

S62A/22/0000004 - Land east of Parsonage Road, and south of Hall Road, Takeley

Post Hearing Note submitted by Stansted Airport in respect of:

Appeal Ref: APP/C1570/W/22/3291524 Land at Warish Hall Farm, Smiths Green, Takeley

1. At the Hearing into S62A/22/0000004 held on 09.08.22, Takeley Parish Council asked the Inspector to take the Appeal Ref:/C1570/W/22/3291524 into account. This was forwarded to us on 11.08.22 with the invitation to respond by 17.08.22.
2. We have reviewed the appeal decision and the immediate observation is the significant difference between the scale, form and permanence of the Warish Hall appeal scheme compared to the Solar PV scheme that is the subject of this Hearing.
3. In assessing the Warish Hall scheme against Local Plan Policies S7 and S8 the Inspector found that proposal would conflict with those policies. In respect of Policy S7 (paragraphs 24 – 27 of APP/C1570/W/22/3291524) it is stated that the proposal would introduce a particularly urbanising form of development, with the attendant effects of street lighting, roofscapes, access roads and effects on visual receptors particularly users of numerous public rights of way, that would by its nature not be sympathetic to the local character and landscape setting. In respect of S8 (paragraphs 31-33), it is adjudged that whilst not necessarily compromising the requirement to prevent coalescing, on account of intervening open countryside and the presence of Priors Wood, it would have an effect on the open character of the Countryside Protection Zone (CPZ).
4. However, the Inspector recognises (paragraphs 83 – 85) that neither Policy S7 nor S8 were fully consistent with the National Planning Policy Framework (NPPF). In describing the weight to be applied to the conflict with Policy S7, he states: “I consider Policy S7, in requiring the appearance of development “to protect or enhance the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”, is broadly consistent with NPPF paragraphs 130 and 174b. Consequently, having concluded that there would be significant landscape character and visual impact harm arising from the proposal without special reasons being demonstrated as to why the development in the form proposed needs to be there, I give moderate weight to this conflict with the last strand of Policy S7, given it is not fully consistent with the NPPF.”
5. Turning to Policy S8 The Inspector states: “Turning to Policy S8 and the CPZ, I agree with the Inspector who in appeal ref. APP/C1570/W/19/324372723 concluded that Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the ‘protection’ afforded to the CPZ in Policy S8 is not the same as the Framework’s ‘recognition’. Given the policy is not fully consistent with the NPPF and there is a pressing need for deliverable housing land in the District, I consider that the conflict with LP Policy S8 should be given moderate weight. Again, I have taken account of the previous grants of planning permission within the CPZ both by the Council and at appeal.

However, I have reached my conclusion on the weight to be given to the conflict with this policy based on the effect of the proposal on the site-specific circumstances of this case.”

6. So moderate weight has been accorded to non-compliance with the tests set out in Policies S7 and S8. Far more significantly, the Inspector found (paragraph 98) that the effects of the development on heritage assets was such that public benefit would not outweigh the harm arising and therefore the NPPF indicated that development should be restricted. As such the presumption in favour of sustainable development could not be made.
7. Contrast with that the impacts of the Solar Farm application when judged against Policies S7 and S8 and in respect of specific guidance in NPPF regarding solar installations that is not reflected in the Development Plan.
8. In respect of S7, we demonstrated in the Planning Statement through describing the size and locational requirements for the facility (paragraph 6.9) provided both the need and the special reasons tests set out in S7. Similarly, the submitted Landscape and Visual Impact Assessment and Landscape Strategy have demonstrated how the character of this part of the countryside wouldn't be compromised by the facility's appearance. The proposal would not introduce the type of urbanising development that the Inspector for the Appeal site deemed to have failed the tests of Policy S7 – no street lighting, low-lying development rather than roofscapes, no impact on visual receptors and no access roads affecting a village green.
9. Turning to Policy S8, there is no reason to suggest that the same reasoning in respect of the effects on coalescing should not apply to the solar farm, and that by dint of intervening open landscape on either side of the A120 any sense of coalescing would not be compromised. We assert that the relatively self-contained nature of the application site and the low-lying nature of the development combined with existing and proposed vegetation would not materially affect the open nature of the CPZ.
10. The most telling contrast between the two schemes however, is the fact that the solar farm has specific sections of the NPPF that need to be weighed in the balance when reaching a conclusion about a presumption in favour of sustainable development. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. Further it goes on to state, at paragraph, 158 that planning applications should be approved if their impacts are, or can be made, acceptable. We have demonstrated that the visual impact of the solar farm can be largely mitigated by the existing and proposed landscaping.
11. It is clear that this Appeal decision does not over-ride the solar farm application being determined on its own merits.

Andrew Murray, 17.08.22.