

Case Officer: Michael Sackey

Recommendation: Approval

Applicant: Mr Oswyn Murray

Proposal: Installation of 24 ground-sited solar panels in field

Expiry Date: 26 October 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to the parcel of land to the south of Glebe Farm a two storey detached dwelling constructed of stone under a tiled roof, with its gable end facing sideways of Main Street. The site which lies in the built form of Sibford Gower with other outbuildings within its curtilage is bounded by residential neighbours to the east and west. The site is within the Sibford Gower designated Conservation Area, the building is Grade II listed and is also adjacent to another Grade II Listed building within the site (Glebe Farm Barn) and Lane Head adjacent to the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application is for the installation of 24 ground based black solar panels mounted on metal frames within the proposed site, which is approximately 0.0078 hectares. The proposed solar panels would each measure approximately 1.7m length and 1m width with an overall height of 1.3m.
- 2.2. The application relates to the email received on (14.09.2022) at 18:59hrs from the applicant confirming that a buffer is proposed between the proposed development and the adjacent hedgerow for management.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

Application: 01/00432/F Permitted 24 April 2001

Conversion of garage to library incorporating new entrance door and new window

Application: 01/00433/LB Permitted 24 April 2001

Conversion of garage to library incorporating new entrance door and new window

Application: 22/02187/LB Not proceeded with 18 August 2022

installation of 24 ground-sited solar panels in field

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **22 November 2022**.
- 5.2. Two letters received, one letter objecting to the proposal on the basis that the panels will be clearly visible from neighbour's dwelling, the impact on the visual amenity and conservation area, and the impact on wildlife. The other letter supports the proposal with regards to the ongoing energy crisis, global warming, the UK dependence on imported energy and the need to reduce reliance on fossil Fuels.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

SIBFORD GOWER PARISH COUNCIL

- 6.2. The Parish Council has no objection to this application.

OTHER CONSULTEES

- 6.3. CDC Conservation – There will be some impact on the area of field that is proposed to be used for this project as it will no longer be in agricultural use. However, it will be a minimal change and there is public benefit in regards the production of green energy that outweighs the damage that the loss of the open field will have on the character and significance of the conservation area.
- 6.4. CDC Environmental Health - No objections
- 6.5. CDC Arboriculture (12.09.2022) - This application does not appear to affect any trees. The solar panels will be installed close to a hedge. Hedges grow. How are the applicants going to trim the hedge when it starts to cover the solar panels? From the block plan the panels will be abutting the hedge. Sufficient space should be left between the hedge and the solar panels so the hedge can be maintained.
- 6.6. CDC Arboriculture (01.11.2022) - This seems fine. I just wanted to ensure that access to the hedge had been taken account of.
- 6.7. OCC Archaeology - Thank you for consulting us on this application. The site is in an area of archaeological interest; however, the proposals are of a small scale, and therefore, there are no archaeological constraints to this scheme.
- 6.8. CDC Ecology - With regard to the above application for installation of solar panels, I have no objections on ecological grounds to the principle of their installation in this location. My only comment would be that I cannot tell how close to the hedgerow they are due to be positioned and that they should be set back from it by at least 3m to allow there to be a buffer to the hedgerow for both management and wildlife to use the hedgerow base.
- 6.9. CDC Landscape - OWLS define the area as ROLLING VILLAGE PASTURES:

The settlement pattern consists of small, well-defined nucleated villages and dispersed farmsteads. Hook Norton is the largest settlement. The vernacular character is strong in most villages, particularly in Epwell, Swalcliffe, Sibford Ferris, and Sibford Gower. The distinctive ironstone, used as a building material, gives rise to the characteristic warm reddish-brown buildings with stone or slate roof tiles. Sunken lanes connect villages and are a characteristic feature of this landscape type.

The application site rests within the Sibford Gower conservation area. The site is visually contained by structural vegetation trees and hedgerows. The visual receptors using the PROW to west and east of the site will not experience visual harm or a devaluing of amenity with this small scale solar array. PROW 348/7/20, approximately 57 m to the west the visual receptor's view is obscured by Long Barn and Whitts End properties and associated boundary vegetation. PROW 348/3/10 to the east is approximately 144 m away. All adjacent vegetation trees and hedgerows must be retained to ensure the visual containment to the development.

Please note the scale of the developer is such as to have negligible harm to the landscape character or the conservative area. A larger development would exponentially increase the harmful landscape impacts and effects and an LVIA would definitely be required to inform this authority as to whether such a development is appropriate.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- ESD5 – Renewable Energy
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Impact upon the Historic Environment
- Archaeology
- Ecology
- Arboriculture

Principle of development

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the CLP 2015 and the saved policies of the CLP 1996.
- 8.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning.
- 8.4. Policy ESD5 of the CLP 2015 supports proposals for renewable and low carbon energy provision, providing there is no unacceptable adverse impact, including matters relating to, but not limited to, visual impact, residential amenity and highways and access issues.
- 8.5. Policy ESD5 of the CLP 2015 also states that, "Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact, including cumulative impact, on the following issues, which are considered to be of particular local significance in Cherwell: Landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas Visual impacts on local landscapes The historic environment including designated and non-designated assets and their settings...Aviation activities Highways and access issues, and Residential amenity.
- 8.6. The application is accompanied by a design and access statement which advises that the proposed solar panels would provide renewable energy for Glebe farm and Glebe Farm Barn both owned by the applicant and the total energy output is estimated at 6800 kwh per annum. With regards to the requirements of ESD5 in relation to the need to protect the district's high quality agricultural land Grades 1 and 2, the site is not designated as a Grade 1 or 2 agricultural land, it is designated as a category 3 agricultural land which is at the lower end of the best and versatile land for agriculture.
- 8.7. The proposal would in theory have economic and environmental benefits and in addition to the reasons above, the proposed development is considered acceptable in principle. Its overall acceptability is subject to the development not causing material adverse impacts in other respects, which are discussed in more detail below.

Design and impact on the character of the area

- 8.8. Policy ESD15 of the CLP 2015 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout, and high quality design. All new development will be expected to meet high

design standards. Development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. It should also integrate and enhance green infrastructure and integrate with existing streets and public spaces.

- 8.9. The proposed development would be set approximately 1.3m above ground level in two arrays of 12 panels and would be partly visible from the public realm and would therefore have a visual impact.
- 8.10. However, the proposed site is visually contained by the existing structural vegetation including trees and hedgerows which are positioned along the boundaries of the wider site. In addition, the proposed site would also be screened by the host dwelling and its neighbours to the north and also the existing neighbours to the west of the site. The proposal would not be readily visible from the footpath running to the west and southeast of the site. Having regards to its nature, scale, and position along with its restricted visibility due to the existing vegetation, trees and hedgerows and the comments of the landscape officer, the proposal is considered not to have a significant or adverse impact on the landscape character and the Conservation area subject to all adjacent vegetation, trees and hedgerows being retained.
- 8.11. Overall, for these reasons and subject to adjacent vegetation trees and hedgerows being retained, the proposal is considered not to adversely affect the character or visual amenity of the local area, and the proposed development therefore complies with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Impact upon the Historic Environment

- 8.12. Paragraph 192 of the NPPF states that in determining applications local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.13. Policy ESD15 of the CLP 2015 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."
- 8.14. For the same reasons above and having regards to the comments of the Conservation and Landscape Officers, the proposal is also considered to preserve the character and appearance of the Sibford Gower with Burdrop Conservation Area and significance of the grade II listed buildings in the vicinity of the site.
- 8.15. It is thus considered that the proposed development complies with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Archaeology

- 8.16. The Archaeology Officer (AO) advised that the site is in an area of archaeological interest, however, the proposals are of a small scale, and therefore, there are no archaeological constraints to this scheme.

- 8.17. Officers agree with this assessment and given the nature and scale of the development; the proposal is considered acceptable in terms of the Archaeological impact at the site. The proposal accords with Policy ESD15 of the CLP and Government guidance in the NPPF.

Ecology

- 8.18. Policy ESD10 of the CLP 2015 on the protection and enhancement of Biodiversity and the Natural Environment amongst other things states: In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing, and extending existing resources and by creating new resources and the protection of trees will be encouraged, with an aim to increase the number of trees in the District
- 8.19. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*
- 8.20. The Council's Ecology Officer (CE) has raised no objections to the principle of the proposal in this location on ecological grounds but advises that the proposed development should be positioned at least 3m away from the hedgerow to allow for a buffer between the development and the hedgerow for both management and wildlife to use the hedgerow base.
- 8.21. The applicant has responded by confirming that the proposed installer has recommended an allowance of a buffer between the proposed development and the hedgerow for management, which is illustrated on the proposed plans (Block plan).
- 8.22. Therefore, having regards to the proposal, the CE comments and additional information from the applicant, the proposal is considered acceptable in terms of the ecology of the site and would comply with Policies ESD10 and ESD15 of the CLP 2015 and Government guidance in the NPPF.

Arboriculture

- 8.23. The Arboricultural Officer (AO) advised that the proposal does not appear to affect any trees, but that the solar panels would be installed close to a hedgerow and queried how the applicants were going to trim the existing hedge when it starts to cover the solar panels. The AO also mentioned that it appeared from the proposed plans the panels would be abutting the hedge and sufficient space should be left between the hedge and the solar panels to enable maintenance of the hedge.
- 8.24. The applicant responded confirming that the proposed installer has recommended to allow for a buffer between the proposed development and the hedgerow for management, which is also illustrated on the proposed plans (Block plan).
- 8.25. The AO responded to the applicant's comments advising that the additional information was acceptable and wanted to ensure that access to the hedge had been taken account of. Having regards to AO comments, it is considered that the

proposal would not result in harm to the existing trees or vegetation in the vicinity of the site.

- 8.26. The proposal is thus considered acceptable in this regard and accords with Policy ESD10 and ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social, and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. For the reasons set out in this report, it is considered that the proposed ground based solar panels and the associated works would not adversely affect the character and appearance of the Conservation Area, amenities of local residents, highway safety, arboriculture or ecological interests. Overall, therefore, the development subject of this application is considered to be acceptable and complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall not be carried out otherwise than in complete accordance with drawings titled Site location plan 1:1250 (Title number ON221126), Block plan 1:500 (GLEBE FARM, SIBFORDS GOWER, BANBURY, OX15 5RT) and 001 059. The solar panels must not project outside of the two hatched black lines within the site, that is, the area annotated 'solar panels' and bounded by parallel hatched black lines.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers and in the interests of ecology and biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The existing hedges along the boundaries of the site shall be retained as existing and any trees or plants which die, are removed, or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason : To provide an effective and attractive screen for the development in the interests of the character and appearance of the area and in the interests of ecology and biodiversity and to accord with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Michael Sackey

DATE: 23.11.2022

Checked By: Nathanael Stock

DATE: 23.11.2022
