



Department for  
Communities and  
Local Government

Our Ref: APP/M3645/W/16/3146389

Mr Gareth Roberts  
Pegasus Planning Group Ltd  
Equinox North  
Great Park Road, Bradley Stoke  
Bristol  
BS32 4QL

5 December 2016

By email: [colin.virtue@pegasuspg.co.uk](mailto:colin.virtue@pegasuspg.co.uk)

Dear Mr Roberts

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY INRG SOLAR LTD  
LAND AT REDEHAM HALL, SMALLFIELD, SURREY RH6 9SA  
APPLICATION REF: TA/2015/1056**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Jonathan Hockley BA (Hons) DipTP MRTPI, who made a site visit on 6 June 2016 into your client's appeal against the decision of Tandridge District Council "the Council" to refuse planning permission for your client's application for planning permission for the installation of ground mounted photovoltaic solar arrays to provide circa 5.25MW generation capacity together with power inverter systems; transformer stations; internal access tracks; landscaping; security fencing; CCTV and associated access gate, in accordance with application ref: TA/2015/1056, dated 2 June 2015.
2. On 9 August 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposal involves significant development in the Green Belt.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be dismissed and planning permission be refused.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Communities and Local Government  
Richard Watson  
Planning Casework  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 444 1627  
Email: [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

## **Policy and statutory considerations**

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case the development plan consists of the Tandridge Core Strategy (adopted 2008) (the CS) and the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029 (adopted 2014) (the LP). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR9-10.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance.

## **Main issues**

8. The Secretary of State agrees with the Inspector that the main issues are those set out at IR37.

### *Green Belt*

9. The Secretary of State notes that it is common ground between the parties that the proposal includes development that is inappropriate development (IR38). He also agrees with the Inspector that openness is an essential characteristic of Green Belts and that the proposal would reduce this openness, regardless of the amount of Council area that lies within the Green Belt (IR39) and that the proposal would conflict with one of the purposes of the Green Belt, safeguarding the countryside from encroachment (IR40).
10. The Secretary of State agrees with the Inspector's conclusion at IR41, that the proposal would be inappropriate development in the Green Belt and would reduce openness and conflict with the purposes of including land in the Green Belt. The Secretary of State agrees that this weighs heavily against the proposal and would conflict with the Framework, as well as with Policies DP10 and DP13 of the LP.

### *Character and appearance*

11. The Secretary of State has given careful consideration to the Inspector's analysis and conclusions at IR42-49. The Secretary of State agrees that, in terms of landscape, the character of the site would alter through the introduction of panels and associated infrastructure. The character would also be altered through the proposed planting proposal, and the Secretary of State also agrees that these would primarily be beneficial (IR46). The Secretary of State also notes that the solar farm would be in place for 25 years and the impact would be temporary. Like the Inspector, the Secretary of State takes the view that 25 years is a significant amount of time (IR48). He concludes that the temporary nature of the proposal should only be given limited weight in the planning balance.
12. Like the Inspector, the Secretary of State concludes that the proposal would have an adverse effect on the intrinsic landscape character of the area and would be contrary to policies 18 and 21 of the Tandridge District CS and Policy DP7 of the LP. He also agrees with the Inspector that CS Policy 21 is broadly consistent with the core planning principle within the Framework (IR49).

### *Other considerations*

13. For the reasons given at IR50 the Secretary of State agrees with the Inspector that the provision of renewable energy is a key factor in favour of the proposal and he places significant weight on this aspect.
14. The Secretary of State also agrees with Inspector at IR51, that the ecological and biodiversity benefits, together with some economic benefits and job creation largely during the time of the construction of the park should be given moderate weight in favour of the proposal.

### **Planning conditions**

15. The Secretary of State has given consideration to the Inspector's analysis at IR52-55, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal.

### **Planning balance and conclusion**

16. The Secretary of State has given careful consideration to the Inspector's conclusions at IR56-60. He agrees with the Inspector that the proposal would be inappropriate development in the Green Belt, would result in a loss of openness and would have an adverse effect on the appearance of the surrounding area. In favour of the scheme is the provision of renewable energy and some biodiversity and economic benefits. However, the Secretary of State also agrees that substantial weight should be given to Green Belt harm and other harm. While there would be significant benefits, the Secretary of State agrees that these do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm, and the very special circumstances necessary to justify the development do not exist. The Secretary of State also concludes that the proposal would conflict with relevant development plan policies, and would not accord with the requirements for sustainable development set out in the Framework.

### **Formal decision**

17. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the installation of ground mounted photovoltaic solar arrays to provide circa 5.25MW generation capacity together with power inverter systems; transformer stations; internal access tracks; landscaping; security fencing; CCTV and associated access gate, in accordance with application ref: TA/2015/1056, dated 2 June 2015.

### **Right to challenge the decision**

18. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

19. A copy of this letter has been sent to Tandridge District Council, and notification has been sent to others who asked to be informed of the decision.

Yours sincerely

*Richard Watson*

**Richard Watson**  
**Authorised by Secretary of State to sign in that behalf**

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# Report to the Secretary of State for Communities and Local Government

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Date 8 September 2016

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**The Town and Country Planning Act 1990**

**Appeal by**

**INRG Solar Ltd**

**Against the decision of**

**Tandridge District Council**

Site visit made on 6 June 2016

Land at Redeham Hall, Smallfield, Surrey RH6 9SA

File Ref: APP/M3645/W/16/3146389

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**File Ref: APP/M3645/W/16/3146389**

**Land at Redeham Hall, Smallfield, Surrey RH6 9SA**

- 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 INRG Solar Ltd against the decision of Tandridge District Council.
- The application Ref TA/2015/1056, dated 2 June 2015, was refused by notice dated 15 January 2016.
- The development proposed is the installation of ground mounted photovoltaic solar arrays to provide circa 5.25MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; security fencing; CCTV and associated access gate.

**Summary of Recommendation: That the appeal be dismissed.**

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**Procedural Matters**

1. An unaccompanied visit to the site and surrounding areas took place on 6 June 2016.
2. Subsequent to my site visit, in exercise of his powers under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990, the Secretary of State directed on 9 August 2016, that he shall determine the appeal instead of an Inspector. The reason given for the direction was that the proposal involves significant development in the Green Belt.

**The Proposal**

3. The proposal seeks to construct a 5.25MW solar farm, involving the installation of arrays of photovoltaic panels running east to west across the site. Conduits running between the panels would be linked to small cabins housing required equipment, and there would be 1 substation and 4 inverter stations located on the site. The proposal would be surrounded by 2m high security fencing and CCTV equipment at the corners of the site. Internal access tracks would be constructed<sup>1</sup>. The development would be temporary with a lifespan of 25 years.

**The Site and Surroundings**

4. The appeal site of nearly 10 hectares lies within open countryside to the east of Gatwick Airport and to the south east of the settlement of Smallfield. The site consists of tree lined fields and falls roughly from east to west. The eastern boundary of the site adjoins Dowlands Lane, and a public footpath (no 460) crosses the site. Fields lie to the north, west, and south of the site<sup>2</sup>. The entire site falls within the Green Belt.

**Planning Policy**

5. One of the core planning principles of the National Planning Policy Framework (the Framework) is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them and recognising the intrinsic character and beauty of the countryside.

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<sup>1</sup> See Plan ref BRS.5822\_15-C

<sup>2</sup> See Plan refs BRS.5822\_05-A, PV-0199-02

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 91 of the Framework states that many elements of renewable energy projects will comprise inappropriate development.
7. The Framework also states that planning plays a key role in supporting the delivery of renewable energy and associated infrastructure, which is central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 states that we should not require applicants for energy development to demonstrate the overall need for renewable energy. Applications should be approved if the proposed development's impacts are, or can be made, acceptable, unless material considerations indicate otherwise.
8. Planning Practice Guidance (PPG) states that planning has an important role in the delivery of renewable energy infrastructure in locations where the local environmental impact is acceptable. The guidance notes that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes; however, the visual impact of a well-planned and well-screened solar farm can be properly addressed if planned sensitively.
9. Policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies 2014-2029, 2014 (the Local Plan)<sup>3</sup> together state that planning permission for any inappropriate development which is, by definition, harmful to the Green Belt will normally be refused. Subject to a number of exceptions, the Council will regard the construction of new buildings as inappropriate in the Green Belt. Proposals involving inappropriate development in the Green Belt will only be permitted where very special circumstances exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.
10. Policy DP7 of the Local Plan states that development should integrate effectively within its surroundings, reinforcing local distinctiveness and landscape character. Policies CSP18 and 21 of the Tandridge District Core Strategy, 2008 (the CS) together state that new development in the countryside will be required to be of a high standard of design that contributes to local distinctiveness; and that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake.<sup>4</sup>

### **The Case for the Council**

11. In a comprehensive report prepared for the Council's planning committee, Officers recommended that the application be refused<sup>5</sup>. Having considered the report, Council Members refused the application on 15 January 2016<sup>6</sup>.
12. The decision contains two reasons for refusal. The first of these reads: '*The proposal would comprise inappropriate development within the Green Belt and*

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<sup>3</sup> Relevant extracts are attached to the Questionnaire.

<sup>4</sup> Extracts are included in the Questionnaire.

<sup>5</sup> The report is attached to the Questionnaire.

<sup>6</sup> Refusal of Planning Permission TA/2015/1056, 15/01/16

*would have a significant adverse impact upon its openness resulting in substantial encroachment in the countryside. Additional harm is identified in relation to the impact on the rural character of the area. Very special circumstances do exist in the form of the generation of renewable energies and relatively constrained site selection process. However these very special circumstances are not sufficient to clearly outweigh the substantial actual and defined harm to the openness of the Green Belt. The proposal is therefore contrary to Policies DP10 and DP13 of the Tandridge Local Plan: Part 2 Detailed Policies 2014'.*

13. The second reason for refusal states: *'The Proposal would have an adverse impact on the rural character of the area as a result of the extent and scale of the proposal. The proposal would therefore fail to conserve or enhance the character of the area and would neither protect nor safeguard views from outside of the site. The proposal is therefore contrary to Policies CSP18 and CSP21 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2- Detailed Policies 2014'.*
14. The reasons for refusal are expanded upon in the Council's statement of case<sup>7</sup>. I have used this document as the basis for this brief summary.
15. The Framework identifies that elements of many renewable energy projects will comprise inappropriate development in the Green Belt. It is considered that the proposal constitutes inappropriate development and that therefore very special circumstances would need to exist to clearly outweigh this harm, and any other harm.
16. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Currently the site is agricultural farmland and wholly undeveloped. The 10ha site and 2.6m maximum height of the proposed PV arrays would have a significant impact upon the openness of the Green Belt. Furthermore, ancillary development such as the access track, substation, inverter stations, fencing and CCTV facilities would result in more built form on the otherwise undeveloped site, further diminishing openness. This would also result in encroachment into the countryside, contrary to one of the purposes of the Green Belt. The Council recognise that the proposal would have a lifetime of 25 years; however, this remains a very long period of time. The scheme would result in a significant harm to the openness of the Green Belt.
17. It is recognised that, due to the topography of the site and of the wider area, the visibility of the development would be relatively limited and that its visual impact could be largely mitigated through planting. However, the proposal would be visible from various vantage points, in particular from the public right of way which passes through the site. Where visible, the development would appear at odds with its surroundings due to its scale and the form and appearance of the panels and ancillary equipment. Whilst the scheme would not be harmful to the landscape, it would harm the rural character of the area.
18. Very special circumstances are recognised in the form of 5.25Mw of renewable energy, and that site selection processes are constrained in the area, as well as

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<sup>7</sup> This document can be found on the case file.

biodiversity enhancements. It is noted that a comparable scheme<sup>8</sup> in the District recognised that there is a relatively limited ability to connect into the National Grid and that the majority of the Council area is within the Green Belt. It is also noted that if such a development were to be sited in the District, then it would have to be in the Green Belt.

19. However, the current scheme is of a similar scale to the comparator, which was refused as the considerable identified benefits did not outweigh the substantial harm caused to the Green Belt. Given the scale and similar benefits, the same conclusions apply to this case. The proximity of Gatwick Airport has no effect on the scheme's impact on the Green Belt.
20. Significant weight is attached to the harm caused by the scheme to the Green Belt, and moderate weight to the effect on the character of the area. The combined benefits do not constitute very special circumstances sufficient to clearly outweigh the actual and defined harm.

### **The Case for the Appellant**

21. In pursuance of the appeal, the appellant submitted a full Appeal Statement of Case, various subsidiary surveys and information, including a Landscape and Visual Statement<sup>9</sup> (LVS), and final comments<sup>10</sup>. I have used these documents to inform this brief summary.
22. The site is not subject to any landscape designations, and nor are there any Sites of Special Scientific Interest within or adjacent to the site. The closest Listed Building is some 800m away and the site is located within Flood Zone 1. The agricultural land that the site is located upon is classed as sub grade 3b, and does not therefore comprise best and most versatile land.
23. The solar panels would create a canopy above ground level of approximately 3.43 hectares, meaning that only 34% of the 10ha site would be taken up by the arrays. Land between and beneath the panels would be used for biodiversity enhancements, with additional benefits provided by ecological green corridors.
24. The fundamental aim of Green Belt policy is to prevent urban sprawl. The site is within open countryside and does not adjoin any settlement and will not therefore contribute to urban sprawl. Of the five purposes of Green Belts, only some encroachment into the countryside would take place. However, such harm would be limited and is necessary due to the lack of alternative sites. Around 94% of the Council area lies within the Green Belt and in statistical terms the temporary loss of openness caused by the site is insignificant.
25. The Framework confirms that solar parks can be acceptable in the Green Belt and the appellant is aware that a number of proposals have been approved in the Green Belt. It therefore follows that some harm to Green Belt openness must be capable of being acceptable.
26. The proposal would inevitably change the character of the site. However, such effects would be localised. The design and mitigation proposed would ensure that there was no loss of characteristic landscape features and the local and wider

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<sup>8</sup> TA/2015/57, details attached as appendices to the Council's statement.

<sup>9</sup> Landscape and Visual Statement, Brian J Denney March 2016

<sup>10</sup> All of which can be found on the case file

landscape is capable of satisfactorily accommodating the scheme. Adverse visual impacts would be localised and would be mitigated by proposed planting and management. The effect of such landscaping on existing views from the public footpath would not be significant; the path would remain pleasant and the views are not remarkable in comparison with others in the local landscape. The countryside character of the site is already heavily compromised by the constant audible and visual presence of aircraft approaching or taking off from Gatwick Airport. On landscape and visual grounds there is no reason to refuse planning permission for the proposal.

27. It is accepted that the proposal includes development that is inappropriate in the Green Belt. However, very special circumstances exist which clearly outweigh this minimal harm.
28. The proposal would export up to 5244 MWh a year, equating to the annual energy consumption of approximately 1,575 households, and displacing 2,275 tonnes of CO<sup>2</sup> per annum. The site would therefore provide a valuable renewable energy contribution at the local level, add to the Council's progress in meeting its renewable energy obligations and would assist in meeting national targets. The Council are of the view that whilst they accept there are no non-Green Belt sites available for solar parks in the District, there is no need to accommodate such a site in the District at all. This is not the correct approach due to the positive approach promoted by the Framework, no sequential approaches are required to identify non Green Belt sites in other Council areas and the Framework places a responsibility on all communities to contribute to renewable energy generation.
29. It is envisaged that a planning condition would require the land to be restored to its current condition after 25 years of operation. This temporary nature is significant; a fact to which the Council gave very little weight. Green Belt policy is fundamentally concerned with the permanence of the Green Belt. The temporary nature of the development would ensure no precedent for permanent development was set.
30. The proposal would result in significant biodiversity enhancements, which should be afforded significant weight. Such enhancements include new hedgerow planting and enhanced wildlife corridors, delivered under an appropriate management regime.
31. Policy 21 of the CS is inconsistent with the Framework in some respects and should be accordingly afforded reduced weight. The Council accept that visibility of the site is limited and could be mitigated through planting, which is proposed. Any impact is localised and the development would assimilate into the landscape without causing unacceptable harm.
32. The renewable energy benefits of the scheme, together with the identified biodiversity benefits and the economic investment from the scheme, coupled with the unique situation where there are no sites available outside the Green Belt in the District, would outweigh the minimal harm to the Green Belt and localised and mitigated landscape impact. In applying the presumption in favour of sustainable development contained within the Framework, and the test in paragraph 14 with regards to decision taking, the proposal accords with the development plan.

33. PPG sets out a need to consider the availability of brownfield land before considering agricultural land. As the Council accept there are no brownfield sites in their area and that greenfield land in the area is predominantly Green Belt, this presents a unique circumstance for the need to consider a Green Belt location for a solar scheme.

### Written Representations

34. There were a number of representations<sup>11</sup> from local residents to the originating planning application, including objections and letters of support. A single representation was received in relation to the appeal, from the Archaeological Officer at Surrey County Council; this is summarised below.
35. **Nigel Randell**, reiterated his colleague's comments on the planning application that, due to the presence of an anomaly of possible archaeological origin on the site identified on the appellant's submitted Desk Based Assessment<sup>12</sup>, further archaeological work is required in the event of an approval. A condition is recommended to ensure that a written scheme of investigation is submitted and approved by the local planning authority prior to any development taking place.

### Inspector's Conclusions

36. In this part of the report, I have used references thus [--] to cross-refer to previous paragraphs in the report.

#### *Main Issues*

37. Given the site circumstances in this case **[3, 4]** it seems to me that the main issues in this case are as follows:
- Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the surrounding area; and
  - Whether any harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

#### *Whether inappropriate development and openness*

38. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 89 or 90 of the Framework. It is common ground between the parties that the proposal includes development that is inappropriate development **[15, 27]**.
39. Openness is an essential characteristic of the Green Belt. The erection of the panels and the required equipment and fencing described above would all reduce openness, causing harm. The appellant notes that around 94% of the Council area of some 24,819 hectares is designated as Green Belt and considers that the use of 10 hectares of this is insignificant and is not permanent **[24]**. Nevertheless, the Framework states that openness is an essential characteristic

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<sup>11</sup> Attached to the questionnaire

<sup>12</sup> Included as part of the appellants information

of Green Belts and the proposal would reduce this openness, regardless of the amount of Council area that lies within the Green Belt.

40. Paragraph 80 of the Framework states that Green Belts serve five purposes. The proposal would conflict with the third of these, safeguarding the countryside from encroachment **[16, 24]**. Due to the temporary nature of the proposal, as well as the fact that the structures would not completely cover the site, I consider that the effect on openness and the purpose of including land in the Green Belt would cause moderate harm in totality.
41. I therefore consider that the proposal would be inappropriate development in the Green Belt. The proposal would also reduce openness and conflict with the purposes of including land in the Green Belt. Collectively these would weigh heavily against the proposal, and as such the scheme would conflict with the Framework, as well as with Policies DP10 and DP13 of the Local Plan.

#### *Character and appearance*

42. The site lies within the Low Weald National Character Area (NCA). This area is a low lying clay vale and is largely agricultural, with what is described as mainly pastoral farming due to heavy clay soils. At a local level the site also falls within the Low Weald regional character area which is described as a gently rolling landform with few trees or woodlands creating an open mixed farmed landscape. Key characteristics of small irregularly shaped fields and narrow winding lanes enclosed by low hedges are referenced in the LVS. This accords with my observations from my visit; the site consists of 2 fairly low lying fields, which rise slightly towards the east. Hedge boundaries to the fields are strong **[4, 26]**
43. The appellant refers to a 2015 landscape strategy for Surrey which sets out a strategy for the area to preserve its peaceful, unsettled character, whilst promoting traditional management of woodlands and hedgerows including restoration of hedgerow trees. Whilst the site itself is peaceful and rural, the landscape character of the site is also affected by the presence of the nearby Gatwick Airport; the site lies virtually under the flight path for the airport and at my visit planes regularly overflew the site from this busy airport **[26]**.
44. Fleeting views are possible of the site from the closest road to the west, the fairly busy Redehall Road, as well as from the quieter lanes of Cross Lane and Dowlands Lane to the north and east respectively. Such views are generally seen through gaps in hedgerows. Extensive views of the site are possible from the public footpath which passes through the heart of the site **[4]**.
45. The LVS proposes additional mitigation to that proposed as part of the application. This consists of the planting of around 1km of native hedgerow, 20 trees and the gapping up of existing hedgerow, as well as grass seeding and management to create diverse grassland areas around the panels. The appeal statement proposes some changes to the proposed planting mix to accord more readily with local circumstances and allow for a native evergreen and a higher proportion of plants such as hawthorn and blackthorn so that the hedges will be established more rapidly, along with a proportion of more mature stock of around 120-150cm. The LVS also proposes triple staggered planting rows to provide more robust hedgerows which would achieve higher levels of screening in the winter. Previous proposals of providing bunds adjacent to the through site

footpath have been altered to provide the triple staggered planting at ground level **[18, 30]**.

46. In terms of landscape, the character of the site would alter through the introduction of the panels and the associated infrastructure. The solar farm would be in place for 25 years and hence such effects would be temporary **[29]**, although 25 years is still a significant amount of time. The character would also be altered through the proposed planting proposals. However, these would primarily be beneficial, and although the proposed hedges along the footpath would alter views from this path, in landscape character terms this would not be out of place within the surroundings.
47. Generally the visual effect of the proposal would be limited due to the fairly flat nature of the surrounding landscape and the strong field boundaries and mature tree screening. Other than from the footpath 460, views of the site are not especially extensive at present from public or private points and hence the effect on these viewpoints would be limited. However, the proposal through its scale and form would clearly have an effect on the footpath which runs directly through the site. This would include the effects of the views of the panels themselves, as well as the effect of associated infrastructure, including the proposed security fencing. This would be some 2m tall and placed on either side of the footpath. Whilst the 6m gap remaining would ensure that the footpath would not be placed in a restricted 'tunnel', the fencing and panels beyond would still change dramatically the views from the footpath from the current open countryside to a more industrial nature.
48. Such views would be largely mitigated in time through the proposed planting, but this would not be a short term fix, despite the proposed larger proportion of older stock. The appellant considers that a reasonable degree of screening would be achieved after 5 years, with substantial screening achieved within 10-15 years. In the context of a 25 year scheme, this is still an appreciable amount of time that the proposal would have an adverse visual effect upon the footpath. The planting scheme would also change the views from the footpath, and whilst I note that such an effect may not be out of character with other local footpaths, the views from the path would still have been changed from the current open ones that are available **[17, 26]**
49. In summary, I therefore consider that the proposal would have an adverse effect on the intrinsic landscape character of the area, which is attractive for the reasons I have described, and that harm would be evident from the various points and receptors I have described. The proposal would be contrary to policies 18 and 21 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Local Plan. The appellant is of the view that CS policy 21 does not fully accord with the Framework as all development in the countryside has some impact and the policy does not allow for balancing harm against other material considerations **[31]**. However, to my mind the policy is broadly consistent with the core planning principle within the Framework that planning should recognise the intrinsic character and beauty of the countryside.

#### *Other considerations*

50. The proposal would export up to 5244 MWh per annum of electricity, equating to the annual energy consumption of approximately 1,575 households and a displacement of 2,275 tonnes of carbon dioxide a year **[28]**. The Framework

states that planning plays a key role in helping secure radical reductions in greenhouse gas emissions, minimising vulnerability, and providing resilience to the impacts of climate change, supporting the delivery of renewable energy and associated infrastructure. I place significant weight on the provision of renewable energy, and note that the Framework states that renewable energy is central to the economic, social and environmental dimensions of sustainable development.

51. The proposed hedgerow planting and landscape mitigation, including habitat creation, would result in ecological and biodiversity benefits. The proposal would also result in some economic benefits with job creation largely during the time of the construction of the park. I place moderate weight on these benefits.

### Conditions

52. Suggested conditions are included within the Council's statement. Standard conditions are necessary relating to implementation and compliance with plans, in the interests of proper planning and for the avoidance of doubt (1, 2). A condition is also required to ensure that the recommendations as detailed in the ecology survey submitted<sup>13</sup> are carried out as proposed, in the interests of biodiversity and to ensure that the identified benefits of the scheme are achieved (4). A condition to ensure that the drainage of the site is submitted and agreed is also necessary, in the interests of the environment (3).
53. A Heritage Desk-Based Assessment was submitted with the appeal. The Council's archaeological officer notes that the assessment identifies the presence of an anomaly of possible archaeological origin on the site but that the proposal would result in the destruction of this. In view of this they recommend that a programme of archaeological monitoring is carried out, with contingent excavation, recording and analysis of any archaeological heritage assets as necessary **[35]**. A condition to cover such matters is both necessary and reasonable (5).
54. Although not included within the District Council's suggested conditions, the County Council suggest various conditions within their consultation response to the planning application<sup>14</sup> to ensure highway safety is maintained during site construction. I consider such conditions would be necessary given the narrow nature of some of the surrounding lanes (6, 7, 8, 9). However, I have not included the condition pertaining to the bulk movement of materials as this is not precise and would be covered by other conditions.
55. Finally, no conditions were suggested by the Council to ensure that the life time of the consent only runs for the suggested 25 years that the appellant has stated. Such conditions, including ones to ensure that the remediation of the site is agreed at the end of this period, or earlier should the farm cease to function, are necessary to ensure that the land reverts to agricultural use after the 25 year lifetime of the scheme (10, 11, 12). The appellant has recognised in their statement that such conditions would be required **[29]**.

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<sup>13</sup> Ecological Survey Redeham Hall Smallfield Surrey, Clarkson & Woods May 2015

<sup>14</sup> A copy of the County Highways application response is attached to the Questionnaire

## Planning Balance and Conclusion

56. The proposal would be inappropriate development in the Green Belt, would result in a loss of openness and would have an adverse effect on the appearance of the surrounding area. On the other hand, the proposal would generate a large amount of renewable energy, providing benefits in securing the reduction of greenhouse gas emissions, contributing towards local renewable energy and carbon reduction targets, as well as providing biodiversity and economic benefits.
57. The Framework states that substantial weight should be given to any harm to the Green Belt. I also ascribe considerable harm to the character and appearance of the local landscape. This is weighed against the significant benefits of the renewable energy and the moderate benefits in terms of biodiversity and economic effects.
58. The Framework states that 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. Whilst I have found that the proposal would have significant benefits, I do not consider that these considerations *clearly* outweigh the substantial harm that the proposal would cause to the Green Belt and the considerable harm to the character and appearance of the local landscape
59. The appellant submits various appeal decisions of solar farms within the Green Belt where the respective decisions have found benefits of sufficiency to outweigh harm to the Green Belt **[25]**. However, each case must be dealt with on its own merits; moreover I note that the Cranham appeal<sup>15</sup> involved a site located between a motorway and a golf course, and thus the character of the area is significantly different to the case before me. In the Rowles Farm case<sup>16</sup> the Inspector and the Council found no harm to the character and appearance of the surrounding area and the scheme had increased benefits in terms of renewable energy production.
60. The appellant states that the Council have accepted that if a solar park were to be sited in the District, then it would need to be in the Green Belt **[28]**. However, this does not convince me that the site has to be sited in the Green Belt; other sites will exist in the south-east of the Country which do not lie within the Green Belt, even if such sites are outside the Council area. I acknowledge that the Framework states that very special circumstances to allow such a development may include the environmental benefits associated with renewable energy. However, for the reasons given above I do not consider that, in this case, the circumstances advanced clearly outweigh the harm caused and hence very special circumstances do not exist.

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<sup>15</sup> APP/B5480/A/14/3337508

<sup>16</sup> APP/C3105/A/13/2207532

## **Recommendation**

61. I recommend that the appeal be dismissed and planning permission be refused.
62. In the event that the Secretary of State disagrees with me and allows the appeal and grants planning permission, I recommend that the conditions contained in the Annex below be applied.

*Jonathan Hockley*

INSPECTOR

## **Annex – Recommended conditions if permission were granted**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PV/0199-02 Rev 4, PV/0199-04 Rev 2, BRS.58225\_15-C rev C, PV-0199-01 Rev 4, PV-0199-04 Rev 1, PV-0199-07 Rev 1, PV-0199-06 Rev 1.
3. Development shall not begin until a full drainage scheme, including details of the existing site drainage mechanism, including topography details and drainage routes have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
4. The development shall be carried out in accordance with the recommendations as detailed in the Clarkson and Woods ecology survey dated May 2015. Any further necessary protective or mitigation measures arising shall be submitted to and approved in writing by the local planning authority before any works are undertaken on site. Work shall only take place in accordance with the approved details.
5. No development shall start until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the District Planning Authority.
6. The development hereby approved shall not be commenced until the proposed modified vehicular access to Dowlands Lane (D369) has been temporarily widened to 8.2m for construction purposes and provided with the maximum visibility zones achievable in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.
7. Following construction of the access the original 4.2m width of the access shall be reinstated and visibility zones of 2.4m 'x' distance by the maximum achievable shall be kept permanently clear of any obstruction measured over 0.6m above the road surface.
8. The development hereby approved shall not be commenced until space has been laid out within the site in accordance with the approved plans for

vehicles to be parking and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/loading and unloading/turning area shall be retained and maintained thereafter.

9. Development shall be carried out strictly in accordance with the submitted Construction Traffic Management Plan (May 2015) produced by INRG Solar Ltd for Proposed Solar Farm at Redeham Hall, Smallfield.
10. This grant of planning permission shall expire no later than 25 years from the date when electricity is first exported from any of the solar panels to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be given to the local planning authority within 14 days of its occurrence.
11. Prior to the commencement of development a Decommissioning and Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The statement shall include details of the timescale and management of the decommissioning works; the removal of all equipment including the solar panels, mounting frames, buildings, fencing, CCTV, and all other associated structures; and the reinstatement of the land to its former greenfield condition. The works shall be carried out in accordance with the approved details.
12. If at any time after the First Export Date the development hereby permitted ceases, for a period of no less than six months, to export electricity to the electricity grid then the solar panels, mounting frames, buildings, fencing, and all associated structures, shall be removed and the site restored in accordance with the Decommissioning and Restoration Scheme approved under condition no. 11 above.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### **SECTION 2: ENFORCEMENT APPEALS**

#### **Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### **SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### **SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.