
Appeal Decision

Site visit made on 1 July 2014

by Philip Major BA (Hons) DipTP MRTPI

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

Decision date: 4 August 2014

Appeal Ref: APP/D0121/A/13/2208198

Land off Accomodation Road, Bleadon, Somerset BS24 0AP.

- 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 Energi PLC against the decision of North Somerset Council.
 - The application Ref: 13/P/0854/F2, dated 17 April 2013, was refused by notice dated 21 August 2013.
 - The development proposed is a solar photovoltaic (PV) array and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant has indicated that there was an error in the statement of case submitted in November 2013 and that the number of panels proposed is some 32,000, and not 36,400. I have considered the appeal on that basis.
3. A slightly revised scheme was submitted at appeal stage. This alters the layout and configuration of the proposals to a degree, including further landscaping. However, that is not the scheme on which the Council made its decision, and in fairness to the Council and local residents I have considered the appeal on the basis of the original plans. The Appellant also suggests that other amendments would be possible, but this appeal is not an appropriate forum for the consideration of potential changes to the scheme.

Main Issues

4. The main issues in the appeal are:
 - (a) The impact of the proposed development on the character and appearance of the surrounding landscape;
 - (b) The impact of the proposed development on the living conditions of local residents;
 - (c) Whether any identified negative impacts are outweighed by the benefits of the proposal.

Policy Background

5. The development plan includes the North Somerset Council Core Strategy (CS) of 2012, and saved policies of the North Somerset Replacement Local Plan (RLP). In the former, Policy CS5 seeks to ensure (amongst other things) that

the character of the landscape will be protected. In a similar vein Policy CS12 requires that proposals of all scales will be required to demonstrate sensitivity to the existing local character already established in an area. In the RLP Policy ECH/15 deals with the coastal zone on which the site sits. It seeks to ensure that in considering development proposals account will be taken of the likely impact on the coastal environment. There is no specific policy of the development plan brought to my attention which deals with developments of this nature. As such the development plan can be considered to be silent on this point.

6. The National Planning Policy Framework (NPPF) is supportive of renewable energy development and advises that development should be permitted if its impacts are (or can be made) acceptable. Where the development plan is silent (as here in relation to solar farms) it advises that planning permission should be granted for sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Further guidance is provided in Planning Practice Guidance (PPG) of March 2014 which has replaced Planning Practice Guidance for Renewable and Low Carbon Energy (2013) referred to by the Appellant (though not changing the guidance to any material degree in relation to this case). The underlying theme is that renewable energy is to be welcomed if its impacts are acceptable, or can be made so. This is a consistent message of government guidance.
7. The Council has introduced a Supplementary Planning Document (SPD) on solar voltaic arrays dated November 2012. This document has been the subject of consultation and carries significant weight. It recognises the importance of renewable energy. Amongst the key significant impacts identified are landscape and visual impacts. One of the matters it raises is that it should not be possible to obtain extensive views of selected sites from sensitive public vantage points. I have also been referred to the North Somerset Sites and Policies Plan. This is an emerging plan and carries little weight at present.

Reasons

Character and Appearance

8. The appeal site is within the coastal zone between the Mendips and the sea. It carries no national or statutory designations and is Grade 3 agricultural land. In the North Somerset Landscape Character Assessment it is within the area known as the Bleadon Moor landscape character area. It lies adjacent to the Mendip Ridge landscape character area.
9. Bleadon Moor landscape is characterised by its flat low lying rural nature, with relatively large scale fields predominantly bounded by hedgerows. It has a network of lanes, dykes and ditches, and some minor intrusion from long established commercial enterprises. There are scattered pockets of dwellings and farms. The rising land of the Mendips is a notable feature to the north and east.
10. The character of the site as an integral part of Bleadon Moor is apparent from 2 particular vantage points. These are Purn Hill immediately to the north-east, and Uphill, to the north-west. The elevated viewpoints set the site in context for the viewer. The fields in which the PV panels would be installed currently

nestle as part of the wider flat coastal zone and are wholly integrated within its established character. But the panels themselves would mark an important departure from that which exists.

11. A significant area of land would cease to be seen as agricultural in character and therefore would cease to contribute in that way to the character of the whole coastal zone. In its place would be serried ranks of dark and regular structures. These would be perceived as man made and alien to the existing characteristics which define Bleadon Moor. The almost industrial nature of the development would be at odds with the otherwise rural character and would be harmful to it. Although Bleadon Moor can be assessed as having a low to moderate sensitivity to change overall, the proposal is in a localised area which has greater sensitivity because of its location adjacent to higher ground. I assess that the development proposed would introduce a significant and harmful change. The character of the area would therefore be adversely affected by the proposal. It may be that other parts of Bleadon Moor may be suited to this type of development (that is a matter for others to assess in the light of any proposals coming forward) but this site has drawbacks because of its particular location.
12. Purn Hill gives the clearest public views into the site. These are available from the permissive footpath which runs across the hill. This is an important and valued local resource and the fact that there are areas where the appeal site is obscured by vegetation is of limited importance. Much of the pleasure of using the path is to enjoy the outward vistas. Those using Purn Hill will almost certainly only be there for the purposes of recreation or to enjoy its status as a Site of Special Scientific Interest. Those people (or receptors) can be rightly classified as having the highest level of sensitivity to any change. The change that would be observed would be marked.
13. Visual appreciation of the landscape as seen from Purn Hill would be seriously compromised. The eye would be drawn to the ranks of the PV array in the foreground, and the essence of the view across relatively unspoilt rural land would be harmed. I recognise that there are already some visual detractors in this view, but nothing of a scale such as that proposed. I consider that the visual impact of the scheme would be harmful and adverse, and of significant magnitude.
14. The effect from Uphill would be reduced by distance, but it would still be possible to see the development as a dark shape in the landscape, with a different colour and texture to that which exists. Although at a lower level than Purn Hill, there would still be some visual harm from this viewpoint.
15. I noted at my site inspection that views into the site from locations on Bleadon Moor itself are restricted. The site is bounded by hedgerows for the most part and any glimpses of the solar panels and other equipment from the surrounding low lying land would be quite fleeting. I also acknowledge that the proposed development would be intended to include supplemental planting to further limit impact. I do not consider that there would be unacceptably harmful impacts from these locations.
16. However, because of the elevated nature of nearby land open to the public I am satisfied that the proposal would introduce an unacceptably harmful intrusion into, and dilution of, the character of the landscape. It would also have an unacceptably harmful impact on the appearance and visual

appreciation of the landscape. In my judgement the impact could not be satisfactorily mitigated by additional planting and it would therefore remain for the life of the development. As a result there is conflict with CS Policies CS5 and CS12, and with RLP Policy ECH/15. There is also conflict with the objectives identified in the Council's SPD on solar voltaic arrays.

Living Conditions

17. I was able to see at my site inspection that there are clear views from a number of residential properties over the land which would be occupied by the solar farm. These range from unrestricted views over the whole extent of the development to more restricted and partial views. Some are primarily available from gardens, whilst others are from principal habitable rooms.
18. It is a well accepted tenet of planning that there is no right to a view, and the simple fact of being able to see something which is objectionable to a viewer located on private land does not mean that permission should be denied. The crucial judgement is whether the proposed development would have such a dominating and overbearing influence that it would make a property such an unpleasant and unsatisfactory place to live that it would not be in the public interest to allow the development to proceed.
19. In this case the solar farm would be some distance from most of the dwellings (South Lodge on Toll Road would be one of the closest but would only see part of the development) and would be below the majority of them. The solar array would be prominent in views, but the remainder of the vista currently enjoyed, to Uphill, the sea, and to the south, would remain unchanged. I recognise the reservations expressed by local residents, but I cannot logically reach the threshold that any of the properties would be dominated by the array to the extent that there would be an unpleasant overbearing impact. In my judgement such an impact would not occur, albeit that some views from property would be altered significantly.
20. In addition, the dwellings concerned are mainly to the north and north-east of the appeal site. As such, the probability of glare or glint being a significant factor in any impact on the dwellings is slight. I do not accept that this would be a factor which should weigh against the proposal.
21. Taking these matters together I am satisfied that the proposed development would not be unacceptably harmful to the living conditions of local residents.

The Benefits of the Proposal and the Planning Balance

22. There is strong support for renewable energy and the UK is committed to reducing CO₂ emissions. In this the proposal has the 'in principle' support of the NPPF and PPG. The UK Solar PV Roadmap of October 2013 and other government publications are material considerations which add weight to the case in favour of the proposal. So too is the fact that the development is estimated to produce sufficient power for about 2000 homes, and would reduce CO₂ emissions by an estimated 3533 tonnes per annum.
23. The fact that the site can be decommissioned and the land returned to its former state is not to be ignored either. That said, a development of this type would be likely to be in place for at least a generation or so, along with its impacts. Additionally, the land is not of the highest quality, and it could be used for grazing even with the array in place.

24. The support for renewable energy is generally caveated by the need for siting to be appropriate and impacts to be acceptable or capable of being made so. As I have noted above, the impacts in this case are unlikely to be capable of being mitigated to any material degree.
25. I therefore summarise the planning balance here. First, there would be moderate to significant harm to the character of the Bleadon Moor landscape character area. Secondly, there would be significant harm to the appearance and visual appreciation of the area. There is resultant conflict with policies of the development plan. These matters carry significant weight against the proposal. Thirdly, there would be benefits accruing from the production of renewable energy, and fourthly those benefits would also include a reduction in greenhouse gas emissions.
26. This is case where the scales, in my judgement, tip against the development. Despite acknowledged benefits I consider that the harm I have identified is too great on this site. National policy advises that renewable energy should be located where impacts are, or can be made, acceptable. That has not been shown to be the case here and hence the proposal cannot be said to be sustainable when assessed against the NPPF as a whole. It reaches the level of harm which is sufficient to outweigh the benefits and meet the 'test' as described in paragraph 14 of the NPPF – it would be significant and demonstrable.

Other Matters

27. Other matters raised during the appeal have been considered in the submitted Environmental Statement, assessed by the Council, and not contested. I am satisfied that a solar PV array would be acceptable in principle here in relation to matters of ecology and highway safety. It is also unlikely that there would be any material impact on tourism in the locality. Although construction would involve some noise I do not find that it would be likely to have any harmful effect on the area or local residents, and hours of construction could be controlled by condition. Similarly there is little risk of light pollution, which could also be controlled by condition. I am also satisfied that there would be no material impact upon the Mendip Hills Area of Outstanding Natural Beauty which lies to the east. In reaching my final view on this appeal I have had regard to all representations made, and to the correspondence from John Penrose MP. None of these other matters alters the balance of my considerations.
28. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR