

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PA/2011/0385 – PHOTOVOLTAIC FIELD ARRAY AT KEADBY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To discuss potential reasons for refusal for planning application PA/2011/0385 (Planning permission for the installation of a photovoltaic field array, including perimeter fencing and a plant room, on land to the rear of 22 Trent Side, Keadby) following deferral of the application at the Planning Committee on 1 June 2011.

2. BACKGROUND INFORMATION

- 2.1 This application was presented to the Planning Committee on 1 June 2011 and Members resolved that they were minded to refuse permission and deferred the matter so that the reasons for refusal could be discussed.
- 2.2 Having considered the matter, officers are of the opinion that the following reasons for refusal could be substantiated:
1. The proposal fails to comply with the provisions of policies DS21 and RD2 of the North Lincolnshire Local Plan because:
 - (a) the proposed development on this site would adversely affect the local character and visual amenity of the area which is essentially a rural open grassland setting on the edge of the settlement of Keadby; and
 - (b) the applicants have failed to demonstrate what the visual impact of the proposal would be upon the surrounding area and have failed to justify its visual impact on local residents.
 2. The proposal fails to comply with PPS4, Planning for Sustainable Economic Growth (2009), particularly policy EC6 which requires local planning authorities to strictly control economic development in the open countryside away from existing settlements or outside areas allocated for development in development plans.

3. OPTIONS FOR CONSIDERATION

- 3.1 That Members adopt the proposed reasons for refusal referred to in paragraph 2.2 above.

3.2 That Members put forward other reasons for refusal.

4. ANALYSIS OF OPTIONS

4.1 Officers are of the opinion that the proposed reasons for refusal outlined at paragraph 2.2 are defensible on appeal.

4.2 The adoption of the second option at paragraph 3.2 could lead to a risk of costs being awarded against the council if the additional reasons cannot be substantiated on appeal.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

5.1.1 In the event of an appeal being lodged, the council would be less likely to be liable to incur a claim for costs for unreasonable behaviour in relation to the terms of the refusal with a clearly defensible reason for refusal.

5.2 Staffing

5.2.1 No implications.

5.3 Property

5.3.1 No implications.

5.4 IT

5.4.1 No implications.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory

6.1.1 No implications.

6.2 Environmental

6.2.1 Of significance for the Keadby area whichever way any appeal is ultimately determined. Either the local character and visual amenity will be protected and safeguarded (if any appeal is dismissed) or it will be adversely affected if any appeal is allowed.

6.3 Diversity

6.3.1 No implications.

6.4 Section 17 – Crime and Disorder

6.4.1 No implications.

6.5 Risk

6.5.1 Lessened risk regarding appeal.

6.6 Other

6.6.1 There are no other implications.

7. RECOMMENDATIONS

7.1 That Members confirm the suggested reasons for refusal set out in paragraph 2.2 and that a decision notice be issued to the applicant.

**ACTING HEAD OF PLANNING AND
SERVICE DIRECTOR LEGAL AND DEMOCRATIC**

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Background papers used in the preparation of this report: Planning file PA/2011/0385