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## Appeal Decision

Site visit made on 31 March 2015

**by Phillip J G Ware BSc DipTP MRTPI**

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

**Decision date: 21 July 2015**

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**Appeal Ref: APP/E2530/A/14/2223485**

**Highfield Farm, West Willoughby, Grantham NG32 3SJ**

- 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 Mr and Mrs Dennis Sharpe against the decision of South Kesteven District Council.
  - The application Ref S14/0731/EIAFP, dated 11 March 2014, was refused by notice dated 19 June 2014.
  - The development proposed is the "installation of ground-mounted solar photovoltaic plant and equipment producing grid-connected clean electricity from a multifunctional, landscaped site".
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### Procedural matters

1. After the site visit took place, both parties were asked for their views on the Written Ministerial Statement (the 2015 WMS) entitled "*Planning Update*". Amongst other matters this dealt with solar energy proposals. The responses from the parties have been taken into account.
2. At the site visit it became clear that I did not have a complete set of the plans of the scheme. The appellant subsequently provided a full set.

### Decision

3. The appeal is dismissed.

### Application for costs

4. An application for costs was made by Mr and Mrs Dennis Sharpe against South Kesteven District Council. This application is the subject of a separate decision.

### Main issues

5. There are four main issues in this appeal:
  - Whether it has been demonstrated that development of agricultural land is necessary and, if so, whether there are any preferable locations for the development
  - The effect on the landscape and visual amenity of the area
  - The effect on the setting of the Scheduled Ancient Monument known as Honington Camp

- Whether any identified negative impacts would outweigh the renewable energy and other benefits of the proposal

## **Reasons**

### ***The site and the proposal***

6. The overall landholding comprises some 80 hectares of agricultural land, of which some 27 hectares would accommodate the proposed solar photovoltaic plant. The farm is largely used for arable purposes.
7. The site of the proposal is an elongated field, around 1.4 km in length and between 100 and 200 metres in width. It forms part of the elevated plateau above the flat bottomed valley of the Ancaster Gap. The wider area is in the form of a gently undulating plateau topping the Southern Lincolnshire Edge escarpment.
8. The hamlet of West Willoughby is located around 400 metres to the north of the site – there is no inter-visibility between the site and the hamlet. Barkston Heath Airfield is some 400 metres to the southeast of the site, whilst Honnington Camp Iron Age fort (a Scheduled Ancient Monument) is located around 260 metres to the west. A public footpath, which I walked during my site visit, runs broadly parallel to the east of the site from West Willoughby, adjacent to the southern edge of the appeal site, past Honnington Camp and away to the northwest.
9. The proposal comprises a series of ground mounted solar photovoltaic panels across an area of 27 hectares. The rated capacity of the development is stated to be 17 MW. The panels would be mounted in frames fixed to the ground, and would rise to a maximum of 3 metres in height.
10. Along with the solar panels themselves, there would be a number of other elements of the scheme. The most important would be nine inverter stations (some 6 x 2.5 x 2.9 metres) and a grid connection collector unit (some 6.5 x 2.9 x 2.8 metres). There would be 4 CCTV cameras on 2 metre poles and a 2.4 metre high security fence around the perimeter.
11. The arrays would be 7 metres apart to allow the continued agricultural use of the land and biodiversity enhancements. The anticipated productive lifetime of the solar farm would be 25 years.

### ***The loss of agricultural land***

12. The policy context is provided by the South Kesteven Core Strategy (CS) (2010) which, at policy SP1, restricts development in the countryside, but also allows for rural diversification projects. CS policy EN3 is supportive of renewable energy projects, subject to compliance with other policies.
13. At the national level, the National Planning Policy Framework (the Framework) states that the economic and other benefits of the best and most versatile (BMV) agricultural land should be taken into account<sup>1</sup>. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality. Further guidance is provided in Planning Practice Guidance (PPG) wherein the underlying theme is that renewable energy is to be welcomed if its impacts are

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<sup>1</sup> BMV land is defined in the Framework as Grades 1, 2 and 3A in the Agricultural Land Classification

- acceptable, or can be made so. This is a consistent message of government policy and guidance.
14. Most recently the 2015 WMS stated the importance of focussing solar energy on previously developed land (amongst other locations). The economic and other benefits of BMV land should be taken into account. The policy is that, where agricultural land is to be used, it should be clear that this is necessary and that poorer quality land is to be used. Proposals for the use of BMV land would need to be justified by the most compelling evidence.
  15. There is a disagreement between the parties as to the classification of the appeal site, although there is no disagreement that it has carried crops. The appellant has undertaken a survey which concludes that the land is Grade 3b – that is to say not BMV land. The Council has not criticised the methodology of the survey, which was undertaken by an appropriately qualified and experienced organisation, but has noted that directly contiguous land was assessed as being Grades 2 and 3a in relation to a separate planning application. These higher classifications are shown as directly abutting a significant part of the current appeal site. The authority has stated that it is therefore most likely that the appeal site is at least in part BMV land.
  16. The fact that an adjoining area was classified differently is perhaps surprising, but given the patchy nature of soil types in the area, this is far from being a persuasive reason for doubting the appellant's survey. Aside from casting this element of doubt, the Council has not produced any evidence to counter the appellants' position. The strong balance of probability is that the appeal site is not BMV.
  17. National policy is clearly to prefer the use of brownfield land for solar farms and to avoid the use of BMV land wherever reasonably possible. The Council has accepted that there is very little brownfield land in the area nor has it suggested any alternative location for the development. Bearing in mind the land classification survey, there is no objection in principle to the use of the appeal site.
  18. The appellant has stressed that the land would remain in agricultural use, and a condition has been put forward to that effect. However the condition is unspecific as to what would happen to the solar farm if agricultural production ceased at some time in the future, and I accordingly give this aspect of the appellant's argument limited weight.
  19. The Council has referred to an appeal decision at Wherstead<sup>2</sup> in support of its position on this matter. However that site appears to have been Grade 2/3a land and the decision was taken in the context of local policies prevailing in that area.
  20. National policy prefers the use of brownfield land for solar farms and seeks to avoid the use of BMV land. The appeal site does not fall within the category of BMV and there is no realistic prospect of lower category or brownfield land being available. It has therefore been demonstrated that the development of this agricultural land is necessary and there are no preferable locations for the development. There is no conflict with the restraint policies summarised above.

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<sup>2</sup> APP/D3505/A/13/2204846

***The landscape and visual amenity of the area***

21. The policy context in relation to the landscape is CS policy EN1, which provides for the protection and enhancement of local landscape character. This is supported by the approach of the Framework, which is to protect and enhance the natural environment and recognise the intrinsic character and beauty of the countryside.
22. The site is within National Character Area 47 (Southern Lincolnshire Edge), which is described as a large-scale, open, arable landscape. The land on top of the escarpment comprises open rectilinear fields under arable cultivation, with some fragmented hedgerows and few hedgerow trees. The presence of airfields is noted as a characteristic element in the landscape. From everything I have seen and read, this is a good assessment of the landscape character in the vicinity of the appeal site.
23. The only detractors from the landscape character, as assessed by the appellant, are a telecoms tower to the north and the airfield to east. However the telecoms tower is some distance away and the airfield is, as noted above, an accepted characteristic of the landscape.
24. I have assessed the landscape impact from a range of viewpoints, both as set out in the Landscape and Visual Impact Assessment and associated visualisations, and from the wider area. I am satisfied that this has given me sufficient information on which to reach a conclusion on this matter.
25. The site is a locally important part of the characteristically open and undulating arable landscape, containing isolated farmsteads. The result of the proposal would be that a substantial area of land would cease to be agricultural in visual character, whatever the use between and beneath the arrays might be, and therefore the site would no longer contribute to the open arable landscape.
26. In place of the agricultural landscape would be serried ranks of solar arrays, which would be seen as man-made and alien to their surroundings. In addition, the associated inverter stations, grid connection collector unit, CCTV cameras and security fence would add a further sense of urbanisation in this isolated rural area. Particularly viewed from the footpaths around part of the site, the eye would be drawn to the ranks of the solar panels and the sense of the open arable landscape would be lost.
27. The appellant considers that the potential impact on the landscape would be positive, in that the "sensitivity of receptors does not present a challenge or call for significant mitigation measures". I also note the consideration given to the proposal by Council officers. However I disagree with the assessment that the landscape is capable of absorbing the development without changing its large scale agricultural appearance.
28. I have also considered the potential cumulative impact of the development in conjunction with other proposals. The appellant has noted three energy proposals (one turbine and two solar farms) within 3 kms of the site. However, from the information before me, they are not at such a stage that they are necessarily likely to go ahead or that their cumulative impact can be assessed.
29. Turning to the visual amenity of the area as opposed to landscape impact, the elevated position of the site and the existing screening means that there are only a limited number of viewpoints for receptors.

30. The very small number of viewpoints to the north from where the proposal could be seen are a significant distance from the site and are limited by existing vegetation. Similarly the views from other dwellings in the wider area are at a considerable distance and are very limited.
31. However I am particularly concerned with the experience of the recreational users of nearby footpaths. There is a public right of way leading from the A553, past Willoughby Grange and RAF Barkston Heath's perimeter fence. Views of the site are available from a number of points along this path, although there is a dense hedge along part of the route which limits visibility.
32. This right of way then joins a path around the southern end of the site. This would be within 20 metres of the arrays and within 2.4 metres of the security fence. From this location and as the footpath rises up to Honnington Camp Iron Age Fort, the development would be very visible.
33. From this footpath loop, the effect of the arrays, the fence and other structures would be pronounced as they extended up the slope. I appreciate that the footpaths were said by the appellant to be little used, although I met others using the route when I was there, but the effect on those who choose to use it would still be significant and detrimental.
34. I have considered the effect to which additional planting might mitigate the effect of the proposal, both on the character of the landscape and the visual amenity of the area. However the linear vegetation intended to increase hedgerows and habitat corridors, along with other broader planting, would take some time to mature. In any event, given the slopes in the area, this planting would not mitigate the proposal to a significant degree.
35. Overall, for the reasons set out above, the proposal would harm the character and appearance of the surrounding landscape, and conflict with landscape policies. The visual amenity of the area, as experienced by receptors on the footpath loop, would be significantly harmful.

### ***The effect on the setting of Honnington Camp***

36. Honnington Camp is a well preserved set of earthworks, more likely to have been a defended farmstead or settlement as opposed to a fort. The earthworks sit to the northeast and slightly below the highest point of Barkston Heath, very close to the footpath which rises from the southern part of the proposed solar arrays. The appellant has stated that the camp is around 300 metres from the appeal site.
37. The setting of a heritage asset is the surroundings in which it is experienced, and may be influenced by the landscape in which it is situated. The nature of the topography and the location of the earthworks mean that the Camp has limited long distance views, with closer views to/from the fields to the east. I agree with the appellants' assessment that many of the solar panels would be largely screened by the topography, as they would be sited on the eastern side of the ridgeline.
38. However, having visited the Camp and walked along the adjacent footpath several times, I am clear that views of the arrays in the southern part of the appeal site would be clearly obtained by those using the footpath. As the appellant has stated, the earthworks are best appreciated from the footpath, from which vantage point the original form and design of the enclosure are

intelligible. This appreciation contributes to the historic and aesthetic value of the asset and this element of the setting is potentially susceptible to visual intrusion. The introduction of the solar arrays would diminish the understanding of the asset as one climbed the slope towards the Camp, and I do not agree with the appellants' conclusion that the experience of the Camp would not be altered.

39. This would represent a harmful impact on the setting and the significance of the Camp. An impact on the setting of an asset would generally cause 'less than substantial harm' (in the language of the Framework) unless the asset derives considerable significance from its setting. PPG advises that 'substantial harm is a high test, so it may not arise in many cases', and that is not the position in this instance.
40. I have taken account of the fact that English Heritage (now Historic England) (whilst noting that the current proposal has been amended and reduced since a previous scheme) consider that the proposal would result in harm to the significance of the asset through development within its setting. This lends weight to my conclusion, although I am aware that Council officers came to a different balanced conclusion.
41. Under paragraph 134 of the Framework, this harm requires to be balanced against the public benefits of the proposed development. In this case the provision of renewable energy is a clear benefit in the light of national policy in the Framework, PPG and Written Ministerial Statements. I return to this matter below. However the benefits accruing from the development would not outweigh the harm to the heritage asset. Accordingly, giving great weight to the conservation of the heritage asset, the proposal would harm the significance of Honington Camp through development in its setting and would conflict with paragraphs 132 and 134 of the Framework and CS policy EN1.

### ***Renewable energy and other benefits***

42. There is strong support for renewable energy in the Framework and PPG, and the importance of renewable energy is common ground. It is not necessary for the appellants to demonstrate the overall need for the proposal. 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 scheme. The renewable energy generating potential of the development, stated by the appellant to be in the region of 17 MW, is a matter that attracts significant weight in favour of the proposal.
43. However the support for renewable energy is generally caveated by the need for siting of developments to be appropriate and for the impacts to be acceptable or capable of being made so. As set out above, the impacts in this case are not acceptable or capable of being mitigated. The fact that the development could be decommissioned in 25 years' time and the land returned to its former state should not be ignored. However the development and its impacts would be likely to be in place for at least a generation or so.
44. I appreciate that the proposal includes biodiversity improvements, which could be controlled by a condition - this weighs in favour of the proposal. Various educational benefits have also been put forward, but there is no suggested condition or Obligation to ensure that these would be forthcoming. Along with

the benefits of the provision of renewable energy, there would be direct and indirect economic benefits arising from the proposal, namely the appellants' wish to diversify and sustain the long term agricultural use of the holding. There would also be additional employment benefits during the construction phase.

### **Planning balance and conclusion**

45. The planning balance is therefore that, although there is no objection to the loss of the agricultural land, the proposal would harm the character of the Southern Lincolnshire Edge landscape area and its visual amenity, and the setting of a Scheduled Ancient Monument. There would be benefits accruing from the production of renewable energy, some medium/long term ecological benefits and some short term economic benefits.
46. The proposal would not be sustainable development in terms of its impact on the natural environmental role of sustainability, but would accord with the need to use natural resources prudently and mitigate and adapt to climate change.
47. This is case where the balance, in my judgement, is clearly against the development. Despite the acknowledged benefits I consider that the harm I have identified is too great due to the particular characteristics of this site. National policy advises that renewable energy should be located where impacts are, or can be made, acceptable. That is not the case here and hence the proposal cannot be said to be sustainable when assessed against the Framework as a whole. The level of harm significantly and demonstrably outweighs the benefits of the proposal in terms of paragraph 14 of the Framework.
48. For the reasons given above I conclude that the appeal should be dismissed.

*P. J. G. Ware*

Inspector

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