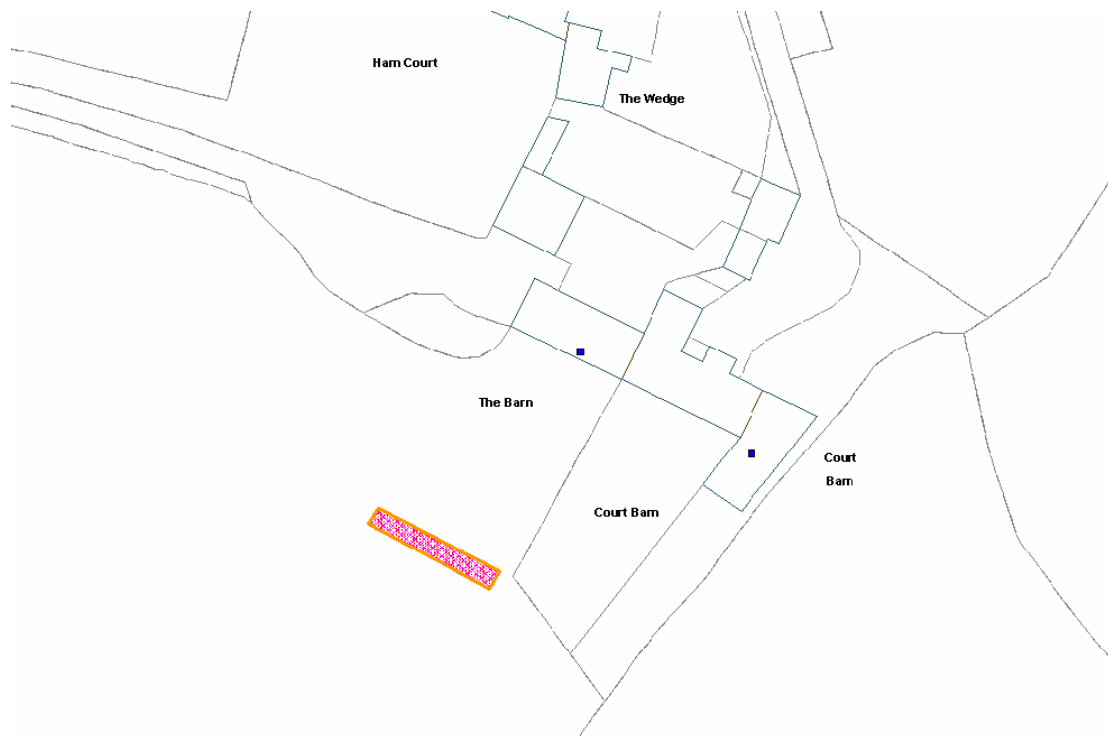


APPLICATION NO: 14/00122/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 3rd February 2014	DATE OF EXPIRY: 31st March 2014
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Mr P Ball
AGENT:	SF Planning Limited
LOCATION:	Ham Court, Ham Road, Charlton Kings
PROPOSAL:	Erection of freestanding solar panels

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to land to the south of Ham Court, which is a grade II listed property within the ward of Battledown.
- 1.2 The applicant seeks planning permission for the erection of freestanding solar panels within the grounds of the property and to the south of the main house.
- 1.3 The application is before Planning Committee as the parish council have objected to the proposal due to insufficient information and because the proposal is not suitable for the Area of Outstanding Natural Beauty.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Residents Associations

Relevant Planning History:

02/01781/FUL 14th February 2003 PER
Demolition of outbuilding and erection of two storey extension

02/01782/LBC 14th February 2003 GRANT
Demolition of outbuilding and erection of two storey extension

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
CO 2 Development within or affecting the AONB

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

25th February 2014

OBJECTION

- insufficient information
- not suitable for AONB

Cotswold Conservation Board

12th February 2014

Subject to no objections from the Council's Built Environment Officer or Ecological adviser, the Cotswolds Conservation Board supports this proposal which is in accordance with the Cotswolds AONB Management Plan 2013-18 and the Board's Position Statement on renewable energy generation in the Cotswolds AONB.

Heritage and Conservation

25th February 2014

Further to: pre-application site visit and application information

Analysis of Site

This site has wider views to it from across an adjacent field. From this long distance view it is possible to see the principal listed house (ie Ham Court) and the adjacent listed barn and the proposed location of the solar panels.

Comments

- i. This application has come about due to the fixing of solar panels to the roof of the near-by listed barn, without listed building consent; resulting in the issuing of an enforcement notice and a subsequent dismissed appeal.
- ii. I have visited the site after the result of the dismissed appeal, with a view to consider alternative locations for the solar panels.
- iii. The proposed location is acceptable provided it is screened to the north and the west by a new hedge. The proposal suggests a mixed hedge which has the advantages of looking like a rural hedge on the filed boundary, but the disadvantage of being deciduous thus allowing views of the panels during the period when the hedge has lost its leaves.
- iv. Since the landscaped screen is such a key element in the acceptability of the proposals I suggest that the planting of the hedges, the type of hedge and the retention of the hedge in perpetuity is conditioned.

CONCLUSION: approve subject to conditions

Conditions:

LAN02B Landscaping scheme (short version)

Prior to the commencement of development, a detailed scheme for the proposed hedge planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner. Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

LAN03B Landscaping - first planting season

The proposed hedge hereby approved (subject to the detailed design condition above) shall be carried out no later than the first planting season following the erection of the solar panels. All planted materials shall be maintained for a period after planting for as long as the solar panels are retained in this location and any plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	2
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Two letters have been sent to neighbouring properties and no responses have been received.

6. OFFICER COMMENTS

6.1 Background

- 6.2 The applicant initially erected solar panels on the roof of Ham Court Barn, which is a listed building with the grounds of Ham Court. These were considered inappropriate given the special architectural merit of the building and an Enforcement Notice was issued by the Borough's Enforcement Team requiring their removal. This notice was subsequently appealed by the applicant, however this appeal was dismissed. The appeal decision is attached for reference.

- 6.3 Following the appeal decision, the applicant has been involved in discussions with the Council to establish a suitable alternative location for solar panels.

6.4 Determining Issues

- 6.5 The main considerations in relation to this application are as follows;

- Siting of the solar panels
- Impact on the nearby listed buildings (Ham Court and Ham Court Barn)
- Impact on the Cotswold Area of Outstanding Natural Beauty (AONB).

6.6 Siting and Design

- 6.7 The proposal consists of sixteen freestanding solar panels, which would be arranged in two rows. The overall height of the panels would be 0.4 metres and they would be set on a concrete plinth with a steel supporting structure to be finished in a green colour.

- 6.8 The panels would be sited approximately 22 metres to the south of Ham Court Barn which is a grade II listed building.

- 6.9 Due to the proximity of the proposal to listed buildings, the Borough's Conservation Officer has been consulted and considers the proposed location to be acceptable. Notwithstanding this, landscaping will be required to the north of the site to provide further screening.

- 6.10** The Conservation Officer has suggested two landscaping conditions, however a condition has been tailored to incorporate the requirements of both suggested condition.
- 6.11** The applicant has provided an indicative drawing to show landscaping to the north; however a condition has been suggested requiring further details and the implementation of an agreed scheme within the first planting period.
- 6.12** With the addition of the suggested condition, the siting and design of the freestanding solar panels is considered acceptable in terms of the nearby listed buildings.
- 6.13 Impact on the AONB**
- 6.14** Local Plan Policy CO2 states that development which will harm the natural beauty of the landscape within the AONB will not be permitted.
- 6.15** As stated earlier in the report, the Parish Council has raised an objection to the proposal. This is on the basis of insufficient information provided as part of the application and the proposal not being suitable for the AONB.
- 6.16** In terms of the level of information provided, the applicant has provided elevations showing the freestanding panels, as well as information on their positioning. This is sufficient to assess the application.
- 6.17** In relation to the AONB, the panels have been sited in a location to avoid any adverse impact on the listed building and the AONB. The proposal is within close proximity of an existing hedgerow and the additional landscaping will further screen the panels.
- 6.18** The Cotswold Conservation Board has been consulted and supports the proposal which is in accordance with the Cotswolds AONB Management Plan 2013-18 and the Board's Position Statement on renewable energy generation in the Cotswolds AONB.
- 6.19** As the applicant has highlighted in the submitted information, the National Planning Policy Framework (NPPF) states that local planning authorities should recognise that even small scale projects provide a valuable to cutting greenhouse gas emissions (Para. 98).
- 6.20** When considering the proposed location of the solar panels, the additional landscaping required and the sustainable nature of the proposal, it is not considered that the development would harm the natural beauty of the AONB. As such, the proposal is in accordance with Local Plan Policy CO2.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Overall, it is considered that the proposed siting and design of the freestanding solar panels would not harm the natural beauty of the AONB or the nearby listed buildings.
- 7.2** The recommendation is to permit planning permission, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 122.02, 122.03 and 122.04 received 27th January, 3rd February and 18th February 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, a detailed scheme for the proposed hedge planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the installation of the solar panels. All agreed planting materials shall be retained for as long as the solar panels are in situ and maintained in accordance with the approved details.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.



Appeal Decision

Site visit made on 15 July 2013

by James Ellis LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 July 2013

Appeal Ref: APP/B1605/F/12/2185153

**The Barn, Ham Court, Ham Road, Charlton Kings, Cheltenham,
Gloucestershire GL52 6ND**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act").
 - The appeal is made by Mr P Ball against a listed building enforcement notice issued by Cheltenham Borough Council.
 - The Council's reference is 12/00083/DCUA.
 - The notice was issued on 11 September 2012.
 - The contravention of listed building control alleged in the notice is installation of solar panels on the south facing roof slope of the barn ("the works").
 - The requirements of the notice are remove all solar panels referred to above in the second schedule, ensuring all disturbed surfaces are made good using materials of matching composition, form and finishes to those of the surrounding historic roof.
 - The period for compliance with the requirements is two months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (h) of the Act.
-

Decision

1. I direct that the listed building enforcement notice be varied by the deletion of the compliance period of "two months" and its substitution with the period of "four months". Subject to this variation, I dismiss the appeal, uphold the listed building enforcement notice and refuse to grant listed building consent for the retention of the works carried out in contravention of section 9 of the Act.

The ground (e) appeal

2. This ground of appeal is that listed building consent ought to be granted for the works.

Procedural matter

3. In support of its case, the Council relies on saved policy BE 9 of the Cheltenham Borough Council Local Plan Second Review, adopted in 2006. This seeks to ensure that the external alteration of a listed building that would adversely affect its character would not be permitted. There is no statutory requirement for me to have regard to the policy in my decision making. Nevertheless, I shall give weight to it.

Main issue

4. The main issue is the effect of the works on the special interest of the listed building.

Reasons

5. The Barn at Ham Court and the adjoining Court Barn to its south east together comprise a grade II listed building which is located about 20 metres to the south of Ham Court with which it would once have been associated with as an agricultural building. The building, which was converted to residential use around 1980, is probably C17 with a C18 extension and C19 granary building at the south-east end. The Barn is timber-frame with brick and render infill on a Cotswold stone plinth, whereas Court Barn is constructed of stone and brick. The roof of The Barn has plain tiles and has an undulating ridge. The timber frame, the stone plinth and the roof of the building are all features which provide the building with special architectural interest and contribute to its significance as a heritage asset.
6. The barns have an extensive site history and, over the years, the Council has permitted a number of alterations and extensions. An example is a recent garden room extension to Court Barn which received planning permission and listed building consent in 2009. A modern garage also sits within the setting of the building and Ham Court.
7. The works that have taken place are the fixing of 16 photovoltaic solar panels to the south facing rear roof of the building. I am told that the expanse of the south facing roof of the building is about 25 metres in length and that the panels take up about 28 square metres of the 100 square metre south facing roof. The panels sit on the roof with little intervention. Small brackets secure the panels to the roof structure and the works are, therefore, readily reversible. The works have therefore had a limited effect on the fabric of the building.
8. The appellant has drawn my attention to the conservation statement in the officer report relating to the 2009 extension at Court Barn which says that 'these agricultural buildings lost their architectural integrity and internal plan when they were converted'. I note that changes to the building have been made in the past. Nevertheless, as I have already indicated, the building retains architectural features which provide it with special interest, including the roof to The Barn with its undulating ridge (as mentioned in the list description). As I saw on my site visit, the undulations also extend across the plane of the south-facing roof of The Barn.
9. To my mind, the solar panels obscure a sizeable proportion of the undulating south-facing roof of the building. The materials of the panels stand out in marked contrast to those of the roof and the uniformity of the plane of the panels is very much at odds with the uneven nature of the plane of that part of the roof which surrounds the panels. As such, I find that the panels materially detract from the character of the listed building.
10. The panels and their adverse impact on the character of the building can be clearly seen from a number of viewpoints on Ham Road, albeit that those viewpoints are some distance from the building. The number of viewpoints from which the solar panels can be seen is limited because of existing vegetation and the modern garage can also be seen with the building. However, notwithstanding this, my assessment is that the solar panels detract from the appearance of the listed building in a way which is harmful to its significance as a heritage asset.

11. In the terms of the National Planning Policy Framework ("the Framework") the harm is less than substantial. Nevertheless, such harm is not to be regarded as unimportant. The Framework advises that great weight should be given to conserving the significance of heritage assets. Any harm should be weighed against any public benefits of the works.
12. I am advised that the solar panels have the potential to generate 3300 kilowatt hours of electricity per annum and I appreciate that this provides a meaningful contribution to the site's overall energy needs and accords with paragraph 95 of the Framework. The appellant has contended that other means of making energy contributions/achieving savings at the appeal site would be difficult. However, there is no detailed evidence before me to demonstrate that other measures could not be used to reduce the carbon footprint of the building without causing harm to its architectural interest. Even if such evidence was available, it would not, in any event, be sufficient to outweigh the harm to the significance of the heritage asset referred to above.
13. The appellant has referred to two previous appeal decisions (Refs: APP/P4605/A/10/2129027 dated 10 August 2010 and APP/A4710/E/07/2039357 dated 10 July 2007) where solar panels to listed buildings were given listed building consent, and also a consent given by the Council in respect of a property in Ryeworth Road, Charlton Kings. The previous appeal decisions suggest that the installation of solar panels to listed buildings can be acceptable in certain circumstances. However, I note that the buildings the subject of the previous decisions are very different in terms of materials and design to the appeal building. In any event, each case has to be considered on its own individual merits. There are no public viewpoints from which the location of the solar panels at Ryeworth Road property can be seen. As such it can be distinguished from the appeal property. I therefore give little weight to the previous appeal decisions and the Ryeworth Road consent.
14. The appellant has suggested that a condition could be imposed requiring removal of the panels after 20 years (the end of the life span of the panels), thus ensuring that the impact of the panels is not permanent. However, even if consent was to be given for a limited period, this would not overcome the harm that I have identified.

Conclusion – ground (e)

15. In conclusion, after taking account all the evidence before me (including references to the Practice Guide to Planning Policy Statement 5: Planning and the Historic Environment and the English Heritage document 'Microgeneration and the Historic Environment', I find that the proposal would fail to preserve the special interest of the listed building and would be harmful to its significance as a heritage asset, and that such harm would not be outweighed by other factors. The appeal on ground (e) must therefore fail.

The ground (h) appeal.

16. The appeal under ground (h) of section 39 (1) of the Act is that the period specified in the notice as the period within which any step required by the notice to be taken falls short of what should reasonably be allowed.
17. The Council has given a compliance period of two months whereas the appellant is seeking a period of nine months. Reference is made to the need to employ a specialist contractor to remove the panels outside the winter months

when there could be damage to the historic building. I consider that the points made by the appellant are reasonable. However, in my view, an extended period of nine months would be excessive. I find that a period of four months would be appropriate and I shall vary the listed building enforcement notice accordingly. To this limited extent, the appeal on ground (h) succeeds.

Overall conclusion

18. After having regard to all matters that have been raised, and for the reasons given above, I conclude that the appeal should not succeed.

James Ellis

Inspector