

**APPEAL BY
MRS B ELLIS
AGAINST THE REFUSAL OF
RIBBLE VALLEY BOROUGH COUNCIL
TO GRANT RETROSPECTIVE PLANNING PERMISSION FOR
THE
INSTALLATION OF SOLAR PV PANELS TO THE SOUTH
FACING ROOF OF THE DWELLING
AT
3, HORTON LODGE, HORTON-IN-CRAVEN SKIPTON
N.YORKS BD23 3JX**

Grounds of Appeal Statement

**APPEAL REFERENCE APP/T2350/D/13/2202460
LPA Reference: 03/2013/0126
Refused: 20 June 2013**

July 2013

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GROUND OF APPEAL STATEMENT AGAINST THE REFUSAL OF RIBBLE VALLEY BOROUGH COUNCIL TO GRANT RETROSPECTIVE PLANNING PERMISSION FOR THE:

INSTALLATION OF SOLAR PANELS TO THE SOUTH FACING ROOF SLOPE AT 3 HORTON LODGE, HORTON IN CRAVEN, SKIPTON N.YORKS BD23 3JX

1 Site circumstances

- 1.1 The application site is situated adjacent to the north side of the A59 north of Barnoldswick and east of Gisburn on the boundary between Ribble Valley Borough Council and Craven District Council. The nearest settlement is the small village of Horton to the north of the site. The site comprises one of 7 dwellings which were converted from a former public house The Coronation in the late 1990's now known as Horton Lodge.
- 1.2 Horton Lodge comprises a mixture of two storey and single storey dwellings in a courtyard formation. The two storey element, which was the principle elevation of The Coronation, faces west across lawns, communal amenity space and the vehicle entrance to the site. This elevation still retains its visual status as the principle elevation of the building; it has three gables above the main windows and has a formal appearance. See photograph 1. The two storey part of the building comprises numbers 4, 5, and 6 Horton Lodge and in addition has rooms within the attic space.
- 1.3 Numbers 1, 2 and 3 Horton Lodge face south towards the A59. These dwellings are single storey. Numbers 1 and 2 have rooms within the roof space. Number 2 has a gable facing the road and several roof lights within the roof slope. See photograph 2. Only the appeal site, number 3, is a true single storey dwelling. The ridge height of its roof and the roof slope is much lower than two storey dwelling it adjoins to the west and the single storey dwelling it adjoins to the east. It was converted from a rear single storey element of The Coronation.
- 1.4 The courtyard is completed on the north sided by garaging and outbuildings which were built at the time of the conversion and provide the main entrance to the dwellings. There is a covered walkway between the garages which opens onto a communal courtyard on to which all the main entrance doors to 1-5 Horton Lodge open. As this is a communal space all the residents are bound by a covenant preventing any alteration to the features within the courtyard including alterations to the roof. See appendix 1.
- 1.5 The boundary of Horton Lodge is delineated by a fence to open fields on the east side. A public footpath number 14 runs along this boundary within the field. To the east of Horton Lodge at the bottom of the individual gardens is Stock Beck. On the south side is the A59 which is at a higher level than the gardens as it approaches and passes over Stocks Beck at Monk Bridge. There has been a significant amount of tree planting along the banking and land immediately adjacent to the road and within the individual gardens and the communal area to the west of Horton Lodge to screen the road from the dwellings. The only gap in this bank of trees is at Monk Bridge where the road passes over the bridge.

- 1.6 The site is outside of and not close to the Area of Outstanding Natural Beauty as designated in the adopted Ribble Valley Districtwide Local Plan 1998 (RVDWLP). Horton Lodge is not a listed building.

2 Planning history

- 2.1 The previous planning history of the appeal site may be summarised as follows:
- 3/2009/0217 Proposed new uPVC Conservatory to rear of the dwelling. Approved 13/05/2009
 - 3/1999/0538 Change of house type units 6 and 7 and link porch Coronation Hotel approved 14/09/1999
 - 3/1998/0789 Change of use of the Coronation Public House to form 7 dwellings and garages car parking and landscaping approved 4.3.99
 - 3/1997/0604 Stone facing to the function room walling and refurbishment of entrance porch 30.9.97
- 2.2 Other planning permissions with relevance to this appeal are:
- 3/2009/0113 Proposed conservatory. 2 Horton Lodge Horton. Approved 03/04/2009.
 - 3/2007/0971 Construction of sun room extension. 4 Horton Lodge Approved 28/11/2007
 - 3/2007/0662 Construction of sun room extension and new garage. 6 Horton Lodge. Approved 22/08/2007.

3 Proposed development

- 3.1 The proposal is to retain 15 solar pv panels and one thermo-dynamic panel. The solar panels are 1666mm long, 990mm wide and 50mm high. The thermo dynamic panel is 2000mm long, 800mm wide and 20mm high. The solar panels generate electricity for direct use in the home with any excess being fed into the national grid. The thermo-dynamic panel provides domestic hot water to the dwelling. See Appendix 2 Aurora Solar PV installation. Operating and Maintenance Manual. Solar PST thermodynamic solar energy extract.

4 Government guidance

- 4.1 National Planning Policy Framework (NPPF) provides policy at a national level. Paragraph 11, reminds that *"planning law requires that applications for planning permission must be determined in accordance with the development unless material considerations indicate otherwise"*.
- 4.2 Section 10 of the NPPF "Meeting the challenge of climate change, flooding and coastal change" states at paragraph 93 *"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."* To achieve this paragraph 95 states *"To support the move to a low carbon future, local planning authorities should:..... actively support energy efficiency improvements to existing buildings."* In

addition paragraph 97 requires local authorities to have a positive strategy to promote energy for renewable or low carbon sources.

- 4.3 Section 11 of the NPPF “Conserving and enhancing the natural environment” Sets out policies to encourage the planning system to contribute to and enhance the natural and local environment and protect biodiversity. Great weight is to be given to conserving the landscape and scenic beauty of designated areas such as National Parks and Areas of Outstanding Natural Beauty.
- 4.4 Section 12 of the NPPF “Conserving and enhancing the historic environment” Paragraph 128 suggests that the level of detail required to describe the significance of a heritage asset should be *“proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.
- 4.5 Section 7 of the NPPF “Requiring Good Design” at paragraph 64 states *“permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.”*

5 Development plan

- 5.1 The development plan includes saved policies in the adopted Ribble Valley Districtwide Local Plan adopted 1998 and the draft policies in the Core Strategy Regulation 22 Submission Draft.
- 5.2 The saved policies cited on the decision notice are policies G1, ENV3 and H17 Policy G1- Development Control, states all development proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted subject to a list of criteria. Policy ENV3-Development within the open countryside, seeks to protect the character of the open countryside, and policy H17- relates to design matters on proposals to convert buildings to dwellings. Draft Core strategy policies cited on the decision notice are DMG1, DME2, DME4 and DMH4. DMG1-General considerations, restates Local Plan Policy G1. DME2-Landscape and townscape protection seeks to protect specific landscape features and characteristic townscapes of the area. DME4-Heritage Assets, this policy states that there is a presumption in favour of the protection and enhancement heritage assets and their settings. The wording of this policy indicates that it applies to designated heritage assets such as listed buildings and buildings of “significant heritage interest”. DMH4-relates to design and location matters in relation to proposals to convert buildings to dwellings.
- 5.3 Other policies of relevance to this appeal in the Local Plan are policy ENV24 – renewable energy which is supportive of renewal energy schemes and ENV25 Assessing renewable energy scheme- which state that it will take into account the local and wider benefits that proposal might bring and the impact of the proposals on the immediate and wider landscape. Draft Core Strategy policy DME5 restates these aims on renewable energy proposals but also states that it will take into account the potential benefits the proposal may bring national or

local targets for generating energy from renewable sources and for reducing carbon emissions.

6 Planning considerations

- 6.1 The main considerations to be taken into account in this appeal are the impact of the solar panels on the visual appearance of the building, the impact on the character of the landscape, the positive contribution of the development to renewable energy and whether the granting of planning permission would set a precedent for similar development on other dwellings within the group.
- 6.2 Horton Lodge is not a designated heritage asset. The Council is claiming that the building is to be considered as a non-designated heritage asset and it states this quite clearly in the second reason for refusal on the decision notice. In the first reason for refusal the Council also states that the building is a traditional rural building. We will demonstrate that the building is not of any particular historic merit and does not merit being considered as a non-designated heritage asset.
- 6.3 The planning permission granted in 1999 to convert the former public house into seven dwellings indicates that the whole of the building existing at that time was to be converted and with the open garages and stores built as an addition. A letter submitted with the application (held in the Council's records) by the then owner Jacqueline Collier stated that the building been constructed in 1937 as a refreshment tea rooms for coaches travelling along the A59. She stated that in 1953 the property became a public house and the name of the building changed to the Coronation Hotel from the Horton Corner Café.
- 6.4 The A59 was one of the main travelling routes from the urban areas in the east of England to the costal resorts of Lancashire before the construction of the M62 motorway. The architectural style of the main building is distinctly twentieth century, and urban in character with large windows, tall proportions, coursed stone, deep eaves, multiple roof slopes and decorative barge boards. The building has little in common with the traditional rural buildings of the area such as barns which have few opening and large continuous roof slopes and no barge boards. It is positioned on a site adjacent to the road (in a location to attract trade) remote from the nearest settlement. The undated map probably from the 1950's or 1960's (The Coronation having changed its name in 1953) shows the building with two road entrances off the A59 prior to the road improvement scheme which straightened the road and repositioned the access to the site off the road which leads to Horton. See Appendix 3
- 6.5 The planning application submitted in 1997 to refurbish the function room of the Coronation refers to that part of the building which is now units 1 and 2 and is shown on the 1950's/60's OS plan as the large detached building to the east of the site. The description of the existing function room building in 1997 stated that it was finished in roughcast render with an asbestos cement profiled sheet roof. This clearly suggests that this part of the building is not original to the site and was almost certainly greatly altered in 1997. The proposed conversion in 1998 initially had numbers 1, 2 and 3 as single storey units. An amendment to the proposal in 1999 reference 3/99/0538 increased the height of the roof of the building which is now numbers 1 and 2 Horton Lodge to created bedrooms within the roof space.

- 6.6 We can conclude from this that only 3-7 Horton Lodge are likely to comprise the original building with units 1-2 having been built at a later date (the detached function room) and having undergone significant rebuilding and alteration. The open garages and stores are new and not at all characteristic of rural buildings in the area in portion or style. Paragraph 128 of the NPPF suggests that the Council should require information on the significance of a heritage proportionate to its significance. We offer the information above and conclude that the building has no or very limited heritage significance. We have consulted the Historic Environment Record as suggested in paragraph 128. The HER does not have a record for the building. The Planning Officer for the HER's opinion is that mapping suggests that it was constructed sometime between 1938 and 1955. He comments. *"I don't know why the Council think it's heritage asset since the map evidence indicates a post-war date"*. See appendix 4.
- 6.7 The appellants were not required to submit a heritage assessment with the application submission and the application was registered without one. This suggests that the Council did not initially consider the building to be a non-designated heritage asset. The Planning Officer in her Delegated Item File Report on this application gives only the briefest of indication as to why the building should be considered a non-designated heritage asset, and even then she does not appear to be completely convinced of its status. She states in the second paragraph of the second page *"This substantial building could be classes as a non-designated heritage asset due to its age and the contribution it make to the rural character of the area in which it is set."* In using the phrase "could be classed" rather than a more definite phrase such as "is considered to be" reveals that she is undecided on the matter. The building as we have demonstrated is not of any particular great age that would indicate that it should be considered to be a heritage asset. This reveals that the Planning Officers assessment of the heritage significance of the building is flawed. Policy DME4 of the draft Core Strategy does not apply because this policy is phrased to applied to designated heritage assets only. In any case the building is not of sufficient merit to be regarded as a non-designated heritage asset.
- 6.8 Having demonstrated that the building is not a heritage asset we now turn to consider the impact of the development on the character of the building and the landscape in which it is set. Horton Lodge comprises a large two storey building with a series of single storey additions. It is urban and domestic in character. The single storey additions have varying roof heights. The ridge of the roof on the main two storey building runs north south whilst the ridges of the roofs on the single storey element run east west. There is a multiplicity of roof slopes since the building is arranged in a square courtyard. The roof slopes on the two storey element are punctuated with gabled projections on the front and at the rear at least 8 roof lights and two storey outrigger. The roofs over single storey elements are also punctuated with roof lights, boiler and other flues and a decorative white painted square tower above the garages.
- 6.9 The solar panels are fixed to the south roof slope of 3 Horton Lodge. This roof slope is considerably lower than the other roof slopes surrounding it and comprising about a quarter of the total length of the building making it the least prominent roof section on this elevation of the building. When considered in the context of the building as a whole the solar panels are not a significant addition

and are not prominent. There are also two large conservatories attached to this side of the building at the appeal site and at 2 Horton lodge as well as single storey stone built projections at number 4 and number 2. This all combines to make the character of this elevation of the building very animated with a considerable variety in roof slopes, the line of the exterior wall projecting forward and back and mixture of highly contrasting materials with white uPVC and glass against the stone and slate. Set within this context the solar panels do not appear out of keeping with the appearance of the building.

- 6.10 When approaching the site along the A59 from the east or west the roof slope containing the solar panels is completely obscured from view by the higher roofs of the building at each side and the trees along the carriage way edge and within the gardens. The planning permission granted for the conversion of the public house to dwellings contained a condition requiring a tree planting scheme. A substantial number of the trees around the site and along the highway banking were planted after 1999 and will not yet have reached full maturity or full height. The only point where the roof with the solar panels is visible from the highway is where the road crosses Monk Bridge. The Planning Officer has made special note of this commenting the *"this low slope faces onto the A59 and is clearly visible when stood on the bridge which crosses over Stocks Beck and when travelling along this carriageway"*. We wish to clarify that the roof slope is only visible from the A59 from the bridge. This is significant since possibility of the public viewing the solar panels is severely restricted by the site circumstances.
- 6.11 The A59 is a fast trunk road. The road is elevated above the gardens levels of Horton Lodge and the surrounding field as it approaches Monk Bridge over Stocks Beck. The banking to the highway is planted with trees on both sides of the highway and there are trees within the gardens of Horton Lodge. The speed of traffic along this road is frequently 60mph. As such drivers and passengers are only afforded a fleeting glimpse of the solar panels as their vehicle passes over Monk Bridge. The carriageway markings as the road crosses the bridge comprise parallel wide spaced broken white lines with diagonal stripes over red top tarmac. This is to indicate the approaching right turn to Horton travelling west and to discourage overtaking in advance of the two lane section of the road which starts after the bridge when travelling east. This combined with the bend in the carriageway as the road travels over Stocks Beck means that drivers are occupied with observing what is happening on the road rather than any brief view over the bridge. Cyclists using this road again would similarly have only a brief view of the building. There is no footway along the side of the road and no street lighting. It is a hostile environment for pedestrians and the remote location means it is very rarely used to walk along. See Photographs 3, 4 and 5. Whilst there is a good view of the building and the solar panels from Monk Bridge it is not a destination where you would expect walkers to head for, or on a well used pedestrian route. The visual impact of the development on the character of the countryside is not significant.
- 6.12 Longer range views of the building are unlikely to be affected by the retention of the solar panels because of their low positioning within the site and the surrounding tree screening. A public footpath number 14 runs along the edge of the field on the east side of Horton Lodge. It is not possible to see the solar panels on the roof of the building when walking through the field because it is screened by numbers 1 and 2 Horton Lodge and by trees. The footpath passes

across the A59 and then runs through the field on the south side of the road to the east of Stocks Beck. The road is in an elevated position here as it approaches the bridge so that the path is below road level. Horton Lodge is screened from view from the path on the southern side of the road by the highway banking, bridge and trees.

- 6.13 Views of the solar panels from the gardens of the neighbouring properties are also limited. There is a dense evergreen hedge screening views of the solar panels from 2 Horton Lodge and some evergreen trees on the boundary between 4 and 3 Horton Lodge. Close views of the solar panels are interrupted by the conservatory at 3 Horton Lodge which stands in front of this roof slope. There is a beech hedge across the garden of 3 Horton Lodge mid way across its length and a high stone wall with an arched doorway at the end of the main garden dividing it from the top of the river bank. All of which provide screening of the panels from close views.
- 6.14 Photograph 6 is taken standing on top of a banking in front of the roadside trees at the southern end of the neighbour's garden at 2 Horton Croft. The banking is slightly elevated from the road and well above the level of the gardens. It is not part of the neighbour's formal garden and not used recreationally. The position was chosen because it was the only place where it is possible to capture an image of the relationship of the roof slopes on this elevation of the building not screened by trees. The photograph clearly shows the low roof level of the appeal site and multiple heights of the various roof slopes on the building.
- 6.15 There have been other recent applications for domestic extensions to Horton Lodge since the building was converted to dwellings which are listed above at paragraph 2.2. It is interesting to note the Planning Officers reports on these developments in relation to the impact of the development on the character of the building and the visual amenities of the countryside. The Officer commenting in the Committee report dated 27 November 2007 on the proposed sunroom extension to 4 Horton Lodge located immediately adjacent to the appeal property says in the first paragraph on the second page *"I am satisfied that given that the building is effectively screened from any vantage point, there is no significant harm caused by the additional extension."* (My emphasis). This assessment seems to be directly at odds with the Planning Officers assessment of the application to retain the solar panels in nearly the same location. One states it is effectively screened from any vantage point and the other states it is visually prominent when viewed from the A59. See photograph 7 and 8. In the Committee report dated 2 April 2009 regarding the conservatory now constructed at 2 Horton Lodge the Officer states at the second paragraph on the second page *"I consider that the visual impact is limited given the scale, size and design of the proposed extension is appropriate."* In regard to the conservatory extension at the appeal site the assessment of its visual impact the Officer commented *"In terms of visual impact the scale, size and design of the proposed extension is appropriate, as the stone dwarf walls will match the existing property and the window frames of the conservatory will be white uPVC which will also match the existing properties on the complex."* It appears that any impact on the visual amenity of the landscape by the introduction of the conservatory was not considered significant as this is not commented upon at all. See appendix 5 Committee Reports and DIFR.

- 6.16 It seems contradictory that the Planning Officer considering the application for the retention of the solar panels should come to such a contrary view when compared to the applications for other domestic extensions on this elevation of the building. When the application for the conversion of the pub to the dwellings was granted in 1999 permitted development rights were removed. This allows the Council to retain control over future alterations to the building which may damage the character of the building. This is standard practice on any application to convert rural buildings to dwellings in this area. It also reflects the care and attention that is given to the design of conversions under policy H17 of the local plan and draft Core Strategy policy DMH4. However this policy does not relate to future extensions and alterations to converted buildings. Policy H18 –Extensions to converted rural buildings, of the Local Plan did cover these issues but this policy has not been saved nor has it been replaced with a specific policy in the Core Strategy. There is no specific policy relating to the alterations to previously converted buildings.
- 6.17 The issue that the Planning Officer is attempting to articulate in the DIFR is the protection of the appearance of the roof slopes at Horton Lodge. She specifically refers to the supporting text to H17 at paragraph 5.13.19 saying that it applies to the roofs of traditional rural buildings. As previously stated Horton Lodge is not a traditional rural building. Paragraph 5.13.9 specifically refers to traditional farm buildings rather than all rural buildings. It is inappropriate to apply this policy in this case as it was clearly intended to refer to buildings about to be converted to dwellings and to traditional rural buildings such as barns in particular. The number of roof lights already granted permission at Horton Lodge shows that the Council is not particularly concerned about retaining unbroken roof planes on this building. The building is characterised by having several roof slopes on different levels not a single large roof slope which policy H17 seek to protect. The solar panels do not harm the overall appearance of the roofscape of the building. The building before it was converted was a commercial building not a traditional agricultural rural building. Now that it has been converted it has a domestic character and it is into this domestic character that the solar panels have been introduced.
- 6.18 The appellants have installed the solar panels in order to reduce the fuel costs associated with running their home. Mrs Ellis is retired and Mr Ellis is soon to retire. At Horton Lodge there is no natural gas supply. The fuel available at the site is liquefied petroleum gas, oil (with communal tanks for each) and electricity. The other dwellings at the site have LPG and oil but 3 Horton Lodge being a smaller property does not have an oil supply. The intention in installing the solar panels was to reduce the cost of electricity for running domestic appliances etc, to supplement the gas heating of the home with electric under floor heating and to ensure a security of fuel supply in the future. The thermo dynamic cell now provides all the hot water needs for this home. The solar panels can produce enough electricity to power one domestic appliance at a time. This is ideal for retired people who are likely to spend more time at home and can organise their lifestyle to take best advantage of the energy produced by the solar panels. Having a reliable and cost effective means of heating the home is especially important in old age. Mr and Mrs Ellis were planning for the future anticipating that their heating costs are likely to increase as they age. They chose the solar panels as they are designed to be operational for 20 years.

- 6.19 The NPPF encourages reductions in greenhouse gas emissions. Policy ENV24 Renewable Energy supports proposals which harness renewable energy sources and Policy ENV25 sets out how proposal for renewal energy development should be assessed. Core Strategy Policy DME5 restates these intentions. The proposal will bring significant reductions in the use of non-renewable energy at this site without, as we have demonstrated the panels do not harm the appearance of the building or the surrounding countryside.
- 6.20 The appellant states that the solar panels generated approximately 3.6kw of power and are located directed 181 degrees south for optimum generation. Over a period of 3 months since the solar panels were installed the consumption of electricity from the main supply at 3 Horton Lodge taken from a meter reading is 688kw whereas in comparison with their neighbours consumption (who have a similar lifestyle, 1 person retired 1 person working) taken from a meter reading over the same period has been 1305kw. The consumption of electricity at 3 Horton Lodge is roughly half of the neighbour's consumption and the solar panels have generated 1753kw over the same period which has been put into the national grid. They state that they have a "smart" digital readout meter that indicates what level of electricity is being used. It is possible then to use domestic equipment such as a washing machine or a dishwasher which draw about 3kw in use when the solar panels are producing 3kw supply so as to avoid drawing electricity from the national grid. Technical details of the solar panel installed and an indication of the level of electricity used from the electricity bills together with an energy performance certificate indicating the potential cost savings through the installation of solar panels is given at appendix 1 and 6. The energy performance certificate states the estimate annual generation to be 3150kwh. The bill dated 24 March 2012 says the previous 12 months usage was 5,236kwh and the bill dated 26 March 2013 says the previous 12 months usage was 9479kwh. This show that the panels have significant potential to reduce the amount of electricity from the national grid and LPG used at the property. The feed-in tariff account dated 17 July 2013 states that between 24/12/12 and 20/06/13 the solar panels generated 1,417kwh. This shows that the solar panels are generating the levels of electricity anticipated by the manufacturer. The appellants have received a payment of £251.12 for the electricity that was generated by the solar panels and fed into the national grid. The revised bill dated 18 July 2013 shows that the average daily usage of electricity (from the national grid) has dropped from 12.8kwh per day to 9.2kwh per day. See appendix 7. The average daily use on the March 2013 bill was 43.8kwh per day and on the March 2012 bill is was 21kwh.
- 6.21 The Council in its reason for refusal expresses concern that if the solar panels were to be retained this would set a precedent for similar applications for solar panels at Horton Lodge. Each application would have to be judged on its own merits, and each dwelling on the site is quite individual in design so that the circumstances would be different in each case. There are no other south facing roof slopes at the same low level and so well screen on the site. The solar panels would only be effective on southern roof slopes. There is a covenant on the properties at Horton Lodge preventing any alterations to the dwellings where they face the internal courtyard. This would include those roof slopes facing the courtyard and therefore exclude the majority of the south facing roof slopes as possible locations for solar panels at the site. See appendix 1 page 6 section 3.11 which prevent alterations and page 3 section 1.19 definition of courtyard.

- 6.22 The solar panels the subject of this appeal were installed on the property in December 2012 at a cost of £18,000. The installer had assured the appellants that the installation of the panels did not require planning permission as they would be fitted to as to meet the requirements of permitted development rights. The fact that permitted development rights had been taken away from the property when the building was converted from a public house to a dwelling had been overlooked. The condition on the planning permission 3/1998/0789P reads *“Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (or any Order revoking or re-enacting that Order) any future extensions, external alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H shall not be carried out without the formal consent of the Local Planning Authority”*. Had permitted development rights not been removed from the building planning permission would not have been required for their installation.

7 Conclusion

- 7.1 Planning consent is sought to retain the solar panels at 3 Horton Lodge. Government advice provided in paragraph 11 of the NPPF reminds that planning applications must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.
- 7.2 We have demonstrated the proposal to be fully in accordance with the NPPF and the Development Plan. Accordingly we respectfully request that the Inspector allows this appeal.

8 Appendices

Appendix 1 Covenant preventing alterations to courtyard area.

Appendix 2 Solar panel details.

Appendix 3 Ordnance Survey plan of The Coronation circa 1950-1960.

Appendix 4 Historic Environment Record Response

Appendix 5 Committee Report and Delegated Item File Reports for domestic extensions approved at 2, 3 and 4 Horton Lodge.

Appendix 6 Electricity bills and Energy Performance Certificate

Appendix 7 Feed in tariff payment and revised bill.

Photographs

Map indicating position of photographs, location of domestic extensions at 2, 3, and 4 Horton Lodge and route of footpath 14.

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