



## Appeal Decision

Hearing held on 13-14 May 2026

Site visits made on 12 and 14 May 2026

by **Toby Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

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### Appeal Ref: 6002358

#### Land at Lower Wyke, St Mary Bourne SP11 6AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Marcus Camm, BSR Energy Limited, against the decision of Basingstoke and Deane Borough Council.
  - The application Ref is 23/02000/FUL.
  - The development proposed is The development of ground mounted solar photovoltaic array, with associated infrastructure, security fencing, CCTV, associated cable route, private and DNO substations, landscaping and onsite biodiversity net gain.
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### Decision

1. The appeal is allowed and planning permission is granted for The development of ground mounted solar photovoltaic array, with associated infrastructure, security fencing, CCTV, associated cable route, private and DNO substations, landscaping and onsite biodiversity net gain at Land at Lower Wyke, St Mary Bourne SP11 6AW in accordance with the terms of the application, Ref 23/02000/FUL, and subject to the conditions set out in the schedule to this decision.

### Preliminary Matters

2. The appeal site is within the North Wessex Downs National Landscape (NL). Section 85 of the Countryside and Rights of Way Act 2000 (as amended) therefore places a duty on me to seek to further the purpose of conserving and enhancing the natural beauty of the area.
3. After the Council made its decision on the planning application, a new version of the North Wessex Downs Management Plan (NWDMP), covering the period 2025-2030, was adopted. As this document replaces the previous version, I have had regard to it in determining the appeal.
4. The proposed development falls under schedule 2 of the Environmental Impact Assessment (EIA) Regulations 2017, is within a 'sensitive area' as defined in Regulation 2(1) and exceeds the applicable threshold. The screening opinion from the local planning authority found that the development proposed constitutes EIA development. In accordance with the EIA Regulations, an Environmental Statement (ES) was therefore produced.
5. My decision has taken into account the ES, including the likely significant environmental effects together with the mitigation measures proposed to avoid, prevent, reduce and offset the effects of the project; and all other environmental information submitted in connection with the appeal, including that arising from

questioning at the hearing. I have also had regard to the results of consultations undertaken with statutory consultation bodies and other interested parties.

6. Amended plans covering the solar park layout, mounting system and CCTV detail were submitted with the appeal. Shortly before the hearing, the appellant also submitted an updated 'Technical Note – National Landscape' (TN). These documents clearly include some changes and updated details compared to the scheme that was considered by the Council and by interested parties at the application stage. However, the amendments proposed to the scheme are not significant and would not fundamentally change the development proposed or result in a substantial difference from that originally applied for; and the TN is an update on the previous version and addresses the latest NWDMP and the associated North Wessex Downs Landscape Character Assessment (NWDLCA).
7. Accordingly, considering the appeal with regards to the amended plans and updated TN would neither cause procedural unfairness nor prejudice third parties' interests. The Council also confirmed before and during the hearing that it had no objections to the updated TN or the amended plans being considered as part of the appeal. In addition, I am satisfied that the amended plans and updated Note do not invalidate the findings of the ES. I have therefore determined the appeal based on the amended plans and the updated TN.

### **Main Issues**

8. The main issues are:
  - the effect of the proposed development on the landscape and visual amenity of the surrounding area and the NL;
  - whether there are exceptional circumstances and whether it would be in the public interest; and
  - the effect of the proposed development on historic heritage assets.

### **Reasons**

9. Amongst other aspects, the proposed development would include ground-mounted solar photovoltaic arrays (solar panels) over approximately 35 hectares of farmland; associated electrical infrastructure including inverters/transformers and switchgear; an on-site connection to the existing electricity network; access tracks; security fencing; and pole mounted CCTV cameras. The ES sets out the various mitigation measures intended to avoid, prevent, reduce or offset significant adverse effects of the development.
10. In terms of mitigation relevant to the main issues above, the embedded measures (through project design) include minimal hedgerow removal with the remaining hedgerows and trees being retained and managed; and offsetting the panels from higher ground in the eastern part of the site, properties within Mulberry Court, the Devil's Ditch Scheduled Monument and its non-designated archaeological features. Additional mitigation includes restoring and enhancing existing hedgerows where there are gaps; allowing hedgerows to grow to a height of 3-4 metres; and hedgerow and tree planting. With the submitted landscape masterplan providing an indicative overview of some of these measures, the additional mitigation measures would need to be secured by condition.

### *Landscape and visual amenity*

11. Consisting of part of three relatively large arable fields surrounded and separated by hedgerows, the appeal site positively contributes to its rural surroundings. The site is within the North Wessex Downs NL, which is a valued and highly sensitive landscape, and falls within several landscape character areas (LCAs) at national, county and local levels. Often identifying similar features, the LCAs of most relevance to considering the landscape and visual effects of the proposed development are Wyke Down (LCA 11, in the Basingstoke and Deane Landscape Assessment, 2021) and Litchfield Downs (LCA 2F, in the NWDLCA).
12. The submitted evidence identifies LCA 11 as being defined by gently undulating landscapes and characterised by a medium to large-scale mosaic of arable farmland with a semi-enclosed character resulting from woodland blocks and relatively strong hedgerows. Combined with its clay plateau landscape in the north-west merging into the lower lying chalkland, it has a discernible sense of place; and with its sparse settlement pattern and distance from large settlements, it is a largely quiet, rural area.
13. LCA 2F is within the Downlands with Woodland landscape character type, which is identified in the NWDLCA as a deeply rural landscape defined by contrast, particularly between open expansive rolling downland and enclosed woodland. Litchfield Downs is regarded as forming a transitional unit between the enclosed wooded landscape to the west and the elevated plateau to the east; and with its more wooded and enclosed downs in the west and the sweeping open arable downs in the east, LCA 2F reflects this. The valued qualities of Litchfield Downs include strong sweeping chalk topography with smooth summits, dissected by valleys; its wooded character derived from scattered woodlands and a strong hedgerow network; the distinctive landscape feature of linear planting, including along the Portway Roman Road; its contrasting nature between generally enclosed intimate views and panoramic longer-distance views to the east with a strong sense of exposure and expansiveness; and its quiet rural (and sometimes remote) character and sparsely populated landscape.
14. With regards to the NL, the latest NWDMP does not include a list of its special qualities. Instead, the NWDLCA identifies various valued qualities for each of the NL's LCAs. With respect to the site's position within the NL, the relevant qualities are identified above, with reference to LCA 2F. However, in relation to the NL more generally, the Council's Committee Report describes it as one of the most expansive, open and relatively remote protected landscapes in the south of England; and identifies its natural beauty as largely emerging from the characteristic open downland landscapes, with long views of scenic landscapes, with little visual or noise disturbance. Echoing this, the Council set out at the hearing that the main or most significant characteristics of the NL overall include its undulating chalk downland, expansive views, and intense and long-distance public rights of way network. The area's historic heritage, including the roman road and Devil's Ditch earthwork, were also highlighted as informing the field pattern.
15. With its distinctly rural nature, strong linear hedgerows, gently undulating topography and generally medium-scale chalk fields, the site reflects several of the above characteristics of the LCAs and NL. Albeit on a lesser scale than other areas in the wider area, it also has a contrasting sense of semi openness and (due to its hedges) enclosure. However, with the site extending over a reasonably large

area, the southern section is more influenced by the presence of man-made features. This includes the pylons and overhead power lines that cross the site, as well as various built form on the other side of the adjacent railway cutting. Whilst other development such as the narrow roads and scattered farmsteads may merge more fluidly with the rural landscape, the above features are notable exceptions and mean that the southern part of the site cannot reasonably be described as having a remote and particularly quiet, unspoilt or tranquil character. With its gentle undulations and crests, the site does also not strongly exhibit several of the other the special qualities of LCA 2F or the wider NL, including with respect to strong sweeping landscape undulations and characteristic smooth summits for example, whilst views are also limited by the nearby ridge.

16. I recognise that the main parties concur that the site is a valued landscape, as per the National Planning Policy Framework (Framework) phraseology, and the Council agrees with the AONB office that the site is not mere countryside. The site's edge position and the greater presence of built form in its southern section mean it is also vulnerable to being regarded as less important than other land within the NL. However, its position in a transitional landscape and on the edge of the NL does not inherently mean that the site is clearly more than ordinary countryside or of a notably higher value and more vulnerable than the unprotected landscape to the west. In this instance, the site also shares many similarities with the land to the west; and whilst the fields to the west are generally set lower and the site is located where the land does begin to rise, the site's main intervisibility is with that landscape. Other than its hedges and arable farmland, the site is also not highly characteristic of the NL; and I heard at the hearing that, whilst the site's landscape is in good condition, it is not of the highest quality in relation to some of the more scenic downs in the area.
17. Nevertheless, the site is within the NL, contributes to its surroundings, forms part of the transition to the more dramatic parts of the NL and does display, as set out above, some of the special qualities of the LCA 2F part of the NL. The main parties also agree that the sensitivity of the landscape character of the site, surrounding area (with respect to the most relevant LCAs) and NL is high.
18. There is no dispute that the proposed development would harm the landscape character and visual amenities of the site, surrounding area and NL; and that the harm would be localised and experienced within the immediate local area. Furthermore, during the hearing, the Council clarified its position with regards to the degree of harm to the NL, confirming that the harm to the NL and its special qualities would be minor adverse, essentially due to the scale of the site and the proposed development compared to the NL.
19. There remains disagreement between the main parties as to the significance of the effects on certain specific aspects. Nevertheless, the parties' positions on those matters are not, in my view, hugely different, with the appellant generally finding slightly less harm than the Council. This largely stems from, for example, the appellant assessing some receptor sensitivities and/or magnitude of change as less than the Council, and in several cases the ES too. I heard at the hearing that professional judgement is also an important factor with regards to assessing what is an essentially a qualitative, personal and perceptual issue.
20. With respect to on-site landscape features, it has been put to me that the resulting field sizes would be uncharacteristic. The field pattern would clearly change due to

proposed mitigation planting and the security fencing separating the development from the remaining undeveloped portions of each field. However, field sizes vary in the locality and the Council confirmed at the hearing that the field pattern in the surrounding area is irregular. The current sizes of the fields covered by the site also reflect modern agricultural practices rather than being wholly historic. In addition, the statement of common ground includes agreement on the proposed planting providing significant beneficial effects on the site's landscape features. Accordingly, the appeal proposal would not harm on-site landscape features.

21. There is agreement that the significance of the effect on the site's landscape character would be, at least, moderate adverse. Although much of the site would still be available for agricultural use, such as grazing, and the development would be time limited and reversible, the submitted evidence and the changes that the development proposed would bring about to the site's nature lead me to agree that the effect of the development on the landscape character of the site would be moderate adverse. With respect to the development's effect on the surrounding area, principally in relation to the features of LCAs 11 and 2F, the Council considers the significance of effects in years 1 and 15 (once mitigation planting has established) would also be moderate adverse. Based on the submitted evidence, what I heard at the hearing and my above findings in relation to the site's characteristics and contribution to those LCAs, I find the adverse effects on the surrounding landscape would indeed be more moderate in nature rather than moderate/minor as assessed by the appellant.
22. Turning to visual amenity, despite it extending over almost 35 hectares, views of the site are surprisingly limited. Nevertheless, short-distance public views of parts of the site are possible from various points in the vicinity, particularly from the Portway Roman Road and the long-distance Test Way route, whilst longer-distance views are also possible from a few vantage points in the surrounding area. However, most short-distance views are either not extensive, largely limited to glimpses or are filtered by existing planting; whilst in longer-distance views, the site forms a relatively minor feature and reads as a not especially remarkable part of the wider landscape. In addition, the entire site cannot be seen in one view and I observed on my visit that, due to topography, planting and the nearby ridge, it is mostly seen in views with the unprotected landscape rather than the NL. The likelihood of greater views being available in winter and that hedgerows around the site have previously been cut back more do not lead me to a different conclusion.
23. Without mitigation planting, the development would be very visible from the short section of Test Way that runs past the site, as per viewpoints (VP) 5 and 6 of the ES; and it would appear to break the skyline. However, due to the existing hedgerow, the development's set back from the corner of the site and the topography of the field and site, only a relatively small part of the appeal proposal would be visible in year one. In addition, once the existing hedgerow has grown and the proposed planting has established, the views of the development from there would be limited, as would any potential glint and glare. However, given planting would be unlikely to fully screen it in winter and the development would be an unexpected and inconsistent feature in these views, the overall residual effect on visual amenity would be between minor and moderate adverse.
24. In coming to this view, I have taken account of the sensitivity of receptors using Test Way as being at the higher end and that the development would occupy much of the extent of the views and be relatively close. In addition, whilst the

proposed planting and increased hedgerow height would restrict views from the route, the current views available from Test Way across the site are limited and neither particularly open nor long due to the hedgerow and the land in the southern field rising to a crest and falling to the west. There is also no current control requiring the existing hedgerow to remain at its current/previous height. Furthermore, the Test Way route in the vicinity of the site is largely characterised by limited views of the surrounding landscape due to high hedges.

25. With respect to the Portway Roman Road, the main view of the site is currently through a gap in the hedge. Although that gap provides expansive views across the northern section of the site (and towards the ridge beyond it) if one stops next to it, receptors on the road would likely obtain only a brief glimpse of the development as they pass by. In any event, the proposed gapping up with mitigation planting would largely screen the development from there. Once the planting has fully established, the residual impact at VP13 would therefore be minor, especially taking into account that linear planting is an identified feature of the Portway Roman Road. However, parts of the development would be visible to some extent above hedges along the road, particularly when travelling from the west due to the topography, and from the area around VP14, which includes the start/end of a public right of way. In these cases, any further planting on the site's northern boundary or allowing the hedgerow to grow higher would be unlikely to significantly limit such views or potential glint and glare. There would also likely be filtered views of the development through the hedgerow during the winter. Consequently, the overall effect on the visual amenity from the Portway Roman Road would be moderate adverse.
26. In the open views from Trinley Lodge and Trinley Lodge bungalow, a relatively large extent of the development would be visible in the northern section of the site. Due to topography and the elevated positions of the properties, further planting on the site's northern boundary would be unlikely to reduce the views of the development to any real extent. The visual change would therefore be notable. However, there is a reasonable degree of separation to the site and the expansive views available from both properties would continue to include a large extent of undeveloped countryside despite the development being visible. Accordingly, and taking into account the higher sensitivity of the receptors (the occupiers) at those properties, the residual visual effect of the development at Trinley Lodge and Trinley Lodge bungalow would be moderate adverse.
27. I observed on my site visit that parts of the appeal site are visible from various points within Mulberry Court. Whilst the development would therefore be visible from various properties there, many of which do face north, views would nevertheless be restricted to relatively limited parts of the development due to topography and screening from existing planting. With the degree of separation and the closest part of the appeal proposal positioned to the side of Mulberry Court, the development would also not be visible in short-distance views and would instead be seen as a not particularly significant element within more medium to longer-distance views of the wider undeveloped landscape. Furthermore, the proposed mitigation planting would significantly limit the visibility of the development once it has established. On this basis, and taking into account the receptors' sensitivity, the residual visual effect of the development at Mulberry Court would be less than moderate adverse.

28. The main visual effects would be largely localised and are covered above. Although the development would be visible from some other points in the wider area, only parts of it would be observable, whilst the views would be longer-distance with the visible portion(s) of the solar farm forming a relatively small part of the overall vista. In addition, existing planting would often serve to filter the views and/or restrict them to glimpses. The visual effects from other points in the surrounding area would thus not be significant and be no more than minor adverse, as assessed in the ES.
29. Drawing this all together, the proposed development would clearly harm both landscape character and visual amenity. However, as the effects would be experienced mainly within the immediate local area, the harm would be localised; and I have found that the residual harms (after accounting for the mitigating effects of additional planting) would be no more than moderate. With the development being for a period of up to 40 years, the harms, although relatively long-term, would also not be permanent.
30. With regards to the NL, I recognise the AONB unit and Natural England consider that the development proposed would result in significant harm to the protected landscape. However, the submitted evidence and the discussion at the hearing indicates that most of the valued attributes of the relevant NL character area (LCA 2F) would be unaffected by the development, with harm through the introduction of the extensive built form proposed only affecting the two valued attributes of its quiet rural character and sparsely populated landscape. In addition, the NL's most important overall landscape characteristics (its undulating open downlands and long expansive views, as described by the Council during the hearing) would be unaffected. Whilst receptors in the surrounding area, such as on the Test Way long distance route, would experience a change from the existing situation and visual amenity would be adversely affected, the NL's public right of way network would also not be directly affected. Combined with the development's scale relative to the NL, I concur with the main parties that the overall effect of the development on the NL would be minor adverse.
31. Nevertheless, the site is currently largely devoid of development whereas the appeal proposal would introduce a large amount of modern energy infrastructure, along with security fencing and CCTV, with planting provided mainly as mitigation rather than stemming from an obviously landscape-led approach. Despite the retained and proposed soft landscaping, the development would therefore read as an incongruous, significant industrial-esque feature in the largely undeveloped, relatively tranquil, rural surroundings. Given the site's edge position and that the solar farm would read as a large amount of development intruding into the protected landscape and changing the character of the site and locality, the appeal proposal would also adversely affect the integrity of the NL. However, the effect would be limited given the site's nature and size compared to the NL and that views of the development would be limited, particularly so following the establishment of mitigation planting.
32. For the above reasons, I conclude that the proposed development would, despite its temporary nature, harm the landscape and visual amenity of the surrounding area and NL. However, for the reasons above, the harm would, overall, be localised and at most, after accounting for mitigation, moderate. Nevertheless, the appeal proposal does not accord with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029 (LP) and Policy P5 of the St Mary Bourne Parish

Neighbourhood Plan 2016-2029. Amongst other aspects, these set out that development proposals in the protected landscape will be determined in accordance with national planning policy and criteria set out in the NWDMP but also expect development to not be detrimental to landscape character or visual amenity; and support development that responds positively to the local environment, including landscape features. The proposal would also be contrary to the NWDMP, including in relation to its various policies which, amongst other aspects, expect development to adopt a landscape-led approach, not have an adverse impact, and to further the purposes of the NL by conserving and enhancing its character and valued qualities.

*Exceptional circumstances*

33. Paragraph 190 of the Framework sets out that permission for major development within National Landscapes should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It also details that the consideration of such applications should include an assessment of a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
34. There is no dispute that the appeal proposal would constitute major development in the NL. The main parties also agree that considerations a) and b) of paragraph 190 are met. In summary, and as I heard at the hearing, this is due to, amongst other aspects, climate change resulting in the urgent need to reduce carbon emissions via the provision of renewable and low carbon energy; the binding legal target to achieve net-zero carbon emissions by 2050; local actions being needed to achieve both local and national targets, and that this requires both significant further rooftop solar installations and numerous new solar farms both locally and nationally. By increasing domestic generation and contributing towards energy security, the development would also help to serve increasing demand for electricity and assist in stabilising energy prices. In addition, the economic impact of permitting the development would be significant, including from construction creating around 100 jobs at its peak and representing an investment of approximately £15.6 million. The development would also contribute to the local economy through business rates, some operational employment and via farm diversification (with the income from the development supporting the farm).
35. There is undoubtedly, therefore, a clear and compelling national need for the development; and refusing permission would mean the local area would not realise the significant economic benefits. Due to various constraints, including in relation to limited grid capacity and the location of the available point of connection (PoC), the evidence indicates that there is no scope to develop the proposal outside the NL. Even if there was scope to do so, the additional costs associated with, for example, extensive off-site cable routing and securing agreement with landowners for the cable route to the PoC would likely make the development unviable and undeliverable. The ability to meet the need in some other way is also limited given the extent of the need to increase the supply of electricity whilst also decarbonising the electricity network, reducing dependence on fossil fuels and supporting the UK's transition to achieving a low carbon economy.

36. With respect to consideration c), whilst the proposal would be visible to some extent in some public views, it would not detrimentally affect recreational opportunities or the environment. Although the development would harm the landscape and visual amenity of the surrounding area and NL, the overall harm, after accounting for the moderating effect of mitigation, would be localised and, at most, moderate, whilst the effect on the NL would be minor adverse.
37. Bringing this all together, I find that exceptional circumstances exist in this case and the proposed development is clearly in the public interest. Despite the appeal proposal not conserving and enhancing the area's natural beauty and my duty to seek to further those statutory purposes, this leads me to conclude that permission should therefore not be withheld in relation to this main issue. The development harming the NL, and the harm being relatively long-term, neither changes this nor inevitably means the exception criteria are not met.

### *Heritage assets*

38. There are various heritage assets near and on the site. This includes the scheduled monument known as Devil's Ditch within Pepper Hill Firs and its un-scheduled earthwork sections; the scheduled monument known as Roman House 1/2 mile (810m) E of Finkley Farm; the grade II listed Lower Wyke Farmhouse; and an undated non-designated trackway.
39. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be had to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses. Listed under section 1 of the Ancient Monuments and Archaeological Areas Act 1979, scheduled monuments are of national importance. The Framework sets out that great weight should be given to the conservation of such assets and the more important the asset, the greater the weight should be. Scheduled monuments are identified as assets of the highest significance.
40. The significance of Devil's Ditch principally derives from the archaeological interest in its physical form, along with its historic interest as an early medieval earthwork. Its setting, including the area in its immediate vicinity and its non-designated archaeological features (one of which extends through the site), also contributes to its significance. The significance of Roman House principally stems from the archaeological interest of its below-ground remains of a flint-built building and the historic interest of its physical remains. Its setting, including the Portway Roman Road and the south facing slope on which it is located, also contributes to its significance. The significance of the late 18th-century Lower Wyke Farmhouse is mainly derived from its architectural and historic interests principally embodied in its built fabric. Its setting also contributes to its significance and includes the historically associated farm buildings and clearly intervisible agricultural land, its domestic garden to the south, and the adjacent highway faced by the building's secondary façade. The significance of the undated trackway, a non-designated heritage asset, is essentially derived from its modest archaeological value.
41. Although the proposed development would be within the settings of the scheduled monuments and listed building, the main parties agree that the development would only harm the significance of Devil's Ditch through affecting its setting; and the harm to that asset would, as also confirmed by Historic England, be at the lower

end of the scale. Based on the submitted evidence, what I heard at the hearing and from my site visit observations, I have no reason to disagree.

42. Although the development would result in limited harm to the setting of Devil's Ditch, this still equates to, in the words of the Framework, less than substantial harm to the significance of the designated heritage asset. In such circumstances, it is necessary to weigh the harm against the public benefits of the proposal.
43. In this instance, the development proposed would generate up to 29 megawatts of renewable energy, equivalent to the annual energy use of over 7000 homes and estimated to save over 6,400 tonnes of carbon emissions per year. Consistent with the Framework's provisions on planning for climate change, it would therefore support the country and borough meeting its commitments on renewable energy and carbon emissions, and the need to achieve net zero. As set out above, it would also assist in stabilising energy prices and help to serve the increasing demand for electricity. In addition, the proposed planting and cultivation of species-rich grassland would result in a substantial net gain in biodiversity. Furthermore, as set out above, the development would lead to various local economic benefits.
44. The development would therefore provide extensive environmental, social and economic benefits which, by their nature and extent, equate to substantial public benefits. Accordingly, despite the considerable importance and very great weight that I afford to the conservation of designated heritage assets, the proposal's public benefits provide clear and convincing justification and outweigh the less than substantial harm to the significance of the scheduled monument.
45. Whilst much of the on-site archaeological resource would remain in situ, works such as piling and excavation could result in some discrete but direct impacts on the undated trackway. Although the proposed archaeological condition would ensure any archaeological value was recorded, it was confirmed at the hearing that construction would harm the asset's significance, albeit at the lower end of the spectrum. Nevertheless, I find that the effect on the non-designated asset is, on a balanced judgement, also justified in this instance given the scheme's benefits.
46. There are other heritage assets in the surrounding area, including the Registered Park and Garden Hurstbourne Park; Hurstbourne Priors conservation area; the Middle Wyke Farm listed building; and non-designated buildings including Keepers Cottage and at the Lower Wyke Farmhouse complex. However, there is no allegation that the proposed development would harm the significance of any of these assets, including with respect to their settings. Based on the available evidence, the lack of intervisibility and the degree of separation between the site and these assets, I have no reason to conclude otherwise. I therefore find that the development would preserve the significance of these other heritage assets, including with respect to their settings.

## **Other matters**

### *Residents' living conditions*

47. Occupiers of Trinley Lodge and Trinley Lodge bungalow would be able to see a relatively large extent of the development; and it struck me on my site visit that additional planting would do little to change this due to the properties' elevated positions. However, the proposed panels and associated infrastructure would not be particularly high and there is a relatively significant degree of separation

between the properties and the nearest visible parts of the site. The development would thus not appear overbearing. Whilst occupiers' views would, as set out above, clearly change, there is no right to a private view. Nevertheless, I observed on my visit that the views, whilst changing significantly, would not be entirely dominated by the development, with reasonably extensive areas of undeveloped countryside remaining visible. Consequently, the altered outlook and views due to the development would not unacceptably harm the living conditions of occupiers of Trinley Lodge and Trinley Lodge bungalow. In coming to this view, I have taken account of the references and expectations in the LP and the Framework with regards to quality of life, living conditions, respecting the amenity of neighbouring properties and ensuring a high standard of amenity for existing users.

48. The submitted evidence indicates that reflections from the panels could be experienced at the two properties at Trinley Estate, and it seems to me that vegetation is unlikely to provide much screening from any glint and glare. However, the reflections are predicted to be less than 60 minutes per day for less than three months a year. The limited duration of such reflections would also therefore not unacceptably harm occupiers' living conditions. The assessor not visiting the site and the lack of figures in the Solar Photovoltaic Glint and Glare Study showing results from the desk-based analysis covering these properties do not lead me to a different conclusion.
49. I observed on my visit that there are views from Mulberry Court (MC) across the appeal site. Many properties there are also orientated to take advantage of the landscape to the north, including from windows and outdoor spaces. However, whilst the development would change residents' views to some extent, there is no right to a private view. Views across the site from MC are also generally not extensive, often being reduced and filtered by existing planting for example. The closest part of the development (in the southern field) would also be positioned to the side of MC. Combined with the additional planting proposed, the degree of separation and the limited height of the panels and associated infrastructure, the development would therefore not unacceptably harm the living conditions of MC residents, including with respect to outlook. In coming to this view, I have taken the sloping nature of MC into account. Whilst Mulberry Court has expanded since the Glint and Glare Study was carried out, the report also identifies that reflections to MC are not geometrically possible.

#### *Other matters*

50. Numerous further matters have been raised by various parties, and I have taken them all into account. This includes: a wider search area should have been used to identify alternative sites; brownfield sites rather than farmland should be used for solar farms; loss of good quality arable land; food security issues; light and noise pollution; impact on wildlife; highway safety concerns, along with disruption to traffic and damage to roads; the potential effect on local businesses, including the nearby shoot at Trinley Estate, which is a long-standing rural diversification activity that contributes to the local economy; erosion of the gap between the settlements of Andover and St Mary Bourne; glint and glare to other receptors, including drivers, pilots and walkers; precedent; potential for future applications to extend the development and/or for further similar schemes in the area; whether local electricity prices would reduce and the provision of any community related funds; potential health effects on local residents, particularly due to the distance between the development and existing properties; noise pollution; the site being classified

as brownfield in the future; inaccuracies in some of the submitted documents; effect on property values; the extent of community consultation; whether panels will need to be replaced during the lifespan of the scheme and the effects of this on traffic and effective use of resources; the need for a greater set-back of panels/buffers from the site's boundaries and the need for more mitigation planting; and the potential need for additional pylons.

51. However, whilst I take these representations seriously and recognise the strength of people's concerns, the available evidence does not demonstrate that the proposal would result in unacceptable effects or is unacceptable with regard to any of those matters which are related to planning. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding restoration of the land, construction and highway safety, light pollution and wildlife can also be covered by planning conditions.

### **Planning Balance**

52. Inconsistent with the Framework's provisions which seek to conserve and enhance the natural environment and the similar NWDMP principles and priorities, the proposed development would harm the landscape and visual amenity of the area and NL. The conflict I have identified with development plan policies in relation to this matter therefore leads me to conclude that the appeal proposal conflicts with the development plan as a whole. The proposal would also harm heritage assets.
53. The Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues, and the conservation of designated heritage assets. The harm to both, and to the landscape and visual amenity of the area in general, therefore attract very great weight.
54. However, LP Policy EM8 sets out that commercial renewable energy development will be permitted unless there are adverse impacts which are not outweighed by the benefits. In addition, Framework paragraph 190 does not direct that permission for major development within NLs cannot be approved even if there would be harm to the protected landscape.
55. In this case, I have found that the harm to the landscape and visual amenity of the surrounding area would be localised and (at most) moderate. With the effect of the development on the NL being minor adverse, the appeal proposal would also be inconsistent with the promotion of the statutory purposes of conserving and enhancing the NL's natural beauty. On the other hand, as detailed above, the development would result in extensive environmental, social and economic benefits; and I have found that exceptional circumstances exist in this case, the proposed development is in the public interest, and the public benefits are sufficient to outweigh the harm to heritage assets. With a grid connection offer in place and the scheme prioritised as a Gate 1 Phase 1 connection, the proposed development is deliverable and thus its associated benefits could be realised relatively quickly. With current grid capacity constraints in the area, there are also limited opportunities for schemes of a similar size to be connected elsewhere in the borough. Accordingly, the adverse impacts, the conflict with relevant development plan policies and the inconsistency with the statutory purposes of the NL are outweighed by the scheme's substantial benefits.

## Conditions

56. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency. The pre-commencement conditions I have included are all matters which are fundamental to be resolved prior to development commencing.
57. In addition to the time limit condition, I have imposed condition 2 in the interests of certainty. The CCTV drawing listed in that condition also excludes the previously proposed loudspeakers. Condition 3 is necessary to ensure the permission is time limited and the development is subsequently decommissioned and the site restored. Conditions 4, 5 and 6 are necessary in the interests of highway safety.
58. Conditions 7 and 8 are necessary in the interests of protected species and biodiversity. Condition 9 is necessary with regards to archaeological interest on the site. Condition 10 is necessary with regards to ensuring suitable drainage on the site. Condition 11 is necessary to ensure that the site remains functional for future agricultural use and to secure an improvement in soil quality. Conditions 12, 13 and 17 are necessary with regards to character and appearance. Conditions 14 and 16 are necessary for the same reason and with regards to wildlife.
59. Condition 15 is necessary with respect to wildlife, archaeology and, in relation to the likely significant environmental effects on the environment with regards to EIA, landscape and visual amenity. Condition 18 is necessary with respect to the living conditions of existing residents. However, I have not imposed the suggested highway survey condition because I have little evidence that it would be enforceable or necessary to make the development acceptable.

## Conclusion

60. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, material considerations outweigh the harm that would arise, the conflict with development plan policies and the great weight afforded to conserving and enhancing landscape and scenic beauty of the NL and the conservation of designated heritage assets. Consequently, the development should be permitted notwithstanding the conflict with the development plan as a whole.
61. For the above reasons, the appeal is therefore allowed.

*T Gethin*

INSPECTOR

## **Appearances**

### The appellant

Mark Westmoreland Smith, Kings Counsel

Anthony Heslehurst, Planning consultant

Paul Beswick, Landscape consultant

Gail Stoten, Heritage consultant

Si Gillett, Energy need consultant

### The Council

Ms Jemma Cox, Principal planning officer

Ms Ka Man Yip, Landscape Officer

## **Documents submitted during the hearing**

Council's closing statement

Appellant's closing summary

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan (Drawing No 1663-0200-05, Issue 10)
  - Solar Park Layout (Drawing No 1663-0201-01, Issue 18)
  - Landscape Masterplan (Drawing No 7.8, Rev B)
  - Mounting System (Drawing No 1663-0206-00, Issue 03)
  - Transformer Station Detail (Drawing No 1663-0207-00, Issue 02)
  - Aux Transformer Station Detail (Drawing No 1663-0207-02, Issue 01)
  - Spares Container Detail (Drawing No 1663-0207-40, Issue 01)
  - Welfare Container Detail (Drawing No 1663-0207-41, Issue 02)
  - Private Switchgear Detail (Drawing No 1663-0208-50, Issue 02)
  - DNO Switchgear Detail (Drawing No 1663-0208-71, Issue 01)
  - Access Road Section (Drawing No 1663-0208-10, Issue 02)
  - Fence Detail (Drawing No 1663-0205-01, Issue 01)
  - CCTV Detail (Drawing No 1663-0204-00, Issue 03)
  - Site Sections (Drawing No 201)
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the solar farm to the electricity network (the First Export Date). Written confirmation of the First Export Date shall be given to local planning authority within 28 days of the First Export Date. Within 6 months of the expiry of this permission or the development ceasing to operate for a continuous period of 12 months (whichever is sooner), the development and associated infrastructure shall be dismantled and removed from the site and the land restored in accordance with a decommissioning and restoration scheme that shall first have been submitted to and approved in writing by the local planning authority.
- 4) No development shall commence until details of the works to the public highway, including localised widening required to accommodate construction and operational traffic, have been submitted to and approved in writing by the local planning authority. No development shall commence until arrangements for the implementation of the approved highway works have been secured with the local highway authority. The approved works shall be carried out in full prior to the commencement of development.
- 5) Construction of the development shall not be commenced until visibility splays as shown on Figure 2 1098-004 of the Construction Traffic Management Plan (December 2022) have been provided at the site access junction. Within the visibility splays, any obstruction between 1m and 3m in height above the level of the adjacent carriageway shall be cleared. The visibility splay shall be kept clear at all times thereafter.
- 6) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall be informed by the approved Construction Management Plan

(December 2022) and Transport Technical Note prepared by Key Transport Consultants (November 2023) and shall include details of:

- construction vehicle routing;
- parking of site operatives and visitors;
- loading, unloading and storage of plant and materials;
- wheel washing and measures to prevent mud and debris on the highway;
- measures to control dust, noise and vibration;
- a scheme for recycling/disposal of construction waste;
- temporary traffic management measures and signage, including at the junction of Walworth Road and Middle Wick; and
- restrictions on construction vehicle size, including a maximum vehicle length of 16.5 metres.

The development shall thereafter be carried out in full accordance with the approved CMP. The construction compounds, parking and turning areas shall be removed and the land restored to its former condition following completion of construction.

- 7) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority that covers all aspects relating to the protection and mitigation of key habitats and species both pre and during construction that are listed within Paragraph 5.3 of the Ecological Appraisal by The Environmental Dimension Partnership dated 5/2023. The development shall thereafter be carried out in accordance with the approved CEMP.
- 8) Notwithstanding the submitted information, no development shall commence until a Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be based upon the principles laid out in the Outline Biodiversity Mitigation and Enhancement Plan and Biodiversity Metric produced by The Environmental Dimension Partnership Ltd dated June 2024 and to include management and maintenance details. No development or other operations shall take place other than in complete accordance with the approved details. If a habitat or other landscape feature is removed or damaged in contravention of the approved plan, a scheme of remedial action, with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the incident. The scheme of remedial action must be approved by the Local Planning Authority before practical completion of the development and implemented in accordance with the approved timetable.
- 9) No development shall commence until the implementation of a programme of archaeological mitigation has been secured in accordance with a written specification that has been submitted to and approved in writing by the Planning Authority. The development should be carried out in accordance with the approved details.
- 10) No development shall commence until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the design and location of the proposed swales. The approved drainage strategy shall then be implemented prior to the first export date of

electricity from the development and maintained in accordance with the approved details for the lifetime of the development.

- 11) No development shall commence until a soil management plan, which includes measures to improve soil quality and ensure that there will be no material loss of soil quality within the operational lifetime of the site, and provides details of any movement of soils within the site, has been submitted to and approved in writing by the Local Planning Authority. The soil management plan shall be implemented as approved.
- 12) Protective measures, including fencing, ground protection, supervision, working procedures, and special engineering solutions shall be carried out in accordance with the Arboricultural Impact Assessment, method statements and Tree Protection Plan dated November 2022 as submitted by Hillside Trees Ltd. Arboricultural Consultancy. Tree protection fencing and ground protection shall be erected prior to any site activity starting and maintained throughout the development. The development shall be carried out in complete accordance with the approved Method Statement in the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (dated November 2022, Rev A).
- 13) Notwithstanding the approved plans, prior to the erection on site, details of the proposed materials and finishes, including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be maintained as such for the lifetime of the proposed development.
- 14) Notwithstanding the details submitted and approved, prior to the installation of any fencing, a plan indicating the positions, design (including with respect to mammal gaps), materials and type of fences to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the first export date of electricity from the development.
- 15) Notwithstanding the details submitted, within six months from the commencement of development, full details of both hard and soft landscape proposals, including a landscape management plan to address all existing and new landscape features and how they shall be managed, shall be submitted to the Local Planning Authority for its approval in writing.  
Hard landscape details shall include, as appropriate, proposed finished levels or contours, means of enclosure, car parking layouts, hard surfacing materials and minor artefacts and structure (eg signs, lighting, external services, etc). Soft landscape details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats where appropriate. In addition, the soft landscape details shall include implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping.  
All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first export of electricity from the development or in accordance with the timetable agreed with the Local Planning Authority. Any

trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

- 16) Prior to the installation of any external lighting on the site, full details including height, design, location and intensity shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.
- 17) All containers on site shall be sited at ground level and no containers shall be stacked.
- 18) No external works relating to the construction of the development hereby approved, including site preparation, demolition, deliveries of materials or plant, or removal of spoil, shall take place outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no such works taking place on Sundays or recognised public holidays. This shall not preclude access to the site or the presence of personnel within the site compound outside these hours, provided that no construction works or associated operations are undertaken.

**END OF SCHEDULE**