



TO: Planning Committee South

BY: Head of Development

DATE: 16 February 2021

DEVELOPMENT: Retrospective application for the retention of roof mounted solar panels

SITE: New Spinney Spinney Lane West Chiltington Pulborough West Sussex RH20 2NX

WARD: West Chiltington, Thakeham and Ashington

APPLICATION: DC/20/1547

APPLICANT: **Name:** Mr and Mrs Saheid **Address:** New Spinney, Spinney Lane West Chiltington RH20 2NX

REASON FOR INCLUSION ON THE AGENDA: One of the applicants is a District Councillor

RECOMMENDATION: To approve planning permission, subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

- 1.1 The purpose of this report is to update Members since the application was considered on 24 November 2020 by Planning Committee South. At this meeting the application was deferred from consideration to allow planning officers to undertake discussions with the applicant with a view to relocating the solar panels to a more appropriate location, potentially being the southern elevation of the host property. Whilst discussions have taken place with the applicant, no agreement has been reached to reposition the panels and therefore the application is brought back to committee for determination (the previous Committee Report is appended at the end of this update report).
- 1.2 The applicant states that the solar panels were installed in accordance with the relevant permitted development rights and that the requirements in terms of the impact on the character and appearance of the area and on neighbouring amenity, as set out in the previous committee report, have been fully met. The applicant has further advised that if the solar panels were to be relocated, they would be equally visible from the streetscene and neighbouring properties.

Background

- 1.3 The application, as set out in the Officer's report presented to Planning Committee South in November and appended to this report, seeks retrospective planning permission for the retention of solar panels on the east and west elevations of the dwellinghouse and the east elevation of the detached garage at New Spinney, Spinney Lane, West Chiltington. The installation of solar panels is permitted development under Part 14, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as

amended) however there is a condition that requires such panels to be ‘...so far is practicable they are sited to minimise effect on the amenity of the area’. In this case, following the receipt of a complaint about the installation of the panels, it was considered, on balance, that the installation would not benefit from the relevant permitted development rights and an application was requested to regularise the works.

2. PLANNING ASSESSMENT

- 2.1 As set out in the appended report, Policy 35 of the Horsham District Planning Framework (HDPF) states that development will be supported where it makes a clear contribution to mitigating and adapting to the impacts of climate change and to meeting the District's carbon reduction targets. Measures which should be used to mitigate the effects of climate change includes improved energy efficiency in new developments; and the use of decentralised, renewable and low carbon energy supply systems. However, such schemes will also need to ensure that they do not have significant adverse effect on landscape character, biodiversity, heritage or cultural assets or amenity value.
- 2.2 Policy 36 of the HDPF relates to the development of renewable and low carbon energy as a key means of reducing the district's contribution to climate change. This policy sets out the requirement for development to minimise its energy use in accordance with the energy hierarchy and to incorporate renewable and low carbon energy supplies.
- 2.3 The solar panels at New Spinney contribute to mitigating and adapting to the impacts of climate change and help reduce carbon emissions as set out in Policy 35 of the HDPF. The aim of policies 35 and 36 of the HDPF is to reduce energy consumption with both policies recognising the benefits of renewable energy and encouraging proposals to utilise opportunities to reduce reliance on fossil fuels.
- 2.4 It is noted that Members of Planning Committee South, whilst supportive of the applicant's desire to reduce carbon emissions, raised concerns in respect of the impact of the solar panels on the character and appearance of the streetscene and on neighbouring amenity. Members were advised at the meeting in November that being able to view the panels from a public vantage point or the neighbouring property does not make the scheme unacceptable and that there would need to be identified demonstrable harm. Officer's consider that the solar panels as installed do not have a significant detrimental impact on the visual amenities of the wider streetscene, or on the setting of the neighbouring Wells Cottages, sufficient to warrant refusal of the application, and do not result in any significant harmful impact on neighbouring amenity. It is acknowledged that the panels are visible from both Spinney Lane and the neighbouring property, however as advised at the Committee meeting in November, being able to view the solar panels is not a reason to refuse the application and demonstrable harm needs to be identified. It is not considered that demonstrable harm has resulted in this case with the panels being seen in limited short distance views only, and within the context of the roof of New Spinney and its associated garage.
- 2.5 In respect of the impact on neighbouring amenity, there is no evidence to confirm that the solar panels have created an unacceptable impact in respect of glare, and having a view of the solar panels does not warrant a refusal on planning grounds.
- 2.6 Therefore, for the reasons as outlined above, and in the Officer's report to the Planning Committee South in November, the proposal is considered to comply with the relevant policies of the Horsham District Planning Framework and is recommended for approval subject to conditions.

3 **RECOMMENDATION**

3.1 It is recommended that planning permission is granted subject to the following conditions:

1. List of approved plans
2. **Regulatory Condition:** The panels hereby permitted shall be retained in accordance with the approved details. In the event of the solar panels ceasing to be used, the panels shall be removed and from the roof, and the roof made good, as soon as is reasonably practicable and be no later than six months after the cessation of the panels.

Reason: In the absence of demonstrable need, there is no justification for the retention of the panels and in accordance with Policy 33 of the Horsham District Planning Framework (2015).