

Plaxtol
Bourne

TM/24/00138/PA

Location: Land North And East Of TREE HOUSE Yopps Green Plaxtol Sevenoaks TN15 0PY

Proposal: Installation of ground mounted solar array on adjacent field for domestic energy supply at the residential dwelling

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1. Description of Proposal:

- 1.1 The scheme proposes the installation of 42 ground mounted solar panels for personal use by the residential house of Tree House. The panels are proposed to be sited approximately 130m to the north-east of Tree House, within a field to the north of the property's residential curtilage. The field is currently used as a paddock for horses and is a lower level than the paddock to the west, which is also in the ownership of the applicant.
- 1.2 The proposed solar panels would be a 16KW system comprising 3 panels high and 14 panels across (25m in width) with a total area of approximately 85sqm. The panels would be positioned facing south and raised 0.4m above the ground, with a maximum height of 2.2m. The panels themselves would have a depth of 2.4m and the overall development would have a depth of 2.9m.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor James Lark as Plaxtol Parish Council objects to the application.

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt and within the Kent Downs National Landscape (NL) (previously known as the Kent Downs Area of Natural Beauty). Tree House is a residential dwelling located within the settlement confines of Plaxtol and within the Plaxtol Conservation Area; however, the area in which the solar panels are proposed to be located is outside any defined rural settlement confines and outside of the conservation area.
- 3.2 The main house at Tree House is Grade II listed. It is described on the Listed Building Record as:

House. Late C17 with C18 facade, altered in C19. Red and blue brick with red dressings; right-hand bay with red brick ground floor and tile-hung first floor. Parapet

with stone coping to plain tiled roof. Three flat-headed dormers, and stacks and one ridge stack to right. Two storeys and attic; 4 windows, slightly irregular, glazing bar sashes on first floor, 3 canted bays on ground floor. One half-glazed door to left. The house is L-shaped with C19 two-storey red brick wing to the rear.

- 3.3 The properties of Elm Tree Cottage and White Beam directly to the north of Tree House are also Grade II listed. These properties are located to the south-west of the site of the proposed solar panels. The description for these properties on the Listed Building Record is as follows:

Cottage row. Possibly C17. Red brick ground floor, vertical half-timbering with plaster infilling above. Ridge plain tiled roof in two pitches, higher to right, half-hipped to left. Ridge stack to left, end stack at right-hand end. Two storeys; irregular three windows to left, more regular three windows to right. One C18 panelled door to left with flat projecting hood, one modern door to right.

- 3.4 The solar panels are proposed to be installed within a field to the north-east of the residential curtilage of Tree House, and would be directly adjacent to a Public Right of Way (PROW) to the north. The site is visible in some public views from Yopps Green to the west.

4. Planning History (relevant):

11/02701/FL

Application withdrawn 22/11/2011

Erection of ground based solar installation

Neighbouring properties:

Land East Of Reed House, The Street, Plaxtol, Sevenoaks, TN15 0QL

23/03545

Approved 08/03/2024

Proposed Ground mounted PV solar installation

11/03056/FL

Approved – 19/01/2012

Ground mounted PV Solar Installation

Old Soar Manor, Old Soar Road, Plaxtol, Sevenoaks, TN15 0QX

22/02671/FL & 22/02672/LB

Planning Permission and Listed Building Consent Approved 09/02/2023

Small solar array behind existing outbuildings

5. Consultees:

Plaxtol Parish Council:

- 5.1 The Parish Council wishes to object to the application in its current format for the following reasons:
- 5.2 The proposed solar panel array in a field at Tree House would be considerable in scale (200 square metres due to the number of panels (42) and the height 2.2 metres). The proposed site lies within the Kent Downs National Landscape, which is an elevated designation from the former Area of Outstanding Natural Beauty, designed to give it protection similar to a National Park. This area should consequently receive the highest level of landscape protection. Proposals of the size envisaged at Tree House should therefore be accompanied by a Landscape and Visual Impact Assessment (LVIA) in order to determine the likely impact of the proposals on this valued landscape and give it considered thought.
- 5.3 The solar panel proposals are lacking in detail. There is no information in the application to show at what level the solar panels are proposed to be fixed due to the sloping land. This is crucial because it is therefore not possible to predict how visible the panels are likely to be within the wider landscape. This information should provide the basis for assessment of effects in the LVIA, meaning that it is not possible to provide this necessary document with the level of information currently supplied.
- 5.4 Effective mitigation proposals would also rely on an LVIA. It is not currently possible to determine what level of mitigation would be necessary because of lack of information.
- 5.5 The proposed area of solar panels lies within close view of the neighbouring Conservation Area. The views should be taken into account when considering the need to preserve or enhance the Conservation Area's special character. Part of this character stems from the relationship between the traditional buildings and streetscape with the surrounding countryside. Careful siting and mitigation in this location is therefore particularly important.

Kent Downs National Landscape Unit:

- 5.6 Changes introduced through the Levelling-Up and Regeneration Act 2023, which came into force on 26/December 2023. The Act amends the Countryside and Rights

of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:

- 5.7 *'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. (Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).*
- 5.8 This clearly places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.
- 5.9 The proposed solar array is of a small, domestic scale nature. It would be located on the lower slopes of the Greensand Ridge as it falls towards the River Bourne, on the edge of the historic hamlet of Yopps Green. It would occupy a small portion of a paddock that appears to form part of the wider curtilage of The Tree House, rather than being located in open countryside, which helps reduce any impact on landscape character. There would be limited visibility of the proposal in the wider landscape due to the surrounding topography and existing vegetation; the solar array would be largely screened from views from the north and east by existing mature vegetation and from the south by built form and vegetation. Views may however be possible from the west, but from the public realm, this would be at some distance and in view of the small scale of the array, impacts would be limited, with a group of mature trees located to the south west filtering views.
- 5.10 The application, however, proposes no mitigation or wider enhancement of the Kent Downs National Landscape. In order to meet national and local planning policy requirements for enhancement as well as conservation of the natural beauty of the National Landscape, and in order to ensure that the Council meets its new statutory duty to ensure its actions further the purposes of AOB designation, we consider the application should incorporate landscape enhancement. The most appropriate form for this would, in our view, to be the establishment of an indigenous species hedge, incorporating some hedgerow trees, along the western boundary of the paddock in which it is proposed to site the array. This would help further contain the proposal in the landscape, filter views and provide biodiversity enhancement. It would also be in line with the Landscape Character Assessment management recommendations. Advice on appropriate species can be found on page 26 of the Landscape Design Handbook, noting that it is no longer appropriate to plant Ash.
- 5.11 Should the Council be minded to approve the application, in addition to a temporary consent, we would request that a condition be attached requiring the removal of the panels should they no longer be in use.
- 5.12 Subject to the above, the Kent Downs National Landscape Team raises no objection to the application.

Neighbours:

5.13 4 objections and 1 comment were received from 5 separate neighbouring addresses. Objections were made on the following grounds:

- Location within the Green Belt and the Area of Outstanding Natural Beauty will cause harm to these areas – significant impact on openness.
 - Harm to countryside: Proposals would destroy the prevailing tranquillity, patterns of vegetation, and relationship between the pattern of the settlement and landscape.
 - Impact on views: Directly visible from Yopps Green Road and surrounding area including public footpaths to north and east. Visible across a very large area
 - Heritage: Proposals would negatively impact on setting of Grade II listed buildings and character or neighbouring conservation area.
 - Heritage: Reduced visual and environmental impact if panels on roof of main house or outbuildings.
 - Would set a precedent for development in open countryside and within Green Belt and the Area of Outstanding Natural Beauty.
 - Loss of arable land and local wildlife habitats.
 - If granted, should be conditional upon planting fast-growing vegetation around the development to disguise it.
 - Loss of views from adjacent neighbouring properties.
 - Adverse impact on value of adjacent neighbouring property.
 - Isometric views of proposals should be submitted.
 - The size of the proposals would require further development for storage of energy generated which would cause further visual and noise impacts.
 - In breach of the Plaxtol Parish Plan and Plaxtol Parish Design Statement 2005
- Letters sent to neighbours 09/02/2024 (expired 03/03/2024), 23/05/2024 (expired 06/06/2024) and 29/05/2024 (expired 21/06/2024).
 - Site notice displayed 14/02/2024 (expired 06/03/2024).
 - Press notice advertised 15/02/2024 (expired 07/03/2024).

6. Determining Issues:

Principle of development

- 6.1 The site lies within the countryside. Policy CP14 of the TMBCS seeks to restrict development in such areas in order to protect their character. The site lies in the Green Belt. The application must therefore also be determined with regard to policy CP3 of the TMBCS. CP3 states that National Green Belt policy will apply.
- 6.2 Paragraph 152 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that 'substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.3 Paragraph 156 of the NPPF notes that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. This is the case for the current proposal. However, the NPPF continues to state 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.
- 6.4 The proposed ground mounted solar array is considered to be relatively modest in size and would be mostly screened from public views by established hedge and tree planting to all site boundaries and due to the lower level of the paddock compared to Yopps Green Road to the west. Although the proposed solar panels would affect the sense of openness to a degree, primarily because of the presence of a new structure, the impact resulting from these panels would be mitigated by the hedges and trees along the site boundaries. As such, it is considered that the harm to openness arising from this development by reason of its inappropriateness would be relatively modest but nevertheless would need to be clearly outweighed by other considerations.
- 6.5 The proposal, owing to its size and location would not undermine the functions of Green Belts in terms of restricting urban sprawl, preventing the merging of towns, preventing urban encroachment, preserving the setting and special character of historic towns and assisting in opportunities for urban regeneration.
- 6.6 Paragraph 163 of the NPPF provides guidance for LPAs when determining planning applications for renewable and low carbon development stating (inter alia) that there is no requirement to demonstrate the overall need for renewable energy but to recognise that even small-scale projects can provide valuable contributions and to approve if impacts are (or can be made) acceptable.
- 6.7 In this instance, whilst there is a degree of harm to the openness of the Green Belt by reason of the installation of new solar panels on land currently unoccupied by any

built form, the harm would be partly mitigated by the siting of the panels and the hedges and trees presented along the site boundaries. Furthermore, the absence of any harm to the purposes of the Green Belt together with the environmental benefits associated with the proposed installation would both weigh in favour of this application.

- 6.8 The support for renewable energy production within the NPPF and particularly that support shown in relation to Green Belt is considered to constitute a very special circumstance required to overcome the modest harm identified earlier to openness of the Green Belt. As such, the principle of development could be, on balance, supported from a Green Belt perspective.

Impact on character and appearance of the site surroundings

- 6.9 Policy CP1 of the TMBCS seeks to ensure that all development results in a high quality sustainable environment. Section 4 (inter alia) supports the need for on-site energy generation. This desire for overall sustainable development is supported in Policy CC1 of the MDE DPD which promotes sustainable development techniques. The proposal meets the aims of both these local development plan policies.
- 6.10 The site also lies within the Kent Downs National Landscape (NL – previously known as Area of Outstanding Natural Beauty (AONB)) wherein Policy CP7 of the Core Strategy states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the NL, including its landscape, wildlife and geological interest. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design. However, it is acknowledged that policy CP7 is not entirely consistent with the ‘language’ of the NPPF and as such only attracts limited weight for decision-making purposes.
- 6.11 Paragraph 182 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (now NLS) which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 6.12 The location of the proposed development in the rear north-eastern corner of the paddock adjacent to existing boundary planting would limit views of the panels from all sides. Whilst the site is visible in public views from the road of Yopps Green looking east from the entrance gate to the adjacent paddock, views of the proposed panels would be limited by the change in topography; with the paddock in which the panels are proposed to be located set at a lower level than the adjacent paddock and road of Yopps Green to the west.
- 6.13 Furthermore, whilst there may be some views of the proposed panels from the ridges of the Kent Downs NL to the north and east, the panels would not be prominent in

views given the surrounding vegetation screening and as the panels would face directly south, and so only the rear or rear-side of the panels would be visible. There would be no direct public views of the entirety of the proposed panels in views looking north.

- 6.14 The proposal would not appear to adversely affect ecology and in any case would be raised off the ground to allow for free movement of animals and insects. The Kent Downs National Landscapes (KDNL) Unit has reviewed the proposals and raises no objection to the scheme given the location of the site and the limited visibility of the proposed development in the wider landscape, subject to a condition for landscape enhancement to meet national policy requirements for the enhancement of the natural beauty of the NL. The KDNL Unit recommends the establishment of a new indigenous species hedge incorporating some hedgerow trees along the western boundary of the site to help further contain the proposal in the landscape, filter views and provide biodiversity enhancement. As such, a pre-commencement condition for the submission and approval of an appropriate scheme of landscape would be added.
- 6.15 The proposed works would be reversible in the future when no longer required. A condition would be added to secure this removal as soon as reasonably practical when the panels are no longer required, which would minimise the long term impact of the development on the site, surrounding area and NL.
- 6.16 Overall, the proposal would not prejudice the character of the site surroundings including the natural or scenic beauty of the NL and the rural setting of the countryside. As such, it would accord with Policies CP1, CP7 and CP14 of the TMBC and Chapter 12 of the NPPF.

Impact on heritage assets

- 6.17 The Plaxtol Conservation Area is located to the south of the site and the Grade II listed properties of Tree House and the neighbouring semi-detached cottages of Elm Tree Cottage and White Beam are all located to the south-west of the application site. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013 requires special regard to be attached to the desirability of preserving the setting of the adjacent listed buildings, and the desirability of preserving or enhancing the character or appearance of the adjacent conservation area.
- 6.18 The proposed solar panels would be located outside of the residential curtilage of Tree House and would not be visible in views of Tree House or its outbuildings, and would not harm the setting of the listed building. Furthermore, there would be sufficient visual separation between the proposed panels in the sunken paddock and Elm Tree Cottage and White Beam, when viewed from the access gate on Yopps Green looking east. This siting making best use of the natural topography would ensure there would also be no demonstrable harm to the setting of these listed buildings. Given the location of the proposed panels a reasonable distance from the

conservation area and the very limited public views, the proposed development is not considered to harm the character and appearance of the conservation area.

Other matters

6.19 The site is located a considerable distance from the nearest residential properties. The proposal is not associated with any noise, odour, vibration or other waste generation which is likely to have an adverse impact upon residential amenity. The scheme does not involve any additional external lighting. The proposal is not therefore considered to give rise to harm the neighbouring amenities of nearby residential properties.

6.20 The proposals do not affect any existing parking arrangements, nor do they result in a requirement for further parking provision.

7. Conclusion

7.1 The proposal, owing to its scale and siting, would have no unacceptable adverse impact on the character of the countryside or the Kent Downs National Landscape. Although a degree of harm to Green Belt openness would arise from this development proposal, such harm would be partly mitigated by its discreet siting, the existing soft landscaping along the site boundaries, and the proposed planting to be secured by condition to enhance existing natural screening. The environmental benefits of the renewable energy development are considered to outweigh the very limited harm that would occur in visual terms.

7.2 As such, very special circumstances have been satisfactorily demonstrated in accordance with Chapter 13 of the NPPF which are considered to outweigh the harm to the Green Belt by reason of inappropriateness. On balance, therefore, the proposal is recommended for approval, subject to the conditions detailed in the following.

8. Recommendation:

8.1 **Grant planning permission** subject to the following:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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

Proposed Block Plan/Site Plan Ref. CB-002 (received 05/09/2024); Proposed Elevations Ref. CB-003; Site Location Plan; Jinko Solar Specification Details.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following installation of the solar array or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with the requirements of policy CP7 of the Core Strategy (2007) and paragraph 182 of the National Planning Policy Framework (2023).

4. The ground mounted solar array equipment hereby approved shall be removed from the field and the land restored to its former condition within 3 months of it no longer being required.

Reason: In order to minimise the impact on the local environment and Kent Downs National Landscape in accordance with the requirements of policies CP7 and CP25 of the Core Strategy (2007) and paragraph 182 of the National Planning Policy Framework (2023).

Informatives:

1. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
2. Birds, in particular pigeons, can be attracted to PV systems causing noise, mess and damage to the system itself. It is therefore advised that the installation be suitably designed and built to prevent this issue.
3. You are reminded that any alterations to the listed building of Tree House required to connect the property with to the solar array may require listed building consent.
4. The Planning permission hereby consented relates solely to the specified installation of the ground mounted solar array and does not purport to convey consent for any other work(s) that may be proposed or the means by which it is to be connected to the residential property. Trees adjacent to this site are protected by virtue of standing within a Conservation Area. This planning permission does not confer any rights to

prune/sever the roots of trees protected under Conservation Area provisions during for example trenching to install cables to connect the Solar Array to the house (such works are not included as part of this planning permission and there are no permitted development rights relating to treework). If it is proposed to prune/sever the roots of protected trees during any trenching to instal cables to connect the Solar Array to the house then a prior s211 Notice of Intent would be required in accordance with the tree preservation legislation.

Contact: Charlotte Meynell