

OFFICER REPORT – DELEGATED

Application number: PA22/09905	Expiry date: 30 December 2022
Received on: 4 November 2022	Neighbour expiry date: NONE CONSULTED
UPRN: 010093596829	Consultation expiry date: 6 December 2022
Legal agreement: N	Site notice posted: 21 November 2022
	Site notice expiry: 12 December 2022
Is this decision contrary to local council recommendation? N	

Applicant:	Mrs Morwenna Bone WR Bone+Son
Site Address:	St Buryan Farm Shop St Buryan Penzance Cornwall TR19 6EL
Proposal:	Proposed solar PV array
Application Type:	Full application

Consultee representations:

St Buryan Lamorna And Paul Parish Council (6 December 2022)
"The parish council supports this application"

Ramblers Association (Cornwall) (21 November 2022)
"The Ramblers have NO OBJECTION to this planning application.

The public right of way St Buryan Lamorna Paul 98 should be kept free from obstructions and open for use by the public at all times."

Countryside Access Officer (21 November 2022)
"Thank you for consulting the Countryside Access Team in respect of this Planning Application. I can confirm that the Countryside Access Team in its role as Highway Authority for Public Rights of Way has no objection to the proposals.

Footpath 121/98/1 must remain open and accessible at all times."

Constraints and designations:

Area of Great Landscape Value Name: St Buryan. Source: Cornwall Local Plan - 2016. Former Reference: CC-5

2km Buffer to AONB Name: CORNWALL. Designation Date: Nov-59. Local Section: WEST PENWITH

Area of Special Advertisement Control Name: Cornwall. Notes: This information is derived from the former District and Borough Councils. Date Approved: 09.11.1981

Area Susceptible to Ground Water Flood Flood Type: Superficial Deposits Flooding

Airfield Safeguarding Zone Lands End Name: Land's End Airport. Restriction: Birdstrike Hazard. Consultee: Land's End Airport

Airfield Safeguarding Zone Lands End Name: Land's End Airport. Restriction: All Construction Exceeding 45m. Consultee: Land's End Airport

Community Infrastructure Levy Parish: St. Buryan. Band: Band 4. Sub Zone: Designated Rural Areas/AONB

Designated Rural Areas Housing Order 1981: Designated rural areas

Heritage Coast Name: PENWITH. Designation Date: APRIL 1986

Neighbourhood Development Plans Name: St. Buryan, Lamorna and Paul. Status: Undesignated.

Parish Parish Name: St. Buryan And Paul

Public Maintained Highway Highway Classification: Light Green

Public Right of Way 10m Buffer Route Code: 121/98/1. Category: Silver

SSSI Impact Risk Zones All Consultations:

Infrastructure: Airports, helipads and other aviation proposals.

Wind and Solar Energy:

Minerals Oils Gas Extraction:

Rural Non Residential:

Residential:

Rural Residential:

Air Pollution: Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 750m², manure stores > 3500t).

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste:

Composting:

Discharges:

Water Supply:

SSSI Impact Risk Zones All Consultations:

Infrastructure: Airports, helipads and other aviation proposals.

Wind and Solar Energy:

Minerals Oils Gas Extraction:

Rural Non Residential:

Residential:

Rural Residential:

Air Pollution: Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 750m², manure stores > 3500t).

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste:

Composting:

Discharges: Any discharge of water or liquid waste of more than 20m³/day to ground (ie to seep away) or to surface water, such as a beck or stream.

Water Supply:

Wind Turbine Safeguarding Zone Classification: Any wind turbine 11metres to blade tip or taller, or has a rotor diameter of 2 metres or more. Consult: Ministry of Defence. Site: Cornwall

Wind Turbine Safeguarding Zone Classification: All wind turbine development. Consult: NATS. Site: UK and Northern Ireland

Relevant policies, SPGs and Government guidance:

Cornwall Local Plan Strategic Policies 2010-2030 (Adopted 22nd November 2016)

Policy 1 Presumption in favour of sustainable development

Policy 2 Spatial Strategy

Policy 12 Design

Policy 23 Natural environment

Climate Emergency Development Plan Document February 2023

Policy RE1 - Renewable and Low Carbon Energy

Policy CC5 of the Penwith Local Plan 2004

National Planning Policy Framework 2021

Section 1. Introduction

Section 2. Achieving sustainable development

Section 3. Plan-making

Section 4. Decision-making

Section 12. Achieving well-designed places

Section 15. Conserving and enhancing the natural environment

Planning Practice Guidance

Cornwall Design Guide 2021

Appraisal/key issues and conclusion:

Site description/proposal:

This application concerns land to the west of St Buryan Farm Shop in St Buryan. The application site falls within an Area of Great Landscape Value and Heritage Coast. The proposal seeks planning permission for ground mounted solar panels.

Principle:

Policy RE1 of the Climate Emergency Development Plan Document 2023 (Climate Emergency DPD) sets out that proposals for renewable and low carbon energy-generating and distribution networks will be supported in the context of sustainable development and climate change where:

- a. They contribute to meeting Cornwall's target of 100% renewable electricity supply by 2030; and
- b. They balance the wider environmental, social and economic benefits of renewable electricity, heat and/or fuel production and distribution; and
- c. It will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated, including cumulative landscape and visual impacts, the special qualities of all nationally important landscapes, and the significance of heritage assets including their settings, including the outstanding universal value of Cornwall and West Devon Mining Landscape World Heritage Site and the character of wider historic townscapes, landscapes and seascapes; and
- d. In and within the setting of Areas of Outstanding Natural Beauty and undeveloped coasts, developments will only be permitted in exceptional circumstances and should generally be very small scale giving due regard to the natural beauty of these areas; and
- e. Where the current use of the land is agricultural, the use allows for the continuation of the site for some form of agricultural activity proportionate to the scale of the proposal and provides for 10% biodiversity net gain; and
- f. Commercial led energy schemes with a capacity over 5MW shall provide an option to communities to own at least 5% of the scheme subject to viability; and
- g. There are appropriate plans and a mechanism in place for the removal of the technology on cessation of generation, and restoration of the site to its original use or an acceptable alternative use; and
- h. Opportunities for co-location of energy producers with energy users, in particular heat will be supported.

Solar energy development proposals for building mounted installations will be supported and encouraged wherever possible. Standalone ground mounted installations and extensions or repowering of solar installations will be supported where they are focussed on previously developed land and away from best and most versatile agricultural land unless exceptionally justified.

Paragraph 158 of the National Planning Policy Framework 2021 (NPPF) sets out that 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 cutting greenhouse gas emissions; and
- 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.

It is proposed to install up to 160 x 425W panels with associated infrastructure to generate renewable energy to supply St Buryan Farm Shop.

With regards to criterion e. of the above policy, as the development is of a minor scale, it is not necessary to secure 10% biodiversity net gain until it is nationally mandated for minor developments. The above policy also requires ground mounted solar panels to be focused on previously developed land however given the scale of the submitted scheme, it is not considered to result in a significant loss of agricultural land.

The proposed development complies with the aims and intentions set out within Policy RE1 of the Climate Emergency DPD and paragraph 158 of the NPPF.

Character of the area:

Policy 2 of the Cornwall Local Plan 2010-2030 (CLP) sets out that proposals should maintain and respect the special character of Cornwall, recognising that all urban and rural landscapes, designated and undesignated, are important by:

- a. Ensuring that the design of development is high quality and demonstrates a cultural, physical and aesthetic understanding of its location;
- b. Considering the impact of development upon the biodiversity, beauty and diversity of landscape and seascape, character and setting of settlements, wealth of natural resources, agricultural, historic and recreational value of Cornwall;
- c. Identifying the value and sensitivity, of the character and importance of landscapes, biodiversity and geodiversity and historic assets;
- d. Protecting, conserving and enhancing the natural and historic landscape, heritage, cultural, biodiversity and geodiversity assets of Cornwall in recognition of their international, national and local status, in accordance with national legislation and policy, as amplified by the other policies of this plan.

Policy 12 of the CLP sets out that development must ensure Cornwall's enduring distinctiveness and maintain and enhance its distinctive natural and historic character. Development should demonstrate a design process that has clearly considered the existing context, and how the development contributes to the social, economic and environmental elements of sustainability through fundamental design principles. As part of a comprehensive place-shaping approach, proposals will be judged against fundamental design principles of (amongst other things): character - creating places with their own identity and promoting local distinctiveness while not preventing or discouraging appropriate innovation. Being of an appropriate scale, density, layout, height and mass with a clear understanding and response to its landscape, seascape and townscape setting.

Paragraph 130 of the NPPF sets out that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive

places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 23 of the CLP sets out that development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall's natural environment and assets according to their international, national and local significance. Development within Areas of Great Landscape Value and Heritage Coasts should maintain the character and distinctive landscape qualities of such areas.

Paragraph 174 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 178 sets out that within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation.

The solar panels are proposed to be sited to the south-west of the existing farm shop in an adjacent agricultural field. The agricultural field separates St Buryan Farm Shop from a rural worker's dwelling which was recently allowed to appear under appeal ref. APP/D0840/W/22/3307770.

When dealing with the appeal, the Inspector concluded that the proposed development would accord with the Landscape Character Study's objectives of conserving the area's small-scale field pattern and avoiding the loss of Cornish hedges.

The Inspector set out that the 'proposed development would be situated in one of the small-scale fields with established sinuous Cornish hedges, which the Landscape Character Study identifies as one of the key characteristics of the Penwith Central Hills character area, within which the site is located'. The Inspector went on to conclude that 'the appeal scheme would retain the existing Cornish hedges adjacent to the site and around the surrounding field, meaning that the contribution these make both to the wider landscape and to the definition of the small-scale field within which the appeal site sits would be maintained'.

Whilst the proposed development is considered to appear as an overspill of paraphernalia from the farm shop onto the surrounding unspoiled land, given the view taken by the Inspector when dealing with the rural worker's dwelling and considering that the current submission conserves the area's small-scale field pattern, the impact of the development on the character of the area would not be so significant as to warrant a refusal.

The hedgerow boundaries around the agricultural fields in the immediate area are between 1-3 metres in height which provides some screening of the proposed development from public vantage points.

Given the location of the development between the existing farm shop and the site of the rural worker's dwelling, together with the existing screening, the proposed development is not considered to give rise to adverse visual harm in accordance with

the aims and intentions set out within Policies 1, 2, 12 and 23 of the CLP and paragraphs 8, 130, 174 and 178 of the NPPF.

Residential amenity:

Paragraph 2 of Policy 12 of the CLP sets out that development should protect individuals and properties from a) overlooking and unreasonable loss of privacy; and b) overshadowing and overbearing impacts; and c) unreasonable noise and disturbance.

Given the separation distance between the application site and any neighbouring properties, the proposed development is not considered to give rise to any harm in terms of residential amenity in accordance with the aims and intentions set out within Policy 12 of the CLP and paragraph 130 of the NPPF.

CIL:

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

Response to objections:

St Buryan, Lamorna and Paul Parish Council supports the proposal.

The Countryside Access Team raised no objection. Footpath 121/98/1 must remain open and accessible at all times.

The Ramblers Association raised no objection. The public right of way St Buryan Lamorna Paul 98 should be kept free from obstructions and open for use by the public at all times.

Conclusion:

Taking these factors into account, on balance it is considered that the proposal is acceptable, subject to conditions. All other matters raised have been taken into account, including the planning history and the comments of the Parish Council, but none is of such significance as to outweigh the considerations that have led to the conclusion.

Recommendation:

AC

That this application be approved, subject to the following condition(s).

Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Within three months of the cessation of the use of the solar panels hereby approved, for the generation of power, the solar panels shall be removed, and the site restored to its condition prior to their installation.

Reason: In the interest of the visual amenities of the area in accordance with the aims and intentions set out within Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and paragraphs 8, 130, 174 and 178 of the National Planning Policy Framework 2021.

PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:

Site/location Plan PR3881-IFP-LP-A received 04/11/22

Proposed PR3881-IFP-SP-A received 04/11/22

Block Plan PR3881-IFP-BP-A received 04/11/22

Proposed IFP-PEP-A A received 04/11/22

ANY ADDITIONAL INFORMATION:

- Cornwall Council advises that developers should be made aware of their obligations regarding the public right of way, as follows:
 - the applicants should ensure that they have private access rights to drive on the public right of way;
 - the surface/width of the bridleway should not be altered - prior consent would be needed to do so;
 - no building materials must be stored on the right of way;
 - vehicle movements must be arranged so as not to interfere with the public's use of the way;
 - the safety of members of the public using the right of way must be ensured at all times;
 - no additional barriers (eg gates) are to be placed across the right of way;
 - there must be no diminution in the width of the right of way available for use by members of the public;
 - no damage or alteration must be caused to the surface of the right of way; and
 - wildlife mitigation fencing must not be placed across the right of way.

Copies of decision notices and documents associated with the decision making process, where relevant, for the above applications can be found in the Council's on-line planning register using the following link and by entering the reference of the application you are interested in.

Link: <http://planning.cornwall.gov.uk/online-applications/>

