



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 30th July 2015

Subject: APPLICATION 14/05876/FU – Installation of ground mounted photovoltaic panels and associated infrastructure at Two Hoots Farm, Harewood Avenue, Leeds, LS17 9LB.

APPLICANT

Mr J. Cobbald

DATE VALID

08/10/14

TARGET DATE

30/06/15

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT permission subject to the following conditions:

1. Development to commence within 3 years.
2. Temporary development time limit of 25 years from date of implementation.
3. Plans as approved.
4. Applicant to advise Local Planning Authority in writing of date of implementation.
5. Retention of existing on-site landscape planting to boundaries.
6. Landscape provision to include i) planting south of Harewood Avenue and east of the solar array; ii) a wildflower meadow mix to be sown on affected land underneath and adjacent to the solar array and iii) the hedgerow south of the solar array to be gapped-up to provide a continuous hedge and enabled to grow higher. Implementation timescales to be agreed.
7. Management of planting and landscape for the duration of the development.
8. Construction of approved development to be carried out between 0800 hours and 1800 hours Mondays – Fridays only.
9. Glass reinforced plastic building to be coloured dark green upon installation.
10. All trenches to be backfilled and the affected land restored to its former condition within 1 month of the completion of all engineering works, other than for the requirement contained in condition 6(ii).
11. Unexpected contamination to be managed.
12. All imported soils to be clean.

13. Decommissioning Statement to be provided 6 months prior to the permission expiring.

1.0 INTRODUCTION:

- 1.1 Consideration of this planning application was deferred at the Plans Panel of 25th June. The draft minute records the Panel resolution as follows:

To defer determination of the application for one cycle to enable a detailed planning history and enforcement history of the site to be provided; together with details of any conditions attached to planning permissions for the site which could be affected if the current application was approved; the view of the Council's Agricultural Surveyor on the application and information relating to pv technology, electricity generation from such sources and the mechanics of the sale of surplus energy for third party use

Each of the matters raised is addressed in turn.

Planning History

- 1.2 At the 25th June Panel concerns were raised that the proposal would be contrary to the conditions attached to planning permission 31/21/01/FU granted for a detached agricultural livestock building.

- 1.3 The draft Panel minute states:

“the existence of a previous condition attached to a planning approval which specified the land was to be used for the spreading of slurry and the need for clarification of this and how it related to the scheme now proposed. The Panel's Lead Officer was of the view that such a condition did not necessarily prejudice the decision the Panel had to make, with this view being disputed”

- 1.4 Condition 15 of planning permission 31/21/01/FU states:

The slurry generated by the use of the building hereby approved shall be not be spread on the land at Two Hoots Farm, Off Moor Lane, East Keswick but shall be exported from the site.

Reason: In the interests of protecting the amenities of the area.

- 1.5 A duplicate planning application of 31/21/01/FU was submitted (31/343/03/F) and granted planning permission and this also included the above condition.

Compliance History

- 1.6 At the time of drafting there were two main breaches of planning control. The first relates to the importation of soils and alterations to the earth bund on the site. The second relates to the agricultural dwelling granted under 13/02487/FU and that the development had not been carried out in accordance with the approved plans.

- (i) Earth Bund

- 1.7 The earth bund is subject to a Compliance investigation being dealt with by the Minerals team. The bund has not received any approval from the local planning authority.
- 1.8 A report was presented to Plans Panel East on 5th August 2004. This report dealt with planning applications 31/20/01/FU, 31/21/01/FU and 31/343/03/FU for a detached bulk feed bin and detached agricultural livestock building. Under the Appraisal section of the report section 2 addressed the “Impact on character and visual amenities”. Here the report states:
- “...The visual impact of the building can be reduced by the choice of the colour of the materials for the building, the slab levelsof the building and the use of landscaping (including the provision of an earth bund to its northern elevation to help obscure views from Harewood Avenue...”
- 1.9 The applicant has now submitted an application (15/03792/COND) to discharge condition 6 of planning permission 31/343/03/FU. This condition required a landscaping scheme to be submitted for approval including hard and soft landscaping works and finished ground levels and contours. This newly submitted application shows the profile of the bund as it currently exists and that it is to be seeded with grass and wildflowers.
- (ii) Agricultural workers dwelling
- 1.10 Planning permission for an agricultural workers dwelling was granted planning permission ref: 13/02487/FU. The house constructed does not comply with the approved plans. The ridge height of the house is 0.9m higher than approved and the eaves height is 0.4m higher. The footprint of a projecting side element of the house has been increased (the approved open porch has been enclosed) and the first floor element has been increased to match the ground floor.
- 1.11 An application (15/03939/FU) has now been submitted to regularise the position but at the time of drafting this report further information had been requested from the applicant to enable the application to be validated.

Council's Agricultural Surveyor

- 1.12 The application has been discussed with the council's agricultural surveyor and the advice given was that the proposed development would not be prejudicial to the carrying out of agriculture at the site. The field is currently used for the grazing of sheep and this can take place around and underneath the array.

Photovoltaic Technology

- 1.13 Photovoltaics (PV) is the name of a method of converting solar energy into direct current electricity using semi-conducting materials that exhibit the photovoltaic effect. A photovoltaic system employs solar panels composed of a number of solar cells to supply usable solar power. The process is both physical and chemical in nature, as the first step involves the photoelectric effect from which a second electrochemical process takes place involving crystallized atoms being ionized in a series, generating an electric current.
- 1.14 It has been calculated that the proposed array would meet the power needs of Two Hoots Farm and provide enough electricity to serve the needs of the equivalent of 33 houses. It is not known which 33 houses will benefit and the power generated will

be dispersed throughout the National Grid. The developer will benefit from the governments Feed In Tariff (FIT). The FIT scheme is a government programme designed to promote the uptake of a range of small-scale renewable and low-carbon electricity generation technologies. FIT gives a fixed amount of money for each kWh of electricity generated. Connection to the grid is organised via the relevant District Network Operator.

- 1.15 The previous report is now repeated for Members information.
- 1.16 The planning application is brought to Plans Panel at the request of Ward Councillors A. Castle and R. Procter, who wish for Plans Panel to have a debate on the proposal, given its location and the potential for it to impact upon the open views of the countryside.
- 1.17 The application site is located within the Green Belt and a Special Landscape Area, to which there would be harm. The proposed development forms a renewable energy development. Officers consider that there are material considerations that clearly outweigh the harm by inappropriateness and other harm. As such, the proposed development is recommended for approval.

2.0 PROPOSAL:

- 2.1 Planning permission is sought for the installation of a 150kW ground mounted photovoltaic array consisting of 654 photovoltaic panels on steel frames. Each photovoltaic panel would measure 0.99m wide by 1.64m long, orientated at a fixed angle of 30 degrees to the horizontal with a maximum height of 2.96m above ground level. A 0.5m fixed clearance below each panel would remain.
- 2.2 The panels would be constructed in a single row of 217m (length) by 4.26m (width) but arranged such that the array is 3 portrait panels high. The total area of land which the solar array would cover is approximately 923m². The row is aligned east-west to optimise solar gain. The surface of the photovoltaic panels would be non-reflective.
- 2.3 Connection to the national grid would be via underground cabling. The total length of cabling would be approximately 136m. A shallow trench for the cable would be engineered to approximately 0.3m wide, with a total area of 41m². A glass reinforced plastic unit measuring 2m x 2m x 2m would enclose a new incoming supply meter and the transformer would be pole-mounted, to connect to the National Grid.
- 2.4 Access to the proposed site would be via the existing farm access off Harewood Avenue. The installation of the solar array would take approximately 2-3 weeks. Two transit vans per day (4 movements in total) would be associated with the installation phase.
- 2.5 A proposed landscaping scheme consists of a 20m depth of tree and hedge planting behind the existing-planted frontage with Harewood Avenue and along the eastern part of the solar array.

3.0 SITE AND SURROUNDINGS:

- 3.1 Two Hoots Farm comprises a 43 acre farm estate set within a gently undulating landscape within the open countryside. The application site is within the designated Green Belt and within a Special Landscape Area (No. 8: Collingham/ East Keswick/ Bardsey/ Scarcroft/ Thorner/ Shadwell).

3.2 The application site is located within the farm estate, which is used for arable production and grazing for sheep, free range turkeys, beef cattle and pigs. The land is classified as Grade 3a agricultural land.

3.3 The application site is generally located within the central part of the farm estate and east of the main farm buildings. The solar array would be installed 20m north of an existing hedgerow that generally bisects the northern part of the farm estate from the southern part. The closest part of the solar array is located approximately 230m south of Harewood Avenue and 290m west and 250m north of Moor Lane. The closest residential dwelling is located on Moor Lane approximately 80m to the west of the proposed development and the curtilage of the East Keswick Cricket Club is located approximately 70m to the northeast. A large 'L-shaped' soil bund exists on the estate west of the application site, which provides some physical separation from the farm buildings and wider landscape to the west.

4.0 RELEVANT PLANNING HISTORY:

4.1 Compliance Case ref. 15/00335/UOPS3: A complainant alleges that soils have been imported to the site and that an existing soil bund on the land has been/is being re-engineered and increased in height. As set out above an application has been submitted in an attempt to regularise the position.

4.2 Compliance Case ref. 15/00096/NCP3: The built agricultural workers dwelling has not been constructed in accordance with planning permission ref. 13/02487/FU and without all pre-commencement conditions being discharged. As set out above an application has been submitted in an attempt to regularise the position.

4.3 PREAPP/14/00334: pre-application enquiry for 654 photovoltaic panels. Advice provided in May 2014. Officers did not support the development as the proposal did not include any substantial landscape planting within the farm estate.

4.5 Planning Permission ref. 13/02487/FU: 4 bedroom detached agricultural workers dwelling, 23.09.13.

4.6 Planning Application ref. 11/03919/FU: 3 bedroom detached agricultural workers dwelling, refused on 23.11.12.

4.7 Planning Permission ref. 31/343/03/FU: Detached agricultural livestock building (duplicate of application 31/21/01/FU), 20.09.04.

4.8 Planning Permission ref. 31/479/02/FU: Retrospective application for side extension to Dutch barn, 13.02.03.

4.9 Planning Permission ref. 31/21/01/FU: Detached agricultural livestock building, 20.09.04.

4.10 Planning Permission ref. 31/20/01/FU: Detached bulk feed bin to farm, 19.03.09.

4.11 Planning Application ref. 31/247/00/FU: Detached mobile home and detached store to farm, refused on 10.09.07.

4.12 Planning Application ref. 31/239/00/DE: Agricultural determination for detached feed silo to agricultural building, refused on 30.11.00.

- 4.13 Planning Application ref. 31/238/00/DE: Agricultural determination for detached agricultural building and silo to farm, refused on 30.11.00.
- 4.14 Planning Permission ref. 31/184/99/DE: Determination to erect agricultural building, 19.08.1999.
- 4.15 Planning Permission ref. 31/47/99/DE: Determination to erect agricultural building, 16.04.99.

5.0 PUBLIC/LOCAL RESPONSE:

5.1 The application was advertised by site notice and in the press. Four letters of objection have been received from members of the public and one from East Keswick Parish Council.

5.2 Members of the public object for the following reasons:

- a) inappropriate development in the Green Belt;
- b) the proposed site is located on prime agricultural land;
- c) the development would be an encroachment on the countryside, detrimental and out of character;
- d) the solar array would be readily visible from vantage points in the area;
- e) screen planting should be provided prior to installation;
- f) the proposed development would set a precedent for other similar development;
- g) financial benefits may not outweigh environmental benefits.

5.3 East Keswick Parish Council objects for the following reasons:

- a) inappropriate development in the Green Belt contrary to the NPPF;
- b) the proposal is not justifiable as a "special circumstance" in the absence of any evidence supporting the assertion that it would create a sustainable farm covering their electrical needs and possibly providing an additional source of income; and,
- c) the Design and Access Statement states that it would not be visible from A659 to the north. This is not correct as it is very easy to see the hedge that would be to the south of the panels, agricultural equipment parked in front of it and sheep sheltering in front of it. When the trees have lost their leaf cover during autumn and winter, the panels will be clearly seen;
- d) Should Leeds City Council be inclined to grant approval to the application, a condition should be attached stating that a screen to the North of either 3m high coniferous trees or the present bund wall be extended, and should be provided prior to the installation of any panels.

5.4 The planning application is brought to Plans Panel at the request of Ward Councillors A. Castle and R. Procter, who wish for Plans Panel to have a debate on the proposal, given its location and the potential for it to impact upon the open views of the countryside.

6.0 HISTORY OF NEGOTIATIONS:

6.1 In April 2014 the applicant requested pre-application advice on the proposed development. Officers responded by not supporting the basic proposal (ref. PREAPP/14/00334). Councillor R. Procter supported the officer opinion.

6.2 The applicant submitted the planning application as per the information contained in the pre-application request. In January 2015 officers requested a 20m depth of tree and hedge planting along the farm estate's frontage with Harewood Avenue and a pocket of planting east of the solar array, to offer some screening of the proposed development from more sensitive areas. In March 2015 the applicant provided plans for a screening bund but this was rejected by officers, given that it would be out of scale with the landscape. The applicant replaced this proposal in May 2015 with a planting scheme to reflect the planting recommendations made by officers in January.

6.3 Councillors A. Castle and R. Procter have requested that the Plans Panel make a decision on the planning application, given the location of the proposed development and the potential for it to impact upon the open views of the countryside.

7.0 CONSULTATION RESPONSES:

7.1 Highways Development Control Team – no objection.

7.2 Environmental Health Team – no objection, subject to working hours for installation.

7.3 Contaminated Land Team – no objection, subject to the imposition of 2 conditions and 2 directions.

7.4 Conservation Team – no objection.

7.5 Landscape Scheme – no objection, subject to conditions on planting and maintenance.

7.6 Nature Team – no objection but encourages the creation of a wildflower meadow on the land affected by the proposed development.

7.7 West Yorkshire Archaeology Advisory Service – no objection.

7.8 Yorkshire Water – no objection.

7.9 Natural England – no objection.

8.0 PLANNING POLICY

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy 2014, the Natural Resources and Waste Development Plan Document 2013 and the saved policies of the Leeds Unitary Development Plan Review 2006.

8.2 Core Strategy policies of relevance are:

EN3 Low Carbon Energy: The Council supports appropriate opportunities to improve energy efficiency and increase the large scale (above 0.5 MW) commercial renewable energy capacity, as a basis to reduce greenhouse gas emissions. This includes wind energy, hydro power, biomass treatment, solar energy, landfill gas, and energy from waste [extract].

P12 Landscape: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.

8.3 Natural Resources and Waste Local Plan policies of relevance are:

GP1 General Policy: When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework [extract].

Energy 2 Small Scale & Micro-Generation Criteria: Where micro-generation development requires planning permission, the Council will encourage proposals for technologies that are acceptable in terms of their impact on: 1. Landscape 2. Visual amenity 3. Noise 4. Safety 5. Ecology 6. Conservation of the built environment. Cumulative effects of development will also be considered.

Land 2 Development & Trees: Development should conserve trees wherever possible and also introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm [extract].

8.4 Unitary Development Plan saved policies of relevance are:

GP5 General Policy: Development proposals should resolve detailed planning considerations and proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety, and to promote energy conservation and the prevention of crime [extract].

N32 Green Belt: The site is located within the designated Green Belt.

N33 Green Belt exceptions: Inappropriate development in the Green Belt should not be approved except in very special circumstances.

N35 Agricultural Land: Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land.

N37 Special Landscape Areas: development will be acceptable provided it would not seriously harm the character and appearance of the landscape. The siting, design and materials of any development must be sympathetic to its setting and, where necessary, landscaping of the site will be required [extract].

N37A Countryside: all new development should: i. have regard to the character of the landscape in which it is set, and maintain particular features which contribute to this; ii. where appropriate, contribute positively to restoration or enhancement objectives by incorporation of suitable landscape works [extract].

N49 Ecology: Design of new development, including landscaping, should minimise its potential adverse impact [extract].

T2 Transport: New development should normally be served adequately by existing highways and will not create or materially add to problems of safety, environment or efficiency on the highway network [extract].

8.5 The following guidance is also considered to be relevant:

East Keswick Village Design Statement 2002.

National Planning Policy Framework 2012.

National Planning Practice Guidance.

9.0 MAIN ISSUES

1. Principle of development.
2. The effect of the proposed development on the character and appearance of the landscape.
3. The effect of the proposed development on agricultural land.
4. The effect of the proposed development on nearby heritage assets.
5. The effect of the proposed development on the living conditions of the nearest residents.
6. The effect of the proposed development on ecological interests.
7. The effect of the proposed development on highway safety.
8. Other considerations.
9. Whether there are any other considerations which are capable of clearly outweighing the harm of inappropriateness, and any other harm, such that very special circumstances sufficient to justify the grant of planning permission have been demonstrated.

10.0 APPRAISAL

1. Principle of development

- 10.1 **Renewable Energy:** The development plan supports the development of renewable and low carbon energy developments and this is reinforced by the NPPF.
- 10.2 **Green Belt:** The application site is located in the Green belt. The proposed ground-mounted solar panels and glass reinforced unit are defined as buildings for the purposes of para. 89 of the NPPF. The definition of a building includes any structure or erection, but excludes plant and machinery, or any structure in the nature of plant or machinery. There is some machinery involved here, but the main part of the development above ground is made up of structures and buildings. Officers accept the applicant's claim that there are elements of engineering in the proposal, such as trench works and installation of the structures into the ground, and hence the scheme is caught by both paras. 89 and 90 of the NPPF.
- 10.3 The construction of such new buildings in the Green Belt is regarded as inappropriate in Green Belt, which in turn means that the proposed development is harmful, by definition. Para. 88 of the NPPF directs local planning authorities to ensure that substantial weight is given to any harm to the Green Belt. Para. 91 of the NPPF states that elements of many renewable energy projects will comprise inappropriate development and that applicants will need to demonstrate very special circumstances if projects are to proceed. 'Very special circumstances' 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. Saved policy N33 of the UDP reflects the thrust of the advice of the NPPF and requires that very special circumstances are demonstrated for development such as this to be permitted. The East Keswick Village Design Statement at policy C4(a) states that planning permission should be resisted for inappropriate development in the Green Belt.

10.4 The considerations put forward by the applicant are:

- a) Para. 91 of the NPPF: *'Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'*;
- b) Para. 14 of the NPPF: *'At the heart of the NPPF is a presumption in favour of sustainable development'*;
- c) Environmental benefits: 150,000kW of electricity generated per annum. Two Hoots Farm uses approximately 20,000kW of electricity per annum (13.3%). Surplus electricity would be exported to the National Grid, providing a wider community benefit and adding to the Governments targets for the use of renewable energy. The photovoltaic array would generate enough electricity to supply approximately 33 homes. The generation of electricity using photovoltaic panels does not produce carbon dioxide but would reduce CO₂ emissions by 8,600kg (compared against each kWh of electricity produced by power stations using fossil fuels).
- d) Economic benefits: The proposal would reduce the costs of the farming business and increase profitability at Two Hoots Farm. Surplus electricity exported to the National Grid would generate an additional source of income for the farming business. The NPPF at para. 28 support the development of a prosperous rural economy.
- e) Landscape: The photovoltaic array would be located adjacent to an existing farm complex and would be a temporary use of land, albeit long-term. Any harm to the Green Belt and landscape would be minor and outweighed by the wider environmental benefits.
- f) The proposed development is likened to a 50kW solar array that was granted on appeal at Roker Lane, Pudsey, Leeds in 2012 (ref. APP/N4720/A/12/2171606) and a 10MW solar farm at Rowles Farm, Bletchington, Oxfordshire in 2014 (ref. APP/C3105/A/13/2207532). Two decision notices have also been provided by the applicant for reference purposes, these being at Trewartha Farm in St. Agnes (ref. PA13/11561) and land at Ainderby Steeple in North Yorkshire (ref. 14/00471/FUL).

10.5 **Special Landscape Area:** The proposed development is located within a designated Special Landscape Area (SLA) (No. 8: Collingham / East Keswick / Bardsey / Scarcroft / Thorner / Shadwell). Policy N37 of the UDP states that development will be acceptable provided it would not seriously harm the character and appearance of the landscape. The East Keswick Village Design Statement at policy C4(b) states that planning permission should be resisted for any development which would materially harm the special quality of the landscape.

10.6 The applicant has identified that the application site is within a SLA but states that it does not qualify for special protection within the NPPF which provides at para. 115:

'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are

important considerations in all these areas, and should be given great weight in National Parks and the Broads'.

- 10.7 Officers accept that the protection of landscapes should be commensurate with their status but in order to accord with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan. The Leeds development plan is up-to-date and no part of the NPPF relevant to this planning application replaces it. There is no justification for the applicant to be dismissive of the requirements of policy N37. As such, the high landscape value of the SLA should be protected from visually harmful development and be maintained and improved where necessary in order to safeguard its attractive character and appearance. This policy is further reinforced by policies N37A and P12. Officers therefore consider that the applicant has not given due regard to policy N37 commensurate with its local status and importance.

2. Character and appearance

- 10.8 Officers encompass in this section the effect of the proposal on the visual amenities of the Green Belt in line with para. 80 of the NPPF. The landscape does not have any national special designation but locally, the application site and wider landscape quality is a designated SLA in the development plan. The special qualities of the landscape are referenced in the East Keswick Village Design Statement.
- 10.9 The site and wider area has distinct areas within it. Firstly, there is the area around the application site. This is a large field consisting of pasture grazing land. There are hedge-lines to all boundaries and some established trees along the northern boundary with Harewood Avenue. The land slopes gently downwards from Harewood Avenue to the southern field boundary hedge and beyond. Secondly, there is a large 'L-shaped' soil bund and built development associated with Two Hoots Farm to the west of the proposed solar array and the grid connection point and associated infrastructure would be immediately south of this area. Officers consider that this part of the farm estate has a small scale vertical emphasis which is of low to moderate sensitivity to change. Thirdly, the majority of the farm estate is open land and there is a strong sense of tranquillity and peacefulness. The vertical emphasise of the farm buildings is encapsulated within the larger farm estate that is shared with the wider rural landscape. Fourthly, the wider landscape is scattered with other farmsteads and some dwellings, with Harewood House further to the west. The SLA is typified by a series of rolling ridges that allow attractive middle and long distance views along the valleys. Officers consider that the landscape has a large scale horizontal emphasis of moderate to high sensitivity. A second SLA (No. 7 Harewood) designates the landscape further west, which consists of the high quality landscape of Harewood House and Park and Gardens (Grade I).
- 10.10 Officers consider that short-middle distance views of the proposed solar array would be gained from Harewood Avenue to the north. There are gaps in the established tree line and officers agree with the Parish Council that when trees are not in full leaf, the solar array would be more apparent. More open views of the site would be gained from certain vantage points along Moor Lane to the east, particularly from the buildings at Vicarage Farm and the cricket ground. Longer distance views to the solar array would also be gained from the south, both within the valley and from the opposite side of it. These views would either be permanent-long distance from dwellings/farms or intermittent long-distance views from public highways.
- 10.11 Given a) the quality of the landscape, b) the landscape character's sensitivity to change and c) the visibility of the solar array from both public and private vantage

points (close to and far away) within the local landscape, the impact of the solar array on the local landscape would be harmful. In noting the harmful impact, officers consider that the overall effect would be moderately harmful, depending on the particular position of the viewer.

- 10.12 Although the majority of the farm estate is open, sharing the rural attributes of the wider countryside, the proposed development is sited adjacent to the vertical structures at Two Hoots Farm. The application site is currently also in agricultural use but the elevation and locations of the solar array and the GRP building would be viewed in association with the built development. Notwithstanding that the proposed elements of the development would be free-standing, in this instance; they would be of a scale that would assimilate with the scale of the surroundings. It is generally agreed that visual impacts reduce with distance and this is considered to be the case here. The solar array is likely to be visible from vantage points in the landscape to the south, south-east and south-west but the harm to these longer-distance views is considered to be low-moderate. Screen planting would go some way to reducing the visual harm over time. It is therefore recommended that the hedgerow just south of the proposed site for the solar array should be gapped-up to provide for a continuous hedgerow and properly managed to grow higher via planning conditions, in order to offer a degree of screening of the array's main elevation.
- 10.13 With regard to the identified shorter-medium distance views it has been considered necessary for the applicant to provide a full landscape planting scheme to enable the solar array to be better screened from the north and east. As such, the applicant has proposed a scheme for a 20m depth of planting behind the existing planting on the southern side of Harewood Avenue and a clump of planting to the eastern side of the solar array to mitigate views from Moor Avenue. The scheme would soften views of the solar array from the more sensitive viewpoints and, over a period of time (say 10 years), would go some way to mitigating the visual impact of the solar array in addition to incorporating enhancement objectives. In doing so, officers consider that the harm to the appearance of the landscape and the impact to visual amenity would be reduced to an acceptable level but not wholly offset.
- 10.14 The proposed landscape planting would contribute to meeting the request of the East Keswick Parish Council and policy C7 of the East Keswick Village Design Statement, which states:

'Where appropriate valuable woodlands, trees, hedges and other landscape features in the countryside around the village should be protected and enhanced.' [Extract]

- 10.15 Officers therefore recommend that the proposed development generally meets the requirements of policies N37, N37a, P12, Land 2, Energy 2 and part of GP5 of the development plan and the Village Design Statement in this respect.

3. Agricultural Land

- 10.16 The applicant has advised that the land is Grade 3 agricultural land. Officers have identified the land is considered to be classed as Grade 3a of the Agricultural Land Use Classification, which the NPPF identifies as being the best and most versatile agricultural land. Para. 112 the NPPF states:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local

planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

- 10.17 The applicant has advised that the field upon which the solar array is proposed (21 acres) is permanent pasture grazing land and has been for some time. The solar array would cover an area of 0.2 acres, which equates to less than 1% of the field, with the remainder of the field being 20.8 acres and the additional 22 acres of land owned by the Applicant continuing the current agricultural use, alongside the generation of renewable energy. Therefore, despite the agricultural land being classified as the best and most versatile, the impact of the proposed development on the agricultural use of the land would be negligible and temporary, albeit long-term. There are also no other parts of the farm estate of poorer quality that could offer a more preferable location for the proposed development. Officers therefore consider that the proposed development would not seriously conflict with the interests of protecting areas of the best and most versatile agricultural land, to accord with policy N35 and para.112 of the NPPF.

4. Heritage and Archaeological Assets

- 10.18 Given the location and scale of the solar array and its associated infrastructure, officers consider that the proposed development would not impact on the setting of any listed buildings or conservation areas or archaeology. As such, the proposed development accords with policy Energy 2.

5. Living Conditions

- 10.19 There are considered to be no significant impacts on living conditions arising from the installation of the proposed solar array or planting works. The surface of the proposed photovoltaic panels would be non-reflective. Other than for the installation works, there would be no significant noise arising from the operation of the panels. Officers however recommend that installation works take place between the hours of 8am and 6pm on Monday to Fridays. As such, the proposed development accords with policies GP5 and Energy 2.

6. Ecological Interests

- 10.20 The applicant has carried out a desk-top survey of the area within 500m radius of the application site and some investigation regarding a nearby pond and has determined that there are no ecological designations or existing features that would be adversely affected by the proposed development.
- 10.19 Natural England advises that the application site is in close proximity to the East Keswick Fitts Site of Special Scientific Interest but they consider that the proposed development would not damage or destroy the interest features for which the site has been designated.
- 10.21 Officers consider that the planting scheme detailed in para. 10.13 would offer a net gain for biodiversity. A wildflower meadow mix is also recommended by the Council's Ecologist on the affected land underneath and adjacent to the solar array. This is recommended to be conditioned, together with a separate condition recommended to require maintenance of new and existing areas of vegetation within the farm estate for the lifetime of the proposed development. Officers therefore consider that the proposed development accords with the requirement of policies N49, P12 and Energy 2.

7. Highway Interests

- 10.22 There would be very few vehicular movements associated with proposed development, inclusive of planting works and installation/decommissioning works. Officers therefore consider that there would be no significant impact on highway safety, environment or efficiency on the highway network arising from the proposed development, to accord with policy T2.

8. Other considerations

- 10.23 The applicant has put forward a number of considerations in support of the proposed development. These principally, but not wholly, relate to the established policy background relating to renewable energy. The NPPF identifies the presumption in favour of sustainable development and policy GP1 of the development plan reflects this.
- 10.24 The applicant asserts that the predicted electrical output of the proposed solar array would wholly serve the business at Two Hoots Farm. The excess electricity generated, which would account for approximately 86.7% of the array's output, would be fed into the National Grid for national use. That electricity would benefit a small number of homes but would nevertheless make a positive contribution to reducing the dependence on electricity generated from fossil fuels and CO₂. These considerations carry great weight, as does the weight to be afforded to the economic sustainability and diversity of a farming business.
- 10.25 Officers accept what is stated in the appeal decisions provided by the applicant and referred to at para. 10.4(f) of this report. However, little weight can be afforded to these decisions as they do not bear a clear comparison to what is proposed at Two Hoots Farm. The Roker Lane appeal decision relates to a ground-mounted photovoltaic array that has an output of a third of that currently proposed. The landscape character and appearance of that appeal site in Pudsey also bears no comparison to the current case in Harewood / East Keswick. The second identified appeal decision, in Oxfordshire, relates to a substantially larger solar farm, as do the identified planning permissions provided for St. Agnes and North Yorkshire. Although some basic comparisons can be drawn, officers recommend that very little weight can be afforded to the appeal decisions provided by the applicant.
- 10.26 The concerns raised by members of the public and East Keswick Parish Council are covered in the above assessment, other than for the following two issues.
- 10.27 On the issue of whether the development would set a precedent for similar development in the area, officers can advise that each planning application is assessed on its own merits. Although it is likely that other renewable energy development could share similar environmental benefits to that currently proposed, it does not follow that permission would be granted. Planning decisions are made on a case-by-case basis and would be subject to separate and objective assessment.
- 10.28 On the issue that the applicant has not provided a financial appraisal to demonstrate that the electrical demand of the farm business would be satisfied by the proposed development, officers have referred to para. 98 of the NPPF, which states:

'When determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even

small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.'

- 10.29 For the above reason, officers do not consider it necessary to request a financial appraisal from the applicant.

9. The balance of considerations

- 10.30 Turning to the planning balance, set out below is a synopsis of those matters which must be taken into account, followed by an assessment of where the correct balance lies.
- 10.31 The matters which weigh against the proposal (the harm) are threefold. Firstly, by definition, the proposed development constitutes inappropriate development in the Green Belt and this attracts substantial weight in its own right. Secondly, there would be some harm to the openness and purposes of the Green Belt, which is of moderate weight. Thirdly, there would be a degree of harm to the character and appearance of the landscape and Special Landscape Area, but this could be largely mitigated and is therefore considered to be of minor-moderate weight overall.
- 10.32 The matters which weigh in favour of the proposal are also threefold. Firstly, there is strong national support for renewable energy in order to tackle the effects of climate change, which is a significant factor in favour of the proposal, and carries substantial weight. Secondly, the Council's targets for renewable energy, together with the anticipated provision of 10MW of micro-generation including solar power by 2021, are considerations of significant weight. Thirdly, the national support for the development and diversification of agricultural and other land-based rural businesses, are considerations of moderate weight.
- 10.33 The competing matters in the balance are all of importance but for this planning application officers consider that the case for renewable energy, and the support given to it at both national and local level clearly outweighs the harm by inappropriateness and the other harm identified. Officers are therefore satisfied that the other considerations demonstrated amount to the very special circumstances necessary to justify development in this case. As a result there is no conflict with policy N33 on Green Belt. The proposed development would not seriously harm the character and appearance of the landscape by virtue of the required landscape planting measures. As a result there is no conflict with policy N37 on Special Landscape Areas.

11.0 **CONCLUSION**

- 11.1 Officers conclude that subject to the imposition of conditions the proposed development is, on balance, acceptable and it is considered that very special circumstances exist and that any potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In reaching this conclusion officers have taken into account all material considerations and representations, received from members of the public, the East Keswick Parish Council and consultee bodies. Officers have taken into account the concerns of Ward Councillors A. Castle and R. Procter and consider that the above assessment provides the information required by Members in order

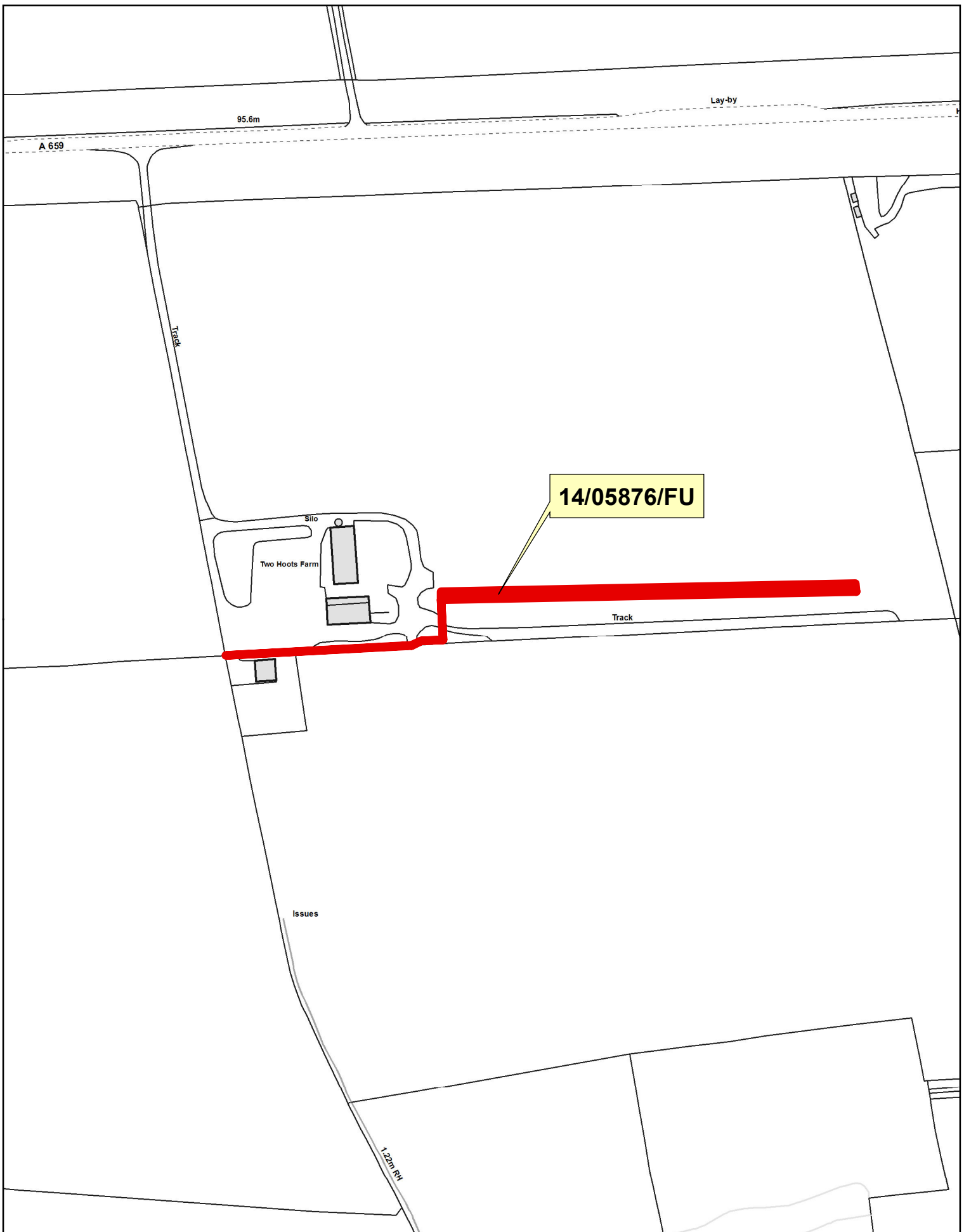
for Plans Panel to make a decision. For the reasons given above the planning application is recommended for approval.

Background Papers:

Application file: 14/05876/FU.

Certificate of Ownership: the applicant Mr J Cobbald.

Pre-Application file: PREAPP/14/00334.



NORTH AND EAST PLANS PANEL

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SCALE : 1/2500



Applicants

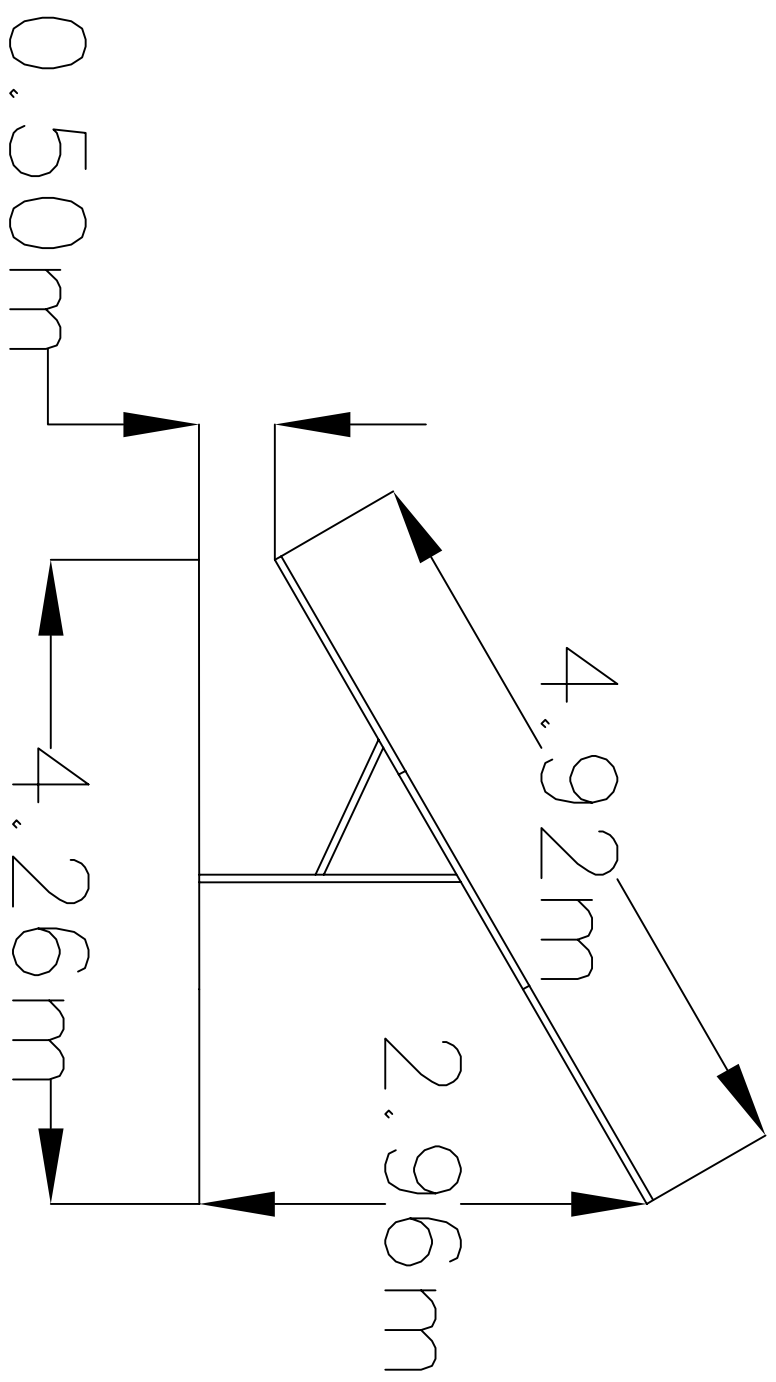
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Drawing Reference

30/09 14/ Profile View/KC



Project

Installation of 150kW Ground
Mounted Photovoltaic Array

Scale

1:50

