

DELEGATED DECISION REPORT

SMD/2023/0479
Valid 27/09/2023

LAND ADJACENT TO
TOFT HALL
RUDYARD ROAD
HEATON

GROUND MOUNTED PV
(SOLAR) PANELS ADJACENT
TO THE CURTILAGE OF
TOFT HALL

(FULL - MINOR)

MAIN ISSUES

- Heritage – Setting of a Listed Building
- Character and appearance in the open countryside

DESCRIPTION OF SITE

A generally level and non-sloping small rectangular paddock south east of the hall adjoining the rear garden boundary. The paddock is about 35m x 30m. Somewhat secluded by trees. Site area dominated by tall ruderal herb / grassland vegetation growth. Low 20thC outbuilding to lane edge on northerly side containing an indoor swimming pool (probably a recent internal addition). A track to fields runs along the outside of the south west ownership and application site boundary. Large broad leaved tree to south on adjacent land. Large broad leaved trees lining the lane on the opposite side from the site. Smaller trees / scrub along the lane against the northerly edge of application site.

PROPOSAL

Ground mounted solar PV panels in five parallel rows each 2m apart facing south west. Four of the rows would be 12.6m in length and the fifth row would be 14.7m long. The top edge of each row is stated as not higher than 1.4m. From the drawing the lower edge would be at about 0.6 to 0.7m above ground.

A supporting heritage statement (27 pages) discusses location options within the applicant's ownership and explains rationale for this choice. The agent wrote 5th Jan 2024 to respond to issues raised by the LPA in interim feedback.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment

DC3 Landscape and Settlement Setting
SD1 Sustainable Use of Resources
SD2 Renewable / Low-carbon energy
SD3 Sustainability Measures in Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2023)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None that are specific to the site red edge. There are various LBCs for the hall itself relating mainly to internal alterations along with some minor external changes. Two pre-existing detached stone barns which form a range to the west and north of the yard to the front (north) of the hall were approved in 2002 for internal and external alteration and use as hotel/conference/leisure complex (planning and LBC).

04/01145/FUL – approved conversion of the barns to two dwellings.

CONSULTATIONS

Publicity

Site Notice expiry date: 24.10.23
Neighbour consultation period ends: 18.10.23
Press Advert: 01.11.23

Public Comments

None

Town / Parish Comments

Heaton Parish Council fully supports this Planning Application, subject to SMDC having no objections to this proposal being so near to a Grade 2 Listed Building.

United Utilities

The proposed development is located within the River Dane drinking water catchment which is a designated Safeguard Zone. The developer should have due regard to this, in particular with regard to foul water disposal.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

SMDC Heritage Conservation Officer

Initial objection – concerns that the array would be seen first upon approach to the heritage asset. Further concerns that the vegetation concealing the site may be removed over time or during construction.

Following a site visit made on the 5th March 2024, the Conservation Officer is in agreement that the harm is less than substantial, and at the lower end. The harm can therefore be assessed as to whether or not it is outweighed by public benefit in particular that of supporting the viability of the continuing holiday let use for the Listed Building and its curtilage Listed buildings.

OFFICER COMMENTS

Principle of Development

Rural Areas policy SS10 applies: "These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside."

Sub paragraph (2) holds some relevance being: to "Sustain the rural economy by (inter alia) Enabling the limited expansion or development of business for employment uses where a rural location can be justified".

The applicant considers that the scheme will support the business viability into the future in response to abrupt increases in energy bills. The full range of the Toft Hall buildings are entirely given over to holiday lettings and in turn therefore contribute a valuable local employment source /need and tourism spend in the local economy.

We have 6 staff (venue manager, 3 housekeepers, 2 maintenance men), that work on the venue around the year, plus other contractors such as electricians, plumbers, window cleaners, etc. that come in as-well. The Toft Estate is made up of Toft Hall (20 guests), Chels Barn (12 guests), Toft Barn (12 guests), and Toft Nook (2-4 guests). We bring in roughly 2500 guests every year to our venue and thus the local area.

It must be concluded that there is no outright in-principle support for this proposal as in order for that to be true the development would have to be 'essential'. That has not been demonstrated in the submissions. That said the submissions do set out some credible and very understandable reasoning as to why the applicant would find the proposed on-site solar energy generation helpful economically. A full cost-benefit justification has not been submitted but in the applicant's letter (File: 5th Jan 2024 folder) the monthly usage 'across the whole estate' [understood to refer to all the buildings at Toft Hall] is stated as 1850 kW hours.

Sustainable Development Policies

Though perhaps more specifically written in relation to wholly new development the proposal appears to gain support at least in spirit under SD1: "The Council will require all development to make sustainable use of resources, and adapt to climate change. This will be achieved by: (inter alia) 4 – Supporting development that is located and designed to minimise energy needs and to take advantage of maximised orientation (subject to design and landscape policies) to achieve energy savings in line with Policy SD 3."

SD2 specifically addresses Renewable / Low-carbon Energy saying: "the Council will support small- and large- scale stand-alone renewable or low-carbon energy schemes subject to considerations including (in abbreviated summary) the following:

- Landscape impact
- Demonstration of environmental/economic/social benefits of a scheme, as well as how any environmental or social impacts have been minimised (e.g. visual...
- Biodiversity impact
- impact on the amenity of residents and other interests of acknowledged importance, including the historic environment;

SD3 – "The Council will support further carbon-saving or water-saving measures in both new and existing developments, in the following ways:

- (3) The Council will support measures designed to improve the sustainability of existing buildings (such as improved thermal insulation, water conservation, or the installation of micro-renewables).

The development is thus expressly supported by SD3 (3).

Design

Whilst there is consideration for the design appearance of the development in the submissions especially in the annotations to block plan drawing 23-24-b3-XX-XX-DR-A-0102 this mainly relies on the happenstance of existing arrangements. The Conservation Officer is concerned that some of the cited 'cover' would inevitably have to be scaled back to open the development to sunlight.

There is no tree survey but the site is found to be constrained by trees – Fig. 1:



Fig. 1

There is therefore uncertainty about how effectively the scheme may or may not be concealed or indeed necessitate tree / shrub removal. Some of the trees (to the south) are outside the ownership.

Amenity

There is no reason to find any harm to neighbour or wider amenity such as footpath users as the paths are away from the development site through the front yard.

Heritage

The main issue for consideration with this application is the impact upon the setting of the Listed Building – and to a lesser extent the degree to which existing trees may play a part and whether these may need to be removed. The electricity generated would be used for the listed building and its wider 'estate' and the proximity of the

site to the property makes it an understandable location within the estate to generate solar power and feed this to the built structures. The submitted application has reviewed other potential alternative locations within the ownership but the Conservation Officer is in agreement with the Planning Case Officer that these raise greater concerns in terms of setting and have wider adverse impacts on the character and appearance of the countryside, particularly taking into account the route of a public footpath which passes through.

The proposed solar array would be located within an area of land which forms a paddock adjacent to the rear garden of the listed building. The paddock is strongly segregated from the rear garden of the house by a medium height stone wall which follows a boundary that is shown on the earliest available OS map of 1877 – 1887. It may reasonably be considered appropriate to regard the paddock as outside the curtilage based on the defining separation of the walled boundary and its long-established historic presence. If it is accepted that the paddock proposed for the panels is outside the curtilage of the Listed house there would be no physical impact or loss and the issue is one of 'setting'.

Nevertheless the solar array would have an unavoidable modern appearance creating a conflicting and harmful contrast with the listed building's age and vernacular which are elements of its historic significance. The extent to which this would be seen or experienced by visitors to the property would however be limited. It is unlikely there would be wider public scope to view the development or see it in combination with the Listed assets.

The tree-lined driveway or track leading to the estate comes in from the east and passes along the north side of the application site. As noted, there is a low modern shed alongside the access lane which to some extent cuts off the paddock from the lane. There is also a mixed vegetation of shrubs and medium trees (see file photo 0528) which also cuts off the paddock from the lane. Whilst there is no certainty of these being retained there are no current proposals for their removal and being on the northern side this should not be necessitated by the development.

The Conservation Officer was initially concerned that the panels would impact adversely on the setting owing to being close to the main approach to the property. There was also a misinterpretation that the south side of the house was the main front when in fact it is the rear and somewhat set away from the application field.

The listed building and its estate is currently used as holiday lets, adding to the area's economy. The introduction of solar power on site would reduce the site's reliance on energy from the national grid and move the site towards self-sufficiency. The on-going maintenance and retention of listed buildings is paramount to their retention and safeguarding their significance. Increased self-sufficiency and reduced outgoings for the site would allow for increased 'security' to the current business and its future. Supporting the viability of the continuing holiday-let usage of the range of buildings can therefore be considered beneficial towards their up-keep and in turn the economic contribution to the local area in terms of employment.

In accordance with NPPF paragraph 208 these contributions can be regarded as public benefits which may be considered to outweigh the less-than-substantial harm identified in the development's impact on the setting of the Listed Building.

CONCLUSION / PLANNING BALANCE

In terms of Policy SS10, as a development to provide solar renewable energy specific for Toft Hall it can be accepted that it would have to be on or close to the Toft Hall site and to that extent it can be considered 'essential' to be located here or in the vicinity and therefore in the rural area. The development would have a very low height profile stated as being not higher than 1.4m for the upper edge of the pv panels. The site is largely or entirely out of range of public view but has the potential to be seen by visitors to the Hall. The low height profile, the relatively small area involved and various containing features of the paddock all combine to mean the development would have a very limited impact on the wider landscape even from relatively close quarters. Other than for visitors to the hall there would be little or no scope for the development to be seen from public locations. If it could be spotted its visual impact would be negligible at the distances involved.

It is also found that the proposed development of an area of stand-alone ground mounted solar panels over an area approximately 17.5m x 15m and standing to 1.4m in height on land directly adjacent to the southerly (rear) garden of Toft Hall would cause less than substantial harm to the heritage asset. As there is harm identified, albeit at the lower end of identifiable impact, it is necessary to consider whether there are public benefits from the development that would outweigh the harm. In this case it is concluded that the benefits of supporting the viability of the continued holiday let use of the Listed Building and building range and the economic benefits this business will bring to the local area should be accepted as justifying the development and outweighing the less than substantial harm to the setting of the Listed Building. In accordance with NPPF paragraph 208 it can therefore be recommended for approval in heritage terms. The application has also been found satisfactory in regards to design, amenity and landscape impact.

OFFICER RECOMMENDATION : Approve

Case Officer: Arne Swithenbank – C/O Rachel Robinson

Recommendation Date: 2nd May 2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

