



Department for
Communities and
Local Government

Mr Nicholas Leaney
Aardvark EM Limited
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TA4 2RL

Our Ref: APP/J3720/W/15/3029788

20 April 2016

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY BERTY 003 LIMITED:
LAND AT PARK FARM, CLAVERDON, WARWICKSHIRE**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Vicki Hurst BA (Hons) PG Dip TP MA MRTPI, in relation to your appeal against the decision of Stratford on Avon District Council to refuse planning permission for the installation of standalone solar PV modules, grid connection, access track and associated infrastructure, in accordance with application ref 14/02034/FUL, dated 30 July 2014. An accompanied site visit was made on 10 December 2015.
2. The appeal was recovered for the Secretary of State's determination on 11 December 2015 in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposal is for significant development in the Green Belt.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation, dismisses the appeal and refuses planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy considerations

4. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the saved policies of the Stratford on Avon Local Plan Review (2006-2011) ('the Local Plan'). The Secretary of State considers that relevant development plan policies include those set out in IR13-15.
5. The Council is currently preparing its Core Strategy for the period 2011-2031, which has completed its Examination in Public. The Secretary of State considers that the

relevant policies include CS.3. For the reasons set out in IR16, he has given emerging policy moderate weight. He has also taken into account the documents set out at IR17.

6. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and the associated planning practice guidance ('the Guidance'), the UK Solar PV Strategy (parts 1 and 2) and the Written Ministerial Statement of 25 March 2015.

Procedural matters

7. The Inspector's Report at IR11 refers to the lifespan of the development as being 20 years, but elsewhere refers to a lifespan of 25 years. The Inspector's consideration and conclusions correctly refer to a lifespan of 25 years (IR91, IR133), and the Secretary of State has considered the appeal on this basis.

Main issues

8. The Secretary of State agrees with the Inspector that the main considerations in this case are those set out in IR86.

Compliance with the development plan

9. For the reasons below the Secretary of State agrees with the Inspector that the proposal conflicts with Local Plan Policies PR.1, PR.2, PR.6, CTY.4 and also conflicts with policy CS.3 of the emerging Core Strategy. It would also be in conflict with the objectives of the Framework and the Guidance (IR139).

Green Belt

10. For the reasons given in IR87-88, the Secretary of State considers that the proposal would constitute inappropriate development in the Green Belt. This harm carries substantial weight. For the reasons given in IR89-91, the Secretary of State agrees with the Inspector that there would be a significant adverse effect on the openness of the Green Belt and that the proposals would fundamentally conflict with one of the purposes of Green Belts to assist in safeguarding the countryside from encroachment. This would be an additional significant harm to the Green Belt (IR91).

Character and appearance

11. For the reasons given at IR92-98, the Secretary of State agrees with the Inspector that the landscape is capable of absorbing this particular development without harming its essential characteristics (IR97) and that the improvements to access would not cause significant harm to the character and appearance of the area (IR98).

Visual amenity

12. For the reasons given in IR99-104, the Secretary of State agrees with the Inspector that there would be a significant adverse effect on the visual amenities of the public right of way SD162a, and this would not be in accord with the Local Plan. There would be a minimal impact in respect of other viewpoints. Overall he considers that the impact on visual amenity carries moderate weight against the proposal.

Agricultural land

13. The guidance encourages the use of previously developed and non-agricultural land, and where greenfield land is to be used consideration is required to be given as to whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. For the

reasons given at IR105-110, the Secretary of State agrees with the Inspector that there is inconclusive evidence to conclude that the proposal would be using poorer quality land. There is a further lack of conclusive evidence that there are no available brownfield sites that could be utilised. He considers that in the absence of convincing evidence the proposal does not accord with national policy guidance, and that these matters weigh significantly against the proposal (IR110, IR138).

Renewable energy

14. For the reasons given at IR124-127, the Secretary of State considers that the development would make a significant contribution to providing energy from a renewable source. He has taken into account that the scheme has been designed to maximise the amount of electrical hours of production per hectare (IR125), and considers that this benefit weighs in favour of the proposal. Overall he agrees with the Inspector that the contribution that the proposal makes to energy security and national renewable energy targets weighs significantly in its favour (IR127).

Other matters

15. For the reasons given at IR111-123, the Secretary of State agrees with the Inspector that: the proposal would not cause any harm to historic assets (IR118); subject to conditions there would be no significant flooding concerns (IR120); subject to conditions highways impacts are neutral in the planning balance (IR122); and there is little evidence that the proposals would give rise to any significant increase in noise levels (IR123).

16. The Secretary of State agrees with the Inspector that the proposal has potential to enhance the biodiversity of the site through the reduction in the use of pesticides and fertilisers, and this carries limited weight in its favour (IR121). He agrees with the Inspector that there would be a contribution to the farm business and its future security, as well as some benefits to the local community through job creation, and considers that these carry moderate weight in favour of the proposal (IR131-132). He gives little weight to the amendments which have been made to the scheme (IR134).

17. The Secretary of State agrees with the Inspector that no weight attaches to the offer of a community fund to the local shop and post office (IR132).

Conditions

18. The Secretary of State agrees with the Inspector's comments at IR141-144 on planning conditions and is satisfied that the conditions recommended in the IR Annex B are reasonable and necessary, and would meet the tests in paragraph 206 of the Framework. However, the Secretary of State does not consider that the recommended conditions would overcome his reasons for dismissing the appeal.

Overall planning balance and conclusions

19. The Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances. The Secretary of State has considered whether the potential harm to the Green Belt, by virtue of inappropriate development, and any other harm, is clearly outweighed by other considerations.

20. The Secretary of State has taken into account the benefits in terms of renewable energy, and other benefits of the proposals. He agrees with the Inspector that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the other harm that has been identified. He further agrees with the Inspector that there is no evidence that the impacts of the proposals could be made acceptable and

that the very special circumstances necessary to justify the development do not exist (IR138, IR149).

21. The proposal would not be in accordance with the development plan or with the objectives of national policy. The Secretary of State finds no material considerations that indicate the appeal should be determined other than in accordance with the development plan.

Formal decision

22. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your appeal and refuses planning permission for the installation of standalone solar PV modules, grid connection, access track and associated infrastructure, in accordance with application ref 14/02034/FUL, dated 30 July 2014.

Right to challenge the decision

23. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
24. A copy of this letter has been sent to Stratford on Avon District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Maria Stasiak

MARIA STASIAK

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Vicki Hirst BA(Hons) PG Dip TP MA MRTPI

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

Date: 18 February 2016

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY BERTY 003 LIMITED

STRATFORD ON AVON DISTRICT COUNCIL

Site visit made on 10 December 2015

Land at Park Farm, Claverdon, Warwickshire

File Ref: APP/J3720/W/15/3029788

File Ref: APP/J3720/W/15/3029788
Land at Park Farm, Claverdon, Warwickshire

- 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 BERTY 003 Limited against the decision of Stratford on Avon District Council.
- The application Ref 14/02034/FUL, dated 30 July 2014, was refused by notice dated 12 March 2015.
- The development proposed is the installation of standalone solar PV modules, grid connection, access track and associated infrastructure.

Summary of Recommendation: The appeal be dismissed.

Procedural Matters

1. The appeal was recovered for determination by the Secretary of State on 11 December 2015. The reason for recovery is that the proposal is for significant development in the Green Belt.
2. The application was accompanied by an Environmental Statement (ES). The ES was the subject of a Planning Inspectorate Adequacy Check dated 11 November 2015¹. This concluded that the ES was satisfactory in meeting the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011 No. 1824). I have taken it into account in my making my recommendation.
3. The application was amended during its processing to reduce the number of panels and their arrangement, to update technical documents to reflect the changes and to provide additional information at the request of the Council and statutory consultees. A representation has been made that there are some discrepancies between the plans including the extent of the application site boundary and that the Council's site notice did not accurately portray the full application site boundary².
4. Whilst the technical reports include some maps that do not include the full boundary they also include extracts from the submitted plans with the full site indicated. The Council advertised the development with reference to all available documents and plans being available on line or in the office and it determined the application on the basis of these plans. I am satisfied that no injustice has arisen from the discrepancies within some of the documents and that none would arise from taking the revised plans and information into account. I have done so in making my recommendation.
5. I undertook an accompanied site visit to the site and the surrounding area on 10 December 2015. I clarified with the main parties at the site visit which plans had formed the basis of the Council's determination and a list of the agreed plans is included at Annex A.

¹ Doc 1

² Doc 2

The Site and Surroundings

6. The appeal site lies in the countryside and comprises approximately 16 hectares of agricultural land divided into three adjoining fields and situated to the east of the railway line and to the south of Claverdon Station. An electricity sub-station is located to the north of the site and access is taken from the A4189 Station Road to the north. A sewage treatment works was under construction at the time of my site visit to the north east of the site and Public Right of Way (PROW) number SD162a traverses through the centre of the site and crosses fields to the east and west. The village of Claverdon, two parts of which are designated as conservation areas, is situated on higher ground some 0.85km to the north west and several residential properties are located to the north along Station Road³.
7. The site is situated on low lying ground, adjacent to a designated flood zone⁴. Hedgerows follow the wider field boundaries and the Railway Meadows Site of Special Scientific Interest (SSSI) lies to the south⁵. The site falls within the landscape National Character Area 97 (NCA), Arden and the Stratford-on-Avon Design Guide 2001 Arden area, sub area Ancient Arden⁶. This comprises a pastoral landscape of a mixture of arable farming and grazing land. The whole site lies within the West Midlands Metropolitan Green Belt.

The Proposal

8. The proposal would provide arrays of solar photovoltaic (PV) modules with associated infrastructure comprising 6 transformer houses, one private high voltage switchgear building, one District Network Operator (DNO) substation building, and one storage container. The transformer houses would be distributed throughout the site, the switchgear building and storage containers would be located in the north west corner of the northern field and the DNO substation would be situated to the west of the electricity sub-station near the entrance to the site. A construction compound would be located to the south of the switchgear building. The existing field gate providing access to the A4189 would be altered to provide a bell mouth junction and the access would follow the boundary of a field to the north of the solar farm with the arrays starting in the second field from the A4189.
9. The solar panels would be mounted on a metal framework structure and would be orientated in rows on an east-west axis. They would be approximately 2 metres high at their highest point with 4 metre gaps between rows. A new hedge would be provided along the northern boundary of the field in which the arrays would be situated and the whole site would be fenced with 2 metre high perimeter deer fencing with CCTV cameras provided around the site. Drainage swales would be provided across the site and a wildflower meadow would be planted to the south west of the public right of way that crosses the site.

³ Site location is shown on plan number 1258/2861

⁴ Doc 3

⁵ Doc 4

⁶ Docs 5 & 6

10. The scheme would generate 6,810MWh per annum which the appellant states is the equivalent to the consumption of 1,294 residential properties and an associated CO2 emissions saving of 2,124t per annum⁷.
11. The appellant states that an annual fund payable to the local community of £10,000 per annum for the lifetime of the scheme (20 years) has been offered for the possible funding of a part time member of the community shop to help run a post office. This would also be subject to a business rates levy which based on other solar schemes would equate to approximately £30,000 rates per annum payable into the District Council⁸.
12. The application was refused following a committee site visit and resolution on 12 March 2015 and the Council's reasons for refusal are set out in its decision notice dated 12 March 2015⁹.

Planning Policy

The Development Plan

13. The Development Plan comprises the saved policies of the Stratford-on-Avon Local Plan Review 2006-2011 (the Local Plan). The Development Plan policies of particular relevance to this appeal are saved policies PR.1, PR.2, PR.6 and CTY.4. Policy PR.1 requires all development proposals to respect, and where possible, enhance the quality and character of the area. Proposals that would damage or destroy features which contribute to the local distinctiveness of the local area will not be permitted unless significant public benefit would arise from the scheme.
14. Policy PR.2 provides for a general presumption against inappropriate development in the Green Belt unless for certain specified circumstances. Policy PR.6 encourages the provision of renewable energy schemes, including from solar, providing that the proposed development would not have a detrimental effect on the environment or character of the local area, including visual impact or an unreasonable adverse effect on existing dwellings.
15. Policy CTY.4 generally supports proposals which seek to diversify farm based operations subject to certain criteria including whether the scale and nature of the proposed activity can be satisfactorily integrated into the landscape without being detrimental to its character and with regard to the effect on existing properties and settlements.
16. The Council is in the process of preparing its Core Strategy for the district for the period 2011 to 2031 and which has been through its Examination in Public. Although the Strategy has yet to be adopted a number of policies have been cited that it considers should be given weight as they are free from unresolved objection and are broadly consistent with national policy. Of particular relevance is policy CS.3 which provides support for solar energy subject to a number of criteria including its impact on agricultural land, its impact on openness and the character of the landscape and visual amenity. The Council states that no objections have been received relating to the solar farm element of the policy

⁷ Doc 7

⁸ Doc 8

⁹ Doc 9

and given its conformity with national policy and that the Council has adopted it on an interim basis I have afforded it some weight in my assessment.

17. The Council has produced Supplementary Planning Guidance entitled "Stratford-on-Avon District Design Guide, 2001" which defines landscape character areas based on the Warwickshire Landscapes Guidelines produced by Warwickshire County Council. The Renewable Energy Landscape Sensitivity Study (the Sensitivity Study) prepared by consultants in 2014 assessed the sensitivity and capacity of the district landscape character types to accommodate commercial wind and solar energy development. This document has not been adopted but is referenced in policy CS.3 referred to above.

National Planning Policy

18. National planning policy on renewable energy development is set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance: Renewable and Low Carbon Energy (the Guidance).
19. In line with the European Parliament Directive 2009/28/EC which obliges members states to commit to renewable energy targets, the Framework requires local planning authorities to have a positive strategy to promote energy from renewable and low carbon sources and maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily including cumulative landscape and visual impacts. In determining proposals the overall need for renewable or low carbon energy is not required to be demonstrated and proposals should be allowed unless material considerations indicate otherwise and if impacts can be made acceptable¹⁰.
20. This approach reflects the UK Government's strategy for solar PV set out in the Department of Energy and Climate Change's publication UK Solar PV Strategy Parts 1 and 2.
21. The Framework identifies that Green Belts serve five purposes including assisting in safeguarding the countryside from encroachment. Their essential characteristics are their openness and permanence. Paragraph 91 states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. This is, by definition, harmful. The Framework provides that substantial weight should be given to any harm to the Green Belt. In such cases developers will need to demonstrate very special circumstances if projects are to succeed, and such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm are clearly outweighed by other considerations.
22. The Guidance recognises the negative impact that large scale solar farms can have on the rural environment, particularly in undulating landscapes and requires consideration to be given to landscape and visual impacts and the potential for mitigation for any impacts. Consideration is required to be given to encouraging the effective use of land by focussing large scale solar farms on previously

¹⁰ Paragraphs 97 & 98, National Planning Policy Framework, March 2012

developed and non-agricultural land, providing that it is not of high environmental value. Where proposals involve greenfield land the proposed use of any agricultural land should be shown to be necessary and poorer quality land should be used in preference to higher quality land and the proposal should allow for continued agricultural use where applicable and/or encourage biodiversity improvements around arrays.

23. In a Ministerial Statement on 25 March 2015, Sir Eric Pickles, the former Secretary of State for Communities and Local Government, emphasised that meeting energy goals should not be used to justify the wrong development in the wrong location including the use of high quality agricultural land. Large scale ground mounted solar photovoltaic farms that involve agricultural land should demonstrate that this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

The Case for BERTY 003 Limited

24. The appellant's case is set out in the statement of case dated July 2015¹¹ and the final comments dated 13 October 2015¹². The material points are as follows.
25. The site comprises an area of agricultural land currently under cultivation. The site was selected following an assessment of several criteria and environmental studies. It was chosen due to it not being high grade agricultural land being classified as Grade 4 to 5 under the Agricultural Land Classification, its lack of statutory planning, historic, archaeological and environmental designations, its distance from residential properties, its good solar resource, available connection capacity to the electrical grid, and good transport infrastructure.
26. The design of the scheme has responded to the pre-application consultation with the local community with the design being changed to lower the maximum height of the panels and remove all panels from the road adjacent to Station Road, planting a hedge across the site from the sewage treatment works to the railway boundary and retaining a broad buffer where the footpath crosses the site and providing deer fencing rather than security fencing. The proposal was also reduced between the Environmental Impact Assessment (EIA) screening and the determination of the application. The scheme has been designed to make efficient use of the land whilst maximising production through the arrangement of the panels and would provide new renewable and low carbon electricity generation capacity which represents a small but direct and valuable contribution to the regional and UK targets for installed renewable energy and carbon emission reduction.
27. There is a clear priority in both the national and development plan frameworks for achieving sustainable development. The development is reversible, sustainable and consistent with policy objectives and meets the Framework's commitment to sustainable development. The context and justification for development in accordance with these policies is weighing benefits against the acceptability of impacts and for the purposes of the Framework requiring adverse effects to be such that they would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole.

¹¹ Doc 7

¹² Doc 10

The need for the proposed development

28. Given the national policy context there remains a strong policy drive to continue to develop renewable energy and a need for developments that are acceptable to be granted planning permission to meet a greater impetus for renewable energy and a shortfall on meeting targets. The Framework does not require applicants to demonstrate the overall need for renewable or low carbon energy and recognises the contribution even small scale projects can make.

Renewable energy policy

29. In balancing the benefits of the scheme and the potential impacts in terms of assessing acceptability the conclusion reached is that the proposed development is acceptable in terms of its location, siting and potential environmental effects and the principle of the development should therefore be accepted.

Green Belt policy

30. The Council's policy PR.2 considers Green Belt in terms of a presumption against inappropriate development. It identifies development necessary to the continuing operation of agricultural holdings to be something that might secure consent as an exception. The policy also recognises that certain developments within the Green Belt may be acceptable because of the significant public benefits that they bring.
31. The Framework advises that substantial weight is given to any harm to the Green Belt. Balanced against this are the benefits from the scheme which amount to the very special circumstances needed to outweigh any demonstrable harm and thus enable the proposal to be supported. The Framework confirms that the wider environmental benefits associated with increased production of energy from renewable sources may amount to the very special circumstances if the renewable project is in the Green Belt.
32. The Framework makes it clear that there are several steps to take when looking at the Green Belt issue. First is to establish whether the proposal is inappropriate development. The second is to establish the degree of Green Belt harm, the third to assess any other harm and the fourth to identify material planning considerations of such weight to represent very special circumstances.
33. The development does comprise inappropriate development as it will impact on the openness of the Green Belt because its installation amounts to construction of new renewable energy plant in an open field. Additionally it would not assist in maintaining one of the purposes of including land within the Green Belt, that of safeguarding the countryside.
34. The scheme has been altered following the community consultation and whilst it is accepted there still would be some limited harm it is considered that these changes are material and sufficient to lower the degree of Green Belt harm and which would be low/moderate rather than significant.
35. There were no objections concerning ecology, highways, heritage or flood risk that may contribute to such harm.
36. The onus is on the appellant to identify the very special circumstances necessary to outweigh the Green Belt harm.

37. The proposed solar installation will serve to diversify the farm's business activities and assist in securing the future viability of the farm through providing an income for re-investing into the small mixed family farm for today and for future generations.
38. The scheme would provide wider environmental benefits associated with renewable energy production to approximately 1,294 homes, the reduction in CO2 emissions, the proximity to the electricity grid negating the need for overhead or underground cables, the lack of available brownfield land of an adequate size, and the poor quality of the agricultural land which requires significant soil improvement to provide a sustainable crop yield and which has an adverse effect on biodiversity.
39. The site makes a limited contribution to the purposes and openness of the Green Belt due to its containment by physical barriers and existing screening and there is a limited impact on the character and appearance of the surrounding landscape due to existing vegetation and the topography changes with limited views from only a small number of public vantage points. The proposal would contribute to farm diversification and the rural economy whilst enabling the continued use of the site for sheep grazing beneath the panels.
40. The local community would benefit through the creation of construction, ongoing maintenance and decommissioning jobs and through funding and support to the local shop and Post Office during the operational period.
41. The proposal would provide biodiversity enhancements including grassland beneath the panels, additional screening planting, and the planting of a wildflower meadow along the route of the footpath and protection of the nearby SSSI which would have the potential to increase both biodiversity and botanical diversity for over 20 years. As such the very special circumstances needed to outweigh any demonstrable harm and thus enable the application to be supported have been demonstrated.

Landscape policy

42. The solar park would not be sited in a very prominent location and benefits from significant vegetation and topographical shielding which protects the amenity of the area. The Zone of Theoretical Visibility (ZTV) in the Landscape and Visual Impact Assessment¹³ demonstrates that the visibility of the site is extremely localised by being sited at a low point in the landscape with visibility restricted by the undulating topography. The constrained visibility of the solar scheme must be one of its major strengths as this restricts the potential for significant negative impacts on the wider landscape character. The impacts have been overstated by the Council resulting in a refusal.
43. Policy PR.1 requires all development to respect the character of the area and where landscape features which contribute to the identity and distinctiveness of an area might be damaged, development will not be permitted unless there is significant public benefit. The public benefit of renewable energy supply is significant. Furthermore, any damage will be visual in nature and will mainly be limited to views from the PROW that crosses the site. The visual change at site

¹³ Doc 5

level would be immediate and obvious but visual impacts will be filtered through the existing peripheral hedges and mature trees with distant views being unavailable from all directions due to vegetation and topography. The technical reports that accompanied the application conclude that there will be no unacceptable negative impacts that are not outweighed by the environmental benefits of producing renewable energy at this site.

The planning balance and conclusions

44. The key matters in policy terms relate to the potential landscape and visual effects of the proposed development, particularly in relation to impacts on the local landscape and effects on the Green Belt. Very special circumstances against which the acceptability of the development in the Green Belt should be assessed have been demonstrated and the conclusion reached is that the proposal is in accordance with the development plan.
45. Insufficient weight has been given to the Framework in assessing the balancing provision of any adverse effects against the benefits of the scheme with the requirement for adverse effects to be such that they would significantly and demonstrably outweigh the benefits. The proposed development would make a direct and valuable contribution to reducing CO2 emissions and achieving renewable energy targets and there is a substantial evidential basis for support for new renewable energy development in Warwickshire. The development accords with the statutory development plan as a whole.
46. Other material considerations have been identified including the very special circumstances, the public benefit of renewable energy generation, the time limited and reversible nature of the development, and national planning policy. The scheme derives very considerable support from these material considerations and which are entitled to significant weight in the decision-making process.
47. Whilst the proposal would have a possible negative impact on the Green Belt by reason of inappropriateness, because of a reduction in openness and through a limited amount of harm to the landscape, all over a time limited period, this level of harm is limited and outweighed by the benefits and very special circumstances demonstrated. Any harm identified to landscape character is unavoidable but the public interest test relating to residential amenity is not breached and any harm on local landscape types and visual effects on the landscape setting would not substantially harm their significance. There would be some limited change to the local area and character but this would not be unacceptable to the public interest. There are no financial or system impediments to bring forward the proposed development and the development would not result in any noticeable ecological or highway impacts and would make a direct and positive contribution to the long term operation and viability of Park Farm whilst making a contribution to renewable energy targets.
48. The development accords with the statutory development plan and material considerations do not indicate that consent should be refused.

The Case for Stratford-on Avon District Council

49. The Council's case is set out in the statement of case and appendices dated 25 September 2015¹⁴. The material points are as follows.

Sequential testing

50. In line with government announcements that brownfield land is the focus for solar growth an assessment of available brownfield land was provided. This indicates that there are limited or insufficient sites available of a suitable size. Brownfield sites within Stratford and Warwick Districts are allocated for alternative forms of development. A large area of land is required to maximise the amount of electrical hours of production and the scheme can provide some 50% more PV per hectare than typical designs and would be more efficient. There is a requirement for capacity within the electrical grid and the area is heavily constrained restricting the availability of sites. This site is within close proximity to the local sub-station with connection available and the landowner is willing to lease the land for over 20 years. The site is low grade agricultural land and sheep grazing can continue with biodiversity improvements proposed. An appropriate assessment of alternative brownfield, commercial and greenfield land has been provided.

Development of agricultural land

51. The applicant's surveyor has advised that the land is graded as Grade 4 and possibly 5 and is therefore of low quality. The arable crops taken from the land are of a lower yield to others on the farm and the land is expensive on energy and labour with little or no profit in most years with an input of pesticides. The solar farm would not have any direct impact on the agricultural land quality as there is very little in the way of intrusive works into the soil and the land could continue to be farmed both during its lifetime and following decommissioning. The proposal would not result in the loss of the best and most versatile agricultural land and the loss of agricultural land over the 25 year lifetime of the proposal should not be a factor to warrant refusal.

Impact on the landscape and character of the area

52. As part of its core principles the Framework requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. The UK Solar Road map requires proposals to be appropriately sited and the Guidance advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes.

53. There is no landscape designation for the site but it is pleasant rolling countryside and there are panoramic views from the higher ground at Claverdon over the site and to more distant views. A Special Landscape Area for the Arden is recommended under the Special Landscape Study 2012 and which comprises part of policy CS.12 of the draft Core Strategy. However, due to its status in the emerging Core Strategy this particular policy is of limited weight.

¹⁴ Doc 6

54. Typical features of the Ancient Arden landscape include its undulating form, hedgerow and roadside oaks, irregular pattern of small to medium sized fields, network of winding lanes and tracks with high banks, scattered hamlets and farmsteads. The site is large open fields but the locality of the site displays these landscape characteristics.
55. The Council's Sensitivity Study is not adopted but provides a landscape sensitivity study for wind and solar energy development by reference to character areas. The site lies at the edge of the Ancient Arden sub-character area and adjacent to the Arden Wooded Estate lands. The study categorises the proposal as a medium sized solar farm.
56. The Sensitivity Study perceives the landscape experience as being "moderately open with attractive unspoilt middle distance views across valleys to surrounding hills. This is modified by tree cover which encloses some areas". It finds the Ancient Arden to be of high sensitivity to medium scale solar energy development due to its prominent rounded hills and undulating sloping topography.
57. Despite the railway line the site has a tranquil character. There are open, attractive views from the edge of Claverdon and from the footpath to the east over this site. The railway is not particularly discernible in views from higher ground and has a limited visual impact in the landscape. The solar panels would be a striking feature in public views and at odds with the open, rural character of the area.
58. Views of the site from the A4189 are limited to near the access and views to road users would be negligible although there would be various glimpsed views. The solar panels would be visible to train passengers and those on the station platform and the effect on visual perception of the landscape would be reasonable in this context.
59. In crossing the site on PROW SD162a there would be a significant effect. The views would finish at the railway line for a walker heading towards Claverdon and for a walker heading east the impact would finish once beyond the solar panels and in the trees. Views looking north, particularly in the vicinity of Bargain Wood would be relatively conspicuous and only partially screened between November and March. These views would be significant and unreasonable with the panels appearing as an incongruous and intrusive addition to the rural landscape.
60. In walking towards Claverdon on PROW SD162a and from the footpaths on the eastern edge of Claverdon the panels would be visible due to the extent of the proposal and would unreasonably detract from the views across the landscape. The alteration to the vehicular access and wheel wash facility would exacerbate the suburbanising influence on the relatively open rural character of the site and surroundings.

Green Belt

61. The proposal is inappropriate development as defined by the Framework. This is, by definition, harmful and should not be approved except in very special circumstances.
62. The fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. This proposal would not constitute urban sprawl. The land would not remain open but would be enclosed by this

development for a time limited period of up to 25 years which is a large part of an average person's lifetime. The proposal is reversible and this should be taken into account.

63. Openness is an essential characteristic of the Green Belt and is generally defined as the absence of built form. This does not depend on visibility and as a large, man-made feature the proposal would considerably reduce openness and would add to the harm by reason of inappropriateness.
64. The site coverage, visibility from local vantage points including footpaths and the railway line ensure the development will be highly visible and an incongruous addition to this open, rolling landscape. The proposal conflicts with Green Belt policy unless special circumstances can be demonstrated to justify the impact.

The Balancing Exercise

65. The proposal is inappropriate development and has been shown to cause harm to the Green Belt by reason of inappropriateness, because of a reduction in openness that it would involve and through harm to the landscape over a 25 year period. The Framework advises that substantial weight should be given to any harm to the Green Belt.
66. Balanced against this are the matters advanced by the applicant in support of the application which they claim are the very special circumstances needed to outweigh this demonstrable harm and thus enable the application to be supported.
67. There is no dispute that the proposal would provide a valuable contribution to cutting greenhouse gas emissions in accordance with the Framework, would provide income to the farm assisting with its maintenance and farming activity to continue for the next generation. An agricultural use could continue with sheep grazing the land and there would be some benefit to the wider economy through the creation and security of employment for those building the facility and providing materials and maintenance. There would be expenditure in the local economy at least during the construction phase.
68. The proposed biodiversity enhancements would be a significant ecological enhancement of the site which should contribute towards the very special circumstances involved in the balancing exercise.
69. The development does not constitute a sustainable form of development due to the level of environmental harm which would be caused. The unacceptable harm to the Green Belt over a lengthy period of time outweighs the special circumstances advanced in favour of the proposal.

Other Matters

70. In walking footpath SD162a the tower of the Church of St Michael and All Angels situated in the village of Claverdon which is a Grade II* listed building becomes visible. However, due to the distance of the site from the church and the setting of the church amongst existing trees and buildings the effect on the experience of the Church tower at this distance is negligible. In terms of the Framework the harm to the setting of the church would be very limited and less than substantial and outweighed by the public benefits of the proposal of tackling climate change and its effects. Other listed buildings within the vicinity and the

two conservation areas within Claverdon would not be adversely affected by the proposal.

71. The proposal would not impact unacceptably upon the living conditions of local residents, ecology, drainage, flood risk, highway safety or the setting of nearby listed buildings.
72. Overall the harm to the Green Belt, both in principle and in terms of openness and the harm to the landscape is significant. The benefits associated with the proposal do not amount to the very special circumstances clearly outweighing the various harms.

Written Representations

Appeal Stage

73. The Planning Inspectorate received 8 responses to the Council's notification letter of 24 August 2015 from local residents and the responses are on the case file. One letter raises concerns including: inappropriate development on Green Belt land; the sensitivity of the landscape to solar energy development; that the land has been classified as Grade 3a or 3b by their own expert; agricultural land should be used to support food production; the impact on the village of Wolverton; the contribution to the community shop and post office has not been raised with the Chairman or Board of the shop. A further letter was received from the Chairman of the Board representing the shop to confirm that no approach has been made and that any financial support would be carefully considered.
74. Support from 6 residents including the landowners of the site raise matters including: land can be used for other useable products; there is a need to develop modern methods of energy generation; the proposal will be a legacy for future generations; the land is of poor quality and requires chemicals and fertilisers; the land is separated from the rest of the farm and requires crossing the railway line; planting and conservation commitments have been recognised and would be enhanced; the proposal provides a lifeline for the farm; the surrounding fields are already used for a railway, electricity sub-station and sewerage beds for the locality; the scheme has been altered to reflect local concerns; it would be an educational asset; the site is well screened; it is close to the sub-station; grazing would continue under the panels; Warwickshire is not meeting its target for solar power and it would make the village energy self-sufficient in an emergency.

Application Stage

75. Written representations received at the application stage have also been taken into account and are on the case file. They are summarised in the Council's committee report¹⁵ and which records that there were approximately 117 letters of representation, 64 of which were objecting to the proposal and 53 supporting. One letter of objection was prepared on behalf of a group of residents by the firm Zyda Law and included a review of the appellant's flood risk assessment report,

¹⁵ Doc 6, Appendix 1

an assessment of the submitted LVIA, and an Agricultural Land Classification desk top review¹⁶.

76. In addition to the representations raised by a local resident at appeal stage and identified above, the other main concerns raised are: non-compliance with local and national policy; the landscape impacts would be greater than suggested; insufficient very special circumstances have been demonstrated; brownfield sites should be considered first; the development would exacerbate flooding; a temporary period of 25 years does not justify the harm; harm to listed buildings; impacts on highway safety and living conditions; noise; impact on ecology; the electricity would not be provided to the local village; alternative sites have not been considered outside the Green Belt; and there is misleading and contradictory information.
77. In addition to those identified above, the main reasons for support raised are: the proposal would provide clean energy in line with Government aims; the development is temporary; there would be minimal harm to local residents; it would protect the site from housing development; there would be limited visual or other impacts and the proposal benefits biodiversity.
78. Responses received from consultees and other organisations at the application stage have also been taken into account. Following the submission of additional documents and details the Environment Agency and Warwickshire County Council Highway Control Engineer raise no objection. Severn Trent Water, Warwickshire County Council's Ecologist, and Natural England have no objection and English Heritage require the application to be determined in accordance with national and local policy guidance. Network Rail confirmed that there would be no glint and glare effects for the adjacent railway line and Coventry Airport states there would be no effects on the safety of aircraft operations.
79. The Warwickshire Ramblers query the line of the definitive footpath and Warwickshire County Council's Rights of Way Officer confirms that the layout does not interfere with the definitive route for footpath SD162a and raises no objection.
80. Warwickshire County Council's Planning Archaeologist identifies that the site lies within an area of significant archaeological potential and the development could disturb archaeological deposits. She recommends that the applicant be requested to arrange for an archaeological evaluation to be undertaken before any decision on the planning application is taken in line with the Framework's approach. Should this evaluation not be carried out the absence of an evaluation and the possible adverse consequences of the development should be included as a reason for refusal.
81. Claverdon Parish Council objects to the proposal. It recognises the need for "green energy" but not where it has adverse effects on the Green Belt. The proposal would impact on ecology and wildlife habitat and it is not realistic to expect the development to cease at the end of 25 years and not be replaced. It would be contrary to Government guidelines on development in the Green Belt.

¹⁶ Doc 2

82. Langley Parish Council is in favour of solar technology but questions whether this should be in the Green Belt rather than a brownfield site. Of more concern was the impact of runoff and the effects on flooding which it has already spent £3000 combatting.
83. Wolverton Parish Council is not against solar farms in principle but objects to this particular application as it is within the Green Belt and constitutes inappropriate development, the environmental benefits do not outweigh the damage to the landscape, character and openness of the Green Belt and Arden Special Landscape Area and the industrial type development will unacceptably harm the enjoyment of the footpath SD162a between Wolverton and Claverdon.
84. The ward member Councillor Horner requests that the application be considered by committee as it will be necessary to balance the effect on openness of the Green Belt with the social sustainability that the community contribution will deliver and due to the split in villagers' views.
85. Warwickshire Campaign to Protect Rural England finds the proposal would be an eyesore but in view of the mitigating factors that it is adjacent to the railway line, the structures would be painted green, there would be no lighting and the trees would be retained it recommends that conditions be imposed on any permission.

Appraisal

86. The following appraisal is based on the evidence in the written representations summarised above and my inspection of the site and surroundings. In this section numbers in [] refer to paragraphs earlier in the report. I consider the main considerations upon which the decision should be based are:
 - whether the proposal represents inappropriate development in the Green Belt for the purposes of development plan policy and the National planning Policy Framework (the Framework);
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and appearance and visual amenity of the area;
 - whether it has been demonstrated that there is a need for the development to be located on greenfield, agricultural land;
 - the effect of the development with regard to other matters raised;
 - the contribution of the development towards renewable energy targets; and
 - whether the 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.

Inappropriate Development

87. Paragraphs 89, 90 and 91 of the Framework identify the types of development that are inappropriate in the Green Belt. Paragraph 91 identifies that elements of many renewable energy projects will comprise inappropriate development. In this case the solar panel arrays, the associated transformer houses, switchgear building, storage containers and security installations would comprise such inappropriate development and there is no dispute between the main parties on this issue. [21, 33, 47, 61, 65, 73, 76, 81, 82, 83].
88. The Council's development plan policies provide a general presumption against inappropriate development in the Green Belt and this is in accord with the approach in the Framework. The Framework identifies that inappropriate development is by definition harmful. Substantial weight should be given to this harm with inappropriate development only being approved in very special circumstances. [14, 21, 30, 31, 32, 44, 73, 76, 83].

Effect on the Green Belt

89. The essential characteristics of Green Belts are their openness and their permanence. The appellant contends that the site provides only a slight contribution towards the purposes of the Green Belt as the site is contained by robust barriers such as the railway line and A4189. The appellant accepts that there will be a temporary loss of openness but considers this will be limited and localised. [21, 39, 47, 63, 64].
90. In my assessment the extensive array of solar panels and associated development within an area of open and undeveloped countryside would have a significant adverse effect on the openness of the Green Belt. The concept of openness is not confined to its visibility but to the lack of development. Whilst it is acknowledged that the proposal is relatively low in height, has been amended to remove panels from the field adjacent to the A4189 and screening is proposed [26], the development of a solar farm on some 16 hectares of open farmland would clearly have an impact on the openness of the area. The proposal relates to a substantial area of undeveloped land and the introduction of a large number of panels and associated development would impact significantly on this openness. [39, 47, 63, 72, 73, 75, 76, 81, 82, 83, 84].
91. Whilst the development has a limited time frame of up to 25 years, this represents a substantial part of the average person's life time. The development would be a visible change to the openness of the Green Belt over a significant length of time. It would fundamentally conflict with one of the purposes of Green Belts to assist in safeguarding the countryside from encroachment. This would be an additional significant harm to the Green Belt [21, 47, 62, 63, 72, 73, 75, 76, 81, 82, 83, 84].

Character and Appearance

92. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) which considered the landscape and visual effects of the proposal¹⁷. The site does not contain any statutory landscape or conservation designations and falls within National Character Area 97 characterised for its well wooded

¹⁷ Doc 5

landscape with rolling landform, woodlands, meandering clay river valleys, diverse field patterns and complex and contrasting settlement pattern and transport infrastructure. The Ancient Arden area identified in the document County Landscape Character – Warwickshire Landscape Guidelines is characterised by its small scale, intricate landscape with many low rounded hills, steep scarps and small incised valleys with the landform relating intimately with tree cover and field pattern and views restricted by thick roadside hedgerows. The management strategy for the area includes conserving and restoring the ancient irregular landscape pattern and hedgerows and the pastoral landscape¹⁸ [7, 54].

93. The Sensitivity Study found that the Ancient Arden district landscape area in which the site lies has no capacity for field solar energy development but the adjacent Arden Wooded Estates character area contains occasional capacity for field solar energy development in it and/or intervisible in another landscape character area¹⁹. [17, 55, 56].
94. The appellant's LVIA states that the site displays a small number of the elements relating to the Ancient Arden character area but is not typical of the overall area and meets a large percentage of the criteria used in the Sensitivity Study for solar development. The LVIA finds the sensitivity of the NCA, the Arden County Landscape Character Area and the Ancient Arden District Landscape Character Area to be medium, the magnitude to be low and the impact to be slight/moderate during both construction and operation [42, 43].
95. An assessment of the LVIA submitted with the application has been submitted on behalf of residents of Claverdon and has provided additional viewpoints and analysis of the landscape impacts of the proposal²⁰. I have taken it into account in my analysis [75].
96. The proposed development would extend along the side of the railway line and along the valley floor for some distance. Whilst it is accepted that the solar farm would introduce large man-made features into a predominantly natural landscape and would inevitably have a major effect on the character of the site itself, due to the position of the site on the valley floor, the topography of the surrounding countryside and the relatively low height of the development, its impacts on the overall landscape character including the villages of Wolverton and Claverdon would be negligible [42, 43, 57, 73, 74, 75, 76, 83].
97. The existing field boundaries and pattern would remain and would be complemented by some additional planting. There is other man-made development within the vicinity, namely the station, electricity sub-station and associated overhead lines and the sewage treatment works. Whilst several of these are in more discreet locations closer to the main road and the village context the railway extends along the valley on a slightly elevated level and despite screening to a certain extent by hedgerows and trees is a clear linear man-made element in the local landscape. The solar farm would follow the line of the railway in a relatively narrow strip in the context of the wider landscape and the existing vegetation to the east of the site would limit any harmful effects.

¹⁸ Docs 5 & 6

¹⁹ Doc 5

²⁰ Doc 2

In my assessment the landscape is capable of absorbing this particular development without harming its essential characteristics [42, 43, 57, 74, 75, 76].

98. The Council has raised concern that the improvements to the access would also emphasise the development and its visual impact. In the context of the entrance from a main road adjacent to the existing electricity sub-station the alterations to provide a bell mouth entrance and associated works would not cause significant harm to the character and appearance of the area [60].

Visual Amenity

99. Turning to visual effects, the proposal would be clearly visible from footpath SD162a that crosses the centre of the site and forms part of a walk between Claverdon and Wolverton. The development would be particularly visible from Viewpoint 10 in the LVIA and shown in Figure 7 of Zyda Law's submitted assessment of the LVIA. It would also be clearly visible when following the path in an easterly direction from Viewpoint 9. Due to the elevated nature of parts of the path as it traverses through the valley views would be of the majority of the development and screening would have little effect due to the topography. The path passes directly through the site and whilst a wildflower meadow would be created to the south side of the path, views from this section of the path would be dominated by the proposal. Views would diminish and become more filtered further away from the site higher up the valley sides [6, 42, 43, 57, 59, 60, 73, 74, 75, 83].
100. The path appeared well trodden on my site visit and users of the path would be sensitive receptors to visual amenity. The experience for users of footpath SD162a is of a gently undulating, attractive pastoral landscape and the enjoyment of this route would be significantly affected and harmed by the proposal over a relatively long distance of a route that connects the two villages. This visual impact would have a moderate/substantial significance [6, 42, 43, 57, 59, 60, 73, 74, 75, 83].
101. In respect of other viewpoints within the LVIA there would be views of the proposal from the station platform and railway as well as from those properties situated to the north of the site (Viewpoints 1, 2, 3, and 4 and additional viewpoint in Zyda Law's submitted assessment of the LVIA). Hedge planting is proposed along the northern boundary of the solar panel arrays and over time this would diminish views of the site. Whilst there would inevitably be views of the site from properties and the station platform to the north irrespective of planting, due to the distances involved with a field between the properties and platform and the start of the panels, in my assessment these impacts would be minimal and would not be harmful to residents' living conditions or to users of the station [42, 43, 58, 76, 83].
102. Passengers on trains on the adjacent railway would have views of the proposal but in view of the transient nature of such passengers and the speeds they would be travelling any impact would be negligible [42, 43, 58].
103. Other views would be limited by distance, topography and screening and most would be filtered and be limited to glimpsed views [42, 43, 58].

104. The proposal would not cause significant harm to the landscape character of the area, but would have a significant adverse effect on the visual amenities of the public right of way SD162a. This would not be in accord with the Local Plan and in particular the relevant policy PR.6 [14]. This would be of moderate/substantial significance and weighs against the proposal.

Use of Agricultural land

105. Representation has been made that the development will take place on greenfield land without proper justification and that the land is of a higher agricultural grade than claimed by the appellant. An alternative agricultural land classification has been submitted in the representation from Zyda Law²¹. The Guidance encourages the use of previously developed and non-agricultural land and where greenfield land is to be used consideration is required to be given as to whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. The proposal should also allow for continued agricultural use where applicable and/or encourage biodiversity improvements around arrays [21, 22, 25, 38, 50, 51, 73, 74, 75, 76, 82].
106. Reference has been made to case law²² that held where a proposed development has significant environmental effects and where a key justification is that the need outweighs these adverse effects it may be relevant to consider whether there is a more appropriate site. The judgement in this case is acknowledged and the appellant has provided information in respect of the availability of other sites in a letter dated 11 November 2014²³. This advises that solar farms need large areas of land and available connection capacity within the national grid. It is stated that there is limited availability of brownfield sites throughout England with data from the Homes and Communities Agency suggesting that there are 195 sites in England that may be potentially viable and available for solar development. No further assessment is given to these sites [25, 38, 50, 51, 73, 74, 75, 76, 82].
107. The evidence focusses on those sites allocated within the emerging development plan, the Warwickshire Structure Plan and the Local Plan. Little evidence has been provided on the availability of other potential brownfield sites that may not be allocated for development and could be suitable for a large scale solar farm. Whilst I acknowledge the Council's acceptance of this assessment I find it to be lacking in detail on potentially available other sites [50].
108. The appellant has provided an assessment of the quality and productivity of the land²⁴. Whilst the LVIA states that generic information on the Department of Food and Rural Affairs maps grades the land on which the site is located as Grade 3, the assessment concludes that the land is predominantly Grade 4 and possibly some areas as Grade 5. This assessment has been based on the heavy clay content of the land, its wet characteristics and the crop yields. The assessment submitted by Zyda Law concludes that the land will fall into the Agricultural Land Classification Grade 3a if the soils are Wetness Class III and the topsoil is clay

²¹ Doc 2

²² Doc 2

²³ Doc 11

²⁴ Doc 12

loam. If the clay contents exceed 27% the soil would be classed as heavy clay loam and would reduce the grade to Grade 3b [25, 38, 51, 73, 74, 75, 76, 82].

109. Neither assessment appears to have been provided based on a site assessment and the submitted evidence indicates some doubt as to the classification of the land. The best and most versatile land falls into Grades 1, 2 and 3a and on the evidence before me the critical factor as to whether the site would fall into the Grade 3a classification is the specific soil content of the site. In the absence of any specific soil analysis and site data I am unable to reach a conclusion as to the likely quality of the land.
110. As such, there is inconclusive evidence before me to conclude that the proposal would be using poorer quality land. There is a further lack of conclusive evidence that there are no available brownfield sites that could be utilised. These matters weigh significantly against the proposal.

Other Matters

Heritage Assets

111. The site lies within 1km of the eastern Claverdon Conservation Area (the Conservation Area) and several listed buildings, namely Old Mill House in Station Road, Park Farm House and Barn, Porlock and Church View, Church Road and St Michael and All Angels Church. I viewed the site in the context of the conservation area and these listed buildings on my site visit [6, 70, 75, 76].
112. In assessing the impact of the proposal on heritage assets I have taken into account Sections 16(2), 66(1) and 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Sections 16(2) and 66(1) require special regard to be paid to the desirability of conserving the buildings or their settings or any features of architectural or historic interest which they possess. I have also had regard to the Framework and the Planning Practice Guidance: Conserving and Enhancing the Historic Environment. These seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed by this and future generations.
113. The appellant provided a Historic Visual Impact Assessment²⁵ which focussed particularly on the eastern conservation area in Claverdon and the setting of the church. I concur with its findings that principal views towards the heritage assets concerned would be from locations where the proposed site is not visible or largely obscured. I also agree with the Council's assessment that there would be no impact on the setting of the Conservation Area and any impact on the setting of the Church as a result of partial views of the church tower would be negligible. I find any effects would be neutral and not harmful to its special interest or setting. I am also satisfied that due to the topography there would be no impact on the western conservation area [35, 70, 75, 76].
114. Turning to other listed buildings, those situated within and to the east of Church Street, namely Park Farm House and Barn, Porlock and Church View are situated some distance from the site and on significantly higher ground. There is

²⁵ Doc 13

little inter visibility between the site and these listed buildings and I am satisfied that due to the distance, and topography that the proposal would not be harmful to the special interest or setting of these buildings [35, 70, 75, 76].

115. The Old Mill House is situated on Station Road and is segregated from the site by the electricity sub-station and the station. It is screened from the site by substantial mature vegetation. Despite it being within 0.5km of the site I do not consider that the proposal would result in any harm to its special interest or setting due to its divorced location both visually and physically from the site [35, 70, 75, 76].
116. I note the reference to a Court of Appeal decision that any harm identified to the setting of a listed building should be given considerable weight. Given that I have found that the proposal would not be harmful to the setting of any listed building, this decision does not affect my conclusions²⁶ [75, 76].
117. The Council's archaeological advisor objected to the proposal in the absence of any archaeological evaluation [80]. On the evidence before me the appellant provided the results of an Archaeological Gradiometer Survey dated 18 November 2014²⁷. This concluded that there are relatively few features of archaeological origin present and those that are relate to historic field boundaries. The site does not contain any Scheduled Ancient Monuments with the closest being some 1.2km away and on the evidence before me I have no reason to believe that the proposal would impact on any archaeological remains or be harmful to these interests. I note that the Council has not raised any objection on this ground.
118. In my assessment the proposal would not cause any harm to historic assets and this matter would not weigh against the development.

Flood Risk

119. A number of objectors raise concerns in relation to flooding and Zyda Law has provided a review of the appellant's flood risk assessment dated 3 January 2015²⁸. The report concludes that the overland flow and surface water flooding are significant at the site and there is a potential risk of flooding to the receiving watercourses downstream and to local roads which should be assessed. It states there is a need for further details regarding the on-site and off-site drainage strategy and mitigation measures [35, 71, 75, 76, 82].
120. The proposals have been amended to take account of original concerns raised by the statutory advisor the Environment Agency by removing panels from Flood Zone 3 and altering the landscaping proposals. Neither Severn Trent Water or the Environment Agency have an objection to the revised plans and on the evidence before me I am satisfied that subject to conditions requiring the details of the landscaping to be agreed that the proposal would not give rise to any significant concerns in relation to flooding and as such these considerations would not weigh against the development [35, 71, 75, 76, 78, 82].

²⁶ Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council and Others [2014] EWCA Civ 137

²⁷ Doc 13

²⁸ Doc 2

Ecology

121. Concerns relating to the impact on ecology and wildlife are noted. The proposal has the potential to enhance the biodiversity of the site through the reduction in the use of pesticides and fertilisers previously used to improve crop yield. On the evidence before me I have no reason to believe that the proposal would give rise to any impacts on the SSSI subject to the seed stock from the green hay collected from the SSSI being used on the site as required by Natural England. This can be secured under a landscaping condition. The positive impacts arising to biodiversity weigh in favour of the development and I give them some limited weight [35, 38, 41, 47, 68, 71, 74, 76, 78, 81].

Highways

122. The impacts of additional traffic and highway safety concerns are acknowledged. Further details of the access arrangements were provided during the processing of the application and the Council's Highways advisor has not raised any objection on highway grounds subject to conditions being imposed. I viewed the access on my site visit and am satisfied that the proposed arrangements would provide sufficient forward visibility in both directions and would result in a satisfactory means of access. This matter would be neutral in the planning balance [25, 35, 71, 76, 78].

Noise

123. I note concerns in respect of noise arising from the installation and increased use of the electricity sub-station. I have little evidence before me that the proposal would give rise to any significant increase in noise levels that would be harmful to the living conditions of nearby residents. I give this matter little weight [76].

Renewable Energy

124. The development would clearly make a significant contribution to providing energy from a renewable source. The proposal would produce 6,810MWh per annum which the appellant states is the equivalent to the consumption of 1,294 residential properties and an associated CO2 emissions saving of 2,124t per annum. Whilst the Framework does not require proposals to demonstrate the need for renewable energy the proposal would clearly contribute to national targets in this respect [10, 19, 20, 27, 28, 38, 45, 46, 47, 65, 74, 77, 81, 82, 83].

125. It is also noted that the scheme has been designed to maximise the amount of electrical hours of production per hectare with the closer alignment of arrays being able to produce approximately 50% more PV per hectare than typical designs. This has resulted in design criteria of 7.16MWp into 11.9 hectares in comparison to the industry standard that allows for 1MW PV modules per 2.8 hectares. The efficient use of the land is beneficial for energy production and this benefit weighs in favour of the proposal [26].

126. Both national and local planning policies provide support for renewable energy proposals where there are no unacceptable impacts. The UK Solar Strategy supports such installations and is a material consideration [14, 16, 18, 19, 20].

127. The application has generated a considerable amount of support on this basis [74, 75, 77] and the contribution that the proposal makes to energy security and national renewable energy targets weighs significantly in favour of the proposal.

Very Special Circumstances

128. The Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations [20, 32, 61].

129. The appellant has put forward a number of other considerations. Having regard to these matters and others put forward by supporters of the scheme I consider that significant weight should be given to the contribution that the scheme would make to the Government's targets on renewable energy and tackling climate change.

130. The appellant also highlights the priority of national and local policy in achieving sustainable development and contends that this proposal meets the Framework's commitment to sustainable development. There is no dispute that the Framework prioritises sustainable development nor that solar energy comprises such a form of sustainable development. However, the Framework is clear that the presumption in favour of sustainable development should not result in granting planning permission where there are specific policies in the Framework that indicate development should be restricted such as Green Belts²⁹ although it also indicates that very special circumstances may include the wider environmental benefits associated with the production of energy from renewable sources³⁰ [21].

131. I give some weight to the contribution that the proposal would make to the farm business and its future security and which is supported by development plan policy CTY.4. However, this support is qualified by proposals being satisfactorily integrated into the landscape [15, 30].

132. There would also be some benefits to the local community through job creation particularly during the construction and decommissioning periods. Nonetheless these are likely to be relatively short term benefits. I have no information before me with regard to any potential educational resource arising from the proposal and no weight should be given to the offer of a community fund to the local shop and post office as this is not material to the planning merits of the proposal [11, 40, 67].

133. The temporary nature of the development means that any effects would be removed after 25 years; however I consider this to be a relatively long period of time in the average person's lifetime. The absence of any significant agricultural activity over this time would result in some benefits to the ecology of the site through a reduction in the use of chemicals on the land to increase crop yield and I give this some limited weight [121].

134. I note that the design of the scheme has been altered to respond to the community consultation and the concerns of statutory consultees [3, 26]. Whilst

²⁹ Footnote 9, Paragraph 14, National Planning Policy Framework

³⁰ Paragraph 91, National Planning Policy Framework

- this may have altered the effects of the scheme on the character and appearance of the area and on the Green Belt, in my assessment I have found that the revised scheme causes harm to the openness of the Green Belt and its purpose in safeguarding the countryside from encroachment and to the visual amenities of the area and I afford these amendments little weight [104, 90, 91].
135. Weighed against the benefits is the harm to the Green Belt by definition of it being inappropriate development and through the harm that it would cause to the openness of the Green Belt and in not meeting its purpose of safeguarding the countryside from encroachment. Whilst this harm would be temporary and reversible it would be harmful for a considerable period of time and weighs substantially against the proposal [21, 87, 88, 90, 91].
136. The development would also be harmful to the character and appearance of the area through its impact on the visual amenities of the area, and in particular to footpath SD162a. I consider that this would be of moderate/substantial significance [104].
137. There is also not compelling evidence that the use of this agricultural land is necessary and that there is no availability of other brownfield land or that it comprises lower grade agricultural land. This is a significant consideration and in the absence of convincing evidence the proposal does not accord with national policy guidance [110].
138. In weighing the combined harm to the Green Belt with the other harm that I have identified in line with recent case law³¹, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. I have no evidence before me that the impacts of the proposal could be made acceptable. As such the very special circumstances necessary to justify the development do not exist.
139. As such the proposal would not be in accord with policies PR.1, PR.2, PR.6 and CTY.4 of the Local Plan, policy CS.3 of the Core Strategy and would be in conflict with the objectives of the Framework and the Guidance.
140. In reaching this view, I note the reference by an objector to a similar scheme in Solihull that had similar characteristics and was refused³². I have not been provided with any details, but nonetheless each proposal should be considered with regard to its particular characteristics and context and do not affect consideration of the planning balance of this particular proposal.

Conditions

141. The Council's statement of case includes a list of suggested conditions at its Appendix 4³³. The appellant has confirmed acceptance of the conditions although notes that conditions 5 and 7 are repeats of each other and presumes that the square brackets in condition 19 regarding the expiry of the consent is such that it will be revised to 25 years from the date on the decision notice should consent be

³¹ Secretary of State for Communities and Local Government and Others v Redhill Aerodrome Ltd [2014] EWCA Civ 1386

³² Doc 2

³³ Doc 6

forthcoming³⁴. I have considered the need for conditions and their wording in the light of the advice in the Guidance.

142. Condition 1 relates to the standard time period for implementation. Condition 2 requires the development to be carried out in accordance with the submitted plans and includes all the plans in Annex A agreed at my site visit. Condition 3 is necessary to ensure that the site is appropriately landscaped and that the ecology of the site and adjacent SSSI are protected and enhanced. Condition 4 is reasonable and necessary to ensure that the construction phase is appropriately managed in the interests of residents' living conditions and highway safety.
143. To ensure any archaeological findings are protected and recorded condition 5 requires a programme of archaeological work to be approved, and condition 6 is necessary to protect trees on the site from damage. Condition 7 is in response to the need to ensure that appropriate mitigation is put in place for potential flood risks and conditions 8 and 9 are required in the interests of highway safety. Conditions 10 and 11 are required to ensure that the development is decommissioned after 25 years and the land restored to an appropriate condition. I have amended the wording of condition 11 to reflect the appellant's comments and to include a clause that the development should be removed within 6 months of the cessation of the use of the site for the production of electricity to ensure that it does not remain vacant should the use cease before the end of 25 years.
144. The Council also requested that conditions be imposed in respect of the detailed design and finishes for the panels and associated development. These elements are indicated on the submitted plans and I do not find the submission of further details to be reasonable or necessary. Furthermore, condition 7 relates to the drainage measures to be implemented as set out in the Flood Risk Assessment and I find the imposition of further conditions requiring drainage measures to be unnecessary. Details of foul drainage are not required as no foul sewerage is proposed. The suggested condition 15 in relation to deliveries can be controlled under Condition 4.
145. In the event that the appeal is allowed, Annex B lists the conditions that I consider should be attached to any permission granted.

Conclusions

146. A decision on the appeal is required to be made in accordance with the development plan unless material considerations indicate otherwise. In this case the Council's adopted and emerging relevant development plan policies are in general conformity with those in the Framework [27, 30].
147. The proposal would be inappropriate development in the Green Belt. It would cause harm to the openness of the Green Belt and its purpose in assisting in safeguarding the countryside from encroachment.
148. In my assessment the proposal would also cause harm to the visual amenities of public right of way SD162a. There is inconclusive evidence on which basis to conclude that the proposal would be using poorer quality land and that there are no available brownfield sites that could be utilised.

³⁴ Doc 10

149. For the reasons set out above the other considerations put forward by the appellant and many supporters do not clearly outweigh the harm to the Green Belt. This harm arises by definition as it comprises inappropriate development in the Green Belt and through the other harm that I have identified. As such, the very special circumstances required to justify the development do not exist.
150. The proposal would conflict with the relevant policies PR.1, PR.2, PR.6 and CTY.4 of the adopted development plan and would not be in accord with the objectives of national policy.
151. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Recommendation

152. I recommend that the appeal be dismissed. However, if the Secretary of State is minded to allow the appeal, Annex B lists the conditions that I consider should be attached to any permission granted.

Vicki Hirst

INSPECTOR

ANNEX A – APPLICATION PLANS

Location Plan – 1258/2861 V1 – 22 July 14
Development Layout, SPP.1790.1A, Rev V7, Nov 2014
Inset Map 1, 1258/2853, Rev V3, 10 Nov 14
Inset Map 2, 1258/2854, Rev V3, 10 Nov 14
Inset Map 3, 1258/2855, Rev V3, 10 Nov 14
Deer Fence Elevation – 1258/2833 – 21 July 14
Switchgear Building Elevations – 1382/2856 – 21 July 14
Storage Container Elevation – 1258/2857 – 21 July 14
CCTV Elevation – 1258/2864 – 10 June 14
Site Topo, 1258/2858, Rev V1, 21 July 14
Topo Inset Plan 1, 1258/2859, Rev V1, 22 July 14
Topo Inset Plan 2, 1258/2860, Rev V1, 21 July 14
Topo Inset Plan 3, 1258/2861, Rev V1, 21 July 14
Panel Elevation, 1258/2831, 10 Jun 14
Indicative swale cross-section, 1258/2897, 10 Sep 14
GRP Substation, 1258/2867, 29 Jul 14
Construction compound, 1258/2966, Rev V1, 7 Nov 14
Site Access General Arrangement, E12505/AT01, 10/2/15
Site Access General Arrangement, E12505/SKT01, 10/2/15

ANNEX B – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – 1258/2861 V1 – 22 July 14

Development Layout, SPP.1790.1A, Rev V7, Nov 2014

Inset Map 1, 1258/2853, Rev V3, 10 Nov 14

Inset Map 2, 1258/2854, Rev V3, 10 Nov 14

Inset Map 3, 1258/2855, Rev V3, 10 Nov 14

Deer Fence Elevation – 1258/2833 – 21 July 14

Switchgear Building Elevations – 1382/2856 – 21 July 14

Storage Container Elevation – 1258/2857 – 21 July 14

CCTV Elevation – 1258/2864 – 10 June 14

Site Topo, 1258/2858, Rev V1, 21 July 14

Topo Inset Plan 1, 1258/2859, Rev V1, 22 July 14

Topo Inset Plan 2, 1258/2860, Rev V1, 21 July 14

Topo Inset Plan 3, 1258/2861, Rev V1, 21 July 14

Panel Elevation, 1258/2831, 10 Jun 14

Indicative swale cross-section, 1258/2897, 10 Sep 14

GRP Substation, 1258/2867, 29 Jul 14

Construction compound, 1258/2966, Rev V1, 7 Nov 14

Site Access General Arrangement, E12505/AT01, 10/2/15

Site Access General Arrangement, E12505/SKT01, 10/2/15

3. Prior to the commencement of development, a combined soft landscape, ecological and habitat management plan shall be submitted and approved in writing by the local planning authority. This shall include details of the measures to be implemented for landscaping, ecological enhancement, habitat management, measures for monitoring of outcomes/means of reviewing the strategy and the body or organisation responsible for the implementation of the strategy. The development shall be fully implemented in accordance with the details within the approved landscape, ecological and habitat management plan.

4. Prior to the commencement of any part of the development hereby permitted, a Construction Method and Phasing Statement, to include a Construction Traffic Management Plan, shall be submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Construction Method and Phasing Statement. The Statement shall include:
 - a) Details of the proposed phasing of the development;
 - b) Details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
 - c) Details of the proposed storage of materials and disposal of surplus materials;
 - d) Details of a schedule for the delivery of all materials to the site, to include details of how deliveries would not take place during peak-time hours of the highway network in the vicinity of the site, and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway;
 - e) Details of routing of construction traffic, including details of the construction access, and swept path of the largest construction vehicles requiring access during the period of works;
 - f) Details of dust management;
 - g) Pollution control measures in respect of water courses and ground water and bunding of storage areas;
 - h) Details of temporary site illumination during the construction period including proposed lighting levels together with the specification of any lighting;
 - i) Details of the phasing of construction works;
 - j) Details of surface treatments and the construction of all hard surfaces and tracks to include their decommissioning and subsequent reinstatement of the land;
 - k) Details of emergency procedures and pollution response plans;
 - l) Siting and details of wheel washing facilities;
 - m) Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
 - n) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles;
 - o) Details and a timetable for post construction restoration of the land associated with the temporary working areas and the construction compound;
 - p) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009.
5. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation approved in writing by the local planning authority has been implemented.
6. No part of the development shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on the site has been submitted and approved in writing by the local planning authority. The scheme shall thereafter be

carried out and retained for the construction period in accordance with the approved scheme.

7. The development shall be carried out in accordance with the Aardvark Flood Risk Assessment dated November 2014 (Ref: 1258-3941, Rev 1) and the following mitigation measures:
 - a) No new hedgerows shall be planted in the floodplain;
 - b) Existing stock fencing around the site will be removed and replaced with deer fencing, that will allow the flow of water through the site at the eastern boundary;
 - c) The positioning and height of the panels is to be set according to the Environment Agency comments dated 6 October 2014 and included in Appendix 1 of the Flood Risk Assessment.
8. The development shall not be used for exporting electricity until the access has been surfaced with a bound material for a minimum distance of 20 metres as measured from the near edge of the carriageway.
9. The development shall not be used for exporting electricity until the gates erected at the entrance have been hung so as not to open within 20 metres of the near edge of the carriageway.
10. The developer shall notify the local planning authority within 21 days of such time that electricity from the development is first exported to the national grid.
11. All solar panels, racks, inverters, transfer stations, collecting stations, storage containers, hard standing and associated cabling and equipment shall be removed from the site within 6 months of the cessation of exporting electricity to the grid from the site or on or before the expiry of 25 years of the date of this decision, whichever is the sooner, in accordance with a written scheme detailing the management of the removal which shall be submitted to and approved in writing by the local planning authority.

ANNEX C – LIST OF DOCUMENTS REFERENCED IN REPORT

Reference	Description
Doc 1	ES Adequacy Check
Doc 2	Letter from Zyda Law, 30/1/15
Doc 3	Flood Risk Assessment dated Nov 2014
Doc 4	Assessment of the potential for a solar PV farm to impact on Railway Meadows SSSI dated July 2014
Doc 5	Appellant's Landscape Visual Impact Assessment, Nov 2014
Doc 6	Council's statement of case – Appendix 1
Doc 7	Appellant's statement of case, July 2015
Doc 8	Letter from Aardvark to Mr Lees, 10/11/14
Doc 9	Decision Notice
Doc 10	Appellant's final comments, 13/10/15
Doc 11	Letter from Aardvark to Mr Butler, 11/11/14
Doc 12	Assessment of Quality of the Land, Letter from Mr Earle to Mr Leaney, 17/1/14
Doc 13	Archaeological Gradiometer Survey & Selective Historic Visual Impact Assessment, 18/11/14



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.