

**Item Number:** 9  
**Application No:** 15/00802/FUL  
**Parish:** Settrington Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Birdsall Estates (Mr James Willoughby)  
**Proposal:** Installation of 10no. banks of ground mounted solar panels totalling 400no. panels giving 100kw peak output to generate electricity for on farm use with any surplus fed into the National Grid.  
**Location:** Land At Fishers Farm Town Street Settrington Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 5 October 2015  
**Overall Expiry Date:** 19 November 2015  
**Case Officer:** Helen Bloomer **Ext:** 328

#### CONSULTATIONS:

<b>Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	No objection
<b>Building Conservation Officer</b>	No objection
<b>North Yorkshire Police Architectural Liaison Officer</b>	Comments and recommendations made
<b>Tree &amp; Landscape Officer</b>	No views received to date

**Neighbour responses:** David & Audrey Woollard, Mrs Anne-Marie Heuck, Mr And Mrs S Adair, Susan Quinn, R L And L M Jones, Mr P H Mason,

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#### SITE:

The application site is land to the north east of Fishers Farm, on the western end of the village of Settrington. The application site is outside of the development limits and of the defined Conservation Area.

#### PROPOSAL:

Planning approval is being sought for the temporary change of use from agricultural to the continued agriculture use together with the installation and operation of 10.No banks of ground mounted solar panels (totalling 400 panels) giving 100kw peak output to generate electricity for use in association with the farmstead, with any surplus fed into the National Grid. It is proposed that the development would enable the Birdsall Estate to reduce its reliance on fossil fuels and carbon emissions.

The proposed development would be located approximately 40 metres north of the boundary from the Bellwood Cottage Stables. On the northern boundary of the stables is a covered horse walker. The arrays would measure approximately 20.36 metres with 40 panels in each array. The arrays would be approximately 2.73 metres high.

The field boundaries are all existing hedgerows , although in places these have some gaps.

#### SITE HISTORY:

The application site has no planning history

## **POLICY:**

### The Adopted Ryedale Plan – Local Plan Strategy

Policy SP 1: General Location of Development and Settlement Hierarchy

Policy SP 12: Heritage

Policy SP 13: Landscapes

Policy SP 14: Biodiversity

Policy SP 16: Design

Policy SP 18: Renewable and Low Carbon Energy

Policy SP 19: Presumption in Favour of Sustainable Development

Policy SP 20: Generic Development Management Issues

National Planning Policy Framework

National Planning Policy Guidance

## **APPRAISAL:**

The key considerations are:-

- i) Principle
- ii) Impact on the Conservation Area.
- iii) Landscape Character
- iv) Highway Safety
- v) Neighbour Amenity
- vi) Biodiversity
- vii) Other Issues

### **Principle in terms of Policy**

#### **Local Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty previously imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The Ryedale Plan – Local Plan Strategy is the adopted Plan. Policy SP1 (General Location of Development and Settlement Hierarchy sets out Ryedale's future development requirements and the distribution, accordingly with the Spatial Strategy Summary. Development within all other villages, hamlets and in the open countryside will be restricted to the following;

- Which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- Which can be justified in order to secure significant improvements to the environment or conservation of significant heritage asset in accordance with the National Enabling Development Policy and SP12 of this Plan, or
- Which is justified through the Neighbourhood Planning process.

The proposed development would be classified within the second bullet point, SP1 supports the principle of development within the open countryside whereby it has the potential to *'foster appropriate renewable energy production.'*

Policy SP18 (Renewable and Low Carbon Energy) is the primary principle of which consideration is given to developments which are, such as this, proposing a form of renewable energy. The policy acknowledges that there is a balance to be made with the requirement to produce renewable energy production and protecting the landscapes, one of Ryedale's key assets.

It states that development that generates renewable and / or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;
- Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on the nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated.

The appropriateness of the development will be covered in more detail later in the appraisal section of this report however the initial principle of the proposal is supported by Policy SP1 and Policy SP18 of the Ryedale Plan – Local Plan Strategy.

### **National Planning Policy**

#### **National Planning Policy Framework:**

The NPPF (Paragraph 215) indicates that *due weight should be given to relevant policies in existing adopted development plans, in this instance the Ryedale Plan – Local Plan Strategy*. The relevant policies have been considered above.

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibilities on all communities to contribute to energy generation from renewable or low carbon sources. It says that LPA's should;

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 requires LPA's, when determining planning applications:

*... not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions*

### **The National Planning Policy Guidance**

The NPPG states that by increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Officers sought clarification from the applicant as to why it had not been proposed to affix the panels to existing buildings. At Fishers Farm the agent considered that because of the orientation of the existing farm buildings, it would be better to ground mount them. Furthermore they concluded that south facing panels at 30 degrees would perform approximately 15% better than if they were mounted on buildings. The National Planning Policy Guidance alerts us to the ;

*importance of siting systems in situations where they can collect the most energy from the sun;*

#### Impact on the Conservation Area and Setting of the Listed Buildings.

The Councils Building Conservation Officer was consulted and raised the following comments;

*Fishers Farmhouse is a Grade II listed building lying within the Settrington Conservation Area. This application lies in pasture land c. 150m to the rear of the farmhouse. Although the application site itself lies outside the conservation area, it is close to the boundary and therefore consideration of the character and appearance of the conservation area should be taken into account. The application site is bounded by patchy hedgerows and is on level topography.*

*In addition to Fishers Farm, there are a number of Grade II listed buildings along Town Street including No.s 1,3,5,6,7, Plum Tree Cottage and Bellwood Cottage. They are all sited at least c.150m from the development site. These properties are all found close up to the edge of the footpath and by virtue of their attached nature and proximity to each other, views through to the open countryside are limited. There are no public rights of way running to the north of the village.*

*The above application proposes 'Installation of 10no. banks of ground mounted solar panels totalling 400no. panels giving 100kw peak output to generate electricity for on farm use with any surplus fed into the National Grid.'*

*The proposed solar panels measure c. 2.7m high and are proposed to be 10 rows of c. 20m long running east-west facing south.*

*No Heritage Statement has been provided with the application.*

*At present, Fishers Farm is a working village farm with a considerable amount of large steel framed portal sheds to the rear of the village street set behind the cottages and farmhouses. In addition, a large stables with associated horse walkers and hay storage lies to the south east of the proposed development site behind a neighbouring Town Street property. Open countryside lies to the north, east and west of the development site.*

*In my opinion the primary setting of the above mentioned listed buildings can be defined as their relationship with Town Street itself and the group value associated with the other frontage buildings. The significance of the listed buildings in this context can be described as a vernacular village dwellings set within a village street setting. The domestic curtilage including outbuildings, gardens, boundary walls and greenery forms the immediate setting to the listed buildings and these all contribute to their significance as they emphasise a village cottage and its functions. Rear boundaries are defined by fences or hedges and often outbuildings are located to the rear of the frontage properties forming an enclosed curtilage. Glimpses of the gardens/yards through side accesses often include outbuildings, fences and hedges truncating views out into the immediate countryside to the rear of the properties.*

*The wider expansive setting rooting the buildings into the surrounding countryside can predominantly be defined as the open space to the front of the cottages, and the juxtaposition of the dwellings with longer distance views into the rising Wolds. These emphasise the rural quality of the listed buildings and contribute to their significance as rural structures. The open pasture sited on level topography to the rear of the listed buildings makes some contribution to the wider setting but this is very much a subsidiary consideration due to the formal tight rear curtilages making a greater contribution to significance.*

*In my opinion this application will not affect the primary immediate setting of the listed buildings as this can be defined by the relationship with the street and the group value derived by the homogenous nature of the cottages. The immediate setting to the rear of the dwellings is predominantly tightly drawn and often enclosed. I am of the opinion that due to the above considerations combined with distance from the application site and screening from buildings, trees, hedges and fences, level topography and height of the proposed development that the immediate setting of the listed buildings and how it contributes to the significance of the listed buildings, will not be unduly harmed.*

*In addition, I am of the opinion that the primary wider setting of the listed buildings will not be unduly harmed as this can be defined as the open land to the front of the cottages and the more expansive views into the rising Wolds. There will be some degree of harm to the secondary wider setting by virtue of the change in visual appearance however I am of the opinion that by virtue of existing large buildings, screening, level topography and the relatively low height of the proposed development that this harm will be very much less than less than substantial.*

*In my opinion the character of the conservation area in the vicinity of the development site is at the cusp of open countryside and of working village properties including farms and stables with some large scale portal farmbuildings. This open countryside emphasises the rural qualities of the conservation area although clear views of the fields to the rear of Town Street from public areas are somewhat restricted. More distant views into the rising Wolds provide a dramatic backdrop to the village and form part of the wider setting to the village. Large scale modern outbuildings and buildings associated with equine management dominate the northern boundary of the conservation area at this point. Ancillary domestic outbuildings and defined domestic boundary treatments can also be found behind the cottages and houses. These provide an immediate and definite full stop between the domestic curtilages and the open countryside.*

*The solar panels will alter the character of the field from previously undeveloped pasture. There will therefore, be some effect in that they will alter the visual appearance on the boundary of the conservation area and have a small impact on the visual rural qualities of the landscape. They are however a static and tranquil alteration outside the conservation area itself. Due to the built up quality of Town Street, views through into the countryside are restricted and the panels to some extent will be screened by trees and hedgerows.*

*In my opinion there will be some degree of harm caused to the conservation area as the panels will be visible when looking out and looking into the conservation area and be visually discordant. According to the NPPF the degree of harm should be assessed as being substantial or less than substantial. In my opinion the degree of harm caused to the character of the conservation area will be very much less, than less than substantial harm and be of a very minor nature. The NPPF requires that when proposals will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.*

*In my opinion the primary significance of both the conservation area and the listed buildings will be preserved. Potential harm has been identified as very much less, than less than substantial. Any harm identified will be mitigated to a large extent by the nature of the development and screening.*

### Landscape Character

Policy SP13 (Landscapes) of the Ryedale Plan – Local Plan Strategy clearly states that *development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are as a result of historical and cultural influences, natural features and aesthetic qualities.*

The application site itself does not benefit from any national or local landscape designations, one of the few areas within Ryedale.

Due to the proposed siting of the proposed development and the topography of the application site, views from public vantage points would be limited. It is anticipated that it may be possible to get glimpses when travelling along Town Street but any views that are not screened by existing buildings and hedgerows would be seen in conjunction with the farmstead. It is considered that this could also be the case with any views from the public vantage points at a higher level to the west of the application site.

As previously referenced the existing hedgerow has some gap. Officers consider therefore that a landscaping condition to enhance the existing hedgerow is required if permission is granted as this would further reduce public views onto the site.

At the time of writing the no comments had been received from the Councils' Tree and Landscape Officer, Members will however be updated at Planning Committee.

### Highway Safety

Because of the distance from the highway, the existing boundary treatment and the proposed height of the arrays it is officers opinion that the proposed development would not result in any glint or glare which would impact on highway safety.

North Yorkshire County Council Highways Authority has raised no objection to the proposed development

### Neighbour Amenity

The main impact on the occupiers of residential properties to the south of the application site would be the potential for glint and glare. However as already stated the application site would be approximately 40 + metres away from the closest boundary which is Bellwood Cottage Stables. Officers are therefore satisfied that the impact in terms of 'glint and glare' would be minimal. However officers consider that if Members approve the application the aforementioned landscaping condition is extended to the southern boundary of the application site to ensure that any impact on the amenity of the neighbouring properties is kept to a minimum.

### Other Issues

#### Police Architectural Liaison Officer

The Police Architectural Liaison Officer has raised no objection to the proposed development, however a number of recommendations have been made Officers consider that these can be dealt with as a number of conditions and informatives.

#### Parish Council

The Parish Council have objected to the proposed development. The full letter of response from the Parish Council is appended to this report, A summary has however been provided below;

- Application was flawed in terms of the information submitted
- Close proximity to the village
- will be visible from neighbouring properties and the road
- set a precedent
- concern over type of landscaping
- impact of the panels on the racing yard
- prefer them to be sited to the western field
- feel it would justify a visit from a members of the planning committee

## Neighbours

At the time of writing a total of eight letters of objection have been received. Whilst the full versions are available on public access, a summary has been provided below;

- At the time of purchasing the property was assured that there would be no development on the land
- impact of the construction phase
- impact on value of the property
- loss of a view, will be seen from first floor
- impact on the conservation area
- would be directly behind their business
- inadequate screening
- set a precedent
- impact of noise from the panel and maintenance of the panels
- what type of weed control would be used

The relevant material issues raised by the objectors have already been appraised in this report. Notwithstanding the concerns raised the application is considered to be acceptable subject to the conditions recommended below. In light of the above recommendation to Members, in one of approval.

### **RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

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2            The development hereby approved shall be discontinued and the land restored to its former condition on or before the \_\_ November 2040 in full accordance with a decommissioning Plan, which should be submitted to and agreed in writing by the Local Planning Authority.

Reason: in the interest of highway safety and amenity and in compliance with Policy SP20 of the Ryedale Plan - Local Plan Strategy

3            In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition No.02, then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the Decommissioning Plan within six months of the cessation of the generation of energy from the site.

Reason: in the interest of amenity and the circumstances of the use and in compliance with Policy SP 13, 16 and SP20 of the Ryedale Plan - Local Plan Strategy

- 4 The solar panels hereby permitted shall be maintained twice yearly. A log book should be kept of the maintenance of the solar panels and should be available for inspection at any time by the Local Planning Authority.

Reason: to ensure the panels are checked and maintained in the interest of visual amenity and to ensure best practise are maintained and in compliance with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 The solar arrays hereby approved shall have a non-reflective and matt finish.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP13 of the Ryedale Local Plan Strategy

- 6 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and in compliance with Policy SP13 and SP16 of the Ryedale Plan - Local Plan Strategy

- 7 Prior to the commencement of the development hereby approved a scheme of crime prevention and security measures shall be submitted to and agreed in writing by the Local Planning Authority. This shall include the construction phase and the name of the contractor and signage with an emergency contact telephone number at several places on the perimeter.

Reason: in the interest of crime prevention and in accordance with the Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plan(s):.

GHS391-1/M/23/GA01 Rev A Proposed Ground Mount Solar PV Layout  
Site Location Plan Received by the Local Planning Authority 10 August 2015.

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

#### **INFORMATIVE:**

- 01 The applicant should notify their insurance company of the installation of these solar panels.

**Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties