

DELEGATED DECISION REPORT

HPK/2023/0330
Valid 20/09/2023

MEADOW BANK
WHITEHOUGH HEAD LANE
WHITEHOUGH

INSTALLATION OF 10NO.
SOLAR PANELS ON REAR
ROOFSLOPE

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Green Belt
- Conservation & Design

DESCRIPTION OF SITE

The application relates to Meadow Bank, an attractive two storey detached residential property situated immediately to the west of Whitehough Head Lane, outside of any defined settlement boundary, in the open countryside and in the Green Belt. The site is also situated within a prominent location within the Whitehough Conservation Area.

Whitehough Head Lane slopes downhill in a northerly direction towards Chinley and the valley floor, away from the main core of the hamlet in the vicinity of the two Public Houses. As such, the principal elevation and roof slope of the property is particularly prominent viewed from the north, with clear views also present looking uphill from a southerly direction.

PROPOSAL

The application as submitted sought permission to install 5no. Solar PV Panels on the front principal elevation fronting the highway and a further 5no. panels on the rear elevation. Each panel is shown to have dimensions of 1.3m x 1.72m situated in a consistent line a short distance below the ridgeline.

The application is accompanied by a Technical Specification document citing the details of the specific choice of Solar PV Panel. The proposal would generate renewable energy which would be consumed by the property.

Subject to concerns raised by Officers regarding the introduction of Solar Panels to the front elevation, and resultant harm to the character and appearance of the Conservation Area, revised plans have been submitted that show all 10no. panels to be relocated to the rear of the property. The description of development has been amended to reflect these changes.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the Chapel-en-le-Frith Neighbourhood Plan (2015), High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

Chapel-en-le-Frith Neighbourhood Plan 2015

No relevant policies

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- EQ1 Climate Change
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- EQ7 Built and Historic Environment

National Planning Policy Framework 2023

Achieving Sustainable Development	Chapter 2
Achieving Well Designed Places	Chapter 12
Meeting the Challenges of Climate Change	Chapter 14
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2003/4547	Vehicle access to field (Withdrawn)
HPK/2005/0574	Proposed Loft Conversion Dormer Roof And Internal Alterations (Refused 05/09/2005)
HPK/2006/0456	Single Storey Side Extension Containing Utility And Garden Room, Loft Conversion Containing Study And Play Rooms (Approved 26/07/2006)
HPK/2009/0292	Single Storey Extension and Roof Space Conversion (Approved 04/08/2009)
HPK/2022/0412	The proposal comprises in the widening of the existing access gate to form a parking space to charge an electric vehicle (Approved 31/10/2022)

CONSULTATIONS

Publicity

Site Notice expiry date: 29th December 2023
Neighbour consultation period ends: 12th October 2023
Press Advert: 19th October 2023

Public Comments

1no. letter of support has been received from the occupier of a neighbouring property highlighting the importance of green energy

Chapel Town Council Comments

No objections

HPBC Conservation Officer

Objection

Due to this proposal being situated within the main core of the Chinley and Whitehough Conservation Area, I encourage the location of solar arrays to be focused on the rear of this roof so as to lessen visual clutter within the existing the setting of the vicinity.

Derbyshire County Council Highways

No comments to make

OFFICER COMMENTS

Principle of Development

The application seeks full planning permission to install Solar PV Panels on the front and rear elevation of the existing dwellinghouse Meadowbank. It should be noted that Permitted Development rights under Part 14 of the GPDO permit the installation of panels to the rear elevation of properties, including those on Article 2(3) Land, and thus do not require permission.

The site relates to a property that lies outside of any defined settlement boundary, within the open countryside and the North Derbyshire Green Belt. As such, the application is subject to Local Plan Policies EQ3 (Rural Development) and EQ4 (Green Belt).

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. The policy supports extensions and alterations to existing dwellings provided they

are subsidiary to the building and do not have an adverse impact on the character of the landscape.

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy as set out under Chapter 13 of the NPPF.

The site is also located within the Whitehough Conservation Area (Article 2(3) Land) and thus the introduction of any Solar Panel to the principal elevation fronting the highway requires planning permission. Recent changes to Part 14 of the GPDO announced and enacted in 2023 do not alter this fact.

The principle of adapting a residential property to facilitate aspects of sustainable and renewable energy provision is supported by Local Plan (LP) Policy EQ1 and relevant paragraphs contained under Chapter 14 of the NPPF.

However, as the site lies within the Whitehough Conservation Area, the application is subject to LP Policy EQ7, and relevant restrictive policies contained within Chapter 16 of the NPPF, which in turn is underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

As such, the principle of development can only be supported where the application can demonstrate compliance with Green Belt policies set out under Chapter 13 of the NPPF, and that as a result of the introduction of Solar Panels to the front principal elevation, the character and appearance of the building, the wider setting of the Conservation Area, and rural landscape, is either preserved or enhanced, having regard to LP Policies EQ3, EQ6 and EQ7.

Where harm to the character and appearance of the building and wider setting of the Conservation Area is identified, a planning balance must be undertaken as to whether there are any (public) benefits outweigh the identified harm, having regard to relevant paragraphs under Chapter 16 of the NPPF.

Green Belt

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy as set out under Chapter 13 of the NPPF.

Paragraph 152 of the NPPF states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 of the NPPF sets out the exceptions to where the construction of new buildings are regarded as inappropriate development. These exceptions include:

- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*

When applying the above policy in the context of extensions, a detailed assessment is required with regards to what constitutes the original dwellinghouse, and whether any extensions or alterations up to and including a proposed extension amounts to disproportionate additions over and above the original dwellinghouse.

However, in this case, it is clear that the introduction of Solar Panels would not result in any material increase in the footprint or indeed the volume of the dwellinghouse beyond its current form, and thus (notwithstanding any potential impacts with regards to design and conservation) it is considered that the application is compliant with LP Policy EQ4 and relevant paragraphs under Chapter 13 of the NPPF.

Design & Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ3 supports extensions and alterations to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Paragraph 135 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Paragraphs 205-208 of the NPPF sets out how a Local Planning Authority should assess the significance of a heritage asset, and assess the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The site lies within a highly visible and prominent location in the street scene, which due to the topographic nature of the immediate surrounds, means that the front of the property and its neighbours, including the principal roof slope would be very sensitive to any change.

Having visited the site, and assessed the application informed by comments made by the Conservation Officer, the applicant was advised of the following by way of an email dated 03/01/24:

Whilst I appreciate that efforts have been made to minimise the visual impact on the building and wider street scene, including the setting of the Conservation Area, by virtue of the choice and colour of the panels, I am inclined to agree with the Conservation Officer, that it would be appropriate to limit any introduction of Solar Panels to the rear elevation, and that the introduction of any panels, regardless of their design, to the front elevation would result in a degree of harm to the Conservation Area, contrary to Local Plan Policies EQ6 and EQ7. The degree of harm would be 'less than substantial' for the purposes of relevant paragraphs under Chapter 16 of the National Planning Policy Framework (NPPF), which means that in order to be acceptable, there must be public benefits associated with the scheme that are deemed to outweigh the harm.

In this case, the Solar Panels would be for the private benefit of the applicant and would not result in any public benefit. As such, the proposal is in conflict with relevant paragraphs under Chapter 16 of the NPPF, underpinned by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, and amounts to an unsustainable form of development contrary to Local Plan Policy S1a and paragraph 11 of the NPPF.

In order to address these comments, revised plans have been submitted which show all 10no. Solar Panels located on the rear roof slope.

Part 14, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended permits an unlimited number of Solar Panels on the rear roof slope of a property including those which lies within Article 2(3) land. This fall back position is a material consideration in assessing the merits of this application.

The omission of any Solar PV panel from the principal roof slope is welcome and addresses concerns raised in connection with potential harm to the character and appearance of the building and wider setting of the Conservation Area.

Whilst an assessment of the proposed development against all relevant criteria under Part 14 has not been undertaken (and thus it is not possible to confirm whether or not the scheme in its current form requires permission), it is nevertheless the case that an unlimited number of panels could be introduced to this roof under Part 14 of the GPDO providing it met such criteria.

As such, whilst it is the case that the introduction of 10no. panels may continue to introduce an element of visual clutter, it is the case that views of these panels from public vantage points would be severely limited, and, when considering the clear fall

back position by virtue of permitted development rights, it is considered that there are no substantive grounds to conclude that the proposed development commands a reason for refusal with regards to its impact upon the character and appearance of the building and wider Conservation Area.

As such, when taking account of all material considerations, it is judged that the proposed development would not conflict with LP Policies S1, EQ3, EQ6 and EQ7, and relevant paragraphs under Chapters 12 and 15 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application in its final revised form seeks permission for 10no. Solar PV Panels on the rear roof slope of a residential dwellinghouse that lies outside of the built-up area boundary of any settlement, within the Green Belt, and in the Whitehough Conservation Area.

The principle of introducing sustainable and renewable energy aspects to a property is fully supported by the aims and objectives of LP Policy EQ1 and relevant paragraphs under Chapter 14 of the NPPF.

The introduction of Solar Panels would clearly not result in disproportionate additions to the original dwellinghouse and thus not conflict with LP Policy EQ4 and relevant paragraphs under Chapter 13 of the NPPF.

Whilst the introduction of 10no. Solar Panels could be said as introducing visual clutter to the elevation by virtue of its number, it is concluded that when considering the (strong) fall back position that permits an unlimited number of panels to a rear elevation of a property within a Conservation Area, subject to compliance with relevant criteria, and that views of the rear from public views are severely limited, unlike those of the principal elevation, that there are no substantive grounds for

refusal, and as such there is no conflict with LP Policies S1, EQ3, EQ6 and EQ7, and relevant paragraphs under Chapters 12 and 15 of the NPPF.

In light of the above, the application in its revised form is considered to constitute a sustainable form of development, and therefore in line with LP Policy S1a and paragraph 11 of the NPPF, the application is recommended for approval subject to appropriate conditions.

OFFICER RECOMMENDATION : Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 15th January 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council