

Application Number:	P/FUL/2024/00196		
Webpage:	Planning application: P/FUL/2024/00196 - dorsetforyou.com		
Site address:	Dunromin Uddens Drive Colehill Dorset BH21 7BJ		
Proposal:	Retention of Solar PV panels		
Applicant name:	Mr and Mrs Cooper		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Lugg and Cllr Parkes		
Publicity expiry date:	12 April 2024	Officer site visit date:	12 January 2024
Decision due date:	23 August 2024	Ext(s) of time:	23 August 2024
No of Site Notices:	1 at site entrance		
SN displayed reasoning:	To ensure nearby residents were aware of the application		

1.0 This application comes before the Eastern Area Planning Committee at the request of the Chair of the Committee.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paragraph 17.0 at the end of this report.

- The proposal is acceptable in its design and general visual impact
- The proposal is acceptable in respect of Green Belt policy; although it is inappropriate development, it has a limited impact on openness and the benefit from the generation of energy by renewable means represents a very special circumstance which outweighs the harm from the proposal from inappropriateness and loss of openness.
- There is no harmful impact from flood risk
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – functional requirement for rural location.
Scale, design, impact on rural character and appearance & the landscape	Acceptable - The visual impact of the PV panels on the landscape is limited and not considered to be harmful and the proposal complies with Core Strategy Policy HE3: Landscape Quality
Impact on the Green Belt	Acceptable – The PV panels have a limited impact on Green Belt openness and although inappropriate development in the Green Belt by definition, the environmental benefits from the proposal’s generation of electricity from a renewable energy source represents the very special circumstances to outweigh the harm to the Green Belt.
Flood risk	Acceptable – The submitted Flood Risk Assessment has demonstrated the proposal has no impact on flood risk.

5.0 Description of Site

- 5.1 The application site is in the Green Belt outside the curtilage of the dwelling at Dunromin and is to the west of the access track at Uddens Drive. The site is in the countryside and functional floodplain of the watercourse known as Uddens Water which flows to the north and in an area at high risk from surface water flooding. The site is not in a Site of Special Scientific Interest (SSSI).
- 5.2 The land on which the PV panels are sited is relatively level, grassed and not cultivated. Mature trees grow close by to the north and east.
- 5.3 The immediate area has a rural character with detached dwellings sited with generous distances between them.

6.0 Description of Development

- 6.1 It is proposed to retain the 25m long array of south-facing photovoltaic panels (22 x 410 watt panels) that have been installed on land to the south west of the dwelling known as Dunromin. The overall height of the panels is 1.46m. A beech hedge is proposed to be planted to the south of the panels.

7.0 Relevant Planning History

03/02/1082/FUL - Decision: GRA - Decision Date: 25/09/2002: Sand Exercise Area (Retrospective).

03/99/1165/FUL - Decision: GRA - Decision Date: 15/06/2000: Four Stables With Base & Hay store (No Base). As amended by plans rec'd 02 June 00

P/CLE/2022/00230 - Decision: GRA - Decision Date: 04/08/2023: The existing use of a building (Stables, bunkhouse, utility & caravan) and associated land as a single

residential unit, including all existing ancillary outbuildings, walls, piers, gates and fences, together with the installation of a package treatment plant and drainage ditch/culvert as shown on Clive Miller Planning Site Plan ref: 1477-002.

P/HOU/2023/06948 - Decision: REF - Decision Date: 25/03/2024: Proposed alterations and extensions to dwelling and extension to domestic outbuilding

P/HOU/2024/02924 - Decision: GRA - Decision Date: 06/11/2024: Proposed alterations to dwelling.

8.0 List of Constraints

Greenbelt: Bournemouth Greenbelt;

Flood Zone 3

Flood Zone 2

Dorset Heathlands - 400m heathland buffer, Description: Holt & West Moors Heaths

Right of Way: Footpath E42/28; - Distance: 4.5m

Right of Way: Footpath E45/16; - Distance: 32.94m

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Higher Potential ecological network

Site of Special Scientific Interest (SSSI) impact risk zone;

Minerals and Waste Safeguarding Area - ID: 5345;

Minerals and Waste - Sand and Gravel

Radon: Class: Class 1: Less than 1%

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

1. Environment Agency (EA) – No objection

- In respect of the submitted flood risk assessment (FRA) prepared by Enviren (Ref: 2300326-FRA, Issue 1.2, dated 04/07/2024), the row of solar panels is designed to withstand submergence to a flood depth of 1.5m and it is in the interests of the applicant to ensure that they are satisfied with the risks to their proposal.
- The scheme is minor in size and there would be free flood flow through the steel framework beneath the panels (the lowest edges of the panels

themselves appear set at least 500-600mm above ground level).

- Any impact on flood risk would likely be minimal and very localised to the site itself.

2. Ferndown Town Council - Object

- The proposals present a potential damage to the openness of the Green Belt and are within a SSSI
- Flood risk

3. Ferndown North Ward Member (Cllr Lugg at the time of consultation) - Comment

- If the solar panels are on green belt land, officers should satisfy themselves that the Council's policy on structures in the green belt is adhered to

Representations received

Total - Objection	Total - No Objection	Total - Comments
4	0	0

Summary of comments of objections:

- Inappropriate development in the greenbelt which would impact greenbelt openness
- Hedge to screen the PV panels impacts green belt openness
- Proposal represents a solar farm business rather than a domestic installation as installation is excessively large to serve the dwelling at the site and electricity would be exported
- A flood risk assessment is needed as the site is in the floodplain

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan 2014:

The following policies are considered to be relevant to this proposal:

KS1 - Presumption in favour of sustainable development

Eastern Area Planning Committee
22 January 2025

KS2- Settlement hierarchy

KS3 - Green Belt

HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME5 - Sources of renewable energy

ME6- Flood Management, Mitigation and Defence

Material Considerations

Emerging Local Plans:

Paragraph 49 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The draft Dorset Council Local Plan

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Emerging Neighbourhood Plans

None relevant.

National Planning Policy Framework 2024

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 13: Protecting Green Belt Land – in particular paragraphs 142-143; 153-155 & 160.
- Section 14: meeting the challenge of climate change, flooding and coastal change - in particular paragraphs 170-181

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 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.

13.0 Public Sector Equalities Duty (PSED)

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 Public Sector Equalities Duty.

The proposal raises no PSED issues.

14.0 Financial benefits

None

15.0 Environmental Implications

The generation of electricity from a renewable source is an environmental benefit as it reduces the reliance on fossil fuels to generate power.

16.0 Planning Assessment

Principle of development

- 16.1 Paragraph 161 of the NPPF advises that '*The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It 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*'. Local Plan policy ME5 encourages the sustainable generation of energy from renewable sources where adverse social, environmental and visual impacts have been minimised to an acceptable level. The site lies within the countryside where policy KS2 identifies that development is only allowed where it is functionally required to be in the rural area.
- 16.2 Concerns have been raised by objectors that the scheme is too large, so is of commercial rather than residential nature. The proposed solar array will serve a lawful rural dwelling which is of modest size. The 22 solar panel array would usually produce the energy requirements associated with a 4 bedroom dwelling so the array is larger than is likely to be necessary for the holding, however any excess will contribute to local renewable energy generation, providing some public benefit, so on balance the principle of the development is acceptable, provided the proposal complies with Green Belt policy and the design is appropriate; these issues are discussed below.

Scale, design, impact on rural character and appearance & the landscape

- 16.3 The site where the photovoltaic (PV) panels have been placed is on relatively flat land. The PV panels are not tall structures being approx. 1.4m high. Mature trees grow to the north and east and the planting of a beech hedgerow can be secured by condition (no. 2). As the hedgerow will be close to the existing field boundary it will not appear uncharacteristic. The visual impact of the PV panels on the landscape is limited and not considered to be harmful. As such the proposal complies with Core Strategy Policy HE3: Landscape Quality.

Impact on the Green Belt

Appropriateness in the Green Belt

- 16.4 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 16.5 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (para 153).

- 16.6 The 2024 NPPF sets out a list of exceptions to inappropriate development in paragraphs 154 to 156 and the proposal does not fit into any of these categories. Although the PV installation is an engineering operation it is not appropriate development under NPPF paragraph 154 h) ii. as it fails to preserve Green Belt openness and is therefore inappropriate development.
- 16.7 The proposal is to retain a renewable energy project and NPPF paragraph 160 confirms that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and that 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’.

In this regard, paragraph 168 of the NPPF advises that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions. This contribution to cutting greenhouse gas emissions is a public benefit which is afforded weight in the planning assessment.

Impacts on openness and the purposes of the Green Belt

- 16.8 The PV panels have a limited visual impact on openness given their modest height and area and are not readily apparent from public viewpoints outside the site. The PV installation has a spatial impact on Green Belt openness and encroaches into the countryside but both impacts are limited given the modest height and length of the installation. The proposed hedge to the south should assist in limiting the visual impact of the development from this direction. Concerns have been raised by objectors that the hedge itself will reduce openness but Green Belt ‘openness’ relates to the absence of built form so planting would not have a negative impact.
- 16.9 Taking into consideration the location of the development and modest scale of the proposal, it is considered that any impacts on landscaping are attributed limited weight against the development in the planning balance

Flood risk

- 16.10 As the site is in fluvial Flood Zone 3 (high risk – zone 3a and 3b indicative) a Flood Risk Assessment has been required to be able to ascertain the flooding implications for the proposal.
- 16.11 Following a Holding Objection by the Environment Agency (EA), a Flood Risk Assessment prepared by Enviren (Ref: 2300326-FRA, Issue 1.2, dated 04/07/2024) has been submitted and the EA no longer object, noting that the row of solar panels is designed to withstand submergence to a flood depth of 1.5m. They advise that it is in the interests of the applicant to ensure that they are satisfied with the risks to their proposal.
- 16.12 Officers note that the whole of the applicant’s land holding lies within Flood Zone 3 so

there is no sequentially preferable location for the solar panels to serve the holding. The EA advise that the scheme is minor in size and there would be free flood flow through the steel framework beneath the panels and any impact on flood risk would likely be minimal and very localised to the site itself. On this basis, it is considered that Core Strategy Policy ME6: Flood Management, Mitigation & Defense has been satisfied, as flood risk would not increase as a result of the development.

Public benefits

- 16.13 The proposal's contribution to reducing greenhouse gases is a public benefit as set out at 3.2.10 of the Dorset Council's Planning for Climate Change Interim Guidance and Position Statement dated December 2023.

Planning balance

- 16.14 The proposal accords with renewable energy policy ME5, but it is an engineering operation that represent inappropriate development in the Green Belt and results in modest harm to openness and encroachment into the countryside. It is therefore for the decision-maker to form a planning judgment as to whether the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by countervailing factors such as to justify the grant of permission for inappropriate development.
- 16.15 In order for the proposal to be supported, very special circumstances need to be demonstrated that overcome the harm to the Green Belt from the inappropriateness of the development and any other harm which includes modest harm to openness and countryside encroachment. Such very special circumstances can include the wider environmental benefits associated with increased production of energy from renewable sources.
- 16.16 The Council's Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023 states that climate change will be given significant weight as a material consideration in the balance when determining planning applications (in line with the legislative and national policy context) and in considering the planning balance, regard will be had to Dorset Council's declaration of a climate emergency. It is also necessary to take account of the temporary nature of the solar array which would be anticipated to have a lifespan of approximately 30 years. A condition can be imposed to require the removal of the solar array once no longer being used for energy production in the interests of Green Belt openness and the rural character of the area (no. 3).
- 16.17 The supporting planning statement advises that the panels are 410 watt and together will generate a peak supply of 9 kW to the Dunromin dwelling and holding. It is estimated that this could reduce carbon emissions by almost 3 tonnes per annum compared to fossil fuel energy production. This factor is afforded significant weight given the Council's declared Climate Emergency.
- 16.18 In this case the development has a limited visual impact on the countryside. The environmental benefits of renewable energy provision are afforded substantial weight in the planning balance.

17.0 Conclusion

17.1 Although the proposal is inappropriate development in the Green Belt, given its limited impact on openness and no significant impact on the countryside nor on flood risk, it is considered the benefits of the proposal's renewable energy production towards the global drive to increase energy production from renewable sources (and reduce the use of fossil fuels) represent the very special circumstances necessary to outweigh the harm from inappropriateness and any other harm.

18.0 Recommendation

Grant Planning Permission, subject to the following conditions:

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

Paul Day Architectural Designs Ltd Drawing 7439 - 01 Rev C dated 31/01/2024

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within 3 months of the date of this permission a beech hedge shall be planted in the position shown with a grey rectangle on the approved Proposed Partial Site Plan 1:500. Any plants found damaged, dead or dying in the first 5 years shall be replaced and the whole scheme thereafter retained.

Reason: In the interests of the character of the area and biodiversity.

3. This permission is limited to a period expiring 30 years from the date of this planning permission by which time the solar panels hereby permitted shall have been removed and the land reinstated to grassland.

Reason: To reserve to the Local Planning Authority control over the long-term use of the land in the interests of Green Belt openness.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the application for planning permission was made before 12 February 2024 and is exempt.

Read more about Biodiversity Net Gain at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>