

**Dacorum Borough Council**  
**Planning and Regeneration**  
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**DECISION NOTICE**

**Application (major full) for planning permission.**

*Town and Country Planning Act 1990*

<b>Reference:</b>	22/01106/MFA
<b>Proposal:</b>	Installation of ground-mounted solar PV panels, vehicular access, internal access track, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers, substation compound buildings and cabling route to the point of connection.
<b>Address:</b>	Solar Array Little Heath Lane Little Heath Berkhamsted Hertfordshire

Your application received 5th April 2022 and registered on 11th April 2022 has been **REFUSED** for the reasons set out overleaf.

Assistant Director for Planning  
Dacorum Borough Council

## Reason(s) for Refusal:

1. The site lies within the Metropolitan Green Belt wherein, under national and local planning policy there is a presumption against inappropriate development. Policy CS5 of the Dacorum Core Strategy, in accordance with the NPPF (2021), allows for small scale development in certain circumstances. Building for large scale renewable energy facilities is regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Due to the scale, topography and visual prominence of the development, it would have a significant impact on the openness of the Green Belt in this location, thereby visibly harmful, not only by definition, but also by visibly harming that openness. The circumstances put forward in support of the application have been assessed by the Council. However, whilst significant weight is given to the renewable energy / CO2 emissions reductions benefit of the scheme, and some weight is given to the biodiversity benefits and the use of lower grade agricultural land, and limited or very limited weight is given to other matters, none of these are considered, either individually or together, to constitute the very special circumstances necessary to clearly outweigh the harm to the Green Belt in this case by reason of inappropriateness, and the other harm identified as resulting from the proposal. Accordingly, the proposal is contrary to Policy CS5 of the Dacorum Core Strategy September 2013 and Paras. 147 and 148 of the National Planning Policy Framework 2021.
2. The proposed development, by reason of the open, exposed nature of the site, its significantly sloping topography, the scale and alien form of the proposals and the lack of significant screening or landscape elements to break this up, the proposals would have a significant detrimental impact on the landscape character of the area and on the setting of the Chilterns Area of Outstanding Natural Beauty, which would be visible from a wide range of viewpoints. As such there would be overall harm to the character and appearance of the area. The proposal is therefore contrary to Policies for the protection of the Chilterns AONB (CS24 and 27 of the Dacorum Core Strategy 2013, and saved Policy 97 of the Dacorum Borough Local Plan 1991-2011) and general landscape (Policy CS25 of the Dacorum Core Strategy).
3. The proposed temporary access arrangements are not in accordance with guidance as laid out in Manual for Streets, DMRB's CD109 and the Highway Authority's design standards and have the potential to interfere with the safe use of the adjacent highway. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (2021), Hertfordshire's Local Transport Plan 2018, and Policy CS12 of the Dacorum Core Strategy September 2013, and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. Furthermore, Little Heath Lane is unsuitable for heavy goods vehicles and the Canal and River Trust raises concerns that construction traffic could put the integrity of bridge 145 at risk. In the absence of an assessment or mitigation within the TA or TMP as part of the application, and given the potential for damage and lack of suitable alternative routing, it is not clear that the proposals will not result in harm to bridge infrastructure and should therefore not be permitted. The proposal is therefore contrary to Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

## **Informatives:**

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue, and pre-application advice with regards to approaching the Highway Authority for advice appears to have been ignored. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## **This application was supported by the following documents:**

PVF342-DNO-SUB DNO substation (Proposed Elevations)  
PVF342- Hedge M hedge maintenance (Proposed Elevations)  
PVF342 OFF WEL RM office/welfare room (Proposed Elevations)  
PVF342 -sat dish UKPN sat dish (Proposed Elevations)  
PVF-stor-cnt a storage container (Proposed Elevations)  
PVF342 - toilet A waterless evap toilet (Proposed Elevations)  
PVF-TSA (1) transformer station (Proposed Elevations)  
PVF342 unit sub-a UKPN spec GRP (Proposed Elevations)  
Agricultural land classification (Additional Information)  
sequential site selection report issue (Additional Information)  
statement of community engagement (Additional Information)  
PVF342 -BSCZ badger sett clearance (Additional Information)  
PVF342 CCTV A CCTV columns with IP cam (Additional Information)  
(Sustainability Statement)  
(Archaeological Survey)  
(Badger Survey)  
(Ecological Survey)  
PVF 342-CL-SW-RMA GRP client switchroom (Proposed Plan)  
PVF342 - w fence 2m wire □ post fence (Section plans)  
(Traffic Statement)  
(Transport Assessment)  
(Site Location Plan)  
biodiversity net gain assessment (Additional Information)  
site layout (Additional Information)  
(Design and Access Statement)  
(Flood Risk Assessment)  
(Heritage Statement)  
details (Landscaping)  
network rail clearances PVF 342 NRC - B (Additional Information)  
typical 25 degree solar array PVF 342 25AS-B (Additional Information)  
site access arrangements PVF 342-SAA -C (Additional Information)  
(Arboricultural Study)  
PVF 342 CTRL - rm control room (Proposed Elevations)

## **Notes:**

### Appeal to the Planning Inspectorate

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Before making any appeal you should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable and likely to gain planning permission. A revised planning application could then be submitted.

Applicants should give consideration to the merits of the case, and whether there are strong grounds to contest the conditions or reasons for refusal of planning permission before submitting an appeal. Parties who pursue an appeal unreasonably without sound grounds for appeal may have an award of costs made against them.

Most planning appeals must be received within six months of the date on the decision notice. Where the appeal relates to an application for householder planning consent, and is to be determined via the fast track Householder Appeals Service, there are only 12 weeks to make the appeal. Appeals related to shop fronts must also be submitted within 12 weeks. Advertisement consent appeals must be submitted within 8 weeks. If an appeal on an application for planning permission is linked to enforcement action, there are only 28 days to make the appeal.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone: 0303 444 5000.

### Compensation

In certain circumstances, compensation may be claimed for the Borough Council if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of an application to him. These circumstances are set out in Parts VI and VIII and related provisions of the Town and Country Planning Act 1990 and Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission/consent to develop land, or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor render the land capable of a reasonably beneficial use, by the carrying out of any development or works that have been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990 and Part I, Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.