Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/2102
Nightingale House , Coolham Road, Coolham, West Sussex, RH13 8QE

DESCRIPTION:

Installation of a small scale 12 panel above ground solar PV array

RELEVANT PLANNING HISTORY:

DC/18/0878	Proposed change of use of existing agricultural land to domestic residential land associated with 'Nightingale House'	Application Permitted on 21.06.2018
SP/22/71	Erection of combined brick garage and garden store Comment: B.regs (From old Planning History)	Application Permitted on 20.12.1971

SITE AND SURROUNDS

The application site comprises of an agricultural field to the south of domestic land associated with Nightingale House. The application site is bounded by hedgerows to the north with a more verdant treeline found along the western, eastern, and southern boundaries of the field. Nightingale House is a medium sized rural dwelling located outside any defined built-up area boundary and therefore classed as a countryside location.

DETAILED DESCRIPTION

The application seeks planning permission for the installation of a 12 panel above ground solar PV array and associated infrastructure. The proposed solar panel array would from 2 rows of 6 solar panels measuring approximately 6.90m in length, 1.90m in width and elevated from the ground at a height of approximately 1.55m. The panels are suggested to sit above ground on GSE Ground Mount System. The proposed solar arrays would be connected to a power cable running south east into the garden of the dwelling providing electricity supply to the main dwelling.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 28 - Replacement Dwellings and House Extensions in the Countryside
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Shipley Neighbourhood plan 2019-2031
Policy 3: High Quality Design

Shipley Parish Design Statement: 2013

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

INTERNAL CONSULTATIONS

HDC Arboricultural Officer: No objection:-

Excavations for the panels and associated power supply trenching requirement appear to be minimally 10m from the stems of any of the hedgerow oaks situated around the field boundaries.

Provided this is the case (unclear in respect of connection into the road), no arboricultural concerns are raised. If there is a conflict in this respect, recommend that the trench be moved away from the tree/s affected.

HDC Landscape Architect: Advice

The proposed location of the solar array is within an undeveloped green field, representative of the rural countryside. The proposals are considered to result in adverse effect to the landscape character and visual amenity of the area by virtue of the introduction of an urbanising feature in the countryside.

Permission has been granted to change of use of existing agricultural land to domestic residential land associated with Nightingale house under DC/18/0878, which already trespasses the field boundary to the north of Nightingale house. Therefore, in order to preserve the rural qualities of the countryside it is recommended that the solar array is located within the confines of the existing residential curtilage and a new plan submitted for consideration.

Should the view be that the adverse effects in the rural countryside location are outweighed by other positive aspects of the proposal, concern is raised to potential conflict between any excavation works carried out for the underground cabling in close proximity of the existing tree and hedgerow corridor.

The damage or loss of this field boundary would have a significant impact on the rural qualities of the area.

OUTSIDE AGENCIES

Ecology Consultant: Comments

Recommend the implementation of a Precautionary Method Statement for mobile species, including Priority species such as Common Toad and Hedgehog, particularly as there is a pond adjacent to the red line boundary of the site (Ground mounted solar panel details and site plan Drawing No. 68008/01 (Brian Newman, November 2023). This should be secured by a condition of any consent and implemented in full.

Satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Also recommend that reasonable biodiversity enhancements should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 180[d] of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. Impacts will be minimised such that the proposal is acceptable subject to conditions based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

NatureSpace: No Comments

The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats.

Parish Comments:

Shipley Parish Council voted to support the application

Representations:

1 letter of representation received supporting the application

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Policy 26 of the Horsham District Planning Framework (HDPF) (2015) seeks to protect the countryside against inappropriate development. The policy requires any proposal to be essential to its countryside location, and in addition meet one of the following criteria:

1.) Support the needs of agriculture or forestry
2.) Enable the extraction of minerals or the disposal of waste
3.) Provide for quiet informal recreational use; or
4.) Enable the sustainable development of rural areas

The policy also seeks to ensure that the development is of a scale appropriate to its countryside location and does not, individually or cumulatively, lead to a significant increase in overall activity and protects, conserves or enhances the surrounding landscape character.

Policy 36 of the HDPF states that the Council will permit schemes for renewable energy where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value.

It is considered that the existing policy basis would provide a general presumption in favour of development comprising of photovoltaic panels. In this instance the proposed arrays would be erected within the southern aspect of the agricultural field associated with Rowfold Grange Cottage. Paragraph 158 of the NPPF provides that local planning authorities in determining applications for renewable or low-carbon development should, firstly, not require applicants to demonstrate a need for renewable or low carbon energy, recognising that small-scale projects provide a valuable contribution to cutting greenhouse emissions and, secondly, approve applications if its impacts are (or can be made) acceptable. Policy 36 of the HDPF notably draws no distinction between the nature of generation; being either for agricultural, domestic or commercial purposes.

Whilst it is noted that the proposed solar arrays will result in the loss of grazing / grassland to the north which forms part of the agricultural field associated with Nightingale House, this is not considered so substantial to compromise existing or future small-scale agricultural operations. As a passive form of electrical generation, the solar panel arrays would not materially increase the level of activity in the smallholding. The proposal would primarily cater for the energy needs of Nightingale House thereby reducing its reliance on the national grid. The proposed development, therefore, is considered supportive of an existing agricultural use and would accord with policy 26 of the HDPF. The principle of development is then, considered acceptable, subject to all other material considerations.

Landscape Character, Design and Appearance:

Policies 25, 32 and 33 of the HDPF promote development which is of high quality and design and is sympathetic to the distinctiveness of its surroundings. Development should protect, conserve and enhance the landscape character, taking account of the natural environment, landscape and landform pattern to which, it forms a part.

The agricultural land subject to this application currently comprises of open grazing land bounded by existing vegetation to the north, south and west, with thoroughfare access to the northwest and field entrance gates to the east and west from Nightingale House. The topography of the field is relatively unremarkable, mainly sloping south and southwest across its length.

The proposed solar arrays are well-sited within the smallholding, being located some noticeable distance from public vantages and afforded some degree of visual protection by virtue of existing screening. Existing hedging to the immediate north and established treeline to the west and east of the proposed arrays is thought to be of a sufficient height and density to prevent any material visual harm from the perspective of Coolham Road and neighbouring property to the west. It is recognised that the proposal would result in some impact to the landscape character of the area, but the scale of the proposal is considered to be modest, where the development would not result in significant and demonstrable adverse harm.

The proposed above ground solar PV array involves the laying of pipework. The cable trench would be of a depth 50 cm and width of 30 cm and will be backfilled and the ground reinstated upon installation. It is not considered that the installation of this pipework would result in harm to the landscape character or visual amenities of the area.

Overall, the proposed development is not considered to result in significant adverse impact on the visual amenities or landscape character of the area, in accordance with the above policies.

Amenity Impacts:

Policy 33 of the HDPF provides that development will be required to ensure a design that avoids unacceptable harm to the occupiers/users of nearby property and land.

The proposed above ground solar panels would be situated some significant distance from nearby residential development. Views of the proposed arrays would be limited in nature given its proposed height and sufficient screening which would create no unacceptable harm to be reasonably established, either in terms of a possible loss of light, loss of privacy or noise disturbance.

Ecology:

Policy 25 and 31 of the HDPF seek to protect the natural environment and landscape character of the district. Protected habitats and species will be protected against inappropriate development, and opportunities to enhance green infrastructure and biodiversity will be encouraged.

While it is noted Place Services made a recommendation to impose conditions, the Applicant has provided further information in respect of the construction works, and given the short term nature of the construction phase (being no longer than a single day) it is not anticipated that the development would demonstrably impact protected species. It is not therefore considered reasonable or necessary to impose the suggested conditions.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

The proposal is regarded as an acceptable form of development that would be appropriate to its countryside setting. The proposal would not appear unduly prominent within public perspectives and would preserve the surrounding landscape character. The proposed arrays would not be detrimental to the setting of Nightingale House, nor the residential amenities of neighbouring occupiers. This application is, therefore, deemed to accord with the relevant policies of the Horsham District Planning Framework 2015 and is recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition**: The panels hereby permitted shall be retained in accordance with the approved details. In the event of the solar panels ceasing to be used, the panels shall be removed, and the land made good, as soon as is reasonably practicable and be no later than six months after the cessation of the panels.

Reason: In the absence of demonstrable need, there is no justification for the retention of the panels and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/23/2102
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Site plan		68008/01b	17.09.2024
Supporting Docs	PLM-455H8MB-120 Series	NONE	17.11.2023
Supporting Docs	GSE Ground System Data Sheet	NONE	17.11.2023

DELEGATED

Case Officer sign/initial Marie Riggs Date: 17.09.2024

Authorising Officer sign/initial Tamara Dale Date: 18.09.2024