

**APPEAL PURSUANT TO SECTION 78 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 IN RELATION TO
LAND 800 METRES SOUTH OF PARK HOUSE FARM, MERIDEN ROAD,
FILLONGLEY**

APPEAL REF: APP/R3705/W/24/3349391

LPA REF: PAP/2023/0071

**OPENING SUBMISSIONS ON BEHALF OF
NORTH WARWICKSHIRE BOROUGH COUNCIL**

INTRODUCTION

1. The proposed development would consist of ten fields or 61ha of solar panels, substations, transformer stations, tracks/roads, parking, high security fencing and gates, and CCTV in the Green Belt.
2. It is recognised that there is a substantial need for such developments and that they often have to be accommodated in the Green Belt. However, this national need does not provide a green light for the development of all renewable energy schemes. So much is clear from the NPPF. Each site must be considered on its own merits.
3. The site in this appeal is unusual as it is not only within the Green Belt, but it extends across a hill with a ridgeline which slopes down on all sides, to surrounding land which then rises again inviting views. It is further surrounded by numerous designated and undesignated heritage assets. This is not where one would normally look to put a large industrial development.

ISSUES

4. In her post-CMC note, the inspector identified the likely main topic areas of the case:
 - 1) Whether the proposed development would not be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - 2) Likely effects upon the significance of various heritage assets (Fillongley Conservation Area, Park House Farm (Grade II), Manor House Farm (Grade II), White House Farm (Grade II), 12th Century Ringwork Scheduled Ancient Monument, as well as various additional designated and non-designated assets);
 - 3) Likely effects upon the character and appearance of the area having regard to landscape and visual effects – including public viewpoints and effects upon users of public rights of way;
 - 4) The weight to be attached to effects upon Best and Most Versatile [Agricultural] Land.
5. The inspector further noted that other matters may include flooding and drainage. And that there will need to be a balancing exercise carried out to weigh whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations including the nature and extent of any benefits of the proposal and the wider environmental benefits associated with increased production of energy from renewable sources.

Green Belt

Inappropriate development

6. The proposed development is inappropriate as it would fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan (§155 (a) of the National Planning Policy Framework (“NPPF”)).

7. There would undoubtedly be an encroachment into the countryside as a result of this development (§143 (c) of the NPPF). The proposed development would provide a significant transition of the landscape from one of a rural setting to a large industrial development where solar panels dominate across 61ha.
8. What distinguishes this particular site to others in the Green Belt is its topographical nature. The siting of the development on higher, domed, ground with industrial equipment along the ridge means that it will be seen across an area measuring some 5-6 km².
9. The views from the east are particularly notable and the surrounding topography creates an amphitheatre effect, focussing views across to the development, rather than away from it. This is the area crossed by the Coventry Way and edged by houses running along the Coventry Road. Effectively, the proposed development would subdivide or create a large hole in the Green Belt.
10. Further, the site makes a particular contribution towards safeguarding the countryside from encroachment, as set out in Broad Area 10 within which the site is located, and by inference of its juxtaposition to the Appeal site, the smaller, parcel F13.
11. This is more than sufficient to undermine the purposes of the remaining Green Belt, taken together, meaning that it is inappropriate development.
12. And it is not unusual. Paragraph §160 of the NPPF makes clear that, when located in the Green Belt “elements of **many** renewable energy projects will comprise inappropriate development” (emphasis added).

Other Green Belt harm

13. The proposed development would further cause substantial harm to the openness of the Green Belt. The development would affect a significant quantum of land and the domed topography of the site would exacerbate the harm, in terms of both spatial and visual impact. It will run along a skyline, occupying a prominent position in the landscape and views.

Likely effects upon the significance of heritage assets

14. The site is surrounded by a large number of designated and undesignated heritage assets.
15. Inevitably the proposed development would cause heritage harm. It is assessed as being at the level of less than substantial harm for the purposes of §215 of the NPPF.
16. The Council accepts that the public benefits would outweigh the harm to heritage assets. Notwithstanding this, the harm will still need to be weighed in the planning balance and the Inspector will be aware of her statutory duty to place “great weight” on the harm when doing so pursuant to s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Character and Appearance

17. As already indicated, this is a particularly problematic site for development in landscape and visual impact terms. It extends over an elevated hill and ridgeline, dropping in all directions, but principally to river/stream valleys to the east and west. The proposed development would run along a domed horizon, including along the crest of the hill making it widely visible especially from the east and west.
18. There would be a negative effect on the character and appearance of the rural agricultural farmland of the site as well as the wider landscape to the north, east, and west. What is now agricultural would become industrial and there would be an extensive sub-urbanising influence. This would be entirely out of place with the farmland character. The effect would be exacerbated by the elevated hill and ridgeline and the outward facing nature of the site.
19. As a consequence of the nature of the site, located as it is across an obvious hill which rises between two valleys, the effects go well beyond the site itself. When walking west along Coventry Way, through a natural amphitheatre with panoramic views across the site, the development would cause a change that will significantly alter the whole area across which this part of the public footpath

traverses. Similarly, to the west, there would be a significant change in the way that the landscape character as well as views, both static and sequential, would be perceived. This includes from Meriden Road, Green End Road and properties along it, including Manor House Farm, Park House Farm and White House Farm (all Grade II as noted above).

20. More generally, the siting of the proposed development across an elevated hill and ridgeline would exacerbate the harm that there would otherwise be caused by such a large industrial development. The land is widely visible locally as the site faces outwards to all sides. And the harm would be experienced by users of footpath M294 across the site, and the Coventry Way and footpath M294A to the east of the site.
21. The Appellant argues that the visual effects would be contained, but it is difficult to see how this would even be possible for this site.
22. There is a general tendency of the Appellant to fail to recognise either the extent or even the existence of negative visual effects. For instance, no notable effects at Park House Farm have been detected, the effects on Coventry Way have been understated, and the effects on Far Parks, as well as on residential properties along Green End Road and off Meriden Road, have been omitted.
23. It does not really matter why or how the Appellant came to make these errors and omissions, but the inclusion of distorted and misleading visualisations, which are not in accordance with the technical guidance provided by the Landscape Institute, provides some explanation, as does the 'Approximate Visual Envelope' map. The Inspector should treat these visualisations and this map with caution. Better and appropriate visualisations, which do comply with the relevant guidance, have been produced by the Rule 6 Party at CD 9.11 and 9.12.
24. The nature of the site means that mitigation cannot effectively be used to reduce the effects. Sensitive design is challenged both by the topography and by the position of receptors in relation to the topography. Such elevated views would not and could not be screened by hedgerows that run along the valley bottoms and only limited filtering would or could be provided by hedgerows higher on the

slopes. In any event, deciduous hedgerows and trees are largely transparent in winter, only partially filtering views and not screening them.

25. As to the impact on the Green Belt in terms of landscape and visual impact, it is an understatement to say that the development of a 61ha industrial energy development would not blend in with the character of the countryside, and would result in encroachment, and would reduce openness.
26. The landscape of this Green Belt is rolling farmland across hills and valleys, with areas of hedgerow, tree belt, and woodland vegetation. The development would locally alter the topography, by introducing flat development platforms for banded transformer and sub stations across a sloping site. It would not be contained within strong boundaries as a result of the extension of the site over a shallow, domed hill/ridge top which forms one of the horizons to local views.
27. If the site were flat, or more bowl-like it would be a different matter. Or indeed if the site was broadly sloped in just one direction rather than several, it would be more possible to prevent the sense of encroachment of the countryside either through existing or artificial features/boundaries. But the shape of the landscape in this particular location makes that impossible. In the long term, planting and reinforcing hedgerows would provide some filtering of views, but even then the higher outward facing slopes of the site and the hilltop would form a horizon that would always be visible in its developed form.

BMV Land

28. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment in numerous ways, including recognising the wider benefits of BMV land.
29. The Appellant recognises that 96.2% of the site comprises BMV. However, the Council accepts that in the particular circumstances, the use of the BMV land would not be contrary to policy or cause direct harm.

Planning balance

30. There is no dispute that the proposed development is contrary to the Development Plan when read as a whole.
31. As the proposed development is in the Green Belt, the inspector will need to consider whether the benefits amount of very special circumstances (§153 of the NPPF).
32. In the particular circumstances of this appeal, the extent of the particular harm, that would be caused means that the benefits of the proposed development do not outweigh the harms. The Appellant proposes the wrong development in the wrong location.

CONCLUSION

33. The Inspector will be respectfully invited to dismiss the appeal and to refuse planning permission.

Howard Leithead

8 April 2025

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