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# Appeal Decision

Site visit made on 24 May 2016

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 30 August 2016**

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**Appeal Ref: APP/D3315/W/16/3142598**

**Pixford Fruit Farm, Raleighs Cross Road, Combe Florey, Taunton TA4 3HS**

- 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 Blackstock Farms Ltd against the decision of Taunton Deane Borough Council.
  - The application Ref 02/15/0006, dated 19 June 2015, was refused by notice dated 1 December 2015.
  - The development proposed is a solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including transformer cabins, sub station buildings, access tracks, fencing and CCTV.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the rural landscape of the area. This analysis needs to take place in light of any benefits the proposal might bring forward.

## Reasons

### *The Policy Background*

3. An objective of Policy CP1 of the Adopted Core Strategy 2011-2028 (CS) is that development proposals should result in a sustainable environment. It states that proposals for renewable and low carbon sources of energy will be considered favourably provided that the scale, form, design, materials and cumulative impacts of the scheme can be satisfactorily assimilated into the landscape and that harm would not be caused to the character of the area; that the impact on the local community, economy, nature conservation and historic interests does not outweigh the economic and wider environmental benefits of the proposal, and that provision is made for the removal of the facilities and reinstatement of the site should the development cease to be operational.
4. Although not referred to within the Council's decision notice, the appellant has drawn my attention to a number of other policies<sup>1</sup> which they consider are relevant to the proposal. The underlying objective of these policies is the

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<sup>1</sup> COR2, COR5, SD1, DM1, DM2, DM5, CP8 of the Core Strategy

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- presumption in favour of sustainable development, with protection given to wildlife and heritage interests and public health and safety.
5. The policies referred to by both parties broadly reflect the National Planning Policy Framework's (the Framework) general approach as set out in its core planning principles. In particular, the account that should be taken of the different roles and character of different areas; the recognition of the intrinsic character and beauty of the countryside; the support given to the transition to a low carbon future; the securing of a good standard of amenity for all existing and future occupants of land and buildings; and the conservation and enhancement of the natural environment. Paragraph 93 of the Framework states that planning plays a key role in, amongst other matters, supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
  6. The Planning Practice Guidance (PPG) provides further guidance in respect of solar farms, advising that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, it continues that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
  7. Ministerial letters (ML) dated 1 November 2013 and 22 April 2014 support renewable energy technologies and recognise that such technologies, including solar PV will help the United Kingdom (UK) to meet its renewable energy targets. The UK Solar Strategy Part 2: Delivering a Brighter Future (April 2014) sets out advice in relation to large scale ground mounted solar PV farms and suggests that local planning authorities will need to consider, amongst other things, to focus such development on previously developed and non-agricultural land, provided it is not of high environmental value. Where the site is greenfield land, poorer quality land should be utilised in preference to higher quality land. The proposal should allow for the continued agricultural use of the land and/or encourage biodiversity improvements around arrays. The Strategy also states that the visual effect of the proposal should be considered.

#### *Landscape Impact*

8. The appeal site comprises a gently sloping agricultural field of approximately 6.8 hectares. It is largely enclosed by mature hedgerows and trees. The proposal seeks the installation of photovoltaic panels laid out in arrays across approximately 30% of the site. The panels would be fixed with a maximum height above ground level of approximately 2.4 metres. There would also be associated equipment, including inverters and transformers, equipment housing, internal tracks, security fencing and security cameras.
9. There is no dispute between the main parties that the site has no national landscape designation. The Quantock Hills Area of Outstanding Natural Beauty (AONB) lies to the north east of the appeal site at a distance of approximately 2.2 kilometres; the Exmoor National Park lies to the north-west, at a distance of approximately 7.2 kilometres.
10. The appeal site is located within the Vale of Taunton and Quantock Fringes national character area (146). At a local level, it is within the Taunton Deane Landscape Character Assessment Area Type 3A – Quantock Fringes and West

Vale Landscape Character Area. This is a landscape with an undulating, rolling topography, characterised by agricultural farmland of medium to large regular fields, surrounded by mature hedgerows, linear trees belts, mature trees, small copses and woodlands. The farmland is interspersed with settlements – from larger villages to hamlets and individual farms. Roads within the area are generally minor and are often sunken. These assessments largely reflect the observations I made on my site visit.

11. The appeal site is gently sloping from the north-west to south-east. A pond, surrounded by mature trees is situated towards the south-eastern section of the site. There are agricultural buildings located to the south-east of the appeal site. The surrounding area is well served by public footpaths, some of which I walked on my accompanied site visit. The Quantock Hills form a prominent backdrop to the appeal site to the north-east.
12. From Lydeard Hill and from Cothelstone Hill which are within the AONB, the appeal proposal would be visible. However, this would be at a distance and whilst the proposal would change the colour of the fields within which it would be sited to a greyish blue, the site would be small in the wider panorama. From these vantage points, I find that the scheme would successfully integrate into the surrounding landscape. The scheme's impact on views from the AONB would not be significant.
13. The Council and AONB Service are concerned about the cumulative impact of the scheme with other solar schemes in the locality, particularly with regards to views looking towards and from the Quantock Hills. This issue is assessed in the appellant's Landscape and Visual Impact Assessment (LVIA). A total of 15 operational and consented schemes were identified within the study area, with the closest operational scheme being at Sandhill Park, 0.7 kilometres from the appeal site and the furthest away on land to the south of Sandy Moor Road at 6.9 kilometres distant.
14. From viewpoint 7 on Cothelstone Hill, 5 of the consented schemes are indicated. However, whilst I acknowledge that my site visit was made when there were leaves on the trees, I was unable to identify the individual schemes within the valley below the hill. The combination of distance, the undulating landscape and mature vegetation resulted in these schemes not being viewed together. The impact of the consented schemes would be likely to be greater in the winter months, however given the scale of the schemes and the intervening distance, it is unlikely that the schemes would be perceived together. In light of this, I find that the cumulative effect of the proposal with other schemes in the area would not be harmful to the setting of the AONB or landscape character of the area. The views from the Quantock Hills would continue to be dominated by a network of fields and vegetation, as opposed to being dominated by solar schemes.
15. However, the introduction of solar arrays, along with ancillary structures and high fencing would undoubtedly change the open, undeveloped character of the appeal site from a predominantly undeveloped pastoral landscape to one incorporating man made structures that are not characteristic of the area. This would be particularly apparent from the network of public rights of way in the area particularly those closest to the site, including those adjoining the site to the north, east and south, and from the footpath leading to Ash Wood.

16. At present the views from these public rights of way are across open, undulating fields, enclosed by hedgerows, comprising an attractive, largely unspoilt landscape. The proposed development, with a close presence of solar panels beyond a security fence, would alienate the foreground landscape from its surroundings with the constituent elements having a highly intrusive presence from these footpaths.
17. I note that the appellant proposes to plant a new native hedge along the eastern and northern boundary of the site, which would ultimately reduce the scheme's impact on the footpath to the east and north of the site. However, this would take some time to mature and form an effective screen to the development. In the short term, the solar arrays would be prominent in view to users of these footpaths.
18. Although unlikely to be viewed in its entirety, parts of the scheme would be visible at a medium range from footpaths further away from the appeal site, particularly those that are elevated relative to the appeal site. The scheme would be an alien intrusion in the landscape, particularly when viewed from the footpath to the south of the site (viewpoint No 2 of the appellant's Zone of Theoretical Visibility Figure 7) and from the path leading to Ash Wood. The management of the hedgerow at a height of 3 metres and the proposed landscaping upon the site would not allow the elevated parts of the scheme to be successfully assimilated into the landscape when viewed from these routes. The scheme would have an industrialising effect upon this attractive area of countryside. As such there would be conflict with CS Policy CP1.
19. The appellant has drawn my attention to a solar scheme at Lethbridge Park where the Council considered that the relationship of the scheme was acceptable with public footpaths in the locality. I do not have detailed drawings of this scheme or the particular circumstances of that case. As such I am unable to ascertain if it is directly comparable to that before me. I am therefore only able to attach limited weight to it in my overall Decision. In any event, each planning application and appeal must be determined on its individual merits, and this is the approach that I have adopted.
20. I note that the appellant concludes that the overall visual impact of the scheme would have a neutral impact on the landscape character of the area. However, for the reasons given, I do not agree with this assessment. Whilst the impact of the proposed development would be localised, I find that significant harm would be caused to the character and appearance of the landscape within the vicinity of the appeal site, and as a consequence its enjoyment by users of the affected public rights of way. This landscape harm brings the scheme into conflict with CS Policy CP1; and the landscape and natural environment objectives of CS Policies DM1 and CP8. There would also be conflict with the character and natural environment core planning principles of the Framework.

#### *Benefits of the Proposal*

21. A core planning principle of the Framework is to support the transition to a low carbon future in a changing climate, and amongst other things, encourage the reuse of existing resources and encourage the use of renewable resources, including the development of renewable energy. Paragraph 98 of the Framework recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and the Framework advises

that applications should be approved<sup>2</sup> if their impacts are (or can be made) acceptable. The support that CS Policy CP1 gives to renewable and low carbon sources of energy generation is consistent with the Framework in this respect.

22. In this context, the renewable energy generating potential of the proposal would be in the region of 5 megawatts, which is sufficient to provide electricity for up to 1,525 dwellings. This is a matter that attracts considerable weight in favour of the proposal.
23. Furthermore, the proposal would have economic benefits and would assist with rural diversification. This accords with the Framework, which advises that planning policies should support economic growth in rural areas through the development and diversification of agricultural and other land-based businesses. Jobs would be created both directly and indirectly as a result of the proposal.
24. Social benefits of the proposal include the supply of local electricity to the local grid, supplying local homes and businesses. The proposal would also make a contribution to the UK's energy security and assist in helping to meet its renewable energy targets.
25. The site would not be lost to agriculture; seasonal grazing is proposed and the temporary nature of the proposal (25 years) would allow the site to be used for agriculture once the scheme was removed from the site. The new landscaping and seeding of the site with a native wildflower and grass seed mix would be likely to have biodiversity benefits and this matter weighs in the scheme's favour. These environmental benefits attract moderate weight.

### **Conclusion**

26. The proposal would bring considerable benefits in terms of the generation of renewable energy and it would assist in agricultural diversification. However, even though the proposal is expected to have a life span of 25 years, and is largely reversible, in my judgement, the benefits of the scheme would be outweighed by the significant adverse impact that would result in landscape terms. These impacts are not acceptable and on the basis of the evidence before me, cannot be made acceptable. The planning officer's support for the scheme is not good reason to allow a scheme that would cause harm to the landscape character of the area, in conflict with local and national planning policies.
27. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*R C Kirby*

INSPECTOR

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<sup>2</sup> Unless material considerations indicate otherwise