



Appeal Decision

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.
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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have referred to Acton Lodge rather than Acton Court and landscape plans listed on the notice of 20 August 2021 were superseded by those dated 12 November 2021.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

¹ List Entry Number: 1413110.

² Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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 Ltd*⁴ 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*.

³ Paragraph: 001, Reference ID: 64-001-20190722, Revision date: 22 07 2019.

⁴ *Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government* [2013] EWHC 2643 (Admin) at [67]; (upheld at [2014] EWCA Civ 825)

⁵ Paragraph: 013, Reference ID: 5-013-20150327, Revision date: 27 03 2015.

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 Action 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

⁶ South Gloucestershire Local Plan Core Strategy 2006-2027 (Adopted December 2013).

⁷ South Gloucestershire Local Plan Policies, Site and Places Plan (Adopted November 2017).

⁸ Development in the Green Belt Supplementary Planning Document (June 2007).

⁹ List Entry Number: 1320155.

¹⁰ List Entry Number: 1004532.

¹¹ List Entry Number: 1320158.

- 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

¹² The Setting of Heritage Assets (Good Practice Advice in Planning Note 3), Second Edition, 2017.

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.

¹³ Referenced as such in the Tithe Apportionments.

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

¹⁴ Appeal References: APP/Y1138/W/22/3293104 (Langford, Devon); APP/J3720/W/22/3292579 (Bishop's Itchington, Warwickshire); APP/C3240/W/22/3293667 (Telford, Shropshire); APP/W1525/W/22/3300222 (Chelmsford, Essex); APP/D1265/W/22/3300299 (Gillingham, Dorset); APP/V1505/W/22/3301454 (Herongate, Essex); and APP/H1705/W/22/3304561 (Bramley, Hampshire).

¹⁵ The (2050 Target Amendment) Order 2019.

¹⁶ October 2021.

78% reduction by 2035 and the Government's latest approach to energy contained in the *Powering Up Britain Strategy*¹⁷, 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

¹⁷ March 2023.

¹⁸ March 2023.

¹⁹ March 2023.

²⁰ Progress in adapting to climate change, March 2023.

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.

²¹ List Entry Number: 1320130.

²² List Entry Number: 1413221.

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