DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0097-23**	**Applicant:**	**Mr A Neal**
Proposal:	Use of land to provide base for and erect an array of solar panels for domestic use - re-submission of H01-0959-22		
Location:	Warrens Rest Capes Entry Cowbit		
Terminal Date:	30th March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving Well Designed Places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Proposal for the erection of a ground-mounted solar array on a paddock to the rear of the property for domestic use. The development measures 21.5 square metres. Gravel will be placed at the base of the panels. Ground works have already been commenced. A new 1.8 metre hedgerow is

proposed, this is in addition to the existing hedge at Orchard Cottage.

The proposal is a resubmission of H01-0959-22, which was refused due to its location and amenity concerns. The resubmission has sought to address these issues.

Site Description

The panels will be arranged to the south of Orchard Cottage on land currently used as a paddock by the owner. The development is well removed from the public highway and is obscured by both a dwelling and hedgerows. The site is located down a series of minor roads and the property is not visible from any major road.

The site is located approximately 750 metres north-east of Cowbit, sitting outside of the settlement boundaries outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). Therefore, the property should be considered in the countryside.

Relevant History

H01-0959-22 - Full. Use of land to provide base for and erect an array of solar panels for domestic use. Refused 04/01/23.

Consultation Responses

Resident comments

One objection received (summarised)

-Hedge is not sufficient to address issues raised in previous application
-Hedge could take 6-10 years to grow
-Glint and glare
-Groundwork already carried out

Planning Considerations

Layout, Design, Size and Scale

The proposal covers a relatively small plot of land (21.5 square metres). As such, the impacts arising from the development are limited.

The height of the panels is approximately 1.6 metres. This is less than the adjacent boundary hedge and as such, visibility of the panels is reduced.

While the development may not be in keeping with the countryside location, the screening would limit the array's visual impact. The site is currently used by the landowner as a paddock for horses, meaning there would be no conflict with other uses.

The proposal therefore conforms to Policies 2 and 3 of the SELLP.

Impacts Upon Resident Amenity

Paragraph 130 of NPPF, amongst other matters, seeks to create places with a high standard of amenity for existing and future users. Policies 2 and 3 of SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

As the proposed works would be screened from the adjacent properties by an existing hedgerow and a proposed extension to the hedging, the impact on residential amenity would be limited. It is possible that the array would be visible from a window on the adjacent property. However, the relative impact on the occupant's view would be minimal.

The proposal is well set back from any public highway and will be screened by a newly planted hedge. It is therefore doubtful that the development would have any wider negative impacts on visual amenity. As the proposal is obscured from roads, the development will not contradict the aesthetic and character considerations of paragraph 130 of the National Planning Policy Framework

(NPPF).

On this basis, the proposal is considered to comply with Policies 2 and 3 of the SELLP in terms of resident amenity.

Glint and Glare

Objections have been raised regarding the potential for glint and glare from the panels. Due to the spatial isolation of the development, all potential glint and glare would be felt by the host dwelling and the adjacent Orchard Cottage.

Initially, the potential for glint and glare would be reduced by the proposed hedgerow. This screening would block views of the reflective area. The solar panels would be angled low to the ground, and away from the adjacent property, further reducing the potential for glint and glare. Furthermore, solar panels are designed to maximise absorbency and, therefore, their reflective capability is relatively low.

The scale of the development is too small for there to be any aviation concerns and is too far removed from roads for there to be any highway concerns.

The proposal therefore conforms to Policies 2, 3, 30 and 31 of the SELLP.

Renewable Energy Production

The proposal achieves the aims of policy 31B of the SELLP. This policy states:

"the development of renewable energy facilities 'will be permitted provided, individually, or cumulatively, there would be no significant harm to: 1. visual amenity, landscape character or quality, or skyscape considerations; 2. residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, sunlight reflection, broadcast interference, traffic; 3. highway safety (including public rights of way); 4. agricultural land take; 5. aviation and radar safety; 6. heritage assets including their setting; and 7. the natural environment.'

As the proposal is obscured from vision, is of a small, domestic scale and on land currently used as a paddock, there is no contradiction with any of the above conditions of the policy. As stated above, the potential impact upon residential amenity is limited due to the proposed 1.8 metre high border hedge.

Paragraph 7.1.3 of the SELLP outlines planning's duty to aid in the development of renewable and low-carbon energy production. The proposal naturally adheres to this point and therefore should be looked upon favourably.

Since the proposal will be supporting the transition towards renewable energy, it achieves the aims of section 14 of the NPPF as well as Policy 31B of the SELLP.

Planning Balance

The negative impacts of the proposal are limited. The damage to the visual amenity of the neighbouring properties is minimal due to the aforementioned screening, lack of adjacent dwellings and distance from the road. The maintenance of the adjacent hedge to a minimum height of 1.8 metres will ensure that the development does not impact the visual amenity of the neighbouring property.

The loss of land is minute and as the land is a privately owned paddock, the loss of amenity space is, again, insubstantial. Therefore, the proposal will not materially harm the character or appearance of the locality. The planning balance is therefore considered to be in favour of the proposal.

Objections have been raised over this proposal. Each objection will be tackled in turn. The objections have stated that the hedge will be insufficient to prevent glint and glare. As stated above, the potential for glint and glare would be minimal due to the hedging, the angling of the panels and the nature of solar panels. The concerns over the potential visual impact raised in the previous proposal have been addressed via the proposed border hedge.The objections over the time for hedges to grow can be alleviated as, the planted hedge would not be grown from seed. The resident also objected, stating that ground works have already been completed. This is not a

material concern as commencing work is not an offence, but is done so at the owner's risk.

The planning balance is in favour of the proposal.

Conclusions

The proposal is supported by Policies 1, 2, 3, and 31B of the SELLP. The proposed works are further supported by Section 14 and paragraph 130 of the NPPF. Given the above considerations the recommendation is for delegated approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.