

APPLICATION NUMBER:		23/01085/F	VALID:	23.10.2023
APPLICANT:	Reigate and Banstead Borough Council		AGENT:	Reigate and Banstead Borough Council
LOCATION:	NEW POND FARMHOUSE, WOODHATCH ROAD, REIGATE, SURREY, RH2 7QH			
DESCRIPTION:	PROPOSED INSTALLATION OF 53NO. SOLAR PANELS IN THE REAR GARDEN OF 2 NEW POND FARMHOUSE AND ADJACENT COUNCIL DEPOT BUILDING. AS AMENDED ON 23/10/2023			
All plans in this report have been reproduced, are not to scale, and are for				

All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.

This application is referred to Committee in accordance with the Constitution as the Council is the applicant.

SUMMARY

This is a full planning application for the installation of a total of 54 solar panels, to be located within the garden of New Pond Farmhouse, Woodhatch Road, Woodhatch. The site is occupied by a two storey detached property split in to two maisonettes (ground floor and first floor) to the south side of Woodhatch Road. The site is located within the Metropolitan Green Belt. To the west of the site are the New Pond Farm allotment gardens, whilst Earlswood Lakes is located to the north on the opposite side of Woodhatch Road. A Council depot site is located immediately to the east, part of which forms the application site.

The proposed solar panels would provide all the required power for the ground floor maisonette, with any surplus generated by the panels providing power to the adjacent depot, which is owned by the Council. The location of the proposed panels would be split between the rear garden of the maisonette (30) and the roof of the depot (23).

Paragraph 163 of the National Planning Policy Framework 2023 (NPPF) states: "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 significant cutting greenhouse gas emissions. b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas" The site is located within the Green Belt meaning para 156 is also relevant which sates "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."

The application is for a micro-generation scheme and the council supports schemes such as this within Policy CCF1 of the Development Management Plan 2019 (DMP) subject to other matters such as impact on the Green Belt, design and impact on character, and impact on neighbouring amenity. The level of visual and spatial harm to the openness of the Green Belt would be minimal given the panels would be located on an existing developed site, including the roof of an existing building and residential curtilage. Within the wider locality of the site is a large area of allotments and a tree care business, as well as the Council depot, which have greater impact on the openness of the Green Belt such that the impact of the proposed panels would be minimal in comparison. It is also to be noted that stand alone arrays within the grounds of blocks of flats can be permitted development meaning they are accepted in principle.

Their design would be functional, and this would not be particularly harmful to the wider visual character of the area. Whilst the panels on the roof of the depot would be more visible they would be relatively few in number. The panels in the garden would be well screened by existing boundary hedging and further landscaping could be secured by planting to improve screening. The minimal presence would have little impact on the amenity of the neighbouring maisonette if screened effectively and noting there is no right to a view in planning terms.

It is proposed to remove a single tree from the garden of the property, however this is of low quality and there is no objection to its removal.

RECOMMENDATION(S)

Planning permission is **GRANTED** subject to conditions.

Consultations:

<u>County Highway Authority (CHA):</u> The CHA has undertaken an assessment in terms of the likely net additional traffic generation, access and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the highway. The County Highway Authority therefore has no highway requirements and recommends informatives.

<u>Gatwick Safeguarding</u>: The proposed development has been examined from an aerodrome safeguarding perspective and it does not conflict with safeguarding criteria. There is therefore no objection to this proposal.

Representations:

Letters were sent to neighbouring properties on the 24th July 2023 and 11th December 2023. One response has been received raising the following issues:

Issue	Paragraph
Harm to Green Belt/countryside	6.3-6.16
Poor design	6.17-6.20
No need for the development	6.3-6.20
Out of character with surrounding area	6.3-6.20
Alternative location/ proposal preferred	6.3-6.20
Overshadowing	6.20-6.22
Loss of private view	6.20-6.22
Health fears	6.25-6.28
Crime fears	6.25-6.28
Property devalue (a non planning matter)	6.25-6.28

1.0 Site and Character Appraisal

- 1.1 The site is currently occupied by a detached two storey property that is separated into two maisonettes (ground and first floor). The Council is the freeholder of the farmhouse and the ground floor flat, whilst the lease to the first floor flat is owned by a private individual. The property features a front garden, which is for use by the occupiers of the first floor property, whilst the rear garden is for use by the occupiers of the ground floor. The rear garden features a mature hedge around the perimeter. Immediately to the east of the property is the Council owned depot site.
- 1.2 The application site is located within the Green Belt. To the west of the site is a large area used as allotments, whilst to the south is an area of recreational space which includes a football pitch. The Earlswood Brook runs approx..220m to the south. To the north on the opposite site of Woodhatch Road is Earlswood Lakes. The surrounding area is semi-rural in character, with open countryside to the south, with built up areas of housing to the east and west.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: Formal pre-application advice was not sought prior to the submission of the application. It is noted that works to install the proposed panels had partly commenced. Advice was given that planning permission would be required.
- 2.2 Improvements secured during the course of the application: amendments have been sought to reduce the number of proposed solar panels in the rear garden of the ground floor property at New Pond Farmhouse and incorporate panels within the roof of the depot building.
- 2.3 Further improvements could be secured: further improvements could be secured by conditions and informatives.
 - 3.0 Relevant Planning and Enforcement History
- 3.1 88/04600/F Ground floor side extension forming Granted kitchen/utility room and loft 27th April 1988 conversion.

4.0 Proposal and Design Approach

- 4.1 This is a full application for the installation of 53 solar panels within the rear garden at New Pond Farm and the adjacent depot. The ground mounted panels within the garden would be a maximum height of 1.45m from the ground. The panels would be angled at 30 degrees and would face towards the south for maximum solar gain. At total of 30 panels would be located within the garden. The panels would provide full electrical power for the flat. It is proposed to install new solar panels in the rear (south) garden to provide full electrical power for the ground floor flat, and significantly reducing reliance on the grid. The solar panels will be supported on and affixed to rows of new galvanised steel triangular frames at 30 degrees to horizontal and in a 'portrait' orientation. The remaining 23 would be placed within the roof of the adjacent depot building on the east side of the roof plane.
- 4.2 The proposed panels within the garden would be separated from the dwelling by including a new fence across the width of the garden.
- 4.3 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:

Assessment;

Involvement;

Evaluation; and

Design.

4.4 Evidence of the applicant's design approach is set out below:

Assessment	The character of the surrounding area has not been assessed, though it is stated that the farmhouse has been in existence for centuries and the existing farmhouse dates to approximately 1970.		
	No site features worthy of retention were identified.		
Involvement	No community consultation took place.		
Evaluation	The statement does not include any evidence of other development options being considered.		
Design	The scheme has been designed to be in keeping with Reigate and Banstead Borough Council's policy to achieve energy sustainability through approaches to the design of the built environment and creating an environment adapted for future needs, it is proposed that solar panels should be installed at the farmhouse to provide all power requirements thus reducing energy consumption and carbon emissions and limiting climate change.		

4.5 Further details of the development are as follows:

Site area	0.16Ha	
Existing use	Residential (Class C3)	
Proposed use	Residential (Class C3) and Council Depot (Sui Generis)	

5.0 Policy Context

5.1 Designation

Metropolitan Green Belt Council Owned Land

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development) CS3 (Green Belt) CS10 (Sustainable Development), CS11 (Sustainable Construction),

5.3 Reigate & Banstead Development Management Plan 2019

Design DES1 DES2 DES5 DES8
Natural and Historic Environment NHE3 NHE5
Climate change resilience and flooding CCF1

5.4 Other Material Considerations

National Planning Policy Framework 2023

National Planning Practice Guidance

Supplementary Planning Guidance Surrey Design

Local Distinctiveness Design Guide

Householder Extensions and

Alterations

Other Human Rights Act 1998

Community Infrastructure Levy

Regulations 2010

6.0 Assessment

- 6.2 The main issues to consider are:
 - Principle of the development in the Green Belt
 - Design appraisal
 - Impact on neighbouring amenity
 - Impact on Trees
 - Other Issues
 - Very Special Circumstances

Principle of development in the Green Belt

- In terms of the context for solar development, starting at a national level, the UK Government has declared a climate emergency and has continued to commit to meeting the country's renewable energy targets, which are set out in national policy through the Climate Change Act of 2008. The Climate Change Act 2008 established a target for a reduction in the UK's greenhouse gas emissions of at least 80 per cent by 2050, over 1990 levels, which has subsequently been revised to a 100% reduction. Section 13 of this Act states that there is a duty for the Secretary of State to prepare proposals and policies for meeting carbon reduction targets.
- 6.4 It is of note that Reigate and Banstead Borough Council's Environmental Sustainability Strategy 2020, which is not a planning document, aims for carbon neutrality from Council operations by 2030 and borough wide by 2050. This 2050 target also aligns with SCC's county-wide target.
- 6.5 In 2011 the Department of Energy and Climate Change published the UK Renewable Energy Roadmap, which was updated in 2013. This presents the framework for the delivery of renewable energy deployment in the UK; it reiterates the Government's commitment to meeting our renewable energy targets. 2013 also saw the publication of the UK Solar PV Strategy Roadmap which states that 'Solar photovoltaic (PV) technology is a mature,

proven technology and is a reliable source of renewable energy with an important role to play in the UK energy generation mix.'

- Paragraph 13 of this Strategy notes that presently solar PV accounts for 12% of renewable electricity capacity in the UK. There are a raft of other National guidance documents relating to energy and renewable energy more specifically which support the Government's aim to significantly increase the amount of electricity generated in the UK from renewable sources.
- 6.7 For instance, the Overarching National Policy Statement for Energy (EN-1) and for Renewable Energy Infrastructure (EN-3) note that: 'In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended)'.
- 6.8 EN-3 goes on to clarify in paragraph 2.1.2 that there is an assumed need for renewable energy projects: 'EN-1 Section 3.4 includes assessments of the need for new major renewable energy infrastructure. In light of this, the IPC should act on the basis that the need for infrastructure covered by this NPS has been demonstrated.'
- 6.9 Central to the NPPF is the presumption in favour of sustainable development as detailed in Paragraph 11. For decision-taking this means: 'c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'
- Paragraph 148 of the National Planning Policy Framework 2021 (NPPF) states that development within the Green Belt is, by definition, harmful, and should not be approved except where very special circumstances would justify doing so. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. Paragraph 149 is clear that the construction of new buildings in the Green Belt is inappropriate unless justified by Very Special Circumstances (VSC). 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.
- 6.11 Paragraph 151 acknowledges that 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.

- 6.12 Paragraph 158(a) states that, when determining planning applications for renewable or low carbon developments, local planning authorities should 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 that applications should be approved if impacts are or can be made acceptable (b).
- 6.13 Policy CCF1 (3) of the Councils Development Management Plan 2019 (DMP) states that the Council will support developments that make provision for on-site micro-generation. Climate change adaptation and mitigation is a thread that runs throughout the DMP, building on Core Strategy Policies CS10: Sustainable development. Policy CS10 seeks to minimise the use of natural resources and contribute to a reduction in carbon emissions by re-using existing resources, maximising energy efficiency, minimising water use, and reducing the production of waste, including through sustainable construction methods, encourage renewable energy/fuel production whilst ensuring that adverse impacts are addressed, including on landscape, wildlife, heritage assets and amenity. Policy NHE1 requires that 'Proposals for renewable energy developments, in particular wind turbines and solar farms, will only be permitted where their impact (visual and noise) would not harm the landscape or undermine the intrinsic character and beauty of the countryside.' DES1 requires that new development 'Respects aerodrome safeguarding requirements' reference to solar installations in the explanatory text.
- The proposed development would allow for a dwelling to become more sustainable in terms of its energy usage. It would also allow for the Council to improve the sustainability/ energy consumption of one of its depot sites. The proposed panels within the garden of the maisonette would be sited within the curtilage of the existing property. They would be low in height at only 1.45m, and the garden is bordered by a hedge which obscures many of the panels and framing from view. Therefore the level of visual impact on the Green Belt from these panels is considered to be low.
- 6.15 The panels on the depot building would have a greater level of visual impact from wider views to the south. However, the level of impact is again considered to be minimal. The depot site and neighbouring Connick Tree Care site are already developed and are used extensively for storage of equipment and materials and features a substantial amount of parking and informal hardstanding where the grass/ surface has been worn. There are also a substantial number of allotments around the site which feature many structures such a as sheds and greenhouses which have a noticeable impact on the openness of the Green Belt across a wide area. The panels proposed to be placed on the depot building would not give rise to a greater

level of visual harm to the Green Belt given the existing context of the site. The panels would make use of an existing building rather than utilise an undeveloped part of the site, meaning there would not be a spatial impact on the Green Belt.

6.16 As stated in paragraph 6.11, elements of renewable energy development constitute inappropriate development which will need to be justified by very special circumstances. The application will therefore be assessed against the other planning considerations before an assessment of whether 'very special circumstances' exist which outweigh the harm caused by reason of inappropriateness and any other harm identified.

Design Appraisal

- 6.17 The proposed panels would be functional in appearance given their use. The panels contained within the residential garden would be sufficiently screened by existing garden boundary hedging so as not to result in substantial visual harm to the character of the wider area.
- 6.18 Whilst the panels to the depot roof would be more visually apparent, this level of harm would not be any greater than that already resulting from existing uses at the site and surrounding uses such as the allotments and associated structures. They would project minimally from the roof plane (20cm) which would not be particularly visually obtrusive.
- 6.19 The design of the proposed panels would be acceptable, and they would not result in substantial harm to the character of the area. The proposal would therefore comply with Policy DES1 of the DMP in this regard.

Impact on neighbouring residential amenity

- 6.20 Policy DES1 of the DMP requires new development to have regard to neighbouring buildings, and not impact on the amenity of neighbouring buildings.
- The nearest residential property to the panels would be the first floor maisonette, 2a New Pond Farm. Whilst the property would have views over the rear garden, the presence of the panels would not dominate the outlook from this property given their location at ground level and low scale. There is no right to a view that can be taken into account in considering a planning application and the immediate outlook would not be substantially harmed. Whilst there may be a preference to look out onto green space, that is not to say it is unacceptable in amenity terms to look over developed land with many properties having views over roads, tarmac, other dwellings, outbuildings etc. all of which are acceptable if not dominating, causing loss of light or privacy, none of which would apply here. The panels on the depot have been sited on the east side of the roof which would reduce potential for glare which may disturb windows of the upper floor maisonette.

6.22 On this basis the scheme is not considered to result in harm to neighbouring amenity, and would comply with the requirements of Policy DES1 of the DMP in this regard.

Trees and landscaping

6.23 It is proposed to remove one tree from within the rear garden of New Pond Farmhouse. The tree is of low quality and does not contribute substantially to the visual character of the area. The Councils' Tree Officers have been consulted on the proposed removal and comment as follows:

'The proposed plan is accompanied by a Tree Report and an Arboricultural Impact Assessment (AIA), in accordance with the British Standard BS5837: 2012. There are no Tree Preservation Orders (TPOs) on the site, and it is not located in a Conservation Area.

One tree is proposed to be removed (T1), having a fair structure condition, being a small tree, with low quality, and with a BS 5837 quality category C. This tree has not had merits to be covered by a TPO. No other significant tree is going to be affected.

In light of the above, I do not have objections to the proposal development, there are no arboricultural concerns, the tree to be remove is in poor condition with low value. The removal of one tree is considered reasonable by the British Standard BS5837:2012.'

6.24 It is proposed to separate the proposed panels within the residential garden from the dwelling by the inclusion of a fence across its width. The details of the proposed height and materials of the fence would be secured by way of a boundary treatment condition. A further condition requiring a replacement tree and landscaping would also be included. Subject to compliance with these conditions the scheme would be acceptable with regard to impact on trees and landscaping, in compliance with Policy NHE3 of the DMP 2019.

Other Issues

- 6.25 A number of issues have been raised within neighbour objections which are addressed below.
- 6.26 It is not considered that the proposed development would give rise to particular health concerns and evidence has not been submitted to demonstrate this.
- 6.27 It is not the view that the installation would result in a greater risk of crime. Any instances of crime would be a matter for the police.
- 6.28 Any impact of the development on property values is not a material planning consideration that can be taken in to account.

Very Special Circumstances

- 6.29 As stated earlier in the report, elements of renewable energy projects within the Green Belt will comprise inappropriate development, which requires justification by very special circumstances.
- 6.30 Properties seeking to reduce their own carbon footprint, improve efficiency and reduce reliance on the national grid, should be viewed as a wider benefit that would clearly meet the aims of both national and local policy in this regard, as outlined earlier in this report. The NPPF is clear that small scale projects, such as for a domestic property, should be approved if impacts can be made acceptable.
- 6.31 The level of spatial and visual impact on the openness of the Green Belt is considered to be low given the surrounding context of the site. Neighbouring land uses, such as the depot site, Connick Tree Care site and allotments and associated buildings contribute a greater level of harm to the Green Belt than the proposed panels.
- 6.32 The development would allow both a residential building and a Council depot building to meet a substantial amount of their energy needs at the same time as reducing reliance on the grid. The estimated annual output from the proposed system would 21,333 Kwh, with an expected consumption of 2,257.19 Kwh compared to the current consumption of approx.. 5000 Kwh. This would account for over half the total energy consumption of the buildings, reducing dependency on the grid by 45%. This would result in an annual Co2 reduction of 5 tons, which would meet with aims of the national and local policy framework set out earlier in this report of reducing generation of greenhouse gases. The applicant has advised that any excess electricity will be stored in the batteries and any further electricity will go back to the grid via the maisonettes and depots electricity meters, which could be used by other properties within the borough.
- 6.33 In view of the above, it is considered that the benefits of the proposal are of sufficient magnitude to outweigh the minimal harm found to the openness of the Green Belt. These benefits identified attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt would be outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist in this case.

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(1) 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:

Plan Type	Reference	Version	Received
Location Plan	DB1.2		08.12.2023
Block Plan	DB1.3		08.12.2023
Other plan	001		26.05.2023
Other plan	002		26.05.2023
Site layout	001/A		15.06.2023
Elevation Plan	DB1.1		05.12.2023

Reason:

To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

3. The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the development hereby permitted.

<u>Reason</u>: To preserve the visual amenity of the area and protect neighbouring residential amenities with regard to the Reigate and Banstead Development Management Plan 2019 policy DES1 and NHE3.

4. No development shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the local planning authority. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to first occupation or within the first planting season following completion of the development herby approved or in accordance with a programme agreed in writing with the local planning authority.

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.

Reason: To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with Reigate and Banstead Borough Development Management Plan 2019 policies NHE3, DES1 and DES3, and the recommendations within British Standards including BS8545:2014 and British Standard 5837:2012.

INFORMATIVES

- 1. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There should be no burning on site;
 - (f) Only minimal security lighting should be used outside the hours stated above; and
 - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit.

In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration.

REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies DES1 NHE3 NHE5 CCF1 and material considerations, including 3rd party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

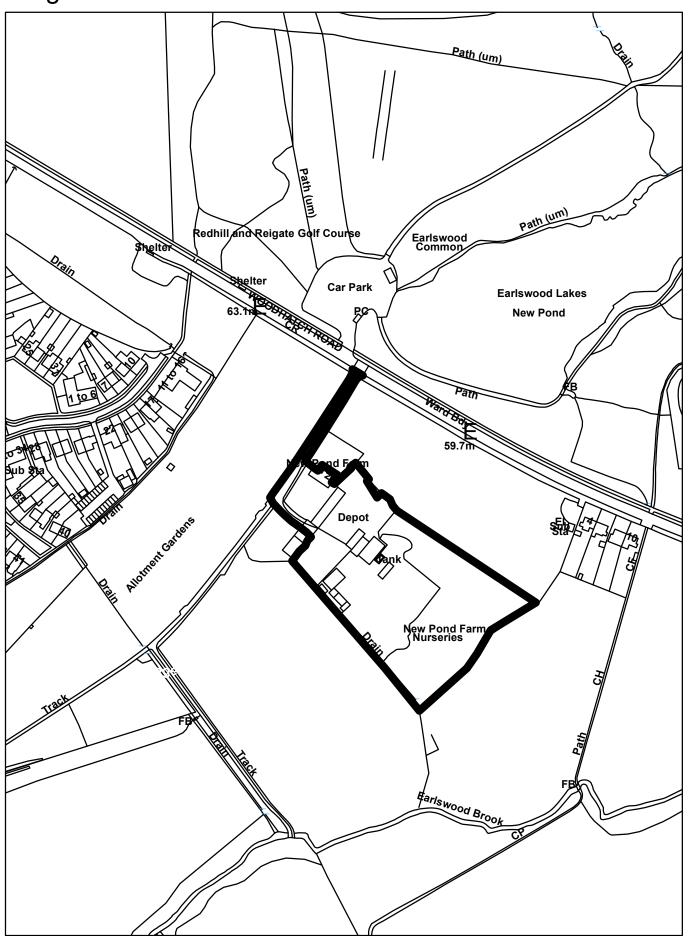
Proactive and Positive Statements

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

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presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

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