



Appeal Decision

Site visit made on 1 May 2018

by **R A Exton Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th June 2018

Appeal Ref: APP/X1925/W/17/3190793

Porters End House, Porters End Lane, Kimpton SG4 8ER

- 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 Mr Rob Procter against the decision of North Hertfordshire District Council.
 - The application Ref 17/01337/1, dated 22 May 2017, was refused by notice dated 2 August 2017.
 - The development proposed is described as installation of frame mounted solar panels on aluminium frames. Total No 72 PV panels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether or not:
 - the appeal proposal would be inappropriate development in the Green Belt, having regard to the development plan and the Framework¹;
 - there would be any other harm to the Green Belt by virtue of encroachment into the countryside and loss of openness;
 - there are any other considerations ; and,
 - if the appeal proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify it.

Reasons

Green Belt

3. The appeal site lies in the Green Belt where Policy 2 of the DLP² seeks to preserve its openness. Although Policy 2 was adopted before the Framework, I am satisfied that its aim of preserving openness by controlling inappropriate development is consistent with that of the Framework. I therefore afford it significant weight in this respect.
4. The Framework identifies the protection of the Green Belt as a core planning principle. It says that one of the fundamental aims of the Green Belt is to keep

¹ The National Planning Policy Framework.

² The North Hertfordshire District Local Plan No.2 with Alterations Saved Policies September 2009.

land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5. Paragraph 89 of sets out the types of development that are not inappropriate. Renewable energy projects are not included within these. Furthermore, the first part of paragraph 91 of the Framework states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.
6. I therefore conclude that the appeal proposal would be inappropriate development in the Green Belt. It is, by definition, harmful. I attach considerable weight to this harm by reason of inappropriateness.

Effect on openness and other harm

7. Because the appeal proposal would be situated in an otherwise undeveloped field and cover a significant area I find that it would cause a considerable loss of openness. The Framework defines the essential characteristics of Green Belts as openness and permanence. Notwithstanding that the appeal site is not visible from public vantage points, I find the spatial aspect of openness would be harmed
8. I note the de-mountable nature of the proposed solar panels. However, they would be present on the land for a considerable and sustained period of time, and no evidence has been advanced that they would be intermittently removed. I find that the appeal proposal would have a degree of permanency, and as such would not preserve openness.
9. In light of the above I conclude that the appeal proposal would conflict with Policy 2 of the DLP and chapter 9 of the Framework which seek to control inappropriate development in the Green Belt.

Other considerations

10. I do not underplay the importance of renewable energy sources and projects, and I acknowledge the contribution the appeal proposal would make in respect of carbon savings, and the necessary investment required to facilitate it. I also note the lengths the appellant is taking in order to promote sustainable development. I attract moderate weight to these benefits.
11. However, the Green Belt bar is a high one, and the preservation of its characteristics attracts considerable weight in the planning balance. The second part of paragraph 91 of the Framework states that where renewable energy projects comprise inappropriate development developers will need to demonstrate very special circumstances if projects are to proceed.
12. As noted by the appellant, the appeal proposal is small-scale, and the wider environmental benefits, while not necessary insignificant, are nevertheless not considerable. I note the appellant's references to the PPG³, other policies of

³ The National Planning Practice Guidance.

the DLP, the Emerging Local Plan and the Framework in support of renewable energy projects. However, they do not refer to projects within the Green Belt.

13. Accordingly, I find that the proposed development does not amount to the sufficient reasons necessary to clearly outweigh the substantial weight that I must attach to Green Belt harm.

Conclusion

14. I find that the appeal proposal would represent inappropriate development in the Green Belt. It would also encroach into the countryside and reduce the openness of the Green Belt.
15. I consider that the other considerations set out above carry moderate weight. They would not clearly outweigh the harm by reason of inappropriateness, loss of openness and encroachment into the countryside. Consequently very special circumstances do not exist.
16. Therefore, for the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR