
Appeal Decision

Hearing held on 30 November 2016

Site visit made on 1 December 2016

by Andrew R Hammond MSc MA CEng MIET MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 April 2017

Appeal Ref: APP/U2235/W/16/3146969

Great Pagehurst Farm, Pagehurst Road, Staplehurst TN12 0JD

- 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 Sunsave 22 (Pagehurst Farm) Ltd against the decision of Maidstone Borough Council.
 - The application Ref 13/1456, dated 22 August 2013, was refused by notice dated 11 February 2016.
 - The development proposed is a ground based photovoltaic solar farm, access, associated works and grid connection.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the landscape.

Reasons

3. The appeal site extends to approximately 70 hectares of arable land of which some 20 hectares would be covered by 2662 arrays (racks) accommodating 63,888 Modules (solar panels). In addition there would be 10 inverter cabinets, 2 substations and a container for spare parts. The panels and associated structures would be enclosed by a 2.1m tall plastic coated steel mesh fence. Access would be provided from Marden Road at the northern end of the site via an existing entrance that would be widened for the construction period.
4. The undeveloped part of the appeal site surrounding the arrays and extending towards Marden Road in the north, Pagehurst Road to the east and south and Park Road to the west would be planted with additional hedgerow planting around the arrays and grassed margins of up to 50m in width.
5. The development plan for the area comprises the saved policies of the Maidstone Borough-Wide Local Plan (LP). The Maidstone Borough Local Plan (DLP) has completed its Examination in Public. The saved policies of the adopted LP therefore currently carry full weight in the determination of the appeal. **Following the Hearing, the Council provided copies of the Inspector's Interim Report and of Policies DM3 and SP7 together with the 'made' Staplehurst Neighbourhood Development Plan.** None of these documents affected the outcome of the appeal.

6. LP Saved Policy ENV6 seeks landscaping schemes that contribute to the landscape character or quality of an area and which uses native or near native species to enhance the landscape.
7. LP Saved Policy ENV28 of the Borough Plan seeks to prevent development that would harm the character and appearance of the countryside and seeks to limit development to that which requires a countryside location.
8. Paragraph 17 of the National Planning Policy Framework (the Framework) sets out the 12 core principles that should underpin both plan making and decision taking. The fifth core principle is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
9. The Framework, at paragraph 97, states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

Landscape Character

10. At a national level the appeal site is located in the ***Low Weald*** national character area. Key characteristics relevant to the site include: -
 - Broad, low-lying, gently undulating clay vales with outcrops of limestone or sandstone providing local variation;
 - A generally pastoral landscape with arable farming associated with lighter soils on higher ground and areas of fruit cultivation in Kent. Land use is predominantly agricultural but with urban influences, particularly around Gatwick, Horley and Crawley;
 - Field boundaries of hedgerows and shaws (remnant strips of cleared woodland) enclosing small, irregular fields and linking into small and scattered linear settlements along roadsides or centred on greens or commons. Rural lanes and tracks with wide grass verges and ditches;
 - Small towns and villages are scattered among areas of woodland, permanent grassland and hedgerows on the heavy clay soils where larger 20th-century villages have grown around major transport routes;
 - The Low Weald boasts an intricate mix of woodlands, much of it ancient, including extensive broadleaved oak over hazel and hornbeam coppice, shaws, small field copses and tree groups, and lines of riparian trees along watercourses. Veteran trees are a feature of hedgerows and in fields.
11. A landscape character assessment of the District commissioned by the Council identifies the site as being within the Staplehurst low weald character area, characterised by: -
 - Low lying gently undulating clay landscape of the Low Weald;

- Small fields with orchards, pasture, ponds and watercourses enclosed by thick native hedgerows creating an intimate atmosphere;
 - Dominance of mature oak trees as imposing hedgerow trees and sometimes within fields where hedgerows have been lost;
 - Large scale open fields where hedgerows have been removed For intensive arable cultivation;
 - Sparse scattered small woodlands;
 - Winding roads with wide verges bounded by ditches and mixed native hedgerows;
 - Historic buildings scattered through the landscape and in the historic cores of Staplehurst and Marden.
12. However, the landscape character assessment refers specifically to areas such as **Pagehurst Farm, stating that “where arable cultivation has expanded, the distinctive small scale enclosed landscape has been eroded.** Hedges have been uprooted to create vast but often irregularly shaped fields of monoculture crops, principally cereals, such as at Pagehurst Farm and at Chickenden Farm. Here the visual character of the landscape has a much simpler and bolder pattern with the irregular edge of standard oaks, remaining hedgerows, woodland blocks and tree belts helping to contain the landscape.
13. The Maidstone Landscape Capacity Study (2015) expands on landscape sensitivity and considers the Staplehurst low weald LCA to be of high overall landscape sensitivity and sensitive to change.

The Proposed Array Location

14. The proposed array would sit in a north-south strip, relatively centrally in the overall appeal site, in the relatively vast open landscape created by the past removal of the internal hedgerows. The site slopes gently up from the northern boundary to a ridge and is otherwise relatively flat with slight undulations and is generally open without internal hedgerows although there are two ponds surrounded by trees which form a significant landscape feature.
15. The existing pattern of field and roadside hedges prevent views into the site from most of Marden Road, to the north, and parts of Pagehurst Road to the east and south, and part of Park Road to the west. However, from other parts of Pagehurst Road to the east and south, from Park Road to the west and a short length of Marden Road to the north, in the vicinity of the proposed site access, wide and distant open views across the proposed array are afforded over and through the roadside hedge and in sections where the hedge has been removed.
16. There are also views into the site from a number of private properties fronting **the surrounding roads and from “Widdishins”, set at the end of a private lane** running from Pagehurst Road.

The Effect on the Landscape

17. The appellant proposes internal hedgerow, hedgerow tree and orchard planting around the proposed array, additional internal hedgerows, which it is suggested would re-instate the historic field pattern to soften and screen views, and to strengthen and raise roadside hedges.

18. The landscape scheme therefore proposes the introduction of new landscape features such as high hedges to 'hide' the substantial 20 hectare array of solar panels and to restrict public views across the currently vast and open topography. These wide open vistas currently give the local landscape its particular intrinsic character and qualities. The result would be to fundamentally alter the landscape in a contrived way to seek to accommodate the solar panels.
19. Screening development from view does not negate harm to the intrinsic qualities of the landscape or make otherwise harmful development acceptable. The proposed development would introduce a considerable impact on the existing open landscape containing the appeal site to its substantial detriment and contrary to development plan policy and principles of the National Planning Policy Framework aimed at ensuring that adverse effects of development, in particular those affecting landscape and the intrinsic beauty of the countryside, are properly addressed.

Other Matters

Heritage Assets

20. Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.
21. To the north west of the appeal site are Mountain Farmhouse and Barn, adjoining the site to the east is Great Pagehurst Place and Barn and to the other side of Pagehurst Road on the southern boundary are Dourne Farmhouse and Barn.
22. Occasional views from and to all of these listed buildings across the appeal site would be possible resulting in some harm to their setting. The harm to the significance of the heritage assets would be less than substantial but nevertheless weighs against the proposal in the overall balance.

Use of Agricultural Land

23. Local residents have questioned the use of agricultural land suggesting that previously developed land or the roofs of commercial property should be used to accommodate solar panels.
24. The appeal site is Grade 3B agricultural land and is, therefore, not best and most versatile (BMV). The proposal envisages that the land under and between panels would be seeded with grass and grazed by sheep and there is no evidence that this would not be possible at the appeal site, thereby continuing agricultural use of the land.

Benefits of the Scheme

Renewable Energy and Reduction in Carbon Emissions

25. The proposal is for a 13.6MW photovoltaic solar farm for a temporary period of 25 years. The development would make a substantial contribution to the imperative of a reduction in the emission of greenhouse gasses. The appellant estimates that the annual reduction in CO₂ emissions would be around 5848 tonnes. This is a material consideration of considerable weight in support of the appeal.

Farm Diversification

26. The proposal would provide a guaranteed income for the landowner and hence contribute to the long term financial viability of the farming enterprise. The Framework, at paragraph 28 seeks to promote the development and diversification of agricultural and other land-based rural businesses.

Employment

27. The construction of the solar farm would provide full-time, short-term local employment during construction. Once operational the solar farm would generate a reduced demand for maintenance staff. This adds some weight, albeit limited by the scale of local employment, particularly during the operational phase of 25 years.

Biodiversity

28. The appeal site lies some 100m from the Marden Meadows Site of Special Scientific Interest (SSSI) managed by the Kent Wildlife Trust. This site comprises unimproved neutral grassland. The appeal site, currently under intense arable farmland, would revert to grassland with the opportunity to complement the flora and fauna of the SSSI. Two notable arable plant species - **Shepherds' Needle (*Scandix pecten-veneris*)** and **Corn Buttercup (*Ranunculus arvensis*)** –are concentrated along the northern edge of the appeal site abutting Marden Road. This land is outside the proposed fenced array and could be managed to benefit these rare plants.

29. Furthermore, the revised habitat provided by the proposal would benefit the Great Crested Newt (***Triturus cristatus***) populations in the nearby ponds by the provision of additional foraging ground.

30. The increased biodiversity opportunities of the scheme are, therefore, of significant weight in support of the appeal.

Overall Balance

31. The benefits of the scheme accruing from a significant reduction in the emission of greenhouse gases are considerable, to which must be added the additional benefits of farm diversification and improved biodiversity and that resulting from the limited local employment opportunities.

32. However, the harms to the intrinsic and visual qualities of the landscape are substantial, both in significance and scale, and would not be mitigated by the landscape proposals which seek to screen the development from view rather than integrate it into its setting in a satisfactory manner, in conflict with the development plan, in particular saved LP Policies ENV6 and ENV28, which are generally consistent with the National Planning Policy Framework. As such the benefits of the proposed scheme do not outweigh the identified harm.

Conclusion

33. For the reasons given above, and taking account of all material considerations raised, I conclude that the appeal should be dismissed.

Andrew Hammond

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms Debbie Marriage Parker Dann Ltd.
David Hares David Hares
Landscape Architecture

FOR THE LOCAL PLANNING AUTHORITY:

Ms Deanne Cunningham Maidstone BC
Vic Hester Goddard Hester

INTERESTED PERSONS:

Nick Harper Harper Landscape Architects (For local residents)
Gareth Thomas CPRE Kent
Mr & Mrs Prendergast
Alan Smith
Cllr Joan Butler
Cllr John Perry
Ms Ginny Macintyre
Mrs Shirley Roche
Mr Jack Henley
Mr & Mrs Linaker
Cllr Louise Price
Mrs Julie Dow
Mrs Janet Matthews
Mr & Mrs Hepner
Mr & Mrs Flegg
Ed Bates
Susan Hollins
Alison Bonney
Helen Partington

DOCUMENTS

- 1 Made Staplehurst Neighbourhood Plan, provided by the Council
 - 2 **Inspector's interim findings on the Maidstone Borough Local Plan**
 - 3 Maidstone Borough Plan Housing Topic Paper
 - 4 Maidstone Borough Plan Policy DM3
 - 5 Maidstone Borough Plan Policy SP17
- All provided by the council following the Hearing