

---

## Appeal Decision

Site visit made on 14 May 2015

**by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI**

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

**Decision date: 8 September 2015**

---

**Appeal Ref: APP/P1560/A/14/2225037**

**Burnt Ash Farm, Spinnel's Lane, Wix, Manningtree CO11 2UJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Kinetica Solar Limited against the decision of Tendring District Council.
  - The application No:13/01340/FUL, dated 25 November 2013, was refused by notice dated 1 August 2014.
  - The development proposed is "Construction of a renewable energy solar farm, to include the installation of solar panels, DNO switchgear room, control room and inverter housings with associated plant, on-site access tracks, security fencing and cameras, landscaping and other associated works."
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Council refused the application against officer recommendation for approval on the grounds that the proposed development, by reason of its size and scale, and having taken into account the topography and contours of the application site and surrounding land, the development would be highly visible, and result in being an incongruous addition, out of keeping with the rural landscape character of the area.
3. There is an existing solar farm at Wix Lodge (15 MW), which is located to the south-west of the appeal site. Permission was granted for a solar installation at Barn Farm in October 2014, to the north-west of the appeal site and this was under construction at the time of my site visit.<sup>1</sup> Planning permission was granted for solar development at Green Farm, to the south-east of the appeal site in May 2015.<sup>2</sup> The submitted cumulative landscape and visual impact assessment for the application that is the subject of this appeal considered the Green Farm proposal on the basis of a larger scheme than that which has subsequently been permitted.<sup>3</sup> I saw these other sites from public vantage points on an unaccompanied part of my site visit.

---

<sup>1</sup> Application Ref.14/00918/FUL.

<sup>2</sup> Application Ref.15/00147/FUL.

<sup>3</sup> Drawing Number 5303/APP4/Cumulative.Ass rev C.

## **Main issues**

4. The main issues in this appeal are:

- (a) The effects of the proposed development on its own, and in combination with other photovoltaic development, on the character and appearance of the area.
- (b) The effects on heritage assets.
- (c) The effects on agricultural land and soils.
- (d) The compatibility of the proposed development with policy in respect of the generation of energy from renewable sources.
- (e) Whether any harm that might be caused would be outweighed by the benefits of the scheme.

## **Planning policy**

5. The development plan for the area includes saved policies of the Tendring District Local Plan 2007 (LP). Policy EN1 aims to protect the quality of the landscape and its distinctive local character. It adds that any development which would significantly harm landscape character or quality would not be permitted. Policy EN13a provides for renewable energy generation subject to there being no material adverse impact on the local environment in relation to, amongst other things, visual intrusion and landscape characteristics. These sentiments are echoed in draft Policies PLA5 and PLA10 of the emerging local plan, but the stage this has reached limits the weight that can be given to it in determining this appeal.
6. I was also referred to the *National Planning Policy Framework* (hereinafter the *Framework*), and have had regard to the *Planning Practice Guidance* (hereinafter the *Guidance*). The latter provides that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. But adds that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

## **Reasons**

### *Character and appearance*

7. The appeal site comprises two large fields separated by a copse that narrows to a hedgerow with trees. The appeal site has a total area of 25.71 ha, but only 22.2 ha would be occupied by the proposed solar farm. It lies approximately 1 km to the north of the village of Wix. The A120 Wix by-pass lies to the south of the site, and just to the north of the village. Harwich Road, which is part of the B1352, lies to the north of the site. There are farmsteads and sporadic residential development in this predominantly rural landscape between Wix and Bradfield, but also some ribbon residential development along part of Bradfield Road, some 320 m to the south-west of the appeal site. A public right of way (PROW) is contiguous with part of the south-western boundary of the appeal site. This is part of a wider network of PROW in the locality, which provides links to local lanes, including Spinney's Lane, Willow Hall Lane, Dairyhouse Lane, as well as Harwich Road and the Bradfield/Wix Road.

8. Solar panels are an existing feature of the wider landscape given the proximity of the development at Wix Lodge (about 875 m from the appeal site), the facility under construction at Barn Farm (550 m), and that permitted at Green Farm (740 m). The locality can properly be described as a rural landscape with some solar arrays. In the Tendring District Landscape Character Assessment 2001 the site lies partly within the southern extent of the Stour Valley System (6A) character area, and partly within the north-eastern extent of the Bromley Heaths Plateau character area (7A). The key characteristics of area 6A relate mostly to the importance of the estuary and its setting. It notes that the B1352 passes along the coast with outstanding views of the estuary. Area 7A is characterised by an exposed and windswept plateau with deep brown soils which support a high-grade agricultural land with large scale arable fields divided by low, gappy hedgerows, along with some neglected coppice woodlands, and a network of narrow lanes, all under a dramatic and dominating skyline.
9. The solar panels would have a maximum height of about 2.2 m. The scheme would include 12 inverter units, a DNO sub-station and a control room, approximately 15 security CCTV positions, along with 2.1 m high perimeter security fencing set back some 5 m from existing and proposed hedgerows. The panels and associated infrastructure would be utilitarian structures in this countryside location. The metal structures of the frames and the construction of the panels, along with their regular arrangement in long rows, would be out of keeping with the character of the area. The man-made structure would be of a colour and texture that was not typical of its agricultural context, and so the proposed development would introduce a discordant element of significant scale into the local landscape, albeit one which already contains some solar farms in the wider area. However, the appeal scheme would result in a significant intensification of solar farm development in the area because it would be sited centrally between three other solar farms. This intensification would harm the character of the area. I consider that this area has medium sensitivity to the type of development proposed. With a moderate/high magnitude of effect, the proposal would have an adverse effect on the landscape resource of moderate significance.
10. I turn next to visual effects. Kings's Wood and mature trees around lakes located to the west of the north-western corner of the site provide some screening from the west. So too, would the proposed planting along the remainder of the western boundary, where the land is relatively flat (VP2). The existing hedgerow with mature trees that bisects the southern part of the appeal site would also help to break up views of the whole development from the west, south and east. Only small parts of the scheme would be prominent in views from the east, and landscaping would assist in minimising any adverse impacts (VP3). However, the proposed panels would be more prominent in views from the north.
11. This is apparent from VP1, an elevated vantage point along the B1352. There is a layby here on the side of the road facing towards the appeal site. From this view point the full width of the scheme would be apparent, stretching across a wide part of the landscape. The two separate parts of the proposed development would be evident, giving an impression of considerable scale. Furthermore, as the land rises up across a shallow valley towards the appeal site neither the existing or proposed planting would provide an effective screen. Any woodland planting on land within the appeal site to the north of the

proposed panels would, because of the local topography, take considerable time to soften the visual impact, and would be unlikely to ever fully screen out views from the north. Views from the B1352 are important and the lay-by provides an opportunity for those using it to take more time to admire the local landscape. In this context the proposed panels would appear as an intrusive feature cutting across the rural landscape. With high sensitivity receptors, and a high magnitude of change the proposal would result in a change of major/moderate significance to the visual amenity of the area to the north of the appeal site.

12. The appeal scheme would be the fourth solar farm development in the area between Wix and Bradfield. There are existing PROW adjacent or near to the three existing/permitted sites, which provide opportunities for circular walks and links between the local lanes. Many of those driving or walking in the area would be likely to experience views of two or more solar farms whilst travelling in the vicinity of the appeal site. Combined cumulative effects (where the observer could see two or more developments from a single viewpoint) would be limited to views seen in succession (by the observer turning their head to see other developments), particularly from the footpaths that traverse the higher ground between the appeal site and the Barn Farm development. However, sequential cumulative effects (which occur as observers move from one viewpoint to another to see different development) would be significant given the central location of the appeal site in relation to the other three schemes. I find, therefore, that cumulative visual effects would harm the appearance of the area, and that this is a consideration which weighs against the proposal.
13. On the first main issue, I consider that the proposal would harm the character of the area, and would have a significant adverse effect on its appearance. Given its relationship with three other solar farms in the locality, it would also have a significant cumulative adverse impact on the visual amenity of the area. Overall, the proposal would have an adverse effect of major/moderate significance on the local landscape. The development proposed would be temporary, but the harm to the landscape would last for 25 years, and so would be significant. This harm is a consideration that weighs heavily against the proposal. I find that the proposed development would conflict with LP Policies EN1 and EN13a.

#### *Heritage assets*

14. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. Burnt Ash Farmhouse is a Grade II listed building of 16<sup>th</sup> Century origins. It sits within a complex of modern farm buildings, but given its close association with the appeal site, the proposed development would to some extent adversely affect its setting, which makes a moderate contribution to the significance of the farmhouse. Carbonells, a house of 15<sup>th</sup> Century origins, lies to the south of Burnt Ash Farmhouse and is also a Grade II listed building. However, Carbonells is well screened by existing farm buildings and field boundaries and the appeal site does not make a significant contribution to its significance. Similar considerations apply to the Grade II listed Spinnel's Farmhouse (240 m to the north), which is set within an enclosure with high hedges.

15. The historic grounds of a former priory lie about 420 m to the south of the appeal site, and contain the Church of St Mary, Wix Abbey and Granary Cart Lodge, which are Grade II listed buildings. These are surrounded by walls, gardens and mature vegetation, and the proposed solar farm would not have a significant effect on the setting of these assets. The proposal would not affect the setting of a listed milepost (525 m) or the listed Pond Hall (925 m).
16. A World War II bombing decoy station night shelter, located 200 m to the north-west of the site, is a Scheduled Ancient Monument (SAM). Lights and flares in nearby fields would have been operated from this shelter to divert bombing raids from naval installations. The exact fields used for this purpose are not known, but it is thought that part of the appeal site may have been used in this way. The relationship with the appeal site is shown on View F and was apparent at my site visit. The northern part of the appeal site is visible from the SAM, and is part of the wide setting for the shelter that makes a contribution to the significance of the asset. English Heritage advised that the proposed solar farm would be located within the setting of the SAM and that the development would cause some slight harm to the significance of the designated asset. I find that this slight harm is a matter to be weighed against the public benefits of the scheme.
17. Archaeological interests of the site could be reasonably safeguarded by the imposition of a planning condition requiring a programme of archaeological works in accordance with an approved scheme of investigation.
18. Overall, regarding heritage, I consider that the proposal would have a slight adverse effect on the setting of Burnt Ash Farmhouse. This is a consideration which should be given special weight and considerable importance in the overall planning balance. It would also have a slight adverse effect on the SAM. In terms of the *Framework* the adverse impact on these assets would amount to less than substantial harm, and a consideration to be weighed against the benefits of the appeal scheme.

#### *Agricultural land and soils*

19. The *Framework* provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing soils. It also adds that account should be given to the economic and other benefits of the best and most versatile agricultural land, defined as Grades 1, 2 and 3a land, and where significant development of agricultural land is necessary areas of poorer quality land should be preferred to that of a higher quality. This preference is reiterated in the *Guidance*, which goes on to refer to proposals allowing for continued agricultural use where applicable and/or encouraging biodiversity improvements around arrays of solar panels.
20. The appellant notes that the areas between and beneath the solar panels would be put to grass for grazing, and used for the creation of dedicated environmental habitats in order to improve upon the current low biodiversity of the fields. I have also taken into account that with appropriate management soil quality might benefit from a break of 25 years from intensive arable production.

21. The appellant's agricultural assessment cites Natural England's mapping data, Agricultural Land Classification Map, which indicates that the site comprises Grade 2 and undifferentiated Grade 3 agricultural land.<sup>4</sup> But there is no evidence to indicate how much of the Grade 3 land is classified as Grade 3a, as no site-specific agricultural land grading has been undertaken. It is not known how much best and most versatile agricultural land would be utilised by the proposed development. It is therefore difficult to properly take into account the economic and other benefits of the best and most versatile agricultural land in this case.
22. Notwithstanding that the effects on agricultural land was not a reason for refusal cited by the Council, I find that there is insufficient evidence to conclude that the proposal would accord with national policy on the use of best and most versatile agricultural land.

#### *Renewable energy*

23. The *Framework* provides that applicants do not need to demonstrate the overall need for renewable energy development. The proposed solar farm would have an installed capacity of up to 13.5 MW. The appellant estimates that this would be the equivalent to the electricity consumed by around 3,400 homes, and would offset 164,000 tonnes of carbon dioxide emissions.<sup>5</sup> The scheme would provide a valuable contribution to cutting greenhouse gas emissions. The proposal would also contribute to diversification of farm income and towards the rural economy. It would make a significant contribution towards meeting national targets for renewable energy and towards energy security. The proposal therefore gains support from national and local policies which promote renewable energy generation. I find that the contribution of the appeal scheme to renewable energy and the reduction of greenhouse gas emissions is a consideration that should properly be given significant weight in determining this appeal.

#### *Other matters*

24. I have taken into account all the other matters raised in the evidence, including the likely effects of the proposal on biodiversity. Habitats recorded within the site are generally of low biodiversity value. An area within the appeal site of 3.96 ha to the north of the proposed panels would be used for biodiversity enhancement and ecological habitat with a substantial programme of tree planting to create a new area of woodland. The proposed tree planting and about 1.53 km of new hedgerow planting would be beneficial for nature conservation. Management of the land under and around the panels could also favour wildlife. I consider that the scheme would result in an improvement for biodiversity over its existing use.
25. Some views of the panels would be possible from rear upstairs windows in dwellings facing onto Bradfield Road. However, given the separation distance, along with the existing trees and the proposed planting, I do not consider that the panels or associated infrastructure would have a dominating or overbearing

---

<sup>4</sup> The Council estimates that approximately 60% of the site is Grade 2 land. But this would depend on the precise location of the boundary between Grade 2 and Grade 3 land that traverses the appeal site. I also note that the mapping indicates an area of Grade 1 land just to the south-east of the appeal site. I am not convinced that the mapping relied on is sufficiently accurate for use in assessment of individual fields or sites.

<sup>5</sup> The appellant's Statement of Case records that the scheme would be able to export renewable energy for approximately 3,125 average homes, and that this would offset up to 6,625 tonnes of carbon dioxide emissions annually.

effect on the outlook from these properties. The same would apply to properties to the east of the appeal site off Willow Hall Lane, including The Oaks. In my judgement, the proposal would not unduly affect the living conditions of those living nearby.

26. The appellant considered alternative opportunities within the District and concluded that Burnt Ash Farm was the only option suitable and commercially viable for Kinetica to pursue. However, targets for renewable energy are expressed as national targets, and so I do not consider that the alternative site exercise, which was confined to this District, is a consideration that should be decisive in determining this appeal.
27. Highway safety during construction could be safeguarded by the imposition of planning conditions. The scheme includes swales to assist in managing drainage, and I am satisfied that flood risk is a matter that could be addressed by condition. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusions.

#### *Planning balance*

28. The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development in the *Framework*, require in this case that a balancing exercise be performed to weigh the benefits of the proposed solar farm against its disadvantages. The proposed development would make a significant contribution to renewable energy targets and towards the reduction of greenhouse gas emissions. It would contribute to the local economy and would have energy security benefits. It would also improve biodiversity. These benefits should be given significant weight. Against the benefits of the appeal scheme must be weighed the harm I have identified to the character and appearance of the area, and to heritage assets, along with my reservations about how the best and most versatile agricultural land has been dealt with in this case.
29. The proposed development would be temporary and the reversibility of the development after 25 years is a relevant consideration. However, the harm would affect the area for a considerable time. The harm to the local landscape, would be significant, and when combined with some harm to heritage assets, would outweigh the benefits of the proposed development. Any harm and policy conflict arising from use of the best and most versatile agricultural land would tip the balance even further against allowing the appeal. In my judgement, the benefits of the proposed development would not be sufficient to outweigh its disadvantages.
30. The proposal would conflict with relevant LP Policies, and this brings the appeal scheme into conflict with the development plan when read as a whole. However, LP Policies EN1 and EN13a do not provide for the balancing exercise for sustainable development that is implicit within the *Framework*. The core planning principles set out in the *Framework* encourage the development of renewable energy, whilst recognising the intrinsic character and beauty of the countryside. However, in this case the adverse effects I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* as a whole.

## Conclusions

31. The Council received 161 representations about the application, including 3 letters in support and 157 objections. Both Wix Parish Council and Wrabness Parish Council objected to the proposal. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. Notwithstanding the benefits of the scheme to renewable energy targets and greenhouse gas emissions, and the contribution it would make towards the local economy and biodiversity, I do not consider that the evidence submitted demonstrates that the impacts of the appeal scheme are, or could be made, acceptable. The proposal would conflict with relevant policies of the LP, and would not accord with the requirements for sustainable development set out in the *Framework*. There are no material considerations here that would indicate that a determination other than in accordance with the development plan was justified. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Woolcock*  
Inspector