

Item Number: 9
Application No: 19/00017/FUL
Parish: Oswaldkirk Parish Meeting
Appn. Type: Full Application
Applicant: Mr Ben Reeves
Proposal: Erection of two banks of ground based solar panels totalling 76no. panels to provide electricity for domestic use with any surplus fed to the National Grid
Location: Land At OS Field No 0078 Main Street Oswaldkirk Helmsley North Yorkshire

Registration Date: 11 January 2019
8/13 Wk Expiry Date: 8 March 2019
Overall Expiry Date: 23 April 2019
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

Archaeology Section	No objection
Building Conservation Officer	No objection
Historic England	No objection
Paul Jackson AONB Manager	Comments
Oswaldkirk Parish Meeting	Objection

Neighbour responses: Mr John Wilkinson, Johnson Mowat (Mark Johnson), Dr & Mrs Stone, Mr Andrew Morgan, Mr Jake Elmhirst, Dr Peter Stone,

SITE:

The application site is a section of agricultural field, in the ownership of The Old Rectory, approximately 90 metres to the south west of the Grade II Listed dwelling. This is currently used for animal grazing.

The proposed application site is located approximately 10 metres to the south of the villages' Conservation Area boundary. The site also falls within the Howardian Hills Area of Outstanding Natural Beauty (AONB) and outside village development limits.

The North Yorkshire Moors National Park Planning Authority (NYMNPPA) runs to the north of Main Street, Oswaldkirk and a distance of approximately 145 metres would be maintained between the NYMNPPA boundary and the proposed development. The B1363 runs north to south directly to the east of the site.

To the north east of the application site, within the same agricultural fields there are two structures, a stable block/annex and a barn.

PROPOSAL:

This application seeks approval for the erection of two banks of ground based solar panels (totalling 76 in number) to provide electricity for domestic use with any surplus fed to the National Grid.

The proposal has been amended with additional plans to indicate the existing and proposed landscaping at the site.

POLICY:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

HISTORY:

The following planning history is considered most relevant:

07/00248/FUL: Erection of agricultural storage building (Refused)

This proposal was sited in very close proximity to the current proposal. The building would measure 18.3 metres by 9.1 metres. It would be 4.6 metres to eaves height and 5.8 metres to ridge height. It was refused for the following reason:

The proposed building by virtue of its location and prominent position within the landscape of the Howardian Hills Area of Outstanding Natural Beauty is considered to be an intrusive feature and would have an adverse impact on the wider landscape. The proposed building is divorced from the existing buildings to the west. For these reasons, the proposal fails to satisfy Policies AG2, ENV1 and ENV2 of the Ryedale Local Plan

08/01005/FUL: Erection of block of 3no. stables and barn to replace existing stables and barn together with associated hard surfacing. (Approved)

15/00975/FUL: Formation of a 490m long stone access track from existing field access on public highway to serve existing agricultural building (Approved)

REPRESENTATIONS:

Members are advised that a number of representations have been made by the occupiers of neighbouring properties. One letter of objection was received from the occupier of Oswaldkirk Hall and 2 further letters of objection were submitted on their behalf from a planning agent. Two letters of objection were received from the occupiers of St Oswald's Orchard. One letter of objection was received from the occupier of Hall Farm House. This totals 6no.letters of objection from three households.

Additionally the Parish Council have provided two responses, noting their objections to the proposal. Members are advised that they are able to view these responses in full, which are available on the planning file. However the points raised will be summarised below:

Summarised points within neighbour representations:

- The proposed bank of solar panels will be clearly visible from Oswaldkirk Hall including from within the dwelling at first floor level, from along the outdoor terrace and main entrance steps and also from within the parkland and gardens, which would represent a significant degradation of views and vista.
- Oswaldkirk Hall is an important Grade II*Listed building and the planning installation would have a significant adverse effect on the context, surroundings and views of the Grade II* Listed Building
- The position of the proposed solar panels within the curtilage of Grade II Listed The Old Rectory would represent a significant adverse impact upon the appearance of its curtilage.
- This proposal would give rise to harm of historic significance, within the setting of the Old Rectory, Oswaldkirk Hall and the Oswaldkirk Conservation Area. The National Planning Policy Framework is therefore relevant and any harm must be justified. It is considered this

development has not been significantly justified, particularly in terms of siting and the availability of alternative sites, nor does it bring with it any public benefits.

- The proposed position is adjacent to the Village Conservation Area and falls within the AONB. The site is within 500 metres of Ancient Woodland and is visible from this woodland and from the North Yorkshire Moor National Park – therefore it falls within an outstanding landscape setting, introducing an alien and uncharacteristic structure. Reference made to refused application in 2007.
- There is little public green space in the village, so private gardens and fields contribute to the character of the Conservation Area and the setting of the Listed Buildings. The ‘proposed large double rows’ of panels would be totally inappropriate in such a landscape, represent an uncontrolled and incremental erosion of character of the area and would have a significant adverse effect on the setting.
- This would further damage the environment, damage already having been done throughout the grant of application under 15/00975/FUL which has not been implemented in line with the permission. It is noted that the Old Rectory’s Bothy has been converted for residential use with no record of planning consent.
- The site incorporates medieval ridge and furrow ploughland and the proposed development would degrade an important link with the agricultural heritage of the village. It is also highlighted that the site is open high quality neutral grassland and clearly visible to the public from public viewpoints.
- There are other more appropriate locations within the site. Solar Panels could be erected on the roof of the dwelling or outbuildings.
- Reference made to damage to an area of medieval ridge and furrow in relation to scheme 15/00975/FUL, with permission to be completed by September 2018, which has not occurred. Reference was also made to the 2008 approval has not been constructed in accordance with the approved plans.
- The owner of Oswaldkirk Hall noted in their response dated 27th January that they were not consulted by letter as part of the application and as an adjoining landowner due process was not followed. They also do not believe the site notice was posted in the prescribed period and therefore due process was not followed.
- The plans indicate reflective mono crystalline silicon will be used but accompanying documents specify non reflective.
- The number of panels is greatly in excess of a normal domestic installation and would constitute a mini solar farm. For comparison, the occupiers of St Oswald’s Orchard noted they have 17 panels on their roof for a residence of 6 persons, with that proposed over 4 times the size for a 3 person household.
- Concerns about the site footprint as identified in the application form in square metres not being accurate, discording with the submitted plans.
- The primary consideration with respect to the site location appears to be that it is not visible from the applicants own residence. The previous owner took a similar approach and carried out unlawful placing of waste in this same location.
- A covenant restricting erection of buildings in this location has been identified.
- A comment was received in relation to the revised landscaping scheme (Plan B) noting it is out of character with the existing open grazing land and will further change the visual character. The hedgerows to the west under the ownership of Oswaldkirk Hall, which is trimmed biannually is not always as high as at present, when trimmed this result in even more open views of the proposed development.

Parish Response 1st February 2019

“I am commenting on this application as chairman of Oswaldkirk Parish Meeting. Although we have not had a parish meeting to discuss this application the residents adjacent to this application have strong concerns in that the proposed development could be sited more discreetly away from their properties.

Also from a more general viewpoint it would seem contrary to planning guidelines to approve a ground mounted solar panel installation, with capacity well in excess of domestic requirements, adjacent to the village in the AONB.”

“The Parish Meeting unanimously agreed that the proposed solar panels should be sited in a less conspicuous position so that they would be less visible from neighbouring properties. The current revised submission does not address this issue and the panels are situated directly in front of a neighbouring property and are clearly visible from three other properties.”

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the Development
- ii. Form, Character and Impact upon the setting of the nearby Listed Buildings and Conservation Area
- iii. Impact Upon the Area of Outstanding Natural Beauty (AONB)
- iv. Impact upon neighbouring amenity
- v. Other matters, including consultation responses.

i. Principle of the Development

This application seeks approval for erection of two banks of ground based solar panels totalling (76no. panels) to provide electricity for domestic use with any surplus fed to the National Grid. The Design and Access Statement identifies that the Grade II Listed property, The Old Rectory is currently heated by two oil boilers and summarises the works undertaken in the last year to make the property more energy efficient.

It notes *“unfortunately being an old property, there is only so much that can be done. The improvements previously listed have only had a small impact on the substantial heating demands of the property, without altering original features like the single glazed windows throughout the property, which in my opinion would be a great shame, the property is always going to be very thermally inefficient. We would very much like to preserve these features and hence have been exploring other options on how the property can be made more environmentally friendly.”* This continues to note that they would like to exchange the boilers for air source heat, sourced by renewable energy to prevent reliance on fossil fuels. It references the various other properties in Oswaldkirk with solar panels installed (noted as 17 properties.)

Within the Design and Access Statement, justification is provided for the number of panels proposed for this domestic property and it is noted that any excess energy generated would be fed back to the grid, free of charge. Given the justification and the confirmation that no profit for excess energy generation would be a benefit to the home owner, it is considered by the Local Planning Authority that the proposed number of panels has been acceptably justified.

An Options Appraisal was later submitted in support of the application, which notes that during the evaluation state of the planned works, several sites were considered. This further assesses the requirements behind the installation size and the effect of shading on the solar PV panels. The considered locations included the garage roof, the stable block/annex roof, the barn roof, below the ha-ha (directly to the south of The Old Rectory) east of the barn, west of the barn and through the use of the combined roof spaces along the garage, annex and barn. It was concluded that *“for the desired size of the installation, the proposed location west of the barn represents the most suitable option available. Out of available ground sites it is the furthest median distance from all affected parties. It is already partially screened on 3 sides and the new trees will in time screen the entire location from all surrounding properties. The location reduces installation and maintenance costs whilst at the same time ensuring the panels operate at optimal capacity, both factors which together result in a viable project.”*

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities' which can *“be justified in*

order to secure significant improvements to the environment or conservation of significant heritage assets.”

SP18 (Renewable and Low Carbon Energy) of the Ryedale Plan - Local Plan Strategy support the use of renewable and low carbon energy providing that proposals can be satisfactorily assimilated into the landscape (including the Howardian Hills Area of Outstanding Natural Beauty) and where it would not adversely impact upon the local community, economy or historical interests, unless the impact can be acceptably mitigated.

Section 14 of the National Planning Policy Framework (NPPF 2019) ‘Meeting the challenge of climate change, flooding and coastal change’ notes *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”* Paragraph 154 notes *“When determining planning applications for renewable and low carbon development, local planning authorities should...recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.”*

It is therefore considered that the proposed development would contribute to the generation of renewable energy and as per National Policy would make a valuable contribution to cutting greenhouse gases. In line with the policy referenced above, this proposal could be acceptable in principle and in accordance with Policy SP18 and the National Planning Policy Framework (2019) subject to the proposed development according with the other identified main considerations as identified above. These will be explored in the following sections.

ii. Form, Character and Impact upon the setting of the nearby Listed Buildings and Conservation Area

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy notes: *“Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.”*

Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy seeks to reinforce local distinctiveness. New development should respect the context provided by its surroundings including the topography and landform that shape the form and structure of settlements in the landscape.

The proposed solar panel installation would relate to two ground mounted rows, each spanning 20 metres in length x 3 metres in depth, with a maximum overall height of 2 metres. Between the two rows a gap of 7 metres would be present. These would be located at the north western corner of the field, anchored towards existing hedgerow boundaries.

In this location, some planting has been newly installed by the applicant along the northern boundary with the intention of landscaping the proposed development that incorporates non-native species. During the determination of this application, a more suitable proposed planting scheme incorporating native species such as holly, oak, alder beech and wild cherry trees to both the northern and western boundaries has been put forward by the applicant. This could be conditioned for planting in the first available planting season and would supplement the existing hedgerows to assist in limiting views of the proposed panels from the north and west. The point raised in relation to the hedgerow to the west of the site (currently extending to approximately 3 metres in height) potentially being trimmed to a lower level by the occupiers of Oswaldkirk Hall is noted. It is however considered that the overall control of this hedge being theirs would actually be beneficial in light of their concerns, given that it could be maintained to their preferred height in order to be an effective screen.

It is considered that the refused application (07/00248/FUL) whilst in a similar location, related to the permanent erection of a taller farm building. What was proposed was consequently of a much more significant scale. Given the differences between the proposals the refusal of that particular application is not considered to be directly relevant in the determination of this proposal. This application is required to be considered on its own merits.

The application site is located in a sensitive location, as previously noted, in close proximity to the boundary of the Oswaldkirk Conservation Area, which could result in an impact upon the setting of this heritage asset and in proximity to a number of listed buildings. The listed buildings include the Grade II* Listed Oswaldkirk Hall, the Grade II Listed Stable Block and Pidgeon Cote both associated with Oswaldkirk Hall, The Grade II Listed Old Rectory (application site) and the Grade II* Listed Church of Saint Oswald.

Consequently, the Council's Building Conservation Officer was consulted and undertook a detailed site analysis during a site visit with the Case Officer to the application site. Oswaldkirk Hall and the Church of St Oswald were also visited to allow comprehensive analysis. Historic England were also consulted on the proposed development.

As already noted in this report, in support of this application an Options Appraisal was undertaken by the applicant which considered a range of alternative locations on site. The currently proposed location was concluded to be most appropriate when considering a variety of locations.

The Building Conservation Officer provided the following response dated 6th February 2019: *"This application site is located c. 10 m to the southern boundary of the Oswaldkirk conservation area on the southern edge of the village. The site is currently grassed and forms the transition between the built up edge of the village into the rural countryside. The land form dips gently to the south from the east-west terrace of the predominantly linear village. To the north of the application site there are c.5 listed buildings, the closest being c.100m distant (The Old Rectory) which is Grade II listed. The parish church of St. Oswald (Grade II*) lies c. 140m to the north-east of the development site and Oswaldkirk Hall (Grade II*) lies c. 180m to the north-west. The village has an extremely high quality environment evident through its statutory designations and as such, Ryedale District Council has a statutory duty to have special regard for the preservation of the setting of the listed buildings and the preservation or enhancement of the conservation area. There are no Public Rights of Way in the near vicinity.*

The proposal is for 2 banks (76 in No.) of ground based solar panels. They are proposed to be sited c. 20m to the south and c. 30m to the east of existing hedged boundaries. The submitted Design and Access states that the electricity generated is proposed to be used to power The Old Rectory and any excess sold to the grid. Additional planting is proposed to the north of the panels. The panels measure c. 2m high and are c. 0.4m from the ground. They are c. 20m long running east-west along the valley side. The fields are bounded predominantly by hedgerows and trees are also present. A stable block and ancillary outbuilding is located c. 15m and c.10m respectively to the north-east of the proposed site. The impact of the proposed works relates to the effect on the setting of heritage assets as there will be no direct physical effect on any of the above identified listed buildings or conservation area. Historic England advice on the setting of heritage assets states that setting is the surroundings in which an asset is experienced. It is not a designation in its own right and its importance lies in what it contributes to the significance of heritage assets. Views can be an important consideration in the assessment of setting where they contribute to significance but are not necessarily always a consideration in themselves in every case.

The significance of The Old Rectory is clearly multi layered including its design undertaken by a named architect, its associations with the adjacent church and its visual appeal in the use of high quality materials in a classical design and its historic communal place in the village as the house of the church Rector. The Old Rectory is the closest building to the application site and is within the ownership of the applicants and is now a private dwelling. According to the list description, the Old Rectory dates from the 18th century with additional major works in 1836. It is a large handsome classically inspired ashlar and slate building set slightly lower than the road behind a high stone boundary wall. The setting of the building is formed by its own domestic curtilage including outbuildings. Village properties form part of

the wider setting of the building to the north whilst the large garden forms part of the setting of the listed building to the south. Due to the land falling away to the south giving expansive views over the valley, the edge of village location forms part of the setting of the listed building. The proximity and relationship to the church also forms part of the setting of the Old Rectory and the 2 are historically functionally inter-related.

With respect to this application however, part of the significance of The Old Rectory includes its wider setting. It occupies an imposing position placed on the lower terrace of the valley side overlooking its land holding and has expansive views over the valley. The land to the south of the Rectory contributes to its setting through its historical functional relationship but is also significant in providing views of the visually prominent country Rectory over the open rural foreground. This wider setting contributes to the status of the building as a visually prominent former wealthy country Rectory.

The significance of St Oswald's church is also clearly multi-layered including its age, architecture and communal values. The setting of the church includes its immediate curtilage to include its high stone boundary wall on the north side of the church and its graveyard. Views over the valley to the south are truncated due to boundary screening. The church is visible from the development site looking north. The setting contributes to the significance of the church as it provides the wider rural context for the church and relates it to its parishioners and their likely historic involvement in agriculture and the land. Oswaldkirk Hall is a handsome imposing Grade II listed building dating from 1690 with earlier origins. The wider property also includes a Grade II listed dovecote and stable block to the south east of the hall. The significance of Oswaldkirk Hall is also multi layered to include its age, handsome architecture and historic associations. With respect to this application, the setting of the hall can include the land to the south of the property. This contributes to the significance of the hall in setting the hall in a wider rural open context and enabling views of the hall looking north. This contributes to the significance of the hall as an expression of wealth and as having an imposing presence over the valley. The significance of the dovecote and stables includes their functional inter- relationship with the hall. The way their setting contributes to their significance can be predominantly confined to the immediate curtilage of the listed building. There is however some aspect of wider setting with respect to the dovecote and stables in that they have a functional relationship with the surrounding land and a picturesque quality when looking towards the hall from the south with the hall and the dovecote and hall being inter-visible.*

The conservation area is significant as a rural village including cottages, houses, church and farms. The topography of the village greatly contributes to its character. The site of the application on the edge of the village is significant as the transition between the built up village and wider agricultural uses. The conservation area is experienced as a tranquil and rural village.

Due to the low profile and height of the proposal panels, falling land, hedged boundaries, distance from heritage assets, tree cover and presence of the existing outbuildings, it is unlikely that there will be clear views of the panels from any of the heritage assets looking south.

In my opinion, the impact of the proposals on the setting of the heritage assets is one of visual considerations. In my opinion they will have a harmful visual impact on the wider setting of the heritage assets in that they will introduce a modern alien feature into a green rural landscape that has a high degree of intactness. The greatest impact on the setting of the identified assets will be looking north towards the heritage assets. Due to the rising land and open nature of the landscape, there will be a high degree of inter-visibility between the proposed panels and the Old Rectory, the church of St Oswald, Oswaldkirk Hall, the dovecote and stables and the conservation area.

The proposed solar panels are static, quiet and positioned c. 100m distant from the nearest listed building. They are not a permanent fixture and cannot be readily seen from any public vantage points. They will maintain the tranquillity of the conservation area as they are static and quiet. They will not have a direct physical impact on any of the identified heritage assets nor have an impact on any of the wider heritage values which contribute to their significance. Many of the significance aspects of the wider setting such as historical functional relationships will be maintained. They will however have a harmful visual impact in introducing a modern alien feature into the landscape.

For the reasons outlined above, in my opinion, the impact on the total significance of the heritage assets can be assessed as very much lower than 'less than substantial' as the proposal will cause a very minor degree of harm solely to one aspect of the identified heritage values. It is an impermanent development that will maintain a substantial degree of wider heritage significance.

In my opinion the contribution that the panels are likely to have to the upkeep of the Grade II listed Old Rectory is a heritage benefit and will help to maintain the fabric of the listed building and help to sustain its future as a dwelling."

This response is noted. Historic England within their initial consultation response dated 12th February 2019 noted that the proposal had the potential to impact on the setting and significance of heritage assets, however no heritage statement or assessment had been provided at that point, confirming an objection to the proposal.

The applicant subsequently provided a Heritage Statement (Humble Heritage, March 2019). This Statement which is appended, reviews the policy context, the site history, undertakes an assessment of significance including views to the Conservation Area from surrounding areas, views of the application site from public views within the Conservation Area, views from listed buildings and mitigation measures. The mitigation measures include the proposed additional screening and the coating of the panels in a non-reflective coating.

An important aspect which was identified in the Heritage Assessment is contained Section 4.16 and was also noted during the site visit undertaken by the Conservation Officer. It identified that while the application site is not visible from the public realm within the Conservation Area, views towards the village from further afield may also contribute towards the significance of the Conservation Area. An analysis was undertaken of potential viewpoints surrounding Oswaldkirk that could potentially provide public views of the Conservation Area. It was concluded that the application site was not visible from any public views during the time of survey, including from the only nearby public right of way, the elevated Millennium Trail to the north of the village. Just one section, to the east of the location site along the B1363 was noted as "*not visible during the time of visit, but possible glimpses cannot be ruled out if the roadside hedge is trimmed.*" It is however noted that any views were achieved from this location, they would be distance views at a minimum distance of approximately 440 metres. This distance, together with the modestly scaled installation incorporating a maximum height of 2 metres would limit any significant public views of the proposed development.

This report did highlight that the site will be visible from agricultural land and private houses and gardens, but concluded that "*as they are not accessible to the public they play far less of a role in allowing visitors to appreciate the heritage significance of the Oswaldkirk Conservation Area.*" Furthermore, separate to the heritage concerns which have been addressed to date, it must be noted that no property would have the specific 'right to a view' under planning policy and the retention of a view cannot be considered as a material planning consideration.

In a second consultation response dated 15th April 2019, Historic England confirmed "*We have considered the Heritage Assessment, the Options Appraisal, the Supporting Photographs and the Landscaping Plans (existing and proposed.) We are satisfied with the assessment and conclusions reached in the Heritage Statement, which considers the degree of harm to the heritage significance of each of the heritage assets affected. This also includes suggestions for how additional screening could be implemented, we are now therefore content to defer to the advice provided by your Building Conservation Officer and for any harm to be weighed against the public benefits as required by paragraph 196 of the NPPF.*"

It is therefore considered that whilst the proposed solar panel installation is relatively significant in scale, the overall height proportions are modest which will allow this to assimilate with the existing original landscaping. In addition, the proposed new landscaping will aid in the further assimilation of the scheme. As noted, the Conservation Officer has identified that the proposed development would result in an impact on the total significance of the heritage assets, but that this can be assessed as very much lower than less than substantial as the proposal will cause a very minor degree of harm solely to one aspect of the identified heritage values. It is an impermanent development that will maintain a

substantial degree of wider heritage significance and a heritage benefit in the upkeep of the Grade II Listed Old Rectory has also been identified.

This proposal is therefore considered to accord with the requirements of SP12 of the Ryedale Plan, Local Plan Strategy, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2019. It is considered appropriate in form and design, subject to conditions requiring further landscaping, the treatment of the panels in a non reflective coating and their removal when no longer in use.

iii. Impact Upon the Area of Outstanding Natural Beauty (AONB)

Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy encourages new development and land management practises which reinforce the distinctive elements of landscape character within the Howardian Hills. Furthermore it seeks to protect the special qualities, scenic and natural beauty of the AONB. Proposals will be supported where they:

- Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings
- Seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives
- Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area

As noted, the site is located in the Howardian Hills Area of Outstanding Natural Beauty (AONB). The AONB Manager was consulted in relation to this proposal. In their consultation response dated 1st February 2019 they noted:

1) Although the site may be seen in partial glimpsed views from public roads near the site, I don't feel that these views would be significant. The installation is however of a considerable size, significantly larger than other 'domestic' installations within the AONB.

2) Photos submitted by objectors indicate faint traces of ridge and furrow cultivation marks, and English Heritage's National Mapping Programme some years ago indicated surviving ridge and furrow in the fields immediately to the west. Specific historic environment advice should be sought from North Yorkshire County Council if appropriate.

3) Due to the size of the proposed installation, it's potential impact on the setting of the Oswaldkirk Conservation Area and The Old Rectory as a Listed Building will need to be carefully considered.

4) In conclusion, I don't have any objection to the principle of siting a solar array in the location proposed, but I do have concerns in relation to potential adverse impacts on both designated and non-designated heritage assets and their settings.

This response was acknowledged and consequently the North Yorkshire Archaeology Section was consulted. The Principal Archaeologist responded to note no objection to the proposed development.

The AONB Officer was reconsulted following receipt of revised plans, including the Heritage Assessment (Humble March 2019) and the revised landscaping scheme amongst other documents. They provided the following response dated 23rd April 2019. This noted the following:

1) In my view, paragraphs 2, 3 and 4 of my comments dated 1st February 2019 are still applicable and relevant to the revised plans.

2) Whilst the principle of a solar array is still supported, the location and particularly the scale of the installation continues in my view to present issues in relation to impact on the settings of the Listed Buildings, the Oswaldkirk Conservation Area and the non-designated heritage asset of the medieval field system that is still discernible on the southern edge of Oswaldkirk and which is a Historic Environment Priority Site in the AONB Management Plan.

3) The 'mock-up' of the northern row of the array on p.19 of the Heritage Statement appears to be somewhat deceiving, in that it only shows part of the proposed length of the row. Using adjacent

features for scale, including the post and rail fence behind (c.3m between posts), I estimate that the wooden beams are approximately 4.5m in length. The gap between them appears to be about 2m, therefore making the apparent full length as shown approximately 11m. The caption states that this is the position of the northern row, and close examination reveals the end of another wooden beam on the very right hand edge of the photo. Assuming that that beam is the same length as the others, and the large gap is about the same length as a beam, that makes an additional 9m and thus the full 20m. The issue is that the photo has been zoomed-in, so now only shows part of the length of the proposed row, and a 'conclusion' about visibility is deduced in the caption. This might give the reader a misleading impression that the 2 beams and small gap shown in the centre of the photo represent the actual length of a row, and therefore that the size of the installation is significantly smaller than it actually would be. This is particularly unfortunate, given that this is the only photo in the document which shows any kind of on-the-ground perspective. This point will undoubtedly be picked up when the LPA make a site visit, but it's worthy of note because the photo 'visually reinforces' the Heritage Statement's main conclusion that the development would not impact on the settings of the Listed heritage assets.

This response is acknowledged. The 'mock up' photograph referenced by the AONB Manager was subsequently removed by the applicant to prevent any potential misrepresentation. It is however noted that the associated caption did not explicitly suggest the beam set up should represent the installation to scale, given that it noted "wooden sleepers indicate approximate intended position of northern row of solar panels."

The issues raised in relation to the setting of the Conservation Area, the medieval ridge and furrow field and the setting of the Listed Buildings have been considered by the relevant experts, as detailed in the section above and through the receipt of North Yorkshire Archaeology's response.

Consequently, it is considered that the proposal could be undertaken without significance to the special value of the designated Area of Outstanding Natural Beauty.

iv. Impact upon neighbouring amenity

This proposal is located at a sufficient distance so that it would not harmfully impact upon the amenity of neighbouring properties, furthermore there are no significant noise impacts associated with this type of development.

v. Other matters, including consultation responses

The consultation responses of North Yorkshire Archaeology, Historic England, the Council's Building Conservation Officer, the AONB Manager has been noted above.

The point in relation to the advertisement of the application is also noted. However the Local Planning Authority is legally required to *either* undertake the erection of a site notice or issue neighbour notification letters. Ryedale District Council opt to undertake both means of consultation in order to be comprehensive. Photographic records of all erected site notices are retained by the Local Planning Authority and the Local Planning Authority subsequently included the occupant of Oswaldkirk Hall by providing them with a neighbour notification letter during the reconsultation phase. Therefore it is considered that all publicity was carried out in accordance with policy and legal requirements.

The points raised in relation to potentially unlawful development at the application site, including development not being carried out in accordance with the approved plans is noted and will be separately investigated by Officers. It is noted that the current owner has recently purchased the property and may not be aware of any unlawful works. However new ownership would not be a factor that would mitigate or overcome potential historic enforcement issues. Ultimately however, this matter is not directly relevant to the consideration of this specific application and it does not therefore form a material planning consideration to which weight can be attributed in the determination of this proposal.

The issue raised in relation to the covenant is noted. Covenants on land are civil matters, which again cannot be considered as material planning considerations by Local Planning Authority in the determination of any application.

The detailed analysis undertaken has concluded that the form and character of the proposed solar panels is considered acceptable. Whilst it is acknowledged that these are significant in scale for a domestic installation, they do incorporate an overall low maximum height of 2 metres and relatively low massing, which does not appear disproportionate or incongruous in the wider landscape. It is considered that this application has been appropriately justified and will contribute to securing a source of renewable energy that will contribute to the overall future preservation of the heritage asset.

Their positioning, in a corner of a field affords the benefit of siting beside existing hedgerows and this, together with additional proposed planting would aid in partially obscuring them from views from surrounding private properties and from the very limited public views that could potentially become available. It is however noted that the right to a view from a domestic property is not a material planning consideration.

The heritage considerations have been positively concluded in Section ii of this report and the overall comments confirming no objection have been received from the Council's Building Conservation Officer and Historic England. The Building Conservation Officer notes in her response that the proposed development would result in an impact on the total significance of the heritage assets, assessed as very much lower than less than substantial as the proposal will cause a very minor degree of harm solely to one aspect of the identified heritage values. This is balanced against the impermanent nature of the development that will maintain a substantial degree of wider heritage significance and the above referenced heritage benefit in the upkeep of the Grade II Listed Old Rectory has also been identified, together with the wider environmental benefits.

North Yorkshire Archaeology confirmed no objection to the proposed development.

The comments from the AONB officer, which do not raise any concern specifically with the principle of this development in the designated Area of Outstanding Natural Beauty are noted. The other areas of concern raised by this Officer (specifically in relation to archaeological and heritage matters) have been addressed by the specific experts in those areas to their satisfaction.

It is furthermore not considered that this proposed development would result in unacceptable harm to the special value of the Area of Outstanding Natural Beauty, nor would it harm the archaeological significance of the area.

Therefore, whilst the concerns of neighbouring residents and the Parish Council have been noted and acknowledged, this proposal is considered to accord with the requirements of Policies SP12, SP13, SP16, SP18 and SP20 of the adopted Ryedale Plan, Local Plan Strategy, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2019. This is subject to conditions requiring the installation of further landscaping, the treatment of the panels in a non-reflective coating and their removal when no longer in use.

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

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

Site Location Plan (Scale 1:2500 received by the Local Planning Authority 3/4/19)
Proposed Block plan (Scale 1:1000 received by the Local Planning Authority 3/4/19)
Proposed Landscaping Plan B (Scale 1:500 received by the Local Planning Authority 3/4/19)
Proposed Elevations and Side View (Scales 1:50, 1:100 received by the Local Planning Authority 9/1/19)

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

- 3 Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the proposed plans, the photovoltaic panels hereby approved shall be completed with a non-reflective coating.

Reason: In the interests of visual and neighbour amenity, and to satisfy the requirements of Policy SP13, SP16 and SP20 of the Ryedale Local Plan.

- 4 The photovoltaic panels and all associated development hereby permitted on, under or above the application site, shall be removed from the site and the land returned to its former condition as soon as reasonably practicable when no longer needed for micro generation.

Reason: In the interests of visual amenity, and to satisfy the requirements of Policy SP13, SP16 and SP20 of the Ryedale Local Plan.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, all planting comprised in the approved details of landscaping (Proposed Landscaping Plan B) shall be carried out in the first planting season following the commencement of the development. Any new trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Policy SP13 of the Ryedale Plan, Local Plan Strategy, coupled with the requirements of the National Planning Policy Framework.