

**TOWN AND COUNTRY PLANNING ACT 1990**  
**YORKSHIRE DALES NATIONAL PARK AUTHORITY**  
**(Local Planning Authority)**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:  
PERMISSION TO CARRY OUT DEVELOPMENT**

To: Mr J Vallance

Decision No: R/54/75E

**The above named Authority being the Local Planning Authority for the purposes of your application received on 29/06/2015 for full planning permission for installation of 9.75kW of matt black photovoltaic panels to barn roofs at Bridge End, North Walden, West Burton, SE006822 have considered the said application and have GRANTED permission for the proposal subject to the following Conditions:**

1. The development hereby permitted shall be begun (as defined by Section 56 of the Town and Country Planning Act 1990) before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the following plans and information:
  - site location plan;
  - proposed plan view;
  - photo (4);
  - Perlight PLM-250MB-60 series Manufacturer's Details;  
received 29th June 2015.

Bat Survey Report by Milner Ecology dated 3rd September 2015;  
received 4th September 2015.
3. For the avoidance of any doubt, the solar panels shall be the Black Plus (PLM-250MB-60) Series by Perlight or similar matt black panel with black metal frame.
4. When the development hereby approved ceases to be used for the purpose for which it was constructed it shall be removed from the roof together with all ancillary equipment and the roof restored to its appearance at the date of this application.
5. The works to construct the development hereby approved shall only take place between 1st September and 1st May inclusive and shall be carried out in strict accordance with the 'Working Procedure' at 4.2.2 on page 9 and the 'Enhancement Measures' at 4.2.3 on page 10 of the Bat Survey Report by Milner Ecology Ltd dated 3rd September 2015.

Reason(s):

1. To comply with the requirements of Sections 91-93 of the Town and Country Planning Act 1990 (as amended).
2. To define the plans relating to this permission.
3. In the interests of the appearance of the development. In accordance with policies GP2 and U6 of the Yorkshire Dales Local Plan (2006).

Date: 16 OCT 2015

EA

Designation

HEAD OF DEVELOPMENT MANAGEMENT

**FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF**

## RIGHTS OF APPEAL

1. If an applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 78 of the Town and Country Planning Act 1990, within 6 months of the date of this notice. **NB this reduces to within 12 weeks of the date of this notice if it is a refusal of a Householder or Minor Commercial application (this would be shown at the top of the notice).** The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring the Council to purchase their interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

### NOTE:

If you wish to exercise your right of appeal as mentioned above, you can do so online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal> or on the appropriate form obtainable from:

The Planning Inspectorate  
Customer Support Team  
Room 3/13 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Telephone: 0303 444 5000 Fax: 0117 372 8782

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

*(approval/refusal)*

16 OCT 2015

Continuation Sheet 1

R/54/75E

4. To protect the landscape character of the area in the event of the solar panels no longer serving a useful purpose. In accordance with policies GP2 and U6 of the Yorkshire Dales Local Plan (2006).
5. In the interests of protecting roosting bats. In accordance with policy NE7 of the Yorkshire Dales Local Plan (2006).

Notes to Applicant:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, subject to the conditions listed above, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**NOTE:-**

*No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.*

DCPermitRpt

# YORKSHIRE DALES NATIONAL PARK AUTHORITY

<b>Application No:</b>	R/54/75E	
<b>District:</b>	Richmondshire	
<b>Parish:</b>	Burton cum Walden	
<b>Applicant's Name:</b>	Mr C Vallance,	
<b>Grid Ref:</b>	SE00678229	
<b>Received by YDNP:</b>	29/06/2015	<b>Officer:</b> Paul Martinson

**PROPOSAL:** full planning permission for installation of 9.75kW of matt black photovoltaic panels to barn roofs

**LOCATION:** Bridge End, North Walden, West Burton

## CONSULTEES

<b>Burton-cum-Walden PC</b>	No objections.
<b>Penhill Ward</b>	No response received.
<b>Wildlife Conservation Officer</b>	No objections subject to timing restrictions.
<b>Area Ranger (Lower Wensleydale)</b>	This does not affect the Public Right of Way.
<b>Yorkshire Dales Society</b>	No response received.
<b>CEHO Richmondshire DC</b>	No objections.

## PUBLIC RESPONSES

None to date.

## RELEVANT PLANNING POLICIES

U6(06) - Small-Scale Renewable Energy Developments

B14(06) - Extensions and Alterations to Buildings

GP1(06) - National Park Purposes

GP2(06) - General Design Policy

## OFFICERS' OBSERVATIONS

### APPLICATION SITE

The application site is Bridge End Farm, a residential property located within 10.2Ha of agricultural land that lies within the same ownership. The dwelling is detached and sited in an isolated position in the valley bottom of Walden close to the Walden beck. The property is accessed by means of a long sloping access track from the road on the west side of the dale. The dwelling is of stone construction with a roof that is finished with natural stone slates. An attached outbuilding is located to the south elevation of the dwelling which was converted into living accommodation approximately 25 years ago.

### PROPOSAL

The application seeks planning permission for the installation of 39no. solar PV panels on the roof of the attached former outbuilding to the south elevation of the dwelling of Bridge End Farm. The panels would be laid in rows of 10 on the single storey extension to the east of the outbuilding, whilst a row of 9 panels would be installed on the main roof of the outbuilding. The panels would be coloured black

with black fixings and black surrounds.

#### RELEVANT PLANNING HISTORY

YD1/54/75A – Planning permission was granted on 30th January 1990 for the conversion of the attached outbuilding into additional living accommodation.

#### KEY ISSUES:

- planning policy
- renewable energy
- landscape impact
- protected species

#### PLANNING POLICY

Saved policy GP2 of the adopted Local Plan states that new development should be of a kind, scale, siting, and design which is sympathetic to or enhances the landscape character or distinctiveness of the surrounding area, uses appropriate materials and does not have an unacceptable impact on neighbouring amenity.

Saved policy B14 permits extensions and alterations to buildings providing that they do not dominate the existing building in public views, result in a loss of amenity for occupiers of neighbouring properties or result in a loss of curtilage including car parking provision. Extensions should respect the architectural integrity of the existing building.

Saved policy U6 states that small scale renewable energy developments to meet local needs will be permitted providing that this would not adversely affect the character of the landscape, settlements or buildings, nature conservation interest, archaeology, or recreational and residential amenity.

#### RENEWABLE ENERGY

Paragraph 98 of the NPPF states that renewable technologies should be approved if its impacts are (or can be made) acceptable unless material considerations indicate otherwise. The Yorkshire Dales Local Plan (2006) supports renewable energy schemes that are compatible with the special qualities of the National Park whilst the National Park Management Plan aims to reduce carbon emissions by increasing the take up of small-scale renewable energy so that at least 1 megawatt has been installed by 2018. The principle of this form of development within the National Park is therefore supported, however the sustainability aspects of the proposal need to be carefully balanced against other material considerations such as the landscape impact of the proposal given its exposed setting.

#### LANDSCAPE IMPACT

The proposed panels would be sited on the south west facing roof slope of the attached former outbuilding and its lean to extension both of which are currently surfaced with concrete roof tiles. The existing stone slate roof of the dwelling would be unaffected by the proposal. The panels would be black with no exposed galvanised fittings which would help to reduce their prominence and minimise the contrast with the existing roof materials. Due to the position of the building in the landscape, the south eastern roof slope is only visible at considerable distances from the western road through Walden. This roof slope cannot be seen from the eastern road through Walden as it is only the opposing elevation that is visible in views from this side of the valley.

There are numerous public rights of way in the vicinity of the application site and consequently the panels will be visible at relatively close proximity when looking towards the south western roof slope of the attached former outbuilding. As the panels would be limited to one roof slope and would be sited over a concrete tiled roof leaving the existing natural stone slate roof unaffected it is not considered that they would significantly impact on close proximity views of the site. The use of black panels with black fittings would also minimise the visual impact from the public rights of way. Overall it is not considered that the proposal would be harmful to the character or appearance of the dwelling and would not have a significant landscape impact.

#### IMPACT ON PROTECTED SPECIES

Bats are a Protected Species by virtue of the EU Habitats Directive and the Conservation of Habitats and Species Regulations 2010. Article 12 of the Habitats Directive requires member states to take requisite measures to establish a system of protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. Article 16 provides that if there is no satisfactory alternative and the development is not detrimental to the maintenance of the population of

the species at a favourable conservation status in their natural range then members states may depart from the requirements of the Directive "in the interest of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the landscape."

Under the requirements of the Conservation of Habitats and Species Regulations 2010 it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. Natural England will only grant such licences if they are satisfied that the requirements of Article 16 of the Directive are met. Regulation 9 of the Regulations also provides that every competent authority (including planning authority) in the exercise of their functions, shall have regard to the requirements of the Habitats Directive.

The submitted bat survey found evidence of roosting bats and therefore a licence will be required from Natural England before any works can commence on site. In order to discharge its duty under the 2010 Regulations, the local planning authority must therefore have regard to the 3 derogation tests which are applied by Natural England as licensing authority, in order to determine whether or not a licence is likely to be granted.

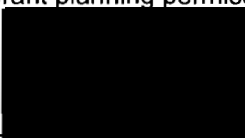
The applicants are looking to generate their own electricity through the provision of solar panels on the south east facing roof slope. Ground mounted panels would potentially be more visually intrusive and due to the large amount of the cover around the site it would be difficult to find a suitably open location. It is therefore considered that there is no other reasonable alternative. It is in the public interest that planning applications are capable of being implemented and the mitigation measures including timing restrictions and the provision of alternative roosts submitted as part of the application can be secured by a planning condition. No objections have been raised by the Wildlife Conservation Officer. Subject to the condition and mitigation measures being adhered to, it is considered that the proposal would not be detrimental to the maintenance of the bat population in line with the Habitat Regulations 2010 and policy NE7 of the Yorkshire Dales Local Plan.

**ANALYSIS AND MATERIAL CONSIDERATIONS**

The proposed development would not be harmful to the character or appearance of the existing building and would not be detrimental to its landscape setting. The proposal would have sustainability benefits and would contribute to the Management Plan Objective D2 which seeks to reduce carbon emissions by increasing the take up of renewable energy with the Park. The proposal would not be harmful to Protected Species. The proposal would therefore comply with saved policies GP2, B14 and U6 of the Yorkshire Dales Local Plan (2006).

**RECOMMENDATION**

Grant planning permission subject to conditions

  
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**Signed by Case Officer**

Date 6/10/15

  
\_\_\_\_\_  
**Principal Planning Officer**

Date 16/10/15