
Appeal Decision

Hearing held on 16 July 2014

Site visit made on 16 July 2014

by Andrew Hammond MSc MA CEng MIET MRTPI

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

Decision date: 17 October 2014

Appeal Ref: APP/Y3615/A/14/2212923

Land at Eashing Farm, Eashing Lane, Godalming GU7 2QA

- 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 Solar Power South Ltd against the decision of Guildford Borough Council.
 - The application Ref 13/P/01737, dated 16 August 2013, was refused by notice dated 15 January 2014.
 - The development proposed is a solar farm, including up to 35,000 ground mounted solar panels, landscaping and associated infrastructure for a temporary period of 25 years.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is common ground between the parties that the proposed development comprises inappropriate development in the Green Belt. The National Planning Policy Framework (the Framework) states, at paragraph 87 and 88 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, substantial weight should be given to any harm to the Green Belt. '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.
3. Taking account of the above the main issue in this appeal is whether other considerations exist so as to clearly outweigh the harm by virtue of inappropriateness and any other harm, so as to justify the proposal on the basis of very special circumstances.

Reasons

4. The proposed development would comprise an array of up to 35,000 solar panels on a relatively flat site of around 14 hectare currently used as arable farmland located entirely within the Metropolitan Green Belt.
5. Although the solar panels would be limited in height, such that they would be screened in many views the proposed development would comprise substantial development where none presently exists over an area of some 14 hectares.

The concept of openness does not relate directly to visibility or visual harm but to lack of development. The solar park and associated works would therefore significantly reduce the openness of the Green Belt to its considerable detriment, adding appreciably to the substantial harm by virtue of inappropriateness.

Other Harm

6. In the Reasons for Refusal, the Council also cites adverse effect on the landscape (Area of Outstanding Natural Beauty [AONB] and Area of Great Landscape Value [AGLV]) and adverse effect on neighbouring amenity.
7. The appeal site is within a designated AGLV. Policy RE6 of the Guildford Borough Local Plan 2003 (LP) states that development within the AGLV should be consistent with the intention of protecting the distinctive character of the area. In the Council's Landscape and Character Assessment the area forms part of the Shackleford Open Greensand Hills, described as a diverse landscape, predominantly pastoral but with areas of arable farmland, woodland, heathland, golf courses, parkland, nurseries and paddocks.
8. The solar park would be visible in short and long distance views from within the AGLV. The scale of the development would have a significant adverse effect on the pastoral character of the landscape in these views, in conflict with LP Policy RE6. Whilst the proposed landscape buffer zone with additional planting would, to some extent, screen views of the built form; it would also unfavourably affect currently valued views across the open countryside.
9. Although the appeal site is not within the Surrey Hills AONB, it is only some 400m from the boundary and would be visible from within it. However, there would be no specific views into or from the AONB that individually would seriously be affected. Nevertheless the scale of the development and its proximity to the boundary of the AONB would result in it having a detrimental effect on the setting of the AONB, adding weight to the harm to the AGLV.
10. There would, therefore, be significant landscape and visual harm to be added to the harm to the Green Belt by virtue of inappropriateness and harm to openness.

Other Considerations

11. The appellant suggests that a reduction in carbon dioxide emissions of some 800 tonnes per annum is, in itself, an environmental benefit that amounts to very special circumstances which justify the inappropriate development in the Green Belt. The appellant has also identified that there are few, if any, locations where large scale solar generation could be located outside the Green Belt; and contends that a lack of alternative sites adds weight in favour of the proposed scheme.
12. The appellant draws attention to further benefits in terms of wildlife habitat creation, resting the land from arable use, farm diversification and offers of financial contributions to community projects. Whilst these amount to benefits of the scheme, they do not add appreciably to the benefits resulting from renewable energy generation.
13. There is no doubt that the proposed development would make a significant contribution to the imperative of reducing greenhouse gasses. However the

Framework, as with previous national Green Belt policy, is clear that “very special circumstances” will not exist unless the harm to the Green Belt by virtue of inappropriateness, and any other harm, is clearly outweighed by other considerations. Such other considerations do not in themselves constitute “very special circumstances” but, when put into the balance with any other considerations must clearly outweigh the harm so as to justify inappropriate development.

14. Although the Framework recognises that “very special circumstances” may include the contribution to a reduction in greenhouse gasses, this does not indicate that such a reduction, in isolation, outweighs harm by virtue of inappropriateness. In order to justify inappropriate development, all other considerations must clearly outweigh the harm to the Green Belt by virtue of inappropriateness and any other harm.
15. The appellant draws attention to a similar scheme granted planning permission (Ref. PT13/3662/F) by South Gloucestershire Council, where the Council considered that the benefits of the scheme, in terms of renewable energy generation, outweighed the identified harm, including that to the Green Belt by virtue of inappropriateness. In reaching this conclusion, the Council afforded significant weight to the benefits of renewable energy generation and the limiting constraints to developing large scale solar energy generation.
16. The full circumstances of the South Gloucestershire decision are not known. However, the weight to be attached to the harm to the Green Belt by virtue of inappropriateness is substantial, to which must be added the harm resulting from loss of openness.
17. Furthermore, since the decision in South Gloucestershire, the Government has made quite clear, as confirmed in a statement on 9 April 2014 by The Secretary of State for Communities and Local Government (Mr Eric Pickles) to the House of Commons, that the need for renewable energy does not automatically override environmental protection.

Conclusions

18. The harm by virtue of inappropriate development in the Green Belt would be substantial to which must be added significant harm resulting in loss of openness and further significant harm to the AGLV and setting of the AONB.
19. The identified benefits of the scheme, whilst considerable do not clearly outweigh the totality of harm so as to justify the development on the basis of very special circumstances.
20. For the reasons given above, and taking account of all material planning issues raised, the appeal is dismissed.

Andrew Hammond

Inspector

APPEARANCES

FOR THE APPELLANT:

Peter Grubb
Barry Burke

Smiths Gore
Solar Power South

FOR THE LOCAL PLANNING AUTHORITY:

Zac Ellwood
Matthew Parry
Cllr Tony Rooth

Guildford Borough Council
Guildford Borough Council
Guildford Borough Council