

PLANNING APPLICATION REPORT

Case Officer: Chloe Allen

Parish: Ermington **Ward:** Ermington and Ugborough

Application No: 1508/23/FUL

Agent/Applicant:

Mrs Katherine Toms
Woodrick Barn
Luson Farm
Westlake, Ivybridge
PL21 9JZ

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Site Address: Land At Sx 619 532, Luson, Westlake



Development: Installation of 24no. ground-mounted solar panels

Reason item is being put before Committee: The applicant is an employee of South Hams District Council.

Recommendation: Conditional Approval.

Conditions:

1. Time limit
2. Approved plans
3. Landscaping scheme
4. External lighting
5. Removal when no longer required
6. Details of fencing
7. Black finish colour

Key issues for consideration:

- Principle
- Design/Landscape Impacts
- Heritage Impacts
- Residential Amenity
- Highways/Access
- Ecology
- Drainage

Site Description:

The application site is in the open countryside, east of Burraton. The site is within Flood Zone 1 and Landscape Character Area 3E. Lowland plains. There is a National Cycle Route along Burraton Cross to Lusson (Class C Road), and a Listed Building lies to the south of the site, known as Lusson Farmhouse, which is within the applicants ownership. The site is not within the AONB.

The application site is part of a wider field which slopes up from south to north. The site is accessed via an existing agricultural access to the field to the west. There is an existing track from the agricultural access to the site, the south boundary of such being landscaping and being the shared boundary with Lusson Farmhouse. North of the track, there is intermittent landscaping, including a hedge and overgrowth/shrubs.

The Proposal:

Installation of 24no. ground-mounted solar panels to provide renewable energy to Woodrick Barn.

Consultations:

- Heritage Officer – No objection. Completely concurs with Officers assessment with regards potential impact on the nearby listed buildings and their settings.
- DCC Ecology – No objection. Noted that there is potential for hedgehogs, reptiles and nesting birds to be present on the site and therefore initially recommended that a CEMP is provided setting out precautionary and mitigatory measures to ensure the development does not harm protected species and habitats. The applicant provided additional information in response to confirm that shrub/scrub management is encouraged under the terms of the mid-level stewardship scheme for low-input grassland that Lusson is under, and that the brambles in the upper fields are due to be flailed this year, in early September. Following this, DCC Ecology advised that, as the habitat is going to be removed outside of the planning system (as part of the stewardship scheme), in this instance an informative note to the applicant to remind them of their duty and legal responsibilities with regards to protected species will be sufficient.

Nesting birds and reptiles are protected by law. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest. Generally, buildings, trees and vegetation may contain nesting birds between 1st March

and 31st August inclusive. All vegetation to be removed should be checked for reptiles prior to removal, and if any reptiles are found they should be moved to habitat outside of the works area.

- Landscape Officer – Informal discussion. Measures which can reduce visual impacts of solar include: tilting panels so less visible; reducing glare through finish colour and materials (i.e. matt black), and provision of additional landscaping. The development is small scale and is reversible, and will therefore have limited impacts. May be some visual/landscape impacts but unlikely to warrant refusal. Recommended landscaping is provided to soften/screen the development, but acknowledged will have to be placed to avoid shadowing of the solar panels. In this area, characteristic landscape features include small woodlands, clumps, copses and hedgerow trees. Therefore recommended provision of a small copse with a mix of Blackthorn (*Prunus spinosa*), crab apple (*Malus sylvestris*), Dogwood (*Cornus sanguinea*), Elder (*Sambucus nigra*) and Hazel (*Corylus avellana*) and possibly some dog rose (*Rosa canina*).
- Tree Officer – Informal discussion. No concerns raised. No trees/hedges of merit and proposal unlikely to harm such.
- D & C Police – Advice provided. During the construction phase all items including cable should be stored securely out of view at the end of the day and when not in use. Consideration should be given to forensically marking equipment cable and panels which can act as a deterrent and will aid them to be identified should they be stolen. Panels can also be fitted with tracking devices which can aid in locating them in the event of them being stolen. Further details on forensic marking equipment can be sourced from www.securedbydesign.com.
- Highways – No highway implications
- Town/Parish Council – Support

Representations:

None

Relevant Planning History

No recent relevant site history.

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 There is broad strategic policy support for renewable energy technologies within the JLP. JLP Policy SPT1.2(v) supports a sustainable society where “*Demand for energy is reduced and opportunities for the use of renewable energy increased.*” JLP Policy SPT2.11 includes the following provision in relation to supporting the principle of sustainable linked neighbourhoods and sustainable linked communities: “*Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*”
- 1.2 The site is located within the countryside, where JLP Policy TTV1.4 states: “*development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.*”
- 1.3 Policy TTV26 seeks to protect the special characteristics and role of the countryside. The policy is divided into two sections, with section 1 relating to isolated development only, and section 2 relating to all development in the countryside. Given the distance from any

recognisable settlement, the site is considered to be isolated for the purposes of TTV26. It is acknowledged that the proposal does not meet any of the exceptional circumstances listed in TTV26(1). However, it is also noted that the proposal does not directly conflict with such either.

1.4 With regard to TTV26(2)(iv), although the proposal does not relate to an agricultural, forestry or occupational need, the proposal does require a countryside location as it is to provide renewable energy directly to the dwelling to the south of the site, known as Woodrick Barn. Furthermore, in addition to SPT1.2 and SPT2.11 discussed above, JLP Policy DEV32 highlights the need to deliver a low carbon future for the area, seeking to halve 2005 levels of carbon emissions by 2031 and increasing the use and production of decentralised energy, including through delivering on site low carbon or renewable energy systems. JLP Policy DEV33 provides explicit support for renewable energy developments subject to a number of detailed criteria, including individual and cumulative impacts on landscape sensitivity; removal of the technology on cessation of the use; retaining farm land in some form of agriculture or biodiversity use; and consideration of shared ownership between the developer/operator and the community. Furthermore, the Council have recently adopted the Climate Emergency Planning Statement which encourages the installation and use of renewable energy technologies.

1.5 Paragraph 158 of the NPPF is also of relevance, stating that:

“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”*

1.6 In this case, the proposed solar panels are to provide renewable energy to Woodrick Barn and therefore need to be located in close proximity to such. The landscape and heritage impacts are considered to be acceptable, subject to conditions, as discussed below, and a condition can be imposed to secure a plan for the removal of the panels at the end of their useful life. Also in relation to the relatively modest number of panels it is considered it would not be proportionate to pursue shared ownership with the community under DEV33.5.

1.7 Having regard to the policy framework contained within the JLP and guidance within the NPPF, it is considered the principle of the development can be supported. Detailed matters still need to be considered as set out below.

2.0 Design/Landscape:

2.1 The physical design of the proposed development is typical for this scale of ground mounted array and no concerns are raised in this regard.

2.2 The application site is within Landscape Character Area 3E. Lowland plains. The area is characterised by, amongst other things; areas of settled level or gently rolling lowland; small areas of mixed plantation woodland and some linear riparian woodland and estate woods; absence of hedgerow trees, with tall sloping banks, wide mixed hedgerows curving around large fields and oak as a distinctive roadside tree; some long distance views to both Dartmoor and the South Devon coast, but with interruptions such as pylons, wind turbines, communication masts, and other structures. The landscape strategy seeks to, amongst other things: protect long views across the gently undulating plain to the wooded hills and rising mass of Dartmoor; protect and manage veteran trees; protect the landscape function

as a rural setting to the Dartmoor landscape; and manage and protect the landscape hedgerow network.

- 2.3 The site itself is well screened from Burraton Cross to Luson (Class C Road), including by the existing built development associated with Woodrick Barn and surrounding landscaping. However, the application site is at a higher land level than Woodrick Barn, and views to/from the site across the countryside to the south are possible. The visual effects of solar panels can be minimised by their orientation, finish colour and landscaping. In this case, the solar panels are to be finished in black with anti-reflective coated heat strengthened glass. The solar panels are to be aligned in two rows, with the site layout plan showing a footprint of 22m length by 4m width, and they have a maximum height of 1.9m. Whilst there may be some views of the solar panels, these are likely to be limited and are likely to be long distance views only. Given the scale of the solar array, the finish of the solar panels, the ability to secure additional landscape screening by condition, and the reversibility of the development, it is not considered that the development will result in demonstrable harm to the character of the site and the wider landscape, such that it would result in refusal of planning permission. The proposed site layout plan shows livestock fencing around the solar array and details of such can be secured by condition, as can the provision of an appropriate landscaping scheme. The Landscape Officer recommended that a small copse is provided with a mix of Blackthorn (*Prunus spinosa*), crab apple (*Malus sylvestris*), Dogwood (*Cornus sanguinea*), Elder (*Sambucus nigra*) and Hazel (*Corylus avellana*) and possibly some dog rose (*Rosa canina*).
- 2.4 Subject to conditions, it is not considered that the development will harm the character and appearance of the site or the wider landscape. The development is considered to accord with Policy DEV20 and DEV23 of the JLP.

3.0 Heritage:

- 3.1 The dwelling to the south is Grade II Listed, known as Luson Farmhouse and there are a number of curtilage listed buildings associated with such, including Woodrick Barn. When viewed from the adjacent road, the application site is mostly hidden from view by existing development associated with Luson Farmhouse and Woodrick Barn. From long distance views, it is unlikely that both the solar panels, Luson Farmhouse and Woodrick Barn will be seen in the same frame, due to the difference in topography. As such, the main views of the application site/development will be from within the site associated with Luson Farmhouse and Woodrick Barn and from the wider field where the solar panels are proposed. However, given the separation distance between the Listed Building, associated curtilage buildings, and the application site; the existence of landscaping between such; and the scale and nature of the proposed development, it is not considered that the proposed development will harm the setting of the Listed Building.
- 3.2 Additionally, planning permission and listed building consent was granted for conversion of Woodrick Barn to a dwelling, including installation of solar panels on the roof (2803/15/LBC and 2802/15/FUL). The Heritage Statement advises that the provision of ground mounted solar panels will remove the need to install solar panels on the roof of Woodrick Barn.
- 3.3 The Heritage Officer was consulted and confirmed that they concur with the assessment above, with regards to potential impact on the nearby listed buildings and their setting.
- 3.4 As such, it is not considered that the development will harm the setting or significance of designated heritage assets, according with DEV21 of the JLP.

4.0 Neighbour Amenity:

4.1 Due to the distance between the site and residential properties, as well as the nature of the development, it is not considered that the development will harm neighbouring residential amenities, according with DEV1 of the JLP.

5.0 Highways/Access:

5.1 The site is accessed via an existing agricultural access to the west of the track. Whilst this will need to be utilised during construction of the development, post construction there will be very limited vehicular movements associated with the proposed development. Such movements are likely to be limited to maintenance checks of the solar panels. As such, the development is not considered to be likely to result in highway safety issues, according with DEV29 of the JLP.

6.0 Ecology/Trees:

6.1 The CEPS form, at A3, states that *'there are no proposals to remove any trees. The majority of the field will continue to be used for grazing and the existing hedge banks will be maintained.'* A wildlife trigger table was completed which confirms that no ecology report is required. DCC Ecology were consulted and raised no objection to the application. However, it was noted that there is potential for hedgehogs, reptiles and nesting birds to be present on the site and therefore DCC Ecology initially recommended that a CEMP is secured setting out precautionary and mitigatory measures to ensure the development does not harm protected species and habitats. The applicant provided additional information in response to confirm that shrub/scrub management is encouraged under the terms of the mid-level stewardship scheme for low-input grassland that Lusson is under, and that the brambles in the upper fields are due to be flailed this year, in early September. Following this, DCC Ecology advised that, as the habitat is going to be removed outside of the planning system (as part of the stewardship scheme), in this instance an informative note to the applicant to remind them of their duty and legal responsibilities with regards to protected species will be sufficient.

6.2 The application was discussed with the Council's Tree Officer and Urban Fringe Green Infrastructure Officer. No objections were raised to the proposed development and it is not considered that the proposed development will impact on mature trees/hedges which are of amenity value, with the existing hedge being in poor condition.

6.3 A condition is to be imposed to require a detailed landscaping scheme to be provided, which, in addition to softening the impact of the development, will enhance biodiversity.

6.4 Subject to conditions, it is considered that the proposed development accords with DEV26 and DEV28 of the JLP.

7.0 Drainage:

7.1 The site is within Flood Zone 1 and is not within a Critical Drainage Area.

7.2 No additional hardstanding is required and there are gaps between the solar panels which will allow water to fall onto the ground below and drain into the ground as existing. The development is considered to accord with DEV35 of the JLP.

8.0 Conclusion:

8.1 The principle of development is considered to be acceptable, and impacts on the landscape can be controlled by the imposition of conditions to secure additional landscaping and details of any fencing, to control the finish colour of the solar panels, to restrict external

lighting, and to require removal of the solar panels/fencing when no longer required. Impacts on heritage, drainage, ecology, trees and highways are considered to be acceptable.

8.2 As such, the application is recommended for conditional approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Site is not within a neighbourhood plan area.

Other material considerations:

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document
- South Hams Landscape Character Assessment

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with 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 approved shall in all respects accord strictly with the following drawings:

- 1:2500 Site Location Plan, Licence No. 100022628 received by the Local Planning Authority on 16th May 2023
- 1:1000 Site Plan, Blackwell's Mapping Services (site of array and property owned annotated), License No. 1000410414 received by the Local Planning Authority on 9th May 2023
- North and South Elevations, 1:50, received by the Local Planning Authority on 9th May 2023
- East and West Elevations, 1:50, received by the Local Planning Authority on 9th May 2023
- 1:2500 Proposed Site Access, Blackwell's Mapping Services, Licence no. 100041041 received by the Local Planning Authority on 9th May 2023
- 1:1000 Site Plan, Blackwells Mapping Services (livestock fencing, cable route, and array location shown and annotated) received by the Local Planning Authority on 16th May 2023
- Vertex S Backsheet Monocrystalline Module, Product: TSM-DE09.05

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Within the first planting season following installation of the solar panels hereby permitted, a landscaping and tree planting scheme shall be carried out in accordance with details which must first be submitted to and approved in writing by the Local Planning Authority. The landscaping and tree planting scheme shall indicate, inter alia, the number, species, heights on planting and positions of all the trees and hedges, together with details of post planting maintenance. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To encourage biodiversity on the site, to ensure that appropriate landscaping is provided to integrate the development into the surrounding landscape, and in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

4. There shall be no external artificial lighting within the site unless a lighting strategy is first submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved as part of the lighting strategy shall be installed within the site.

Reason: In the interests of the protection of protected species/habitats and in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV26 and DEV23 of the Plymouth and South West Devon Local Plan 2014-2034 and the Conservation of Habitats and Species Regulations 2017.

5. When the solar array (24no. solar panels) hereby permitted are no longer required for the production of renewable energy, it and all materials and equipment brought onto the site in connection with its development, including fencing, shall be removed from the site. The site shall be restored to grassland within 3 months from the date of removal of the solar array.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV23 of the Plymouth and South West Devon Local Plan 2014-2034.

6. Prior to installation on site, details of the livestock fencing shown on the approved 1:1000 Site Plan shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in accordance with the approved details and shall be maintained in accordance with such for the lifetime of the development hereby permitted.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV23 of the Plymouth and South West Devon Local Plan 2014-2034.

7. The solar panels shall be finished in black unless details of an alternative colour is submitted to and approved in writing by the Local Planning Authority prior installation of the solar panels.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV23 of the Plymouth and South West Devon Local Plan 2014-2034.