
Appeal Decision

Site visit made on 2 March 2015

by K D Barton BSc(Hons) Dip Arch Dip Arb RIBA FCI Arb

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

Decision date: 25 March 2015

Appeal Ref: APP/K1128/A/14/2216606

Land to the South of Halwell Airfield, Halwell, Devon

- 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 Lightsource SPV86 Limited against the decision of South Hams District Council.
 - The application Ref 22/2050/13/F, dated 20 August 2013, was refused by notice dated 22 November 2013.
 - The development proposed is the installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras and fence.
-

Decision

1. The appeal is dismissed.

Effect on the Character and Appearance of the Surrounding Landscape

2. The appeal site, which has an area of approximately 10.5 hectares, consists of two fields separated by a hedgerow. The northern field is in use as an airfield and some semi-permanent storage structures along the western boundary are used as aeroplane hangers, whilst the southern field is used for arable crops. Roads run some 0.16 kilometre to the north and 0.33 kilometre to the west of the site and access is from the north via an existing gateway from the A3122. A new access would be provided in the north east corner of the site to serve a construction compound and the site itself. Halwell Business Park lies a short distance to the west of the appeal site. The surrounding area, which does not have any special policy protection, is predominantly agricultural and the nearest settlements are Halwell to the west, Ritson to the south and Collaton to the east.
3. The National Character Areas and the South Hams Landscape Character Types that cover the area around the appeal site are described in a *Landscape and Visual Impact Assessment* (LVIA) submitted with the application. Whilst the site is within South Devon Landscape Character Area 151, a more recent assessment, dating from 2007 and covering the South Devon Area of Outstanding Natural Beauty (AONB) and the South Hams administrative area outside the Dartmoor National Park, is more relevant. The site lies within the Inland Undulating Uplands (1D) landscape character type and the more detailed landscape unit 792a. The overall character is described as "Generally large fields in a regular pattern of mixed straight and curving boundaries, with closely trimmed hedges. Few hedgerow trees, although tall roadside banks and hedges generally confine views which, where available, are very extensive."

The highway network is a series of gently winding narrow lanes, open to the sky although confined laterally. The settlement pattern is of isolated farmsteads and a few small villages with distinctive tall, narrow, red church towers". The site environment is assessed, in a *Landscape Assessment* submitted with the application, as having a low sensitivity and a high capacity to accommodate various forms of built infrastructure.

4. Because of the topography and vegetation, views of the site from the north and west are very limited and the main views of the solar farm would be from the lanes and public rights of way to the south and east within a one kilometre distance. There would also be some views from the road connecting Stanborough Hundred to Moreleigh (Viewpoint G) that runs to the west of the A381, although in these views the proposed panels would appear only as a distant sliver on, or close to, the skyline. The South Devon AONB lies approximately 3.7 kilometres to the west, 4.8 kilometres to the north east and 3.8 kilometres to the south east but, due to the separation distances and the intervening landform and vegetation screening, there would be no material impact on views out of the AONB.
5. Notwithstanding this, the proposal would be very prominent in views when travelling north on the A381 from some distance south of Totnes Cross (Photoviews A and 3). There would also be glimpsed views, at gateways and gaps, from the lanes and public rights of way around Ritson Barton which, whilst limited for motorists, would be clear for walkers (Photoviews B, C, 5, 7, and 8). As the landscape character summary describes, where there are views they tend to be extensive. The extent of the panels would give them a prominence close to the horizon. They would appear as an alien feature very different in character to the existing buildings at Halwell Business Park, which have the appearance of simple agricultural structures in keeping with this rural agricultural area. Whilst the landscape might have the capacity to absorb more agricultural buildings, the proposal would have a very different industrial, rather than agricultural, impact. Grass growing beneath the panels, and/or sheep grazing around them, would to some extent, be screened by the panels themselves and so would do little to reinforce the agricultural character of the area.
6. The wider landscape character features would remain, and in places be reinforced, but there would be an adverse local impact on character. In terms of visual impact, there would be extensive and very significant detrimental impacts from various viewpoints set out above. The proposal would, therefore, conflict with the aims of Policy CS9 of the *South Hams Core Strategy 2006* (CS) and Policy DP2 of the *Development Policies Development Plan Document (DPD) 2010*.

Effect on Heritage Assets

7. Concern has been raised about the impact of the proposal on heritage assets in the area. There is a scheduled Hillfort to the north-west of the appeal site. However, the buildings at Halwell Business Park are close by, there have been changes to the landscape and field boundaries, and the A3122 passes through the fort. The proposal would only be visible from that part of the fort south of the road and would not have any significant impact on its setting.
8. A geophysical survey identified other archaeological features on the appeal site. Three areas identified as particularly sensitive by the County Archaeologist

have been excluded from the development area, and the panel layout has been revised to ensure that remains of higher significance would be preserved. Neither the County Archaeologist nor English Heritage raise any objection, subject to a condition requiring the implementation of a programme of archaeological work, and there is no evidence to justify an alternative conclusion in respect of heritage assets.

9. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Listed structures in Halwell include the Grade I Church of St Leonard, whilst to the west of the A381 are Farmstone Farmhouse and Stanborough House, both listed Grade II. The separation distances, topography, field boundaries and vegetation between the proposal and nearby listed buildings would prevent it from causing any harm to, or having any material impact on, the settings of the listed buildings.

Other Matters

10. A screening opinion concluded that an Environmental Statement was not required and I see no reason to reach a different conclusion. An Ecological Appraisal submitted with the application identifies a range of protected species, the impact on which is stated to be negligible. Notwithstanding concerns raised by local residents, neither the Council's Natural Environment and Recreation Team (NERT) nor Natural England raised any objection and there is little evidence that would support a different view. Indeed, the Appraisal concludes that there would be a net biodiversity gain as the site has low ecological interest and habitats would be enhanced by the creation of more diverse grasslands and better management of hedgerows for wildlife. In terms of water run off, concern has been voiced about the impact on Slapton Ley Nature Reserve. However, the Environment Agency does not object, subject to a condition requiring a scheme for surface water management to be approved. Such a condition would safeguard the Nature Reserve.
11. Concerns have been raised about the effect on tourism and the local economy, particularly due to the impact of the proposal as seen from the highway network leading to the AONB. The proposal would be seen from the A381 when travelling in a northerly direction as set out earlier. However, views from the A3122 when travelling in either direction, and from minor roads and lanes, are limited by the hedgerows and trees that 'enclose' the roads. From the minor roads and lanes, views would be further limited by the channelling effect of the narrow width. Other than the views from the A381 mentioned above, views of the proposed solar farm from moving vehicles would generally be restricted to glimpses through gaps or field gates. There is little evidence that this would have any significant effect on tourism. A Construction, Decommissioning and Traffic Management Method Statement indicates that construction would take approximately 6-8 weeks with 2-3 deliveries a day. Despite the concerns of third parties, the highway authority raises no objection, subject to a number of conditions, and there is little evidence that would indicate a detrimental impact on highway safety.
12. There are no residential properties adjoining the appeal site, or within the immediate vicinity, although there are properties some distance to the south at Ritson and Grimpstone. Given the distance from the appeal site, topography,

intervening vegetation, and the height of the proposed panels, there would be no significant detrimental impact on the living conditions of the occupiers of those properties in terms of outlook.

13. Continued agricultural use of the land is identified as a key characteristic in the Landscape Character Assessment. The proposal, on a site that is grade 3 agricultural land, would not result in the permanent loss of Best and Most Versatile agricultural land, and in any event it is proposed to graze sheep alongside the panels retaining an agricultural element. Halwell Airfield lies to the north of the appeal site. Amendments to the proposed layout have been made to address the initial concerns raised by the South Hams Flying Club and there is no objection from the CAA. There is no justification to support a different conclusion.
14. Reference has been made to the cumulative effect with other renewable energy developments. However, given the distance between the proposal and any other solar farms there would be no material cumulative impact. This conclusion reflects that in the Officer's report to committee.

Benefits of the Proposal

15. Any harm has to be balanced against the benefits of the proposal. The solar farm would be temporary and this could be ensured by a condition, as suggested by the Council and accepted by the appellant, requiring removal after 25 years or when production of energy ends. The UK's Renewable Energy Strategy is based on generating 30% of electricity from renewables by 2020, currently significantly less than 30% is produced from such sources. The *National Planning Policy Framework (Framework)* recognises the responsibility of all communities to contribute, and encourages local planning authorities to positively promote energy from renewable sources. The proposed solar farm would produce electricity, at the times of day when demand is highest, equivalent to powering 1810 houses.
16. *Framework* paragraph 98 indicates that the overall need for renewable energy development should not have to be demonstrated, and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Schemes should be approved if the impacts are, or can be made, acceptable. In addition to the biodiversity enhancement mentioned above, the proposal would be diversification of agricultural business which *Framework* paragraph 28 states should be promoted.
17. Strategic Policy SO23 of the *South Hams Core Strategy 2006 (CS)* promotes development that would reduce the consumption of fossil fuels and the emission of greenhouse gases, whilst Policy CS1 recognises the need to plan for climate change. Paragraph 3.27 of the *Development Policies Development Plan Document (DPD) 2010* notes that further work is being done to set renewable energy targets for the district and states that the Council will encourage renewable energy schemes where the proposals take into consideration the setting of the site through the scale, design and location of the proposals. This is in general accordance with the *Framework*.
18. In terms of community benefit, the electricity would enter the grid and be used by the nearest demand reducing the carbon footprint of Halwell and Moreleigh Parish. During construction, and for ongoing general maintenance, there would be opportunities for local contractors and in addition, a community payment

would be made to Halwell Parish Council to be applied towards the installation of roof top solar panels on a building of their choice within the community.

Planning Balance

19. CS Policies SO23 and CS1 offer support for the proposal although it would be contrary to the aims of CS Policy CS9, insofar as it relates to sites outside the AONB and Dartmoor National Park, and DPD Policy DP2 that seek to conserve the quality of the district's countryside and the South Hams landscape character.
20. The proposal would make an important contribution towards reducing greenhouse gas emissions, would not lead to the permanent loss of agricultural land, and would have no material detrimental impact on heritage assets, ecology, tourism, highway safety, or the living conditions of the occupiers of nearby residential properties. However, in this instance the benefits identified would be clearly outweighed by the significant detrimental impact the proposal would have on the character and appearance of the surrounding landscape.

K D Barton

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