

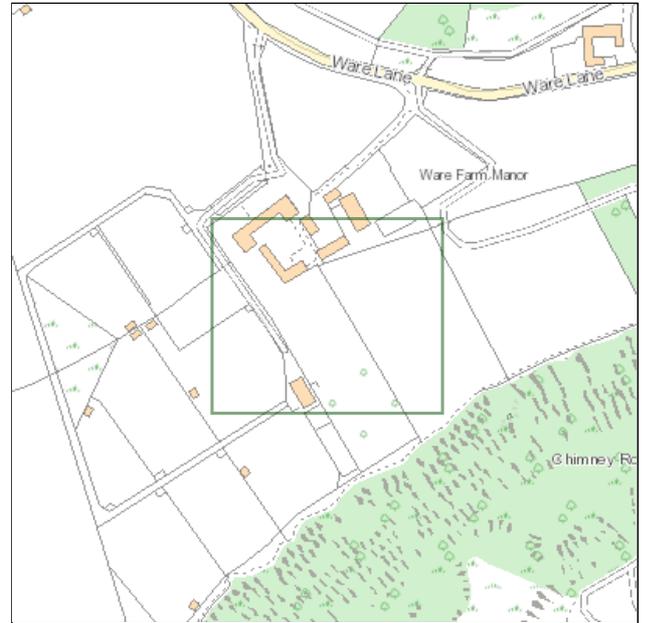
**Ward** Trinity

**Reference** 22/1590/FUL

**Applicant** Mr Ian Thomas

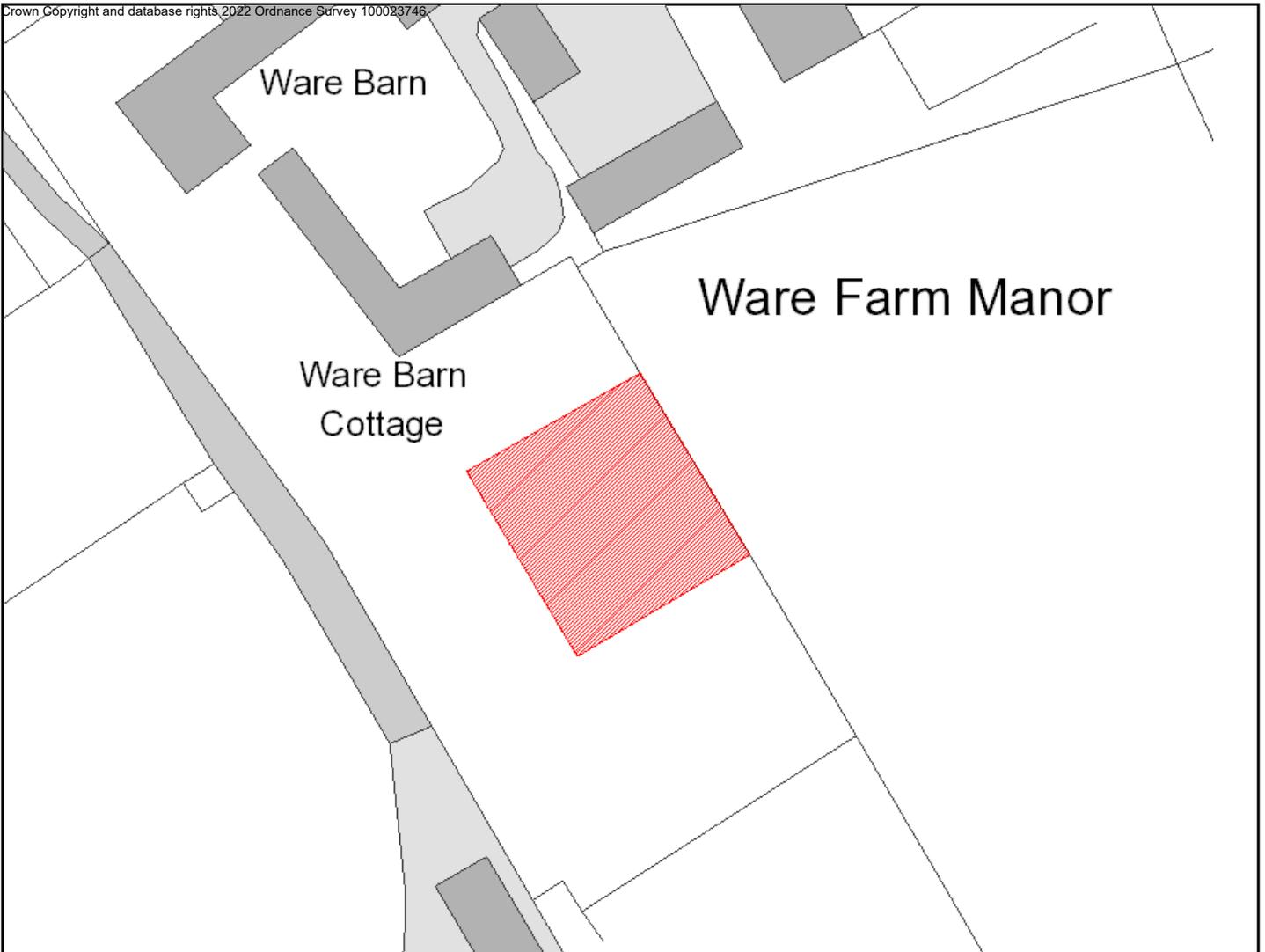
**Location** Ware Barn Ware Lyme Regis DT7 3RH

**Proposal** Installation of 36 ground mounted PV solar panels.



**RECOMMENDATION: Approval with conditions**

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|                         |   |                                   |              |
|-------------------------|---|-----------------------------------|--------------|
|                         |   | <b>Committee Date: 25.10.2022</b> |              |
| <b>Trinity (Uplyme)</b> | <b>22/1590/FUL</b>  | <b>Target</b>                     | <b>Date:</b> |
|                         |   | <b>15.09.2022</b>                 |              |
| <b>Applicant:</b>       | <b>Mr Ian Thomas</b>                                      |                                   |              |
| <b>Location:</b>        | <b>Ware Barn Ware Lyme Regis</b>                          |                                   |              |
| <b>Proposal:</b>        | <b>Installation of 36 ground mounted PV solar panels.</b> |                                   |              |

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is referred to the Planning Committee as the applicant is the Chairman of the Council.**

**The proposal involves the installation of 36 ground mounted photovoltaic (p.v.) solar panels, in the form of six arrays - each comprising two rows of three panels - arranged in two parallel, but slightly offset, rows.**

**The site for the installation comprises a paddock to the south of Ware Barn, a residential property located in open countryside within the East Devon AONB and the Coastal Preservation Area (CPA) close to the District, and County, boundary.**

**National guidance, in the form of the NPPF, and Local and Neighbourhood Plan policy is essentially supportive of the development of renewable and low carbon energy infrastructure projects subject to various criteria. Principal among these is the need to avoid any adverse landscape visual impact, particularly in this case given the highest status of protection that is afforded by the National Planning Policy Framework to AONBs in relation to the conservation and enhancement of their landscape and scenic beauty and the great weight that is required to be given to this objective in the control of development in such areas.**

**In this case, the arrays would be of modest height at 1.9 metres. Furthermore, the site is well screened from both public and private vantage by a combination of its hilltop plateau location and the presence of established hedges along significant lengths of the boundary of the paddock in which it is located. It is not therefore considered that the rural landscape character or landscape and scenic beauty of the AONB or the undeveloped/open status of the CPA would be harmed as a result of the proposed development. Moreover, it would not cause any adverse effects upon the living conditions of the occupiers of two residential**

properties adjacent/near to the site that form part of the small complex of which Ware Barn forms part.

Alternative options, in the form of roof-mounted panels on either the main dwelling, an ancillary outbuilding nearby and a barn on the applicant's holding have been considered and discounted owing to the likely greater visual impact that would arise from such an installation along with the age, and therefore concerns regarding the structural integrity, of the first two and the distance of the latter from the main dwelling.

Approval is therefore recommended subject to conditions requiring the removal of the installation if inoperative for a period of six months, in line with the relevant local and neighbourhood plan policy requirements, and compliance with the construction/method statement for the installation provided by the applicant.

## **CONSULTATIONS**

### **Local Consultations**

Trinity - Cllr Ian Thomas

To confirm, I shall not be commenting on this application as I am the applicant.

### **Technical Consultations**

Devon County Highway Authority

Observations:

Solar panels tend to require minimal maintenance once constructed and therefore a low trip generation especially at this proposed number. I would recommend the provision of a Construction and Environment Management plan (CEMP) in order to reduce the impact upon the local highway network during construction.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the

- development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.

#### Other Representations

No representations regarding the application proposal have been received from any interested third parties.

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

#### Made Uplyme Neighbourhood Plan 2017-2031 Policies

UEN8 (Renewable Energy)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

### **ANALYSIS**

#### Relevant Planning History

There is no previous history relating to the site that is material to consideration of the current application proposal.

#### Site Location and Description

Ware Barn is a detached residential property located in open countryside approximately 270 metres south east of Ware Cross (the junction of Ware Lane and

Gore Lane with the A3052) within the designated East Devon Area of Outstanding Natural Beauty (AONB) and Coastal Preservation Area (CPA).

The property, which occupies a position at the end of a private driveway (shared with two neighbouring properties to the east - Ware Farm Manor and The Milking Parlour) off Ware Lane, is set within a land holding on a hilltop plateau. The holding includes Ware Barn Cottage, to the south of Ware Barn which has permission for a flexible use for holiday letting accommodation, ancillary accommodation to the main dwelling and/or as an occasional training facility. It also includes an open grass paddock, to the south east of the main dwelling complex, bordered to the east, north and west (both in part) by established hedges and to the south by a post and wire fence. The site comprises a portion of land approximately 0.05 hectares in area within this paddock.

A single storey vertical timber boarded barn incorporating corrugated roof sheeting, forming part of the applicant's holding and used for agricultural purposes, is positioned just outside the site to the south west.

#### Proposed Development

The application proposal relates to the installation of 36 ground mounted photovoltaic (p.v.) solar panels within the site.

These would be arranged in six arrays, each containing six panels and of two panel rows' in height. The arrays themselves would be laid out in two rows with three arrays in each. Each array would measure 5.4 metres in width by a maximum height of 1.9 metres and be tilted at around 60 degrees above the horizontal. However, they would be capable of being tilted so as to enable adjustments to be made to their angle to best maximise the sunlight available across the seasons. The supporting framework would itself be 1.2 metres in width.

Both rows of arrays would be south-facing and installed parallel with one another, albeit with one row slightly offset from the other.

The development would be intended to meet the energy requirements of both Ware Barn and Ware Barn Cottage. Both properties currently have an independent grid connection.

#### Considerations/Assessment

The overarching approach taken in the National Planning Policy Framework (NPPF) towards renewable/low carbon energy infrastructure development is that "the Planning system should support the transition to a low carbon future in a changing climate" (para. 152) and therefore the development required to enable it.

Para. 153 requires that "plans should take a proactive approach to mitigating and adapting to climate change" while, more specifically, para. 154 states that new development should be planned for in ways that, among other things, "can help to reduce greenhouse gas emissions, such as through its location, orientation and design."

Para. 155 further expands upon this by requiring that, in order to help increase the use and supply of renewable and low carbon energy and heat, plans should, among other things, "provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)."

Para. 157 and 158 require that, in the determination of planning applications, authorities should, among other criteria, expect new development to: "take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption", "not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions" and "approve the application if its impacts are (or can be made) acceptable."

This national guidance is developed through the provisions of Strategy 39 (Renewable and Low Carbon Energy Projects) of the adopted Local Plan and Policy UEN8 (Renewable Energy) of the made Uplyme Neighbourhood Plan. These are supportive of renewable or low carbon energy projects in either domestic, community or commercial development subject, among other criteria, to any adverse impacts upon features of environmental sensitivity being satisfactorily addressed. Local Plan Strategy 39 requires applicants to demonstrate that they have taken appropriate steps in considering the options available in relation to the location, scale and design for, first, avoiding harm and then reducing and mitigating any unavoidable harm so as to ensure an acceptable balance between harm and benefit. Neighbourhood Plan Policy UEN8 applies criteria, again among others, that require that the siting and scale of renewable energy development is appropriate to its setting and position in the wider landscape and avoid creating an unacceptable impact on the amenities of local residents.

However, these policy provisions need to be balanced in this case against the AONB location of the site and the weight that is given, via para. 176 of the NPPF and Local Plan Strategy 46 (Landscape Conservation and Enhancement and AONBs), to both the conservation and enhancement of its landscape and scenic beauty and the highest status of protection that is conferred upon it in relation to these issues.

The provisions of Local Plan Strategy 44 (Undeveloped Coast and Coastal Preservation Area) also apply. These preclude any development that would damage the undeveloped/open status of the CPA, which is defined on the basis of visual openness and views to and from the sea.

In this case, the site, as stated, occupies a largely level hilltop plateau location within the AONB landscape from which both inward and outward wider views towards and from it are extremely limited. Furthermore, it is largely screened from a nearby public footpath (no. 3) that connects Ware Lane with the Coastal Footpath alongside the eastern boundary of the neighbouring field to the east of the paddock by the established hedge planting referred to above.

Indeed, this screening also mitigates against any impacts arising from close range private view from both Ware Barn and Ware Barn Cottage, as well as from Ware Farm Manor and The Milking Parlour.

As such, taken together with the relatively modest height of the arrays themselves, it is not considered that they would result in any adverse or detrimental impact upon the rural landscape character or landscape or scenic beauty of the surrounding AONB or any harmful effects upon the living conditions of the occupiers of Ware Farm Manor. The hedge screening around parts of the site boundary is both tall and thick enough as to prevent any harm to the landscape or to the amenities of nearby occupiers.

Equally, whilst likely to result in a degree of impact upon the openness of the CPA, in the wider balance of material considerations in this case, having regard to the absence of any visual impact upon the landscape (referenced above) and/or views to or from the coast together with the reversible nature of the development, it is not thought that objection to the proposal on the grounds that it would conflict with the provisions of Strategy 44 could reasonably be justified.

There is evidence from the design and access statement that forms part of the submission that alternative options, involving the installation of the p.v. solar panels on the roofs of either Ware Barn and/or Ware Barn Cottage and/or the barn, has been considered. However, the statement providing this contends that the roofs of both Ware Barn and Ware Barn Cottage are not of modern construction and, as such, they may lack the structural integrity to accommodate the loads associated with roof-mounted panels. It is also thought that a roof-mounted installation would result in a more harmful visual impact upon the landscape.

Moreover, the roof of the barn has been discounted as an alternative option owing to the poor orientation of the roof, the shading from trees to the south and the distance from the recognised curtilage attached to Ware Barn. Indeed, it is contended that the siting of the development would be as close to the curtilage as could reasonably be achieved.

In the circumstances therefore, and drawing together the above issues, it is considered that the proposed development would be acceptable.

The recommendation from the Highway Authority that a condition be attached to any permission granted requiring the submission for approval of a construction and environment management plan (CEMP) is noted. However, given the comparatively modest scale of the development, it is not considered that the installation process would give rise to the highway impacts that are anticipated.

Indeed, by way of an addendum to the design and access statement, the applicant has provided a response to the Highway Authority's comments that sets out, in essence, a form of method statement for the installation. Its principal points are that: delivery of the panels and mounting frames would only require light vehicle and trailer access; extensive, mud-free parking and unloading is available off road adjacent to the site with no requirement to park vehicles on or near the highway for loading or unloading purposes; the nature of the project construction - in terms of the

pre-assembled form of the mounting frames - is straightforward; the duration of works to carry out the installation is anticipated to be short and the connection and commissioning of the installation can be carried out by an electrician. The works therefore require only light van access, and work can be carried out during normal construction site working hours with no road closure required or any effect upon neighbouring property.

In the light of this information, it is accepted that there is no requirement for the CEMP recommended by the Highway Authority.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. In the event that the solar panels hereby permitted become inoperative for a period of six months they shall be removed, together with any associated equipment, and the field restored to its former condition, unless otherwise agreed in writing with the Local Planning Authority.  
(Reason - In the interests of the visual amenity of the site and the character and appearance of the AONB in accordance with Strategy 39 (Renewable and Low Carbon Energy Projects) of the adopted East Devon Local Plan 2013-2031 and Policy UEN8 (Renewable Energy) of the made Uplyme Neighbourhood Plan 2017-2031.)
4. The development hereby permitted shall be carried out in accordance with the details for the installation of the solar panels/arrays set out in the appendix to the design and access statement dated 19th August 2022 prepared by the applicant.  
(Reason - In the interests of ensuring that adequate facilities are available for construction and other traffic attracted to the site in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the adopted East Devon Local Plan 2013-2031.)

## NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

|               |                    |          |
|---------------|--------------------|----------|
|               | Location Plan      | 21.07.22 |
|               | Proposed Site Plan | 21.07.22 |
| East & West   | Proposed Elevation | 19.07.22 |
| North & South | Proposed Elevation | 19.07.22 |

List of Background Papers

Application file, consultations and policy documents referred to in the report.