

ITEM 2

PROPOSED SOLAR ARRAY AT HANDLEYWOOD FARM, WHITTINGTON ROAD, BARROW HILL, CHESTERFIELD, DERBYSHIRE, S43 2PW FOR MR AND MRS B STEELE

1.0 CONSULTATIONS

Ward Members	No comments received
Strategic Planning	The scheme would be an inappropriate development in principle and is unlikely to qualify for very special circumstances.
Environmental Health	No objection
Highways Authority	Requested more details provided regarding construction period, site parking and turning, and any impact on the footpath.
Representations	No comments received

2.0 THE SITE

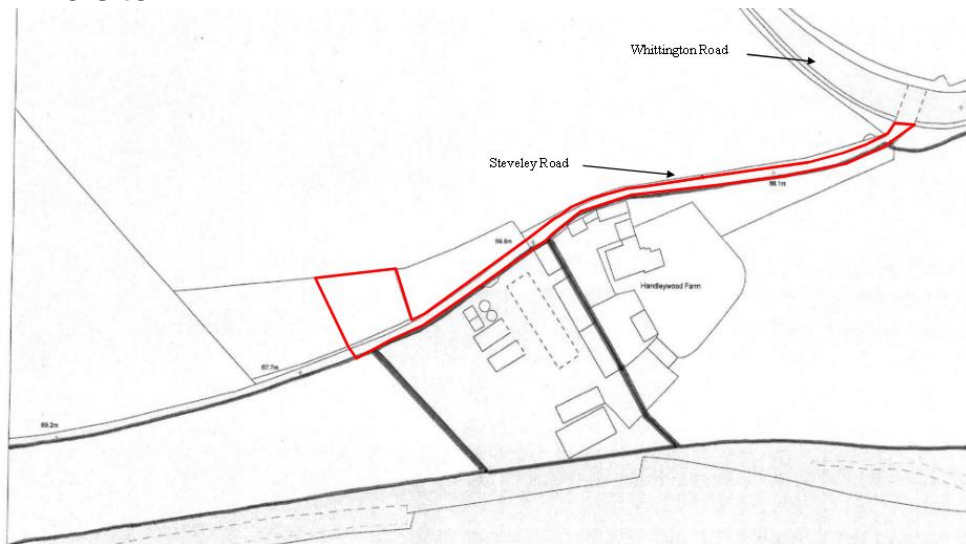
- 2.1 The site the subject of the application comprises land to the north of the curtilage of Handleywood Farm (which has recently been the subject of planning permission for a replacement farmhouse building that is under construction). The site is bound on the south by Staveley Footpath 2 which leads from the corner of Whittington Road on a west – east axis. It is an undeveloped field, fenced off with a post and rail fence to the sides and a with a mature hedge to the north.
- 2.2 The overall farm complex, which in addition to the new and old farmhouse building, comprises of a cluster of barns, outbuildings and stables located predominantly in the western proportion of the site from the original farmhouse.
- 2.3 In the eastern portion of the wider site there is an equestrian manege and open fields. The site is served by an access track which follows

the alignment of the public right of way linking through to Whittington Road.

Photo of the site:



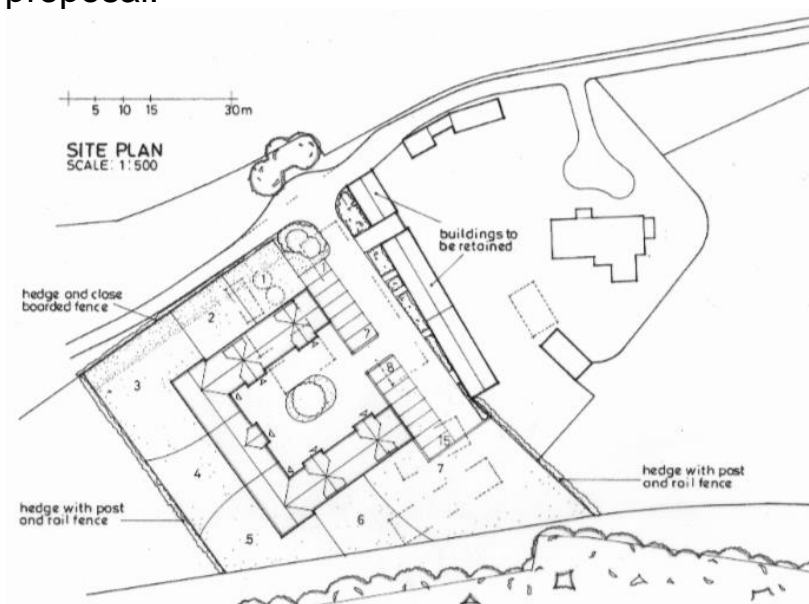
The site:



2.4

There is an engine recovery business still operating from within the wider site. There is also a planning permission on the wider site for 7 additional dwellings to the south of the site (CHE/22/00362/FUL).

Approved plans for the dwellings which are associated with the proposal:



3.0 SITE HISTORY FOR WIDER FARM SITE

Previous Site History - Outbuildings

- 3.1.1 CHE/22/00362/FUL - Demolition of buildings used for commercial purposes and erection of 7 dwellings and conversion of out-buildings for use as home-working studios (in conjunction with the dwellings) and associated access/parking and landscaping. Approved conditionally 26th September 2022
- 3.1.2 CHE/19/00102/FUL - Demolition of buildings used for commercial purposes and erection of 7 dwellings, access and landscaping. Approved conditionally 2nd July 2019
- 3.1.3 CHE/16/00023/FUL - Demolition of buildings used for commercial purposes and erection of 5 dwellings, access and landscaping. Approved conditionally 10th August 2016
- 3.1.4 CHE/10/00162/EOT - Extension of time of CHE/07/00198/COU for change of use of buildings for B8 storage and B2 industrial use. Approved conditionally 1st September 2010.
- 3.1.5 CHE/09/00665/EOT - Extension to the time limit for carrying out the alterations to the vehicular access to the highway (CHE/06/00669/FUL). Approved conditionally 7th December 2009.

- 3.1.6 CHE/09/00179/DOC - Discharge of condition 5 of planning application CHE/07/00198/COU. Approved 18th May 2009.
- 3.1.7 CHE/07/00198/COU – Use of buildings for storage (B8) an industrial use (B2). Approved conditionally 30th May 2007 – conditions concerning landscaping, outside storage and parking.
- 3.1.8 CHE/06/00669/FUL – Alterations of vehicular access to highway. Approved conditionally 26th October 2006.
- 3.1.9 CHE/04/00827/COU – Retrospective application for retention of use of buildings for storage (B8) and Industrial Use (B1 and B2). Refused 17th December 2004.
Appealed under PINS Ref. - APP/A1015/A/05/1172927 and dismissed.
- 3.2.1 Previous Site History - Farmhouse
- 3.2.2 CHE/11/00611/FUL - Demolition of existing building and erection of replacement dwelling - supporting information received 19/12/2011 (Bat Survey & Materials Samples). Approved conditionally 22nd December 2011.
- 3.2.3 CHE/09/00646/NMA – To extend the width of the approved dwelling by 1 metre on each side (application CHE/08/00592/FUL). Granted 3rd November 2009.
- 3.2.4 CHE/08/00592/FUL – Demolition of existing dwelling and erection of replacement dwelling. Conditional permission granted 9th December 2008.
- 3.2.5 CHE/06/00901/FUL – Construction of a ménage. Approved conditionally 17th January 2007.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought to build a solar array, with the installation of 48 solar panels in 6 rows on agricultural land within the Green Belt. The PV panels are to be a ground mounted system where the panels are mounted on tubs which are ballasted. The panels would not exceed 1.8m in height and there would be a 0.5m separation between each row.

Block plan of the site:

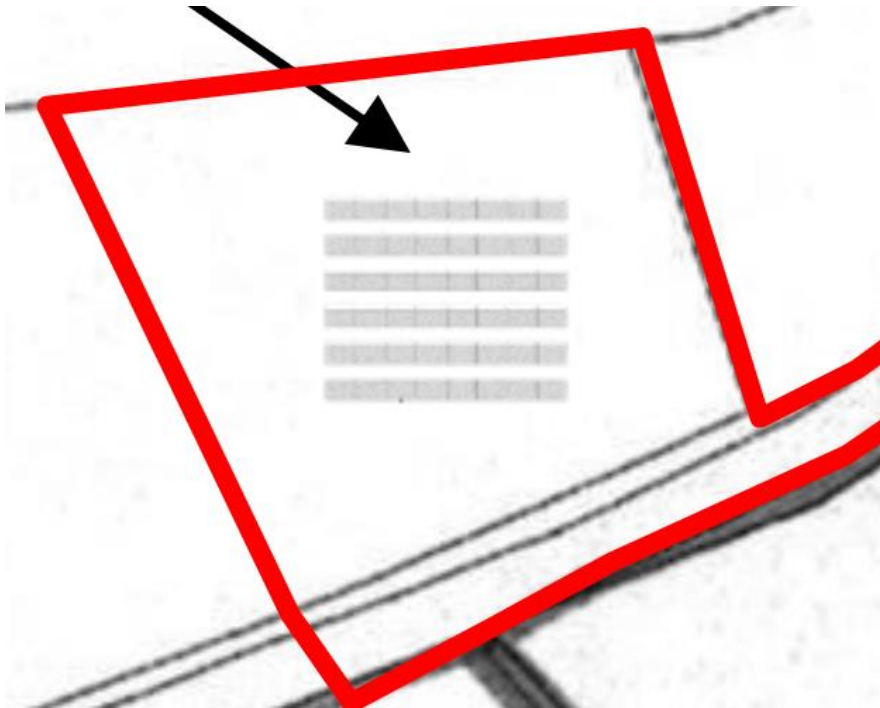
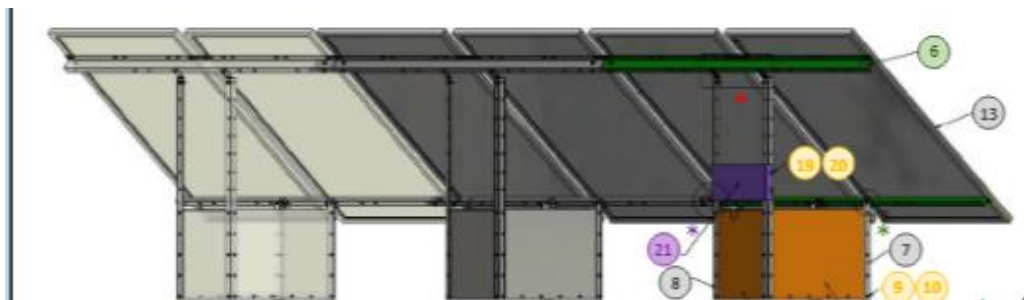


Image of the proposed panels:



5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)

- CLP12 Renewable Energy
- CLP14 A Healthy Environment
- CLP15 Green infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **National Planning Policy Framework 2023**

- Part 2. Achieving sustainable development
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 13. Protecting Green Belt land
- Part 15. Conserving and enhancing the natural environment

6.0 **CONSIDERATION**

6.1 **Principle of Development**

- 6.1.1 The proposed development site is an agricultural field outside the built-up area, within Green Belt area where restrictive planning policies apply.
- 6.1.2 Policy CLP1 requires the existing Green Belt to be maintained and enhanced. Policy CLP15 stipulates that development proposals should not conflict with the aim and purposes of the Green Belt (as set out in the NPPF). As a site in the Green Belt the solar array would in principle be deemed inappropriate development.
- 6.1.3 The five purposes of the Green Belt are: (as set out in para 138 of the NPPF):
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.1.4 Paragraph 147 of the National Planning Policy Framework (NPPF) states that “...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 148 states that “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.1.5 Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. *Exceptions to this are:*
- a) buildings for agriculture and forestry;*
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - 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;*
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - e) limited infilling in villages;*
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- None of these exceptions are relevant in this case.
- 6.1.6 Paragraph 150 states that *certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
- a) mineral extraction;*
 - b) engineering operations;*

- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

None of these types of development are relevant in this case.

As none of the exceptions or appropriate development types apply in this case, the development is considered to be inappropriate development in the Green Belt which is contrary to para 147 of the NPPF.

- 6.1.7 It is therefore important to consider whether very special circumstances exist in this case which outweigh the inappropriateness of the development. Paragraph 151 of the NPPF states that: 'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.' It is clear from the Planning Statement that the solar array will 'support the energy demand of Handleywood Farm' which includes the future residential development on the site. However, this proposal is not considered to result in wider environmental benefits due to its small scale serving a specific development.
- 6.1.8 No evidence has been put forward that the same site specific benefit arising from this development could not be achieved by incorporating PV into the design of the new dwellings or their curtilage, which would then remove the need to encroach into Green Belt land. It is also acknowledged that the approved scheme has not yet commenced on site and therefore the design parameters of the originally approved scheme could be reconsidered to account for the inclusion of solar within the built form.
- 6.1.10 With regard to 'openness', the application submission does not contain an assessment of Landscape Impact nor does it propose any mitigation measures such as supplementary planting, in addition to what is already present on site, albeit acknowledging that the

development is in any case inappropriate development contrary to Green Belt policy. The site is on the northern side of the public right of way, encroaching into open fields, such encroachment would have an adverse impact on openness. Incorporating PV solar into the new development would be unlikely to have any impact on openness over and above the approved scheme.

6.1.11 CLP12 Renewable Energy states that the Council will support proposals for renewable energy generation particularly where they have wider social, economic and environmental benefits, provided that the direct and cumulative adverse impacts of the proposals on the assets are acceptable. Due to the Green Belt impact and the very localised benefit of the development it is not considered that Policy CLP12 should be used to override Green Belt issues.

6.1.12 Summary

The site is in the Green Belt and as set out in Part 13 of the NPPF the solar array would constitute inappropriate development, contrary to Part 13 of the NPPF, CLP1 and CLP15 of the Local Plan. Whilst the Local Plan supports proposals for renewable energy (CLP12), this does not override Green Belt policy. It is also considered that the solar provision could be incorporated into the residential scheme. As set out above the scheme is not considered to qualify for 'very special circumstances' which would override the Green Belt harm.

6.2 Design and Appearance of the Proposal (including landscape character)

6.2.1 Notwithstanding that the development is inappropriate in principle, it is also considered reasonable to consider the visual impacts. Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 The existing site is not highly visible in the surrounding landscape, but is visible from the adjacent footpath which would adversely impact upon views of the green belt area from the public right of way. The proposed solar panels would be no higher than 1.8m and therefore as relatively low level structures these would not have a substantial

adverse impact upon the visual amenity of the wider area. However, even at low level the structures would have an adverse impact on landscape character from views at the public right of way and upon the openness of the Green Belt due to the encroachment into the green field area.

6.3 Residential Amenity

6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

6.3.2 The proposal is not considered to lead to adverse impacts in terms of residential amenity. The construction phase is very short, which would not significantly impact the amenity of local residents or future residents. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Highway Safety

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. The Local Highway Authority were consulted on the scheme and requested more information on the construction phase of the development and how this would impact on the public right of way (PROW). The agent for the scheme responded that the existing public right of way is used as an access road for the farm. The agent stated that the construction period is short due to the size of the development, prefabricated design of the frames supported by ballast bags and with no ground works. Any vehicles related to the installation could be parked clear of the PROW.

6.4.2 It is considered that the impact of this minor development on the surrounding highway network would be negligible, and if minded to approved a condition relating to a construction management plan could be imposed. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity

6.5.1 Local Plan policy CLP16 states that all development will "protect, enhance, and contribute to the management of the borough's

ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

- 6.5.2 The existing site is an agricultural field with a mature hedge to the north. Due to the design of the frames the installation (utilising ballast bags and frames) does not require major earthworks. The scheme does not result in a biodiversity loss, but additional planting could be included to ensure a biodiversity enhancement, but this would be dependent upon the intentions regarding any agricultural use, such as grazing, proposed alongside the solar installation. To accord with Policy CLP16 a landscaping and biodiversity enhancement condition could be imposed should the development be otherwise acceptable.

7.0 REPRESENTATIONS

- 7.1 No comments received.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:

- Its action is in accordance with clearly established law,
- The objective is sufficiently important to justify the action taken,
- The decisions taken are objective and not irrational or arbitrary,
- The methods used are no more than are necessary to accomplish the legitimate objective,
- The interference impairs as little as possible the right or freedom.

- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council’s Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2023 National

Planning Policy Framework (NPPF) as the proposed development conflicts with the NPPF and with 'up-to-date' policies of the Local Plan, as it is inappropriate development in the green belt.

10.0 **CONCLUSION**

10.1 The proposed development is not considered to be acceptable in relation policies CLP1 and CLP15 of the Local Plan and Part 13 of the NPPF, as it is inappropriate development in the green belt which does not qualify for very special circumstances. As such, this application is not considered to comply with the above mentioned local and national planning policies.

11.0 **RECOMMENDATION**

11.1 It is therefore recommended that the application be **REFUSED** for the following reason:

1. The development proposed is considered to be inappropriate development in the green belt as it does not meet or satisfy any of the 'exception' criteria as set out in paragraph 149 of the National Planning Policy Framework and there are no very special circumstances in paragraph 151 which can be accepted which outweigh the harm to the green belt area. The development by virtue of being inappropriate development in the green belt and due to its encroachment of the structures into an open green field will adversely impact upon the openness of the Green Belt within an area of the site which has previously remained open and undeveloped. It is considered that the development is contrary to the provisions of Policy CLP1 and criteria (a) and (f) of Policy CLP15 of the Chesterfield Local Plan 2018 – 2035 and the requirements of the National Planning Policy Framework Chapter 13.