

Officers Report

Planning Application No: 146210

PROPOSAL: Planning application for installation of solar PV panels.

LOCATION: Land at Top House Farm 23 Grimsby Road Caistor Market Rasen LN7 6RJ

WARD: Caistor and Yarborough

WARD MEMBER(S): Cllr Owen Bierley and Cllr Mrs Angela Lawrence

APPLICANT NAME: Mr Bruno Hickson

TARGET DECISION DATE: 04/05/2023 (extension agreed until 01/06/2023)

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant (subject to conditions)

Description:

This application is situated on an agricultural/arable field to the rear (north) of land that is in the ownership of the Rock Foundation UK Ltd which is a charitable organisation that provides support to adults with learning disabilities. The Caistor site provides supported living accommodation for 12 individuals but also provides a range of workshops and activities. This use is supported by a Class E commercial use which is run from the Fleece Inn which is a Grade II Listed Building and a number of adjacent buildings.

The site is located at the north-eastern edge of Caistor at the junction of Grimsby Road (A46), Riby Road and High Street (B1225) with open countryside being situated to the north/north-west, south and east. However, the immediate spatial character is mixed with residential dwellings to the north and west with the closest residential dwellings being a small row along Riby Road and a greater number of dwellings at Spa Top to the west. There are a number of small-medium scale industrial buildings to the south-east. Several statutory and non-designated constraints are directly relevant to this application. Besides the site being within the setting of the Fleece Inn, the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is located to the south-east of the application site, beginning of the opposite side of the intersection. There is also a Local Wildlife Site (LWS/Water Hills) within one kilometre to the west of the application site. The application site is within an Area of Great Landscape Value (AGLV).

The development relates to an area of 300 square metres on agricultural/arable land to the rear of the Rock Foundation UK. Although agricultural in nature, the wider site is a semi-managed grass field with only limited scale food production taking place on a small section of allotments closer to the main buildings. Access is obtained from Grimsby Road. The

solar panels will be situated approximately 30 metres to the west of the rear elevation of the closest residential dwelling on Riby Road.

Planning permission is being sought for the installation of 99 solar panels to the rear of the Rock Foundation UK as described above. The applicant has stated that the solar panels would generate a maximum of 33,679kw per annum which would provide on average more than 90% of the daytime electricity that is currently consumed on-site. Although the application area is approximately 300 square metres in area only a small fraction of this area would actually be developed with the ground underneath being retained. The total width of each panel is around three metres, but the height of each panel is 0.68 metres which reflects their ancillary nature the domestic nature of the operation being supported. For comparison, some of the tallest solar panels on solar arrays can exceed four metres in height. The cable route will run south and connected to the grid at the Fleece Inn. This will be required to obtain separate Listed Building Consent approval.

Relevant history:

There is no planning history that is directly relevant to the footprint of the land where the solar panels will be located but the applicant is proposing that the solar panels will support the operating of the existing café and supported living facility. The relevant history is as follows:

122049 – Planning application for change of use from tea rooms, workshop, and holiday accommodation to Montessori school. Also, internal alterations and two single storey extensions. GC – 4th July 2008.

122050 – Listed building consent for change of use from tea rooms, workshop, and holiday accommodation to Montessori school. Also, internal alterations and two single storey extensions. GC – 4th July 2008.

135594 – Planning application for change of use to provide workshops and supported living for young adults with learning disabilities. GC – 27th February 2017.

Representations:

Member of Parliament (MP)

Objection – One objection has been received from Sir Edward Leigh, MP for Gainsborough. This representation outlines that the principle of renewable energy is supported but the place for this should be on rooftops, logistics centres, industrial and commercial buildings.

For clarity, this objection was on behalf of a local resident, but objection has also been directly expressed to the proposed development by the Member for Gainsborough in the submitted letter of representation.

Chairman/Ward Member(s)

No representations received to date.

Caistor Town Council

Objection – ‘On balance councillors agreed with the objections submitted by neighbours in that the panels will spoil an area of natural beauty, use of roof space or wind turbine should be considered and a fear of further expansion. Caistor Town Council in the past have objected to all development in the area of Waterhills’.

Local Residents

Seven letters of representation have been received objecting to the proposed development. For procedural matters, 7 Riby Road is included twice in this figure as one objection is from the occupiers and the second is written on behalf of one of the occupiers from Sir Edward Leigh MP. This objection has also been summarised above and will be considered as a separate objection as the Member for Gainsborough has also directly raised objection. The following points were raised:

- The principle of renewable energy is generally supported but it is felt that a more appropriate location would be on rooftops and in the countryside in close proximity to residential properties;
- Development in this location would cause harm to Water Hills which is an area of natural beauty;
- General negative impact on the landscape character and spoil the view, visible from a public footpath;
- Loss of agricultural/arable land;
- Impact on an Area of Outstanding Natural Beauty;
- Negative impact on the amenity (enjoyment) of the local area which is used by ramblers, local people and dog walkers etc.;
- Concern regarding scale, urbanising effect and further expansion;
- Impact on wildlife; and
- Development is within the curtilage of a Grade II Listed Building;

LCC Highways/Lead Local Flood Authority

No objection – ‘Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

This proposal is for the installation of solar PV panels and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.’

WLDC Archaeology

No reply received to date.

WLDC Conservation Officer

No objection – The proposed development would result in a ‘*less than substantial harm*’ to the setting of the Fleece Inn which is a Grade II Listed Building. However, the harm is considered to be limited due to the concealed location of the solar panels, their low vertical profile and relative lack of visibility from public vantage points.

Fisher German

No reply received to date.

Lincolnshire Wildlife Trust

No reply received to date.

Ministry of Defence DE (Safeguarding)

No objection – *‘The application is a proposal to install ground mounted solar PV panels on 293 sq m of unused agricultural land. This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal’.*

National Air Traffic Service (NATS) Ltd

No reply received to date.

National Grid

No reply received to date.

The Health and Safety Executive

No objection – The HSE did not raise any objection to the proposed development but did note that there was at least one unidentified pipeline within the Local Authority area.

ECM Checked: 22nd May 2023

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the

provisions of the Central Lincolnshire Local Plan (CLLP) (adopted in April 2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan (Adopted April 2023)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S5: Development in the Countryside

Policy S9: Decentralised Energy Networks and Combined Heat and Power

Policy S14: Renewable Energy

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

- **Lincolnshire Minerals and Waste Local Plan (LMWLP) (Adopted June 2016)**

The site is not in a Minerals Safeguarding Area and Policy M11 of the Core Strategy does not apply.

- **Caistor Neighbourhood Plan**

Policy No. 1. Growth & The Presumption in Favour of Sustainable Development

Policy No. 2. Type, Scale and Location of Development

Policy No. 3. Design Quality

Policy No. 12. Renewable Energy

Policy No. 13. Allotment Provision

Policy No. 14. Community Infrastructure Requirements

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Main issues

- Principle of Development

- Visual Amenity
- Residential Amenity
- Heritage Conservation
- Highways
- Ecology & Biodiversity
- Flood Risk
- Other Matters

Assessment:

Principle of Development (including location and business investment)

The principle of this application is twofold being a) the principle of renewable energy development in general and b) whether renewable energy development is acceptable in this location.

There are several relevant layers of planning policy that are directly relevant to the determination of this application. Firstly, paragraph 11 of the NPPF provides a presumption in favour of sustainable development where applications that accord with any policies in an up-to-date development plan should be approved without delay and where a development accords with provisions contained within the Framework. More specifically, Section 14 of the NPPF outlines a number of provisions relating to renewable and low carbon energy. Paragraph 152 of the NPPF makes it clear that the planning system should support the transition to a low carbon future and support renewable and low carbon energy alongside associated infrastructure. This is reiterated by paragraphs 154 and 155 of the NPPF. In addition, paragraph 158 of the NPPF does not require the applicant to demonstrate a need for renewable or low carbon energy and approve development where the impacts are, or can be made acceptable.

In April 2023, the new CLLP became the adopted development plan superseding the 2017 version. Whilst the overarching principles of many policies were carried forward, the new CLLP gives particular support to measures to combat climate change, improve energy efficiency, and enhance biodiversity. Policy S14 of the CLLP is committed to facilitating the transition to a net zero economy and supporting appropriately located renewable energy within Central Lincolnshire which includes solar development. There are three tests that are outlined in this policy which are outlined in full below:

- i. The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity; geodiversity; flood risk; townscape; heritage assets, their settings and the historic landscape; and highway safety and rail safety; and*
- ii. The impacts are acceptable on aviation and defence navigation system/communications; and*
- iii. The impacts are acceptable on the amenity of sensitive neighbouring uses (including local residents) by virtue of matters such as noise, dust, odour, shadow flicker, air quality and traffic;*

Provisions i-iii will only be assessed briefly in this section but will be assessed in the relevant sections throughout this report. It will be demonstrated that the impacts are not unacceptable, and the benefits substantially outweigh any harm or alleged harm that arises. Policy S14 goes on to explain that there is a presumption in favour of renewable energy unless there is a clear and demonstrable harm arising, the proposal fails to comply with Policy S67 relating to Best and Most Versatile (BMV) agricultural land or the application site is allocated for an alternative purpose. In addition, whilst Policy S9 relating to decentralised energy is only partially relevant to this application, this policy provides a clear presumption in favour of decentralised energy generation when from low carbon sources.

The final layer of policy relates to the Caistor Neighbourhood Plan (CNP). Although adopted in 2021, before the current CLLP, there are a number of policies in this plan that are considered to be consistent with the CLLP and Section 14 of the NPPF so are afforded full weight in the determination of this application. Policy No. 12 relates to renewable energy proposals and the policy is supportive in principle of localised energy production to community scale renewable energy development rather than large scale commercial energy projects. The policy does emphasise the need for the community to have a say in such projects and the need to avoid any unacceptable harms which will be discussed throughout this report.

Reflecting on the above policy position, it is considered that there is a clear presumption in favour of renewable energy at all levels. This is afforded great weight in the determination of this application and is also supported by other national level considerations. In April 2022 the Government released an Energy Security Strategy which aims for a fully decarbonised energy system by 2035 with a five-fold increase in solar energy capacity expected. The new CLLP carries through it, a presumption in favour of development where the primary aim is to address the climate crisis and move towards a net zero economy. Policy No. 12 of the CNP is also supportive in principle of localised renewable energy development that supports localised development. In this case, there should be a clear presumption in favour of the application as the proposed development will be ancillary to an existing charity/business that supports adults with learning disabilities whilst also providing a commercial enterprise in the form of the on-site tea rooms. The applicant has estimated that the proposed development would provide on average, over 90% of the electricity demand during the day which would cover the commercial aspect of the application site.

Location:

It must be stressed that whilst there is a strong policy environment in favour of renewable energy, the potential harms must be fully considered and/or mitigated wherever required. If any harms are to arise, a balanced judgement must be reached as to whether the benefits of the proposed development outweigh any harm. The most relevant consideration in this respect is development within a countryside location. It may be possible to argue that

the application site is located within the developed footprint of Caistor but the proximity of the application site to open countryside means that on the balance of probability, the application site is located in the countryside. Tier 8 of Policy S1 heavily limits new development in the countryside but provides an exception for renewable energy development which is considered to be appropriate in the countryside. The overriding principles of Policy S5 do not explicitly condone or condemn renewable energy development in the countryside but make it clear that non-residential development should be of an appropriate nature, scale and form which is compatible with surrounding land-uses. However, the location of development may also be considered acceptable by virtue of the proximity to an existing business which is applicable to this application. Based on this, it is considered that the principle of renewable energy in a countryside location is acceptable in principle.

Turning to the specifics of this site, the principal objection raised to this application is not that the principle of renewable energy is unacceptable but that the specific location and visual impact would be unacceptable. Notwithstanding any harms which will be summarised here and discussed in more detail in the relevant sections, the fact that the objections support the principle of renewable energy itself affords weight that in favour of the proposed development due to the policy position outlined above regardless of any harm the proposed development may cause.

There are three primary constraints that are relevant to this application being a) the setting of a designated heritage asset, the presence of the Lincolnshire Wolds AONB and an AGLV and the presence of an LWS (Water Hills) to the west of the application site. The representations note that rooftops would be a more appropriate location and not an open field which would result in an unacceptable visual impact. However, on balance, it is considered that the proposed development by virtue of its nature, scale and form would not result in an unacceptable impact on these constraints identified above. In fact, locating solar panels on the roof of a Grade II Listed Building directly facing Grimsby Road towards the Lincolnshire Wolds AONB would result in a much more prominent form of development that would be more likely to result in an unacceptable harm to both the Fleece Inn and the AONB. The location proposed, whilst further away from the Fleece Inn would generally be well concealed from public vantage points and would help to conceal it. The scale at 300 square metres is not considered to be inappropriate in a rural location and cannot be considered as a commercial operation (its scale is the same size or smaller than the housing plot of a single dwelling) and 0.68 in height, the proposed development has an incredibly low vertical profile. To reiterate, these harms will be fully addressed in the relevant sections of this report (mainly visual amenity, heritage and ecology and biodiversity) but it is considered that the application is clearly acceptable in principle and would outweigh the harms identified by these representations. Overall, the harms identified are considered to be minimal for reasons that will be fully discussed in this report.

Business/Charity Investment:

The Rock Foundation UK is a limited company but also operates as registered charity (1126626) operated primarily from Grimsby but with the Caistor site providing support to 12 adults with learning disabilities and the co-located Class E development in the form of a café/tea room. Paragraph 81 of the NPPF makes it clear that planning policies and decisions should support the need for business to invest and expand. Paragraph 84 d) of the NPPF also supports the retention of local services and community facilities. This is not directly applicable to the proposal but given the reduction in energy costs that the proposed development will provide, paragraph 84 should be afforded some weight. For the same reasons paragraph 85 should also be afforded weight as it states that planning decisions should recognise that sites may be located adjacent to or outside of existing settlements providing that a development is sensitive to its surroundings. Paragraph 92 is also applicable as planning decisions should aim for healthy, inclusive and safe places. The proposed development would support the operation of a development which supports 12 adults with learning disabilities and as such, would help to achieve the objective of paragraph 92 of the NPPF.

For the reasons explained in this section, it is considered that the proposed development is in accordance with Policies S9 and S14 of the CLLP, Policy No. 12 of the CNP and paragraphs 81, 84, 85, 92, 152, 154, 155 and 158 of the NPPF.

Visual Amenity

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

In terms of the potential harm that could arise from the proposed development, the impact on visual amenity was a primary concern raised in the representations that have been received. This consideration also forms the first provision outlined in Policy S14 which supports renewable energy providing that:

The impacts are acceptable having considered the scale, siting and design, and the consequent impacts on landscape character; visual amenity; biodiversity; geodiversity; flood risk; townscape; heritage assets, their settings and the historic landscape; and highway safety and rail safety; and

The application site is also located in an AGLV and is adjacent to the Lincolnshire Wolds AONB. Therefore, Policy S62 of the CLLP and paragraph 176 of the NPPF are also engaged. The Lincolnshire Wolds AONB is situated to the south-east of the application site and is a nationally designated

planning constraint and afforded the highest status of protection. Great weight should be given to the conservation of its qualities, character, and distinctiveness. The design, form and scale of any development should preserve and where possible, enhance the visual amenity of the landscape character. Very similar requirements are also applicable for an AGLV but these are local designations and are only afforded weight by Policy S62 of the CLLP but are still an important consideration. The general amenity considerations are Policy S53 are also applicable.

In assessing the proposed development against these policies there are a number of factors to take into consideration including the siting of the proposed development, its scale, design, form, appearance, and the overall cumulative impact that these factors would result in. This will then allow for the content of the representations to be fully accounted for.

Firstly, although it has been established that the location of the development is acceptable, this does not account for the individual constraints of a development site. The statutory and non-statutory designations described above therefore require that any development in this location reflect the highest standards. At first glance, it is easy to understand the concerns of the representations as the siting of the panels will be at edge of the applicant's ownership at the top of the field and appears to be visually isolated and prominent from public vantage points. This is indeed a valid concern but when the context is fully explored, the actual visual impact is very limited and where necessary can be fully mitigated for. In terms of its visibility from public vantage points, the only areas where the proposed development even has the potential to have an unacceptable impact is a small section where the access is to the south on Grimsby Road and to the west along the nearest Right of Way (Cais/31/1). Even in these locations, the visual impact is considered to be very limited. At the access on Grimsby Road, there are tall hedgerows on both sides of the road which constrain the already limited visual overspill to a small section of Grimsby Road that with the exception of the Fleece Inn, provide no real amenity value (the impact on the Fleece Inn will be described later). To the west, the proposed development would be inevitably visible along Cais/31/1 and only from a small section at the western boundary of the field which forms the edge of the applicant's ownership. Beyond this point, there is a significant amount of intervening vegetation, and the topography falls significantly to the west and rises to the north-west in a way that in combination with the vegetation prevents any visual overspill in the wider AGLV.

The above visual impact in itself is not considered to be unacceptable but with additional context, it is considered that the visual impact can be further reduced and potentially eliminated. The scale and design of the proposed development is vital context in this instance, the site area at 300 square metres is less than the plot size of the pair of semi-detached dwelling immediately to the east of the where the panels would be located. Perhaps most critically, the height of each individual panels is only 0.68 metres which is the height of a small table or alternatively, less than one tenth the height of the adjacent dwellings. The scale of the proposed development compared to

larger commercial solar panels is small as these are at least 2.5 metres in height and can occasionally exceed four metres in height for the tallest solar panels (e.g., tracking panels). Cais/31/1 is approximately 100 metres to the west of the application site and therefore the solar panels would only appear as a spatially contained, non-intrusive feature that is not considered to come close to causing an unacceptable impact on visual amenity. For further comparison, the adjacent hedgerows that back onto the dwellings on Riby Road were over 1.5 metres in height and would largely screen the solar panels from these dwellings. It may be possible to view the solar panels from a first-floor window, but this will be limited to dwellings on Riby Road, but loss of view is not a material consideration in this context and the very limited scale of the proposed development would only have a minimal impact on the landscape character from this vantage point. A development being visible from a first-floor window is also not a reason to warrant refusal. There would need to be a genuine harm to visual amenity both from a window view, which it is not considered that there is and also from public vantage points, which it is not considered that there is either.

Concern has been expressed in relation to further expansion of solar panels. This concern is understandable and noted, but it must be stressed that every application is determined on its own merits and speculation about future development can be afforded very limited, if any weight. Furthermore, the limited scale of the proposed development is not considered to be unacceptable and is clearly ancillary to the Rock Foundation UK. Given that the solar panels will support over 90% of the daytime energy needs of the applicant, it is considered that a further expansion is unlikely and would still need to be determined on its own merits and would be considered cumulatively with existing development.

The final relevant consideration is whether the location is favourable or whether an alternative location such as the rooftop would be more favourable. All of areas where the development would be visible from public vantage points have been described above. The proposed development would be screened from all other public vantage points to the south, east, north, and west with the exception of a small fraction of Cais/31/1. There are a number of intervening hedgerows to the north so there would be negligible, if any visual intrusion when viewed from Canada Lane. At most there would be glimpses given that the solar panels are only a fraction of the size of the existing hedgerows, this is considered unlikely. Moving the hedgerows to another section of the field would not alter the visual impact and may even increase the view from Grimsby Road or Cais/31/1. The solar panels are still sufficiently close to the Fleece Inn to be viewed as an ancillary development to the main buildings. With regards to developing solar panels on rooftops, the Energy Security Strategy is particularly in favour of this but in this instance, developing solar panels on available roof space would likely result in a greater visual intrusion. Not only is the Fleece Inn a designated heritage asset (and as such solar panels on its roof have a much greater potential to have a detrimental harm to its setting and significance) the buildings owned by the applicant face towards the Lincolnshire Wolds AONB so placing panels in this location would result in a greater visual impact than where the solar panels

are located now. The solar panels would need to be sited on the south elevation of these buildings at a minimum to maximise solar gains alongside the east and west elevation. In this location, it is hypothetically conceivable that an application would be refused due to heritage and the potential impact on the AONB. There are two dwellings to the north on Canada Lane which both have solar panels on their principal elevation, and these are much more visually intrusive and can be seen from multiple public vantage points and greater distances than what these solar panels would be. This is not a commentary on the merits of these panels as they appear to be permitted development, but it shows that rooftop panels are not necessarily less visually intrusive. In respect of the above, it is not considered that rooftop solar development would necessarily be more favourable in this specific context, especially due to the presence of a designated heritage asset and the AONB. The comments from the Parish Council are also noted, but it is considered that the installation of wind turbine(s) would have a far greater visual impact than solar panels.

A condition will also be attached to any grant of planning permission which would provide the opportunity to completely screen the solar panels from any relevant public vantage points (considering the need for not overshadowing the panels). The limited visual impact and any additional landscaping would likely have no impact on the enjoyment of the local area and is unlikely to unacceptably impact visitor numbers, if at all.

Paragraph 158 also makes it clear that an applicant does not need to demonstrate an overriding need for renewable energy, but the applicant has gone beyond this requirement by stating that rooftop solar panels which not produce a sufficient level of energy. This is conceivable given the number of adults in supported living alongside the commercial operation.

For the reasons explained above, it is considered that the proposed development is in accordance with Policies S53 and S62 of the CLLP, paragraphs 126, 130, 134 and 176 of the NPPF and Policies No. 1 and 2 of the CNP. The proposal would specifically accord with the first provision i) of Policy S14 as quoted above.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The main consideration in this section is whether the solar panels would unacceptably impact the dwellings to the east on Riby Road in terms of their residential amenity. The closest residential dwelling is at least 30 metres from the application area with dwellings further south being at greater distances. Solar panels typically have no visual impact in terms of noise, vibration etc.

and are common fixtures on the rooftops of residential dwellings as had been made clear in this report. Therefore, it is considered that solar panels at least 30 metres from the nearest dwelling would have no unacceptable impact on the amenity of adjacent occupiers.

Solar panels do produce some glint and glare, but the siting and scale of the proposed development would mitigate this potential harm. The proposed solar panels are south facing to maximise solar gains, but this also has the effect that they would face away from the dwellings on Riby Road. Their angle and low profile would also help to ensure that glint and glare would not pose any harm to the residential amenity of the occupiers of these dwellings. This concern has also not been raised in any of the submitted representations. For context, no safeguarding concerns were raised by the MoD in terms of glint and glare (see Other Matters). The impact during the construction period would be limited and temporary in nature.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 130 f) of the NPPF. This is however, subject to a condition limiting working hours/delivery times. This is a standard condition and within the remit of paragraph 56 of the NPPF. It would prevent any operations taking place during unsociable hours.

Heritage Conservation

Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest.

Paragraphs 194 and 195 of the NPPF requires an applicant to describe the significance of any heritage asset that may be impacted. Paragraph 197 requires the Local Planning Authority to take account of the desirability of sustaining and enhancing the significance of heritage assets, the contribution that these assets can make to sustainable communities and the desirability of new development in making a positive contribution to the local character and distinctiveness of the area. Great weight should be given to the conservation of a designated heritage asset, regardless of the level of harm to its significance (paragraph 199) and in turn, any harm to, or loss of the significance of a designated heritage asset should require a clear and convincing justification under paragraph 200. Paragraph 202 allows for development that leads to a *less than substantial harm* to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal. These requirements are also contained within Policy S57 of the Central Lincolnshire Local Plan. Policy S57 is consistent with Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 and Section 16 of the NPPF and is afforded full weight.

The application site is located within the setting of the Fleece Inn which is a Grade II Listed Building. The list description is as follows:

Late C18 with C19 alterations, colourwashed brick with pantiled roof having brick coped tumbled gables with small kneelers single end stack and ridge stack. L-plan. 2 storeys originally 3 bay now 5 bay front with dentillated eaves course. Off centre plain door with 3 pane overlight under a segmental head, flanked by 2 C19 canted bay windows with glazing bar sashes and flat roofs. To right a 3 light C19 casement and beyond a single light, beyond a blocked opening. Above the door is a short glazing bar sash with to left a glazing bar sash and to right 3 further similar windows, all with segmental heads. Wing to rear, 2 storey, 2 bays, with glazing bar sashes.

As described in the visual amenity section, there will inevitably be some visual overspill onto Grimsby Road, but this is limited to the access to the site. However, this is still considered to result in a *less than substantial harm* for NPPF purposes. In reality, the harm to the setting and significance of the Fleece Inn is very limited and would not compromise its Victorian character. The view of the main architectural features from the access to the application site is mainly limited to the eaves, chimneys and to an extent the bay windows. However, when viewing the Fleece Inn from in front of the principal elevation, the most important features such as sliding sash windows and pantile roof are completely preserved in terms of their architectural significance. In any meaningful sense, the setting and significance of the Fleece Inn is preserved with the exception of one view towards the Listed Building from the west. Alternative locations within the field may result in a greater harm to its setting by bringing a form of development closer to the building. Solar panels on the roof would almost certainly have a more significant impact that would be viewed less favourably.

In instances where a *less than substantial harm* occurs, this must be weighed against the public benefits of a development proposal. In this circumstance, the public benefits are clear, being the annual generation of 34,000kw of low carbon electricity accounting for more than 90% of the daytime electricity consumption of the Rock Foundation UK. This has a clear benefit in also helping to secure the long-term viability of the business and to an extent the continued use of a Listed Building. There are also benefits in terms of any landscaping which would provide a biodiversity enhancement. No objection has been received from the Conservation Officer who agreed with this assessment and noted that the process installing solar panels is 100% reversible.

Therefore, subject to one condition requiring that the solar development is removed when no longer required, it is considered that the proposed development is in accordance with Policy S57 of the CLLP, Section 16 of the NPPF (specifically paragraph 202) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways

Paragraph 92 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 110 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 111 of the NPPF in turn states that

development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe. These requirements are echoed by Policies S47 and S49 of the CLLP which is consistent with the above requirements and is afforded full weight.

No objection has been received from the Local Highway Authority who concluded that the proposed development would not result in an unacceptable impact on highway safety or that the residual cumulative impact of the proposed development would be severe. There will inevitably be some increased vehicle movements during the construction period, but this will be limited to the delivery of the solar panels, their installation and the installation of the cable. Following the construction period, the only relevant vehicle movements would be related to any required maintenance of the solar panels which would generate a negligible number of vehicle movements and is not considered to be unacceptable. The only mitigation required in this respect is the condition limiting construction hours which has been described in the residential amenity section of this report.

In respect of the above, it is considered that the proposed development would accord with Policies S47 and S49 of the CLLP and paragraphs 92, 110 and 111 of the NPPF.

Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide a net gain in biodiversity wherever possible. These requirements are also contained within paragraph 174 of the NPPF. Paragraph 180 states further that some harm to biodiversity is permitted but where there is significant harm, planning permission should be refused.

No reply was received from the Lincolnshire Wildlife Trust, but informal discussions highlighted that due to the limited scale of the application, they were unlikely to provide any formal comments. The application site is located on a semi-managed field with the grass being short. It is considered that the biodiversity value of the site is therefore low and solar panels do not result in an unacceptable impact on biodiversity or wildlife. To the contrary, there is often an opportunity for a substantial net gain in biodiversity and there is no known risk to protected species in this instance and all adjacent hedgerows will be maintained. Due to the application being received in February and validated in March, several weeks before the adoption of the current CLLP, it is not considered reasonable to impose the net gain requirements in Policy S61, but one condition will be imposed relating to the provision of landscaping. This may also provide the additional benefit of screening the proposed development and enhancing biodiversity. It does however need to be considered that any planting would have to avoid overshadowing the solar panels. For the reasons outlined above, it is not considered that there would be any impact on the Water Hills LWS which is at least 115 metres to the north-west of the application site.

Data on the Agricultural Land Classification is contradictory. Regional mapping data from Natural England appears to suggest that the application site is Grade 3 but interactive mapping from the Natural England Open Data Publication (supported by DEFRA) suggests that the application site could be on the boundary of Grade 2 and Grade 3 agricultural land. In any instance, there is a potential for the application to impact on BMV land. Policy S67 of the CLLP and paragraph 174 of the NPPF make it clear that development proposals should be protected and a Written Ministerial Statement (WMS) from 2015 is still applicable which states that development on BMV land should require the most compelling evidence. Similar guidance is also contained within the PPG and borne out in Policy S67 which makes it clear that alternative lower quality land should be preferred over BMV where available. In this instance, the applicant only has limited land availability. A clear need for the proposed development has also been established alongside the backdrop of high energy prices providing a systemic justification for decentralised and renewable energy to lower costs. The CLLP in the supporting text of Policy S14 makes it clear that the cost of solar has dropped by more than 85%. The proposed development is therefore considered to comply with the first provision of Policy S67. In terms of the other provisions, there are clear benefits to renewable energy, the impact of solar panels on the quality of the land is very limited due to solar panels only 'developing' a small fraction of the land they occupy. The process is also reversible. A condition will be attached to this decision that requires the solar development to be removed when no longer practicable. The development is also below one hectare and is not considered to be 'significant' development for the purposes of Policy S67.

Furthermore, there is no evidence that the land is currently being farmed or has recently been farmed and the field is just semi-managed grass. There appears to be a small section of allotment which would not be impacted by the proposed development.

It is therefore considered that the proposed development is in accordance with S60, S61 and S67 of the CLLP and paragraph 174 of the NPPF.

Flood Risk

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. This policy is consistent with the requirements of paragraphs 159 and 167 of the NPPF and is therefore afforded full weight. Paragraphs 159 and 167 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere. Policy S21 is consistent with paragraphs 159 and 167 of the NPPF and is therefore afforded full weight.

The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding. No specific drainage information has been provided by

the applicant. However, due to the limited scale of the application and the solar panels only marginally increasing the impermeable area of the site, it is not considered that any drainage mitigation is required. Solar panels only develop a small fraction of the land underneath to secure them to the ground and their grid connection. The requirements for these solar panels will likely be lower given the domestic scale of each individual panel. Even on commercial scale solar farms, the amount of developed land would be less than 1% and grass mixes are often planted alongside ongoing sheep grazing.

For these reasons, it is considered that there would be no impact on flood risk and the proposed development is in accordance with the policies outlined above.

Other Matters:

MoD Safeguarding

No objection has been received from the MoD as the proposed development is outside any of their safeguarding areas.

Health & Safety Executive Safeguarding

The response received from HSE is a standard response and merely outlines that there is more than one unidentified pipeline within West Lindsey. There is no objection from HSE and no indication that the application site is near any such pipeline. A note to the applicant will be attached to the decision notice as taking this consideration into account is independent from the requirements of The Town and Country Planning Act 1990.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S9: Decentralised Energy Networks and Combined heat and Power, S14: Renewable Energy, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment, S60: Protecting Biodiversity, Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

In light of the assessment outlined in this report, it is considered that the potential impacts would not be unacceptable and can be mitigated by the imposition of the appropriate conditions. More specifically, the potential harms to visual amenity, heritage conservation, ecology and biodiversity and an inappropriate form of development in the countryside are either non-existent, very limited or can be mitigated via appropriate planning conditions. Notwithstanding the above, the benefits of renewable energy production contained within this report, benefits to an existing business/charity and any biodiversity enhancements through a landscaping condition are considered to

clearly outweigh these harms. Great weight is afforded in favour of granting planning permission based on Policies S9 and S14 of the CLLP, Sections 8, 9 and 14 of the NPPF and Policy No. 12 of the CNP.

The application is recommended for approval subject to the following conditions:

Conditions stating the time by which the development must be commenced:

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

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Site Layout/Block Plan, Proposed Site Layout/Block Plan, Proposed Panel Details, Proposed Elevations and Site Location Plan (1:2500), received 7th March 2023 and Rock Foundation – Layout, received 31st March 2023. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

3. The development must be completed in strict accordance with the solar panel specification shown on the Proposed Panel Details and Proposed Elevations, received 7th March 2023.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

4. Any construction activities and deliveries of solar panels, equipment or machinery related to the development shall only be carried out during the following hours:

- i. Monday to Friday: Between 7:00 AM and 6:00 PM.

- ii. Saturdays: Between 8:00 AM and 1:00 PM.
- iii. No construction activities shall be permitted on Sundays and Bank Holidays.

Reason: To ensure that the construction period does not result in any unacceptable impact on the amenity of the occupiers of nearby dwellings in accordance with Policy S53 of the Central Lincolnshire Local Plan and paragraph 130 f) of the National Planning Policy Framework.

- 5. Prior to the first use of the development, full and final landscaping details, including the proposed enhancements and type of planting shall be provided to and agreed in writing by the Local Planning Authority.

Once the details have been agreed the planting shall be carried out in the first planting and seeding season following the completion of the development, whichever is sooner; and any planting which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that appropriate landscaping is introduced to enhance the character and appearance of the site and to accord with Policies S60 and S61 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

- 6. The solar PV equipment shall be removed as soon as reasonably practicable when no longer needed.

Reason: To minimise the impact of the proposed development on the character and appearance of the area and to minimise the impact of the proposed development on the setting and significance of nearby heritage assets in accordance with the National Planning Policy Framework and Policies S53, S57 and S62 of the Central Lincolnshire Local Plan.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for their private and family life, their home, and their correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.