

Peter Hitchen Architects

Peter Hitchen Architects Ltd
Marathon House
The Sidings Business Park
Whalley
Lancashire
BB7 9SE
18 October 2023

APPELLANT STATEMENT FOR THE PLANNING APPEAL

PROPOSED FIELD MOUNTED 20Kwp SOLAR PV ARRAY LOWER BARN FARM, WHALLEY ROAD, SABDEN, LANCASHIRE, BB7 9SE

This statement has been written to support the appellants' appeal against the recent planning refusal (ref 3/2023/0221) issued by Ribble Valley Borough Council on 20 June 2023.

We disagree with the reasons for the refusal as outlined in the decision notice and we also have further considerations highlighted at the end of this statement.

We therefore set out our case for the appeal as follows :-

Reasons for refusal

- 1. The proposed development would, by reason of its siting, scale and design, result in an incongruous form of development within the open countryside, and also as seen within the context of the Forest of Bowland Area of Outstanding Natural Beauty, contrary to Key Statement EN2 and EN3 and Policies DMG1 and DME5 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework.*
- 2. The proposed development would, by reason of its siting, result in conflict with an existing Public Right of Way (Footpath 3-37-FP-113) which runs through the application site, contrary to Policies DMG1 and DME5 of the Ribble Valley Core Strategy 2008 - 2028.*
- 3. The proposed development fails to demonstrate that the proposed development would not result in an adverse impact on biodiversity within the area contrary to Key Statement EN4 and Policies DME3 and DME5 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework.*

Appellant remarks

We have analysed the case officer's decision and the remarks in the delegated report to support the three reasons for refusal and we address the key issues directly as follows :-

Reason 1

With regards the siting of the panels. The Appellant has the objective to locate the panels in the least obtrusive position within the land whilst maintaining a South facing direction with no shading so they function. The property is unique in that one field falls in the AONB and one field falls outside the AONB with the house in-between. The proposed solar array location has been chosen to minimise any impact on the AONB by virtue of the distance, buildings, fencing and natural vegetation which exists between the AONB boundary and the proposed array on the field that is outside of the AONB. They are located well away from the boundary and road with the curvature of the ground undulations helping them have a low profile in the landscape.

The appellant is flexible and only wants to locate the panels in a Sunny position so they work whilst having as little visual impact on his land and the wider surrounding area as possible. He does feel an alternative location in the field in the AONB provides more natural screening by way of a greater undulation in the land making them even more low profile. We are more than happy for the inspectors view and just want to have as little impact overall as possible. We have labelled this alternative position as position B and we issue a site plan PHA/823/200 to show the location.

With regards the scale of the panels. It is a domestic system only, generating power entirely for the household and thus it is small scale in design and its small scale in dimensions on the plans. It is not large or commercial by any description.

With regards the design of the panels. The panels are 'low profile' in single rows (not as the image which was submitted with the application which may have been misinterpreted by the case officer). In order to expand on this, we have included a photograph of a similar solar array in single rows within the Forest of Bowland AONB at the end of this statement. The appellant wants them to have as little visual impact as possible and has gone out of his way to design a scheme being only one panel high that is low to the ground.

To conclude our comments regarding this first reason we believe that the siting, scale and design of the panels are inconspicuous and the proposed site plan clearly demonstrates that the panels occupy a very small area. We dispute and contest the statement that they are 'incongruous' and affecting the context of the AONB.

Reason 2

The siting of the panels is separated from the public right of way by a distance of approximately 16m as it follows its route across the field. The consultation from the PROW officer at LCC which was published (post decision) online, confirms that they have no

objection. Within this letter, they confirm details of the planning conditions to be included should the application be approved.

The appellant would have been happy to accept the planning conditions as recommended by LCC but the opportunity to view this consultation was denied by virtue of the fact that this consultation was eventually uploaded at 5.52pm, 3 hours after the decision was issued on 20 June 2023 (2.44pm) and we include this letter in this appeal. We find this to be unreasonable and very concerning.

The issue of the alignment of this footpath was discussed with the case officer very late into the determination period (11 weeks -without the benefit of seeing any LCC consultation). The concerns raised by RVBC immediately generated the production of a revised site plan which was issued on the 15 June 2023 (Drawing ref PHA/823/101A) included with this appeal). We requested that this should supersede the previous site plan and be accepted as the plan to be included in the final assessment.

We considered this to be a perfectly reasonable request.

It is also worth noting that the case officer refused to have a brief site meeting in order to assist in confirming the alignment of the footpath outside the site area and any other relevant matters.

Reason 3

We fail to see why we would need to demonstrate how the PV array impacts on biodiversity when the land is closely grazed improved grassland and a site visit meeting with the case officer would have confirmed this. We believe that an ecological appraisal would have been a futile exercise, and it's worth noting the absence of any request for this information during the determination period by RVBC.

Further considerations

The application was registered on 3 April 2023. We received the first correspondence from the case officer on 31 May 2023 via email. She requested an extension of time until the 9th June 2023 which we formally agreed to. The first meaningful correspondence regarding the proposal was then received on the 13 June 2023 (following our further emails seeking the thoughts of the officer), and we reacted quickly and efficiently once we had further discussions with the officer on 15 June 2023.

RVBC were seeking a decision from the appellant to withdraw or accept refusal within a very limited time period despite having only just received the opinions of the case officer 11 weeks from registration. On the 16 June the case officer concluded her correspondence as follows :-

'I will be on leave from next week and have a tight schedule of commitments. I have written this up for refusal based on my concerns and this will be issued unless you confirm withdrawal by 12 noon Monday 19th June'.

We saw no benefit in agreeing to withdraw the application. We firmly believe that a further extension of time to have a site discussion would have been highly beneficial and would have enabled the case officer to view the site and discuss all the issues.

In addition to our direct response to the three reasons stated for the refusal we wish to stress the point that the appellant and ourselves are aggrieved by the whole process and how the application was dealt with by the planning authority. We believe that this should also be taken into consideration by the Planning Inspectorate.



Example of a similar solar array installed within the Forest of Bowland AONB