

<b>APPLICATION NO</b>	<b>PA/2022/2075</b>
<b>APPLICANT</b>	Mr Daniel Lane
<b>DEVELOPMENT</b>	Planning permission to install ground-mounted solar PV array(s) and associated infrastructure
<b>LOCATION</b>	Hillcrest, 35 Nethergate, Westwoodside, Haxey, DN9 2DL
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

**National Planning Policy Framework:** Sections 12, 14 and 16

**North Lincolnshire Local Plan:** Policies LC14, RD2, DS1, DS5 and DS21 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6 and CS18 apply.

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023. The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies regarding this application are: SS1, SS2, SS3, SS11 and HE1.

## **CONSULTATIONS**

**Highways:** No objection or comments.

**LLFA Drainage:** No objection or comments.

**Archaeology:** The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (policy LC14). The scale of the proposal would not adversely affect the character of the landscape heritage asset or its setting at this location.

## **PARISH COUNCIL**

Object on the following grounds:

- the proposal is some distance outside the development boundary and within the LC14 landscape

- impact on the historic landscape
- the panels should be sited nearer to the northern boundary adjacent to a hedge so they are screened
- the panels should be sited closer to the property in a cluster form and as close to the development boundary as possible.

## **PUBLICITY**

A site notice has been displayed. One response has been received objecting to the proposals on grounds similar to the parish council's together with the following:

- it is more suitable to an industrial setting rather than residential
- additional justification should be put forward to justify the reason for installation and location
- a glint and glare survey should be undertaken
- impact on view
- clarity should be sought over the details and specification of the solar panels.

## **ASSESSMENT**

### **Planning history**

None relevant.

The application site consists of garden land to the rear of a detached, two-storey dwelling. The land is within the Isle of Axholme Area of Special Historic Landscape Interest as set out in policy LC14 of the North Lincolnshire Local Plan. Part of the rear garden, including the site of the proposed solar array, is outside the defined settlement boundary for Westwoodside; the dwelling itself is within the development limits. The garden is laid to grass with a line of mature trees along the southern and western boundaries, and a mix of trees and hedges along the northern boundary. The garden extends for a distance of 115 metres from the rear of the applicant's dwelling and there is an outbuilding towards the westernmost part of it. Planning permission is sought to erect a solar array towards the rearmost part of the garden consisting of 22, 400-watt panels (2 rows of 11 modules each) mounted on a frame.

**The main issues in the determination of this application are the principle of development and impact on the LC14 landscape.**

### **Principle**

The land which forms the basis of this application consists of garden land which extends beyond the defined settlement boundary for Westwoodside: essentially part of the applicant's existing garden is on land classed as countryside. Policy RD2 of the North Lincolnshire Local Plan applies and states that development in the open countryside will be strictly controlled and planning permission will only be granted for development which is essential for the provision of an appropriate level of utility services. In this case the

applicant is proposing a small-scale renewable energy scheme for the provision of electricity facilitated by the erection of solar panels in part of their rear garden. The proposal is considered to comply with policy RD2 as it is for a domestic renewable energy scheme which is proportionate to the energy requirements of the householder, it represents an appropriate level of utility services and is not of a scale more appropriate to an industrial location. It is worth noting that policy DS21 of the North Lincolnshire Local Plan is supportive of proposals for the generation of energy from renewable resources provided that any detrimental effect on features and interests of local character and amenity is outweighed by environmental benefits.

In addition, policy CS18 of the adopted Core Strategy promotes development which is supportive of renewable energy sources in appropriate locations and the NPPF, at paragraph 158, states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, as is the case here. It is worth noting that small-scale stand-alone solar equipment to serve dwellings is classed as permitted development; however, the size of array permitted no more than 9 square metres (3 metres by 3 metres); however, the size of the array proposed in this case exceeds those size parameters. In conclusion, the proposed solar array for domestic energy production is considered to comply with planning policy and thus is acceptable in principle.

### **LC14 landscape**

The solar array consists of twenty-two 400-watt solar panels to be sited in the rear garden of the applicant's dwelling. The entire settlement of Westwoodside is within the LC14 landscape area so any development within or outside the defined settlement boundary needs to be assessed in respect of the potential impact on this historic landscape and its ability to accept new development, taking into account the sensitivity of the landscape to change and whether there is any adverse impact on its character, appearance and setting.

All of the applicant's rear garden is within the Isle of Axholme Area of Special Historic Landscape Interest. This area is designated for its unique historic landscape retaining the pattern of medieval open strip fields and enclosures surrounding the villages on the Isle of Axholme. This historic landscape is considered to be of national importance and local plan policy LC14 applies which states:

'Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.'

In addition, it is worth noting that the majority of the applicant's rear garden (a distance of 106 metres) beyond the detached garage is outside the defined settlement boundary and to avoid any obstructions or constraints for maximising solar energy gain (such as existing buildings or shade from buildings) the applicant has selected a location away from the rear of the house and garage which results in it being beyond the settlement boundary for Westwoodside but still within the domestic curtilage of their property.

The applicant has provided some photographs of the rear garden where the solar array is proposed. They show there are mature trees and hedges along the northern, southern and western boundaries and as such the solar panels and their respective frame (with an overall

height of 2.247 metres) are not considered to represent a visually prominent form of development in the countryside and will be screened sufficiently from view by the existing vegetation cover and by the distance to the rear of the applicant's property (80 metres). This is an existing garden area and the applicant could exercise their householder permitted development rights and erect outbuildings at a significantly greater height (up to 4 metres) without the requirement for planning permission. By comparison, it is considered the solar array will have less of a visual impact than if the applicant chose to erect a number of outbuildings. Given the amount of existing screening along the boundaries of the rear garden, the distance from the rear elevation of the applicant's dwelling and that the development area is garden land to the rear of the applicant's property, it is considered the solar array will not have an adverse impact on the setting of the LC14 landscape in this location. In addition, the council's archaeologist has commented that the scale of the proposal will not adversely affect the character of the landscape heritage asset or its setting in this location.

The solar array will not be visible from the public footpath to the rear of the site and any views will be limited to views at distance from upper floor windows in the rear elevations of neighbouring dwellings; such views will be of a small-scale solar array within the applicant's rear garden. In addition, the effects of the solar array are reversible, the solar panels and their supporting mechanism being capable of removal and the land reinstated to garden use (for example if there is no longer a requirement for them); the proposals therefore represent a temporary use of the applicant's garden with the land capable of reinstatement at any time. To this end a condition is recommended that if the solar array is no longer required or it reaches the end of its projected lifespan then the panels and their supporting mechanisms shall be removed and the land restored to grass.

### **Other issues**

Impact on view is not a material planning issue and will not be formally assessed in this case. The applicant has provided sufficient information to demonstrate the specification of the solar array to be installed and the location has been chosen to the rear of the applicant's dwelling to ensure it maximises solar gain and is free from obstruction. There is no requirement for a glint and glare assessment as the plans show the solar array will be orientated in a south-facing direction; this ensures it will not face towards the rear aspect of any neighbouring residential properties. If the solar array was positioned in closer proximity to either the northern boundary or the rear of the applicant's property (as suggested in the consultation response from Haxey Parish Council) then it would not be free from obstructions such as existing built form or vegetation cover which would reduce potential for solar gain.

The LLFA Drainage Team and NLC Highways have no objections or comments to the proposed development.

### **Conclusion**

The application is therefore recommended for approval.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1. The development must be begun 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.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Block Plan TQRQM22326172337752
- Existing Block Plan
- Location Plan TQRQM22328155116299
- 146003-040 1 / 5 to 5 / 5.

#### Reason

For the avoidance of doubt and in the interests of proper planning.

3.

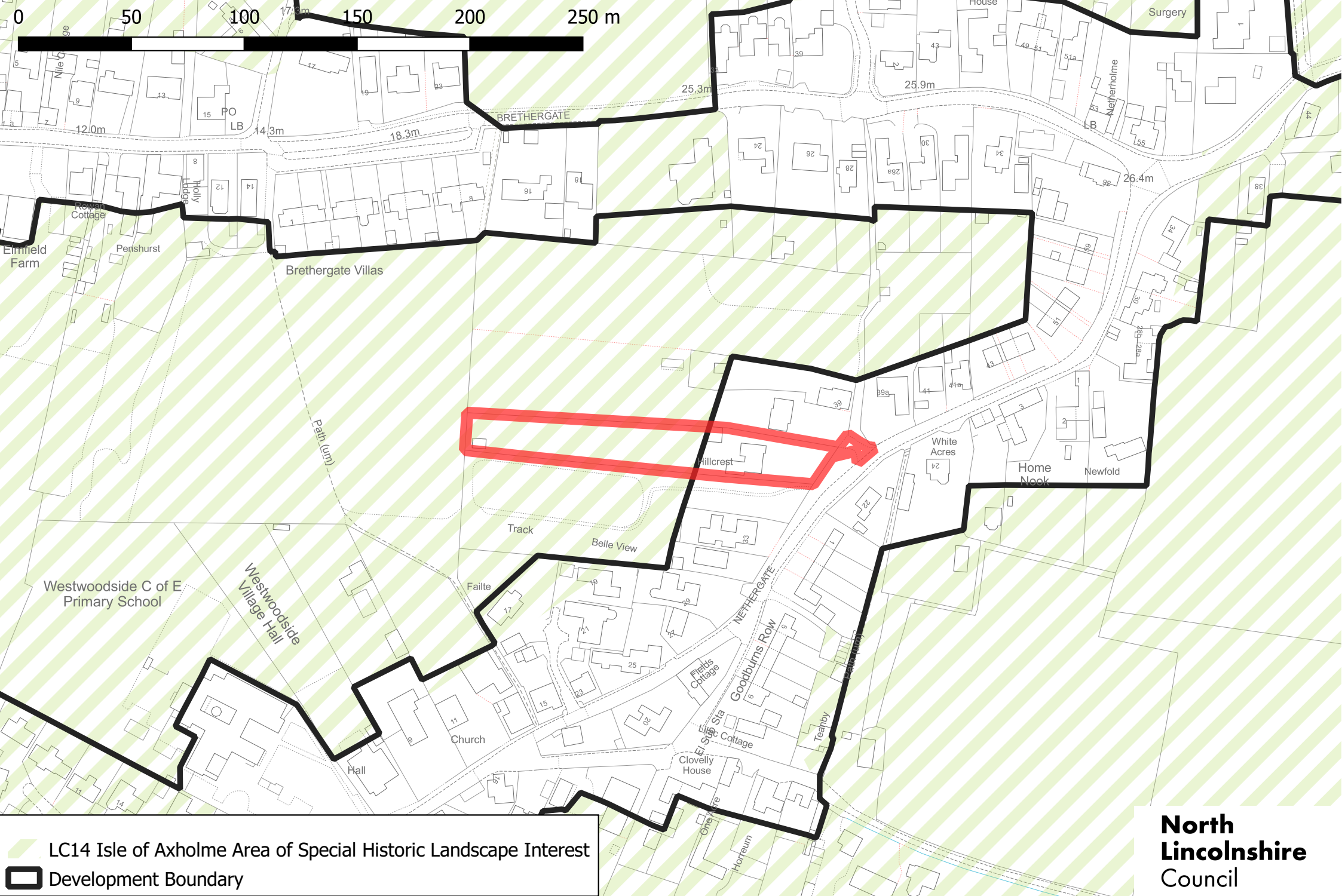
If the solar array hereby permitted is no longer required for the purposes of domestic renewable energy production, the solar panels and all the supporting frames and foundations shall be dismantled and removed in their entirety, the land restored to domestic garden and retained as such thereafter.

#### Reason

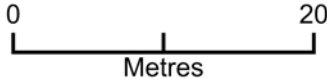
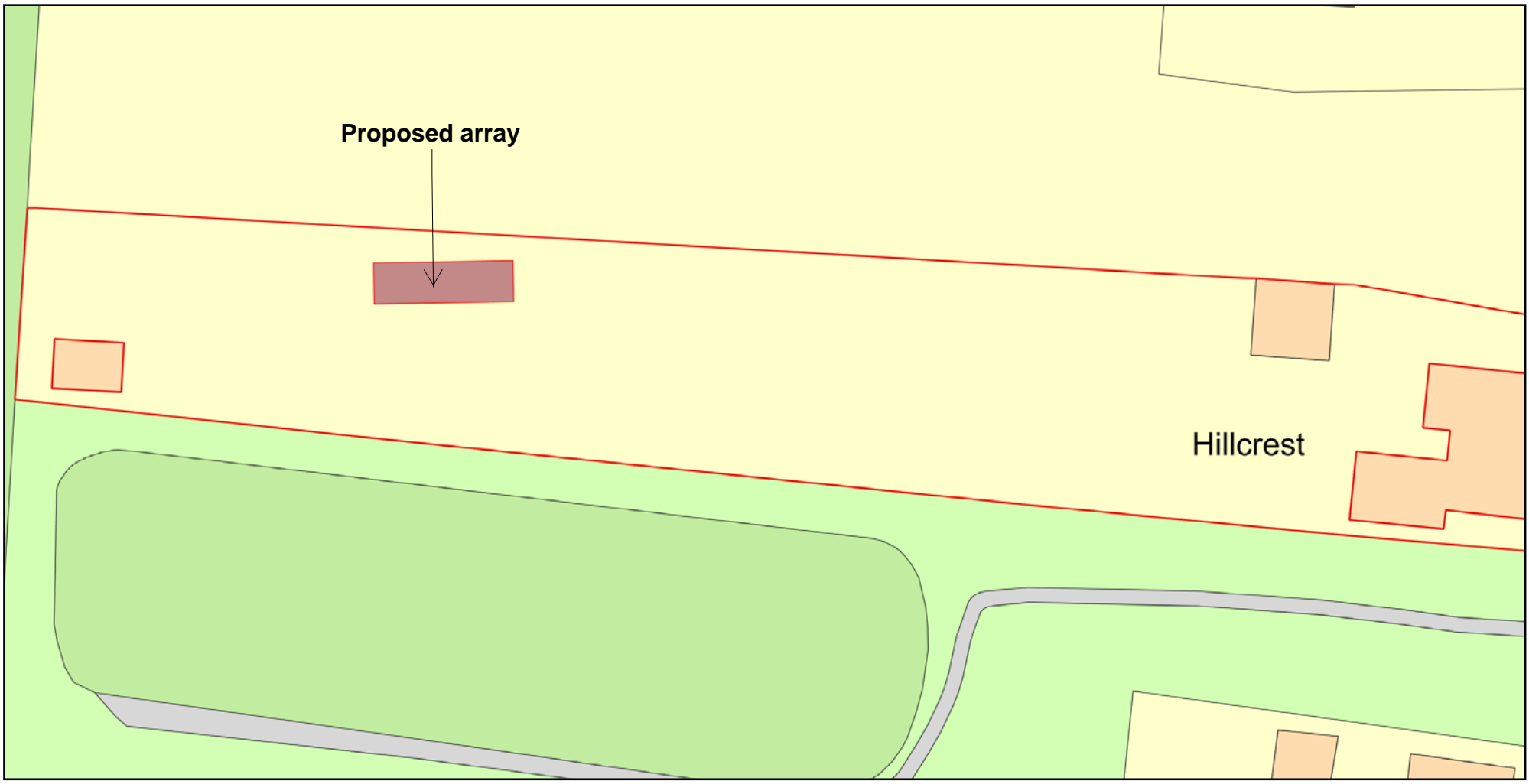
To define the terms of the permission and to ensure the timely removal of the solar panels if they are no longer required.

#### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Proposed Block Plan 1:500



Plan Produced for: DJL  
Date Produced: 22 Nov 2022  
Plan Reference Number: TQRQM22326172337752  
Scale: 1:500 @ A4