

**PLANNING STATEMENT**

**FREE STANDING GROUND MOUNTED 29.68 KWP SOLAR PHOTO VOLTAIC ARRAY AND ASSOCIATED LANDSCAPING  
WORKS**

**LAND TO NORTH OF 5 COACHGATES  
FLOCKTON,  
WEST YORKSHIRE  
WF4 4TT**

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## **1.0 INTRODUCTION**

This statement has been prepared to support the submission of an application for full permission for the installation of a ground mounted solar PV array and associated landscaping works on land to the north of 5 Coachgates, Flockton, West Yorkshire.

This statement should be read in conjunction with the supporting plans supplied by Neil Bowen Architecture, and the supplementary technical documentation, which demonstrate the credentials of the scheme in more detail. It is anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme that will deliver important renewable energy benefits.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that the proposal would result in a sustainable form of development, would deliver valuable renewable energy generation and would have no adverse visual or landscape impact.

Whilst the proposal would, by the NPPF definition, be a form of inappropriate development in the Green Belt, it will be demonstrated that the very limited harm to the Green Belt will be clearly outweighed by the renewable energy and economic benefits that would be realised. As such, the conclusion is reached that very special circumstances exist which clearly outweigh the very limited harm to the Green Belt. As such planning permission should be granted for the proposed development.

## **2.0 THE SITE**

The application site comprises of a small area towards the south eastern corner of a very narrow strip field. The site lies immediately to the north of the applicant's property at 5 Coachgates; a detached dwelling within the village of Flockton. The field in which the application site sits is bordered to the west by very dense mature tree planting that affords excellent screening to the site. There is further, albeit it more sparse, planting to the eastern site boundary. The site lies within the Green Belt and the land to the north is predominantly open. It is noted however that the nearby Green Belt land is not free from development and includes a motocross race track, horse exercise arena and cricket club. This therefore is not an area of Green Belt that is characterised by swathes of open, undeveloped land.

### **3.0 THE PROPOSAL**

Full planning permission is sought for the installation of a ground mounted solar pv array. The scheme also includes minor landscaping works to facilitate the development, to limit the impact on openness and to ensure a visually pleasing outcome.

Full design details of the scheme can be found in the supporting documentation supplied by Neil Bowen Architects. However, at this stage the main details of the proposal are as follows:

- 112 solar pv panels arranged in four banks.
- Panels installed on ground-mounting system and positioned on a 25 degree incline.
- Highest point of panels limited to 3.28 metres.
- Limited cut and fill ground works to provide level surface for installation and to limit impact on openness.
- Power output to be connected to the mains.
- Panels have an estimated annual power output of 27,511 KWH – equivalent to the needs of approximately 7 typical homes.
- Installation of agricultural fencing to the site boundary.
- Planting of native species hedging around the array to help screen the proposals.

### **4.0 PLANNING HISTORY**

The planning history for the host property includes the following:

- Application number 2016/CLD/92434/E for a Certificate of lawfulness for proposed erection of detached swimming pool and detached barn store was refused by the LPA in November 2016 as it was considered by the authority that the buildings would be located outside of the residential curtilage of the host dwelling. This application is subject to an appeal that has not yet been determined. It is considered however that this application, and the outcome of the appeal, is not of any direct relevance to the assessment of the proposed solar array.

### **5.0 PRE-APPLICATION DISCUSSIONS**

Given the simplistic nature of the scheme, and the resource pressures facing the LPA, the Applicant has not discussed the scheme with the council at pre-application stage. However, the Applicant has enlisted the services of Neil Bowen Architects and JR Planning in the drafting of the scheme.

## **6.0 ALLOCATION AND POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the saved Unitary Development Plan (UDP) policies. The UDP was adopted in 1999 and given the period of time which has passed since adoption it is considered that only limited weight can be attached to the saved policies.

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

### **National**

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the NPPF are considered of direct relevance to the current proposal:

Paragraph 14 states that at “...the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

The NPPF makes it clear that sustainable development comprises three strands; economic, social and environmental. It also states that sustainable developments should be approved without delay.

Paragraph 17 sets out the core planning principles and states one of the 12 core principle is that planning should *“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);”*

Paragraph 19 states that planning “...should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Chapter 9 is concerned with protecting Green Belt land.

Paragraph 87 establishes that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 88 states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

Paragraphs 89 and 90 establish a ‘closed list’ of the types of development that are not inappropriate within the Green Belt.

Paragraph 91 is particularly relevant and states *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”* (JR Planning underlining).

Chapter 10 recognises the important role planning has to play in meeting the challenge of climate change by supporting the role of renewable and low carbon energy and associated infrastructure. Paragraph 93 makes it clear that this is central to the economic, social and environmental dimensions of sustainable development.

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 have a positive strategy to promote energy from renewable and low carbon sources;”*

Paragraph 98 states that *“When determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also 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.”*

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support renewable energy developments, including when they fall within the Green Belt when very special circumstances exist, as is the case in this instance.

### **Saved UDP Policies**

- Policy G1 is concerned with the general regeneration of Kirklees and the need to attract inward investment via appropriate schemes.
- Policy G4 aims to ensure new developments achieve high standards of design.
- Policy BE1 is concerned with the promotion of high quality design which takes advantage of opportunities to enhance local distinctiveness.
- Policy BE2 states that new developments should be in keeping with the character of the site and surrounding area within which they are located.
- Policy T10 aims to ensure that new developments do not result in excessive pressure on existing transport infrastructure and do not materially harm vehicular or pedestrian safety.

It is noted that the UDP no longer contains a policy that specifically relates to solar power developments as former policy E9 has not been saved. Furthermore, none of the UDP policies that relate to developments within the Green Belt are relevant to this proposal as it does not constitute infill development, extension or reuse of an existing building or development related to outdoor sport or recreation. As such, the principle of the development should be assessed primarily against the relevant sections of the NPPF.

## **7.0 ASSESSMENT**

### **Principle**

The application proposes a renewable energy development that would provide power for the host property and would feed the excess energy that is not used by the host dwelling to the grid.

The proposal will result in inward investment into the area to meet the stated need to boost regeneration. Therefore the proposal accords with policy G1.

The NPPF emphasises that the delivery of renewable energy developments is central to the economic, social and environmental dimensions of sustainable development. The proposal would be wholly sustainable using the definition set out in the NPPF for the following reasons:

- **Social:** Renewable energy has obvious health benefits that arise from replacing fossil fuel burning with clean energy production. These health benefits carry clear social welfare and wellbeing benefits.
- **Economic:** The proposal would deliver a reliable source of energy for at least 25 years. The development would create employment in terms of the manufacture, installation and maintenance of the equipment, would reduce the applicant's energy costs and would generate a source of income from the supply of energy to the grid.
- **Environmental:** The proposal would deliver enough clean, renewable energy annually to power around 7 homes. This would also deliver an important carbon reduction. Furthermore, the scheme would be visually acceptable and would have no detrimental impact on the built environment or landscape of the locality.

It is quite clear that the proposal represents a sustainable form of development that is promoted by the NPPF.

### **Green Belt**

It is acknowledged that the installation of solar panels does fall into any of the categories of development set out in paragraphs 89 and 90. As such, the NPPF defines the proposal is an inappropriate form of development within the Green Belt.

Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is maintained that very special circumstances exist in this instance and these are set out in detail below, followed by an overall planning balance.

However, in order to be able to provide a comprehensive planning balance between the harms by way of inappropriate development in the green belt and the clear benefits, it is important to consider the extent of the harm by reason of inappropriateness or any other harm.

The proposed solar pv array would be arranged in four rows and would have a maximum height of just over 3 metres. Whilst the site is within the Green Belt, it is located immediately to the north of the applicant's dwelling house and there is a clear visual link between the two. The site is extremely well screened to the western boundary and is also screened to the east. The scheme proposes additional native hedge planting around the array in order to provide even more robust screening. The site is a very small part of a narrow strip field. As well as the applicant's dwelling immediately to the south of the site, there are numerous other examples of development in close proximity to the application site, including dwellings to the west and the cricket club a short distance away to the north east.

It is acknowledged that inappropriate development is by definition harmful. It is further acknowledged that the development would introduce a small amount of built form into a field that presently does not contain any development. However, in this instance, given the limited scale of development and the particular characteristics of the site as outlined above, it is maintained that the harm to the openness of the Green Belt would be extremely limited.

It is also considered to be relevant to consider the development against the purposes of including land within the Green Belt. The NPPF establishes that the five purposes of Green Belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal would not result in unrestricted sprawl, merging of towns, or conflict with any urban regeneration objectives. The proposal would have no detrimental impact on the setting of Flockton Village.

The development would result in the introduction of built form to the field. However, it is noted that the proposed array would comfortably follow the established building line formed by existing properties to the

south west of the site. Given this, along with the presence of boundary treatments and the presence of development such as the horse exercise arena to the north east, the development would not appear to cause an obvious deviation away from the built form of Flockton Village and into open land. The definition between the village and the adjoining Green Belt land is physically and visually less obvious in this location than in many cases. In fact, the proposed development would sit comfortably within the existing landscape. The proposal would therefore not result in any unacceptable encroachment into the countryside in this instance.

It is therefore concluded that, although there would be harm by definition arising from the inappropriate form of development, there would be no significant harm to openness and no conflict with green belt purposes. As such, the degree of harm to the Green Belt that would arise in this instance is very minor.

### **Very Special Circumstances**

Chapter 9 of the NPPF makes it very clear that very special circumstances for renewable energy developments in the Green Belt may include the wider environmental benefits associated with increased production of energy from renewable sources. The importance of delivering renewable energy is emphasised in Chapter 10 and there should be no doubt that the benefits that arise from renewable energy generation must carry significant weight in favour of the proposal in the planning balance.

There are numerous examples of the renewable energy benefits of solar development being considered to amount to clear very special circumstances in the Green Belt, including in each of the following two cases:

- Leeds City Council approved application 13/00874/FUL, noting that the renewable energy benefits constitute very special circumstances.
- Wilshire Council approved application W/11/01064/FUL, again accepting that renewable energy benefits constitute very special circumstances.

These two applications represent just a snap shot of numerous applications for solar development around the country in which the LPA has taken a positive approach and allowed development in the Green Belt. There are however also several examples of cases whereby the LPA has under-valued the benefits of renewable energy development and this has resulted in subsequent appeals being allowed. One example is as follows:

Leeds City Council refused planning application 11/04672/FU for solar panels at Low Farm, Roker Lane, Pudsey. The Planning Inspector however then allowed an appeal against the LPA's refusal, noting:

*“Having regard to the importance of providing renewable energy as a dimension of sustainable development, I find that significant weight must be attributed to the need for renewable and low carbon development. In view of its wider environmental benefits, the limited impact that the scheme would have on the openness of the Green Belt and on the character and appearance of the area, I consider that the harm by reason of inappropriateness and the other harm I have identified would be clearly outweighed by other considerations in this case such that very special circumstances exist. “*

The proposed solar panels would deliver enough renewable energy to power the applicant's dwelling and would also provide energy to the grid. In total, the scheme would provide clean, renewable energy equivalent to the energy needs of approximately 7 dwellings per annum. In terms of national and regional energy requirements it is acknowledged that the amount of energy that would be generated by the scheme would be relatively small. However, the NPPF makes it clear that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. As such, the benefits of the scheme should not be played down because the scheme is relatively small scale. Indeed this should be viewed in direct correlation with the very limited visual impact of this small scale proposal.

The proposal would result in a reduction in carbon emissions through replacing energy from fossil fuels with renewable energy. It is estimated that a solar array of the scale proposed would result in a carbon saving of around 14,000 kg per annum.

In addition to the very clear benefits of renewable energy generation, the development would also represent small scale economic growth. The proposal would support jobs in the renewable energy manufacture, installation and maintenance sector and would also provide a source of income to the applicant's as a result of the energy that would be supplied to the grid. There would also be a cost saving benefit in respect of energy bills for the host property.

Given the importance placed on renewable energy generation by the NPPF, the benefits that would arise from this renewable energy generation should not be underestimated in the planning balance. The benefits identified above amount to very special circumstances that justify approval of development within the Green Belt in this instance.

## **Landscape and Visual Impact**

The proposed solar panels would form a very compact array with the panels arranged in four banks. The panels would have a surface area of 180 square metres. The panels would have a height above ground level of only 3.28 metres so the scale of development proposed would not be invasive in the landscape.

It is proposed to erect agricultural post and wire fencing around the edge of the site and also to plant native hedging to all four sides of the array. This would result in the array being entirely screened from all directions. Given the topography of the site and the surrounding area, the development would not be visible in any far reaching views.

The site is not visible from the A637 to the south due to intervening buildings and trees. Nor is it visible from the slightly higher lying ground further to the south. Moreover, the development would not be seen from the A642 to the north of the site.

The scheme includes minor cut and fill works to provide a level surface for the installation. As demonstrated by the submitted plans, the extent of the required works is limited and would not have an adverse visual impact. Indeed, such works would help to limit the visual impact of the scheme as they would allow for the proposed native hedging to screen the proposals more effectively.

The development would not detract from the character of the site or surrounding area and is in accordance with saved policies G4, BE1 and BE2 and the relevant guidance contained within the National Planning Policy Framework.

## **Residential Amenity**

The proposed solar array would be sited well over 50 metres from the nearest third part residential dwelling. Given this, along with the screening afforded by the existing and proposed planting, the development would not have an oppressive or overbearing impact when viewed from any nearby dwelling in the locality, nor would there be any overshadowing.

Unlike other forms of renewable energy development, there would be no noise resulting from the proposed solar array and there are no visible moving parts that could impact on the amenity of nearby dwellings.

The development would not have any adverse impact on residential amenity.

### **Drainage and Flood Risk**

The application site does not fall within flood zones 2 or 3 as identified by the Environment Agency. Furthermore, given the nature and scale of the development proposed, it is considered that there would be no detriment to drainage infrastructure and the proposal would have no significant flood risk impacts. The implications of the scheme in this regard are therefore considered acceptable.

### **Transport and Accessibility**

The application site is easily accessed via the applicant's property and there is sufficient room for construction and maintenance vehicles. The development would not generate any notable amount of traffic movements once the development is completed and would not have any adverse impact on highways safety and efficiency. The proposal is in accordance with policy T10.

### **Ground Stability**

The proposal involves only minor ground works to provide a level surface and attachment of the array frames to the ground. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 109 and 121 of the National Planning Policy Framework.

### **Ecology**

Given the small scale nature of the proposed development it is considered that the proposal will not lead to any significant ecological implications. The proposal would not therefore be harmful to any protected species.

## **8.0 PLANNING BALANCE AND CONCLUSION**

In conclusion, it is acknowledged that the proposal constitutes a type of development that is defined by the NPPF as being inappropriate within the Green Belt. However, such development should be supported when very special circumstances exist which clearly outweigh the harm by reasons of inappropriateness and any other harms.

It has been demonstrated above that the harms by way of inappropriateness are in fact very limited in this instance. The proposal would have only a very minor impact on openness and would not conflict with any of the five Green Belt purposes. There would be no 'other harms' by way of visual impact, amenity issues or any adverse ecological or environmental impacts.

Conversely, the development would provide an important source of renewable energy, would result in vital carbon emission reductions and would deliver valuable economic benefits.

It is concluded that these benefits amount to very special circumstances that clearly justify the development being allowed in this instance.

The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above and the LPA are respectfully urged to grant permission for the scheme.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

**James Roberts (BA, MSc, MRTPI)**

**JR Planning**