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**22/P/01742 - Friars Elm, Dog Kennel Green**

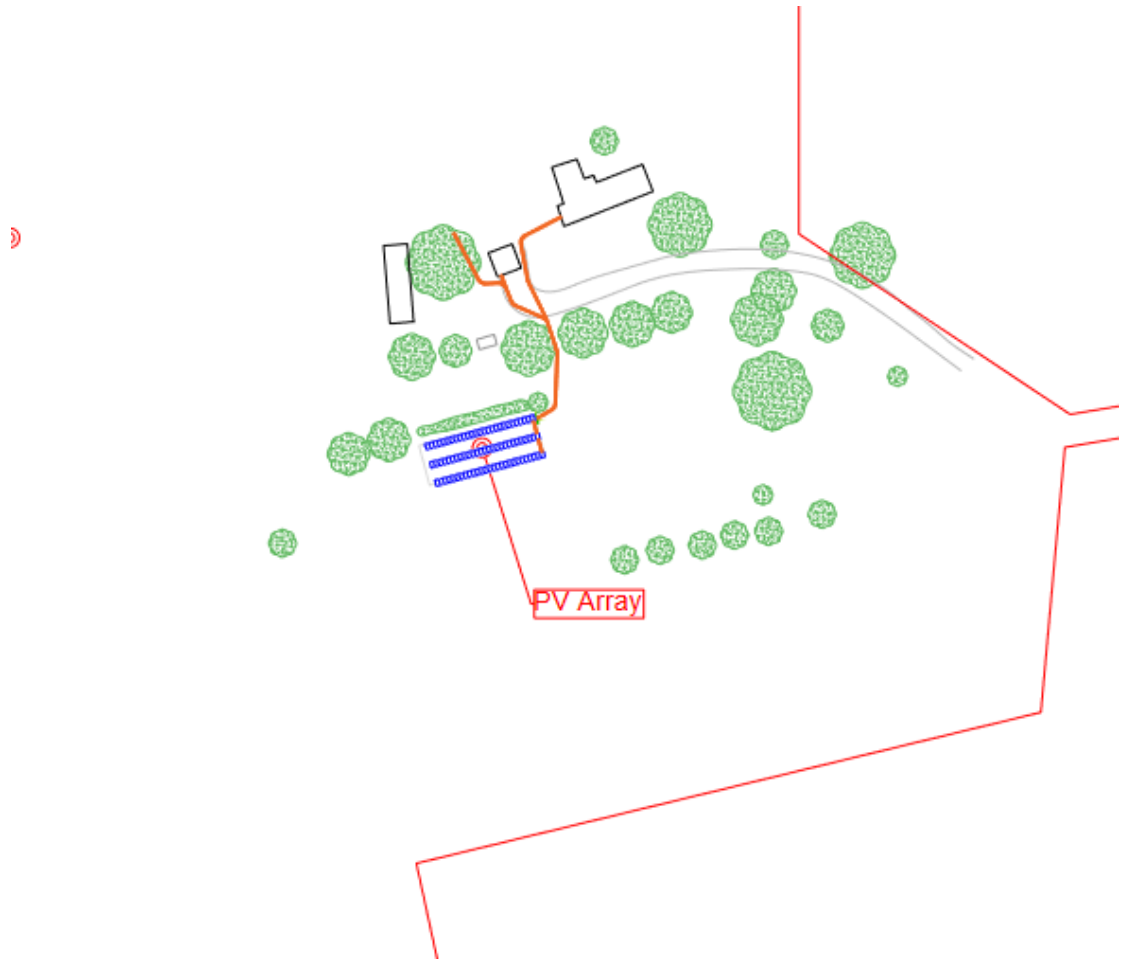


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22/P/01742 – Friars Elm, Dog Kennel Green, Ranmore Common, Dorking



PV Array



Not to scale

**App No:** 22/P/01742

**8 Wk** 21/07/2023

**Deadline:**

**Appn Type:** Full Application

**Case Officer:** Katie Williams

**Parish:** Effingham

**Ward:** Effingham

**Agent :** Ms T. Everson  
Planit Consulting  
3 Innovation Place  
Douglas Drive  
Godalming  
GU7 1JX

**Applicant:** Mr and Mrs Craston  
Friars Elm  
Dog Kennel Green  
Ranmore Common  
Dorking  
RH5 6SU

**Location:** Friars Elm, Dog Kennel Green, Ranmore Common, Dorking,  
RH5 6SU

**Proposal:** Installation of ground mounted solar panels (3 arrays of 21  
panels). (Amended description 15/06/2023)

### **Executive Summary**

#### **Reason for referral**

This application has been referred to the Planning Committee by Councillor Rehorst-Smith for the following reasons:

the proposal may be contrary to Green Belt and AONB policies (Policies P1 and P2 of the Local Plan: Strategy and Sites 2015-2034) and Policy D17 of the Local Plan: Development Management Policies.

#### **Key information**

The proposal is for the installation of ground mounted solar panels (3 arrays of 21 panels).

Amended plans received 15/06/2023 and 12 July 2023 show the nature of the proposed mounting system for the proposed panels amended from the use of consoles, on top of a gravel bed with concrete footings, to a penetrative system which does not require a gravel base. The height of the array has subsequently increased slightly, to a maximum height of approximately 1 metre.

The planting of a native hedgerow to the front and sides of the proposed array to screen the proposal, is also now proposed.

The application states that the proposed ground mounted solar array will be used solely to power Friars Elm and its outbuildings and will not be used for any commercial purposes.

### **Summary of considerations and constraints**

Although harm would be caused to the openness of the Green Belt, it is considered that this harm would be limited. Taking into consideration the nature of the panels, and the aim of the NPPF to support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure, on balance, it is considered that there are 'very special circumstances' as set out in the officer's report, in this case, that would outweigh the identified harm caused to the Green Belt by virtue of its inappropriateness and the limited harm caused to openness.

The amended plans also propose the planting of a considerable length of native hedgerow to the front and sides of the proposed array, which screen the proposed development from views into the site from the public footpath and will also provide a biodiversity benefit.

The proposed development complies with the relevant policies of the Development Plan and the NPPF and there are no other material planning considerations which outweigh this finding. Accordingly, the application is recommended for approval.

### **RECOMMENDATION:**

#### **Approve - subject to the following condition(s) and reason(s) :-**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

A.001 received 13 October 2022

Amended plans: ISO.FRI.GND.PV Sheet 2/2 received 15 June 2023  
and ISO.FRI.GND.PV Sheet 1/2 R3 received 12 July 2023

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

3. Should any of the solar panels hereby permitted cease to be used to harvest energy from the sun, they shall be removed within 3 months of their last use and the land restored to its former condition, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: In order to preserve the openness and permanence of the Green Belt.

4. The hedgerow planting (as shown on drawing no. ISO.FRI.GND.PV R3 received 12 July 2023) shall be carried out in the first planting season following the installation of the solar panel array. Any plants which, within a period of ten years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season or sooner with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality and the Area of Outstanding Natural Beauty.

## **Informatives:**

1. This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:
  - Offering a pre-application advice service in certain circumstances
  - Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application
  - Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

In this case pre-application advice was not sought prior to submission. Minor alterations were required to overcome concerns, these were sought and the applicant agreed to the changes.

## **Officer's Report**

### **Site description.**

Friar's Elm is a substantial detached dwelling with associated gardens and outbuildings. The application site comprises an area of a paddock which lies to the south of the house, outside of the domestic curtilage, on land within the applicant's ownership.

A public footpath (FP 125) runs west-east alongside the southern boundary of the site.

The site is located within the Green Belt outside of any identified settlement area and within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

## Proposal.

Installation of ground mounted solar panels (3 arrays of 21 panels). (Amended description and amended plans received 15/06/2023 and 12 July 2023)

The amended plans show the nature of the proposed mounting system for the proposed panels amended from the use of consoles, on top of a gravel bed with concrete footings, to a penetrative system which does not require a gravel base. The height of the array has subsequently increased slightly, to a maximum height of approximately 1 metre.

The planting of a native hedgerow to the front and sides of the proposed array to screen the proposal, is also now proposed.

The application states that the proposed ground mounted solar array will be used solely to power Friars Elm and its outbuildings and will not be used for any commercial purposes.

## Relevant planning history.

<b>Reference:</b>	<b>Description:</b>	<b>Decision Summary:</b>	<b>Appeal:</b>
21/P/0041 7	Certificate of lawfulness to establish whether the erection of 26 solar panels would be lawful.	Refuse 17/09/2021	N/A
09/P/0124 3	Replacement conservatory and new porch to west elevation incorporating two dormer windows in roof slope at first floor, one replacement dormer window and one additional dormer window to west elevation and one replacement dormer window and one additional dormer window to east elevation (as amended by plans received 6/10/09).	Approve	N/A

## **Consultations.**

### Non-statutory consultees

Surrey Hills Area of Outstanding Natural Beauty Officer:

- the proposal would cause some harm to the AONB

Following receipt of amended plans received 15 June 2023:

- welcome the amendment to reduce the panels from 5 rows of 20 panels to 3 rows of 21 panels and the planting of a hedge in front.
- regret that the panels cannot be positioned the other side of an existing hedge
- the proposed hedge will take some years to be effective and we do not know how high it will be allowed to grow and effectively reduce the visual impact
- an extension to the hedge on all side would help reduce tangential views of the solar panels [Officer note: Amended plans (received 12 July 2023) show the hedging now proposed on all sides of the panel array]

### Effingham Parish Council

#### Objects

- inappropriate development within the Green Belt
- applicant has failed to demonstrate Very Special Circumstances
- visual impact on the AONB
- excessive number of solar panels
- solar panels will not be located within the curtilage of the dwellinghouse

#### **Third party comments:**

None received.

#### **Planning policies.**

### National Planning Policy Framework (NPPF) 2021:

Chapter 2: Achieving sustainable development



- Chapter 4: Decision Making
- Chapter 6: Building a strong, competitive economy
- Chapter 11: Making effective use of land
- Chapter 13: Protecting Green Belt land
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

#### Guildford Borough Local Plan: Strategy and Sites (LPSS) 2015 – 2034:

The Guildford Borough Local Plan: Strategy and Sites was adopted by Council on 25 April 2019. The Plan carries full weight as part of the Council's Development Plan. The Local Plan 2003 policies that are not superseded are retained and continue to form part of the Development Plan (see Appendix 8 of the Local Plan: strategy and sites for superseded Local Plan 2003 policies).

- Policy S1: Presumption in favour of sustainable development
- Policy P1: Surrey Hills Area and Outstanding Natural Beauty and Area of Great Landscape Value
- Policy P2: Green Belt
- Policy D2: Climate Change, sustainable design, construction and energy
- Policy ID4: Green and Blue Infrastructure

#### Guildford Borough Local Plan: Development Management Policies (LPDMP) 2023:

The Guildford Local Plan Development Management Policies (LPDMP) was adopted by the Council on 22 March 2023. This now forms part of the statutory development plan and the policies are given full weight.

- Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness
- Policy D17: Renewable and Low Carbon Energy Generation and Storage
- Policy P7: Biodiversity in New Developments

#### Supplementary planning documents:

Climate Change, Sustainable Design, Construction and Energy SPD 2020

Surrey Hills Management Plan 2020 - 2025

## **Planning considerations:**

The main planning considerations in this case are:

- The principle of development
- Impact on openness
- Impact on the AONB and the AGLV
- Impact on neighbouring amenity
- Very Special Circumstances
- Balancing exercise

### The principle of development

The site lies within the Green Belt. Policy P2 of the Local Plan confirms that Green Belt policy will be applied in line with the NPPF. Paragraph 147 of the NPPF highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that substantial weight should be given to any harm to the Green Belt.

With specific reference to renewable energy projects, paragraph 151 of the NPPF states 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.

Paragraph 158 of the NPPF states that, when determining planning applications for renewable and low carbon development, local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and approve the application if its impacts are, or can be made, acceptable.

In this instance, the proposal is for a small-scale renewable energy project which does not fall within any of the exceptions set out in NPPF paragraph 147 and therefore comprises inappropriate development in the Green Belt. As such, consideration must be given as to whether there are any very special circumstances that outweigh the harm to the Green Belt.

LPDMP Policy D17(1) advises that standalone developments for renewable and low carbon energy generation proposals will be supported. However, paragraphs 2 and 3 of Policy D17 state that, where development is proposed in the Green Belt,

climate change mitigation and other benefits will be taken into account when considering whether very special circumstances exist and that proposals are required to demonstrate that the design of the scheme has sought to minimise visual impacts. Paragraph 4 also requires that for temporary permissions, provision must be made for the decommissioning of the infrastructure and associated works and the full restoration of the site once operation has ceased.

### Impact on openness of Green Belt

The proposed solar array would be configured in three rows covering a total footprint of approximately 323 sq m. The panels would be positioned at an angle in order to optimise solar gain and each row would have a maximum height of approximately 1m above ground level. The array would be located within an existing open paddock to the south of the domestic curtilage of Friars Elm, approximately 60m away from the main house and the group of ancillary outbuildings. The associated cabling connecting the installation to the existing buildings would run underground. The application states that the array is proposed in this location in order to ensure maximum access to sunlight, therefore ensuring optimum solar efficiency and solar PV return, as well as to avoid impacting on neighbouring amenity.

Due to the nature of the proposal, and its siting in an open paddock, set slightly away from the group of existing buildings and associated garden, the proposed development would result in some encroachment into the open countryside. As such, it is considered that there will be some limited impact on the openness of the Green Belt.

### Very special circumstances

The proposal would represent inappropriate development within the Green Belt and limited additional harm to the openness has also been identified. Very special circumstances will therefore be required in order to outweigh this identified harm.

The following very special circumstances have been submitted by the applicant:

- **the solar array is modest in scale** [Officer comment: The overall scale and height of the proposal is considered to be commensurate to its proposed use and has been designed to minimise the impacts on the Green Belt].
- **it will provide energy solely for use by the residents of Friars Elm** [Officer comment: The proposal seeks to provide solar energy solely for Friars Elm and

its ancillary outbuildings. The proposal would represent a larger-than-average sized domestic installation. However, given the substantial size of the main house and the ancillary buildings, the scale of the proposed development is not deemed to be unnecessarily or unreasonably large].

- **it would make a valuable contribution to cutting greenhouse gas emissions** [Officer note: Both the NPPF and LPDMP Policy D17 state that weight can be given to the renewable energy benefits of such a proposal].
- **its positioning immediately adjacent to the residential curtilage and buildings that comprise Friars Elm help minimise any visual impact** [Officer note: Whilst outside of the domestic curtilage of the dwelling, the proposed array will be positioned immediately adjacent to the curtilage, and will be read against the backdrop of an existing mature hedge and fencing, and built form of the existing dwelling and its outbuildings. The position of the proposed array will also mean it will have maximum access to sunlight, avoiding shading from existing trees, hedges and buildings, ensuring optimum solar panel efficiency and solar PV return.]
- **the field on which the equipment will be located is already well-screened by mature trees and hedging, all of which will be retained** [Officer note: The field in which the panels are to be located is well screened from the wider surrounding area by mature trees and hedging]
- **the proposed ground mounted solar array is freestanding and therefore easily removable from the site when no longer required. As such, the works are temporary and reversible, and the land is capable of being returned to its former state** [Officer comment: LPDMP Policy D17(4) advocates the decommissioning of renewable energy schemes upon cessation of use. It would therefore be reasonable and appropriate to attach a condition requiring the removal of the proposed installation in the event that it is no longer used for renewable energy generation. The proposed panels (as shown on the amended plans) would be mounted on a frame above the existing grass which is a relatively unobtrusive method of installation.
- **it is considered that the environmental benefits are sufficient to outweigh the limited harm to the openness of the Green Belt.**

Although harm would be caused to the openness of the Green Belt, it is considered that this harm would be limited. Taking into consideration the nature of the panels, and the aim of the NPPF to support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure, on balance, the proposal is considered to represent development that would outweigh the identified harm caused to the Green Belt by virtue of its inappropriateness and the limited harm caused to openness.

### Impact on character of AONB and AGLV

Paragraph 172 of the NPPF states that AONBs should be afforded the highest level of protection in relation to landscape and scenic beauty. As set out in LPSS Policy P1, all development proposals within and adjacent to the AONB will be expected to conserve or enhance its special qualities.

As noted above, there is a public footpath which runs along the southern boundary of the paddock in which the panels are proposed to be sited. There is some tree screening along this footpath, however it is intermittent and there will be views into the site from the footpath, particularly in the winter months.

Further to concerns raised by the AONB officer regarding the visibility of the proposed panels from the footpath and the subsequent impact on the AONB, amended plans have been submitted which show the number of rows consolidated from 4 to 3 and also now propose native hedge planting to screen the proposals from the footpath. The submitted plans show the proposed hedging plants will be a minimum height of 60-90cm when planted. The proposed plants would therefore be of a sufficient height to screen the proposed panels. A condition is recommended to ensure the hedge planting is implemented in accordance with the plans and maintained.

Existing trees and hedging on the paddock boundaries and beyond will screen the proposed development from longer distance views.

It is therefore considered that public views across the AONB and AGLV would not be adversely affected by the proposed development.

Having regard to the above, it is considered that the proposed development would conserve the special character of the AONB and AGLV and therefore complies with LPSS Policy P1 and paragraph 172 of the NPPF.

### Impact on biodiversity

In accordance with the NPPF and Policy ID4 of the LPSS, there is a requirement for proposed development to achieve a net gain in biodiversity and Policy P7 (1) of the recently adopted Local Plan Development Management Policies (LPDMP) requires maximum net gain.

The application as originally submitted proposed the panel arrays to be installed on a concrete slab. However, following concerns raised regarding the impact of this on biodiversity, the proposals have been amended. The revised plans now propose raised frames mounted on ground screws or piles. These would be less harmful to the soil, result in less biodiversity loss and preserve the amount of natural surface.

The amended plans also propose the planting of a considerable length of native hedgerow to the front and sides of the proposed array, which will provide a biodiversity benefit.

Whilst it has not been demonstrated that this would provide biodiversity net gain, the amended proposals demonstrate a willingness by the applicant to design the scheme to limit impacts on biodiversity, in accordance with the mitigation hierarchy.

It is therefore concluded that the proposals accord with Policy ID4 of the LPSS and P7 of the LPDMP in this regard.

#### Impact on neighbouring amenity

The proposed development would be sited over approximately 170m away from the nearest neighbouring residential properties and be screened by existing trees and vegetation. As such, the proposed would not result in any adverse impacts upon the amenities of these neighbouring occupiers.

The proposal would therefore comply with LPDMP Policy D5 and the NPPF.

#### Balancing exercise

Whilst there would be some limited harm to the Green Belt, it is considered that the small scale of the proposals, their carefully chosen location and temporary nature, together with the proposed hedge planting, would minimise the harm caused to the Green Belt. On balance, it is considered that the renewable energy that the solar panels would generate would outweigh the identified harm and that planning permission should be granted subject to conditions.

#### **Conclusion:**

The proposed development complies with the relevant policies of the Development Plan and the NPPF and there are no other material planning considerations which outweigh this finding. Accordingly, the application is recommended for approval.