



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/038

Development Control Committee 7 September 2017

Planning Application DC/17/0995/VAR - Forge Cottage, Bowbeck, Bardwell

Date Registered:	17.05.2017	Expiry Date:	12.07.2017 (EOT agreed 09.09.2017)
Case Officer:	Britta Heidecke	Recommendation:	Refuse Application
Parish:	Bardwell	Ward:	Bardwell

Proposal: Planning Application - Variation of Condition (2) of DC/16/1098/HH to enable re-orientation of the solar panels for the (i) conversion of open fronted car port (attached to converted outbuilding) into guest accommodation (ii) relocation of solar panels from the existing outbuilding to be floor mounted (iii) detached cart lodge (amended)

Site: Forge Cottage, Bowbeck, Bardwell

Applicant: Mr & Mrs David Tomlinson

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee considers the attached application and associated matters.

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Background:

1. The application has been referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel because the Parish Council does not object to the proposal, which conflicts with the Officer recommendation for refusal.

Proposal:

2. The application follows the grant of planning permission which included the re-siting of unauthorised solar panels from the existing forge, ground mounted in a single west-facing row. This variation seeks to re-orientate the solar panels to a south facing direction in rows of two's and three's.
3. **Application Supporting Material:**
 - Application form
 - Proposed plan 3648-06F
 - Expected output west-facing and south-facing

Site Details:

4. The site comprises a detached dwelling 'Forge Cottage', the former forge building and a cartlodge under construction. The site is situated within a group of listed barn conversions. The forge has partly been converted into ancillary residential accommodation (a writing room and WC) and has planning permission to be converted to ancillary guest accommodation. The site is within the countryside for planning purposes.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/1098/HH	Householder Planning Application - (i) Conversion of open fronted car port (attached to converted outbuilding) into guest accommodation (ii) relocation of Solar panels from the existing outbuilding to be floor mounted (iii) Detached cart lodge (amended)	Application Granted	12.01.2017
DC/16/1099/LB	Application for Listed Building Consent - (i) Conversion of open fronted car port (attached to converted outbuilding) into guest accommodation with insertion of glazed timber doors, internal door and side lights (ii) Retention of Solar panels on East elevation of converted outbuilding and relocation	Application Granted	12.01.2017

	of Solar panels from West elevation to proposed Cart Lodge (iii) Detached cart lodge with insertion of Solar panels on Southern elevation		
DC/17/0128/LB	Application for Listed Building Consent - Timber boarded door in south elevation of outbuilding	Application Granted	19.04.2017
DCON(A)/16/1098	Application to Discharge Condition 4 (materials) of DC/16/1098/HH	Application Granted	10.04.2017
DCON(A)/16/1099	Application to Discharge Condition 3 (materials) of DC/16/1099/LB	Application Granted	10.04.2017
NMA(A)/16/1098	Non-material amendment for DC/16/1098/HH - (i) Removal of log store (ii) Minor relocation of approved cart lodge	Application Granted	02.05.2017
SE/05/1359/LB	Listed Building Application - Alterations associated with change of use of building to form writing room including (i) replacement of existing windows with double glazed timber units to match existing configuration; (ii) formation of new internally glazed door opening; and (iii) erection of partition walls to form cloakroom	Application Granted	16.05.2005
SE/05/1358/P	Planning Application - Change of use of former forge to form ancillary residential accommodation (writing room and wc)	Application Granted	16.05.2005
SE/01/2235/LB	Listed Building Application - (i) Demolition of modern link building; and (ii) conversion of redundant farm buildings to form 4 no. residential units with associated parking/garaging (revised scheme) as supported by letter dated 25th June 2001 and attached drawing no. 806/12 and amended by	Application Granted	17.09.2001

	drawing 806/02A received 2nd July 2001 revising site area to Rosedene Cottage and letter and drawings received 5th July 2001 revising scheme		
SE/01/2234/P	Planning Application - Conversion of redundant farm buildings to form 4 no. residential units with associated parking/garaging (revised scheme) as supported by letter dated 25th June 2001 and attached drawing no. 806/12 and amended by drawing no. 806/02A received 2nd July 2001 revising site area to Rosedene Cottage and letter and drawings received 5th July 2001 revising scheme	Application - Granted	17.09.2001

Consultations:

5. Conservation Officer: Objects to the proposal (see paragraph 'Officer Comments')
6. SCC Highways: no objections subject to condition

Representations:

7. Bardwell Parish Council: No Objections to this application. *'It is requested that appropriate screening is installed at the southern end of the PV Panel array, between the fenced area identified on the plan as 'Existing screen fencing around enclosed courtyard' and the boundary fence.'*
8. Ward Member: no comments received
9. One third party representation has been received from a neighbouring property 'The Hayloft' which can be read on full as part of the online file. Agree with previous Conservation Officer comments that south facing solar panels in rows of 2 would make them more prominent in views out of The Hayloft. Whilst some panels will be visible, given the angle at which they will be installed, it is felt that that glare would not be a problem. Therefore, 'The Hayloft' raises no objection to this application and suggests plant screening at the end of the panel row, which would be aesthetically beneficial.'
10. **Policy**: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

1. Joint Development Management Policies Document:
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM15 Listed Buildings
2. St Edmundsbury Core Strategy December 2010
 - Policy CS3 Design

Other Planning Policy:

11. National Planning Policy Framework (2012)

Officer Comment:

12. In making a decision on a planning application for development that affects a listed building or its setting, s72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it completely unchanged.
13. The main planning policy objective at national level is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances their significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest.
14. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
15. The NPPF places great weight to sustaining and enhancing the significance of heritage assets. In the specific circumstances of this planning application, the presumption in favour of sustainable development is not engaged. This is because a footnote to Paragraph 14 (Footnote 9 of the NPPF) sets out examples of where the presumption in favour does not apply. This includes designated heritage assets, where substantial or less than substantial harm would be caused. On the basis of the advice offered by the Council's Conservation Officer, it is officers opinion that the planning application proposals would constitute '*substantial or less than substantial*' harm to heritage assets. On this basis, the presumption in favour of sustainable development cannot be applied.
16. In determining applications for such development the NPPF is a material consideration. Paragraph 131 states: In determining planning applications local planning authorities should take account of;
 - a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b. the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness.
17. Designated heritage assets are subject to specific policies (paragraphs 132 and 139 of the NPPF) which places great weight on their conservation in all decisions; with clear and convincing justification for any harm of significance, however slight, and whether through direct physical impact or by change to the setting and that substantial harm (direct or by change in the setting) to, or total loss of Grade II listed buildings, is expected to be 'exceptional'.
 18. Paragraphs 133 and 134 of the NPPF further state that all grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh the harm, taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing.
 19. The principle of re-locating the unauthorised solar panels from the roof slope of the Forge in a ground mounted location has been established under DC/16/1098/HH & DC/16/1099/LB. This application is to change the approved west-facing single row of ground-mounted solar panels behind The Forge to pairs and threes of panels facing south.
 20. Paragraph 98 of the NPPF states (*inter alia*) that LPA's should approve applications (*for renewable energy*) if its impacts are (or can be made) acceptable and unless material considerations indicate otherwise.
 21. The application site falls within the curtilage of a listed building. The Forge forms part of a cluster of converted barns, which historically relate to the original farm house 'Bowbeck House'. Bowbeck House is a C18 timber framed, Grade II listed farmhouse. The listed building itself together with the converted associated barns are of architectural and historical interest. The Conservation officer advised that the re-siting of the panels would adversely affect and be harmful to the setting and historic character of the building and thereby fail to preserve or enhance its character, appearance or setting, contrary to policy DM15.
 22. The fact that the panels will not be readily visible in *public* views might be taken as limiting any wider harm but this does not influence or effect the higher degree of intrinsic harm that is considered will be caused to the setting of listed building as a result of the re-siting of the panels, when compared to the approved scheme.
 23. Policy DM15 requires proposals to not harm the character of the building and to respect its setting, including inward and outward views. This group of converted agricultural listed buildings forms a tight-knit complex which forms part of their character and contributes to their significance.
 24. Several alternative locations for the re-siting of the solar panels have been considered during the course of the previous applications. Positioning the solar panels in a single west-facing row was finally considered least intrusive and acceptable as they would be screened from inwards and outwards views by the buildings and fences and they would not cause

glare to the neighbouring properties. The conservation officer notes that the current application 'would mean that the hard shiny, reflective surface of the panels would be more visible from both ground level when next to The Forge and from the first floor windows of neighbouring properties in the farm group'.

25. 'The surface of the solar panels would contrast with the traditional materials of The Forge and be more apparent than on west-facing panels. The increased prominence of the panels is therefore not an improvement over the previously approved scheme, resulting in greater harm to the setting of the listed Forge and surrounding listed buildings. Furthermore, effective screening of the panels at the southern end would need to be of such a height that shadow would be cast over the southern-most ones, rendering them ineffective.'
26. In accordance with para 134 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The greater the harm to the significance of the listed building then the greater the justification needed.
27. Furthermore, the general thrust of the advice of Historic England is that in such a context more sympathetic alternatives such as potentially additional insulation, low energy lighting, a ground source heat pump or an improved boiler for example are being explored. No evidence has been provided that the applicant has endeavoured to improve the energy efficiency of The Forge and Forge Cottage (which form a planning unit) through other means or has explored alternative renewable energy technologies. In the planning balance this will weigh against the proposal.
28. The applicant has submitted in support of the application information in regards to the efficiency of the panels comparing the west-facing and south-facing option. The latter would result in a **43% increase** in output (Annual AC Outputs from 1782kWh to 2557kWh). However, according to Ofgen the average annual energy consumption per dwelling is 3300 kWh. In comparison, the west-facing option would provide **54%** and the south-facing 77% of the average household consumption. **Re-siting the panels would provide 23% of the average household consumption.** On this basis, it is officer's view that the proposed re-siting would only have a marginal positive impact in terms of localised energy production and reduction in energy consumption from traditional offsite sources (i.e. the electricity grid).
29. Therefore, as a mostly private benefit, the marginal public benefit of the proposed re-siting and thereby limited increase in localised energy production is not considered to outweigh the increased harm to the setting of the heritage assets as identified above.

Conclusion:

30. It has to be clear that a compromise between the conservation of the significance of the heritage assets and the retention of the solar panels with least impact on the setting of the heritage assets had thoroughly been explored and the least harmful option approved under DC/16/1098/HH. The re-siting would result in greater harm to the setting

of the heritage assets. No evidence has been provided that alternative, more sympathetic renewable energy technologies have been explored. As a mostly private benefit, the marginal public benefit from the proposed re-siting and limited increase in localised energy production is not considered to outweigh the increased harm to the setting of the heritage assets as identified above. The proposal is therefore contrary to policy CS5, DM15 and the NPPF, particularly paragraph 134. On this basis the application is recommended for refusal.

Recommendation:

31. It is recommended that planning permission be **REFUSED** for the following reason:

Policy DM15 requires proposals to not harm the character of the building and to respect its setting, including inward and outward views. It states that all development proposals should provide clear justification for the works, especially if these works would harm the listed building or its setting, so that the harm can be weighed against any public benefit.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The application site lies within a group of converted agricultural listed buildings which form a tight-knit complex which forms part of their character and contributes to their significance. Whilst it is recognised that as a private benefit a south facing orientation would result in better performance of the solar panels, the public benefit through the limited increase in localised energy production and reduction in energy consumption from traditional offsite sources result will be marginal.

The proposed re-siting of solar panels in pairs and threes facing south would increase their prominence, resulting in greater harm to the setting of the listed Forge and surrounding listed buildings. The hard shiny, reflective surface of the panels would be more visible from both ground level when next to The Forge and from the first floor windows of neighbouring properties in the farm group.

The marginal public benefit is not considered to outweigh the increased harm identified above. The proposal is therefore contrary policy DM15 and the NPPF, particularly 134 of the NPPF.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/0995/VAR](https://www.dorsetcouncil.gov.uk/DC/17/0995/VAR)