



Northumberland County Council

Strategic Planning Committee 3rd May 2022

Application No:	22/00939/FUL		
Proposal:	Installation of freestanding low level PV array to supply the adjacent property at Ogle Hill Head		
Site Address	Ogle Hill Head, Belsay, Newcastle Upon Tyne, Northumberland NE20 0DR		
Applicant/ Agent	Mr Richard Dodd Ogle Hill Head, Belsay, Newcastle Upon Tyne, Northumberland NE20 0DR		
Ward	Ponteland East And Stannington	Parish	Whalton
Valid Date	11 March 2022	Expiry Date	6 May 2022
Case Officer Details	Name: Mr Callum Harvey Job Title: Senior Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		

Recommendation: That Members GRANT planning permission for the proposed development.



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1. Introduction

- 1.1 This application has been submitted by an elected Member of the County Council. Following referral to the Director of Planning and the Chair and Vice-Chair of the Castle Morpeth Local Area Council Planning Committee under the Chair Referral Scheme, it was agreed that this application be determined by Members of the Strategic Planning Committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the installation of three separate ground-mounted solar panel structures within the curtilage of a residential dwelling known as Ogle Hill Head. The property is located near Belsay.
- 2.2 Ogle Hill Head is a large two storey dwelling set within a generous curtilage. To the north of the dwelling is a farmstead, and to the northwest is a separate dwellinghouse.
- 2.3 The three structures subject to this application would be located to the east of the dwellinghouse, within its curtilage. The panels once mounted to the structures would measure 1.4m in height at the highest point, would have a total surface area of 36m², and would be installed upon concrete pads. The purpose of the panels is to provide a sustainable form of energy to the dwelling.
- 2.4 The site is located within the open countryside and within the Green Belt.

3. Planning History

None

4. Consultee Responses

Whalton Parish Council	The Parish Council has no matters they wish to draw to the attention of the Local Planning Authority.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	1
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

General site notice: Displayed 16th March 2022

No Press Notice Required.

Summary of Responses:

None Received.

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (March 2022)

Policy STP 1 Spatial strategy

Policy STP 2 Presumption in favour of sustainable development

Policy STP 3 Principles of sustainable development

Policy STP 4 Climate change mitigation and adaptation

Policy STP 7 Strategic approach to the Green Belt

Policy STP 8 Development in the Green Belt

Policy HOU 9 Residential development management

Policy QOP 1 Design principles

Policy QOP 2 Good design and amenity

Policy QOP 5 Sustainable design and construction

Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment

Policy ENV 3 Landscape

Policy ENV 4 Tranquility, dark skies and a sense of rurality

Policy REN 1 Renewable and low carbon energy and associated energy storage

6.2 National Planning Policy

National Planning Policy Framework (July 2021)

National Planning Practice Guidance (2018, as updated)

National Model Design Code (2021)

National Design Guide (2019)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The main issues for consideration in the determination of this application are:

Principle of the development
Design and visual impact
Amenity of neighbouring land uses

Principle of development

- 7.3 The application sites lies within the open countryside. The proposal seeks to install ground mounted solar panels within the curtilage of a dwelling, which would be used ancillary to that dwelling. Policy STP1 of the Northumberland Local Plan requires development in the open countryside to be sensitive to its surroundings.

Renewable energy

- 7.4 Policy STP3 of the Northumberland Local Plan expects development proposals to maximise energy efficiency and the use of renewable and low carbon energy sources. Policy STP4 of the Plan states that development proposals should mitigate climate change and contribute to meeting nationally binding targets to reduce greenhouse gas emissions. Policy QOP5 of the Plan supports proposals which incorporate or connect to small-scale renewable and low carbon energy systems.
- 7.5 Policy REN1 of the Northumberland Local Plan states that proposals for renewable energy and low carbon energy development will be supported including where decentralised, renewable or low carbon energy supply systems are to be used to supply energy to a development. Policy REN1 goes on to state that such applications will be supported where it has been demonstrated that the environmental, social and economic effects of the proposal, individually and cumulatively, are acceptable or can be made acceptable. In considering applications, appropriate weight will be given to a number of criteria, of which only the following apply in considering the current application:
- a. Landscape character and sensitivity of landscape and visual receptors including landscapes and views demonstrated to be of value at the local community level;
 - h. Amenity due to noise, odour, dust, vibration or visual impact; and
 - i. The openness of the Green Belt and whether very special circumstances have been demonstrated to justify otherwise inappropriate development.
- 7.6 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, including the support of renewable and low carbon energy sources. Paragraph 158 states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable.

Green Belt – Policy context and the NPPF

- 7.7 The application site is also located within the Green Belt. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 of the NPPF states that the Green Belt serves the following five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.8 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.9 Paragraphs 149 and 150 of the NPPF set out a closed list of forms of development which may be considered appropriate within the Green Belt. The proposal does not fall within any of these defined exceptions and is therefore an inappropriate form of development within the Green Belt. Consequently, Very special circumstances are required in line with Paragraph 148 of the NPPF.
- 7.10 Paragraph 151 of the NPPF then states that that when located within the Green Belt, elements of many renewable energy projects will comprise inappropriate development, as is the case in this instance. Paragraph 151 goes on to state that in such cases developers will need to demonstrate very special circumstances if projects are to proceed, and that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 7.11 Policies STP7 and STP8 of the Northumberland Local Plan reflect the NPPF as set out above.

Green Belt - Assessment

- 7.12 The proposal seeks to install ground mounted solar panels within the curtilage of a dwelling, which would be used ancillary to that dwelling. It is considered that the proposed development would lead to a tangible impact on the openness of the Green Belt in both a spatial and visual sense, albeit to a very limited degree. The proposal would not extend the curtilage of the dwelling, and would therefore not lead to encroachment into the open countryside.

- 7.13 A Very Special Circumstances case has been submitted in support of the application. The application submits that the proposal would enable the property to become more reliant on renewable solar energy, leading to a reduced reliance on fossil fuels, which would then lead to wider environmental benefits. The application refers to the relevant Policy position and the relevant parts of the NPPF as set out above, which normally support this form of development, as well as referring to the Government's target to achieve net zero emissions by 2050. The application also refers to the County Council's declaration of a climate emergency in June 2019, and the Council's commitment to halve the County's carbon footprint by 2025 and to make the County carbon neutral by 2030.
- 7.14 It is officer opinion that the wider environmental benefits of the proposal clearly outweigh the identified degree of harm to the openness to the Green Belt, as well as the harm by reason of being an inappropriate form of development. It is therefore considered that Very Special Circumstances have been demonstrated in line with Paragraph 148 of the NPPF.

Summary of the Principle of the Development

- 7.15 The provision of solar panels to reduce the reliance of an existing dwelling on fossil fuels for its energy needs does benefit from clear support from Policies within the recently adopted Northumberland Local Plan, and from the NPPF, as set out above. It is also considered that the proposal is acceptable within the Green Belt. The principle of the development is supported by officers in accordance with Policies STP1, STP3, STP4, STP7, STP8 and REN1 of the Northumberland Local Plan, and with the NPPF.
- 7.16 The impact on the amenity of the surrounding landscape and on the amenity of neighbouring land uses are also important material considerations, and are set out below.

Design and visual impact

- 7.17 The proposed solar panels would be fixed to metallic frames, which would be mounted upon concrete pads. The development would be located within the curtilage of a dwellinghouse, would be screened from views within the wider landscape from the west by the dwelling, and from views from the north and east by a well-established tree line. The site is visible from views to the south, though officers note that due to the low profile of the panels they would be partially screened by the existing hedgerow along the southern boundary of the site.
- 7.18 It is considered that the scale of the proposed development in this particular location would not have an adverse impact on the amenity value of the surrounding landscape, and would not have an adverse impact on the appearance of the host dwellinghouse. The proposal therefore accords with Policies HOU9, QOP1, ENV1, ENV3, ENV4 and REN1 of the Northumberland Local Plan, and with the NPPF.

Amenity of neighbouring land uses

7.19 The application site is surrounded by agricultural fields, with an adjacent farmstead to the north and a separate dwelling to the northwest. The proposal would not have an adverse impact on the amenity of neighbouring land uses in accordance with Policy QOP2 of the Northumberland Local Plan and the NPPF.

Other considerations

Equality Duty

7.20 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.21 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.22 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.23 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.24 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a

whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The provision of solar panels to reduce the reliance of an existing dwelling on fossil fuels for its energy needs benefits from clear support from Policies within the recently adopted Northumberland Local Plan, and from the NPPF, as set out above. It is also considered that the proposal is acceptable within the Green Belt as a result of the submitted Very Special Circumstances case. The principle of the development is in accordance with the Northumberland Local Plan and the NPPF, and is supported by officers.
- 8.2 The proposal would be acceptable in all other respects. It is therefore recommended that planning permission be granted for the development.

9. Recommendation

That Members GRANT planning permission for the proposed development, subject to the following:

Conditions

- 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).

- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

Location Plan

Proposed Site Plan

RHD-DWG-037 Dodd Belsay Solar Panels 9.1KW Control System Single Line Diagram

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

Informatives

None

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental

Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.