

1.0 APPLICATION NUMBER: [WD/D/19/002376/FUL](#)

SITE ADDRESS: Burleston Farmhouse, Burleston, Dorchester, DT2 7EG

PROPOSAL: Installation of ground mounted solar PV array

APPLICANT: Mr Mason

Case Officer: Christopher Poad

Ward Member(s): Councillor E. J. Parker

2.0 Summary of Recommendation: APPROVE, subject to conditions.

3.0 Reason for the recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its terms of its siting and design.
- There would be no harm to the natural or historic environment.
- There are no material considerations which would warrant refusal of this application.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Policy SUS2 - Distribution of development permits a finite list of development outside of defined development boundaries which captures proposals for the generation of renewable energy.
Landscape and Character and Appearance of the area	The proposed development would be largely screened by existing vegetation and would be within close proximity to a range of outbuildings which currently serve Burleston Farmhouse.
Highway Safety	Access into the application site would be via an existing access which is considered to be suitable.

Amenity	The proposed development would be of an acceptable distance from neighbouring residential properties.
Heritage Assets	Diagonally to the north west of the application site is Grade II listed building 'The Old Rectory'. Owing to this oblique angle, distance, topography and existing screening, the heritage asset and its setting would be preserved. Therefore, the impact on the designated heritage asset would be neutral.
Flood Risk	There would be no flood risk associated with the proposed development.

5.0 DESCRIPTION OF SITE

- 5.1 The application site is within a modest parcel of agricultural land to the east of the host dwelling 'Burleston Farmhouse'. To the north of the application site runs Dorchester Road, beyond which is neighbouring residential property 'Tolpuddle Cottage' which is set back from the public highway. To the east of the application site is a larger parcel of agricultural land which shares an existing access onto Dorchester Road with the application site. To the south of the application site courses Devil's Brook with open countryside yonder. To the west of the application site is the host dwelling 'Burleston Farmhouse' and its associated outbuildings; one of which lies along the western boundary in part.
- 5.2 The application site is just over 1 mile from the eastern edge of the settlement boundary of Puddletown and is situated within Cerne and Piddle Valleys Landscape Character Area.

6.0 DESCRIPTION OF DEVELOPMENT:

- 6.1 Installation of ground mounted solar PV array.

7.0 RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
1/E/00/000644	Approval of Reserved Matters 1/E/1997/0528 - erect replacement farmhouse and garage and construct	A	15 December 2000

	new vehicular and pedestrian access		
1/E/03/001280	Form new entrance from road. Make alterations & change of use of farm outbuildings to garages, stables, workshop store, office and garden store.	A	10 October 2003
1/E/74/000014	ERECT BARNs, DAIRY PARLOUR ETC AND CONSTRUCT TANKER LAY-BY	A	20 May 1974
1/E/93/000062	Demolish fire damaged dwelling and develop land by the erection of a dwelling	A	19 March 1993
1/E/97/000528	Demolish fire damaged dwelling and develop land by the erection of a dwelling	A	08 December 1997

8.0 LIST OF CONSTRAINTS:

- Landscape Character Area

9.0 CONSULTATIONS

(All consultee responses can be viewed in full on the website)

9.1 Natural England – *No comment.*

9.2 Dorset Council Highway Authority – *No objection.*

9.3 Environmental Health – *Recommend that prior to the installation of plant or such like equipment a noise report shall be provided.*

9.4 Mineral and Waste Planning Authority – *No comment.*

9.5 Puddletown Parish Council – *Objections made querying the proposed use of the solar PV array and the development's impact on the Piddle Valley Pasture Landscape Character Area.*

Representations received:

3 letters of representation were received, all of which objected to the proposed development. Objecting comments were made for the following reasons;

- Impact on character and appearance of the area
- Impact on landscape
- Flood Risk
- Noise/Disturbance
- Previous Development/Speculative Development
- Road Safety
- Use

10.0 RELEVANT POLICIES

10.1 Local Plan –

INT1 – Presumption in favour of sustainable development
ENV1 – Landscape, Seascape and sites of geological interest
ENV2 – Wildlife and Habitats
ENV4- Heritage Assets
ENV12 – The design and positioning of buildings
ENV16 – Amenity
SUS2 – Distribution of development
ECON8 – Diversification of land-based rural businesses
COM11 – Renewable Energy Development

10.2 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making –
 - *Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*
- 12. Achieving well-designed places

- 14. Meeting the challenge of climate change, flooding and coastal change –
 - *Para 151 - To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).*
- 15. Conserving and enhancing the natural environment –
 - *Para 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) (...)*
 - *Para 171 – (...) distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.*

10.3 Other

- WDDC Design & Sustainable Development Planning Guidelines (2009)
- West Dorset Landscape Character Assessment 2009
- UK Solar PV Strategy

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 – Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 PUBLIC SECTOR EQUALITIES DUTY

12.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

13.2 The proposed development would result in the erection of a solar panel PV array for the creation of energy. Public access would not be a concern in this instance.

13.0 FINANCIAL BENEFITS:

13.1 Any surplus of renewable energy would be fed back to the national grid, contributing to the UK’s energy production.

14.0 CLIMATE IMPLICATIONS:

14.1 The proposed development would result in the generation of renewable energy for the dwelling. Any surplus of energy produced would be fed into the National Grid having both economic and environmental benefits.

15.0 PLANNING ASSESSMENT:

- Principle of Development
- Landscape and Character and Appearance of the area
- Highway Safety
- Amenity
- Heritage Assets
- Flood Risk
- Other

15.1 Principle of development

Dorset Council accepts that energy needs to be produced from renewable sources and the Council must aim to provide this within its administrative area. The Council recognised this by declaring a climate emergency on May 16th 2019 with the aim of taking a lead as an authority in tackling climate change. The UK government amended the Climate Change Act (2008) to legally commit to net carbon neutrality (zero emissions) by 2050.

The application site is situated outside of any settlement boundary as defined by the West Dorset, Weymouth and Portland Local Plan (2015). Policy SUS2 strictly controls development outside defined development boundaries, in line with National Policy, recognising the importance over the protection of the countryside and environment. Policy SUS2, therefore, permits a finite list of development outside of defined development boundaries which captures proposals for the generation of renewable energy.

With reference to proposals for the generation of renewable energy, Policy COM11 supports proposals for generating electricity from renewable energy sources providing that any benefits, such as the contribution towards renewable energy targets, significantly outweigh any harm. In terms of potential harm, permission for such proposals would only be granted should any adverse impacts on landscapes, townscapes or areas of historical interest be satisfactorily assimilated; there would be minimal harm to residential amenity; and any adverse impacts upon designated wildlife sites can be satisfactorily mitigated.

15.2 Landscape and Character and Appearance of the area

The application site is situated within the Cerne and Piddle Valleys Landscape Character Area. The proposed development would be positioned adjacent to the northern boundary of the modest parcel of agricultural land in which it is to be located. The parcel of land is bound by hedgerows to the north and east, Devil's Brook to the south and the shared boundary with 'Burleston Farmhouse' delineated by post and rail fencing to the west. The parcel of land sits at a lower level in comparison to Dorchester Road which runs to the north of the application site of an east to west orientation. The land continues to slope gradually to the south until meeting the watercourse Devil's Brook.

The proposed solar array would sit at ground level and cover an area measuring approximately 18 metres by 9.5 metres with each panel measuring approximately 1.6 metres in length and 0.9 metres in width. Owing to the tilt of each panel, each panel would stand at a height of just under 0.5 metres.

Given the change in topography, with the application site sat at a lower level than the adjacent highway, it is considered views of the proposed development would be limited. When travelling along Dorchester Road it is considered when looking to the south one's sight would look over the proposed development and would have a continuous vista of the countryside to the south. Immediate views stood north of the proposed development would also be largely interrupted owing to the deciduous hedgerow along the northern boundary of the application site. From wider views of the application site, particularly from the east and south, it is considered the proposed development would be related to 'Burleston Farmhouse' and would be confined within the modest parcel of land. New

planting is also proposed along the southern perimeter of the application site to further soften the presence of the proposed development.

In light of the above, it is considered the proposed development would not have an adverse impact on the character or appearance of the area or wider landscape.

15.3 Highway Safety

Access into the site would be via an existing access point along the southern edge of Dorchester Road leading into the north-eastern corner of the agricultural parcel of land where the solar PV array is to be sited. Concerns were raised within the letters of representation received that the access would pose a threat to highway safety. The existing access is considered to be acceptable with adequate visibility to the east and west when exiting the site and once installed there would be minimal access required to the solar panels other than for servicing purposes. The Dorset Council Highway Authority have considered the proposed development and raised no objections.

Given the above, it is considered the proposed development would not have an adverse impact on highway safety and access into the application site is adequate.

15.4 Amenity

Proposals for development should be designed to minimise their impact on the amenity of both existing and future residents. Concerns were raised within one letter of representation received over the noise and disturbance produced as a result of the proposed development. Equally, having had regard to the consultation response received from the Council's Environmental Health officer, a condition was recommended that prior to the installation of associated plant or such like equipment a noise report shall be provided.

In response to these comments, it has been confirmed that the inverters would be housed in the store room of the outbuildings to the west of the application site within the curtilage of 'Burleston Farmhouse'. Following discussions between the case officer and the Environmental Health Officer it is considered this location would overcome the requirement for such a condition and would be of an acceptable distance from neighbouring residential property to not adversely impact on the amenity occupiers of these properties currently enjoy. It was, however, recommended that any plant or such like equipment should be sited over vibration absorbers to minimise disturbance to occupiers of 'Burleston Farmhouse'. The applicant is to be made aware of this by means of an informative.

Given the above, it is considered the plant or such like equipment associated with the proposed development would be of an adequate distance from neighbouring residential property to not adversely impact on neighbour amenity.

15.5 Heritage Assets

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy. Policy ENV4 of the local plan seeks to conserve the significance of both designated and non-designated heritage assets.

To the north west of the application site is Grade II listed building 'The Old Rectory'. The listed building is set within a wooded curtilage with trees lining the southern boundary. Owing to the level of separation between the application site and the heritage asset with intervening highway and mature vegetation, it is considered the proposed development would not have an adverse impact on the setting of The Old Rectory. Due to the lack of intervisibility between the application site and the listed building, and the fact that there would be no wider views of the proposal juxtaposed with the heritage asset, the impact of the proposal would have a neutral impact on the setting of the asset. In view of the foregoing, Footnote 6 of the NPPF is not engaged and the development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

15.6 Flood Risk

Within a couple of letters of representation received, concerns were raised over the proposed development being sited within a flood plain. Whilst it is noted the watercourse Devil's Brook runs along the southern boundary of the agricultural parcel of land, the proposed development would not be within either Flood zone 2 or 3. It is considered the proposed development would not increase the risk of flooding.

15.7 Other

Concerns were raised within both the Parish Council's consultation response and the letters of representation received over the supposed use of the proposed development. The size of the proposed development is not considered to be inappropriate and has been sized to suit the host dwelling 'Burleston Farmhouse', which is not considered to be of an average size, as it is a relatively substantial 5 bedroom dwelling with outbuildings. It is also noted that the solar PV arrays would run three electric car charging points. It is, therefore, considered the number of panels proposed is acceptable to serve 'Burleston Farmhouse'.

Furthermore, any additional energy produced as a result of the proposed solar panels would be fed back to the national grid providing both economic and environmental benefits.

With regards to the internet cables that had been laid previously across the application site, it is understood these cables were installed to connect to Bovington. It has been stated that there is no correlation between the proposed development and the former work undertaken for improvements to infrastructure. Nonetheless, there is no reason to believe why the proposed development would serve as a precedent and would allow for other developments within the area to be permitted. Each application is to be considered on its own merits. In this instance, as discussed above, the proposed development would not have an adverse impact on the character and appearance of the area, the wider landscape or residential amenity and is, thus, recommended for approval.

16.0 CONCLUSION

- 16.1** The proposed development is considered to comply with the relevant policies of the Local Plan and sections of the National Planning Policy Framework as previously listed.
- 16.2** There would be no harm to the natural or historic environment.
- 16.3** The proposed development would not have an adverse impact on the amenity currently enjoyed by occupiers of neighbouring residential properties
- 16.4** The proposed development would not have an adverse impact on highway safety.

17.0 RECOMMENDATION:

GRANT planning permission, subject to conditions.

CONDITIONS:

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

Location Plan - Drawing Number S-1378-02 received on 23/09/2019
Site Plan - Drawing Number S-1378-03 received on 23/09/2019
Site Sections - Drawing Number S-1378-04 received on 23/09/2019
REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 3 All existing trees and hedges shown on approved plan Site Plan S-1378-04 to be retained, shall be fully safeguarded during the course of site works and building operations in accordance with BS 5837:2012 (Trees in relation to construction - recommendations) or any new Standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.
REASON: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.
- 4 Prior to the development hereby approved being brought into first use, precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following approval having been obtained in writing. In the five year period following the substantial completion of the development any trees, shrubs or hedge that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.
REASON: In the interests of continued visual public amenity.

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The panels when no longer required or no longer functioning, whichever is sooner, shall be removed from the land and the land made good to the satisfaction of the Local Planning Authority in accordance with a scheme that shall be submitted to and approved in writing by the local planning authority within 3 months of the panels becoming redundant.

REASON: To safeguard the long term future of the landscape requiring the removal of redundant infrastructure.