

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Anthony Borton	Installation of 40 solar panels on 5 ground mounted frames (Resubmission of application 24/00192/FUL) Crossbrook House, Dusthouse Lane, Finstall, Worcestershire, B60 3AE	06.06.2025	24/00816/FUL

Councillor Whittaker has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **REFUSED**.

Consultations

Worcestershire Highways - Bromsgrove

- No objection.

North Worcestershire Water Management

- No objection.

WRS - Noise

- No objection.

Arboricultural Officer

- It is understood that there is already a suitable main power cable installed from the house to a point approximately 130 metres from the proposed position of the panels. Therefore, there will be no influence on any trees within the formal garden area of the site. The route shown for the cable from this point across the remaining section of the formal garden area and the adjoining field does not affect any trees.
- There is a mature Beech and Oak tree standing within the field to the north of the property off to the southwestern side of the proposed position of the panels. These trees will potentially shade the panels late in the evening but not to a degree that would be anticipated to influence the viability of the panels. No objection to the proposed scheme in view of any tree or hedge related issues.

Conservation Officer

No objection.

Finstall Parish Council

No objection to the proposal as presented, as long as approval does not mean any incursion into, or reduction of, the Green Belt status.

Publicity

Site Notice posted 25.11.2024, expired 19.12.2024.
No comments received.

Cllr Whittaker

Please can you register my right to call the application in if you are minded to refuse it.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP20 Managing the Historic Environment

BDP22 Climate Change

Others

Bromsgrove High Quality Design SPD

National Planning Policy Framework (2024)

Relevant Planning History

24/00192/FUL	Installation of 40 solar panels on 5 ground mounted frames	Withdrawn	18.07.2024
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Assessment of Proposal

Site Description

The application site comprises an area of open, elevated agricultural land to the north of Crossbrook House, a large, detached house dating from 1898, constructed from brick/render under a slate roof. The house would be regarded as a non-designated Heritage Asset. The house is surrounded by a large garden which is landscaped and wooded in part. The closest public footpath would be to the west of Walnut Lane (FS-504) which would not be directly visible from the site. There appears to be an existing stable building on the opposite side of the boundary from the site and residential development at Penmanor, Finstall is located further to the north. The site is located in the Green Belt.

Proposal

The proposal relates to the installation of 40 solar panels on 5 ground mounted frames on land to the north of the dwellinghouse. The panels would be sited approximately 180m away from the house on agricultural land and would be connected via an underground cable. The total height of the panels would be 1.9m from ground level supported on metal frames approx 2sqm in area. The total area covered by the panels would extend to approx. 72sqm. The proposal would utilise a ground anchor system to fold the metal frames which are removable with no concrete required for installation. The panels would have the capacity to be manually tilted from near vertical to near horizontal positions, depending on the season and approximately 16kW would be generated. The proposal is

accompanied by a Planning Statement, House Shading Assessment, Performance Estimate (Proposed Sites in Field and Garden), and an Overarching Solar Panel Shading Map.

Principle – Green Belt

In respect of Green Belt policy, it has been established through case law that the list of exceptions for 'appropriate development' set out in policy BDP4 of the Bromsgrove District Plan (BDP) and the National Planning Policy Framework (the Framework) amounts to a closed list. Thereby, proposals not included on the list are regarded as 'prima facie' inappropriate development.

Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states that certain other forms of development are not inappropriate including engineering operations. The proposal would involve underground cabling to connect the panels to the dwellinghouse and these elements would not amount to inappropriate development and would have minimal impact on the openness of the site.

Paragraph 160 of the Framework, in relation to renewable energy installations in Green Belts, states that 'elements of renewable energy projects will comprise inappropriate development. In such cases, development will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased energy production from renewable sources. Policy BDP15 of the BDP states that the Council will support proposals that satisfy the social and economic needs of rural communities by encouraging k) Small scale renewable energy projects, excluding wind energy developments, and businesses to serve the industry with the caveat that within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances. Policy BDP22 of the Bromsgrove District Plan (BDP) supports zero or low carbon energy generation schemes when adverse impacts are addressed satisfactorily. In terms of the scale of the harm to openness, the installation would have a substantial, though localised impact, having a footprint of approximately 72sqm and a max height of 1.9m. It is noted that there is a level of enclosure on the northern boundary of the site but the array would be elevated with respect of the land to the south with some visibility from Dusthouse Lane.

The applicant has put forward the following considerations in support of the proposal:

- *Energy production* - The proposal would enable the property to function off-grid in terms of electricity requirements and would generate surplus electricity which will be fed back into the grid. (approximately 2.7kW of the 16kW generated)
- *Removal of reliance on fossil fuels* - The development, which has limited impact and if necessary is fully reversible, would allow the Applicant to remove any need to take energy from the grid, thus reducing the reliance on fossil fuels. More importantly, given the size and age of the property such a development would provide significant CO2 savings and albeit in a small part help address the Council's Climate Emergency.

- *Green Belt impact:* In terms of openness of the Green Belt and its visual impact, the development will not be a publicly visible or a prominent feature in the landscape.
- *Non-designated heritage impact* - The existing dwelling dates from 1898 and is of an age/architectural character that could be classified as a non-designated heritage asset. The insertion of solar panels across the varying roof lines and/or within its landscaped grounds, would detract from the properties historic and architectural character.
- The agricultural use of the land would continue.

The preparation of the scheme by NPES Solar has sought to identify the most viable solution to both meeting energy demands whilst minimising any impact. All options in respect of exercising permitted development rights in the curtilage have been exhausted.

Shading - The solar company (NPES Solar) have undertaken detailed assessments, as part of a 'sequential location style test', to try and establish the best possible solution, with the least amount of harm. The following locations have been considered:

- On the roof of the existing house;
- On the roof and part within the grounds of the house;
- Within the grounds of the house; and
- 3 x field locations including that of the proposed siting.

The shading assessments that accompany the application outline that the only viable and feasible option is the site as proposed, with the other sites being discounted for a number of reasons including shading. In terms of the dwelling, the roof slope orientation/roof design and numerous high chimneys means that the roof of the property is both impractical and causes far too much shading to make them viable and/or feasible (Planning Statement - Appendix 1)

The use of the Applicant's garden and in particular the area of land to the north of the main house adjacent to the woodland has been assessed (Planning Statement - Appendix 2) This siting has been discounted due to the orientation, proximity and height of the adjoining woodland. Photographs are attached at Appendix 3. There is also the visual impact and loss of the Applicants residential amenity land to consider as part of the wider impact. Whilst a hybrid solution of roof panels and ground mounted array in the garden could be considered, the visual impact and heritage harm are more than sufficient to discount such a scheme.

Officer Response

The evidence put forward by the applicant in support of the proposal has been carefully considered. The requirement to reduce carbon emissions and improve the resilience of the energy supply are relevant considerations. The Council declared a Climate Emergency in 2019 and the and the importance of seeking opportunities to facilitate renewable energy provision are matters which are accorded moderate weight in favour of the proposal. There is agreement in relation to the matters of energy production, resilience and carbon off setting as put forward by the applicant and the Council

endeavours to facilitate renewable energy generation, where possible. However, the area of dispute relates to the siting of the panels which would be located on an elevated, isolated field to the rear of the property, some 180m away. The isolated siting would have a far greater impact on the openness of the Green Belt compared with siting the panels within the grounds of the property. Crossbrook House benefits from substantial gardens and external amenity spaces ranging from vegetable gardens furthest to the west of the house to landscaped lawned areas closer to the property. There is also an area falling within the residential curtilage which is located to the north of the house which is in an elevated sunny position suitable for the proposed panels.

The reasons put forward in relation to why alternative siting locations have been discounted relate to the issue of shading and the impact of an alternative siting in respect of the character of the dwelling/curtilage.

Shading

The Shading Assessments have been considered. In terms of the alternative options, it is accepted on the basis of site observation and all available evidence that the dwellinghouse is heavily shaded with an associated impact on the potential productivity of the panels. The layout and design of the house would also require panels to be located on multiple roof slopes.

The hybrid solution of roof panels and (potentially smaller) ground mounted array in the garden has been discounted by the applicant due to shading, heritage harm and the cost of running numerous systems. However, the Shading Assessment does show that there is a south facing roof slope with good solar potential. This, combined with a position the garden further to the east as shown in the Solar Panel Location Shading Plan would be a potentially viable option and there appears to be more limited justification as to why this option was discounted.

The siting of the panels within the grounds of the house was similarly discounted due to shading, heritage impact and amenity. This solution has been carefully considered by Officers and whilst there are areas of the grounds where the level of shading would be at an unacceptable level, it is considered that the land within the grounds to the north of the house is elevated, south facing and would be a viable location. The stand of mature deciduous trees to the west of this site is noted but there would be sufficient clearance from the trees to enable a reasonable position for the panels, the layout of which could be amended to ensure efficiency.

It is agreed that the locations selected outside of the grounds are not preferred locations in planning terms and the impact of the siting to the east of the site from Dusthouse Lane would be considerable. In terms of heritage impact, whilst it should be noted that the dwelling would be regarded as a Non Designated Heritage Asset (NDNA), this would not remove permitted development rights in relation to the siting of panels on the roof or within the grounds of the dwelling. Officers consider that siting the panels within the grounds to the north of the dwelling would have limited impact upon its character and architectural interest.

In summary, renewable energy generation is supported in principle. However, in this case, it is not considered that there is sufficient justification for the siting of the panels within the Green Belt, a considerable distance from the house. The issues of shading and

character put forward have been carefully considered and would not collectively rule out a siting closer to the dwellinghouse. In balancing the benefits of renewable energy generation in this case, the domestic benefits and modest contribution to the national grid are not considered to outweigh the identified harm to the Green Belt arising from the siting of the panels.

Ecology

The application is accompanied by a small sites Biodiversity Net Gain Matrix, a plan showing on-site habitat and a proposed BNG Plan, which demonstrates that the statutory 10% enhancement is achievable through grassland enhancement/wildflower planting within an area to the east of the application site on land within the ownership of the applicant.

Other matters

There are no objections from Worcestershire Highways, the Councils Conservation Officer, Tree Officer or North Worcestershire Water Management. Finstall Parish Council have stated that no objection to the proposal as presented, as long as approval does not mean any incursion into, or reduction of, the Green Belt status. The matter of incursion into the Green Belt has been covered above in some detail and the matter has been fully taken into account in the assessment.

RECOMMENDATION: That planning permission be **REFUSED**.

The proposed solar array, by virtue of its position, would have a detrimental Impact on the openness and purposes of the Green Belt. The information put forward is insufficient to demonstrate that an alternative, less intrusive siting within the domestic curtilage would not be feasible. Thereby, the proposal amounts to inappropriate development, which is, by definition harmful and should only be approved in very special circumstances. No very special circumstances have been put forward or exist to outweigh the harm caused. Thereby, the proposal would be contrary to policy BDP4 of the Bromsgrove District Plan (2017) and paragraph 160 of the NPPF.

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