
Appeal Decision

Site visit made on 10 February 2015

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 01/07/2015

Appeal Ref: APP/P2935/A/14/2226878

Land to the south of the A69 north of Corbridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by the trustees of Mrs AMS Straker's Grandchildren's Trust against Northumberland County Council.
 - The application Ref 14/00587/FUL, is dated 21 February 2014.
 - The development proposed is the erection of a 250kW solar PV array.
-

Preliminary matter

1. I note the delegated report submitted with the Council's statement. While this is not the application decision as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.

Decision

2. I dismiss the appeal and refuse to grant planning permission for the erection of a 250kW solar PV array.

Main Issues

3. The main issues are the effect of the proposal on the openness and visual amenity of the Green Belt, the effect on the character and appearance of the area, the effect of the proposal on the setting of the nearby heritage asset, and whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

4. The appeal site is an open pasture field classified as agricultural grade 3b (moderate quality). It is located within the Green Belt and abuts the west bound carriageway of the A69. A layby next to the carriageway overlooks the appeal site from a higher level. The proposal would be situated around 40m to the south of the A69 and around 95m and 450m from the nearest dwellings to the east and south respectively. A bridleway runs along Deadridge Lane on the

eastern boundary of the appeal site while Milkwell Lane borders the site to the west.

5. Proposed is the erection of a solar PV array which would be set in 10 rows, each measuring around 98m x 1.39m with a gap of around 3.8m between each row. The array would cover an area of around 0.47 hectares. The panels would be mounted on frames set at an angle and around 1.5m high. A small building measuring around 6x3x2m would stand to the north of the array to which it would be linked via underground cables.

Green Belt

6. The National Planning Policy Framework (NPPF) states in paragraph 91, that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. The appellant accepts that the proposal is not listed in the NPPF as a type of development deemed to be not inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The NPPF also makes clear that the essential characteristics of Green Belts are their openness and permanence so any reduction in these characteristics would also be harmful. In my judgement, the scale and location of the proposal would make it a conspicuous development and would serve to emphasise its intrusive and incongruous appearance. As a result it would lead to a minor reduction in the openness of the Green Belt and have a harmful effect on its visual amenity. The NPPF states that substantial weight should be given to any harm to the Green Belt. In this regard my attention was drawn to saved policy NE7 of the adopted Tynedale Local Plan (LP). However, the LP pre-dates the NPPF and as a more recent expression of national policy on Green Belts, the NPPF is a material consideration that outweighs the saved LP policies.

Character and appearance

Landscape character and Visual impact

8. The appeal site is located within the Tyne Gap and Hadrian's Wall National Character Area 11, being a narrow low lying gap between the uplands of the Pennines. The area is characterised by a mixture of pastoral and arable farmland with sylvan plantations. At a local level the site falls within the Northumberland Landscape Character Type 30 (LCT) *Glacial Trough Valley Sides* characterised as a glacial trough between the north Pennines and Northumberland uplands. It is further assessed as being within LCT 31f *Acomb to Ovington* which is defined by a concentration of estates and parkland associated with woodland, historic sites and mixed farmland on valley slopes.
9. The application was accompanied by a *Supporting Information* document which included a section entitled "Landscape and Visual". This concludes that due to the orientation of the panels, screening provided by trees and lack of public access to the appeal site, the effects on landscape character and visual amenity would be limited. However, the area around the appeal site is open and rural in character, and the PV array would be sited on sloping ground which can be observed from roads and footpaths in the surrounding area. Although low rise, the area covered by the proposal, allied to its industrial appearance, would make the array a prominent landscape feature. I note the proposed dark finish

which would reduce the reflectivity of the PV array but I nevertheless consider that the dark appearance within an aluminium frame would greatly alter the appearance and character of the agricultural field.

10. In which case, although the low profile of the proposal and separation distance would mean that the visual impact on the occupiers of nearby dwellings would be negligible and the visual impact in longer range views would be minor, it would nevertheless be a prominent and incongruous feature in the local landscape. Accordingly, the proposal would cause moderate harm to the landscape character of the area and minor harm in terms of its visual impact, in conflict with saved LP Policy GD2 and Policy BE1 of the Council's adopted Core Strategy.

The effect on the heritage asset

11. The designated heritage asset known as Corbridge Pottery Kilns (also referred to by the parties as Corbridge Bottle Kilns and Old Pottery Kilns) is a Scheduled Ancient Monument (SAM) and contains 3 Grade II and 2 Grade II* listed buildings. The proposal would not have any direct physical impact on the heritage asset as it would be situated around 300m to the south west. The principal impact would be on the experience of the heritage asset within its wider landscape context which relates to its setting.
12. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral. English Heritage guidance; *The Setting of Heritage Assets*, indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset.
13. The significance of an asset is defined in the NPPF as its value to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting. Significance may be harmed by a development. I note from the uncontested evidence of English Heritage that the heritage asset forms an important industrial archaeological site being a rare survival of the rural brick, tile and pottery industry in this part of Northumberland. In which case its significance lies in its historical, evidential and communal values. It also possesses aesthetic value as it comprises picturesque structures within a ruined industrial complex.
14. As a designated SAM, it is clearly of national importance and the values identified above give it a high degree of significance. The proposal would fall within the setting of the heritage asset. While I note that English Heritage raised no objections to the proposal opining that it would not feature prominently due to intervening trees, I consider it would be seen together with the Corbridge Pottery Kilns in wider views from the surrounding area. I observed that the heritage asset is seen across the local landscape from the A69, Milkwell Lane, Deadridge Lane and the footpath which connects with the Aydon Road and I am satisfied that part of its significance is derived from its setting.

15. Against this background, I consider that the impact of the proposal would be restricted to the appreciation of the significance of the heritage asset by observers when both it and the solar panel array were viewed together. As an incongruous feature in the local landscape which forms part of the setting of the heritage asset, the proposal would have a negative visual interaction with the asset in a limited number of views thereby causing less than substantial harm to its significance. The NPPF (paragraph 134) makes it clear that if a development would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal.
16. In this instance, the proposal would assist with achieving targets to reduce greenhouse gases and contribute to the generation of renewable energy which would assist in meeting national targets that seek to reduce carbon emissions in order to tackle climate change. NPPF paragraph 132 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. In my judgement, Corbridge Bottle Kilns is a heritage asset of considerable importance and the environmental benefits accruing from a reduction in the emission of greenhouse gasses would not outweigh the less than substantial harm arising from the proposal. Accordingly, the proposal would conflict with paragraphs 132 and 134 of the NPPF.
17. With regard to the Corbridge Conservation Area, given the intervening distance, topography and vegetation, the Conservation Area is only experienced and appreciated in peripheral views from, and across, the appeal site. I consider that the appeal site itself is not integral to its understanding or appreciation and I am satisfied that the proposal would not result in any harm to its significance as a heritage asset.

Other considerations

18. I note that subject to conditions, the Council considers that the proposal would not be harmful to highway safety, the living conditions of nearby residents and ecological interests. Added to which, I have found that it would not be harmful to the setting of the Corbridge Conservation Area as a heritage asset. However, these are considerations that do not add further harm rather than being positively in favour of the proposal. Nevertheless, I note that the proposal would have a rating of around 250kW and would contribute to the running of the Stagshaw Estate, an established local business thereby supporting its business growth and future as a local employer as well as offsetting energy usage and increasing security of supply.
19. The development plan provides in-principle support for renewable energy and the NPPF at paragraph 98 recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The development would contribute to the generation of renewable energy which would assist in meeting national targets that seek to reduce carbon emissions in order to tackle climate change. It would also make a contribution to supporting rural enterprise and economic activity. These benefits arising from the proposal lend substantial weight in its favour.

Conclusion

20. Although time limited to a period of 25 years, the proposal would nevertheless represent inappropriate development in the Green Belt that would reduce openness and harm visual amenity. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful. The NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The proposal would also result in moderate harm to landscape character, minor harm in terms of its visual impact and less than substantial harm to the significance of a heritage asset as a development within its setting.
21. Against this, the benefits arising from the generation of renewable energy, reduction in CO2 and the economic benefits to the rural enterprise lend substantial weight in favour of the proposal. However, the NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt, landscape character, visual amenity and the setting of the heritage asset. Therefore, very special circumstances necessary to justify the proposal do not exist.
22. For the reasons given above, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@HistoricEngland.org.uk