
2022/0800

Applicant: Dr Kabir Nepal

Installation of ground mounted solar panels on land to side of dwelling and associated works

Park House, Road adj. to Wortley Park, Wortley, Sheffield, S35 7DE

Site Description

The application site refers to an undeveloped piece of land to the East of Park House which is large detached stone dwelling located in a remote and rural location, off Westwood Lane, 1.3km to the East of the village of Wortley. The dwelling's curtilage is primarily to the South and South-West of the dwelling itself, and is also large for a single domestic plot, measuring 3800sqm. The parking area is to the East, leading to a detached garage to the rear/side of the dwelling. To the immediate side (East) of the dwelling is the undeveloped piece of land which is also owned by the applicant, and is the application site, but falls outside of the defined curtilage area, separated by a mid-height stone wall.

The site is located within the Green Belt, with no immediate neighbours – the closest being Westwood Lodge, which is 320m to the East, with an narrow and unmarked access road running from Westwood Lane. The site is within the grounds of Grade-II listed park and gardens of Wortley Hall. Wortley Hall itself is grade-II* listed and is c.1.1km to the West of the site. The site is also on the Green Space register under parks and gardens and is in a high-risk development area from coal mining legacy. The access track lead to the site, off Westwood Lane, served as an historic access into Wortley Hall and is now a public bridleway (Wortley CP 17).





Relevant Site History

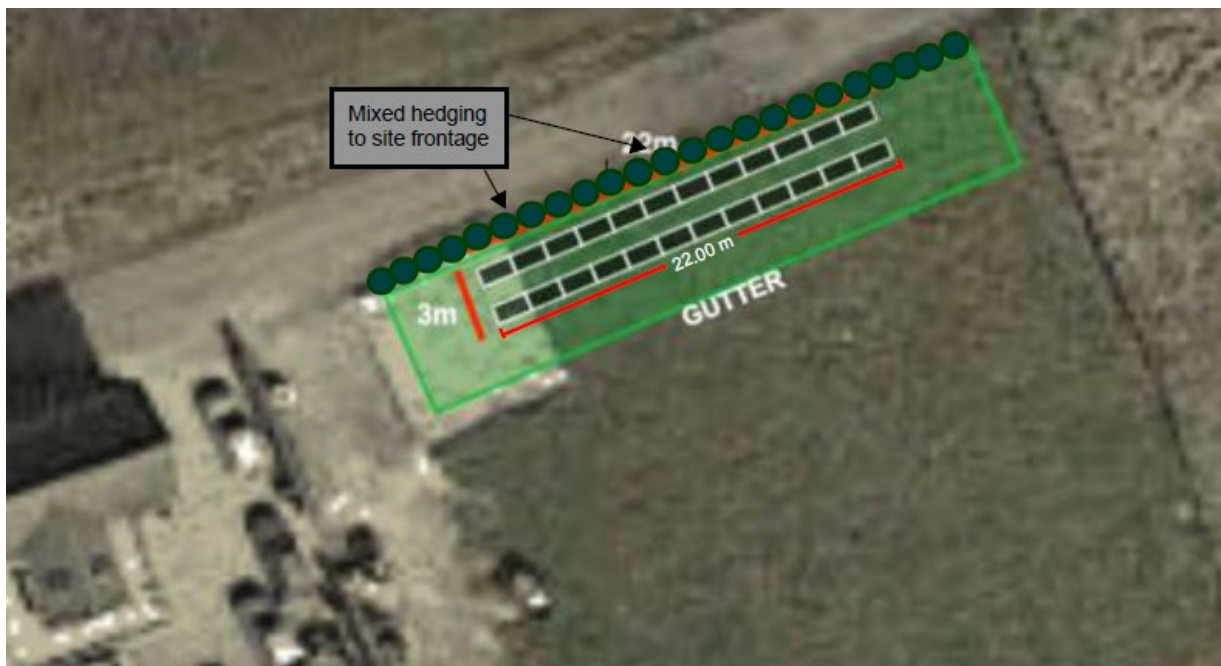
2008/1242 – Erection of rear single storey conservatory to dwelling (Approved with Conditions)

2020/0874 – Erection of rear two storey rear extension and window alterations (Listed Building Consent) (Withdrawn)

Proposed Development

The applicant is seeking approval for the installation of a series of ground-mounted solar panels located to the North of the application site, immediately adjacent to the unmarked access to the front of the site. Each solar panel is 1.75m x 1.95m, positioned side by side in two rows, with a 0.8m separation gap between the two rows. The total length of the panels will be 22m, with the total development area (including separation between the panels), being 3m x 22m, or 66sqm. The panels are not built on any form of platform or raised area but will be sloped and directed South to increase performance and efficiency. Therefore, the panels will have an elevation of less than 1m from the ground, with the majority of the height being the panel itself.

The applicant has submitted a Heritage Statement and a Solar PV and Battery Storage Report, which includes a components list. The chosen solar panels have been identified as Longi HiMo4 375W Black Framed Mono. The applicant has provided a report which indicates that the yearly generation of the panels is expected to be 7856kWh which divided over 365 days equates to 21.5kWh per day in generation. 70% of this will be used



directly in the property, 16% is directed to the battery for later use (albeit with around 1% lost) and 14% is exported to the grid.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley.

Local Plan

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

In reference to this application, the following policies are relevant:

SD1: Sustainable Development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1: High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Poll1: Pollution Control – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

BIO1: Biodiversity and Geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough. Development will be expected to conserve and enhance the biodiversity and geological features of the borough

GB1: Protection of Green Belt – The detailed boundaries are defined on the Policies Map. Green Belt will be protected from inappropriate development in accordance with national planning policy.

GB2: Replacement, extension, and alteration of existing buildings in the Green Belt - Provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt:

Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.

Extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.

Dividing an existing house to form smaller units of accommodation.

All such development will be expected to:

Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials; and

Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety

HE1: The Historic Environment - We will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets which are at risk.

HE2: Heritage Statements and general application procedures - Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting.

HE3: Developments affecting Historic Buildings - Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances proposals will be expected to:

Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building.

Capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.

HE4: Developments affecting Historic Areas or Landscapes - Proposals that are within or likely to affect the setting and the heritage significance of a Registered Park and Garden will be expected to:

Respect historic precedents of layout, density, scale, forms, massing, architectural detail and materials that contribute to the special interest of an area.

Respect important views either within the area or views that contribute to the setting of the area.

Take account of and respect important landscape elements including topographic features or trees that contribute to the significance of the area where harm might prejudice future restoration.

CC1: Climate Change – the Council will seek to reduce the causes of and adapt to the future impacts of climate change.

RE1: Low Carbon and Renewable Energy – All developments will be expected to seek to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

Poll1: Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. The Council will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

NPPF

The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, unless the application of policies in the Framework that protect areas or assets of

particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

12 Achieving well designed places

Paragraph 134 requires that development that is not well designed be refused, but conversely: '*significant weight should be given to:*

- a. *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b. *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'.*

13 Protecting Green Belt Land

Paragraph 147 states that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that 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.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are :

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:–

not have a greater impact on the openness of the Green Belt than the existing development; or–

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

15 Conserving and enhancing the natural environment

Para 174 states that planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Para 180 states that when determining a planning application, local authorities should apply the following principles a) if significant harm to biodiversity, resulting from development, cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

16 Conserving and enhancing the historic environment

Para 194 states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 199 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Para 201 - Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Para 202 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

SPDs

Sustainable construction and climate change adaptation: The SPD sets out the Council's approach to planning decisions in respect of sustainable construction and adapting to climate change.

Consultations

Conservation Officer – Concurred with Yorkshire Gardens Trust that the development is unlikely to have a harmful effect on the historic environment.

Public Rights of Way (PROW) – A public bridleway runs along the access track to the site, immediately North of the Proposed new Solar Panels. Safe public access should remain in place for pedestrians, horse riders and cyclists throughout and after installation. If the application is acceptable, an informative note should be added to the decision notice.

South Yorkshire Archaeology Service – No comment.

Yorkshire Gardens Trust – Park House Cottage lies within Wortley Hall's registered park towards the south-eastern boundary. Park House and its associated agricultural buildings are shown on the OS 1st Edition map published in the 1850's and were possibly built as part of the development of the Wortley Estate during the 18th Century. Immediately to the north of Park House and Park House Cottage is the historic drive from West Wood Lodge to Wortley Hall but which now only serves Park House, Park House Cottage and farming access. However, it is the route of the Trans Pennine Trail. We understand that the parkland is in agricultural/arable use. We understand from the Heritage Statement that the proposal is for two rows of ground mounted solar panels of elevation less than a metre in a paddock east of the dwellings. The paddock is bounded by a hedge to its north alongside the historic drive. The other boundaries are not described but there is woodland at some distance across the former parkland to the south of the site. The proposed ground mounted solar panels should have very little impact on the registered park and garden and the Gardens Trust and Yorkshire Gardens Trust have no objection. This is subject to the hedge being allowed to grow to a sufficient height and thickness to screen the panels from the historic access.

Ward Councillors – No comments.

Representations

No neighbours were consulted on the proposal due to the significant distance to nearby neighbouring properties, none of which share a boundary line. However a site notice was placed nearby, at the start of the unmarked access leading to the site (near to Westwood Lodge and Westwood Lane).

Assessment

Principle of development

The site has several inherent constraints; it is located within the Green Belt, is in a high risk development area of coal mining risk/legacy and within the Grade-II Listed Park of Wortley Hall and Gardens, alongside being within fairly close proximity to Wortley Hall itself (which is situated 1km to the West). Assessment against local and national green belt policies will be assessed in this section before assessment of the other constraints in the following sections.

The erection of buildings and structures in the Green Belt are considered to be inappropriate development with several exceptions, as outlined in Local and paragraphs 149 and 150 of the NPPF. Solar panels and renewable energy projects are not listed as exceptions to inappropriate development. NPPF paragraph 151 does go on to state that:

'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'

As such, the proposed development is inappropriate within the Green Belt and very special circumstances will typically be required.

The applicant has not explicitly stated that very special circumstances are presented in this case, but the application is for a small scale domestic renewable energy project with a defined solar PV and Battery Storage Project report provided. The report indicates that the scheme is expected to generate 7656kWh, which equates to c.21kWh per day, 70% of which will be used directly for the singular domestic property. The development is ground-mounted with very little elevation off the ground, with the elevation and massing coming from the fact that the panels will be gently sloped (therefore raised) and directed South, to increase production and efficiency. The applicant has stated that the highest part of the panels will be c. 1m when measured from the ground, again primarily due to the need to slope the panels towards the Sun to aid efficiency of the panels.

The entire site owned by the applicant (including the dwelling itself, the domestic curtilage and the non-curtilage area which the applicant also owns) is c.6000sqm. The area which falls outside of the domestic curtilage measures c.2200sqm. the total development area of the site is 66sqm, taking into account the two rows of solar panels and the 800mm gap between them. As such, the total development area represents 1.1% of the entire site owned by the applicant or 3% of the non-curtilage area. Clearly, these percentiles are not considered to be excessive, and given that the development does not have a significant upwards projection. Openness of the Green Belt is generally equated to land/sites being free from development. With this in mind, it is appreciated the proposal would have some impact on the openness of the GB, but the existing site has been used in the past for equestrian activities, although this was never established. Given the very small area of the site which will be developed on, it is considered that the general impact on openness is not significant and detrimental to the Green Belt. Neither does the proposal conflict with the following purposes of including land in the Green Belt:-

- a) to check the unrestricted sprawl of large built-up areas
- b) to prevent neighbouring towns merging into one another
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The area of potential conflict is c) to assist in safeguarding the countryside from encroachment but the assessment position on this matter is very similar to the one carried out on openness in that the proposal is ground based, has relatively small site area with screening to be provided by a new hedgerow. It is therefore considered that the effect would be very localised and that there would be a very low magnitude of impact on the open countryside.

It is appreciated that there aren't any public benefits to the scheme, but the development is in line with Local Plan Policies CC1 and RE1 which seeks to promote and support the delivery of renewable and low carbon energy. A supporting document has been submitted showing the energy production expected from the scheme with 70% serving the existing property. This will reduce the demand for fossil fuel energy from the applicant's plot and is fully in line with the above referenced policies.

The Council has recently drafted a Sustainable Construction and Climate Change adaptation SPD which references Photovoltaics (PV) as being modern construction techniques in the fight against climate change. These are stated as offering increased energy independence from battery storage, whilst generating no in-use pollution and are low maintenance. Within this backdrop, it is clear that there are benefits to allowing such domestic self-installation schemes in the right locations, where evidence can be provided which clearly shows proportional energy production levels are to serve the associated dwelling/s.

On balance, whilst the proposed development is inappropriate development in the Green Belt as it is not included within the exception lists in Local Plan Policy GB1 or NPPF paragraphs 149 and 150. However, it is felt that a more balanced assessment needs to be taken in regard to the impact of the development on the openness of the Green Belt. A very small proportion of the site is being developed, on land which has previously been used for equestrian purposes. The applicant has made effort to screen the development from view with planting a mixed hedgerow on the Northern boundary line, and the overall impact over the Green Belt is considered acceptable given the benefits of the scheme.

Visual Amenity and Impact on the Historic Environment

The site is within the grade-II listed Wortley Hall Park and historic garden and grade-II* listed Wortley Hall is c.1km to the West. An accurate (amended) heritage statement has been submitted, in line with Local Plan Policy HE2.

The proposed solar panels are located to the North of the site, in close proximity to the adjacent access road which runs across the frontage of the site. The proposed solar panels take up a very small percentage of the application site (3%) based on footprint, are low lying (slightly sloped with a max height of 1m), and face South, away from the access road. The originally submitted heritage statement was inaccurate as it indicated that the Northern boundary line of the site contained an existing hedgerow, with the site visit showing that this had recently been planted and was fledgling. Yorkshire Gardens Trust (YGT) and the Conservation Officer commented on the scheme and raised no objection due to the heritage statement indicating that the solar panels would effectively be screened from the access road. However, the responses

were on the basis of inaccurate information in the heritage statement. An amended statement and site plan was produced which cleared the matter up and showed the location of the planted hedge on the boundary line, alongside the planted species mix. This correlated to the Conservation Officer's recommendation of native species being planted with a majority of hawthorn, albeit fell slightly less than the minimum 70% hawthorn mix which was requested. Notwithstanding this, YGT and the Conservation Officer reiterated their original stance that no objection was raised subject to a condition that the hedgerow will be allowed to grow to a sufficient height and thickness to screen the panels from view. The heritage statement included a management plan which outlines how this will be achieved.

The panels themselves are appropriate in terms of design and height, and are considered to be acceptable, in compliance with Local Plan Policy D1.

The proposed development is in line with Local Plan Policies D1, HE1, HE2 and HE3 and is considered to be acceptable, subject to conditions.

Residential Amenity

The nearest residential property is 320m to the East, at the start of the access track into the site. The proposed development is considered to have no impact on residential amenity enjoyed by this neighbouring property given the significant separation distance and the small-scale nature of the development. The proposed development is in compliance with Local Plan Policy GD1 and is acceptable in terms of residential amenity.

Coal Mining Risk

The site is located in an area which is at high risk from coal mining legacy. Colleagues in SYMAS have been consulted on the proposal and have not objected indicating that the Coal Authority's standing advice should be placed on any approval notice.

Highways Safety

No impact on highways safety.

Conclusion

The proposed development is for the installation of solar panels on a piece of land to the immediate East of the applicant's dwelling and curtilage area. Both the total site (including the applicant's dwelling, curtilage and non-domestic area) and the non-domestic area (red line boundary) itself are large, measuring 6000sqm and 2200sqm, respectively. The site is within the Green Belt where the erection of buildings and structures is considered to be inappropriate development with several exceptions, as outlined in Local Plan Policy GB1 and NPPF paras 149 and 150. The erection of renewable energy projects is not specifically listed within these exception lists and therefore the proposal constitutes inappropriate development. However, a more general assessment against the openness of the Green Belt is considered appropriate in this case given the small scale nature of the scheme, which is a solar panel serving a singular domestic property.

The applicant has not provided very special circumstances, but the impact on the Green Belt is not considered detrimental given the low-lying nature of the domestic solar panels, the small area in relation application site within the red line boundary (3%) and the total land owned by the applicant (1.1%), alongside the fact that the development is for a small scale domestic renewable energy project, which the Council encourages and supports through Local Plan Policies CC1 and RE1 and the Council's draft SPD for Sustainability. To be clear, there is no change to the use of the application site, and it does not now become part of the domestic curtilage/garden area. A condition will be placed on the decision notice to ensure that any part of the site does not be used for domestic purposes. It is felt therefore that the proposal development, whilst not specifically outlined in the exception list, does not detrimentally impact the openness of the Green Belt, despite being a form of inappropriate development. In addition the development would not conflict with the purposes of including land in the Green Belt and would deliver renewable energy benefits that would be in line with local and national aims of reducing the reliance on fossil fuels and limiting the impacts of climate change. In this case the benefits of the proposal are considered to clearly outweigh the very limited amounts of harm therefore.

The above being said, the site is in an inherently sensitive location given it is within the Grade-II listed parks and gardens of Wortley Hall, 1.1km from Wortley Hall itself (Grade-II*) and in a development area at high

risk from coal mining legacy. The historic access into Wortley Hall runs immediately adjacent to the North boundary line of the site, East-West. The initial heritage statement submitted was not accurate as it indicated that the solar panels would be screened by an existing hedgerow on the Northern boundary line, but in fact the hedgerow has recently been planted and is fledging. An amended heritage statement was submitted alongside a site plan (with soft landscaping and planted species mix) which the Conservation Officer and Yorkshire Gardens Trust have been consulted on, raising no objection stating that the proposal will have very little impact on the heritage assets. The mix of species planted in the hedgerow is in line with what is usually expected for historic gardens (native mix, predominantly hawthorn), although falls slightly below the 70% hawthorn expectation. Nonetheless, no objection was subject to the hedgerow being allowed to grow to a sufficient height and thickness which would ensure that the panel are screened. This would ensure that the impacts on the listed parkland as a designated heritage asset would be less than substantial. Appropriate conditions will be attached to any forthcoming decision notice.

SYMAS have been consulted on the proposal and have stated that there is no need for a Coal Mining Risk Assessment and raise no objection given the size and nature of the works and the Coal Authority's standing advice is sufficient. The nearest neighbouring property is 320m to the East, with the project having no impact on the residential amenity enjoyed by the neighbours. The proposal has no impact on highways safety.

The proposed development is considered to be acceptable subject to conditions and is recommended for approval.

Recommendation

Approve with conditions