
Appeal Decision

Site visit made on 3 June 2015

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 13 August 2015

Appeal Ref: APP/B5480/A/14/2227508

Cranham Golf Course, St Marys Lane, Upminster, Essex RM14 3NU

- 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 Cranham Golf Course against the decision of the Council of the London Borough of Havering.
 - The application Ref P0907.14, dated 20 June 2014, was refused by notice dated 2 October 2014.
 - The development proposed is a Solar Park.
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Decision

1. The appeal is allowed and planning permission is granted for a Solar Park at Cranham Golf Course, St Marys Lane, Upminster, Essex RM14 3NU in accordance with the terms of the application, Ref P0907.14, dated 20 June 2014, subject to the nine conditions set out in the Schedule of Conditions attached to this Decision Letter.

Procedural matters

2. An application for costs was made by Cranham Golf Course against the Council. That application is the subject of a separate Decision Letter of even date.

Main issues

3. There is no dispute that the proposed Solar Park would constitute **"inappropriate development" in the Green Belt. Paragraphs 87 and 88 of the Government's National Planning Policy Framework (NPPF) explain that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances: further, such "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.**
4. The main issues in this case are therefore
 - (a) the harm that the proposal would cause to the Green Belt;
 - (b) any other harm that the proposal would cause, with particular regard to (i) the character and appearance of the area and (ii) highway safety;
 - (c) any other considerations that weigh in favour of the proposal; and
 - (d) whether those other considerations would clearly outweigh the harm to the Green Belt and any other harm, and whether the very special circumstances necessary to justify the proposal would be demonstrated.

Reasons

5. The appeal site is a flat and broadly rectangular field of around 5.5ha, adjoining the eastern side of Cranham Golf Course. The M25 runs along the eastern boundary of the appeal site, and is elevated above it by several metres. The proposed development would involve the installation of 11,700 solar panels, mounted on steel frames driven into the ground. The frames would be laid out in 44 rows, running from east to west, such that the panels would face towards the south and would be set at a 25 degree angle, with their lower ends some 0.9m and their higher ends some 2.9m above ground level. The development would also include a metering unit, three switchgear units, a perimeter fence, ten 4m high CCTV masts, and an area of hardstanding in the north-west corner, adjoining the public highway.

Harm to the Green Belt

6. The appeal site lies within the Metropolitan Green Belt where, as noted above, the proposal would constitute inappropriate development.
7. The proposal would also reduce openness, one of the essential characteristics of the Green Belt. The relatively low-level and horizontal nature of this type of development, and the fact that it would follow the existing contours of the land, would make it less visually intrusive than a taller structure such as (for example) a wind turbine. Nevertheless, a previously open and undeveloped field would be covered with glass panels set on metal supports, together with cabins housing electrical equipment, and enclosed by a security fence.
8. This loss of openness would be compounded by the proposed thickening of the existing hedgerow boundaries, planting of new hedges, and extensive tree planting along the eastern boundary, all of which would be intended to screen the development. I appreciate that the planting proposals may have benefits for the character and appearance of the area, and I shall return to that later. But in terms of the impact on openness, it is clear that the proposed Solar Park would reduce, rather than preserve, this important attribute of the Green Belt.
9. The appellant contends that the proposal would not compromise any of the five purposes of the Green Belt set out at paragraph 80 of the NPPF. However, **one of these is "to assist in safeguarding the countryside from encroachment"**, and since the proposal would involve developing a part of the countryside that is currently undeveloped, it would be at odds with this aim. Planning permission for the proposed development is sought for a temporary period of 25 years, and its removal at the end of that period could be secured by condition, but for the duration of its existence it would constitute encroachment into the countryside.
10. The proposed inappropriate development would, then, materially reduce the openness of this part of the Green Belt, and would conflict with one of the purposes for its designation. Taking this into account, I attach substantial weight to the totality of the harm that would be caused to the Green Belt.

Whether any other harm would be caused

11. In addition to harm to the Green Belt, **the Council's** reasons for refusal related to concerns about the impact of the proposal on the character and appearance of the area, and its potential to distract users of the M25. I shall consider these matters first, before going on to assess any further potential harm.

The impact on the character and appearance of the area

12. As the Landscape and Visual Impact Appraisal (LVIA) commissioned by the appellant records, the character of the area in which the appeal site lies is typical of its urban fringe location, and has a mix of positive and negative elements. **Many of the former farms along St Mary's Lane now operate as non-agricultural commercial businesses.** These include Cranham Golf Course, Puddledock fishing lake and café, an animal feed retail outlet and several construction and storage yards. Much of the remaining land in the vicinity is used for horse grazing. As a consequence the area has lost much of its former agricultural character, although evidence of the historic field pattern remains.
13. The M25 is a dominant feature of the landscape, and its visual impacts are increased in the vicinity of the appeal site by the presence of a gantry and other roadside signs, as well as by the fact that the carriageway rises up on an embankment adjacent to the site in order to cross above St Marys Lane. Cranham Golf Course to the west of the appeal site, and Broadlands Farm to the south, are now actively managed for sport and recreation.
14. The proposed solar park would have an adverse impact on the existing undeveloped character and appearance of the land on which it would be constructed. However, containment within the existing field boundaries would ensure that this harm remained limited and localised, and in the context of its location between a motorway and a golf course, the alteration would not be so marked as would be the case if the appeal site were surrounded by open farmland.
15. There are some positive changes to the landscape associated with the Thames Chase Centre at Broadlands Farm, where active landscape management has resulted in the creation of new woodlands and grasslands. The Thames Chase Plan Consultation Draft, produced in 2013 by the Thames Chase Trust, assessed the areas that make up Thames Chase. Cranham Golf Course, and the appeal site, fall within Area 5 – Havering and Essex Fringe. The **"challenges"** identified for this area include the visibility of the M25 embankment throughout, and the problem that field boundaries are often of **poor quality, with many hedgerows removed or in decline.** The **"vision"** is for a landscape of healthy hedgerows, tree belts and woodlands, with strategies concentrating on (among other things) the landscape benefits of reducing the visual impact of the M25.
16. I saw at my site visit that the appeal site is well screened from longer viewpoints. The most open views are those from the northbound carriageway of the M25, looking out over the appeal site from an elevated position. There is a relatively new Bridleway (289), which runs outside the western boundary of the appeal site from Broadfields Farm to St Marys Lane, but as is also the case from St Marys Lane itself, and the adjoining golf course, views of the appeal site are limited to glimpses through the boundary hedgerows and field gates.
17. The proposed development would not involve the removal of any existing trees or hedgerows. Rather, the proposals include a considerable amount of planting to fill gaps within existing boundary hedgerows, to thicken them where appropriate to improve screening and biodiversity value, and to incorporate additional native trees. The hedges would then be maintained at a minimum height of 3m. A triangle of land in the north-east corner of the site would be planted with a woodland mix to provide additional screening of the site from St

Marys Lane. Further, in addition to the replacement trees and hedge already planted on the M25 embankment to compensate for vegetation removed during the widening of the carriageway, a line of hornbeams would be planted at 5m intervals along the eastern boundary of the appeal site adjoining the M25, each being between 5m and 6m high at the time of planting.

18. The Council points out that these trees would take some time to reach maturity, and it is fair to note that they would not entirely obscure views of the proposed solar park from the M25: it would still be seen, and would become more readily apparent in the winter months, when the trees shed their leaves. Nevertheless, the proposed planting of trees at this height and density, prior to the installation of the solar panels, would help to soften and screen the visual impact of the proposed development on motorway users and would improve the character and appearance of this stretch of embankment.
19. In views from areas to the east and south of the appeal site, the trees would also have a beneficial impact on the character and appearance of Thames Chase by helping to screen the dominant presence of the motorway and its associated infrastructure, providing a more green and pleasant backdrop than current views toward the elevated traffic.
20. The additional planting and hedgerow improvements along the other boundaries of the appeal site would minimise the visual impact that the proposed development would have in all other public views, ensuring that only very limited glimpses of the panels and associated infrastructure would be available, and would not materially affect the enjoyment of users of the nearby bridleway, local footpaths, and St Marys Lane.
21. I conclude that taking all of this together, the proposed solar park would accord with the aims of Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (2008), which seeks to ensure that development maintains, enhances or improves the character and appearance of the local area.

The potential to distract users of the M25

22. **The Council's** third reason for refusal, as set out in its Notice dated 2 October 2014, relates to its concern that the proposed solar panels would create conditions that would present a distraction to users of the M25 and would therefore be significantly harmful to highway safety. **The Council's subsequent statement of case explained its view that distraction could be caused by light reflected from the solar PV panels, and by the sight of "such unusual development"**.
23. The planning application was accompanied by, among other things, a professional Solar Photovoltaic Glint and Glare Study based on comprehensive geometric calculations. This established that due to the southward orientation of the solar panels, light reflections could occur towards northbound road users on the M25 between 4pm and 6pm GMT. The Study explained that these reflections would not be as bright as many of the other glare and reflection effects commonly experienced by drivers (such as those arising from wet roads, glass, water and headlights) because solar panels are specifically designed to absorb, rather than to reflect, light.

24. Moreover, in every scenario where a reflection from the panels could be experienced by a road user, the reflections would appear to originate from almost the same point as the sun (which would be a much brighter source of light) from the perspective of the observer: the road user would of course encounter the direct sunlight irrespective of whether the solar panels were present. The Study concluded that the presence of the solar panels would not cause any significant increase in the amount of light encountered by road users at the particular time when a solar reflection could occur, and that the proposed Solar Park would therefore not be likely to cause a hazard to the safety of road users on the M25.
25. I see no reason to disagree with this reasoned assessment, and have been presented with no alternative professional evidence that conflicts with it. I note that its conclusions were accepted by the Council Officers. I note too that given the close proximity of the appeal site to the M25, the views of the Highway Agency were specifically requested: it raised no objection to the proposal. I do **not share the Council Members' view that this type of development is so "unusual" as to potentially cause a distraction to drivers.** Ground-based solar arrays are not uncommon, and while there are many examples of solar parks sited alongside roads and motorways, there is no evidence that any have had an adverse impact on highway safety.
26. I conclude that the proposed development would not have any adverse impact on the functioning of the road hierarchy, and so would accord with Policy DC32 of the Development Control Policies DPD.

Other potential harm

27. **The Government's Planning Practice Guidance (PPG) sets out the particular planning considerations to be taken into account when assessing proposals for renewable energy development, including solar farms. I note the appellant's contention that the current proposal is not a "large-scale" ground-mounted solar farm of the type addressed by the PPG, but I do not share the view that the UK Solar PV Strategy Part 1 (2013) supports that contention: it notes that "large scale" solar PV generation is in the main above 5MW, but also goes down to 50kW.** The current proposal is for a 2.642 MW facility. In any event, the considerations set out in the PPG provide helpful guidance as to the possible impacts of this type of development.
28. The effects that the proposal would have on the character and appearance of this greenfield site, the temporary nature of the proposed development, and the potential implications of glint and glare have been discussed above. In this particular case, the solar panels would be fixed in place rather than following the daily movements of the sun, so there would be no additional impacts in that respect.
29. There is no indication that the proposed development would have any adverse effect upon aircraft safety, or upon any heritage assets or their settings. Local residents expressed concern that the solar panels may reflect noise from the motorway towards their dwellings, but the angle of the panels and the substantial intervening vegetation would prevent any appreciable effect. There would be no material adverse impacts on neighbouring uses.
30. The PPG sets out a preference for the use of poorer quality land for this type of development, rather than higher quality land. The Agricultural Land

Classification of the appeal site is Grade 3, but is not further categorised as Grade 3a or 3b, so it is unclear how much (if any) falls within the NPPF **definition of “best and most versatile agricultural land”**. There is no evidence to **suggest that the appeal site is one of the Borough’s higher-quality areas of agricultural land**; rather the opposite. The field is currently within the ownership of the Golf Course, rather than in use for any agricultural purpose. I am told that it has lain fallow and overgrown for several years, and has been separated from other parcels of agricultural land by the intervening motorway. The likelihood of the appeal site being used for food crops is remote, and I do not consider that the loss of its potential agricultural value, for a temporary period of 25 years, is a factor that weighs against the current proposal.

Conclusions as to the extent of other harm in addition to Green Belt harm

31. I therefore conclude that other than the identified harm to the Green Belt, the proposed development would have no adverse impacts.

Whether any considerations would weigh in favour of the proposal

32. The particular planning considerations listed by the PPG also include biodiversity improvements, and the energy generating potential of the proposed development.
33. As discussed above, the proposed development would not involve the removal of any existing trees or hedgerows; rather, supplementary planting would be provided around the perimeter of the site. At present, most sections of the boundary hedgerows are growing at 4-5m in height, but there are some gaps, and sections of only 1-2m in height. The taller sections are developing a wider crown, which can result in the hedge becoming thin at the base. The proposed planting and subsequent management regime would involve filling out the gaps, and cutting the hedgerows to a minimum of 3m in an A shape profile, which would strengthen the lower canopy. The hedges would then be cut on a three-year rotation, to ensure a mix of flowering branches and fruit, thereby maximising ecological value.
34. The land between and around the solar panels would be sown with a wildflower seed mix, requiring little maintenance and creating grassland habitat valuable for insects, small mammals, birds, amphibians and reptiles, since it would provide nesting sites during spring, food during summer and autumn, and shelter during winter. Permission could be granted subject to a suitably worded **condition requiring the Council’s prior approval of the** seeding mix, together with the implementation of an appropriate management regime, as opposed to the alternative suggested option of planting a traditional meadow mix to be grazed by sheep. The proposed line of hornbeam along the eastern site boundary would also provide additional habitat.
35. The appeal site lies within the wildlife corridor, identified in Core Strategy Policy DC58, that runs north-south beside the M25. The proposed planting and management would result in a significant net gain for biodiversity, by enhancing the existing hedges and woodland belts, and creating a substantial area of flower-rich grassland that would link directly with the developing habitat within Broadfields Farm. The proposed improvements to the western boundary hedgerow would also reinforce its present value as a corridor used by bats moving between sites at Broadfields Farm, Cranham Marsh, Clay Tye Woods and Puddledock Fishing Lake.

36. I find that the proposed development would result in significant biodiversity improvements, and I attach considerable weight to these benefits.
37. Evidence submitted by the appellant, and not disputed by the Council, is that the proposed solar park would have an energy-generating capacity of around 2.6MW, enough to power 750 typical households. This would constitute a significant contribution toward meeting local and national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. In addition, the proposed development would help to increase the security and diversity of the electricity supply.
38. I consider that these benefits of the proposed development, in terms of the production of a clean, renewable and sustainable form of energy, carry substantial weight in its favour.

The planning balance

39. I have found that substantial weight must attach to the harm that the proposed development would cause to the Green Belt, by reason of its inappropriateness; its adverse impact on openness; and its conflict with one of the five purposes for designating Green Belt. However, that is the full extent of the harm that would be caused.
40. On the other side of the balance, I have found that substantial weight should attach to the benefits associated with the proposed production of energy from a clean and renewable source, and considerable weight should attach to the ecological benefits that would be achieved by the development proposals.
41. I conclude that the totality of the harm that would be caused by the proposed development is clearly outweighed by other considerations, such that the very special circumstances, necessary to justify a grant of planning permission for development in the Green Belt, exist in this case.

Conditions

42. The Council put forward a number of conditions that it suggested would be appropriate if I were to allow the appeal. I have considered these in the light of Circular 11/95 ***The Use of Conditions in Planning Permissions*** (so far as that guidance remains extant) and the advice contained in the NPPF, and have made some amendments in the interests of clarity and precision. In addition to the standard conditions governing the timescale for commencement (1) and requiring compliance with the approved plans (2), it is necessary to attach conditions limiting the period for which permission is granted to 25 years (3), and securing the removal of the equipment and restoration of the site at the end of this period (4), or sooner if the solar park is no longer used to generate electricity (5).
43. In order to secure the visual and ecological benefits of the proposed planting, conditions are needed to secure provision of full details of the landscaping and planting provisions (6), and ensure their timely provision and future retention (7). **A condition requiring the Council's prior approval of the colour and finish of the proposed metering and switchgear units, the fencing, and details of the proposed CCTV equipment and mountings, are needed to ensure that their visual impact is acceptable (8) and the prior agreement of a Construction Method Statement (9) is also necessary, to minimise disturbance caused to nearby residents during the construction period.**

44. However, I do not consider it necessary to impose the suggested condition requiring samples of the materials to be used in the construction of the buildings, since the materials are detailed on the submitted plans. Nor is it necessary to impose a condition requiring further details of boundary treatment, since these will need to be provided in accordance with conditions (6) and (8) in any event. I have not attached the suggested condition concerning alterations to the public highway, since requirements to obtain appropriate licences or agreements are not governed by the planning regime.

Determination

45. Subject to the nine conditions set out in the attached Schedule, I conclude that the appeal should be allowed.

Jessica Graham

PLANNING INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C/SU/14/001, C/SU/14/002, C/SU/14/003 Rev A, C/SU/14/004 Rev A, C/SU/14/005 Rev A, C/SU/14/006, and C/SU/14/007 Rev A
- 3) This grant of planning permission shall expire no later than 25 years from the date when electricity is first exported from any of the solar panels to **the electricity grid ("First Export Date")**. **Written notification** of the First Export Date shall be given to the local planning authority within 14 days of its occurrence.
- 4) Prior to the commencement of development a Decommissioning and Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The statement shall include details of the timescale and management of the decommissioning works; the removal of all equipment including the solar panels, mounting frames, buildings, fencing, and all other associated structures; and the reinstatement of the land to its former greenfield condition. The works shall be carried out in accordance with the approved details.
- 5) If at any time after the First Export Date the development hereby permitted ceases, for a period of no less than six months, to export electricity to the electricity grid then the solar panels, mounting frames, buildings, fencing, and all associated structures, shall be removed and the site restored in accordance with the Decommissioning and Restoration Scheme approved under condition no. 4 above, unless otherwise agreed in writing by the local planning authority.
- 6) No development shall take place until a detailed Landscaping and Planting Scheme has been submitted to and approved in writing by the local planning authority, which shall be broadly in accordance with the details shown on drg. no. NC_14.087-P-200, and shall include:
 - (a) details of the existing trees, shrubs and hedgerows to be retained, together with measures for their protection throughout the construction and decommissioning periods
 - (b) details of proposed tree, shrub and hedgerow planting, including species, number, sizes and positions, and written specifications of cultivation and other operations associated with planting, together with a schedule for future management
 - (c) details of the proposed mix of the species-rich grassland to be grown between and around the solar panels, together with a detailed schedule for future management provisions that ensure the ecological benefits of the grassland are maximised
 - (d) details of all hard landscaping, including areas of hardstandingDevelopment shall then be carried out in accordance with the approved details.

- 7) The proposed planting of trees along the eastern boundary of the site shall be carried out prior to the installation of any of the solar panels and other associated equipment hereby permitted, in accordance with the Landscaping and Planting Scheme approved in connection with condition no. 6 above. All other planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 8) Prior to commencement of development, details of the colour and finish of the perimeter fence, metering unit and switchgear and transformer units hereby permitted, and details of the proposed CCTV equipment and mountings, shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details.
- 9) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including a readily visible 24-hour contact telephone number for emergencies
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) predicted noise and vibration levels during construction, measures for minimising the impact of noise and vibration during construction, and a scheme for monitoring noise and vibration during construction
 - viii) details of the siting and design of any temporary buildings and compounds
 - ix) a scheme for recycling/disposing of waste resulting from the construction works. The burning of waste on the construction site at any time is specifically prohibited
 - x) details of temporary external lighting required for the construction period, and its hours of use
 - xi) details of hours of work and hours of delivery.

Costs Decision

Site visit made on 3 June 2015

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 13 August 2015

Costs application in relation to Appeal Ref: APP/B5480/A/14/2227508 Cranham Golf Course, St Marys Lane, Upminster RM14 3NU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Cranham Golf Course for a full, or, in the alternative, a partial, award of costs against the Council of the London Borough of Havering.
 - The appeal was against the refusal of the Council to grant planning permission for a Solar Park.
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Decision

1. The application for a full award of costs is refused.
2. The application for a partial award of costs is allowed in the terms set out below.

Reasons

3. **Paragraph 30 of the Government's Planning Practice Guidance ("the PPG")** advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
4. The **report written by the Council's Planning Officers, to inform the consideration of the planning application by the Council's Regulatory Services Committee**, recommended that planning permission should be granted. The Committee took a different view, and concluded that planning permission should be refused. It was entitled to do so: the Members of the Committee are **not obliged to agree with their professional Officers' recommendation, if they** have sound planning reasons for reaching a different conclusion.
5. Where, as here, a proposal would constitute inappropriate development in the Green Belt, the decision maker must determine whether the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Paragraph 88 of the NPPF specifies that when considering any planning application, local planning authorities must ensure that substantial weight is given to any harm to the Green Belt. However, the question of how much weight should be attached to other types of harm (if any), and other considerations such as those weighing in favour of the proposed development (if any), remains a matter for the judgment of the decision maker, and is likely to vary according to the specific circumstances of each case.

6. In this particular case, the Committee Members discussed the potential adverse and beneficial impacts of the proposed development, and formed a view as to the weight that each should carry. The details of that discussion are not recorded verbatim in the minutes of the meeting, but the discussion was evidently **informed by the Officers' Report, which contains** clear guidance on the decision-making process to be followed and the particular balancing **exercise to be undertaken, in order to establish whether "very special circumstances" would exist.**
7. The Committee Members reached the conclusion that the totality of the harm in this case would not be clearly outweighed by other considerations, and decided that very special circumstances had not been demonstrated. This informed the first reason for refusal. I reach a different conclusion in my decision on the appeal, **but that does not mean that the Members' conclusion must** therefore have been unreasonable: there will inevitably be some variation where the exercise of judgment is required.
8. I find no reason to doubt that the Council followed the correct decision-making procedure in this case, determining the weight to be afforded to each consideration, and assessing the overall balance before concluding whether or not very special circumstances had been demonstrated. I therefore conclude that the Council did not behave unreasonably in this respect, and so a full award of costs is not justified.
9. The appellant argues that in the alternative, if I were to conclude that an award of costs in relation to the entirety of the appeal is not justified, a partial award of costs **is sought in relation to the Council's third reason for refusal.** That reason for refusal asserts that the proposed solar panels would create conditions that would present a distraction to users of the M25 and would therefore be significantly harmful to highway safety.
10. It is difficult to understand how the Committee Members reached that view. The advice of its Planning Officers, informed by the comprehensive Solar Photovoltaic Glint and Glare Study commissioned by the appellant, was that the proposal would not result in any significant harm to highway safety. Members were also advised that the Highways Agency had been consulted, owing to the proximity of the proposal to the M25, and in its professional opinion there was no reason, subject to the imposition of appropriate conditions, to object to the proposal on highway safety grounds.
11. The statement of case provided by the Council in the course of the appeal explains that Members were concerned that the trees to be planted along the eastern boundary might not afford sufficient screening, but this does not appear to have been informed by any alternative professional evidence that would cast doubt on the conclusions reached by their Planning Officers and the Highways Agency, and no consideration appears to have been given to the possibility of amending the wording of the suggested condition to ensure that the density of the planting would meet the standard they considered necessary.
12. The statement of case indicates that the Members also thought the proposed development would be distracting to drivers simply because it would be visible **to them, and would be "unusual". I can see no justifiable reason for reaching** such a conclusion. Solar PV panels are now common in the UK, and solar parks are frequently sited alongside roads and motorways.

13. **I consider that the Council's third reason for refusal consists, in the terms of paragraph 49 of the Costs section of the PPG, of "vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis." I also consider that the Council has failed to produce evidence to substantiate this reason for refusal. This constitutes unreasonable behaviour on the part of the Council.**
14. The Council defended its third reason for refusal at the appeal, and the **appellant incurred costs in contesting it. The Council's** unreasonable behaviour has directly caused the appellant to incur unnecessary or wasted expense in the appeal process.
15. I therefore conclude that a partial award of costs is justified.

Costs Order

16. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, **IT IS HEREBY ORDERED** that the Council of the London Borough of Havering shall pay to Cranham Golf Course, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the third reason for refusal set out **on the Council's Refusal Notice dated 2 October 2014.**
17. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Jessica Graham

INSPECTOR