

4.4 – SE/14/03165/FUL Date expired 5 December 2014

PROPOSAL: The Proposed installation of 16 free standing solar panels and A Frames

LOCATION: Rosebay, 44 Cherry Tree Grove, Knatts Valley TN15 6YG

WARD(S): Fawkham & West Kingsdown

ITEM FOR DECISION

Councillor Mrs Bosley and Councillor Bosley referred this application to Development Control Committee to consider the acceptability of this proposal in the Green Belt.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of Section 91 of the Town and Country Planning Act 1990.

2) When no longer needed for microgeneration the solar panels hereby permitted should be removed as soon as reasonably practicable and the land should, as far as reasonably practicable, be restored to its condition before the development took place, or to the condition agreed in writing between the local planning authority and the developer.

To protect the character of the area in accordance with Saved Local Plan policy EN1.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting),-written specifications (including cultivation and other operations associated with plant and grass establishment),-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation.

To retain the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: block plan and Dwg July2014Baker001

For the avoidance of doubt and in the interests of proper planning.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Description of Proposal

- 1 Planning permission is sought for the installation of 16 free standing solar panels. This would consist of two rows of 8 panels positioned off the northern boundary of the parcel of land. Each row of panels would measure 8m in width by 1.5m in depth with a height to the highest part measuring 1.2m.

Description of Site

- 2 The site forms a parcel of paddock land measuring 0.35 hectares in area which wraps around the garden land of dwelling 44 Cherry Tree Grove to the north and west. The site is enclosed by mature trees designated as ancient woodland on the western and southern boundary. Cherry Tree Grove road lies to the south eastern boundary. To the north of the site lies 45 Cherry Tree Grove.
- 3 The site is enclosed by a close boarded fence along the northern boundary and open fencing elsewhere. There is an existing outbuilding on the application site positioned in the farthest south west corner of the land. The site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and Metropolitan Green Belt. A public footpath runs along Cherry Tree Grove along the eastern boundary of the site. A second outbuilding shown on the block plan adjacent to the solar panels has been removed.

Relevant Planning History

- 4 76/00489/HIST – Alterations and erection of a brick outer skin to dwelling new roof and extensions to sides. Grant – 20/07/1976.
- 76/01115/HIS – Detached domestic garage at side. Grant – 01/11/1976.
- 79/00750/HIST – Extension to side of dwelling. Grant – 26/06/1979.
- 82/00007/HIST – Dormer window to dwelling. Grant – 17/02/1982.
- 00/01495/FUL – Rebuild roof over dormer to master bedroom, entrance porch and conservatory. Refuse – 07/08/2000.
- 00/01918/FUL – Rebuild roof over dormer to master bedroom, entrance porch and conservatory. Grant – 12/10/2000.
- 06/02617/FUL – Conversion of garage into a habitable room. Grant – 15/12/2006.
- 06/03079/FUL- Detached barn/garage to side of existing house. Refuse – 23/01/2007.
- 07/00385/FUL – To demolish and remove old stables and build a new barn/garage. Refuse – 03/04/2007.
- 14/02078/FUL – Proposed installation of 16 free standing solar panels and A frames. Refuse – 04/09/2014.

Policies

Sevenoaks District Local Plan:

- 5 Policy - EN1

Sevenoaks Core Strategy:

- 6 Policies - SP1, SP2, SP11, LO8.

Allocations and Development Management Plan, Draft submission (Nov 2013):

- 7 Policies - SC1, EN1

Other

- 8 National Planning Policy Framework (NPPF) and associated technical guidance
- 9 National Planning Practice Guidance

Constraints

- 10 Metropolitan Green Belt
- 11 Kent Downs Area of Outstanding Natural Beauty (AONB)
- 12 Public right of way along Cherry Tree Grove

Consultations

Parish/Town Council

- 13 Members object to this proposal this is inappropriate development in this Greenbelt and AONB location which would set a precedent and Members see no strong evidence for special circumstances for this application

Councillors Comment

- 14 This is a very important case and feel that it should go to the committee

Representations

- 15 No comments received.

Chief Planning Officer's Appraisal

- 16 The main consideration of this proposal include:
- Renewable energy in the Green Belt
 - Impact on the character of the area and wider Area of Outstanding Natural Beauty (AONB)
 - Impact on neighbouring properties, amenity; and
 - Any very special circumstances.

Green Belt/Renewable Energy

- 17 One of the core principles within the NPPF is identified in para. 17 is to 'support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy)'. Section 10 continues to state that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure'. In addition Sevenoaks Core strategy Policy SP 2 seeks to encourage the construction of low carbon energy generation. It continues to state that schemes will be generally supported where they do not adversely impact the openness of the Green Belt and are consistent with AONB policies. Emerging policy SC1 (presumption in favour of sustainable development) also seeks to ensure that there is a presumption in favour of sustainable development.
- 18 With regards to national policy the Government attaches great importance to the Green Belt. The NPPF seeks to maintain the openness of the Green Belt and identifies development which is considered to be inappropriate development within the Green Belt.
- 19 The NPPF identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF seeks to ensure that the Green belt does not wash over villages, Local Plan Policy LO8 of the Core Strategy states that 'the extent of the Green Belt will

be maintained' therefore there are no changes proposed to the current limits of the Green Belt within Sevenoaks District.

- 20 When within the Green Belt many elements of renewable energy projects are considered to be inappropriate development, as the erection of new structures is by definition considered to be inappropriate development in the Green Belt by the NPPF.
- 21 Paragraph 91 of the NPPF does however state that 'in such cases {where development is inappropriate} developers will need to demonstrate very special circumstances if projects are to proceed'. It continues to say that 'such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.
- 22 In this case 'very special circumstances' would need to be submitted to overcome the potential harm of the proposed development by reason of its inappropriateness. In addition it is the responsibility of the applicants to demonstrate why permission should be granted and set out any circumstances which they believe amount to 'very special circumstances'. In the absence of any 'very special circumstances' to outweigh the harm to the Green Belt there would be an in principle objection to any development with regards to Green Belt policy.
- 23 At present the proposed development, is by definition inappropriate development within the Green Belt which is in principle harmful to the open character of the area.
- 24 Notwithstanding the above, the applicant has provided information to confirm that the solar panels are to meet the energy needs for Roseby 44 Cherry Tree Grove therefore, the siting of the panels located within a distance of this property is required in this specific case to connect the energy created to the dwelling. In addition the supporting information states that this siting (close to the northern boundary of the paddock) is the only realistic place the panels can be accommodated due to the paddock land and domestic curtilage of the dwelling being set closer to the mature woodland to the southern boundary of the site and therefore in a more susceptible position for greater over shadowing in the winter and afternoons. In addition, the applicant has confirmed that roof of the main property would not face south. As such, these positions would not provide the same benefits of the siting proposed under this application as these alternative positions would not result in a maximum level of sunlight required to allow the solar panels to work most efficiently.
- 25 The proposed siting of the solar panels would be positioned away from the main house within the close to the northern boundary of the site. The development would have a height of 1.2m and form two rows of solar panels.
- 26 In conclusions, due to the fact that the solar panels are to serve the dwelling Roseby 44 Cherry Grove and are in a position and number justified by the supporting information in this case, the proposal is site specific which is considered in this case to add towards 'very special circumstances' as identified within paragraph 91 of the NPPF. Notwithstanding this other matters are assessed below.

Visual Impact on the character of the area

- 27 The NPPF attaches great importance to and encourages good design due to its indivisible link with sustainability. Paragraph 56 seeks for development to 'contribute positively to making places better for people' through the implementation of high quality and inclusive designs. Policy SP1 of the Sevenoaks Core Strategy also seeks to ensure that all new development is designed to a high quality and reflect the character of the area in which it is located. Saved Local Plan policy EN1 states that *'the form of the proposed development ... should be compatible in terms of scale height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard'* to receive support. This policy broadly conforms with the NPPF and therefore can be afforded weight in this assessment. Emerging policy EN1 also carries significant weight and seeks to ensure good design. The site also lies within the Kent Downs AONB.
- 28 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development. The NPPF (para.155) states that great weight should be given to conserving landscape and scenic beauty in areas such as the AONB as they have the highest protection. Policy LO8 of the Core Strategy also seeks to ensure that *The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhance*'.
- 28 The paddock site where the solar panels are proposed to be sited is enclosed by mature trees on three sides and a hedge along the front boundary of the paddock area. To the east of the site along Cherry Tree Grove runs a public footpath. As such, views of the site do exist from the public realm but appear limited with clear views only available within close proximity to the site on the approach to the site from along Cherry Tree Grove. Currently along the northern boundary of the site lies a close boarded fence, which is identified on the photographs as the neighbour's fence. The applicant has however proposed that landscaping scheme could be introduced along this boundary to provide a softer boundary treatment. In addition, it may be appropriate to extend any landscaping to assist in reducing the view point currently available from street and public right of way.
- 29 The proposed solar panels are set away from the main dwelling and therefore do appear to be slightly divorced on the site from the main dwelling, but lie close to the northern boundary of the site. Notwithstanding this however, the proposed panels are not considered to have an adverse impact on the AONB and seek to conserve the character of the area due to the low level and position of the proposed panels and the existing pattern of ribbon development along Cherry Tree Grove.
- 30 The proposal is therefore considered to comply with the above policies as it is not considered to have an adverse impact on the character and appearance of the area.

Impact on Neighbouring Amenity

- 31 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning

should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 32 Saved Policies EN1 require that proposals do not have an adverse impact on the amenity of the neighbouring properties and that new development ensures that a satisfactory environment of the original dwelling is maintained for future occupants. Both policies confirm in broad with the NPPF and therefore can be afforded some weight in the assessment of the proposal. Emerging policy EN2 also seeks to safeguard the amenities of existing and future occupants of nearby properties, including from excessive noise, activity or vehicle movements.
- 33 Due to the position of the proposed panels set within the paddock area with a height of 1.2m and the existing boundary treatment it is not considered that the proposed panels would have an adverse impact on the amenity of neighbouring property's amenity.
- 34 It is therefore concluded that the proposal is considered to comply with the above policies as it is not considered to have an adverse impact on the amenity of the neighbouring properties.

Very Special Circumstances

- 35 The Parish Council has objected to the proposed panels as they consider that it would constitute inappropriate development within the Green Belt for which there are no 'very special circumstances' to outweigh the harm to the Green Belt. In addition there are concerns that this decision would set a precedent however each application is judged on its merits.
- 36 Since the previous application the applicant has provided further justification which identifies why this is the best technology for the site and reasoning behind the number and the siting of the panels to ensure that sufficient energy is provided for the dwelling. The previous application lacked this level of detailing and as such at this time the proposal could not be identified as specific to this site and therefore amount to 'very special circumstances' to outweigh the harm by reason of inappropriateness to the Green Belt. In addition the siting of the solar panels has been altered since the previous application to move the panels closer to the northern boundary of the site.
- 37 In this case the applicant has submitted a detailed report which under takes a sequential test to justify why the solar panels are the best renewable energy solution for the site and identified why this position is the best available to achieve maximum sunlight and minimum visual harm. In addition, as the solar panels are only to serve the dwelling Roseby 44 Cherry Tree Grove this would introduce a case specific reason for the panels in connecting distance to the dwelling. In this case, it is considered that the information submitted by the applicant outweighs the harm that the proposal introduces to the Green Belt by reason of its inappropriateness.
- 38 At this time it is considered that the arguments put forward by the applicant have constituted to be 'very special circumstances' in this case which outweighs the harm to the Green Belt by reason of its inappropriateness in line with Paragraph 91 of the NPPF.

Conclusion

39 The proposal constitutes inappropriate development for which there are 'very special circumstances' to outweigh the in principle harm caused to the openness of the Green Belt. In addition the proposal is considered to conserve the wider Kent Downs Area of Outstanding Natural Beauty and streetscene. The proposal is not considered to impact on the amenity of the close neighbours. As such, the proposal is recommended for approval.

Recommendation

Grant.

Contact Officer(s): Erin Weatherstone Extension: 7290

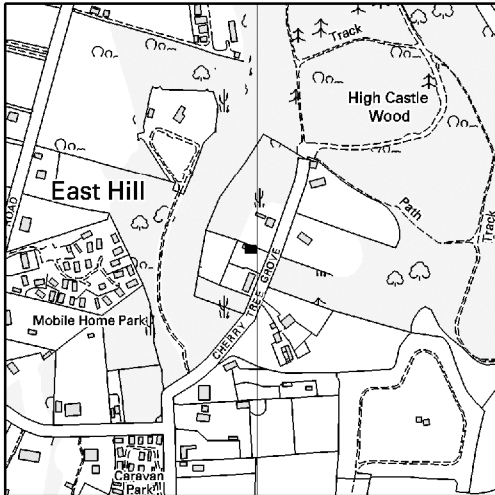
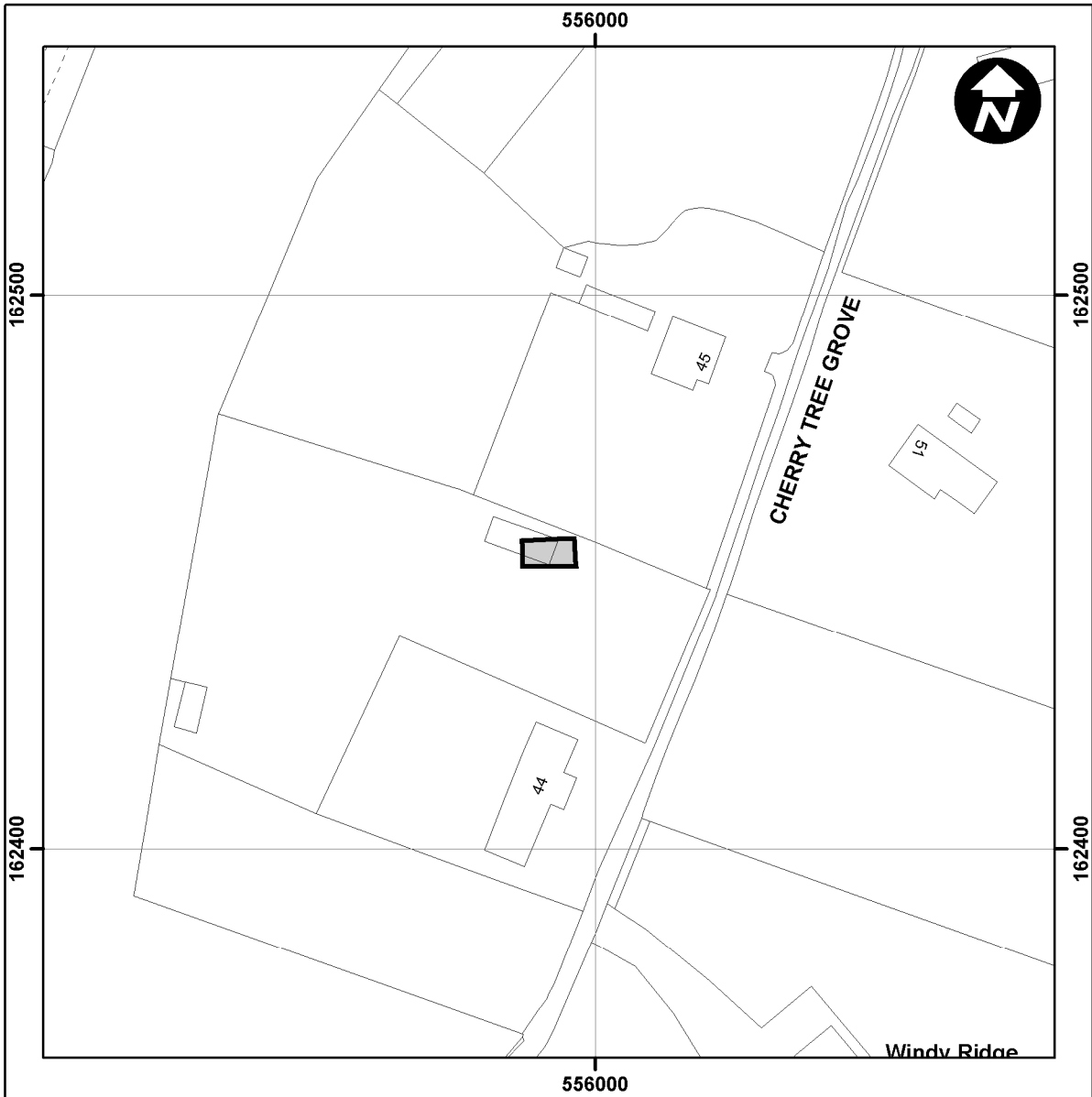
Richard Morris
Chief Planning Officer

Link to application details

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NCT2ERBKHBK00>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NCT2ERBKHBK00>



Site Plan

Scale 1:1,250

Date 02/12/2014



Sevenoaks
DISTRICT COUNCIL

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Ordnance Survey 100019428.

Block Plan

