

Maidstone Borough Council

Maidstone House,
King Street,
Maidstone, Kent ME15 6JQ

 maidstone.gov.uk

 [maidstonebc](https://twitter.com/maidstonebc)

 [maidstoneboroughcouncil](https://www.facebook.com/maidstoneboroughcouncil)

APPEAL BY STATKRAFT UK LIMITED

**LAND NORTH OF LITTLE CHEVENEY FARM, SHEEPHURST LANE, MARDEN, KENT,
TN12 9SD**

Maidstone Borough Council Ref: 22/501335/FULL

PINS Reference: APP/U2235/W/23/3321094

Installation of a renewable energy led generating station comprising of ground-mounted solar PV arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements.

PUBLIC INQUIRY HERITAGE PROOF OF EVIDENCE

By Jeremy Fazzalano
on behalf of Maidstone Borough Council

CONTENTS

1. Introduction.....3

2. Legislation and Policy.....4

3. Historical Development and Significance.....7

4. The setting of Heritage Assets and its contribution to significance....13

5. Impact on the Significance of the Heritage Assets.....15

6. Conclusion.....19

APPENDICES

A1(JF) Listed Building Descriptions (CD6.10- CD6.16 incl).....**21**

A2(JF) Site Photographs.....**24**

A3(JF) Appeal Decision-Land At Elm Farm, Bristol Road, Iron Acton (CD7.24)...**25**

1. Introduction

- 1.01 I am Jeremy Fazzalano. I hold a Foundation degree in Archaeology, a Bachelor of Arts (Hons) degree in Roman Archaeology, and a Master of Science degree in Historic Conservation from Oxford Brookes University. I am a Full Member of the IHBC (Institute of Historic Building Conservation) and The Society for the Protection of Ancient Buildings and Associate Member of the Chartered Institute for Archaeologists.
- 1.02 I have 14 years of experience in the planning and heritage sector including at English Heritage, Historic England, Guildford Borough Council, Croydon Council and Ashford Borough Council. In my current role as Principal Conservation Officer at Maidstone Borough Council, I provide specialist advice on works to listed buildings and within Conservation Areas. I have provided heritage advice on historic buildings ranging from traditional terraces and timber-framed buildings to barns and major development schemes.
- 1.03 I declare that the evidence set out in this proof of evidence for the appeal is true to the best of my knowledge. The opinions expressed are my own and are formed from professional judgement based on my knowledge and good practice.
- 1.04 My proof considers the impact of the development on the significance of the heritage assets within the vicinity of the appeal site. To avoid repetition, I will not describe the Appeal scheme in detail but refer to the information within the original planning application as revised by the Appeal Amendments
- 1.05 The second section covers the legislation and policies related to the historic environment and relevant to this appeal. In the third section I identify the setting and consider the significance of the heritage assets that are relevant to the present appeal. In section four I consider the impact of the development on the significance of those heritage assets, and I conclude by summarising the impact of the development by reference to the Council's third reason for refusal.
- 1.06 My proof follows the staged approach to decision-taking as set out in Historic England's guidance note *The Setting of Heritage Assets: Historic Environment Good Practice advice in Planning Note 3 (CD6.4)*. The methodology is included below:
- Step 1: Identifying which heritage assets and their settings are affected*
- Step 2: Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated*

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it

Step 4: Explore ways to maximise enhancement and avoid or minimise harm

Step 5: Make and document the decision and monitor outcome

2. Legislation and Policy

2.01 Section 66 of the Listed Buildings and Conservation Areas Act 1990 states 'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

2.02 The National Planning Policy Framework (NPPF) was introduced in March 2012, updated in 2018, 2019 and 2021 and the current version at the time of writing is dated 2023. It is supported by the Planning Practice Guidance (PPG).

2.03 The general approach to considering the appeal proposal in relation to heritage assets is set out in paras 199 and 200 of the NPPF, and states:

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

- 2.04 The development plan comprises the Maidstone Borough Local Plan (adopted October 2017) and the Kent Minerals and Waste Local Plan (adopted in 2020).
- 2.05 Of relevance to this appeal are policies SP18, DM4, and DM24 of the Maidstone Borough Local Plan

Policy SP18 The Historic Environment

To ensure their continued contribution to the quality of life in Maidstone Borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include:

- i. Collaboration with developers, landowners, parish councils, groups preparing neighbourhood plans and heritage bodies on specific heritage initiatives including bids for funding;*
- ii. Through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings;*
- iii. Through the incorporation of positive heritage policies in neighbourhood plans which are based on analysis of locally important and distinctive heritage; and*
- iv. Ensuring relevant heritage considerations are a key aspect of site master plans prepared in support of development allocations and broad locations identified in the local plan.*

Policy DM4 Development affecting designated and non-designated heritage assets

- 1. Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.*

2. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of: i. Any heritage assets, and their settings, which could reasonably be impacted by the proposals; ii. The significance of the assets; and iii. The scale of the impact of development on the identified significance.

3. Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation

4. The council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.

5. In the circumstances where the loss of a heritage asset is robustly justified, developers must make the information about the asset and its significance available for incorporation into the Historic Environment Record.

2.06 Policy DM4 has an expectation that new development with the potential to affect a heritage asset should incorporate measures to conserve, and where possible, enhance, the significance of the heritage asset and, where appropriate, its setting. Policy SP18 of the Local Plan, amongst other things, requires the sensitive design of development which impacts on heritage assets and their settings. The NPPF also seeks to protect and enhance the historic environment. Where substantial harm is caused to a designated asset, permission should be refused unless there are substantial benefits; where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (NPPF para 202). Policy DM 24 covers renewable and low energy schemes including the impact on heritage assets and their setting and the cumulative impact of such proposals in the local area.

Policy DM 24 Renewable and low carbon energy schemes

1. Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals:

- i. The cumulative impact of such proposals in the local area;
- ii. The landscape and visual impact of development;
- iii. The impact on heritage assets and their setting;
- iv. The impact of proposals on the amenities of local residents, e.g. noise generated;
- v. The impact on the local transport network; and
- vi. The impact on ecology and biodiversity including the identification of measures to mitigate impact and provide ecological or biodiversity enhancement.

2. Preference will be given to existing commercial and industrial premises, previously developed land, or agricultural land that is not classified as the best and most versatile.

3. Provision for the return of the land to its previous use must be made when the installations have ceased operation.

2.07 The following documents are also relevant to the determination of this appeal:-

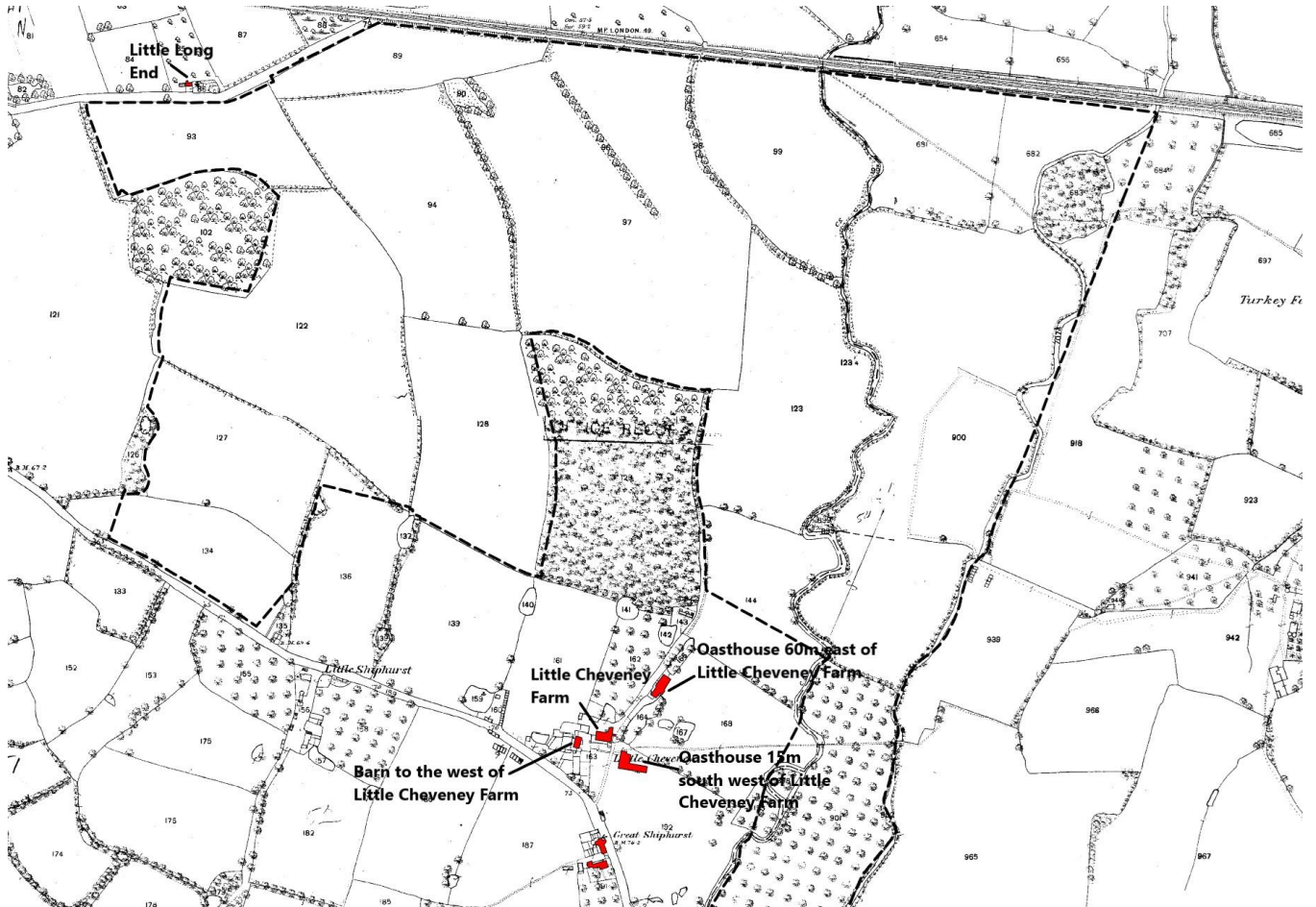
- *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (CD6.4)
- *Conservation Principles* (CD6.1)
- *Historic England: Energy Efficiency in Historic Buildings Solar Electric (Photovoltaics)* (CD6.9)

3. Historical Development and Significance

3.01 The appeal site is located near to the following heritage assets:

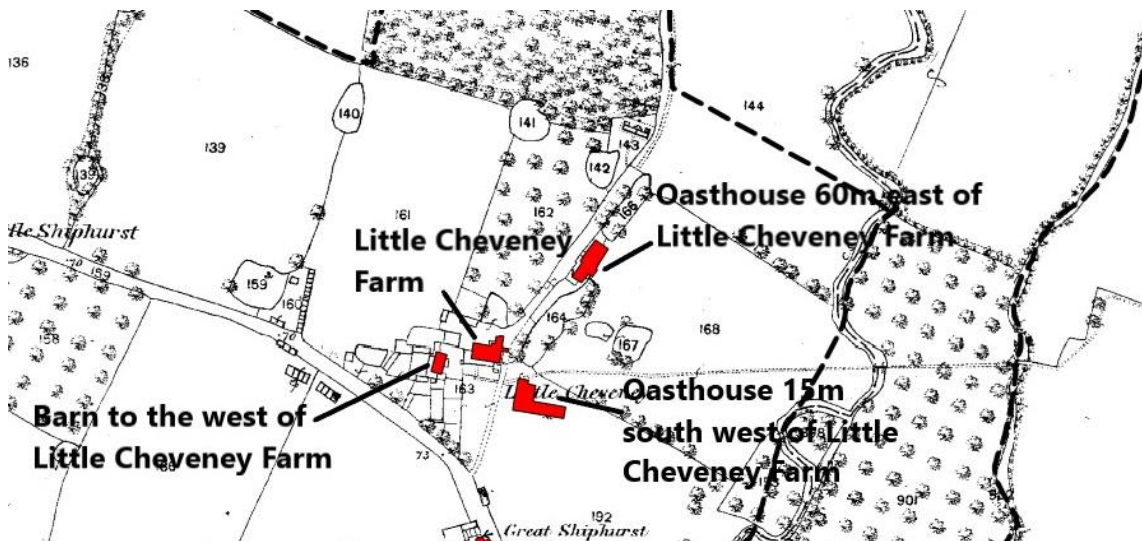
- Little Cheveney Farm - Grade II
- Barn south-west of Cheveney Farm House – Grade II

- Oasthouse south-east of Little Cheveney Farm House – Grade II
- Oasthouse north of Great Shephurst Farmhouse – Grade II
- Little Long End – Grade II

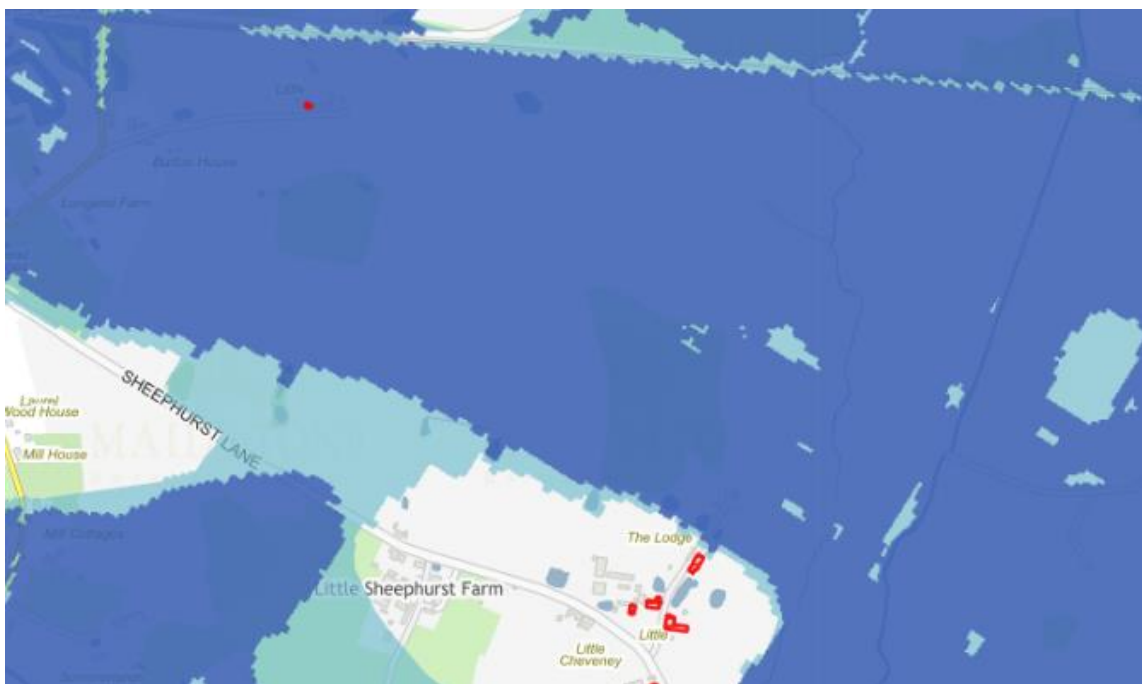


Historic map from 1876 showing the application site and the relevant listed buildings





3.02 The heritage assets listed above were previously linked to the agricultural industry, and the land, as depicted on 19th-century historic maps, comprised a combination of woodland and fields. Since that time, the site has predominantly remained undeveloped, coincident with most of the appeal site lying in Flood Zones 2 and 3 which would have historically constrained built development.

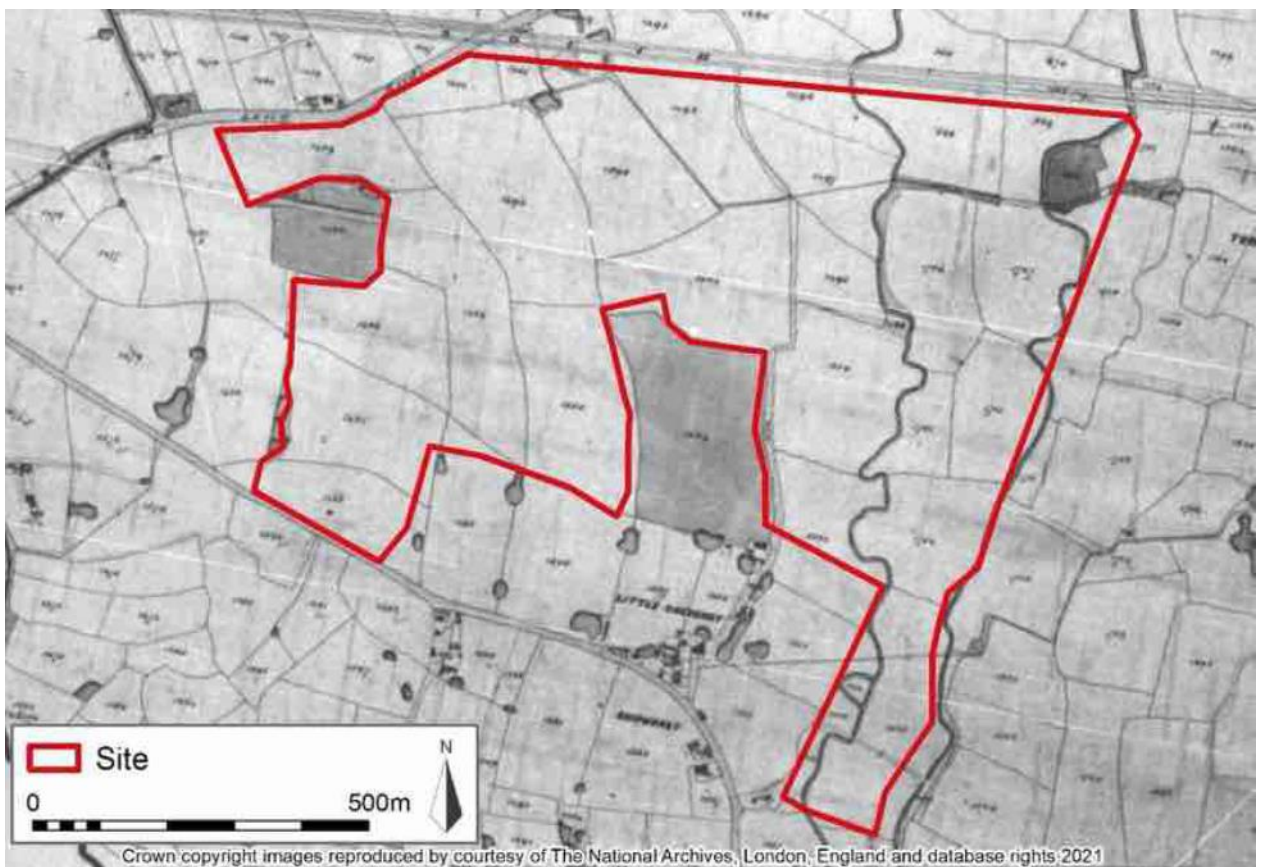


Flood Zones 2 and 3

3.03 The earliest map, dating back to 1797, provides a glimpse of the aforementioned buildings, albeit in limited detail. Situated in a rural central Kent landscape, the site has consistently been utilized for agricultural purposes, as evidenced by historic map regression spanning the post-medieval to modern periods. The enduring rural character of the locality enhances the significance of the listed buildings.

Historic Map Regression

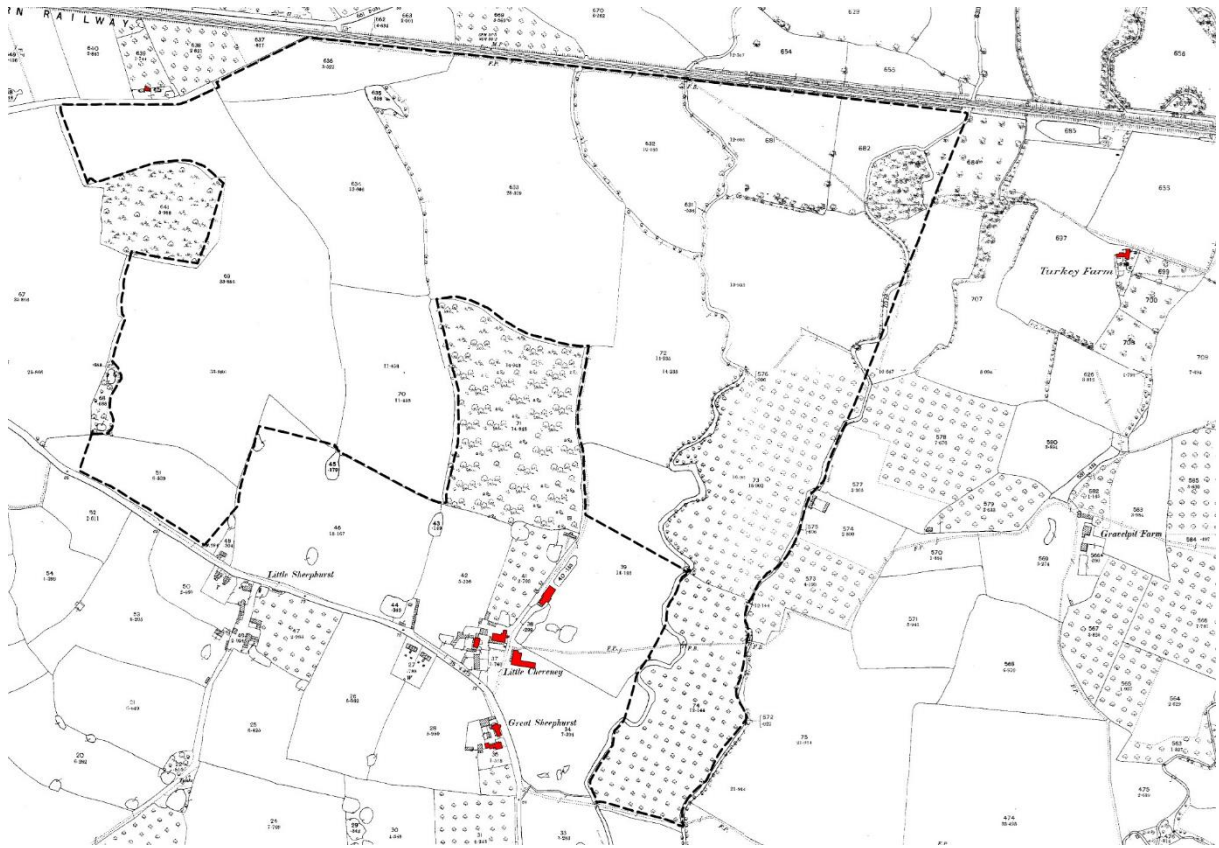
3.04 The earliest Kent maps from the mid-16th to early 18th centuries show Marden as predominantly the Church amidst woodland. In contrast, the 1797 map provides a more comprehensive view, delineating the familiar road layout in Marden, field arrangements, and individual dwellings in greater detail. The map also shows the surrounding farmsteads near the site, including Little Cheveney, Great Sheephurst Farm, Longends Farm, Turkey Farm, and the cottage at Little Long End, albeit in limited detail.



The 1841 Marden Parish Tithe Map

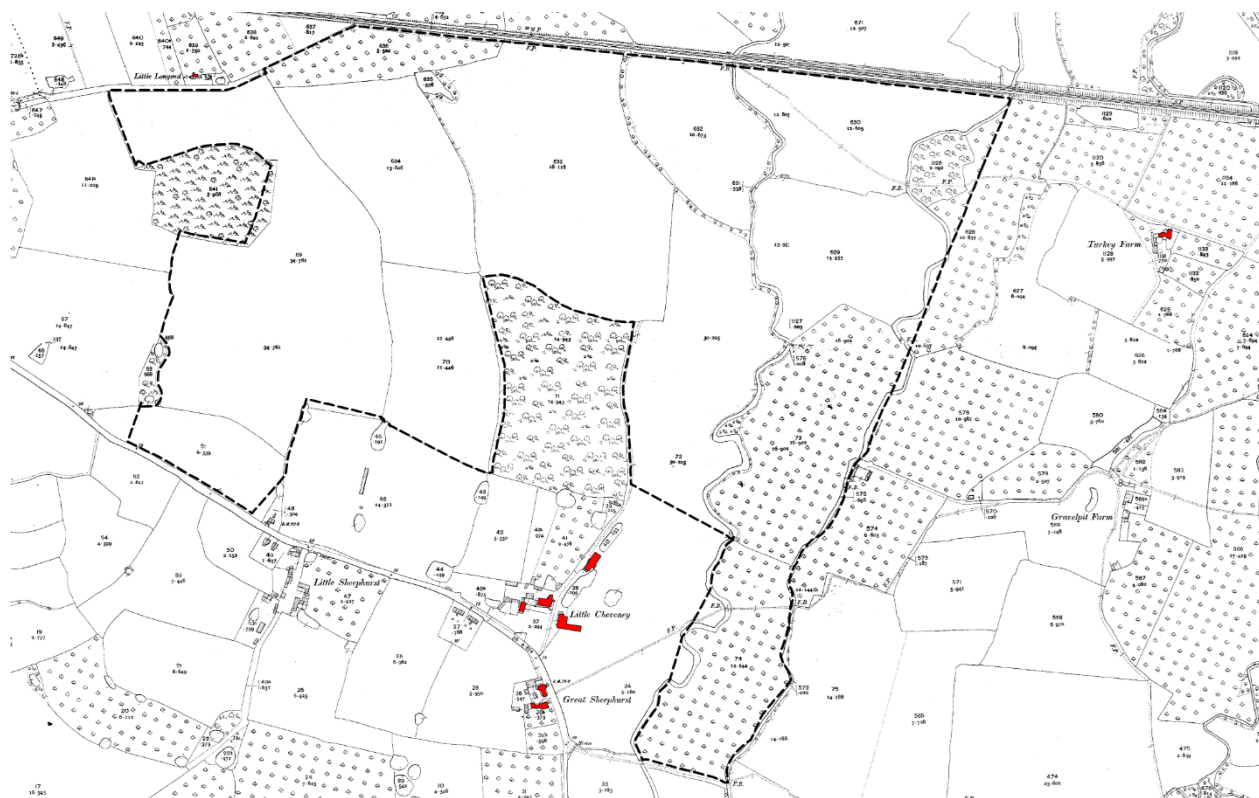
3.05 The Survey of the Parish of Marden in Kent (1817-19) by John Adams shows the Cheveney Estate with pockets of woodland and field boundaries, the map shows farmsteads and the surrounding fields as arable land and pasture. The 1841 Marden

Parish Tithe map produced twenty years later continues to show arable land and the addition of several ponds and hedgerows. The OS maps of the late 19th century and



The 1896-98 OS map

20th century show the site remained in agricultural use. Changes did occur in the late 20th century including the loss of the woodland and a focus more on amalgamation of fields, the use of hop fields steadily increased throughout the 20th century. The map regression reveals the site has remained in agricultural use and despite slight changes, retains its agricultural character.



Significance

- 3.06 The following section identifies the significance of the heritage assets within the vicinity of the appeal site. The heritage assets impacted by the development are Little Long End, Little Cheveney Farm and associated buildings including the Oasthouses to the east and south east of Little Cheveney Farm and the Barn south west of Little Cheveney Farm. The descriptions for all of the listed buildings in the area are included in Appendix A1(JF)

Little Long End

- 3.07 The dwelling, originally a 17th or early 18th-century barn, underwent a mid-19th-century conversion and a subsequent late 19th or early 20th-century extension. Constructed with weatherboarded timber framing and a plain tile roof, it features a 2-room cottage plan with gable end stacks. The interior, seemingly unchanged since the 19th century, reveals plastered ceilings, plank doors, and original chimneypieces. The south front, not entirely symmetrical, showcases 19th-century casements and a central doorway under a later weatherboarded gabled porch. Despite its transformation, the structure retains evidence of its barn origins through removed tie-beams and intact wall posts, while the clasped side-purlin roof maintains its original features.

- 3.08 The building is of special historic and architectural interest and this is reflected in the Grade II listing of the property.

Little Cheveney Farm

- 3.09 The Grade II farmhouse, dating to the late 16th century, with a late 18th or early 19th-century facade restored in the 1930s, displays distinctive architectural features. Constructed with timber framing, it incorporates red brick in Flemish bond on the ground floor and tile-hung first floor. The lobby entry plan encompasses four timber-framed bays and a central stack bay across two stories with an original continuous jetty. Notable elements include a central multiple brick ridge stack, irregular fenestration, and a half-glazed entrance with a corniced hood. Interior features comprise exposed framing, moulded beams, chamfered joists, and brick fireplaces. The end rooms showcase shutter grooves, while the clasped-purlin roof displays original rafters, collars, and windbraces. Little Cheveney Farm, recognised as a Grade II property, stands as a structure of significant historic and architectural importance.

Oasthouse about 60 metres east of Little Cheveney Farmhouse

- 3.10 East of Little Cheveney Farmhouse stands a 19th-century oasthouse with 20th-century modifications. The rear wall's ground floor is crafted from coursed sandstone with brick dressings, while the rest features red and grey bricks in Flemish bond. Covered in plain tiles, the structure, originally two-storied, is now single-storeyed, characterized by a half-hipped roof for the stowage and pyramidal roofs with cowls for the kilns. Noteworthy features include a boarded first-floor door, a paned three-light casement, and a segmental-headed boarded door on the ground floor. The building, with its rectangular stowage and kilns, holds significant historic and architectural value.

Oasthouse about 15 metres south east of Little Cheveney Farmhouse

- 3.11 Built in the late 19th or early 20th century, this oasthouse has red and grey Flemish bond brickwork for the kilns and ground floor storage, while the first floor of the storage is weatherboarded. The plain tile-covered roofs include a rectangular stowage with two square kilns at the rear and one at the south gable end, featuring a two-story structure with a half-hipped roof for the stowage and pyramidal roofs with cowls for the kilns. The first-floor stowage boasts three pivoting six-pane lights, and a central gabled hoist hood holds a horizontally sliding first-floor door. The open ground

floor, last used as a kiln in 1974, features painted iron posts on padstones, forming five bays. The building is listed due to its historic and architectural interest.

Barn about 15 metres south west of Little Cheveney Farmhouse

- 3.12 The barn, originating in the 17th century and subject to subsequent modifications, is a timber-framed structure with weatherboarding, a plain tile roof, and a rendered plinth. It consists of six short, timber-framed bays arranged perpendicularly to the road, featuring a midstorey in the third bay from the right. The roof is half-hipped to the left and gabled to the north, with a rear lean-to. Full-height double doors are right of centre, complemented by a single-story weatherboarded extension on the right gable end. Internally, notable features include gunstock jowls, straight braces, re-used timber, and two curved tension braces. The clasped-purlin roof showcases diminishing principal rafters and vertical queen-struts to collars. The left end bay has staggered butt purlins, while the roof in the right end bay has been renewed. This barn is distinguished by its significant architectural interest.

4. The setting of Heritage Assets and its contribution to significance

- 4.01 This section will focus on the contribution the setting has to the significance of the Grade II listed Little Long End and Little Cheveney Farm which are referred to in the Council's third reason for refusal. Setting is defined in the NPPF as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.*"
- 4.02 The Guidance also confirms the way in which we experience an asset in its setting is influenced by understanding of the historic relationship between places and does not rely on visibility between them, as they may have a historic connection important to experiencing their significance. This does not depend on public rights of access.
- 4.03 The setting itself is not designated. Every heritage asset has a setting. Its importance depends on the contribution it makes to the significance of the heritage asset or its appreciation. Throughout my career, I have handled numerous applications where the primary focus is the setting of listed buildings. My experience allows me to objectively assess the extent of the setting using the phased approach recommended by Historic England. My determinations align consistently with appeal decisions.

Immediate setting

Little Long End

- 4.04 The immediate setting of Little Long End is the enclosed garden area. The boundary treatment of the property includes mature hedgerows and low fences, the property is bound to the north by the railway line with views of the west of the fields and beyond outside of the appeal site. The immediate setting of the building makes a small contribution to the significance of the building.

Little Cheveney Farm

- 4.05 Little Cheveney Farm and the surrounding farmstead buildings including the oasts and barn (although now in separate ownership) clearly read as a group of former agricultural buildings. The ponds to the north, east and west of the site add to the rural character of the settings of these buildings. The buildings are best experienced from within the courtyard area where all three buildings are visible. The immediate setting of Little Cheveney Farm is the courtyard area. The views of the group of buildings can be experienced from within the courtyard and fields to the east and north of the buildings, the views of the farmstead are important and make an important contribution to the significance of all three buildings.

Wider setting

- 4.06 The rural setting of Little Long End includes the fields to the south and southeast of the site and this does make a contribution to the significance of the building, in that it sits within the rural context of the site which has qualities of having remained open and undeveloped.
- 4.07 Historic maps from the 19th century show a series of ponds and meadows near to Little Cheveney Farm, oasts and barn. Today these features are still present in the landscape. Oast kilns are important visible reminders of the hop industry in Kent the kilns roundels typically with terracotta coloured Kent peg tiles and distinctive white cowls often being visible for miles around. In this case, the kilns and pitched roof forms of the farm buildings are visible from fields and meadows to the south east, there are also glimpses of the buildings from the hedgerows to the south and north. The views looking towards the former agricultural buildings and vice versa enhance the rural qualities of the setting and this makes a contribution to the significance of the heritage asset. The agricultural fields surrounding the buildings remain undeveloped including the appeal site and these allow for the appreciation of and

make a positive contribution to the setting of Little Cheveney Farm, the oasts and barn in their rural context.

5. Impact on the Significance of the Heritage Assets

5.01 The appeal proposal was submitted to the Council as a full planning application (Ref. 22/501335/FULL), and the application was refused by the Council on 28th October 2022.

5.02 The description of development was as follows:

"Installation of a renewable energy led generating station comprising of ground-mounted solar PV arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements" ('Proposed Development').

5.03 Reason for Refusal 3 states that

"The proposed development, by virtue of its scale, proximity and character results in less than substantial harm to the settings of Heritage Assets being Grade II listed buildings of Little Long End and Little Cheveney Farm as views from and to listed buildings close to the site would be possible. The harm to the significance of the heritage assets would be less than substantial but nevertheless, weighs against the proposal in the overall balance, even when taking account of the public benefits. The application is therefore contrary to policies DM4 and DM24 of the Maidstone Borough Local Plan 2017 and the NPPF'.

Appearance

5.04 Drawing [1] SKXXX-XXXXX-000-MCS-206 CCTV Elevation-206 shows the height and dimensions of a typical solar array. The Appeal Amendments show that the area of development will be 46.3ha. The PV panels are installed on aluminium racks 4.79m deep with a maximum height of 3m. They typically run in rows with the maximum row being approx. 920m wide. They will extend to a maximum distance of 760m. The development will include perimeter steel security fencing approximately 2m high and 30 no. poles 5m high for CCTV (each with 1 thermal camera and 1 day/night camera). The Appeal Amendments includes a fenced HV compound 7m high and 6 Transformer stations and ancillary structures supporting the industrial use. The development will

include approximately 3m high topsoil storage bunds but the extent and location of these remains unspecified by the appellant.

- 5.05 Ground-mounted solar panels, when installed extensively in rural areas, lead to the industrialisation of the land. This transformation occurs as vast solar farms replace traditional agricultural spaces, detrimentally altering the rural landscape. The installation process involves clearing land, constructing support structures, and connecting extensive electrical infrastructure, resembling aspects of industrial development. The scale, design and location will impact the rural character, affecting the setting of Little Long End and Little Cheveney Farm, oasthouses and barn.

Location and siting of development

- 5.06 The appeal scheme will be located on land which historic maps show as being undeveloped and in agricultural use. The proposal will occupy land to the northeast of Little Cheveney Farm and to the East of Little Long End, harming the character of the heritage asset's surroundings. The inter-visibility between the proposed development and heritage assets is not the only consideration in terms of setting as changes to the experience of the heritage asset can have a negative impact and harm the setting.
- 5.07 The proposed siting of the solar panels will cause harm to the setting of Little Long End as it will result in the modern industrialisation of its traditional arable context.
- 5.08 The proposed development will negatively impact upon views towards Little Cheveney Farm, oasthouses and barn by introducing modern industrial structures and alien landscaping including 3m high topsoil storage bunds to the rural landscape. These effects will detract from the appreciation and understanding of the heritage asset as farm buildings in a traditional and historic rural setting.

Scale

- 5.09 The vast scale of development covering 46.3ha is an important consideration when assessing planning applications and appeals. Historic England's guidance note Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics) (CD6.9) states '*The location of the panels and managing their visual impact is an important part of the design.*'

- 5.10 In terms of scale, the proposed PV panels would cover a very large expanse of land which the historic maps show was historically in low key agricultural use. The original application showed PV arrays enveloping the complex at distances of only 125m to the fence and 140m to the arrays. This distance has increased to 175m and 180m respectively in the Appeal Amendments but the proposal still harms the visual, functional and historic connection to the heritage assets at Little Cheveney Farm.
- 5.11 The fields to the south east of the appeal site form part of the wider setting of Little Cheveney Farm and associated buildings. That setting and therefore the significance of the heritage asset will be compromised due to the scale, massing and extent of the development which will erode the agricultural character to the setting of the heritage asset. The rural setting of Little Long End includes the fields to the south and south east of the site and this does make a contribution to the significance of the building, in that it sits within the rural context of the site which has remained undeveloped, this will be compromised and result in harm to the setting of Little Long End.

Character

- 5.12 Historic maps from the late 18th, 19th, 20th century aerial photos and modern maps show the fields as in agricultural use. While there have been minor changes to the field boundaries, no development has occurred on the site to the scale and industrial nature which is currently proposed. The appeal amendments have reduced the proximity of solar panels to the key listed buildings, however the overall scale, character and nature of the development will still harm the rural character of the fields near to Little Cheveney Farm and Little Long End.

Proximity

- 5.13 The appeal site covers a large area and varies in terms of proximity to heritage assets. The proposed PV panels in the Appeal Amendments will be sited approximately 175m and 180m away from Little Cheveney Farm and associated heritage assets. To the north west. the panels will be sited further from Little Long End, however even with the reduction in the amount of proposed solar panels, the proposal will harm the functional and historic connections to Little Cheveney Farm, its associated listed buildings and to Little Long End in that it will erode the rural character of the fields which makes a positive contribution to the significance of the heritage assets.

- 5.14 It is also worth noting the Land At Elm Farm appeal decision (P21/04721/F) in Appendix 3 which considered the impact of a solar farm on the setting of heritage assets. The Inspector commenting *"while there would be substantial and significant public benefits associated with climate change and energy production and security; significant biodiversity benefits; and other moderate and limited benefits, the harm that would be caused to the setting of these designated heritage assets by allowing the proposal would be of greater significance."* The inspector concluded *"The proposed development would be harmful to the setting of the Grade I listed 'Acton Court, and Gateway and Flank Walls 40m East', the Grade II listed 'Walls to the South Court', the scheduled monument surrounding them, and the CA. This would have a negative effect on their understanding and, thereby, significance as designated heritage assets. The harm I have identified to the setting of each of these assets would constitute less than substantial harm. However, in the context of the above, harm to the Grade I listed building and scheduled monument would be afforded the greatest of weight. Framework paragraph 202 and PSPP Policy PSP17 identify this harm should be weighed against public benefits of proposals."*

Views

- 5.15 As noted in Historic England's guidance note Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics): "When assessing the impact of PVs, including ground mounted arrays, the impact is often measured against inter-visibility and views of the asset where they would be visually prominent."
- 5.16 The main consideration in this instance is the impact of views from the southeast of the site towards Little Cheveney Farm and associated buildings. The appellant considers there is no meaningful intervisibility between the appeal site and the heritage assets. I disagree with this assessment. The oasts at Little Cheveney Farm are noticeable from miles around and are visible reminders of the hop industry in Kent, the short distance views of this asset from the site in particular the architecture of the roundels and cowls are important and will be harmfully impacted on by the proposed development. It is the rural setting that will be diminished and will result in some minor harm to the setting of the listed building. This is acknowledged in the heritage statement *"It is principally the rural qualities of the setting which inform our experience and appreciation of the oasthouses significance. This experience would be impacted slightly by the proposed development, as these assets and Site would be visible within the same view"*

6. Conclusion

- 6.01 The proposed development would result in less than substantial harm to the significance of both the Grade II listed Little Long End and Little Cheveney Farm and its associated oasthouses and barn with the harm being at the lower end of less than substantial. This is contrary to Para 199 of the NPPF which states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.*
- 6.02 The harm to Little Long End would arise due to the scale, proximity and character of the proposed development and the erosion of the rural character caused by industrialisation of the arable context. The development will also cause harm to the significance of Little Cheveney Farm due to the increased industrialisation of the land and the impact of views of the heritage assets. The development is a breach of Section 66 and is contrary to Policy, SP 18, DM 4 and DM 24 in that the development does not preserve or enhance the setting of the listed buildings. The less than substantial harm will need to be considered in the planning balance as well as the great weight to be given to the heritage assets mentioned above as outlined under para 199 of the NPPF.

Appendix 1: Listed Building Descriptions**1/135 LITTLE LONG END (CD 6.14)***II*

Cottage, said to have been converted from a barn. Circa C17 or early C18 barn converted in circa mid C19 and extended in late C19 or early C20. Weatherboarded timber frame. Plain tile roof with half-hipped ends. Red brick external gable end stacks with tiled set-offs, brick cornices and clay pots.

Plan: Circa C17 or early C18 3-bay barn converted in circa mid C19 into a 2-room plan cottage. Both rooms are heated from gable end stacks, the smaller left hand (west) room is the kitchen and the right hand room is the parlour. Between the 2 rooms there is a straight staircase rising from a lobby at the front, to the right of which is the front doorway giving directly into the right hand room. The porch, the small single storey unheated outshut at the left end and the larger unheated single storey outshut behind the left room are late C19 or early C20 additions.

Exterior: 2 storeys. Not quite symmetrical 2-window south front, the windows disposed a little to the left. C19 2-light and 16-pane casements. Central doorway with later weatherboarded gabled porch with C20 glazed door.

Projecting gable end brick stacks; the left (west) end has later single storey weatherboarded outshut with a corrugated iron lean-to roof. Similar outshut on right of rear elevation and similar C19 casements with glazing bars on rear and at right hand (east) end.

Interior: Appears to have been little altered since C19 and has plastered ceilings, plank doors and simple wooden chimneypieces, the left hand with mantel-shelf and C20 range, the right hand fireplace blocked in brick.

Originally a 3-bay barn, its tie-beams have been removed from either side of the central bay; the 8 wall posts are intact but the arch braces to the missing tie-beams are also missing. The clasped side-purlin roof has flat common rafters halved and pegged at the apex.

Source: Mr Pearson, Maidstone Borough Council, Department of Planning and Surveying.

Listing NGR: TQ7197344811

3/27 Oasthouse about 60 metres north- east of Little Cheveney Farmhouse GV II (CD6.10)

Oasthouse. C19 with C20 alterations. Ground floor of rear (east) wall of stowage coursed sandstone with brick dressings. Rest of stowage and kilns red and grey brick in Flemish bond. Plain tile roofs. Broad rectangular stowage with two square kilns to each gable end. Stowage formerly 2 storeys. Half-hipped roof to stowage, pyramidal roofs with cowls to kilns. Boarded first-floor door to left of centre of stowage, with paned three-light casement beside it. Boarded ground-floor door with segmental head towards right (south) end of ground floor.

Listing NGR: TQ7253843997

3/26 Oasthouse about 15 metres south-east of Little Cheveney Farmhouse GV II (CD6.16)

Oasthouse. Late C19 or early C20. Kilns and ground floor of stowage red and grey brick in Flemish bond, first floor of stowage weatherboarded. Plain tile roofs. Rectangular stowage, built at right-angles to road, with two square kilns to rear (east) and one to south gable end. Stowage 2 storeys, with half-hipped roof. Pyramidal roofs with cowls to kilns. 3 pivoting six-pane lights to first floor of stowage, and central gabled hoist hood with horizontally sliding first-floor door under. Ground floor of stowage open to front with painted iron posts on padstones forming 5 bays. Last used as kiln in 1974. Included for group value.

Listing NGR: TQ7256343971

3/24 Little Cheveney Farm GV II Farmhouse (CD6.13)

Late C16, with late C18 or early C19 facade, restored 1930s. Timber framed. Ground floor red brick in Flemish bond, first floor tile-hung. Plain tile roof. Lobby entry plan of 4 timber- framed bays and central stack bay. 2 storeys and garret, formerly with continuous jetty. Gabled. Central multiple brick ridge stack. Irregular fenestration of 3 casements, set towards centre; one two- light under stack and one four-light to each flanking room. Half- glazed door with corniced and bracketed hood tinder stack. Later rear wings to right and left, that to right with long single-storey extension. Rear lean-to to centre. Interior: exposed framing. Ground-floor rooms flanking stack each have moulded axial beam, similarly-moulded cross-beam, and chamfered joists. Plain brick fireplaces with chamfered bressumers. First-floor rooms flanking stack each have chamfered axial beam and joists, and chamfered brick fireplace with high broach stops and cambered bressumer. Exposed framing to right and left end rooms. Shutter grooves. Clasped-purlin roof with diminishing principal rafters, cambered and intermediate collars, and full set of windbraces.

Listing NGR: TQ7253843997

3/25 Barn about 15 metres south-west of Little Cheveney Farmhouse (CD6.11)

GV II Barn. C17, with later additions and alterations. Timber framed, weatherboarded, on rendered plinth. Plain tile roof. 6 short timber- framed bays, built at right-angles to road. Midstrey to third timber-framed bay from right. Roof half-hipped to left (south), gabled to north. Rear (west) lean-to. Full-height double doors to right of centre. Single-storey weatherboarded extension to right gable end. Interior: gunstock jowls, straight braces, re-used timber. Two curved tension braces. Clasped-purlin roof with diminishing principal rafters, and vertical queen-struts to collars. Staggered butt purlins to left end bay. Renewed roof to right end bay. Included for group value.

Listing NGR: TQ7253843997

3/34 Great Shephurst Farmhouse GV II Farmhouse. (CD6.12)

Early-to-mid C18. Ground floor chequered red and grey brick, first floor tile-hung. Plain tile roof. Built at right-angles to road. Lobby entry plan of 3 timber-framed bays and stack bay; one two-bay room to left of stack and one single-bay room to right. 2 storeys, on rendered plinth. Half-hipped

roof. Red and grey brick ridge stack to right of centre. Irregular fenestration of 3 casements; one two-light and one three-light to left of stack, and one three-light to right. Ribbed door under open timber-framed porch beneath stack. Single-storey brick addition with gabled plain-tile roof to left, set back from gable end. Two-storey two-bay rear lean-to to right, with painted brick ground floor, tile-hung first floor and slate roof. Single-storey rear lean-to to left. Interior: chamfered cross-beam to left ground-floor room. Exposed framing to first floor, with shouldered gunstock-jowled and shaped jowled posts and straight bracing.

Listing NGR: TQ7341643145

3/35 Oasthouse about 10 metres north of Great Sheephurst Farmhouse **(CD6.15)**

GV II

Oasthouse. Early-to-mid C19. Ground floor of stowage chequered red and grey brick, first floor weatherboarded. Kilns red and grey brick. Plain tile roofs. Rectangular stowage with 2 circular kilns to north (right) gable end. Stowage 2 storeys. Cogged brick eaves cornice to kilns. Hipped roof to stowage, conical roofs with cowls to kilns. First-floor loading door to left gable end of stowage, and to rear towards right end, and one single and two double rear doors to ground floor. Boarded door to base of kilns. Interior not inspected.

Listing NGR: TQ7341643145

Appendix 2: Site Photograph



Little Cheveney Farm

Appendix 3: Appeal Decision (CD7.24)

Site visit made on 27 September 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/P0119/W/22/3294810

Land At Elm Farm, Bristol Road, Iron Acton, Bristol BS37 9TF

- 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 Enso Green Holdings M Limited against the decision of South Gloucestershire Council.
- The application Ref P21/04721/F, dated 28 June 2021, was refused by notice dated 28 January 2022.
- The development proposed is installation of a solar farm and battery storage facility with associated infrastructure.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of the planning application, in correspondence to the appellant, the Council confirmed the last sentence of the Decision Notice should have referred to Acton Lodge rather than Acton Court and landscape plans listed on the notice of 20 August 2021 were superseded by those dated 12 November 2021. The appellant has also referred to the effect of the proposed development on the 'Walls to the South Court'1, a Grade II listed building, and identified harm to its setting. As such I have had regard to these matters in the determination of the appeal.

3. The Decision Notice also refers to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). However, the appeal does not relate to works to alter a listed building. I have therefore confined my findings to the duty under Section 66(1), which requires the decision maker, in considering whether to grant planning permission for development which affects the setting of a listed building to have special regard to the desirability of preserving its setting. There is no such duty to the setting of scheduled monuments or conservation areas.

4. In making a reasoned conclusion on my decision, I have taken into account the Environmental Statement (ES) produced by the appellant, in accordance with the EIA Regulations²; comments from statutory consultation bodies and any representations duly made by any particular person or organisation about the ES and the likely environmental effects of the proposal; and any other information. Furthermore, all other environmental information submitted in connection with the appeal including that received following the site visit (see below) has also been taken into account, as such material contributes to the totality of the environmental information before me.

5. Following a request of the appellant, I accepted late evidence relating to the context for the proposal in terms of national guidance, planning policy and other appeal decisions. The Council has had an opportunity to comment upon the relevance of the information and I have had regard to any responses received in the determination of this appeal.

6. On 5 September 2023 the Government published a revised National Planning Policy Framework (the Framework). This was accompanied by a written ministerial statement, and the only substantive revisions to it relate to national policy for onshore wind development in England. As such, I have not engaged further with the main parties regarding this revision. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions.

Background and Main Issues

7. The appeal site is situated within the Green Belt. Framework Paragraph 151 makes it clear that elements of many renewable energy projects will comprise inappropriate development, which the appellant accepts. I have therefore determined the appeal on this basis that the proposal constitutes inappropriate development in the Green Belt, and dealt solely with the matters that remain in contention, including the purposes of including land within the Green Belt as referred to by the appellant.

8. Accordingly, the main issues are:

- the effect of the proposal on the openness of the Green Belt and purposes of including land within it;
- whether the proposal would preserve the setting of a Grade I listed building, known as 'Acton Court, and Gateway and Flank Walls 40m East'; Grade II listed buildings, known as 'Walls to the South Court' and 'Acton Lodge'; a scheduled monument, known as 'Moated site and associated features'; the Iron Action Conservation Area; and a Non-Designated Heritage Asset, known as 'Level Crossing Cottage'; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Openness and the Purposes of Including Land within the Green Belt

9. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect. The Framework also clarifies that the Green Belt serves five purposes, including to assist in safeguarding the countryside from encroachment.
10. The appeal site covers an area of 38ha, comprising several large agricultural fields south of the B4059 and west of the B4058, as well as land within nearby roads for cabling to export energy to the National Grid at the Iron Acton Substation. To the east and west boundaries, respectively, are a minerals railway line and Ladden Brook.
11. The external and internal field boundaries within the site are generally enclosed by mature hedgerow and tree planting, which provide verdant surroundings to much of the site that contain much of it from external views from public rights of way and surrounding roads. However, near to the railway line, the B4059 is partly elevated above the site and the boundary alongside it is more open.
12. The appeal scheme primary consists of separate parcels containing various concentrations of photovoltaic (PV) panels, amongst the electricity transmission lines and field boundaries marked by hedgerows and ditches. There would also be numerous other structures within the site for their operation, including a battery storage facility, auxiliary transformer, substation, control room, storage containers and inverter / transformer stations. The proposal also consists of posts for CCTV, galvanised steel wire fences around each separate element of arrays, and internal access tracks to each of the areas. It would operate for a temporary period of 35 years.
13. The appeal is supported by a Landscape and Visual Impact Assessment and a Green Belt Assessment. A scheme of landscaping for the site and its long-term future management, identified in the Landscape and Ecological Management Plan, would likely be integral to the layout of the appeal scheme and generally reflect planting found in the immediate environment. The PV panels would be spaced out and incorporate vegetation beneath and between, but the quantity of panels and the infrastructure and associated enclosures and access tracks proposed within the site would equate to a significant area of built form. In the short- to medium-term, the landscaping is likely to have a limited effect in mitigating the visual prominence of the increase in built form and the physical presence of the proposal, particularly during winter months and where it is more discernible to users of the B4059 and the nearby Level Crossing Cottage. The proposal would also alter the appearance of a significant area of land incorporating open and undeveloped agricultural fields, so would constitute encroachment, in contradiction of a Green Belt purpose.
14. For these reasons, the proposed development would result in harm to the Green Belt through loss of openness in both visual and spatial terms. This would also constitute encroachment into the countryside, in conflict with the purposes of including land within the Green Belt.
15. The Planning Practice Guidance³ (PPG) advises what should be considered when assessing the effects of development to Green Belt openness. It likely draws on the

Judgment in Europa Oil and Gas Ltd⁴ and refers to the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness. In the context of solar farms, the PPG5 also states these are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

16. Having regard to the timeframe of the proposal, it would keep Green Belt land permanently open and its impact upon its purpose of assisting in safeguarding the countryside from encroachment would be temporary, as the site would be reinstated to its former open character. Accordingly, in combination with the overall visibility of the development, this would reduce the extent of harm to a moderate level. Nevertheless, the proposal would be contrary to the main aims of Green Belt policy outlined in the Framework. This brings the proposal into conflict with CS6 Policy CS5, which requires Green Belt development to comply with the Framework.

17. Policy PSP7 of the PSPP7 refers to three categories of development in the Framework and seeks to provide clarification of how these are applied in South Gloucestershire. However, there would not be conflict with the policy in respect of this main issue, as the nature of the proposal is not covered under those categories. Similarly, the Council's Green Belt SPD⁸ is targeted at residential development and refers to the purposes of the Green Belt as they were written in PPG2. While these have not changed they are stated in the Framework, so I have not found in relation to the SPD and CS Policy CS34 also only refers to inappropriate development so it is not relevant to this main issue.

Special Interest, Significance and Setting

18. To the east of the site, beyond the railway line and fields is 'Acton Court, and Gateway and Flank Walls 40m East', a Grade I listed building⁹, the Grade II listed 'Walls to the South Court' and the scheduled monument 'Moated site and associated features'¹⁰ surrounding them. Some distance further to the east, is 'Acton Lodge', a Grade II listed building¹¹. These are all situated within the Iron Age Conservation Area (CA). Outside of the CA but adjacent to the northeast corner of the site is 'Level Crossing Cottage', a Non-Designated Heritage Asset.

Designated Heritage Assets

19. The listing description for Acton Court relates to the surviving mid-16th Century court-style house; and the later gateway and flanking walls, east of the house. The scheduled monument includes the medieval moated site and its features, including the remains of the garden created by Robert Poyntz and parts of its water management system, which included a culvert from the reservoir north of Acton Lodge. It also includes buried remains of the demolished 13th Century manor house and demolished parts of the current house. The gardens are also locally listed and form a further Non-Designated Heritage Asset (NDHA) asset and are important to the significance and setting of the listed building.

20. The list entries for Acton Court set out a thorough history of the building, including demolition of parts of the building and others in its courts, its occupation as a farmhouse,

and its later abandonment. However, its most notable period was during its status as a Tudor royal courtier's house for the Gloucestershire branch of the Poyntz family between 1364-1680. The family were noted for contributions in the Battle of Bosworth and the Irish rebellion of 1534-5, which ensured the family remained in favour with Henry VII and VIII. The visit of the latter and Anne Boleyn involved constructing the east range.

21. In so far as it relates to this appeal, the special interest of Acton Court is derived from its architectural and historic interest as one of the best-preserved mid-16th Century houses in the country. Moreover, expansion and alteration of the house and grounds by the Poyntz's, and Acton's before them, were carried out with higher status and wealth. This also evidences a highly-significant point in the evolution of Tudor domestic building and influence upon Elizabethan and Jacobean houses. In particular, the listing explains that the house and gateway make use of some of the earlier examples of classical design and detailing in the country, part of an innovative and influential development in style among courtiers in the period. These characteristics are important to its understanding and, thereby, significance.

22. The significance of the later 16th Century Walls to the South Court lies in their survival as an almost nearly complete built element of the postmedieval landscape at Acton Court, including changing the position of the gateway from the south to the east court and the inclusion of a barn in the mid-19th Century, as part of its use as a farmhouse. They are also important due their association with Acton Court and the moated site. In particular, the castellation of the walls was an opulent means to enclose the house and provide privacy to occupants.

23. The significance of the scheduled monument is found in the archaeological remains of the manor house and moat and their importance to development of the site as a higher-status residence, including understanding of their layout, form, and function; and the historic association with the Poyntz family.

24. The special interest of Acton Lodge lies in its architectural and historic interest as a 17th Century house with elements of earlier origin and later alterations, the tower being much earlier and forming a key part of the east deer park to Acton Court (see below). Together with its distinctive appearance, this makes an important contribution to its understanding and, thereby, significance.

25. Acton Court, the south court, the scheduled monument, and Acton Lodge all also draw significance from their settings. To a certain extent, these are shared, as outlined below.

26. I note the definition of setting contained in the Framework as being the surroundings in which a heritage asset is experienced. Historic England provide further guidance¹² which states that views of or from an asset will play an important part in this. However, their guidance also confirms the way in which we experience an asset in its setting is also influenced by understanding of the historic relationship between places and does not rely on visibility between them, as they may have a historic connection important to experiencing their significance. This does not depend on public rights of access.

27. Under the Acton family, the change of arable land to form the western deer park, in favour of the provision of venison and sporting pursuits demonstrates the growth of the estate's wealth and notoriety. There is disagreement between the parties as to the origin of the ridge and furrow therein, with the appellant relying on lidar evidence and the Council archaeological investigations undertaken on the estate in the 1980s. Even if it was post-medieval instead of medieval, it demonstrates its importance to the changing nature of Acton Court and the provision of food either for the estate or agricultural sales for the farm. The main parties also point to the possible remaining evidence of a park pale within the site.

28. The evidence before me indicates the western park extended south along the western edge of Iron Acton towards Algars Manor and almost certainly took in the northern part of the appeal site. The parcel of land within the site referred to as 'the Ride' and 'the Walk' may also have formed a grand starting point for hunting in the park. Although it is not treelined to either side, what remains still retains its proportions.

29. A further deer park was established east of Acton Court in the 15th and 16th Century. At the same time, a tower was built at its centre that overlooked the park and probably served as a hunting lodge. This now forms a stair tower to Acton Lodge. There is also a clear and likely intentional visual link between the two buildings. The Council also suggests 'the Avenue'13, aligned between the Church and tower, may have provided a similarly grand entrance for hunting. Together with their historical association, these features are important to the significance and, thereby, understanding of both buildings as heritage assets.

30. The post-enclosure field system now in place means the physical arrangement of the parks is no longer evident. The western park was probably in use until the late 17th Century, but the land continued to be integral to the function, design, and use of Acton Court and the moated site throughout this timeframe. Moreover, its return to an agrarian landscape primarily relates to Acton Court's use as a farmhouse. In contrast, use of the east park was probably shorter due to its higher quality agricultural land. Despite these changes, land east and west remained part of the estate until the 20th Century, but its landholding is now largely contained to its immediate surroundings.

31. Accordingly, the surrounding rural landscape changed with the requirements and fortunes of the estate and either contributed to its prosperity or illustrated its notoriety. This historic and functional relationship between Acton Court, the moated site, Acton Lodge and surrounding land, including the appeal site, therefore contributes to their understanding and significance as heritage assets. This includes their continued open and undeveloped status and the presence of ridge and furrow.

32. Windows in Acton Court facing south and west, most notably in the privy chamber, were likely designed to frame views over the western part of the estate, including the deer park. Remains of a turret in the southwest corner of the south court and several embrasures in its east and west walls all point to intentional views east and west of the estate to take in the hunt. This would also likely have been seen from the moated site, including the north court.

33. Despite the presence of pylons, and visibility of the land west having been truncated by the railway line and filtered by planting, there remains a strong visual link and historic and functional relationship between them. Acton Court also retains a dominant presence over the land and its close association with the surrounding rural landscape.

34. In terms of Acton Lodge, in the context of this appeal, given its relevance to the eastern deer park, it is the intervisibility between its tower and Acton Court, the designed Avenue, and the historical association with land in that park that is of significance to it, not the relationship with the west deer park.

35. The Iron Acton Conservation Area (CA) is essentially formed of three parts, the northern part takes in land beyond the extremities of the village across Yate Road, including the farmland east and west of Acton Lodge and the moated site of Acton Court to its northwest; the central area focusses on High Street and roads leading from it; and the southern part follows Station Road and includes Algars Manor. These are fundamentally different contexts given the extent of development, the presence of natural features, topography, and land uses. As far as it is relevant to this appeal, I find its significance to be derived from the contribution made by and relationship between the different parts and the overall character and appearance therein. This includes the contribution made by Acton Court, its south court, Acton Lodge, and the scheduled monument.

36. Given the location of the appeal site and the historic and visual relationship referred to above, this and the open and undeveloped qualities of the site contribute positively to the setting of the CA and, thereby, its understanding and significance.

Level Crossing Cottage

37. Level Crossing Cottage was originally built for the keeper of the level crossing of the B4059 and the line between Yate and Thornbury. This opened in 1872 and carried passengers until the mid-20th Century and was used intermittently thereafter for freight, including minerals. As a locally listed building it qualifies as an NDHA.

38. The floor plan of the property is curiously arranged with staggered gables parallel to the road and a gabled porch projection facing the road on the eastern side. A lower perpendicular gable, with sled dormers set halfway on the eaves on the western side, projects northwards. The cottage is constructed of rough textured local limestone with Bath Stone dressings, including detailed coursing at eaves level. The taller gable ends include elaborately carved overhanging timber verge boards, topped by timber finials. The main parties agree it is like the Station Masters' houses at Tytherington and Iron Acton. As far as it is relevant to this appeal, its significance lies in its architectural and historic interest as an attractive Victorian former level crossing keeper's cottage, similar in detail to other nearby Station Masters' houses.

39. Given the nature of the original use of the cottage, it also draws significance from its rural setting around the level crossing and its functional relationship with the railway line. When operational, it would have been primarily experienced from the railway line, but now principally from close by due to mature planting of the northern side of the road. More

extensive views are available southwest from the cottage and its frontage, over low hedging to fields within the site and this land is also visible in the closer views eastward.

40. The existing commercial premises present to the west of the cottage are evident from the east closer to the cottage, and there are houses to the east and southeast. The presence of these built forms and uses have no doubt altered the rural setting of the cottage, but the roadside planting and the open and undeveloped nature of the fields southwest still contribute positively to it.

Effect of the Proposal

Designated Heritage Assets

41. The evidence provided by the appellant indicates the proposal would only be visible to a limited extent from the privy chamber in Acton Court, its south court and from the moated site. This is primarily based on mature planting to the eastern boundary of the site and the railway line reducing visibility between them. However, I am mindful vegetation is subject to seasonal change and, where there would be visibility through the planting, the PV panels would occupy a significant area of land in a discordant and sprawling manner.

42. The industrial appearance of the development would add to the pylons and railway line as detracting elements in the historic context of the heritage assets at Acton Court and it would jar with the verdant surroundings of its former agricultural land and deer parks to the west. Accordingly, it would erode the open and undeveloped character of the former estate and significantly distract and detract from its domineering presence therein. Furthermore, the presence of the development within the site would undermine and unacceptably harm the contribution made by the site to the historic rural landscape that forms part of the setting of the heritage assets. Moreover, although 'the Ride/the Walk' would be retained, it would be subsumed within the configuration of PV panels.

43. The proposed scheme of planting within the site would also be unlikely to mature for some time and, in any event, should not be relied upon to hide development from view that would otherwise be harmful, particularly in a sensitive heritage context such as the site. It would also add to the effect of severance caused by the railway.

44. Given the relationship of the appeal site with Acton Court, the south court and moated site, and the harmful effects that would result to their setting, it follows that there would be similarly harmful effects to the setting of the CA, as the listed buildings and scheduled monument form prominent parts of the CA.

45. Noise generated from the site during construction and decommissioning would undoubtedly affect the tranquillity of the site, but is likely to be similar to traffic noise from nearby roads and would be temporary in nature. As such, it would not harm experience of the heritage assets within their context.

46. I outlined above that Acton Lodge, principally its tower, has a greater historical relationship with Acton Court and land between. While the proposal may be visible to some extent, in the background of the latter, it would be so distant it would not harm the setting of Acton Lodge, which would be preserved.

Archaeology

47. The proposal would result in some localised impacts to the ridge and furrow, which the appellant notes to be in a poor state of preservation, and a park pale within the site. Although the majority of these would be preserved beneath the development and remain legible following the development, it would disrupt historic features within a sensitive environment. This in turn would be harmful to the significance of the heritage assets to which it has a historical associative relationship. Furthermore, despite existing harm caused to ridge and furrow, further destruction of such archaeology could not be undone, however limited the impact of the development may be, a point that appears to be accepted in the ES. The use of conditions to deal with this matter would therefore not be appropriate unless the outcome of the balancing exercises leads to the appeal being allowed.

48. I have been referred to the effect of the proposal upon potential archaeological remains of the water management system that served the moated site but there is no substantive evidence before me to demonstrate, with any real certainty this crossed through the site to connect to Laddon Brook. This does not change my conclusion regarding the potential effect of the proposal to the ridge and furrow within the site.

Level Crossing Cottage

49. While there is no historic association between the site and cottage and it would still be appreciated within its immediate context, the presence of PV panels and other elements of the proposal would erode the contribution made by the open and undeveloped nature of the site to the setting of the cottage. This would be harmful to its significance as a NDHA, albeit the harm would be limited given primary association is with the railway line and crossing that are unaffected.

Conclusion on the Second Main Issue

50. For the above reasons, I cannot agree with the findings of the ES that no significant effects would be caused directly to archaeological remains or indirectly because of changes to setting. Moreover, despite my findings in relation to the Grade II listed 'Acton Lodge', the proposal would fail to preserve the shared setting of the Grade I listed 'Acton Court, and Gateway and Flank Walls 40m East', the Grade II listed 'Walls to the South Court' and the scheduled monument, part of which is also a NDHA. By virtue of their location within the CA, there would also be harm to the setting of the CA. Furthermore, the works within the site would harm archaeological remains which contribute to the historical associative relationship that informs the setting. It would also have a harmful effect on the setting of the NDHA 'Level Crossing Cottage'. Hence, the appeal proposal would fail to satisfy the requirements of the Act (in respect of the settings of the listed buildings), and the heritage aims of PSPP Policy PSP17 and CS Policy CS9 and Framework paragraphs 197 and 199. I will return to the heritage balance required by PSP17 and the Framework below.

Other Considerations

51. In assessing and ascribing weight to the stated benefits of the appeal scheme, I have had regard to the appeal decisions to which I have been referred¹⁴.

Climate Change and Energy

52. The UK Government declared a Climate Emergency in May 2019 and the Council followed suit in July 2019. In doing so, it adopted a Climate Emergency Strategy that seeks to achieve net zero greenhouse gas emissions by 2045, before the amended Climate Change Act 2008¹⁵ target of 2050, from a 1990 baseline. I have been referred to numerous documents that support these aims, not least the UK Net Zero Strategy: Build Back Greener¹⁶ which sets a 78% reduction by 2035 and the Government's latest approach to energy contained in the Powering Up Britain Strategy¹⁷, which builds on the targeted reduction by committing to a fivefold increase in solar energy generation by 2035 of 70,GW, enough to power 20 million homes. This is reiterated in the latest draft of the National Policy Statement EN-318. The latest draft of National Policy Statement EN-119 and Climate Change Committee Report to Parliament²⁰ restate how urgent energy development deployment is to support this commitment.

53. The proposal has capacity to generate up to 24MW, enough to power approximately 6300 family homes. It has been designed to maximise energy produced by the nature of the PV panels and the use of a battery storage facility to harness excess energy and release this to the grid during times of increased demand. It would reduce the potential implications of CO₂ pollutants generated by equivalent electricity produced from fossil fuels by 5490 Tonnes each year it is operational. Due to the scale of the proposed development, these would each amount to substantial environmental, economic, social benefits on a national and local basis, including local energy generation. Moreover, the Council's Climate Emergency Annual Progress Report 2021 demonstrated it was not meeting its target to maximise renewable energy generated from installations in South Gloucestershire. The proposal would therefore assist the Council in meeting its target for local renewable energy generation. This would accord with the first and fourth criterion of CS Policy CS3 regarding benefits of energy production. There would also be a significant benefit through national energy security.

Biodiversity, Green Infrastructure and Soil Health

54. Biodiversity net gain (BNG) is not mandatory for this development, but the Framework is supportive of measurable attempts to secure such benefits. The appellant's Landscape and Ecology Management Plan sets out there would be habitat biodiversity enhancement through implementation of a 19.46% increase in habitat units and 2.29% hedgerow units. This would be based on enhanced landscape structure to improve green infrastructure corridors and connectivity across the site, most notably along the railway.

55. Other onsite enhancement and mitigation measures would include a nature area, strengthening of field boundaries and relaxation of their management, enhanced grassland habitat along margins with Ladden Brook and waterbodies in site and relaxation of management of field margins, and enhanced grassland elsewhere in site. Most of these benefits would be at least throughout the lifetime of the development, as there is a commitment to monitor biodiversity. Environmental benefits associated with these aspects

of the proposal would accord with the Council's Green Infrastructure Strategy (2021) and would be of significant weight.

56. Although fallow periods can improve soil health, there is no substantive evidence before me to suggest this would be the case for the specific soil types prevalent within the site in the context of the fallow period associated with the proposal. In this context, I am only able to afford this limited weight as long term environmental and economic benefits of agricultural production.

Site Selection and Timeframe of the Development

57. I have been referred to the Emerging South Gloucestershire Local Plan that acknowledges the need to increase renewable energy generation and includes an overarching assessment of South Gloucestershire. The latter concludes that large areas are potentially suitable for solar development, but the appellant acknowledges these areas are subject to further refinement through the Plan. Furthermore, the appellant's Alternative Site Assessment of the associated study area is the starting point in determining the suitability of a site for a scheme of this nature and a site further from designated heritage assets than the appeal site was discounted on grounds including heritage. There will therefore evidently be various reasons a site may not be appropriate.

58. In the context of Green Belt policy, its permanence is important and occupancy of the land by the proposed solar farm for a period of 35 years would not prejudice that outcome. However, in the context of the heritage assets, this would be more meaningful and exceed a generation of change and harm would endure for a considerable amount of time.

59. Accordingly, I am only able to afford these principles limited weight as benefits of the scheme.

Economy

60. The proposal would enable the farm holding to diversify its income and help to secure the viability of the farming business in the long term, which would amount to an economic benefit of moderate weight, in accordance with CS Policy CS34, PSPP Policy PSP28 and the Framework.

61. The construction and decommissioning phases of the development would generate jobs, albeit over a relatively short period, but there are likely to be some benefits to the economy from the labour market and the procurement of materials and equipment, and some long-term employment through, amongst other things, management, and maintenance of the site. Given the scale of the development proposed these would be social and economic benefits of limited significance, in accordance with the fourth criterion of CS Policy CS3.

Climate Change and Heritage

62. There would also no doubt be wider benefits to the historic environment associated with addressing climate change. While the direct impact of the proposal is likely to be limited, it would amount to a heritage and environmental benefit of moderate weight.

Other Matters

63. The Officer Report refers to the Church of St James the Less, a Grade I listed building²¹, which I have referred to above in the context of its location near to 'the Avenue' aligned with the tower at Acton Lodge. The appellant has also referred to the Walls to East Court²². Like the Walls to the South Court, it is Grade II listed and was developed later in the 16th Century and is largely intact. The walls are between Acton Court and the road and adjoin the gateway and flank walls included in the listing of the house. I have therefore had regard to the statutory duty referred to in the Act. However, given the visibility of these designated assets from the site and vice versa and their proximity and physical relationship with the proposal, their settings would be preserved and the proposal would not detract from them.

Planning Balance and Conclusion

Heritage Balance

64. The statutory duty in Section 66(1) of the Act is a matter of considerable importance and weight, as are the aims of Framework paragraphs 197, 199 and 200. Moreover, Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 then identifies the assets of the highest significance, which include scheduled monuments and Grade I listed buildings.

65. The Framework identifies harm as 'substantial' or 'less than substantial', it does not introduce a further spectrum in relation to either category for decision makers to place any identified harms to the significance of a heritage asset, including the contribution made by its setting. I therefore consider the Framework's division of harm to be sufficient to undertake the balancing exercise to determine whether the appeal proposal is acceptable.

66. The proposed development would be harmful to the setting of the Grade I listed 'Acton Court, and Gateway and Flank Walls 40m East', the Grade II listed 'Walls to the South Court', the scheduled monument surrounding them, and the CA. This would have a negative effect on their understanding and, thereby, significance as designated heritage assets. The harm I have identified to the setting of each of these assets would constitute less than substantial harm. However, in the context of the above, harm to the Grade I listed building and scheduled monument would be afforded the greatest of weight. Framework paragraph 202 and PSPP Policy PSP17 identify this harm should be weighed against public benefits of proposals.

67. I have already identified the stated benefits of the appeal scheme in 'Other Considerations' and, taking these together, while there would be substantial and

significant public benefits associated with climate change and energy production and security; significant biodiversity benefits; and other moderate and limited benefits, the harm that would be caused to the setting of these designated heritage assets by allowing the proposal would be of greater significance. In accordance with Framework paragraphs 199 and 202 and PSPP Policy PSP17, considered together, I am not persuaded there would be wider public benefits of sufficient magnitude to outweigh the great and greatest of weight to the assets' conservation and considerable importance and weight to the less than substantial harm identified to their significance.

Whether Very Special Circumstances Exist in the Context of the Green Belt

68. The appeal scheme is inappropriate development in the Green Belt in conflict with the Framework, PSPP Policy PSP7, and CS Policies CS5 and CS34. This is harmful by definition. The proposed development would reduce the Green

Belt's openness and its effectiveness at safeguarding the countryside from encroachment. This gives rise to additional harms in conflict with the Framework's aims in respect of the Green Belt, albeit I consider this to be moderate in the context of the timeframe and visibility of the development. Nevertheless, Framework Paragraph 148 advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This aim is also repeated in PSP7.

69. As I have outlined in the second main issue and above in the heritage balance, there would be harm to the setting of designated and non-designated heritage assets, which would also conflict with the development plan and Framework.

70. Against these identified harms, while other considerations that have been advanced include a wide range of benefits afford substantial and significant weight to moderate and limited weight, they are not sufficient to clearly outweigh the harm to the Green Belt and the other harms I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

71. While the CS and PSPP predate the current Framework, I am satisfied policies I have referred to in the determination of the appeal are in accordance with the aims of the Framework regarding the Green Belt and consideration of heritage assets. The conflict of the proposal with these relevant development plan policies is therefore a significant concern.

72. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and there are no other material considerations, including the provisions of the Framework, that indicate the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR