

Proposed Addition of PV Panels to Roof Along With Internal Battery Storage

2 Walled Garden, Woodfold Park, Mellor

Introduction

The applicants have owned the property for approximately 5 years. The family are environmentally conscious, driving electric cars and planning to make their property more energy efficient and environmentally friendly by lowering their net emissions.

Planning History

The property was a new build dwelling erected under planning application reference 3/2003/0692.

A previous owner also obtained planning permission for a replacement retaining wall under application reference 03/2008/0181.

The current owners have obtained planning approval to change 2 no rooflights into combination rooflights under application reference 3/202330163 (although this was achieved after going through the appeal process).

Design Proposal

The proposed works involve the installation of 37 no Longi 480W photovoltaic panels to the roof and battery storage system that will be accommodated within the dwelling. The proposed system will generate up to 17.75kW of electricity with a battery storage capacity of 13.5kW. This will significantly reduce the demand on services the property has by generating approximately 64% of the annual power required.

The proposal fills the majority of the roof but as the panels are similar in colour to the slate they will blend so they aren't too visible, particularly given the available viewpoints of the rear of the property. It is well screened by woodland, 500m from the nearest point on the public footpath and only visible from the very bottom corner of the garden of Woodfold Hall and that is also 230m with the line of sight hindered by the woodland.

The neighbouring property has installed PV panels as the photo opposite illustrates. Whilst these were installed unlawfully by a previous owner they do provide a practical illustration of how the proposed development would look. It is believed there will be no harm created to the appearance of the property given the rear elevation is of a contemporary style and also given its concealed and isolated location.

The full proposed details are illustrated on drawing no's EAD _188_P_103, 104 & 105.

Planning permission is being requested as permitted development rights have been removed.



Heritage Assessment

The dwelling is set within the original grounds of Woodfold Hall which is a Grade II listed building (ref: 1164542). There are also 3 other Grade II listed buildings/structures within close proximity to the dwelling, these are:

- Orangery north east of Woodfold Hall (ref: 1072073)
- Bridge over Arley Brook (ref: 1362159)
- Ice House in Old Woodfold Wood (ref: 1163478)

Whilst the dwelling is viewed in the same landscaped setting as the listed buildings the proposed change does not have any detrimental impact on the listed buildings due to the distance the dwelling is from them, and the natural screening provided by the woodland.

This can be seen more clearly on the 2 images that follow below.

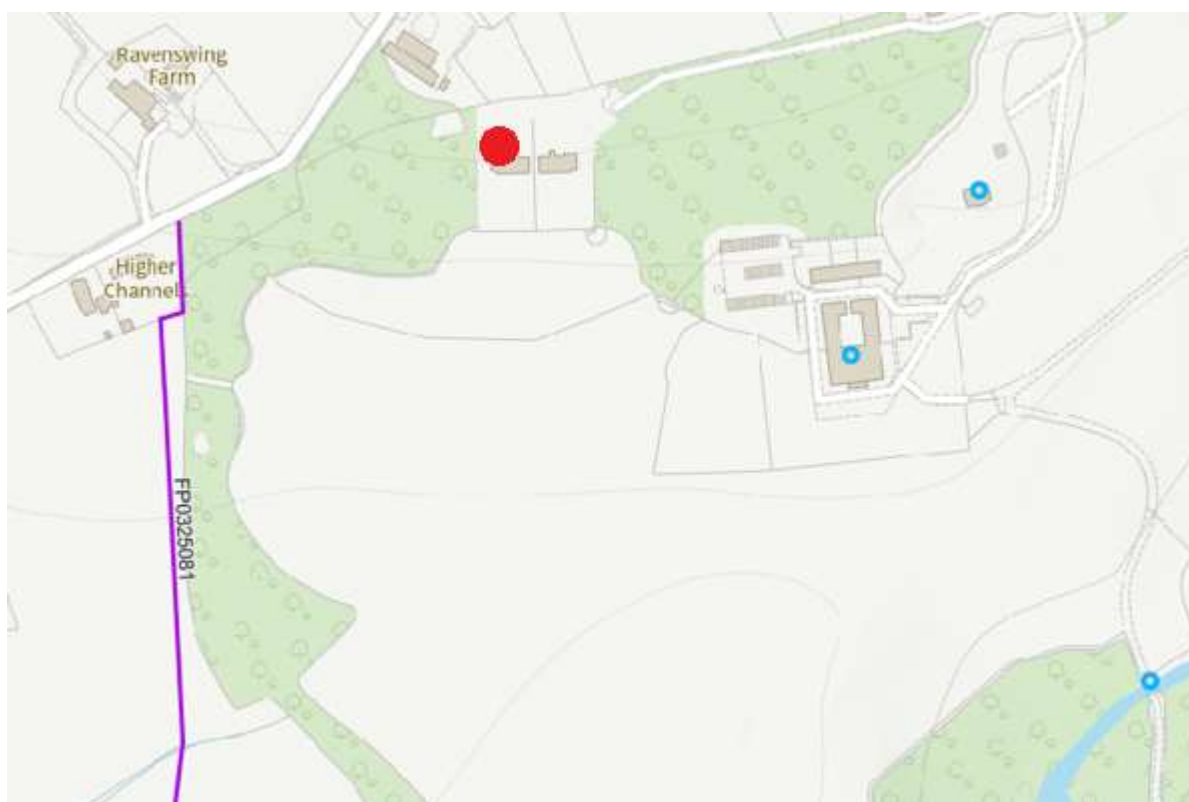


Image 1 – extract from Mariomaps showing position of listed buildings and public footpath (FP0325081)



Image 2 – extract from Googlemaps showing position of listed buildings and public footpath (FP0325081)

Woodfold Park is also a Grade II Registered Park and Garden.

Whilst it is noted above and illustrated by the maps that the proposed development will have no detrimental visual impact on the listed buildings it is believed the same can be said for the park as well. The proposed works do not detract from the historic quality of the registered park and the significance and value of it would be preserved.

Whilst the previous application for changing the design of the rooflights was not thought acceptable by the Local Authority planning officer, the appeal inspector disagreed and the development was later granted planning approval.

It is believed this current proposal should not need to follow the same route as the previous application which was refused on design grounds and ecology reasons.

The reason for refusal on design grounds was as followings:

‘The proposal would introduce a discordant form of development which would unduly harm the simplistic, south facing elevation of the subject dwelling and would fail to respond positively to its setting within a Grade II Listed Historic Park. As such the proposal would conflict with policies EN5 and DME1 of the Ribble Valley Core Strategy 2008 - 2028.’

With this in mind it is worth considering the appeal inspectors comments on the same matter. Those were as follows:

Point 11

At their closest, the appeal property and Woodfold Hall are some 190m or so apart, and the orangery is at a greater distance still. There is an area of mature woodland between the appeal property and

the two Listed buildings, and during my site visit (at a time when the trees had minimal leaf cover) direct intervisibility was not possible. The rear elevation of the appeal property, and the proposed alterations, could be seen from a small corner of the formal lawn south of Woodfold Hall, but given the distance, and that it would be seen at something close to a right angle from views of the hall itself, it would not form a significant part of the hall's setting. As I have already described I do not consider that the proposed alterations would be discordant, harmful or otherwise intrusive, but in any event the separation and spatial relationship is such that, in my view, the setting of the two Listed buildings would be preserved.

Point 12

Overall, the proposed development would not be harmful to the character or appearance of the appeal property, or the wider area. The setting of the Grade II registered Woodfold Park, and those of the Grade II Listed Woodfold Hall and orangery, would be preserved. The proposed development would therefore comply with Key Statement EN56 of the 2014 Ribble Valley Core Strategy ("the RVCS") which seeks to conserve and enhance the significance of heritage assets and their settings. The Council's decision notice also referred to conflict with Policy DME1 of the RVCS, although that relates to the protection of trees and woodlands, and none of the evidence before me suggests that the proposal would be harmful in that respect; I find no conflict with that policy.

Point 13

The Council's officer report referred to Policy DME4 of the RVCS which seeks to protect registered parks and gardens; this was not referred to in the decision notice, so it may well be that the subsequent references to DME1 were simply a typographical error which was not picked up within the Council. In any case, however, for the reasons I have set out above I also find no conflict with Policy DME3.

Point 14

As I do not find that the proposal would cause harm to or loss of the designated heritage assets or their settings, it is not necessary to apply the public benefit test set out in Paragraph 208 of the Framework.

The above points made by the appeal inspector on the previous application are all consistent with the statements made in the support of this current proposal.

The reason for refusal on ecology grounds was as follows:

'The proposed development would result in a bat roost being disturbed as a result of the development, meaning that a license from Natural England (NE) would be required. As competent authority the Habitats Directive places a duty on local planning authorities to consider this, and in applying the three tests there is not considered to be a reasonable prospect of a license being granted. This would be contrary to Section 15 of the National Planning Policy Framework and policy DME3 of the Ribble Valley Core Strategy which seek to protect habitats and protected species and resist development proposals likely to have an adverse effect on these unless it can be clearly demonstrated that the benefits outweigh the local and wider impacts.'

The appeal inspector's comments on this matter were as follows:

Point 16

All bat species and their roosts are legally protected from damage or destruction, whether the roosts are occupied or not. The works necessary to carry out the proposed development would affect areas

of the roof and walls away from the gable ends, and so would not result in the destruction of the roosts or their entrances. The bat report also proposed measures to avoid any disturbance to bats, including (among other things) carrying out works only between September and March (when bats would typically have moved from summer roosts to hibernation sites), lifting roof slates by hand, and avoiding installing scaffolding in locations alongside the gable ends where it may interfere with flightlines to or from the roost entrances.

Point 17

The Council considered that the development could only be carried out under a bat mitigation licence from Natural England, and that one would be unlikely to be granted. The appellants' case however is that as disturbance to bats and damage to their habitats would be avoided a bat mitigation licence would not be necessary; indeed, the author of the bat report agrees that Natural England would be unlikely to grant a mitigation licence, but on the grounds that there would be a "lack of any likely offence or negative impact". The appellants also state that the Council's countryside officer appeared to be supportive of the use of a condition to secure avoidance and mitigation measures, although for reasons which have not been explained this internal consultation was not referred to in the Council's officer report.

Point 18

I have had regard to my duties under Regulations 9(1) and 9(3) of The Conservation of Habitats and Species Regulations 2017 (as amended) ("the regulations"), as well as Natural England's "standing advice" for bats. I am satisfied that appropriate survey work has been undertaken, and that the bat report was prepared by a suitably qualified and experienced ecologist. The building work proposed is relatively limited and, having considered the evidence which has been put before me, I am satisfied that measures to avoid disturbance to bats, and any damage to or disturbance of their roosts, can be secured by conditions in line with the submitted bat report.

Point 19

Subject to the imposition of such conditions, the proposed development would not have a harmful effect on protected species or their habitats. It would therefore comply with the requirements of Policy DME3 of the RVCS, which seeks to ensure that development does not adversely affect protected species. There would also be no conflict with the provisions of Chapter 15 of the Framework in relation to habitats and biodiversity.

A new bat emergence survey was been completed on 1st July 2026 to record activity and species to then inform how the proposed works could be carried out without affecting the existing bat roosts. The proposed 'reasonable avoidance and mitigation measures' produced by Dave Anderson is professionally qualified advice that supports the ability to carry out the work without the need for a license from Natural England.

Conclusion

It has been demonstrated that the proposed development will have no detrimental impact on the listed buildings or their setting, the historic quality of the listed park or affect the character of the property itself.

This is further supported by the appeal inspectors comments when assessing works to the roof/rear of the property on the previous planning application which was being assessed against the same/similar conditions from the same viewpoints.

The 'reasonable avoidance and mitigation measures' produced by Dave Anderson confirms that the work can be safely carried out with the need for a license from Natural England, in the same way the planning inspector approved for the previous application.

On this basis it is believed the application should be granted planning approval in accordance with the NPPF.