

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AP	15/02/2024
Team Leader authorisation / sign off:	ML	16/02/2024
Assistant Planner final checks and despatch:	Er	16/02/2024

Application: 23/01284/FULHH **Town / Parish:** Tendring Parish Council

Applicant: Dr Philip Letton

Address: Hollywood Farm House Crow Lane Tendring

Development: Proposed installation of solar panels onto garage.

1. Town / Parish Council

Tendring Parish Council Tendring Parish Council support this application for solar panel installation

2. Consultation Responses

Essex County Council
Heritage
09.01.2024

As advised at pre-app, whilst sustainability and energy efficiency are legitimate issues, for historic buildings a balance must be achieved between generating its own energy and avoiding damage both to the significance of the building and its fabric. Essex Design Guide and 'Historic England: Energy Efficiency and Historic Buildings; Solar Electric (Photovoltaics) provide advice on how to minimise the potential damage to historic fabric, and the visual impact of a renewable installation on the character and appearance of the historic building or site.

Potential for ground mounted solar panel has been investigated by a specialist installer. As per supporting documents, the locations investigated to the front of the property have been considered unsuitable and would affect the significance of the Grade II Listed building. The scale of the rear garden does not allow for the installation of PV arrays in a location that is sufficiently set back from the listed building while avoiding shading from the orchard trees.

To proposed existing garage, previously in use as a cowshed, is likely to be contemporary with the main house or of 19th century construction. It has been altered over time however it contributes to the significance of the designated heritage asset. It is of ancillary and industrial/rural character and, as an outbuilding, might provide a suitable location for the installation of roof mounted PV panels, which would likely not involve the loss of historic fabric and could be easily removed at the end of the panels' life.

There are however concerns that the proposed PV panels would be highly visible from the public highway and would introduce an incongruous and non-traditional feature within the historic roofscape and in views from Crow Lane while approaching the main elevation of Hollywood Farmhouse.

Overall, the installation of the proposed solar panels to the existing garage roof is likely to have a degree of less than substantial harm (low level) to the significance of Hollywood Farmhouse, making paragraph 208 of the NPPF (December 2023) relevant. As such the local planning authority should weigh this harm against any public

benefits of the proposal including, where appropriate, securing its optimum viable use.

When considering the impact of a proposed development on the significance of this designated heritage asset, great weight should be given to the asset's conservation (Paragraph 205) and any harm to, or loss of, the significance should require clear and convincing justification (Paragraph 206).

Setting aside the manufacturing and transportation impacts, it is acknowledged that the installation of solar panels may result in some public benefits. However, these comments seek only to advise of any identified impact or harm to the heritage asset resulting from their installation. No assumption has been made as to whether the proposals would bring about any public benefits, or whether the potential benefits outweigh any identified harm.

3. Planning History

22/01125/LBC	Proposed installation of secondary double glazing to existing windows.	Approved	30.08.2022
23/01284/FULHH	Proposed installation of solar panels onto garage.	Current	
23/01285/LBC	Proposed installation of solar panels onto garage.	Current	

4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

Tendring District Local Plan 2013-2033 and Beyond [Section 2](#) (adopted January 2022)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL9 Listed Buildings

PPL10 Renewable Energy Generation and Energy efficiency Measures

7. Officer Appraisal

Site Description

The proposal site is Grade II Listed 18th Century Hollywood Farmhouse built of red brick, with large sash windows under a red plain tile roof. The garden is in the main in front of the dwelling to the west and to the northern side. A two storey range extends to the rear with a single storey structure adjoining this including the attached single garage. To the south are associated brick built farm buildings and larger barns completing the farm complex.

Description of Proposal

The application proposes the installation of solar panels on the south facing roof slope of the existing attached single storey garage. No other alterations are proposed.

The application is being considered alongside application 23/01285/LBC.

Design and Appearance

The single storey garage structure with pitched roof where the gable end faces Crow Lane is set back from the road by approximately 41 metres and set behind the main dwelling of Hollywood Farmhouse. The solar panels are proposed to be installed on the southern roof slope of the garage alongside which to the south is willow panel fencing overgrown with Ivy offering separation between the dwelling and the farmyard.

The solar panels will be visible as their dark colour will contrast with the red tile of the existing roof and those surrounding it, however taking account of the setting against the agricultural buildings of the farmyard and its position set back from the road they are not considered to cause a significant impact to the street scene and no adverse impacts to visual amenity.

Impact upon Residential Amenity

Hollywood Farmhouse is an isolated dwelling along with a detached bungalow which is a distance of 40 metres in a south easterly direction. The significant separation distance between the garage hosting the solar panels and the bungalow will not result in a material loss of light, outlook or privacy or cause harmful glare, and is therefore not considered to result in any significant harm to neighbouring amenity.

The existing off road car parking arrangements will be unaffected as will the private amenity space.

Heritage

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond states that 'Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric'.

The listed description of Hollywood Farmhouse in the main describes the architectural features that are unmistakable when viewed from Crow Lane. It is important to ensure that the character of the listed building is preserved when alterations to it are proposed.

Whilst sustainability and energy efficiency are legitimate issues, for historic buildings a balance must be achieved between generating its own energy and avoiding damage both to the significance of the building and its fabric. Best practice has been followed in this case and potential locations for ground mounted solar panels have been appraised however the locations are considered unsuitable due to their visibility, available space, shadow from the house and the effect on the significance of the Grade II listed farmhouse and they would not therefore be viable options.

The applicant has submitted a Design and Access Statement, and additional photos and evidence to support the application which provides detailed information and justification for the installation of solar panels on the garage roof.

Heritage advice was sought from Place Services at Essex County Council and they confirmed the installation of the proposed solar panels to the existing garage roof is likely to have a degree of less than substantial harm (low level) to the significance of Hollywood Farmhouse, making paragraph 208 of the NPPF (December 2023) relevant. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use. When considering the impact of a proposed development on the significance of this designated heritage asset, great weight should be given to the asset's conservation (Paragraph 205) and any harm to, or loss of, the significance should require clear and convincing justification (Paragraph 206).

The applicant has provided details of the fixings to be used in the installation of the panels and confirmed at the end of their life can be removed with no damage to the historic fabric of the garage.

When weighing up the public benefits of the proposal Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation. The solar panels will provide energy for the applicant's own use reducing the demand for fossil fuels which are a finite resource and release carbon into the atmosphere and accelerate global warming. The need for renewable energy generation and its significant public benefits outweighs the low level degree of less than substantial harm resulting from the proposed development on this occasion.

Other Considerations

Tendring Parish Council support the application.

No other representations have been received.

8. Recommendation

Approval - Full

9. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply 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.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried

out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is DWG NO PLN23/10014 page 2 Rev. D received 2 November 2023
DWG NO PLN23/10014 page 1 Rev. C
Design and Access Statement

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 COMPLIANCE - REMOVAL OF PANELS

CONDITION: The solar panels hereby approved shall be removed from the site in their entirety, including any associated equipment, as soon as reasonably practicable when no longer needed for their intended purpose of generating energy.

REASON: In the interest of protecting visual amenity and to define the scope of this permission.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must

have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO