Planning Appeal Statement

DC/24/1566 - Installation of a 22.95kW solar system, comprising 54 ground mounted PhotoVoltaic Panels (in 3 rows), 2 batteries and an inverter.

I would like to appeal against the refusal of the above planning application on the grounds that the refusal:

- is contrary to the specific provisions of policy 36 of the Horsham District Planning Framework (2015) (HDPF),
- that it is contrary to the general provisions of policies 35, 36 and 37 of HDPF,
- that it is contrary to the National Planning Policy Framework (NPPF), paragraphs 157, 160, 161 and 164,
- that it sets a worrying and unnecessary precedent against renewable energy installations for listed buildings,
- that it is incorrect in its assessment of the harm to the setting of the listed Need's Farm House and War Memorial (which would in fact be negligible),
- that contrary to the refusal it does not contravene policies 32, 33 and 34 of HDPF.

The refusal is contrary to Policy 36 of the HDPF

I believe that the refusal is contrary to Policy 36 of HDPF, which states that "*The Council will permit schemes for renewable energy (e.g. solar) where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value. Community initiatives which seek to deliver renewable and low carbon energy will be encouraged.*" The policy clearly sets a high bar for the refusal of renewable energy schemes, requiring not simply that proposals have an "adverse effect" on the surroundings, but a "*significant* adverse effect." While the decision outlines certain features of the proposals which HDC deems to be harmful to the setting of the listed buildings noted, there is no attempt to explain or demonstrate why these harms are considered to meet the raised standard of a "significant adverse effect." As argued below, I would question whether they do represent any harm at all – but they seem clearly to fall significantly short of the level of "significant adverse effect."

The refusal fails to acknowledge the public benefit of carbon reduction, contrary to HDPF policies 35, 36 and 37

HDPF clearly enumerates the priority HDC places on the reduction of the district's carbon footprint as a significant public benefit (HDPF Chapter 10), and that is reflected in policies 35, 36 and 37. This is not acknowledged in the refusal. Instead, it is simply stated that "*The are no public benefits which would outweigh the identified harm.*" I believe that in consequence the refusal is contrary to HDPF policies 35, 36 and 37.

Since the adoption of the HDPF, HDC has also declared a "climate emergency" (August 2023), with the explicit intention that doing so "*will add robust support to a number of planning policies within the Council's Local Plan development.*"[1] I believe that this action clearly reinforces the priority that HDC councillors place on climate action, and which is clearly stated in the HDPF. This reinforces the importance of policies 35, 36 and 37 in the plan, and the weight that should be given to them in decisions, further reinforcing the point made above.

The refusal fails to give adequate weight to the priorities of the National Planning Policy Framework (NPPF) to increase low-carbon energy.

These priorities are set out in paragraphs 157 ("*to support renewable and low carbon energy*"), 160 ("*to help increase the use and supply of renewable and low carbon energy and heat*"), and 161 ("*local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans*").

The proposal will also do this in a way that builds on and supports the existing energy efficiency and low carbon heating improvements that I have already undertaken on our property. This is further in line with paragraph 164 of the NPPF ("*in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings*").

The failure to mention the public benefit of carbon reduction in the refusal suggests that "significant weight" has not been given to any of the above considerations.

The refusal sets a wider precedent against the installation of renewable energy schemes around listed buildings.

One reason I wish to appeal is that I believe that this refusal has significant wider implications. A significant block to the reduction in our national carbon footprint is the difficulty inherent in installing renewable energy schemes for, or close to, listed buildings. This case is particularly relevant in this regard, as i) the sole ground for refusal relates to the impact on the listed buildings, and ii) the proposal is explicitly tied to reducing the carbon footprint of one of the listed buildings in question (Need's Farm House). I believe that Conservation Officers consistently set the level of acceptable impact to a listed building in the pursuit of carbon reduction too low. In this case, there is no impact whatsoever to either the listed buildings themselves, or even to the curtilage of the listed buildings – there is simply an objection to the presence of solar panels in the near 'setting' of the listed building, and even then the panels would be significantly screened by mature hedges. I believe that this is far too low a bar to set for the allowable impact of carbon reduction schemes on listed buildings. If consistently

[1] https://www.horsham.gov.uk/news/2023/08/council-declares-climate-and-ecological-emergency

applied more widely would have the effect of vastly restricting the possibility of reducing the carbon footprint of listed buildings.

The refusal is incorrect in its assessment of the prominence of the proposals, and wrong in its conclusion that they will cause harm to the setting of listed buildings.

The proposals would not be "unduly prominent"

The relationship between the proposed solar panels and the listed buildings is very limited, and far from "unduly prominent" as stated in the refusal.

As laid out in the heritage statement in the planning statement, the panels are screened from the location of both listed buildings by high hedges and trees. It is not possible to see the panels from either listed building, except through either a substantial hedge (2-3m high, 1-3m wide) or a mature tree (mainly two mature oak trees).

While the location of the panels can be seen from the road, that will only be possible by looking through a substantial hedge (about 1.5m thick, and once grown out in the summer c.2m high – it was unfortunately cut low by someone else this winter). The two listed buildings in question are both then further screened by another substantial hedge or tree between them and the proposed site.

While the screening provided by the hedges is not total, it is very substantial. In summer it is almost impossible to see through the hedges and trees, and even in winter (when they are least substantial) they significantly obscure both the location of the proposed panels and the listed buildings.

As a result of the above, it would not be possible to see both a complete elevation of either listed building and the solar panels at the same time from Steyning Road (or anywhere else). Even in winter, it would only be possible to see a partial picture, glimpsed through a hedge. While not completely invisible from Steyning Road, the panels would therefore be very far from 'prominent' (let alone 'unduly' so).

The statement that the proposal would be a "conspicuous backdrop to the listed war memorial" is factually incorrect.

The statement in the refusal that the proposals would be a "*conspicuous backdrop to the listed war memorial when viewed on foot along Steyning Road*," is incorrect. There is no possible view of the war memorial in which the solar panels would be visible behind it. When looking at the war memorial from Steyning Road, the site of the proposed panels would always be some way to the side of the line of sight to the memorial. To see the memorial with the panels behind it from Steyning Road would require the viewer to look from the NE. From that angle there is a hedge in front of the war memorial that is higher than the panels would be, the mass of the memorial itself, and then another hedge higher than the panels would be behind it. Even in winter it is difficult to make

out the bottom of the war memorial through the first hedge. It is close to impossible to see through it, the memorial, and the second hedge into the field beyond.

The Solar Panels would not be "an incongruous feature" and would not "have a harmful impact on the special interest of the listed building(s)" or "fail to preserve…their special character and distinctiveness.

The refusal suggests that the proposals would create an "*incongruous feature within the setting*" of the listed buildings. I would question whether the presence of solar panels is an 'incongruous feature' in the countryside, especially as they become more common as we seek to achieve carbon neutrality as a district and as a nation. Certainly it does not make the location any less "rural."

I cannot see how the presence near-by of solar panels can be said to have any "*impact on the special interest of the listed buildings"* – let alone a *"harmful"* one. Likewise, they do not impact on "*their special character and distinctiveness"* in any way. There is no physical impact at all on either listed building or either listed building curtilage. I recognise that they impact the *setting* of the listed buildings – but not the historical interest and character of the buildings themselves.

The presence of a limited number of solar panels in the field does not reduce the rural character of the location, or prevent onlookers from appreciating the war memorial's history – it simply shows that we live in an evolving landscape. Had the historic landscape been preserved unchanged since the construction of either listed building, I could see some logic to resisting further evolution – but they have not. In fact, the evolution of the landscape is actually already particularly clear in the immediate surroundings of both listed buildings, with their settings having been significantly transformed in recent decades. In the immediate vicinity of the proposed solar panels, and somewhat closer to the war memorial than the proposals, there are: an electricity cable almost directly overhead; electricity poles; a telephone cabinet; road traffic and other modern signs (for speed limits and a local pub); the surfacing of Steyning Road with modern tarmac; and machine/power-tool cut hedges on all sides of the memorial. The addition of the proposed solar panels would simply continue an established precedent.

For the reasons above, and as previously outlined in the heritage statement (part of the planning statement), the proposals would not therefore cause any harm to the setting of either listed building, and the conclusion that they would is incorrect. As it was on this ground alone that the proposals were said to contravene policies 32, 33, and 34 of HDPF, that statement is also shown to be incorrect. The proposals do not contravene any of the policies in HDPF.

Alternative Locations

During the consultation with the Planning and Conservation Officers, there was a suggestion that the proposed location of the panels be moved. Unfortunately, all the other possibilities we considered were significantly less viable than the one proposed. We were also informed that we could not alter the location of the application at this point, and so a new planning application would have been required.

Conclusion

In conclusion I argue that the proposals do not contravene any of the policies in HDPF, and that the specific provisions of policy 36 of HDPF therefore require its approval. In addition, I believe that it is actively supported by policies 35 and 37 of HDPF, and paragraphs 157, 160, 161, and 164 of the NPPF. I therefore suggest that the refusal was incorrect in both its application of local and national planning policy and its assessment of the impact of the proposals. I therefore ask that it be overturned, and permission granted.