

# Planning Appeal Statement of Case

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**Trevor Hobday Associates**  
**Author: Trevor Hobday MRTPI**



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This Planning appeal statement accompanies a formal householder appeal against the decision of Ribble Valley Borough Council for the retrospective retention of solar panels on the south east facing roof-slope of Rushton House, Lower Chapel Lane, Grindleton. BB7 4QT.

## **1 Site Location**

- 1.1 The application site comprises a substantial detached dwelling set within private grounds; the dwelling is located on Lower Chapel Lane, Grindleton, and lies within the Conservation Area. The overall property is well screened from public view and that part of the roof to which this appeal relates is only visible when standing on Main Street by the bus stop. There are no long distance views into the site from any other public vantage point.

## **2 Recent Planning History**

- 2.1 Application 3/2023/0297 was refused on 29 September 2023. That application comprised the addition of solar panels on the south east facing roof slope. The application was refused for reasons relating to impact upon the Conservation Area; impact upon the AONB; Impact upon protected Species.

## **3 Application Proposal**

- 3.1 In light of the decision as set out above [section 2], the application detail was amended; the appeal proposal relates to the retention of 14 solar panels which are set into the roof-space as opposed to being fastened above the slates; they now sit within the roof-space. Further, the application was also accompanied by an Independent heritage Assessment and a protected Species Assessment. Both are stand-alone documents and specifically addressed reasons 1 and 3 set down in the decision notice referenced in section 2 above. The solar panels are in place.
- 3.2 It will be noted that the appeal proposal now only relates to the impact upon the character of the Conservation Area [reason 1] and the wider impact upon the Forest of Bowland National landscape [reason 2].

## **4 The Development Plan**

- 4.1 It is considered that those national and local planning policies referenced in both reasons one and two of the application decision notice dated 18 March 2024 are the most relevant against which to determine the appeal proposal.

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## 5 The Case and the Planning Balance

5.1 It is submitted that there are two issues for consideration in this appeal and these are;

- The effect of the proposal upon the character of the Grindleton Conservation Area;
- The effect of the proposal upon the Forest of Bowland National landscape.

### ***Impact upon the Conservation Area-Key Statement EN5; Policy DME4***

5.2 The LPA asserts that the appeal proposal for the installation/retention of solar panels on part of, and within an existing roof-space will demonstrably cause harm to a heritage asset, the conservation area. An independent and professional heritage assessment was commissioned and submitted as part of the revised planning application. The assessment was written having full regard to the requirements of key statement EN5 and policy DME4; the assessment is a material consideration in the determination of this appeal. It is not a purpose of this planning appeal statement to reiterate the content and conclusion of the heritage assessment. Suffice to say that there is no evidence to support the planning authority's view that demonstrable harm is caused to the heritage asset sufficient to outweigh the very clear planning policy support for the development. Further, and following the receipt of the refusal notice [3/2023/0973], the Heritage Consultant has reviewed the first reason for refusal in the decision notice and has prepared a short statement by way of rebuttal. This statement is part of the appeal submission and is a material consideration. **The Planning Authority has received a copy of this rebuttal as part of this appeal statement of case**

### ***Impact upon the Forest of Bowland National Landscape-Key Statement EN2; policies DMG1/DME5***

5.3 key statement EN2 relates to safeguarding and the landscape character of the Forest of Bowland National Landscape [FOBNL] and that is accepted. However, this key statement must be read in conjunction with other policies which clearly and demonstrably support development within the FOBNL that are clearly designed to make a positive contribution to tackling the very serious issues raised by climate change/carbon footprint issues. In dealing with this specific matter, one only has to review the heritage assessment that accompanies this application; the clear view taken is that the proposal to place/retain solar panels within part of an existing roof-space that is not visually intrusive from the wider perspective or public vantage points, cannot suddenly become so incongruous as to cause significant and material harm to the wider FOBNL. Further, the LPA offers no tangible evidence that within the wider FOBNL, let alone Grindleton, the whole of which sits within the FOBNL, they have consistently applied any of the policies referenced above because they either independently or cumulatively outweigh the overall

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policies at both local and national level that seek to address issues relevant to climate change/carbon footprint. Whilst in itself, the provision of a small number of solar panels to reduce demand upon energy supplies and thus improve climate change requirements, may be a small drop in the ocean, it is nevertheless a drop and if everybody else made some similar contribution it may be that the grave issue of climate change can be tackled to the benefit of all. Further, such a proposal allows the applicant to become more self-sufficient and less dependent on external sources of energy supply.

- 5.4 Further, it is noted that policy DME5 specifically states that the Borough Council will support the development of renewable energy schemes providing that it can be shown that such development would not cause unacceptable harm to the local environment or local amenity. The appeal proposal does not cause any unacceptable harm to the local environment, indeed the opposite is the case.
- 5.5 The appeal site lies within the FOBNL; indeed it is the case that the whole of Grindleton lies within the FOBNL. It is noted in the delegated report relevant to the previous refusal that the LPA had no adverse comments to the proposal from any interested party be that consultee or 3<sup>rd</sup> party. It is assumed that one such interested consultee must surely have been the AONB Management Board. In any event, it is understood that no such representations would have arisen for a small scale “householder” development of the type proposed. Other reports that accompany this planning appeal submission clearly state that no harm is caused to any policy interest of material importance and consideration. Any forthcoming consent will not prejudice the Core Strategy and the implementation thereof.

## **6 National Planning Policy Framework**

### ***Impact upon the Grindleton Conservation Area***

- 6.1 Chapter 16 specifically relates to Conserving and enhancing the historic environment. When considering proposals within a conservation area [a designated heritage asset] paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The appellant accepts this strategy. However, he has engaged a specific heritage consultant who has produced two very specific reports which conclude that notwithstanding the location of the application site within the Conservation Area, no harm is demonstrably caused to the integrity of the asset for the reasons set out in those reports. Further, and to support this view, paragraph 208 states, that where a development proposal will lead to less

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than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this very specific regard, the appellant is seeking to comply with the requests being made both at national and international level, that we are all required, however small a contribution we can make, to reduce our carbon footprint, our demand for and reliance upon fossil fuels thereby hopefully making a wider contribution to the very real threat of climate change. It cannot be the case that, on the one hand, such requests are being made but on the other, the same people who are making those requests are denying those who wish to contribute by imposing obstacles to doing that through the planning system. In this instance, the planning authority has offered no evidence to support their view that the proposal is anomalous and unsympathetic to the conservation area. Outside of the appeal site the proposal can only be seen from the bus stop on Main Street or from within the appeal site itself. The LPA have produced no substantive evidence that remotely suggests or even demonstrates that “substantial harm” is caused by the solar panels to the Grindleton Conservation Area.

#### ***Impact upon the Forest of Bowland National Landscape***

- 6.2 Chapter 12 of the NPPF-Achieving well-designed and beautiful places is, of course, an overarching policy objective and this must be the case in all development. However, in the context of this appeal, it must be recognized that we are dealing very specifically with an inanimate object-a solar panel; the appellant is not aware that there is any specific design criteria for solar panels, no doubt in much the same way are there is no specific design criteria for satellite dishes, aerials and the like. As the Inspector will not when undertaking the appeal site visit, the solar panels the subject of this appeal are set within and not on top of the roof elevation; they can only be seen from 2 vantage points, either from within the appeal site itself or from the bus stop outside the appeal property on Main Street. The appellant proffers to suggest that if the Inspector where to view the appeal site from the boundary of the conservation area, in any direction from the appeal site, said solar panels could not be seen. This begs the question as to how the appeal proposal can cause serious and irreparable harm, visually, to the FOBNL. It clearly does not. Furthermore, the LPA has not provide any substantive evidence that demonstrates the degree of harm that may be caused.
- 6.3 Chapter 15 of the NPPF-Conserving and enhancing the natural environment is again an overarching policy objective. Paragraph 182 makes the point that Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. For reasons already clearly expressed elsewhere in the submission, the appeal proposal does

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not and will not prejudice conserving and enhancing the landscape and natural beauty of, in this instance, the FOBNL.

## **7 Conclusions**

- 7.1 The details contained in this appeal submission relate to the provision of PV solar panels. The array is for purely private and domestic use and forms an integral part of the applicant's intentions to invest in the overall drive to become carbon neutral and to contribute, in some small way, to the overall Government initiatives in tackling climate change.
- 7.2 It is respectfully submitted that the planning policies at both the national and local level lend support to the proposal and that none would be compromised in the event of the appeal being allowed. It is respectfully requested that the appeal is allowed and planning consent granted for retention of the solar panels.

Trevor Hobday MRTPI

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