
APPLICATION NO.	18/01486/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	03.08.2018
APPLICANT	Mr David Anderson
SITE	Winter Cottage, The Green, Pugs Hole, SP5 1LA, WEST TYTHERLEY AND FRENCHMOOR
PROPOSAL	Erection of 26 solar panels
AMENDMENTS	Received on 03.10.2018: <ul style="list-style-type: none">• Revised Block Plan (reflecting amended positioning and additional landscaping)
CASE OFFICER	Mr Graham Melton

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of the Local Ward Member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is an open field measuring approximately 0.9ha and located to the west of the residential dwelling known as Winter Cottage, itself located to the west of Pug's Hole in land designated as countryside.

3.0 PROPOSAL

3.1 The proposal is for the installation on 26 solar panels, covering an area measuring approximately 40 sqm, in a linear arrangement measuring approximately 27m by 1.5m by 1.655m. The proposed solar panels will be located approximately 2.5m away from the northern boundary of the application site.

3.2 During the course of the application, the applicant has submitted a revised block plan relocating the solar panels approximately 13m to the west and the inclusion of additional landscaping planting on the northern boundary.

4.0 RELEVANT HISTORY

4.1 None.

5.0 CONSULTATIONS

5.1 **Ecology** – No objection.

5.2 **Landscape** – No objection subject to condition.

6.0 **REPRESENTATIONS** Expired 08.09.2018

6.1 **West Tytherley Parish Council** – No response.

6.2 **5 letters of objection: 65 Red Lane (2), Old Hara, Lye Farm and 61 The Green (summarised):**

Impact on the character and appearance of the area

- Landscape Character Area - LCA3C.
- The proposed solar panel area sits within the LCA3C area (Tytherley and Mottisfont Wooded Farmland).
- This strategy identifies the area as being valued for its sense of seclusion from human activity and overall aim to conserve and enhance the wooded seclusion and historic landscapes.
- The proposal will be visible from some distance to the south on footpaths through nearby woodland.
- As a result, the proposal will degrade the LCA3C through introducing human activity alongside woodland areas, diminish the woodland seclusion and blur the edges with the adjacent open arable field.
- The proposal will present a significant expanse of man made materials not in keeping with local vernacular.
- Therefore, the proposal will not integrate into the landscape and detrimentally affect the landscape setting of the village when viewed from the south.
- West Tytherley is an extremely attractive village and the introduction of solar panels for private use will be detrimental to the area.
- Case Officer's site visit would have taken place in summer when trees are in full leaf; during Autumn, Winter and early Spring panels will be visible.
- Sure these panels will be visible, especially during winter, and no amount of landscaping will hide them from nearby residents.
- Fear that any additional landscaping implemented would not be maintained and rapidly ineffective as cover.
- Disagree with previous case officer comment that the site is remote, as it will be visible from the garden of Old Hara and the public footpath.
- Panels will be visible from Pugs Hole, red Lane and footpaths adjacent to the site and woodland to the South, detracting from the rural character of the village.
- Not ideal surely, panels should be out of sight of the public footpath, worry that more could be added to the detriment of the surrounding area.
- Solar panels will be unsightly and due to siting on the shared boundary, visible from the dwelling and garden area of 61 The Green.
- Not aware of any other examples of placing solar panels in open fields rather than gardens or roofs.
- Could set a precedent in West Tytherley resulting in ugly dots of solar panels here and there, most of which would be clearly visible from highways and public footpaths.
- Would seem fair and in keeping with the character of the village that panels are placed closer to Winter Cottage.
- 26 panels seems excessive for a dwelling, The Village Hall does not have that many and is a larger building.

- Solar panels are energy efficient but only on a grand scale, not for a private resident on a greenfield site that will cause a blot on Red Lane and Pugs Hole.

Biodiversity

- The impact of the panels and the associated technology will adversely affect the wildlife that frequent the field and the TPO'd woodland that borders to the north.
- A bat survey undertaken in September 2018 at 65 Red Lane identified the rear Barbastelle bat in the nearby area and adjoining woodland.
- The initial response from the County Ecologist to this application was submitted before these sightings and it is noted that no bat survey has been submitted as part of the application.
- Concerned that development will result in both short and long term negative impacts on the Barbastelle bats and the ecology of the area, such as impacting the insects bats feed on.
- If the application is granted permission, please consider securing the undertaking of an ecological survey by condition.

Water Management

- The proposal could have an impact on surface water drainage in an area prone to surface water flooding.

Other Matters

- Detrimental to the value of neighbouring property.
- Is there also a question of change of use of the land from its present status as agricultural?

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP)

Policy SD1: Presumption in Favour of Sustainable Development

Policy COM2: Settlement Hierarchy

Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E5: Biodiversity

Policy E7: Water Management

Policy LHW4: Amenity

7.3 Supplementary Planning Documents (SPD)

Landscape Character Area 3C: Tytherley and Mottisfont Wooded Farmland

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Ecology
- Water Management
- Impact on the amenity of neighbouring property
- Other Matters

8.2 **Principle of development**

The application site lies outside of any settlement boundary, in an area defined as countryside within by the current TVBRLP and as such, Policy COM2 must be considered. This policy states that development outside of the defined settlement boundaries will only be permitted if it is:

- a) *It is appropriate in the countryside as set in the Revised Local Plan policy COM8-COM14, LE10, LE16-LE18; or*
- b) *It is essential for the proposal to be located in the countryside.*

8.3 The proposed development does not fall within the categories of development considered to be appropriate in countryside locations as covered by the policies referenced in criterion (a) and the TVBRLP does not contain a specific policy relating to renewable energy proposals.

8.4 However, Paragraph 7.50 of the TVBRLP states as follows:

The Council supports the principle of energy generating proposals which help mitigate and adapt to climate change within both settlements and the countryside. The Council will consider the merits of such proposals against the relevant policies of the Local Plan. In line with national guidance an applicant is not required to demonstrate the need for such proposals.

8.5 With regard to the national guidance referred to above, paragraph 154 of the NPPF states:

When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable.*

8.6 The proposed development consists of solar panels to provide renewable energy primarily serving the residential dwelling of Winter Cottage. Consequently, it is considered that the application falls under the definition of renewable and low carbon energy, whereby paragraph 154 of the NPPF sets out that the principle of development is acceptable regardless of a countryside location, as reinforced by paragraph 7.50 of the TVBRLP.

8.7 Therefore, it is considered that the proposal complies with Policy COM2 of the TVBRLP and as such, is in accordance with the policy as a whole. Further assessment regarding the impacts of the proposal is undertaken below.

8.8 Impact on the character and appearance of the area

Red Lane and Pugs Hole

The application site is located approximately 120m to the west of Pugs Hole and approximately 140m to the east of Red Lane, as the two public highways in closest proximity. Although the application site is on elevated ground, due to the mature vegetation aligning the public highway in addition to the intervening residential properties and landscape features, it is considered that the proposal will be well screened from these public vantage points. Given the intervening distance and modest area covered by the proposed solar panels, it is considered that any glimpse views from either public highway will not result in any materially significant detriment to the wider landscape area.

8.9 West Tytherley public footpath no.8 (north of the application site)

The public footpath, West Tytherley no. 8, runs parallel to the northern boundary of the application site serving to connect Red Lane to the west of the plot with Pugs Hole to the east. When progressing from west to east, the initial section comprises of traversing through the residential plots aligning Red Lane as well as the adjacent woodland. With regard to any views available from this section of the footpath, the protected woodland serves to provide substantial screening from the application site for the majority of this section. In relation to any glimpse views not limited by the presence by the protected woodland, these will be available from a minimum intervening distance of approximately 100m away and partially obscured by the presence of the existing hedgerow aligning the western boundary of the application site. Consequently, it is not considered that the proposal will serve to visually detract from the wider landscape character area when progressing along this section of the public footpath.

8.10 With regard to the central and eastern sections, the public footpath comprises of open fields delineated by hedgerows. It is possible from a modest, central section of the footpath to obtain a direct view of the northern boundary of the application site, partially obscured the existing approximately 1m high hedgerow planting as well as the post and rail fencing. However, this viewpoint is located approximately 80m away from the proposed development and it is considered that the appearance of the solar panels in this context will be modest and not serve to erode the rural character and setting of the wider landscape. In addition, the proposal includes the provision of additional planting located specifically to ensure that the proposed development integrates with the existing landscape character. Progressing further east beyond this point, the existing buildings and landscape features that demark the residential plots of The Lodge and The Green, which are orientated to face Pugs Hole to the east, serve to obscure the application site from view. Consequently, as a result of the assessment undertaken above, it is not considered that the proposal will materially erode or harm the landscape character of the area when viewed from this public footpath.

8.11 West Tytherley public footpath no.22 (south of the application site)

Due south of the application site is another public footpath that runs from east to west also known as Bulls Drove, connecting Red Lane and Pugs Hole in a similar manner to the public footpath West Tytherley no.8 referenced above. However, the application site will be located a minimum of approximately 360m from any section of this public viewpoint, with a number of intervening fields and landscape features positioned in between the siting of the proposed solar panels. Consequently, it is not considered that any long range, glimpse views of the solar panels will serve to visually harm the character of the wider landscape when viewed from the is public footpath.

8.12 Landscape Character Area 3C: Tytherley and Mottisfont Wooded Farmland

The supporting Landscape Character Area assessment documents inform the criteria and guidance of Policy E2 of the TVBRLP. With regard to the assessment specific to the application site area, it is identified that the current woodland seclusion as well as the contrast between woodland areas with arable fields as key landscape characteristics to be preserved. It is considered that the proposal will retain these characteristics with the proposal not giving rise to a loss of any of the existing woodland and the large majority of the arable field within which the solar panels will be sited remaining unaffected to serve as visual contrast. In addition and as previously assessed, the positioning and associated landscaping of the proposal, will ensure that there is no visual detriment to the rural character of the wider landscape area. Consequently, the application is in accordance with Policy E2 of the TVBRLP.

8.13 **Ecology**

The installation of the proposed solar panels will not lead to the loss of any potential existing habitats such as either the existing hedgerow or woodland adjacent to the application site. In addition, the proposal does not include the installation of any external lighting and therefore, will not give rise to any materially significant level of disturbance on any potential protected species such as bats or wildlife, currently inhabiting the plot itself or adjoining areas. As a result, the County Ecologist raised no concerns regarding the potential impact on biodiversity and therefore, the application is in accordance with Policy E5 of the TVBRLP.

8.14 **Water Management**

The application site is located within Flood Zone1 and therefore, the proposed development will be position in an area of low flood risk, in accordance with Policy E7 of the TVBRLP.

8.15 **Impact on the amenity of neighbouring property**

Privacy

Due to the type of development proposed solely consisting of the installation of solar panels only, it is not considered that the proposal will materially alter the existing level of privacy for any neighbouring property.

8.16 Daylight/Sunlight Provision

Due to the positioning of the proposed development within the application site, it is considered that any shadow created by the proposal will fall on the plot itself and therefore, the proposal will not serve to materially impact the daylight or sunlight provision of any neighbouring property. Therefore, the application is in accordance with Policy LHW4 of the TVBRLP.

8.17 **Other Matters**

Third party representations have been received querying whether the proposal constituted a material change of use in the land. In addition, concerns were raised with regard to the potential for the proposal to serve as a precedent in West Tytherley and the impact on views from private property.

8.18 The proposed installation of solar panels will not serve to alter or change the status of the land that it will be sited upon and therefore, it is simply necessary to consider the impact of the proposal as a form of operational development. Furthermore, as each application is considered on its own individual merits and characteristics it is not considered that the proposal will serve as precedent of further development of a similar nature in West Tytherley.

8.19 The impact on views from private properties and the effect of development on property values are not material planning considerations.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:**
Site Location Plan
Block Plan (annexe A)
Proposed Elevations
Proposed Elevations - south
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **Prior to electricity from the development being first exported to the National Grid or to any dwelling until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise.**

Development shall be carried out in accordance with the approved schedule.

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

- 4. No later than 6 months following the cessation of electricity generation by the solar PV facility, a detailed site restoration scheme for the removal of the solar PV panels, foundations, frames and all other associated equipment, works and structures hereby permitted and for the restoration of the land to a condition suitable for exclusive agricultural use shall be submitted to the Local Planning Authority for their approval in writing. The site restoration scheme shall include a timetable for the completion of restoration works and shall be implemented wholly in accordance with the agreed restoration details and timetable. The operator of the solar panels shall notify the local planning authority in writing no later than five working days following the cessation of electricity generation.**

Reason: To ensure the achievement of satisfactory restoration.

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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