

<b>Application reference:</b>	P/FUL/2021/03954		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Durlston Castle, Lighthouse Road, Swanage, BH19 2JL		
<b>Proposal:</b>	Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.		
<b>Applicant name:</b>	Dorset Council – Assets and Property		
<b>Case Officer:</b>	Huw Williams		
<b>Ward Member(s):</b>	Cllr Gary Suttle, Swanage Ward Cllr Bill Trite, Swanage Ward		
<b>Publicity expiry date:</b>	10/12/2021	<b>Officer site visit date:</b>	19/11/2021
<b>Decision dud date:</b>	06/01/2022		

### 1.0 Reason application is going to committee

The application is made by Dorset Council, relates to land owned by Dorset Council and is reported to Committee in accordance with Dorset Council's Constitution.

### 2.0 Summary of recommendation:

That the Committee would be minded to grant planning permission subject to the conditions set out in section 17.0 below and recommends that the Head of Planning determines the application accordingly.

### 3.0 Reason for the recommendation:

The recommendation is made taking account of:

- (i) the nature and details of the application proposal;
- (ii) information submitted in support of the application;
- (iii) the development plan;
- (iv) national planning policy and guidance;
- (v) consultation responses; and
- (vi) other material planning considerations set out in this report.

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application has been duly made and has been the subject of publicity and consultation affording those consulted and the public adequate opportunity to make representations about the application.

In response to consultee comments, the application has been amended by the withdrawal of proposals for the installation of solar panels on flat roofed areas of the original Castle building. The proposed development (as amended):

- (i) would result in no harm to the character, appearance, setting or heritage significance of the Grade II listed Durlston Head Castle;
- (ii) would make a valuable contribution to cutting greenhouse gas emissions; and
- (iii) is in general accordance with the development plan.

The amendment of the application involved an important though not substantive change to the application proposal with both the nature and details of the remaining development unaltered. Having regard to the nature of the amendment and to content of the representations received, no interests will be prejudiced by the determination of the application without further publicity or re-consultation.

With no material considerations either necessitating or warranting the determination of the application other than in accordance with the development plan, planning permission can and should be granted.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The development plan is supportive of the sustainable use and generation of energy where adverse social and environmental impacts have been minimised to an acceptable level.
Impact on the character, appearance, setting and heritage significance of Durlston Head Castle	No harm and acceptable.

#### 5.0 Description of Site

Durlston Head Castle ('the Castle') is located on Durlston Head within the Durlston Country Park, south of Swanage and is a Grade II listed building (NHLE 115288).

The Castle has a roughly rectangular plan form with extensions and is used as a visitor centre, art gallery and restaurant. The original building dates from 1877, is set within an ornamental park in a prominent location on Durlston Head and was constructed as the restaurant for a holiday complex. The associated holiday complex was never completed.

The original Castle building was constructed of brick and ashlar stone with two principal storeys and a basement storey. Above the ground floor is a large glazed belvedere and at its angles are 4 octagonal stone turrets masking chimneys. The art gallery is contained within a recently constructed single storey southern extension with timber clad walls and zinc covered roof.

## 6.0 Description of Development

Planning permission is sought for the installation of roof-mounted solar photovoltaic (PV) panels and associated infrastructure.

As originally submitted, the application sought permission for the installation of 92 panels in 3 arrays on the southern and western roof planes of the original Castle building and on the southward facing roof plane above the art gallery. However, further to concerns expressed in consultation responses, the application was amended by the withdrawal from the proposal of the panels originally proposed in the 2 arrays on flat roof planes of the original Castle building. As amended, the proposal to be determined provides for the installation of a single array of 65 panels on the southward facing roof plane of the art gallery.

Each panel would be of a monocrystalline (all black), half-cell design with a black frame and white backsheet. The panels would be mounted to lie flush with the gallery roof profile.

## 7.0 Relevant planning history

An associated application has been submitted seeking listed building consent (Application Reference: P/LBC/2021/03955) that is the subject of a separate report .

Submission of the application follows informal pre-application discussions regarding the proposal and informal consultation with Dorset Council's Senior Conservation Officer who commented:

“The proposed panels on the castle appear to be flat-bed style and located on the inner side of the SW parapet. This might be achievable as the panels would not be visible from ground level, though they would likely be visible from the publicly accessible upper floor. The installation of panels on the modern art gallery section could also be possible, but would have to take into account their visibility when the castle is viewed from its surroundings, particularly, for example, from the lower ground down towards the globe.”

The Senior Conservation Officer further advised that a Heritage Statement would be required.

## 8.0 List of Constraints

As noted above, the Castle is a Grade II listed building (NHLE 1152288). There are two further associated Grade II listed buildings in the near vicinity of the Castle – the Chart (NHLE 1152321) and the Globe (NHLE 1119930).

The Grade II listed Anvil Point Lighthouse (NHLW 1153160) is located approximately 570 metres to the south-west.

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Castle is located:

- (i) within the Dorset Area of Outstanding Natural Beauty;
- (ii) within the Purbeck Heritage Coast;
- (iii) within the Durlston Castle Historic Landscape Registered Park and Garden (Grade II);
- (iv) adjacent to the Durlston National Nature Reserve;
- (v) adjacent to the South Dorset Coast Site of Special Scientific Interest;
- (vi) adjacent to the Island of Portland to Studland Cliffs Special Area of Conservation; and
- (vii) less than 50 metres from the Dorset and East Devon Coast World Heritage Site.

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (AONB), public authorities have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

World Heritage Sites are sites, places, monuments or buildings which are of Outstanding Universal Value (OUV) to all humanity. National planning policy identifies World Heritage Sites as designated heritage assets and requires that great weight be given to their conservation.

## **9.0 Consultations**

### **Consultees**

#### **1. Ward Members – Swanage Ward**

No response received.

#### **2. Dorset AONB Team**

Do not wish to offer detailed comments but would refer Council to advice from specialists evaluating the impacts on heritage assets, particularly the listed Castle building. Note that impact of the panels proposed close to the Belvedere (i.e. those panels not on the roof of the gallery) could be reduced if these were laid flat, rather than titled at a 10 degree angle. Further notes that the use of frames and the tilting of these panels is likely to increase the visibility of the installations, for example from the main approach to the Castle from the car park, and also add to the perceived mass of the installation as appreciated from the access and within and around the Belvedere.

#### **3. DC Conservation & Design Officer**

Responded on 17<sup>th</sup> December 2021 to the original application proposal commenting that the installation of photovoltaics is found to cause less than substantial harm on the significance of the listed building and the Registered Park and Garden and that the public benefit of these panels is minimal when compared to the less than substantial harm caused to the significance of the listed building and to the significance and setting of the Registered Park and Garden. Further commented that:

“However, if the applicant were to remove the proposed solar panels from the historic roofscape but leave them on the more modern art gallery, this will remove the harm to the significance of the listed building and the Registered Park and Garden, thereby removing the heritage objection.”

#### **4. Swanage Town Council**

Responded on 10<sup>th</sup> December 2021 indicating no objection.

#### **Representations received**

The application was advertised by site notice displayed on 19<sup>th</sup> November 2021.

Save for the consultation responses noted above, no representations have been received relating to the application.

### **10.0 Relevant Policies**

#### **Development plan**

(1) Planning Purbeck’s Future Purbeck Local Plan Part 1 (‘the Adopted Local Plan’) (2012):

- Policy SD: Presumption in Favour of Sustainable Development.
- Policy LD: General Location of Development.
- Policy BIO: Biodiversity & Geodiversity.
- Policy CF: Community Facilities and Services.
- Policy GI: Green Infrastructure, Recreation and Sports Facilities.
- Policy D: Design.
- Policy REN: Renewable Energy.
- Policy LHH: Landscape, Historic Environment and Heritage.

(2) Swanage Local Plan, Adopted June 2017:

- Policy OSR Open Space and Recreation.

(3) Emerging Purbeck Local Plan

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). An additional consultation on Further Proposed Main Modifications is ongoing and runs until 24<sup>th</sup> January 2022. Dorset Council’s website provides the latest position on the plan’s examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and Dorset Council’s position following consultation on the proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- Policy SD: Presumption in favour of sustainable development;
- Policy LD: General location of development;
- Policy SE: South East Purbeck;
- Policy CO: Countryside;
- Policy D: Design;
- Policy LHH: Landscape, Historic Environment and Heritage; and
- Policy REN: Sustainable use and generation of energy.

#### Other material considerations

- (1) National Planning Policy Framework ('the NPPF'):
  - Achieving Sustainable development – paragraphs 7-14;
  - Decision making – paragraphs 38-59;
  - Meeting the challenge of climate change, flooding and coastal change – paragraphs 152-173;
  - Conserving and enhancing the natural environment – paragraphs 174-188; and
  - Conserving and enhancing the historic environment – paragraphs 189-208.
- (2) Jurassic Coast Partnership Plan 2020-2025:
  - Policies R1, R2, R4, CSS1 and CSS5.
- (3) Dorset Area of Outstanding Natural Beauty Management Plan ('the Dorset AONB Management Plan'):
  - C3 Necessary Development is Supported.

### **11.0 Human rights**

The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:

- (i) Article 6 - Right to a fair trial;
- (ii) Article 8 - Right to respect for private and family life; and
- (iii) The First Protocol, Article 1 - Protection of Property.

The recommendation made is based on national and 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**

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; and 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.

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

Having considered the information presented in the application, consultation responses and the prevailing planning context, I am satisfied that the proposed development would have no material prejudicial impact on individuals or identifiable groups with protected characteristics.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Carrying out the proposed development would have a minor beneficial impact on the local economy through associated expenditure and employment.	Unknown
Operation of the solar panels would likely result in energy cost savings.	Unknown

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

For the purposes of section 70(2) “local finance consideration” means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

To be material to the determination of an application of planning permission, a local finance consideration must have the potential to help make development acceptable in planning terms.

It is understood that funding for the installation of the proposed solar panels has been secured under the Government’s Public Sector Decarbonisation Scheme. However, as such grant funding is not provided in order to make development acceptable in planning terms, such that the potential receipt of grant funding is not material to the determination of the application.

The Community Infrastructure Levy (CIL) operates in the former district of West Dorset, but the proposed development is not of a form liable to CIL.

Accordingly, there are no known local finance considerations that are material to the determination of the application.

#### **14.0 Climate implications**

Paragraph 152 of the NPPF provides that:

“The planning system should support the transition to a low carbon future in a changing climate and should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

The application proposal is focussed on harnessing a renewable source of energy to generate green electricity and forms part of Dorset Council’s wider estate decarbonisation strategy. The proposed development would make a valuable contribution to cutting greenhouse gas emissions.

#### **15.0 Planning assessment**

The main issues in the determination of the application are:

- (i) the acceptability in principle of the proposed development; and
- (ii) the impact of the proposed development on the character, appearance, setting and heritage significance of Durlston Head Castle.

##### Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

For the purposes of the subject application, the development plan includes

- (i) Planning Purbeck’s Future Purbeck Local Plan Part 1 (‘the Adopted Local Plan’); and
- (ii) The Swanage Local Plan adopted June 2017 (‘the Made Neighbourhood Plan’).

The term material considerations is broad in scope, but includes national planning policy set out in the National Planning Policy Framework (‘the NPPF’) as well as supplementary planning policy and guidance and emerging planning policy.

The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (paragraph 8). Paragraph



38 of the NPPF provides that local planning authorities should approach decisions on proposed development in a positive way and further states that decision-makers at every level should seek to approve applications for sustainable development where possible.

The Application Site is shown on the Proposals Map of the Adopted Local Plan as being located outside of the defined settlement boundaries and within an area of safeguarded open space identified under Policy OSR of the Made Neighbourhood Plan and afforded protection as such through Policy GI of the Adopted Local Plan.

Policy LD of the Adopted Local Plan provides that land outside of settlement boundaries will be classed as 'countryside' where development will be permitted only in exceptional circumstances as set out in Policy CO.

Policy CO of the Adopted Local Plan provides that development in the countryside should aim to improve the sustainability of rural settlements, make a positive contribution to landscape character and enhance biodiversity and further states that development outside of a settlement boundary will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements, and, amongst other circumstances, a countryside location is essential or it comprises the alteration of a rural building.

Policy SD of the Adopted Local Plan endorses the presumption in favour of sustainable development set out in the NPPF and provides that planning applications that accord with the policies of the Adopted Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Amongst other matters, Policy D of the Adopted Local Plan states that the Council will expect proposals for all development and other works to:

- positively integrate with their surroundings;
- reflect the diverse but localised traditions of building material usage found across the District;
- avoid and mitigate effects of overshadowing, overlooking and other adverse impacts including light pollution from artificial light on local amenity; and
- demonstrate a positive approach to delivery of sustainable development objectives through site layout and building design, which should be as comprehensive as other policies and criteria allow.

Policy REN of the Adopted Local Plan states that the Council encourages the sustainable use and generation of energy where adverse social and environmental impacts have been minimised to an acceptable level and further states that proposals for renewable energy apparatus will only be permitted where:

- the technology is suitable for the location and does not cause significant adverse harm to visual amenity from both within the landscape and views into it;
- it would not have an adverse ecological impact upon the integrity of protected habitats unless there is no alternative solution and there are imperative reasons of overriding public interest;

- it would not cause interference to radar or telecommunications, or highway safety;
- it would not cause significant harm to neighbouring amenity by virtue of visual impact, noise, vibration, overshadowing, flicker (associated with turbines), or other nuisances and emissions;
- it accords with Dorset County Council's Landscape Change Strategy and includes an agreed restoration scheme, any necessary mitigation measures, with measures to ensure the removal of the installations when operations cease;
- safe access during construction and operation must be provided; and
- it avoids causing harm to the significance and setting of heritage assets.

Policy LHH of the Adopted Local Plan provides that proposals for development and other works will be expected to conserve the appearance, setting, character, interest, integrity, health and vitality of landscape and heritage assets - be these locally, nationally or internationally designated or otherwise formally identified by the Local Planning Authority and further states:

“In considering the acceptability of proposals the Council will assess their direct, indirect and cumulative impacts relative to the significance of the asset affected, and balance them against other sustainable development objectives. Wherever appropriate, proposals affecting landscape, historic environment or heritage assets will be expected to deliver enhancement and improved conservation of those assets.”

Paragraph 158 of the NPPF provides that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) 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; and
- b) approve the application if its impacts are (or can be made) acceptable.

Paragraph 189 of the NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Policy C3 of the Dorset AONB Management Plan supports renewable energy production where compatible with the objectives of AONB designation. The relevant objectives relate to the conservation and enhancement of the natural beauty and special qualities of the AONB.

### Principle of Development

Having regard to the location and nature of the application site, there is no in principle land use objection to the application proposal.

The development plan is supportive of the sustainable use and generation of energy where adverse social and environmental impacts have been minimised to an acceptable level.

The application proposal provides for the alteration to a rural building and hence is a form of development permissible outside of the defined settlements under Policies LD and CO of the Adopted Local Plan.

The proposed development would not result in the loss of any open space, sport or recreation areas such that there is no conflict with Policy GI of the Made Neighbourhood Plan. Although located adjacent to statutorily designated areas, the application site is not located within a statutorily designated nature conservation area and no adverse impacts on designated wildlife sites, nature conservation interests, biodiversity or geodiversity are anticipated.

The implications of the proposed development for the character, appearance, setting and heritage significance of the Castel are considered in the subsequent section of this report and found to be acceptable.

The proposed solar panels are of a standard manufactured design with a black frame and a white backsheet. Solar panels are designed to absorb rather than to reflect light and are typically less reflective than standard glazing. Taking account of the panel design and their proposed positioning, material impact on amenity by reason of glint, glare or any other emission is unlikely. Adverse impact on radar, telecommunications and safety is also unlikely.

Accordingly, the key considerations in the determination relate to the impact of the proposed development on the character, appearance, setting and heritage significance of the Castle.

#### Impact on Character, Appearance, Setting and Heritage Significance of the Castle

The Castle is a Grade II listed building and consequently a designated heritage asset in its own right. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires that special regard shall be given to the desirability of preserving the building or its setting or or any features of special architectural or historic interest which it possesses.

The Castle is located with the Grade II listed Durlston Castle Historic Landscape Registered Park and Garden (also a designated heritage asset), within a nationally designated landscape (the Dorset AONB) and in close proximity to the Dorset and East Devon Coast World Heritage Site.

The Durlston Castle Historic Landscape was designated as it was an interesting example of a largely preserved late Victorian ornamental park. Designed to be included as part of the wider but uncompleted holiday complex, it was originally intended for public use with educational and moral inscriptions on the structures within the landscape that are still in situ.

The gardens are laid out with the Castle as a focal point and include designed glimpses along the serpentine paths of the landmark.

The Castle principally derives its significance historically and architecturally, providing a good example of a Victorian mock-baronial style structure with local

materials and through its association with the prominent George Burt, a major player in remodelling Swanage into the Victorian/Edwardian resort it is today.

The Registered Park and Garden derives historic, aesthetic, and communal value due to its design, association with George Burt, and its link to the community as a well-loved, important, open public space on the picturesque Purbeck coastline.

The designed landscape and associated designated structures all provide group value for this Victorian holiday complex.

The setting of the Castle relates to the Registered Park and Garden in which it is located, to the Grade II listed monuments which lie in its environs and the headland and coastline as the source of materials from which it is constructed and to which it has a strong functional connection. The purpose of the building being specifically related to tourism of the area similarly ties it to the landscape surroundings in terms of historic function.

Paragraph 176 of the NPPF provides that great weight should be given to conserving and enhancing landscape and scenic beauty in an AONB and that conservation and enhancement of wildlife and cultural heritage are also important considerations in an AONB.

As noted above, no adverse impacts on designated wildlife sites, nature conservation interests, biodiversity or geodiversity are anticipated. However, architecturally, the Castle is an individual and prominent building built on a platform cut into Durlston Head that overlooks the World Heritage Site. Public access is provided on varying levels up towards the uppermost tower on the Castle to take full advantage of the far-reaching views of the World Heritage Site, Registered Park and Garden, and the Victorian architecture in the forefront. In consequence, the installation of modern solar panels that run a risk of becoming visually intrusive needs to be carefully assessed.

The Heritage Statement submitted in support of the application considers the impact of the originally proposed development on the character, appearance and heritage significance of the Castle and its setting. The Statement identified a low level of consequent harm to the heritage significance of the Castle and a very low level of harm to the Durlston Castle Historic Landscape Registered Park and Garden, but identified no consequent harm to the heritage significance of any other assets considered including the Grade II listed Chart, the Grade II listed Globe and the Grade II listed Anvil Point Lighthouse and the Dorset and East Devon Coast World Heritage Site.

In relation to impact on the listed Castle, the Heritage Statement notes:

“The installation of solar panels to the roof planes of the Art Gallery and restaurant, whilst creating minimal visual disturbance in views of the asset from ground level, will be evident in views from the Belvedere and walkways. The panels will introduce a modernising element at odds with the historic construction and character of the building, although it is recognised that this character has already been compromised by the presence of twentieth century safety measures and access. It is considered that the proposals

would generate a minor level of less than substantial harm to the significance of the heritage asset.”

In relation to impact of the Registered Park and Garden, the Heritage Statement comments:

“Owing to the location of the Castle at the headland and the fact that the RPG slopes downhill from this highest point, together with the outward nature of views, the plethora of designed items within the gardens acting as educational and moral guides and the geological and topographical contribution of the landscape in creating a sublime and picturesque experience, it is considered that proposals, whilst generating a minor level of harm to the principal building, do not significantly detract from the RPG as a whole and the harm generated to this asset is considered to be at the lowest level of less than substantial.”

In relation to impact of the Registered Park and Garden and with respect to historic landscape, the Heritage Statement comments:

“Owing to the location of the Castle at the headland and the fact that the RPG slopes downhill from this highest point, together with the outward nature of views, the plethora of designed items within the gardens acting as educational and moral guides and the geological and topographical contribution of the landscape in creating a sublime and picturesque experience, it is considered that proposals, whilst generating a minor level of harm to the principal building, do not significantly detract from the RPG as a whole and the harm generated to this asset is considered to be at the lowest level of less than substantial.”

In relation the Dorset AONB, the Heritage Statement comments:

“Durlston Castle and the Registered Park and Garden contribute to the cultural heritage element of the Purbeck Plateau area of the AONB, and it has been identified that the proposals generate less than substantial degrees of harm to the significance of the Castle and Garden. Local Policy, however, does not specifically refer to the cultural heritage component of the AONB character, and Policy 176 in the NPPF (2021) states: The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The requirement to give great weight to the cultural heritage within the AONB is therefore not required in either national or local policy. In this instance it would seem that the approach employed under paragraph 203 in respect of non-designated heritage assets, namely a balanced judgement regarding scale of harm and the significance of the asset, is an appropriate guide, and it is considered that the minor level of harm to the Castle and lowest level of harm to the RPG would not negatively impact on its contribution in cultural heritage terms to the AONB.”

In relation to impact on the World Heritage Site, the Heritage Statement comments:

“As identified above in the assessment of the RPG, the proposals are considered to generate the lowest level of less than substantial harm to this asset, by virtue of the Castle being the key building within the RPG and sustaining a minor level of less than substantial harm. The OUV of the WHS relates exclusively to its scientific value and it has no buffer zone, relying instead on the designated status of assets within its environs for protection. The areas of the WHS that are contained within the RPG have limited intervisibility with the Castle and the proposals would not be evident given the distance and orientation of the Castle from the coastal path which marks the boundary of the WHS. It is therefore considered that the lowest level of less than substantial harm generated to the RPG would not have a detrimental impact to the OUV of the WHS.”

The impact assessment presented in the Heritage Statement is considered to be both fair and reasonable.

Dorset Council’s Conservation and Design Officer similarly found less than substantial harm to significance of the Castle and to the Registered Park and Garden, but advised that if the applicant were to remove the proposed solar panels from the historic roofscape but leave them on the more modern art gallery, this would remove the harm to the significance of the listed building and the Registered Park and Garden, thereby removing the heritage objection. Dorset Council’s Conservation and Design Officer further commented that the design of the art gallery extension does not provide significance to the listed building nor to the Registered Park and Garden and that views to or from the castle will be ‘relatively’ discreet and fitting to a modern building.

The application has been amended as recommended. The amendment of the application represents an important though not substantive change to the application proposal with both the nature and details of the remaining development being unaltered. Taking account of the consultation responses received, it is considered that the amended proposal would not harm the character, appearance, setting or the heritage significance of the Castle. Having regard to the nature of the amendment and to content of the representations received, further publicity and consultation is not considered necessary.

The carbon savings associated with the installation of proposed solar panels and associated infrastructure would make a valuable contribution to cutting greenhouse gas emissions and associated cost savings would be to the benefit of the continued use of an important historic building for appropriate and publicly beneficial purposes. On site electricity generation would also make a minor contribution to energy security.

The proposed development is therefore considered to be in general accordance with the development plan.

## **16.0 Conclusion**

For the reasons set out above and subject to the imposition of the conditions set out in section 17.0 below, the proposed development would be in general accordance with the development plan. With no material considerations warranting of

necessitating the determination of the application other than in accordance with the development plan, conditional planning permission can and should be granted.

## 17.0 Recommendation

That the Committee would be minded to grant planning permission subject to the conditions set out below and recommends that the Head of Planning determines the application accordingly.

### Conditions

- (1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

- (2) Unless otherwise required by the conditions of this planning permission, the development hereby permitted shall be carried out in accordance with the following plans and drawings submitted in support of the application for planning permission:

- (i) Drawing Number 01 dated 17/08/2021 and titled SITE PLAN;
- (ii) Drawing Number 02 dated 17/08/2021 and titled LOCATION PLAN;
- (iii) Drawing Number 03 dated 21/09/2021 and titled ROOF PLAN;
- (iv) Drawing Number BLCM0473\_E Sheet No 1 of 2 Rev 0 dated 19/09/2021 and titled Elevations (Proposed); and
- (v) Drawing Number BLCM0473\_E Sheet No 2 of 2 Rev 0 dated 19/09/2021 and titled Elevations (Proposed).

Reason: To regulate the development having regard to Policies D, REN and LHH of the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

- (3) Notwithstanding the details shown on the plans and drawings submitted as part of the application, no solar panels and no externally visible plant or equipment shall be installed on the historic flat southern and western roof planes of the original Castle building.

Reason: In the interest of clarity and in accordance with the application proposal as amended on 17<sup>th</sup> December 2021 in the interest of preserving the special architectural and historic interest of Durlston Head Castle and its setting having regard to Policies D, REN and LHH of the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

- (4) Within three months of any solar panel hereby permitted no longer being used for the generation of electricity, the panel and any associated mounting brackets and framework shall be removed and the underlying roof covering shall be restored to its pre-development condition.

Reason: To secure the timely removal of any unused solar panels and to secure the appropriate restoration of the roof in the interest of minimising harm to heritage significance having regard to Policies D, REN and LHH of

the Adopted Local Plan (Planning Purbeck's Future Purbeck Local Plan Part 1).

Informative Notes

- (1) In accordance with the National Planning Policy Framework, as the local planning authority, Dorset Council takes a positive and proactive approach to development proposals focused on solutions. Dorset Council worked with the applicant/agent in a positive and proactive manner by providing a pre-application advice service.
- (2) Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorsetcouncil.gov.uk/>.



**Application Reference:** P/FUL/2021/03954

**Site address:** Durlston Castle, Lighthouse Road, Swanage, BH19 2JL

**Proposal:** Installation of roof mounted solar photovoltaic (PV) panels and associated infrastructure.

