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## Appeal Decision

Hearing held on 11 November 2015

Site visit made on 11 November 2015

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS**

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

**Decision date: 6 January 2016**

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**Appeal Ref: APP/Q3305/W/15/3011465**

**Norwood Park Farm, Wick Lane, Glastonbury, Somerset BA6 8JS**

- 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 Juwi Renewable Energies Limited against the decision of Mendip District Council.
  - The application Ref 2013/1749, dated 15 August 2013, was refused by notice dated 3 October 2014.
  - The development proposed is a solar farm comprising solar modules, racking system, inverters, transformers, substation, access tracks, fencing and landscaping.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect on the setting of nearby heritage assets.
  - Whether the proposal represents effective use of agricultural land.
  - Planning Balance, Public Benefits of the proposal, including benefits associated with the barn conversion.

### Reasons

3. The development plan includes the Mendip District Local Plan (Part 1 Strategies and Policies) [LP]. LP Policy CP1 notes that all new development is expected to contribute positively towards delivering components of the vision for the district and the associated strategic objectives. It aims to provide the majority of development in the principal settlements and strictly controls development outside of the Development Limits.
4. LP Policy DP1 requires development to contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. The wider benefits of the proposal are to be considered along with proposed mitigation.
5. LP Policy DP3 supports proposals that preserve and, where appropriate, enhance the significance and setting of the district's heritage assets. Mitigation and adaptation will be considered, but only where there is no harm to the significance of the heritage asset.

### ***Heritage Assets***

6. Norwood Park Farmhouse is grade II\* listed and the list description indicates that construction started about 1480 of a residence for the abbots of Glastonbury, but the building has since been altered and extended considerably. The description identifies the surviving fabric and detailing, particularly from the earlier period, as being aspects of the building's significance and special interest. The history associated with the building and particularly the historic connection with the abbey is also of considerable importance and these would not be affected by the proposed development.
7. Norwood Park Farmhouse's wider setting was the landscape of Norwood Park and this includes the solar farm location. The landscape has changed considerably from that time into a modern farming landscape, which is the current setting. There have also been additional farm buildings, many of these large, modern structures, built close to the old farmhouse. The landscape was considerably affected by changes made by a previous farmer, including the removal of many hedgerows. The current occupier has made many improvements to the landscape and setting by replacing hedges and the removal of some modern farm buildings between the farmhouse and appeal site. There are also proposals to renovate some of the older, dilapidated and fire damaged farm buildings and convert them to residential use.
8. While this is all noted, the agricultural and rural landscape remains an important part of the context of Norwood Park Farmhouse. The appeal site, which is part of the agricultural landscape, is relatively close to the farmhouse and can be seen to be visibly associated with it, not only walking along the footpath by the side of the appeal site towards the listed building, but also from the track beyond the farm leading to Glastonbury Tor. The landscape also provides important views when looking out from the listed building, with the elevation facing the appeal site being of some importance, with the large bay window. While I acknowledge the appellant's argument that the setting is not the most important aspect of the building's significance and special architectural and historic interest, it nevertheless makes a very important contribution to the visual setting and understanding of its location.
9. The scheme was modified during the application process to reduce the overall size of the development and to increase the distance between the farmhouse and the development. That has reduced the impact that the proposal would have on the setting of the farmhouse, but it has not removed the impact. In my opinion, there would be clear and relatively close views from the farmhouse, particularly from first floor level. When walking along the right of way towards the farm there would be views of it, with a great number of solar panels in the foreground. These views could be mitigated, to some extent, by the introduction of planting and hedging, but this would take a considerable time to develop, in which time the development would be causing harm. The hedging is also unlikely to screen out all the solar panels when viewed from the upper floors of the listed building.
10. There are also views from the path beyond the road, where it rises up towards Glastonbury Tor. From here there are views down to the listed building with the wide generally open landscape beyond, showing the building in the context of the landscape. From here the panels would be very intrusive. I consider that the introduction of the solar panels would be alien and incongruous features in

the agricultural landscape that would cause harm to the setting of the listed building and some harm to its overall significance categorised in terms of the Framework as 'less than substantial' harm and this needs to be considered and balanced against public benefits.

11. I acknowledge that two modern barns have been removed in the past from between the farmhouse and appeal site and that would have opened up the views and had a beneficial effect on the setting. However, my assessment is based on the current arrangement. I also acknowledge that the current setting is marred to some extent by the fire damaged barns that are proposed for repair, refurbishment and conversion. I accept that this would be beneficial to the setting and is a matter to be carried into the balance, particularly if there is some form of legal tie between that conversion/refurbishment and this proposed development.
12. Glastonbury Tor and monastic remains are a Scheduled Ancient Monument and St Michael's Church Tower is a Grade I listed building. Monastic use probably dates from about the 10<sup>th</sup> Century and this may have been a mediaeval pilgrim centre related to St Michael. The complex still includes the foundations to the demolished parts of the church, and the tower. The church was apparently destroyed by an earthquake in 1275, with rebuilding in the 14<sup>th</sup> Century. The tower was subsequently restored about 1800, when one corner of the tower had major works. These remains are on the flat summit of the Tor, which is a conical shaped hill that has commanding views over a very distant landscape. Conversely, there are also distant views back to the Tor.
13. Historic England indicated at the inquiry that the group has local, national and international significance and I would concur with that. The setting is clearly the wider landscape that would include the appeal site. I accept that the evidential and historic value of the physical remains of the Tor, its archaeology and St Michael's Tower are a very important aspect of the significance and special architectural and historic interest of the group.
14. I appreciate that the landscape has changed and evolved over time and that there are many modern features visible, with a power station and communication mast in the far distance, the modern town of Glastonbury at its foot, many farms with modern farm buildings and evidence of some industry, with a large warehouse in the middle distance. Nevertheless, it still remains a predominantly rural and agricultural setting and to my mind it is the iconic shape of the Tor with tower in the rural landscape, and the magnificent and commanding views out from the Tor, that means the rural landscape setting makes a major contribution to the group's significance.
15. The proposed solar farm would not be far from the Tor and, as could be seen from the site inspection, would be highly prominent in such proximity. I appreciate that careful consideration was given to the siting, and that the appeal site slopes a little away from the Tor, with woodland a bit beyond. However, that careful location and proposed landscaping would not be sufficient to hide or adequately mitigate harm because of the very prominent views that would be gained from the Tor.
16. Having a very large area of modern solar panels arranged in rows across the field would appear as an alien and incongruous feature in the rural landscape. For anyone standing on this side of the Tor, the panels would instantly draw one's attention to them and cause great harm to the appreciation of the setting

of these heritage assets with a consequent and almost equal impact on their overall significance. I accept that the panels are only in one direction and that there are 360 degree views. However, the large group of panels would be so prominent and incongruous that even being only part of the view would still cause great harm. While it has been accepted that the proposal would not constitute 'substantial harm' in terms of the National Planning Policy Framework, it would in my judgement be at the top end of harm in the 'less than substantial harm' category.

17. I appreciate that some solar panels on roofs of buildings can be seen from the Tor, but it is the scale of what is proposed that would cause the visual impact and harm. I also note the man-made reservoir, but that is relatively small and to my mind does not have the impact that the solar panels would. I also note the regular pattern formed in the landscape by the peat digging, but again I do not consider that has the same impact as would the industrial character of the proposed solar panels.

### ***Agricultural Land***

18. Development in the countryside is to be strictly controlled in accordance with LP Policy CP1. The Framework and Planning Practice Guidance indicate that brownfield land should be used in preference to greenfield land. The principle has been supported by ministerial statements. Clearly this development is not focussed on brownfield land. The framework also indicates that significant development of agricultural land should be shown to be using low grade land in preference to that of higher quality land.
19. This is clearly a significant development, but its impact on the land use per se is limited. The land remains usable for agricultural purposes, particularly the grazing of sheep, and there were many on the farm at the time of the site inspection. In addition, the land can be returned to its agricultural use at the end of the period. I accept the recommendation for larger deployments is towards brownfield land, but the ministerial statement noted that use of ground-mounted projects should not be incentivised in inappropriate places, such as greenfield land, not that it cannot take place.
20. The appellant has, in any case, undertaken a survey of land. The main focus was on brownfield land identified in the Strategic Housing Land Availability Assessment, but the appellant also requested details of any other such land from the council. The appellant also investigated whether other sites of equal or better outcomes could be provided; four sites were identified and each was found to have either amber or red ratings. The appeal site also has amber rating. The overall conclusion is that the appeal site passes the 'sequential test' and meets the criteria laid out in the Framework and Planning Practice Guidance. The appeal site is also of a relatively low grade and is able to continue in agricultural use along side the solar panels.
21. Overall, I conclude that the appellant has undertaken a reasonable assessment of alternative sites and the use of this agricultural land does not count against the proposal.

### ***Planning Balance and Public Benefits***

22. The appellant has clearly identified the local and national guidance and policies providing very strong encouragement and substantial support for the provision

- of renewable energy sources, such as solar farms and I attach substantial weight to the benefits of the proposal. It would provide about 5.8MW of renewable energy and save around 2,400 tonnes of CO<sub>2</sub> per annum. In this respect it would accord with the aims of LP Policy DP7 that has an aim to maximise renewable energy generation on site.
23. The provision of the solar farm would provide an additional source of income to help with farm diversification, while still enabling the land to have an agricultural output.
  24. There has been planning permission and listed building consent in the past for the conversion of barns adjacent to Norwood Park Farmhouse into accommodation for retired farmers. There is some question over whether or not these are now extant, as more than 3 years have passed since the permissions. However, I consider that there is little that will have changed and that even if they were found to have expired, there was nothing indicating new permissions would not be granted. However, the appellant was not putting the conversion/restoration of these buildings forward as enabling development, although an undertaking has been provided that indicates these would be completed within an identified timescale following this approval.
  25. There clearly would be considerable benefit in tidying up the barns adjacent to the farmhouse and in the provision of retirement accommodation for farmers. Even though this is not put forward as enabling development, these would be a significant material consideration to be weighed in the balance.
  26. I note that there would be some benefits through increased planting and introduction of more hedgerow at the appeal site and nearby with consequent ecological benefits, and this adds weight in favour of the proposal.
  27. On the other hand, the proposal would have a great impact on the setting of the Glastonbury Tor which in turn would cause great harm to its significance and would not preserve its special architectural and historic interest and would in terms of the Framework be 'less than substantial' harm. Given the significance of Glastonbury Tor and the importance of the surrounding landscape to the setting and its overall significance, I conclude on the basis of the harm to Glastonbury Tor alone that the balance against the development is substantial and that all the benefits, including those associated with Norwood Park Farm House and farm and the 'enabling development' for retirement accommodation for farmers would not nearly justify the harm to Glastonbury Tor alone.
  28. However, to this must be added the harm to Norwood Park Farmhouse, which means the balance is even greater against the development and again the benefits identified would not justify the proposal. In terms of the 'enabling development', while there would be benefit to the setting of the farmhouse, this would be offset by the harm the solar farm would do to the remainder of the setting. I have noted that the landowner has removed two relatively modern barns that would clearly have been detrimental to the setting of the listed building, but that was not as a consequence of the proposed development or a benefit from this development. The appellant may well be able to build more barns, but there are processes to go through and it cannot automatically be assumed that there would be harm if that were to be the case. Anyway if further barns are provided it would mean that they are necessary in relation to the farming activities and it is unlikely this proposal

would affect that need. I give little weight to the fact that unsightly barns were removed in the past.

29. I conclude overall that benefits identified would not justify the harm the development would cause to heritage assets. While in terms of the Framework there would be social and economic benefits from the proposal, because of the harm identified to the heritage assets, I conclude overall that this is not sustainable development. The proposal would not preserve the special architectural and historic interest of heritage assets and does not accord with the aims and objectives of LP Policies DP1 and DP3.

*Graham Dudley*

**Inspector**

## **APPEARANCES**

### **FOR THE APPELLANT:**

|   |                                 |
|---|---------------------------------|
| Mr J Alsop  |                                 |
| Mr S Roper-Pressdee BSc<br>(Hons) PGCert IHBC PCIfA | CGMS Consulting                 |
| Mr D Mackins  | Juwi Renewable Energies Limited |
| Mr A Fornal   | Juwi Renewable Energies Limited |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                      |  |
|----------------------|--|
| Mr D Foster MA MRTPI | Senior Planning Officer, Mendip District Council |
| Mr R Palmer          | Conservation Officer, Mendip District Council    |
| Mr S Robertshaw      | Area Inspector Historic England                  |

### **INTERESTED PARTIES:**

|                 |   |
|-----------------|---|
| Mr M Harris     | Landowner   |
| Mr J Brunson    | Glastonbury Town Council and Mendip District Councillor |
| Mr A Dowden     |   |
| Mr T Hyde       | Solicitor representing Mr Harris                        |
| Ms L MacDougall |   |

## **DOCUMENTS**

|          |   |  |
|----------|---|--|
| Document | 1 | Aerial photographs   |
|          | 2 | Missing application drawings   |
|          | 3 | Bundle of documents submitted by Mr Hyde   |
|          | 4 | Approval for discharge of conditions associated with barns at Norwood Park Farm. |
|          | 5 | Revised Unilateral Undertaking   |

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