

**TOWN AND COUNTRY PLANNING ACT 1990**

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**PLANNING APPEAL BY HATTON SOLAR FARM LIMITED  
SITE ADDRESS: LAND ADJACENT TO SOTBY WOODS , STURTON ROAD,  
HATTON,  
LINCOLNSHIRE**

**LPA REFERENCE: S/079/01078/22**

**PLANNING INSPECTORATE REFERENCE: APP/D2510/W/25/3363157**

**STATEMENT OF CASE  
ON BEHALF OF  
THE LOCAL PLANNING AUTHORITY**

**MAY 2025**

## **1. INTRODUCTION**

- 1.1. This statement of case sets out the East Lindsey District Council ("the Council") position for the forthcoming public inquiry. It further sets out the background to the inquiry and seeks to provide a succinct supporting statement for opposing the development.

## **2. BACKGROUND INFORMATION**

- 2.1. This appeal proposal for the *installation of a temporary ground mounted 49.9MW solar farm with associated infrastructure, construction of vehicular accesses, CCTV cameras on 2.5m high poles a 15m high communications tower and security fencing to a maximum height of 2.2m* was originally considered by the Councils Planning Committee on 1<sup>st</sup> March 2023.
- 2.2. The decision to grant permission was challenged via Judicial Review on grounds including that the Council and applicant had failed to address the requirements of a Written Ministerial Statement (WMS) from 2015 which required applicants to submit the "most compelling evidence" for why the Best and Most Versatile (BMV) agricultural land should be used over land of lesser quality.
- 2.3. The challenge did not proceed to a full Judicial Review as the Council agreed to concede on this point and the decision was subsequently quashed by the Courts.
- 2.4. The application was re-considered by the Councils Planning committee on 3<sup>rd</sup> October 2024 based on additional information submitted by the applicant to address this previous omission
- 2.5. Planning permission was refused for the following reason:  
*'The proposed development would introduce solar panels and associated infrastructure onto a large area of 180 acres of land in a rural, agricultural landscape, adjacent to the Grade II listed Sturton Harden Corner Farm House with associated curtilage listed barns. Sturton*

*Harden Corner Farm House sits atop a raised area of land resulting in there being clear views available of the farmhouse from immediately adjacent to the site and from some longer distance views from surrounding countryside. The sense of openness around the farmhouse and its visual connectivity with the surrounding farmland is an important part of its setting and significantly defines how the farmhouse and its barns are experienced. This openness would be compromised as a result of the proposed development which would also restrict some views of the farmhouse and barns from the public right of way GtSt/789/1. Furthermore, the Landscape Visual Impact Assessment submitted with the application advises that the proposed landscaping would take 15 years to become effective in screening the development. The proposed development would therefore detract from the defining rural character of the site and immediate area when viewed in close proximity and in longer distance views for at least a 15 year period. Furthermore, the proposed development would also notably and harmfully detract from views towards the listed building and its immediate setting resulting in less than substantial harm on the significance of the designated heritage asset. Notwithstanding the significant benefits of the scheme, namely the provision of renewable energy and a potential increase in biodiversity at the site, these would not outweigh the cumulative harm to the countryside character of the area and the adverse impact on the setting and significance of Sturton Harden Corner Farm House. The proposed solar farm is therefore considered to be contrary to SP11, SP23 and SP27 of the East Lindsey Local Plan and paragraphs 180, 206 and 208 of the National Planning Policy Framework.*

### **3. The Appeal Site and Surrounding Areas**

- 3.1. The Appeal site covers 180 acres of agricultural land which is currently cropped, to the east of the hamlet of Hatton. The site lies around 4km to the west of the Lincolnshire Wolds Area of Outstanding Natural Beauty. (AONB) and is roughly the shape of an inverted 'L' with Sotby Wood in the centre. Sturton Road runs along the southern boundary, the western boundary runs along an open field and beyond this lies residential properties of Hatton, approximately 200 metres away at the closest point. Part of the northern boundary runs along the bottom of Sotby Wood with a small northern boundary running along a field which stretches towards Moor Lane. The eastern boundary runs alongside the Public Bridleway no. 789.
- 3.2. A detailed description of the site and its surroundings will also be provided in the Statement of Common Ground.

### **4. Planning History**

- 4.1. The Statement of Common Ground will provide a full description of the relevant planning history of the site

5. **Planning Policy Context**

- 5.1. The relevant planning policy context can be summarised thus:

- 5.1.1. The Development Plan for East Lindsey is the East Lindsey Local Plan (adopted July 2018) comprising of a Core Strategy Document and a Settlement Proposals Development Plan Document. The Council expect to agree the relevant policies for this appeal by way of a Statement of Common Ground but at this stage these are expected to include:

East Lindsey Local Plan (2018)

- 5.1.2. The most relevant policies are considered to be:

- Policy SP10 – Design
- Policy SP11 – Historic Environment
- Policy SP22 – Transport and Accessibility
- Policy SP23 – Landscape
- Policy SP24 - Biodiversity and Geodiversity
- Policy SP25 - Green Infrastructure
- Policy SP27 - Renewable and Low Carbon Energy.

- 5.1.3. The Council's Landscape Character Assessment was approved on 15<sup>th</sup> Nov 2011 as part of the evidence base for the Local Plan and is a material consideration for the determination of planning applications.

**Government Guidance**

- 5.1.4. The Council also consider the following national planning guidance to be relevant:-

- National Planning Policy Framework (December 2023, amended February 2025)
- The Planning Practice Guidance
- National Policy Statement EN-1 (November 2023)
  
- National Policy Statement EN-3 (November 2023)
- Written Ministerial Statement titled "Energy Infrastructure Planning Projects" (16 May 2024)

## **6. KEY ISSUES**

- 6.1.1. The Council acknowledges that the officer report to the planning committee recommended the grant of planning permission subject to conditions. However, that recommendation also advised that the proposal would result in less than substantial harm to Corner Farm and would conflicts in part with SP11 and SP27 of the Local Plan. The recommendation was therefore one made 'on balance', mindful of identified public benefits of the scheme which carries significant weight in the planning balance.
- 6.1.2. The deliberations by what was effectively a 'new' committee on 3<sup>rd</sup> October 2024 equally recognised the benefits of the proposal but effectively undertook a re-balancing exercise including in respect of the weight to be given to the impact on the designated heritage asset. Indeed it is relevant to note that the officer report advised that Corner Farm, as a listed farm complex, takes some of its significance from its wider setting in the agricultural landscape and that although it was considered that the proposed development would result in less than substantial harm to Corner Farm, that the level of harm would be towards the upper end of the spectrum of less than substantial harm. The report therefore concluded that the proposal would be in conflict with SP11 and SP27 of the East Lindsey Local Plan.
- 6.1.3. The appellants case is that the significance of Corner Farm is weighted towards the architectural and historical interest embodied in the

architecture, fabric and the historical and evidential interest of the relationship between the farmhouse and the enclosed courtyard and that this interest is supported by the immediate grounds and farmhouse garden. The wider farmland beyond the farmstead is considered to contribute to the setting to a lesser degree. The Council position, however is at odds with that and more closely mirrors the third party representations submitted by Elizabeth Mayle on behalf of Sturton Harden Corner Farmhouse, that the site is considered to form part of the setting of the listed building and has remained unchanged for 200 years.

- 6.1.4. National planning policy requires that the impact on this be taken into consideration when considering the impact of a proposal on heritage assets and "have special regard to the desirability of preserving the building or its setting", Section 66(1) of the 1990 Act. Policy further advises that "heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance" (paragraph 202 of the NPPF).
- 6.1.5. Although the Council accept that the proposal does not have a direct impact on the listed building it is considered that the proposal undoubtedly changes its setting to the north, from open agricultural fields which change with the seasons, these will become a carpet of black/grey panels with high security fencing and further hedging. It is contended that such an impact conflicts with the need to give "great weight" to the conservation of designated heritage assets as required by legislation, adopted and national policy.
- 6.1.6. The Council also contend that the hedging while helpful to mitigate views from the listed building to the proposed site, also conversely block views towards the listed building from across the fields. This is also considered an important aspect of its setting.
- 6.1.7. National policy requires local planning authorities to take account of "the desirability of new development making a positive contribution to local character and distinctiveness". This was reflected in Heritage Lincolnshire's

initial response on 18th July 2022 advising that “the proposed solar farm would not preserve this landscape, would be disruptive to the relationship between built and landscape heritage and substantially alter the character of the area and thus be impactful upon the setting of the built heritage. We consider the impact on this landscape would be substantial, causing cumulative harm...”

- 6.1.8. The Local Planning Authority considers that the proposed development should “preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance)” (paragraph 219 of the NPPF). This proposal is not considered to achieve this.
- 6.1.9. The appellant team has sought to further reduce harm to Corner Farm through design mitigations – it is pertinent to note that the appellants Statement of Case confirms at 11.3.10 that ‘Sturton Harden Corner Farm House has the greatest potential for adverse effects on the character and setting’. The appellants Statement advises that originally proposed solar panels in the field directly opposite (north) of Corner Farm are to be removed. The minor amendments will retain a section of the field opposite Corner Farm as native buffer planting in attempt to further preserve the openness when viewing Corner Farm from Sturton Lane and west and east from Buttergate Hill. The Councils concerns about impact on setting however remain.
- 6.1.10. In essence, the appellant contends that there will be a low level of less than substantial harm to the significance of a designated heritage asset that should be assessed against its public benefits. The Councils position is that the degree of harm will be towards the upper end of the spectrum of less than substantial harm.
- 6.1.11. The broad range of public benefits identified by the appellant are noted and by reference to the Statement of Common ground generally agreed. It is essentially the level of harm and weight that should be afforded to those matters that differ and inform the Councils decision.

- 6.1.12. By reference to the Statement of Common Ground to be submitted, the Landscape Visual Impact Assessment (LVIA) is considered to have been soundly prepared and the Council generally accepts its findings in relation to factual assessment.
- 6.1.13. However, it is the contention of the Council as confirmed in the Landscape Visual Impact Assessment that there will be significant (Major and moderate adverse effects) on near distance views, particularly from the public right of way GtSt/789/1 (ie where the development would cause a total permanent loss or major alteration to key elements or features of the landscape and/or introduce elements that are totally uncharacteristic of the surrounding area). The development is noted as being visually intrusive and would result in a substantial deterioration to visual amenity
- 6.1.14. As also acknowledged by the LVIA also acknowledge that the mitigation will take time to mature - the proposed landscaping would take 15 years to become fully effective in screening the development. The proposed development would therefore detract from the defining rural character of the site and immediate area when viewed in close proximity and in longer distance views for at least a significant period of time.
- 6.1.15. It is the Council's position therefore that the confirmed impact on the landscape and its defining rural character, particularly when considered in the context of the identified harm to the designated heritage asset, collectively outweigh the identified public benefits of the proposed solar farm.
- 6.1.16. The Council's evidence will demonstrate that together these problems would cause sufficient harm to outweigh the need for renewable energy, that this harm would not be eliminated by the proposed 40 year lifespan of the development and, as such, a refusal of this application and dismissal of this appeal is justified.

## **7. OTHER MATTERS**



7.1. Suggested Conditions

- 7.1.1. Notwithstanding the Council's case that this appeal should be dismissed an intended Statement of Common Ground will include a list of suggested conditions to be applied in the event that this appeal is allowed and permission granted.

7.2. Statement of Common Ground

- 7.2.1. The Council is currently in the process of confirming a Statement of Common Ground with the appellant.

7.3. List of Documents

- 7.3.1. It is intended that the Statement of Common Ground will include a list of relevant documents to be prepared with the appellant.
- 7.3.2. The Council reserves the right to add to this list to include any other documents which may be relevant to the appeal.