

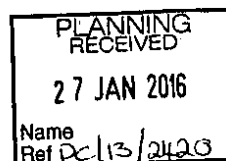


Department for
Communities and
Local Government

Mr James Hartley
Inazin Power Ltd
Swan Yard
West Market Place
CIRENCESTER
Gloucestershire
GL7 2NH

Our Ref: APP/Z3825/A/14/2218035

26 January 2016



Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY HUDDLESTONE FARM SOLAR PARK LTD:
HUDDLESTONE FARM, HORSHAM ROAD, STEYNING, WEST SUSSEX, BN44 3AD**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, David M H Rose BA (Hons) MRTPI, who made site visits on 1 April 2015 and 29 September 2015 in relation to your appeal against the decision of Horsham District Council ('the Council') to refuse planning permission for the construction of a 32 hectare solar farm comprising arrays of photovoltaic panels and ancillary plant, equipment, equipment housing and underground cable to connect park to the national grid, in accordance with application ref DC/13/2420 dated 18 December 2013.
2. The appeal was recovered for the Secretary of State's determination on 21 August 2015 in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990 so that consideration could be given to any possible impact on the South Downs National Park.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation, dismisses the appeal and refuses planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy considerations

4. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of documents forming the Horsham District Local Core Strategy (LP) adopted in 2007. The Secretary of

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State considers that relevant development plan policies include those set out in IR16-17.

5. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework, March 2012 (the Framework) and the associated planning practice guidance; the UK Solar PV Strategy (parts 1 and 2) and subsequent policy publications; and the Written Ministerial Statement "Planning Update March 2015" which, amongst other matters, concerns solar energy and the protection of the local and global environment.

Main issues

6. The Secretary of State agrees with the Inspector that the main considerations in this case are those set out in IR89.

Compliance with the development plan

7. The Secretary of State agrees with the Inspector that LP Policy DC 8 is the key development plan policy relating to renewable energy (IR17 and 90-91). For the reasons below the Secretary of State considers that the proposal conflicts with LP Policy DC 8, which states that renewable energy schemes including solar will be approved where they do not have a significant adverse impact on landscape, among other considerations (IR17). Consequently he considers that the proposal conflicts with the development plan as a whole, notwithstanding compliance with a number of other relevant policies (IR139).

Landscape impact

8. The Secretary of State agrees with the Inspector's analysis at IR 94-95 and 97-110, and conclusions at IR133-140 regarding the impact of the proposal upon the appearance of the landscape, including impacts on the South Downs National Park. There would be change to the character of the landscape which would be severe, even with proposed mitigation, within and immediately adjacent to the site. In this regard, the introduction of a visibly new 'feature' and its uncharacteristic regimentation would appear markedly out of place in the receiving landscape (IR133). The impact of the proposal on the countryside would be dramatic, most notably from the public footpath within the site and from its continuation to the north and from part of the bridleway between Ashurst Place Farm and Heron Farm. Sweeping views across a parkland-like landscape and their seamless integration with the rising slopes of the South Downs National Park would be lost to an unforgiving utilitarian aspect. Even with the degree of landscaping sought by the Council, the development would remain as highly intrusive and damaging to the rural scene. Moreover, the new screening between the footpath within the site and the installation would rob users of a tangible appreciation of the wider open countryside and severely impair the enjoyment of the route (IR134).
9. The proposed development would have little impact on views from the Downs Way; but it would stand out in a broad rural vista when viewed from the identified location in Henfield. The National Planning Policy Framework requires great weight to be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The proposed development would be some distance from the South Downs National Park boundary and the primary adverse impact on the outlook of the designated area would be experienced from, and within the vicinity of, Tottington Mount where the solar farm would be visible over a relatively short distance. However, with appropriate mitigation

within the site, the effects on the outlook from the designated area would be very limited (IR135-137).

Living conditions

10. The Secretary of State agrees with the Inspector's assessment of the impact of the proposal on the living conditions at the 2 dwellings which the Inspector visited. He agrees with the conclusions that the proposal would not render either dwelling an unacceptable place to live. He agrees, however, that the proposed development would materially change the outlook and diminish enjoyment of the garden from Heron Farm (IR111-112).

Benefits

11. The proposal would contribute towards the Government's commitment to renewable energy generation in the drive towards tackling climate change and reducing the UK's emissions of carbon dioxide. The generation of 16MW of green energy per year (approximately 3,400 average households), saving some 9,000 tonnes of carbon dioxide per annum would contribute to national and local targets (IR131).
12. There would also be some biodiversity benefits (IR132). However the Secretary of State regards the existence of a viable grid connection as an operational necessity rather than a benefit per se to be weighed in the balance.

Other material considerations

13. The Secretary of State agrees with the Inspector's assessment regarding the matters covered at IR113-117. He does not consider that any of these matters adds weight either for or against the appeal proposal.

Conditions

14. The Secretary of State agrees with the Inspector's comments at IR118-130 on planning conditions and is satisfied that the conditions recommended at IR Annex B are reasonable and necessary, and would meet the tests in paragraph 206 of the Framework. However, the Secretary of State does not consider that the recommended conditions would overcome his reasons for dismissing the appeal.

The planning balance and conclusions

15. Weighing in favour of the proposal, it would contribute towards national and local targets for renewable energy generation and the Secretary of State places significant weight on to these benefits. However the Secretary of State is of the view that the period of 30 years, being the lifetime of the proposal, is a considerable period of time. Unlike the Inspector therefore (IR132), he has not afforded any positive weight to reversibility. He attaches moderate weight to the ecological benefits.
16. Weighing against the proposal is the harmful and pervasive impact on the appearance of the local landscape. The Secretary of State attaches substantial weight to this harm. Moreover, the Framework requires great weight to be given to conserving landscape and scenic beauty in National Parks, and the proposal would have a minor impact on the outlook from the South Downs National Park.
17. Though the proposal would not render Heron Farm an unacceptable place to live, the Secretary of State places limited weight on the materially changed outlook and diminished enjoyment of the garden if the proposal were to be implemented.
18. Overall, the Secretary of State concludes that the very local impacts of the proposal, most notably views from the public footpath within the site, its continuation to the

north and the related bridleway would be so pervasive that they would outweigh the benefits of the proposal. The minor impact on the outlook from the National Park is an additional, but not determinative factor (IR138).

19. The proposal would be in conflict with the development plan when read as a whole (IR139). It would, further, be at variance with paragraph 98 of the Framework for the reasons at IR140. The Secretary of State finds no material considerations that indicate the appeal should be determined other than in accordance with the development plan.

Formal Decision

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your appeal and refuses planning permission for the construction of a solar farm comprising arrays of photovoltaic panels and ancillary plant, equipment, equipment housing and underground cable to connect park to the national grid, in accordance with application ref DC/13/2420 dated 18 December 2013.

21. Right to challenge the decision

22. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
23. A copy of this letter has been sent to Horsham District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

JULIAN PITT

Authorised by Secretary of State to sign in that behalf