

Application No: Y19/0947/FH

Location of site: Apple Tree Farm, Mill Lane, Stelling Minnis, Canterbury, Kent, CT4 6AE

Development: Installation of solar array comprising 2 rows of 12 each (24 total) of 1.5m x 900mm solar photo voltaic panels at ground level.

Applicant: Mr and Mrs Linforth

Agent: Mr Alan Foster, Alan Foster Architects

Officer Contact: Danielle Wilkins

SUMMARY

This report considers whether planning permission should be granted for the erection of solar array within the grounds of Apple Tree Farm, Stelling Minnis. The report recommends that planning permission be granted as it is considered that the amenities of existing and future occupants would be safeguarded and the design and layout would not negatively impact upon the surrounding Area of Outstanding Natural Beauty.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

1.1. The application is reported to Committee due to the objection from Stelling Minnis Parish Council.

2. SITE AND SURROUNDINGS

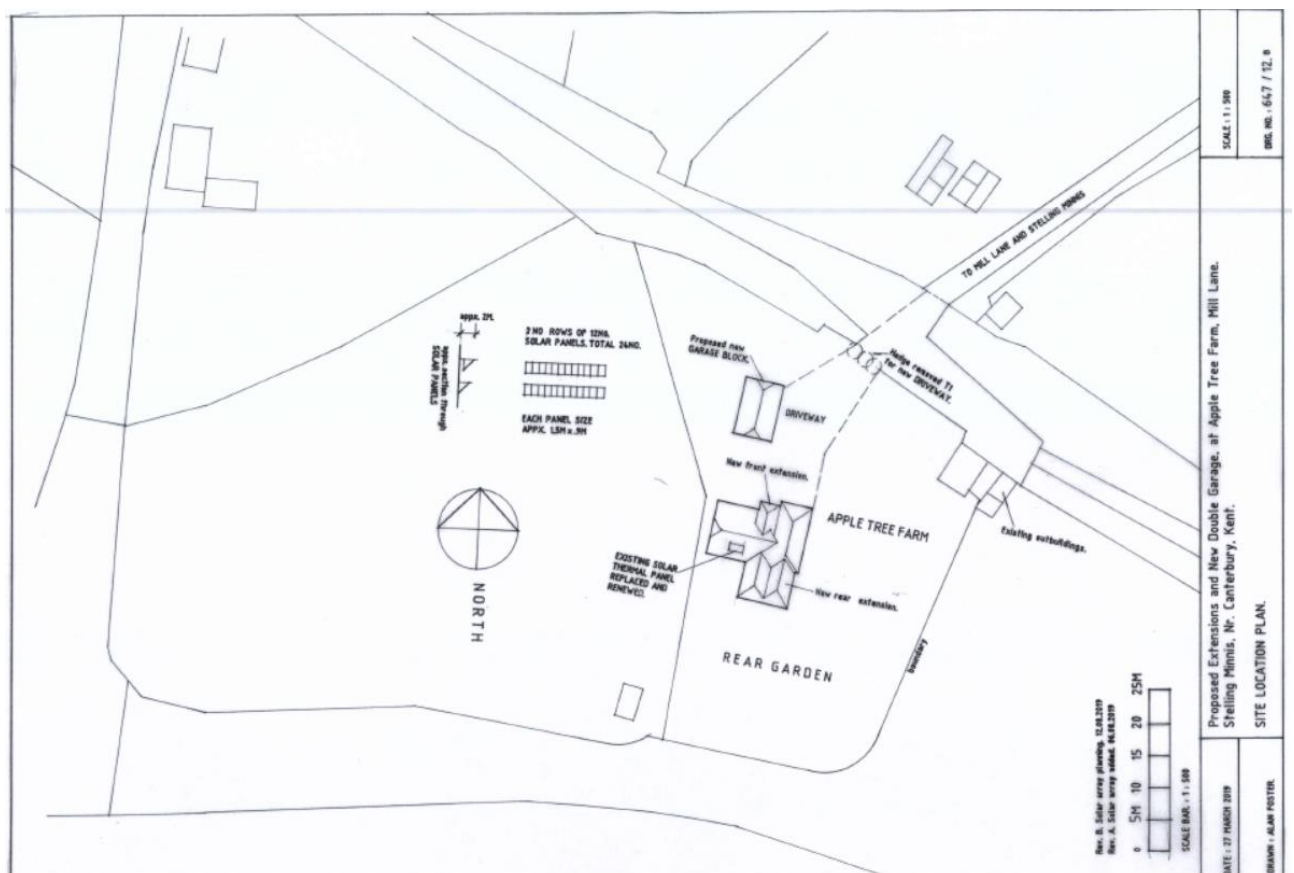
2.1. Apple Tree Farm comprises a large two storey detached dwelling with a residential garden area to the north, east and south of the dwelling, which is mainly laid to lawn with established trees and shrubbery. The application site is a small field located to the west of the host dwelling, and is separated from the garden area by hedging, shrubbery and a wire fence. The site is accessed via a private right of way from Mill Lane through a wooded area to the north east of the application site which is shared with the host dwelling and neighbouring property.

2.2. The application site is located within a rural area within the Kent Downs Area of Outstanding Natural Beauty and a Special Landscape Area. The application site is heavily screened from external views by large established trees and hedgerows to all boundaries.

- 2.3. The land to the north of the site is designated as Common land/village green, use of this land is therefore restricted by law and each common land may have different rights which should be checked before works commence.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection and installation of a solar array comprising two rows of 12 solar photovoltaic panels each panel measuring 1.5 metres by 0.9 metres no higher than 2.5 metres from ground level. The rows of panels will be at staggered heights to reduce the linear impact and to minimise shading from the front row onto the second row. The area beneath the panels would remain clear and accessible for mowing/grazing. The distance between the two rows would be no more than 3 metres.



4. RELEVANT PLANNING HISTORY

- 4.1 The only relevant planning history is for an extension to the dwelling as follows:

Y19/0382/FH	Erection of a two storey rear extension, part single and part two storey front extension and erection of detached garage with guest accommodation above.	Approved with conditions
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5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Stelling Minnis Parish Council:

Parish council objects on the grounds that the proposal would have a negative impact on the landscape of the AONB and would have a detrimental effect on the character of the area.

Kent Downs AONB Unit:

The Kent Downs AONB unit was notified of the application on 26/09/2019 however no response has been received to date.

Local Residents Comments

5.2 Three neighbours directly consulted. No letters of representation have been received in regards to the application.

5.5 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

SD1 – Sustainable Development

BE1 – Standards expected for new development in terms of layout, design, materials etc.

CO1 – Protecting the Countryside

CO4 – Special Landscape Areas

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development

CSD3 – Rural and Tourism Development

CSD4 – Green Infrastructure of Natural Networks, Open Space and Recreation

Places and Policies Local Plan Submission Draft (2019)

HB1 – Quality Places through Design

CC1 – Reducing Carbon Emissions

CC6 – Solar Farms

NE3 – Protecting the districts landscapes and countryside.

Core Strategy Review Submission draft (2019)

CSD3 – Rural and Tourism Development

CSD4 – Green Infrastructure of Natural Networks, Open Space and Recreation

6.5 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Kent Downs Area of Outstanding Natural Beauty (AONB) Renewable Energy Position Statement

Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2014-2019

Government Advice

National Planning Policy Framework (NPPF) 2019

6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 148 & 154 Meeting the challenge of climate change, flooding and coastal change.

Paragraphs 170 & 172 – Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG)

Climate Change

Natural Environment

Renewable and Low Carbon Energy

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Impact on landscape

- c) Design
- d) Residential amenity
- e) Highways
- f) Ecology & trees

a) Principle of development and sustainability

- 7.2 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate
- 7.3 Policy CC1 of the Places and Policies Local Plan Submission Draft seeks to reduce carbon emissions by promoting specifically the generation of energy from renewable and low carbon sources.
- 7.4 Policy CC6 of the of Places and Policies Local Plan submission draft states that the development new solar farms will only be acceptable where; there would be no adverse ecology impacts, the consideration of the need for and impact of security measures are included in the application and the proposed solar farm would not result in the loss of the best and most versatile agricultural land.
- 7.5 Paragraph 154 of the NPPF states that local planning authorities should not require applicants to demonstrate the overall need for renewable of low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
- 7.6 While the proposal is fairly small in scale, it is considered to be larger than the standard household solar array and therefore the principles of emerging policies CC1 and CC6 should be considered. The proposed solar array would be located within a small field adjacent to the private amenity space for Apple Tree Farm, there has been no identified requirement for increased security measures and the proposal would not result in the loss of any agricultural land. Ecology has been addressed below.
- 7.7 There are no local aerodromes in the area, and therefore the proposed solar array would be of no concern to aviation. By definition Solar PV Panels are anti-reflective as they are designed to absorb light and not to reflect it.

b) Impact on landscape

- 7.8 The Kent Downs AONB Unit's position statement, considers it extremely unlikely that any location can be found in, or within the setting of, the Kent Downs Area of Outstanding Natural Beauty where field-scale photo-voltaic arrays, such as solar farms, would not have a significant adverse effect on the landscape. The proposal is not considered to be of field scale or a solar farm as it could only consist of two rows of twelve panels.
- 7.9 Policy CC6 of the Places and Policies Local Plan submission draft states that the development of new solar farms will only be acceptable where: the proposal would not have an adverse impact on the landscape character or have any visual impact on the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty; the solar panels are finished in black anodized frames with dark cells on an aluminium support frame to minimise visual impact; the solar panels can be conditioned to be removed when no

longer operational and; the proposal would not result in the loss of the best and most valuable agricultural land.

- 7.10 Although the application site is located within the Kent Downs AONB, the proposed solar array would be located in the northeast corner of the field adjoining Apple Tree Farm, to the northwest of the host dwelling and west of the proposed garage. The nearest boundary to the proposed solar array is shared with Minnis Land to the north, and this is screened by a tall and wide hedgerow.
- 7.11 In regards to Minnis Land, the site is directly adjacent to allocated Common Land as shown on the local policies map. The Commons Act 2006, protects common land, however as the proposed solar panels are contained to within the application site, the common land would not be affected by the development.
- 7.12 The application site is heavily screened from all views from the surrounding AONB and common land by large established trees and hedgerows. The site has been assessed both in summer and in winter by the planning officer and no clear views of the proposed solar array would be possible from ground level from outside the site.
- 7.13 The previous application for extensions to the dwelling included the widening of the existing access to the host dwelling to allow for vehicular access to the proposed garage. This would not allow for views of the proposed solar array. All existing boundary treatments are to remain and are unaffected by that proposal.
- 7.14 There are two public footpath relatively close to the application site, one of which is located to the south west and runs to the south west where it is met by another that begins to the east of the application site and runs to the south west. Both cross the agricultural land to the south of the application site. After walking both footpaths it is considered they would afford no views into the application site of the proposed solar array, and only allow for minimal views of the host dwelling.

c) Design and siting

- 7.15 The proposed solar array would be located in the northeast corner of the field adjoining Apple Tree Farm, to the west of the proposed garage (approved under a previous scheme). It is considered that views would be limited as you approach the host dwelling from within the application site, and the proposed solar array would have a negligible impact on the character or appearance of the host dwelling.
- 7.16 It is considered that this is the ideal location within the site for the solar array as it would have minimal impact on the surrounding landscape and Apple Tree Farm, which although unlisted, is an attractive building.

d) Residential Amenity

- 7.17 Policy CC6 of the Places and Policies Local Plan Submission Draft requires that the proposal for a new solar farm would not result in the direct loss of amenity to nearby residential properties by virtue of glare or other disturbance.
- 7.18 Due to the limited size of the solar array and the isolated location of the site away from other properties there will be no resulting detrimental impacts to neighbours' amenities in terms of loss of outlook, privacy, noise, disturbance, daylight or overshadowing.

7.19 Due to the slope of the proposed solar array to the south and the anti-reflective nature of the panels, there will be no reflecting glare to immediate neighbouring properties, located only to the north, northwest and east of the application site. The nearest residential dwelling to the immediate south is located approximately 0.5 miles away.

e) Highways

7.20 The application site is accessed from a private right of way from Mill Lane, Stelling Minnis, this private right of way is approximately 125 metres in length. It will allow for direct deliveries to site and is considered that any and all materials will be stored on the application site, therefore causing no obstruction to the public highway. The application is therefore considered acceptable in terms of highway safety.

f) Ecology and trees

7.21 The area proposed for the solar array is currently laid to mown grass and unlikely to be a suitable habitat for reptiles. Once erected the proposed solar array would be raised off ground level and therefore should not impact upon ecology

7.22 No trees are to be removed or would be affected by the proposal.

Environmental Impact Assessment

7.23 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Human Rights

7.24 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

7.25 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

7.26 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. recommendation below.

8. CONCLUSION

8.1 It is considered that the proposal would not negatively impact upon the Area of Outstanding Natural Beauty or the character of the host dwelling. It is considered that neighbouring amenity has been safeguarded and there are no resultant highways or ecology issues. The application is recommended for approval subject to the conditions listed below.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 647/03 C, 647/04 C, 647/05 C, 647/06 B, 647/11, 647/12 and OS extract received on 29/03/2019

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. The external surfaces of the solar photovoltaic system hereby permitted shall be of a uniform colour without silver edges and be non-reflective, and shall be maintained as such at all times.

Reason:

To ensure that the external appearance of the works when completed will not detract from the character or the appearance of the landscape in accordance with policies CO1 and CO4 of the Shepway District Local Plan Review.

4. The ground mounted solar panels hereby approved shall be removed from the site and the land restored to its former condition when the solar photovoltaic array is no longer required.

Reason:

In the interests of the visual amenity of the area in accordance with saved policies SD1, CO1, CO4 of the Shepway District Local Plan Review and Core Strategy policy CSD4.

Appendix 1 – Site Location Plan

Y19/0947/FH
Apple Tree Farm
Mill Lane
Stelling Minnis

