paragraph 132, indicates that when considering the harm to an asset, great weight should be given to the asset's conservation; and, the more important the asset, the greater the weight should be. Where it is found that a development proposal would lead to 'less than substantial harm' to the significance of the designated asset, paragraph 134 explains that the harm should be weighed against the public benefits of the proposal.

**The planning balance**

27. Turning to the public benefits of the scheme, the proposal would contribute towards the Government's long-standing and well-documented commitment to renewable energy generation, with an anticipated output equivalent to powering approximately 1,200 homes for a period of 25 years, in the drive towards tackling climate change and reducing the UK's emissions of carbon dioxide. The National Planning Policy Framework confirms that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
28. It is also relevant to note that the effects of the development would be reversible and that the need for further installed electrical renewable energy capacity within Shropshire and the West Midlands is said to be significant and urgent. These factors add further weight.
29. Additionally, the proposal would not result in the permanent loss of agricultural land and it would provide biodiversity benefits; best and most versatile agricultural land has been avoided; there is no compelling evidence to show the availability of brownfield alternatives; and a grid connection is available adjacent to the site. These are also of considerable importance.
30. In the final balance, I consider that the weight to be given to the adverse impacts of the development, taking account of the proposed mitigation measures, on the appearance of the landscape and its enjoyment by users of public rights of way, is of very high magnitude. The effects on the living environment of a small number of woodland lodges are an additional consideration. The adverse impacts on the significance of designated heritage assets, with particular reference to the setting of Aldenham Park (Grade II\* Listed Building) and the impact on its Registered Park and Garden, also merit very substantial weight.
31. In my opinion, the adverse visual effects of the development and its impacts on the significance of heritage assets, when considered individually and in combination, would significantly and demonstrably outweigh the benefits of the scheme.
32. On this basis the proposed development would be in conflict with the development plan (to the extent that Saved Policy D11 of the Local Plan and Policy CS8 of the Core Strategy are material) when read as a whole and the policies within the National Planning Policy Framework when considered in the same way.
33. I have considered all other matters raised but find nothing of sufficient consequence to lead me to a different conclusion.

*David MH Rose*

Inspector