
Appeal Decision

Site visit made on 10 February 2014

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 17 April 2014

Appeal Ref: APP/C3105/A/13/2207532

Land at Rowles Farm, Bletchington, Oxfordshire

- 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 ROC Energy Ltd against the decision of Cherwell District Council.
 - The application Ref.13/01027/F, dated 3 July 2013, was refused by notice dated 7 October 2013.
 - The development proposed is the construction of a solar farm with onsite equipment rooms and plant, security fencing, landscaping, and associated works.
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Preliminary Matter

1. The accompanied site visit took in the site itself and the access to it. Afterwards, I took in the surroundings on a wider basis, unaccompanied, including the view of the site from the bridge over the A34 to the south-east of Weston-on-the-Green.

Decision

2. The appeal is allowed and planning permission is granted for a solar farm with onsite equipment rooms and plant, security fencing, landscaping, and associated works on Land at Rowles Farm, Bletchington, Oxfordshire, in accordance with the terms of the application, Ref.13/01027/F, dated 3 July 2013, subject to the conditions set out in Annex A to this decision.

Main Issue

3. This is whether the proposal would be an inappropriate form of development in the Green Belt and, if so, whether there are any considerations sufficient to clearly outweigh the harm by reason of inappropriateness, and any other harm, thereby providing justification on the basis of very special circumstances.

Reasons

Green Belt

4. Paragraphs 89 and 90 of the Framework¹ set out the forms of development deemed not inappropriate in the Green Belt. LP² Policy GB1 takes a broadly similar tack. The proposal does not fall into any of the categories of development set out. Moreover, paragraph 91 of the Framework says that

¹ The National Planning Policy Framework

² The Cherwell Local Plan of November 1996

when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

5. On that basis, the proposal would be an inappropriate form of development in the Green Belt. Paragraph 87 of the Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 clarifies that: '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. LP Policy GB1 is similar in approach.
6. Paragraph 79 of the Framework tells us that openness is an essential characteristic of the Green Belt. Openness is generally defined as the absence of built form. This does not depend on visibility, a matter I turn to below in considering landscape impacts. As a man-made imposition on the landscape, the proposal would obviously reduce openness and this would add to the harm to the Green Belt by reason of inappropriateness.

Any Other Harm

7. One of the core planning principles of the Framework is that the intrinsic character and beauty of the countryside should be recognised. Recent Government guidance³ set out that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, it continued, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. This guidance also stressed that local topography is an important factor in assessing whether a large scale solar-farms could have a damaging impact on the landscape. The recent PPG⁴ which replaces that guidance says much the same thing. More generally, LP Policy C7 says that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
8. The Council raises no particular issue in this regard but the imposition of the solar array and its ancillary infrastructure on what are currently open fields would obviously result in an adverse impact on the character and appearance of the landscape. This would be readily apparent to users of the public footpaths that cross the site and pass close to it. However, the Council says that these footpaths are little used because they are cut off by the nearby A34 dual carriageway and I have no good reason to disagree with that. These close-up views would not be experienced very often, therefore.
9. Given the flat nature of the prevailing topography, the proposal would not be particularly visible in wider views of the site. My unaccompanied visit to Viewpoint 9⁵, the bridge over the A34 that carries the Oxfordshire Way referred to above, demonstrated as much. Moreover, any such impact could be reduced further by supplementing the existing hedgerows; something that can be secured by condition. On top of all that, the proposal is intended to be temporary and it would be reversible.
10. Taking all those points together, the degree of harm the proposal would cause in landscape terms would be very limited. While there would be a failure to

³ Planning Practice Guidance for Renewable and Low Carbon Energy of July 2013

⁴ Planning Practice Guidance

⁵ As represented in the LVIA prepared on behalf of the Appellant

accord with LP Policy C7, the proposal has been planned sensitively and would, therefore, accord with the approach espoused in the PPG.

11. Reference has also been made to the historic nature of the surrounding landscape but the proposal would respect the existing field pattern and would cause no permanent damage. Similarly, because there would be no inter-visibility between the proposal and the designated heritage assets concerned, there would be no impact on the settings, or the significance, of the SAM to the east of the site, or the listed building at Barndon Farm to the south.

The Balancing Exercise

12. The proposal would cause harm to the Green Belt by reason of inappropriateness and because of the reduction in openness it would involve. On top of that, there would be a limited degree of harm to the landscape. The proposal is promulgated on a temporary basis and so the harm in Green Belt and landscape terms would be both temporary and reversible. Nevertheless, paragraph 88 of the Framework tells us that when considering any planning application, local planning authorities⁶ should ensure that substantial weight is given to any harm to the Green Belt.
13. Against all that, the proposal would have a total capacity of around 10 MW, meeting the needs of around 2,500 homes, and offsetting nearly 5,300 tonnes of Carbon Dioxide emissions, annually⁷. Reflective of wider Government policy, designed to address the potential impacts of climate change, and to ensure energy security, one of the core planning principles of the Framework is to encourage the use of renewable resources, for example by the development of renewable energy. Paragraph 97 of the Framework says that to help increase the use and supply of renewable and low carbon energy, local planning authorities⁸ should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
14. On top of that, while paragraph 91 of the Framework accepts that very special circumstances will need to be demonstrated if renewable energy projects are to proceed in the Green Belt, it continues: such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
15. It is clear therefore that notwithstanding the decision of the Secretary of State on a recent appeal concerning a large solar farm in Suffolk⁹, and the letter of 16 October 2013 by the Minister of State at the Department of Energy and Climate Change¹⁰, renewable energy projects are not prohibited outright in the Green Belt. It is, as ever, a matter of balancing any benefits they would bring forward, against any harm they would cause.
16. In carrying out that balancing exercise, I attach substantial weight to the harm that would be caused in Green Belt terms, and moderate weight to the limited landscape harm that would be caused.
17. Against that, the proposal would bring forward benefits of a significant scale in terms of the production of renewable energy and, as well as that, assist the

⁶ And I take that to include the Secretary of State and/or those acting on his or her behalf

⁷ Figures taken from the Appellant's Appeal Statement

⁸ Again, I take that to include the Secretary of State and/or those acting on his or her behalf

⁹ APP/T3535/A/13/2193543

¹⁰ The Rt Hon Gregory Barker MP

ongoing viability and stability of a rural business. The latter draws strong support from paragraph 28 of the Framework.

18. Like the preceding guidance, the PPG makes it clear that the need for renewable energy does not automatically override environmental protections. Nevertheless, in my judgement, the considerable benefits of the proposal outlined above clearly outweigh the harm by reason of inappropriateness, and the other harm identified. Very special circumstances have been shown and the impacts of the proposal are (or can be made) acceptable, therefore. As such, the proposal complies with the Framework, and LP Policy GB1.

Conditions

19. I have considered the suggested conditions in the light of advice in the Framework, the PPG, and Appendix A to Circular 11/95¹¹. Aside from the standard condition to govern commencement, another is required to set out the approved plans. As the proposal is promulgated on a temporary basis, a condition, along the lines suggested by the Council, is necessary to secure removal once the proposal is no longer required for electricity generation.
20. There is no external lighting shown on the approved plans but, for the avoidance of doubt, a condition is necessary to require details of any proposed to be submitted to, and approved by, the local planning authority. A series of conditions are required to address issues around biodiversity. Conditions are also required to ensure that construction takes place in accordance with the submitted Construction Traffic Management Plan and to secure full details of any parking and manoeuvring areas.
21. Finally, conditions are required to secure a landscaping scheme, details of future management and maintenance, and, given the potential for remains, to address archaeology.

Final Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR

¹¹ Circular 11/95: *The Use of Conditions in Planning Permissions*

Annex A: 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: 1015177-013-01: Site Location Plan; ROC-1001/1004v1: Rowles Red Line Drawing; ROC-1001/1001v1.5: Rowles PV Layout; ROC-1001-1003v1.1: Rowles Elevations; ROC-1001-1003.02v.1: Rowles DNO Compound Elevation; ROC-1001-1003.01v1: Rowles Fence Elevations; ROC-1001-1003.03v1: Rowles LV Kiosk Compound Elevation; and ROC-1001-1005v1: Rowles PV Elevation.
- 3) The solar farm, associated equipment, fencing and other infrastructure shall be removed from the site in their entirety within 6 months of the date when the solar farm is no longer required for electricity generation.
- 4) No development shall take place until details of any external lighting required have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 5) Should the development not be commenced within one year of the submitted Badger Survey Report prepared by Enims, dated July 2013, then no development shall take place until an updated Badger Survey Report has been submitted to and approved in writing by the local planning authority. In that event, development shall be carried out in accordance with the revised details.
- 6) Notwithstanding condition no.2, no development shall take place until details of how the fencing around the site will allow continued access across the site for badgers have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 7) All works shall be carried out during daylight hours and best practice with regard to mammals shall be followed for the duration of works with any trenches covered at night and known foraging routes left unobstructed.
- 8) All site clearance and preparation works including the removal of vegetation shall be timed so as to avoid the bird nesting and breeding season and the active reptile and great crested newt season from 1 February to 1 October inclusive. Removal of the hedgerow at the southern end of the central hedge shall only take place between November and April inclusive.
- 9) No mature tree shall be removed without first having been surveyed by a suitably qualified person to determine whether bats are utilising it. Survey results, together with any necessary method statements and proposals for mitigation shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No works shall be carried out, structures erected, or materials stored, within 8m of the watercourses to the south and east of the site boundary.

- 11) The development shall be implemented in accordance with the submitted Construction Traffic Management Plan dated July 2013.
- 12) No development shall take place until details of any parking and manoeuvring areas have been submitted to and approved in writing by the local planning authority. Any parking and manoeuvring areas shall be provided in accordance with the approved details and retained for their intended purpose thereafter.
- 13) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include (a) details of the proposed tree and shrub planting including details of their species (native preferred), number, sizes and positions, together with any grass seeded and/or turfed areas; (b) details of existing trees and hedgerows to be retained, and measures for their protection in the course of the works, as well as those to be removed, including existing and proposed soil levels at the base of each tree or hedgerow and the minimum distance between their bases and the nearest excavation; and (c) a detailed timetable. Development shall be carried out in accordance with the approved details.
- 14) Any trees or plants forming part of the landscaping scheme 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.
- 15) No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 16) No development shall take place until a first stage written scheme of archaeological investigation, relating to the site, carried out by a suitably qualified individual or organisation, has been submitted to and approved in writing by the local planning authority.
- 17) No development shall take place until a programme of archaeological investigation, investigation and recording has been completed in accordance with the approved first stage written scheme of archaeological investigation.