



Appeal Decision

Inquiry opened on 20 January 2026

Site visits made on 18 February and 26 March 2026

by Zoë Hill BA (Hons) MRTPI DipBLDGCON IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 July 2026

Appeal Ref: APP/D3505/W/25/3370515

Land at Grove Farm and Land East of the Railway Line, Bentley.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Green Switch Capital Ltd against the decision of Babergh District Council.
 - The Application Ref: DC/23/05656.
 - The development proposed is described as being for the construction of a solar farm (up to 40 MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered vehicular accesses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Case Management Conference for this event was held on 4 November 2025. A note was published following this meeting and placed on the Inquiry website.
3. The accompanied site visit was made on 18 February 2026. In addition, after the close of the Inquiry I viewed other solar sites in the general vicinity as requested (Parnham Airfield, Pentlow Hill, Stratton Hall). This took place on 26 March 2026 and I also viewed the wider landscape on this date.
4. During the appeal process the landscaping plans were amended to provide greater areas of separation and planting than in the original scheme. Those amendments shown on drawing nos. 3223-01-03a Rev A / 03b Rev A General Arrangement and 3223-01-13 Rev A Landscape Proposals would not fundamentally alter the proposed development but were provided to improve visual integration. All those engaged with the appeal were able to comment upon those amendments and I am satisfied that in accepting them no prejudice would arise.
5. The solar farm would occupy two parcels of land either side of Church Road. The smaller eastern parcel is on more sloping land running down to the railway. The larger western parcel is more level. These two parcels form the main site where the solar panels would be located. There is an additional parcel of land to the eastern side of the railway which would be used for the substation and the access road to it. At this point there is an existing pylon which would provide the point of connection to the national grid.
6. During the Inquiry it was clarified by the appellant that the proposed solar farm would consist of 757 panels (which between them would contain 63,900 modules). There would be 11 transformers, 2.18km of tracks, 3.65 km of perimeter fencing

and either 37 or 74 CCTV cameras depending upon spacing, these cameras would have a maximum height of 3m. There would also be the two substations, the DNO substation being to the east of the railway and the customer substation being located with the control building near Church Road.

7. The solar panels would be static, mounted on metal frames set about 2.5-3.5m apart with a maximum height of 3m. The lowest edge would be approximately 800mm off the ground to enable the area under the panels to be grazed by sheep. The transformers would be approximately 6m, by 2.4m by 2.9m high.
8. There would be a control building with a footprint of 13.5m² and a height of 2.9m and a spares container with a footprint of 29.9m² and a height of 3.2m. These details help clarify the description of development set out in the header above.
9. Planning permission is being sought for a period of 40 years.
10. During the period between the Council's determination of the planning application and the appeal, the Bentley Conservation Area was confirmed. As a result the Council's reason for refusal has been 'amended'. This has been done on a pragmatic basis so that everyone involved could understand the effect of this change in circumstance. I have considered the appeal having in mind that 'revised' reason for refusal and all parties have submitted evidence on that basis.
11. The Proposed Development was subject to an Environmental Impact Assessment (EIA) screening request in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and was determined to not require an EIA.

Main Issues

12. The main issues in this case are:

- (a) whether or not the proposed development would preserve the setting of the following listed buildings: Bentley Hall (grade II*), the associated Meeting Hall Stables (grade II*), Bentley Hall Barn (grade I); St Mary's Church (grade II*); Maltings House (Grade II); and,
- (b) whether or not the proposed development would preserve or enhance the character or appearance of the Bentley Conservation Area; and,
- (c) whether there are any non-designated heritage assets which would be affected by the proposed development and, if so, the extent of any harm should it arise, (the NDAs identified are Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages, Church Farm House and Barn, Bentley House, Glebe Cottage); and,
- (d) the effect on the surrounding landscape and its status having regard to: the proximity of the National Landscape and the 'Additional Project Area', and

- the effects on users of public rights of way crossing or in the vicinity of the site; and,
- (e) the effect on the living conditions of local residents having regard to noise, glint, glare and visual impact; and,
 - (f) the effect on Best and Most Versatile Land (BMV); and,
 - (g) whether the public benefits (which will need identifying and weighting) arising from the proposed development would outweigh any harms identified in respect of the above matters either individually or cumulatively.
13. Having regard to all of the forgoing, and any other planning benefits or harms, the planning balance needs consideration to arrive at the decision.

Reasons

- a) *Whether or not the proposed development would preserve the setting of the following listed buildings: Bentley Hall (grade II*), the associated Meeting Hall Stables (grade II*), Bentley Hall Barn (grade I); St Mary's Church (grade II*); Maltings House (Grade II).***

14. The listed buildings referred to are individually listed and are therefore each addressed below.

Bentley Hall and Meeting Hall Stables

15. Bentley Hall is a fine house afforded grade II*(starred) listing, dating from C15 or 16 although, not surprisingly, it has seen alterations. It is a timber framed building with an impressive carved bressummer, featuring beasts and foliate motifs, to the jettied north front (the side which faces the road where the grade I barn is sited). The infill nogging is of brick, and features a herringbone pattern. Other features also contribute to its outward expression of wealth, such as the brick diaper-work on the gable, the extent of the mullioned windows, and the large external chimney with its diagonal stacks. Later additions include the C18 east wing of red brick.
16. There are two shields with initials linked to the Tollemache family (LT and ST) a family who have a long and continuing connection to occupation of the property.
17. Whilst I did not inspect the interior, the list description identifies the screens passage plan form, interior timber panelling, and other timberwork, ironmongery, fireplaces and floors, all contributing to its considerable special interest. I have no doubt this was a building of significant status and wealth, the occupants of which would have a direct connection to the surrounding area, its land and buildings. Indeed, this will become apparent in consideration of other buildings below. The historic fabric and association as part of the development of the surrounding area and the longstanding connection with the Tollemache family are amongst the matters which form the significance of this building.
18. The setting of this building is directly connected to the Meeting Hall Stables, Bentley Park including an area of land which follows a traditional parkland landscape style. I saw this to be of a typical picturesque form frequently seen in both large and more modest country houses. Also of note is the associated

medieval pond complex at Bentley Hall (seen in public views from Church Road as well from public footpaths), Bentley Hall Barn, and the Church of St Mary. Its wider setting incorporates other NDAs including Church Farm House, Falstaff Manor and Grove Farm and the surrounding land, the agricultural use of which, in part, will have been a reason for the siting of Bentley Hall Barn.

19. Situated in close proximity and directly associated with Bentley Hall, being in one ownership, the Meeting Hall Stables are grade II* (starred). Dating from around C15/16 they formed part of this high status farm complex, with a strong probability of being used as a court house, for the administering of local justice and business matters such as managing land records.
20. It is a timber framed building of two storeys with brick nogging infill of herringbone pattern under a plain tile roof. The north wall is jettied, with arched braces to the first floor. It has timber mullioned windows, and a nailed boarded door. The foliate carving on the timber framing which is also present here is an indicator of its quality and status.
21. Given the intimate relationship with Bentley Hall, the setting to the Meeting Hall Stables is so similar that it should be considered as one. The likely relationship between the Meeting Hall Stables as a possible court room, increases its connections with both Bentley Hall Barn, which it seems may have had the same function though most likely at different dates, and Bentley Hall given the likely authority of its occupants and their position in society.
22. Taking these two highly graded listed buildings together, and their intimate relationship with the surrounding land, whilst acknowledging that there would be no harm to the fabric of either building, the proposed development would certainly be situated within their setting, the context in which they are experienced.
23. That wider setting is one of agricultural fields and woodland blocks (including Engry Wood and ancient woodland) crossed by footpaths, bridleways and narrow lanes. Whilst there are more modern additions to this area, including modern agricultural buildings, these have a limited visual impact upon the verdant rural setting and remain consonant with the agricultural management of the land.
24. The railway is a further visual presence, though this is linear in character and of limited visual effect. This also applies to the pylons which follow a similar route and due to topography and tree cover have limited visual impact.
25. As such, the introduction of prefabricated utilitarian and industrial solar panels, in regular rows across much of the 48.3ha site, would undoubtedly significantly alter the wider setting of these highly graded assets. Those assets are understood from their surroundings as being a wealthy home and centre of social authority and as a focus of a rural community predicated on agricultural endeavour.
26. This erosion of rural setting and consequent diminution of significance would constitute harm and I would characterise this as 'less than substantial' in the context of paragraph 215 of the Framework. In the Heritage Statement of Common Ground (HSoCG) the appellant considers that there would be no harm and the Council put this harm at the lower end of the scale. However, from the evidence before me and what I have seen from my extensive site visits, I would calibrate this harm as being in the mid range of less than substantial harm. This is because the setting is significant in the historical understanding of these highly graded assets

and contributes to the aesthetic value of this group with Bentley Hall Barn (discussed below) as a late medieval complex. Given these are highly graded assets this harm in the national context does not constitute less than substantial planning objection especially where the statutory tests are not met (as here).

Bentley Hall Barn

27. Bentley Hall Barn is an exceptional building as recognised by its Grade I listed status. Even by modern agricultural building standards it is a large building and therefore, contemplating its C16 construction it would undoubtedly been a vast and imposing building when built. It is therefore clearly indicative of the agricultural wealth of the area both in terms of what was being produced and in terms of the financial resources associated with it. Indeed, Historic England, in its list description consider it to be 'amongst the largest and most impressive Tudor structures in Britain and, although masonry barns of comparable scale survive, it may be the longest timber framed barn of the period in the country'.
28. This building is located on the opposite side of the road to Bentley Hall and Meeting Hall Stables with the carriageway wrapping around two sides reflecting its accessibility and making its monumental scale even more prominent and imposing. Even in this quiet rural enclave, with its partial backdrop of trees, the barn, formed of 16 almost equal bays, at some 54m in length and 7.5m in width, is, on first encounter, a breathtaking sight.
29. Its special architectural interest is derived from its largely complete form and so is exceptional for its age, but it has been neglected and is currently shored up with modern scaffolding with particular deterioration showing in later extensions. Despite being unable to gain access, it is still apparent that the thorough list description remains accurate, with a legible plan form, reflecting a likely multi-functional purpose as barn, stable and possible court hall.
30. In terms of architectural design, the barn has two tiers of clasped purlins, with ventilation slots in the infill panels and is likely to provide evidence of what may have been a common design features of such barns. The quality of the architectural detailing, including the close oak studding and brick infill, indicate the high status of the building and reflect distinctive local building materials of the time. The expansive roof is covered in clay pantiles probably dates from the Victorian period.
31. As is almost inevitable, the barn has seen alterations and extensions over time. These, no doubt, reflect changes in agricultural practices and needs, for instance in the works to the size of some openings and the additions. Nonetheless, this is an impressive and important building. Indeed, the alterations reflect the continued and sustained importance of agriculture in the locality.
32. Not only did the building function as an agricultural hub, with likely stabling, hay storage, threshing and grain store functions, but it is also likely to have been used for social functions. These include harvest celebrations for tenants and holding of courts.
33. Given the agricultural and social functions of this historic building, the rural setting, albeit changed by later phases of agricultural practice, including hedgerow enclosures, forms an important role in the understanding of the function of this building. There is also group value with Bentley Hall and its Meeting Hall Stables

- (probably a court house) which date from C15/16, as, taken together, the group is representative of a high status Manorial complex of traditional local construction.
34. Special historic interest is also recognised in its almost continuous ownership by members of the Tollemache family since occupation of the manor of Bentley from around 1200.
35. The appeal site, whilst separated from this group by a small valley and other loosely grouped buildings, including St. Mary's Church and Church Farm, is part of the managed agricultural setting for this building. That setting has persisted for many centuries with very few detractors and is still clearly legible when using the public road and footpath network.
36. I am in no doubt that the proposed solar farm, its associated development and structures, would markedly alter this setting with modern industrial type development of a prefabricated and repeated regular form. Whilst change inevitably occurs within proximity of historic buildings, and can sometimes occur without harm, I find in this case there would be an adverse change to the setting of this highly graded listed building through harm to its agrarian setting. Again, the appellant, in the HSoCG, says there would be no harm and the Council put this at the lower end of the range of less than substantial harm but, from what I have seen, read and heard, including from the Rule 6 Party, I find that the magnitude of harm would be at the middle of the less than substantial harm spectrum. Even at this level, this harm is particularly significant given the grade I listed status of this building and completeness of this asset, its inter-relationship with the other historic buildings identified in this decision and the low presence of existing detractors.

St. Mary's Church

37. This grade II* (starred) Parish Church has its origins in the Norman period, with evidence coming from a small round headed window in the chancel wall, although most features here, such as the tracery in the windows, appears to be of C14 design. The building also shows later Victorian alteration and the addition of a porch dating from around 1858.
38. Given its likely origins, this Parish Church will have stood alongside buildings of the Bentley Hall complex for hundreds of years. Interior floor slabs dated 1690 and 1713, amongst others, remind one of the association of the Tollemache family with the Parish.
39. The Church, including its C14 tower, is not particularly prominent from any distance due to the extent of vegetation during the summer but can be identified and is clearly visible during winter months (see VP 4 of the LVIA). However, this would be the closest listed building to the proposed solar scheme. Although the immediate setting of the Church is its graveyard, including that area on the opposite side of Church Road, its setting includes the Bentley Hall group and Church Farm, and extensive elements of the wider rural Parish which it serves.
40. The proposed solar development, situated either side of Church Road, and close to the Church, as well as on the southern side of the access drive to Church Farm, would significantly alter its agricultural landscape setting. It is likely that there would be glimpsed views of the proposed solar panels from the south door of the church and the churchyard at this point. The proposed screening and revised set back of

panels at the closest point would help to reduce that harm, but nonetheless there would be harm because of the materially changed appearance of the land.

41. In assessing harm to significance here, the proximity of the Church to the Bentley Hall complex and relationship with that group taken as a whole increases the weight to that harm. This is because the group together, form a highly graded nucleus of buildings which have a historic association with each other and the surrounding land which has seen relatively limited later development.
42. This is the only listed building for which the appellant accepts that there would be harm albeit at the lower end of the less than substantial harm range. For this asset I concur with the Council that the harm is less than substantial but of a middle level.

Maltings House

43. Located on the opposite side of the railway to the appeal site, Maltings House, is a grade II listed building dating from C16. In common with local vernacular buildings it is timber framed and plastered, under a red plain tiled roof. Given its age and completeness it is a good example of local vernacular building from this period.
44. This building is sited on a tight bend in the road (Church Road) and a public right of way (PROW) runs along its side elevation towards the railway (which is in a cutting) where this PROW then follows the railway before rejoining the road. The house, is set in a relatively open flat landscape setting, but, in the direction of the appeal site, it is truncated by the railway cutting. As such, the solar panels, beyond that cutting and screened by existing woodland, would not intrude upon its setting. However, the DNO substation and the access track to it would run alongside the railway which runs approximately north-south to the west of this listed building.
45. The proposed access track would read like other trackways in this landscape, and given its proximity and reflection of the rail route would not cause harm to the setting of this heritage asset. Although the substation would be a new modern element within the landscape, it would be sufficiently separate and modest in size such that it would have a limited effect and this would be softened by landscaping in time given the existing backdrop and distance. Nevertheless it would be harmful, in the setting of this listed building, but it would be modest and the final details of this substation could be the subject of condition(s) around final finishes to further mitigate any harm. As such, the effect on the setting of this listed building is at the lowest end of less than substantial harm. This is within the level at which the Council assess the harm in its reason for refusal.

Conclusion on the Listed Buildings

46. Having considered the setting of each of the designated heritage assets I have concluded that there would be a minor degree of harm to the grade II Maltings House. However, in the case of all of the higher graded assets, that is, Bentley Hall (grade II*), the associated Meeting Hall Stables (grade II*), Bentley Hall Barn (grade I); St Mary's Church (grade II*); there would be less than substantial harm of a moderate level. Less than substantial harm does not amount to less than substantial planning objection. Indeed, the courts attach considerable importance to such harms. I am mindful of my statutory duty under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LB&CA Act) to have special regard to the desirability of preserving the building, its setting, and any other features of special architectural or historic interest which it possesses, and that this

applies for each of the listed buildings cited. Moreover, the harm which adversely affects the 'specialness' of each of those assets, the importance which they hold, is increased because of their inter-relationship as a group (a number being listed for Group Value). This is because of the important contribution their agricultural surroundings makes to the understanding of those assets and their bucolic aesthetic, which reflects limited development in the setting of these buildings over the last five centuries.

47. The Babergh and Mid Suffolk Joint Local Plan (2023) (JLP) and the Bentley Neighbourhood Plan (2022) form the development plan. JLP Policy S09 requires, amongst other things, development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including landscape, biodiversity, geodiversity and the historic environment and historic landscapes. In terms of the historic environment, I find conflict with this policy. However, it does not require a balance which makes it at odds with the Framework.
48. JLP Policy LP19 seeks to safeguard and enhance the historic environment and, amongst other things, is clear that all designated and NDAs must be preserved, enhanced or conserved in accordance with statutory tests and their significance, including consideration of any contribution made to that significance by their setting. Where a level of harm is identified to heritage assets the Council will consider the extent of harm and significance of the asset in accordance with the relevant national policies. It goes on to confirm harm will need clear and convincing justification. The proposal would fail to accord with the main thrust of this policy but makes provision for circumstances where that harm is accepted due to clear and convincing justification. That latter requirement cannot be assessed until the benefits have been considered. I shall therefore assess conflict with policy LP19 later in this decision.
49. JLP Policy LP25 is supportive of renewable energy and low carbon schemes but where these are proposed in the setting of heritage assets it requires that applicants can convincingly demonstrate that potential harm resultant from the scheme can be effectively mitigated and that there are no alternative sites available in the District. This proposal has not satisfactorily demonstrated adequate mitigation, given the significant change to the agricultural appearance of the land and is therefore in conflict with this policy.
50. JLP Policy S03 relates to the sustainable location of development, and outside of settlement boundaries resists development unless certain circumstances apply, none of which do here unless LP25 is satisfied. Thus, this policy needs assessing with the heritage and planning balances.
51. In addition, the proposed development would fail to accord with Policy BEN 11 of the Bentley Neighbourhood Plan, insofar as it would not, amongst other things, preserve or enhance the significance of designated heritage assets of the village, or their settings. However, in accordance with the Framework, this policy acknowledges that any harms need to be balanced against public benefits. As such, the final conclusion in respect of compliance with this policy will be assessed as part of the overall planning and heritage balance.
52. The Framework attaches great weight to the conservation of heritage assets, with greater weight given to more important assets (paragraph 212). Any harm,

including from development within the setting of an asset should require clear and convincing justification (paragraph 213). The Framework also makes it clear that where less than substantial harm is identified to heritage assets that harm should be weighed against the public benefits of the proposed development. Harm has been identified here and so I shall weigh that harm against the benefits of the proposed development later in my decision.

b) Whether or not the proposed development would preserve or enhance the character or appearance of the Bentley Conservation Area

53. Bentley Conservation Area was designated on 23 April 2025. This designation, made after the Council's decision to refuse the proposed development, but before the appeal was made, is a significant material change in circumstances. The designation of Conservation Areas is established by s.69 of the LB&CA Act. This enables every local planning authority to determine which parts of their areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
54. At the outset it is important to be clear that the Conservation Area was correctly made and was not subject of any judicial review. Therefore, the timing of the designation is not a matter to which I shall have regard. Rather, I am required to undertake my statutory duty in respect of this relatively recently designated heritage asset. In this regard, the LB&CA Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
55. The Conservation Area and its key attributes and historical interest are set out within the Bentley Conservation Area Appraisal and Management Plan (CAAMP) dated 25 November 2025. The Conservation Area boundary, it explains, follows natural features, historic land holdings, natural boundaries, and other boundary features including the railway. It contains scattered farmsteads, manor houses, halls, fields and ancient woodland. Of the 11 listed buildings 5 are highly graded (4 at II* and one at grade I) (many of which are referred to in the preceding main issue).
56. Bentley is recorded within the Domesday Book (1086) and illustrated in historic maps such as the Hodkinson and Faden map of 1783, the Verron Map of 1796, and the Mudge map of 1805. It appears likely that it was historically divided into four manors that were later, even if not consolidated, under the control of the Tollemache family in the C16. This is evidenced through numerous documents, including the tithe map (1838) and other historic maps, identifying landholdings and family connections which the Inquiry heard continued until very recent times with the current occupier of Bentley Park being related to the family.
57. Many of the buildings within the Conservation Area date from at least C16 and some have earlier origins. The CAAMP explains that the historic integrity of the area and the historic buildings within it, are underpinned and reinforced by a matrix of preserved woodland, lanes and field patterns.
58. In terms of appearance of buildings within the Conservation Area, the key features are the use of timber framing, clay tiles, render and brickwork. St Mary's Church, constructed of random flint, stands out in contrast in this respect. This built fabric of the Conservation Area includes ancient woodland, the appearance of which is defined by ancient trees and associated woodland flora of dense and natural form. These blocks of woodland are well defined, and map regression shows, for

instance, how clear the irregular plan form of Engry Wood has been retained over centuries.

59. Indeed, the CAAMP states 'The ring of Manorial woodlands, the location of the manor houses and the latticework of paths and lanes have constrained the extent to which farmland can both expand and fields coalesce. Therefore, whilst some fields have been amalgamated there are some that reflect a smaller field pattern and those that have been combined still within a Medieval framework of hedgerows and lanes'. (I note this relates to the Conservation Area as a whole and there is discussion about field boundaries elsewhere).
60. Amongst other things, the character of the Conservation Area is established by the medieval buildings, the medieval fishponds, ancient woodlands, historic farmsteads and associated farmland. The historic interest and significance is formed by the sum of these elements, the rural landscape and direct links to the Tollemache family. It is critical to understand, as set out in respect of many of the listed buildings above, that the open land, woodland and access routes along with the medieval buildings are historically all part of a holistic system of farming and land management, including the growing, harvesting and storage of crops for use, sale and capital accumulation, which will have sustained the whole community, its hierarchical structure and local system of governance. As such, the Conservation Area here, despite covering a large area relates, in many respects, to a period of late medieval history that, whilst evolving, can still be readily perceived today with relatively little change in terms of later development.
61. National Planning Policy Guidance defines historic interest as: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity. Thus, whilst the historical links to the Tollemache family cannot be observed on site, other than in the memorials within St. Mary's Church, and the carving on the bressummer beam at Bentley Hall, evidence of their architectural ambition, this does not mean they are of no significance to the Conservation Area. The wealth of historical record is significant in this case.
62. The Rule 6 Party advised that interpretive matter would be provided at the bus shelter near to the Church making historical links more freely available to those interested (the Parish Council minutes confirm this). Whether or not that interpretive matter is provided those historic links exist, as set out in the CAAMP, and form part of the understanding of the Conservation Area and therefore its historic interest.
63. The proposed development would result in two fields, either side of Church Road, being largely occupied by solar panels; the entirety would be within the Conservation Area.
64. Revised plans have been submitted, and accepted for consideration at the Inquiry, which have added greater separation from key locations including the Church. In addition, planting is proposed to break up the space occupied by the solar panels. It is suggested that the planting is a reinstatement of former hedge boundaries. However, there is no firm evidence for this. At the Inquiry a local historian

(eminently qualified in his field and with 40 years of experience specifically within Suffolk) who explained that in this part of Suffolk hedges were not necessarily used for field boundaries, rather the site lies on the edge of an area where open field systems were historically used. The evidence before me, including the 1945 RAF photograph does not show that field boundaries were significant. In addition, some of the proposed hedges are not intended to be historic replacements but rather to create landscape features and provide for biodiversity.

65. Without full knowledge of what went before it is not possible to view the planting as historic reinstatement. Rather, it would be being introduced to soften the visual appearance of the proposed development and create greater opportunity for ecological benefit. Whilst those may be benefits, modern planting necessitated by a scheme such as this is likely to detract from the historic pattern formed of existing ancient woodland and planting alongside ancient rights of way. In this respect I particularly note that Potash Lane has been identified as 'le Hundredisweye' a route of probable Saxon origin and Pond Hall Lane as 'Kentissestrete' mentioned in C13 documents. Therefore, the introduction of this unevidenced planting cannot be held to preserve the character or appearance of the Conservation Area.
66. I acknowledge that many solar energy generating panels are located in rural areas on parcels of land that superficially appear similar to the two field areas in this case if considered in isolation. However, no sites have been drawn to my attention that are directly comparable in terms of being sited wholly within a Conservation Area or at the heart of a complex of medieval farmsteads of this calibre.
67. The special interest and significance of the Conservation Area is derived from its intrinsic character and appearance and is not limited to public views. However, even if limiting harm to such public views, on approaching this group from Church Road even post establishment of the proposed planting there is likely to be glimpsed views of the solar panels, associated fencing and cameras. In addition, there would be the somewhat stark formalised access routes to the DNO and Customer Substations (viewpoint 2 Fig 11b and viewpoint 12). There would also be numerous glimpsed views from the historic public footpaths and other rights of way within and close to the Conservation Area, many of which would be seen as sequential or kinetic views when travelling through the Conservation Area.
68. Given the profile, fabric and construction of the proposed panels and the associated infrastructure and the potential for some modest noise impacts (albeit not of a nuisance level and not harming residential amenity) in this generally quiet Conservation Area, I cannot conclude that the character or appearance of the Conservation Area would be preserved. Rather, the proposed development would appear to be a stark, modern, utilitarian, and industrial intrusion, covering a large area of currently undeveloped land within it, which in turn significantly contributes the importance of the Conservation Area as a whole. Therefore, to allow this proposed development would be contrary to the clear expectations of s.72 the LB&CA Act and to the provisions of the Framework which is clear that great weight should be given to an assets conservation and the more important the asset the greater the weight should be, irrespective of whether that harm amounts to less than substantial harm to its significance.
69. It is important that having considered all the evidence before me this is very much a case where the proposed development is at the very top end of less than

substantial harm to the character and appearance of the Bentley Conservation Area.

70. In terms of the development plan policies (S09, LP19, LP25, S03, BEN 11) I arrive at the same conclusion for the Conservation Area as for the overall conclusion in terms of the listed buildings as set out above, that there is harm in conflict with the policies cited but that such harm might be outweighed by benefits. Thus, final assessment in terms of the development plan, as above, has to be made once public benefits have been considered. I will therefore return to this matter later.

c) Whether there are any non-designated heritage assets which would be affected by the proposed development and, if so, the extent of any harm should it arise, (the NDAs identified are Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages, Church Farm House and Barn, Bentley House, Glebe Cottage)

71. As for the listed buildings I will consider each of the NDAs in turn, however I am fully aware that these assets do not have the same statutory protection as the listed buildings and that the Framework test to apply to them is different.
72. Many of these buildings are of considerable age and most can be easily identified on the 1838 Tithe Map.

Falstaff Manor

73. As set out in the CAAMP, Falstaff Manor is identified as a Building of Local Significance. This building is identified as having a likely medieval core with C18 and C19 century additions, originally held by the Fastolf or Falstaff family, but acquired by the Tollemache's in 1549. A number of ancillary agricultural buildings are also visible within the grounds, several of which may have a similar date and are visible on the 1838 tithe map.
74. Falstaff Manor is close to the proposed solar development, being near to both the western and eastern fields. Whilst the farmstead itself includes more modern agricultural buildings between the historic building and the proposed solar development it would nonetheless be detrimental to its agricultural context given the link between this historic farmhouse and the adjacent agricultural land.

Grove Farm

75. Grove Farm is an historic farmstead. It is visible on the 1838 tithe map and recorded in Suffolk HER. It is laid out in a loose courtyard plan with some large modern sheds. The farm here is located at the junction of Pond Hall Lane and Potash Lane, thus the proposed solar farm would be to its north-east. In this location the solar farm would be seen on approach along Potash Lane and when using Pond Hall Lane. The change from agricultural land to a more industrial form of use would detract from the setting of this historic farm complex.

Red Cottages and Potash Cottages

76. Red Cottages are also identified as Buildings of Local Significance shown on the tithe map of 1838. Not surprisingly these cottages are of red brick and a date stone indicates their C19 construction.

77. Potash Cottages are identified as Buildings of Local Significance are visible on the 1838 tithe map and potentially date to the C17 although altered over time. At the site visit I viewed inside one of the barn structures which shows evidence of its early construction.
78. The solar development would be situated to the north of these cottages on the opposite side of Potash Lane. Given the relatively flat landscape and the limited hedgerow cover the solar development would be clearly seen on approach and from these properties. In this context it would change the rural setting which is important particularly to the older structures at Potash. This would be detrimental to the significance of these NDAs.

Church Farm House and Barn

79. Church Farm and Barns, are set out in the CAAMP a being a post 1838 farmstead, originally owned by the vicar of St.Mary's. It is approached by a historic tree and hedge lined track (visible on the 1838 tithe map). It is probable that these timber framed buildings were translocated from their original location (slightly to the north) in the 1840s to accommodate the alignment of the Bentley-Hadleigh railway (a spur from the maintained railway that forms the eastern edge of the eastern field proposed for the solar arrays). If this relocation were confirmed it would be an early example of this technique. Having viewed these buildings it is apparent that the timber structure itself predates the 1838 tithe date such that relocation appears likely.
80. These buildings would be in close proximity to the proposed solar farm which would be situated alongside the Church Farm Lane track. Given the close association between the farm and the surrounding agricultural land, the proposed development would adversely affect the understanding of this historic asset and would be detrimental to its significance.

Bentley House

81. Bentley House, formerly Bentley Church House, is the manor house of the Manor of that name. The structure features a medieval core with C18 and C19 century additions. The incremental structure is of many phases and has a vast number of roof slopes reflecting its development. It is not listed but is of both architectural and historic interest and sits within a historic and mature landscaped setting. This property faces towards Church Road. The proposed solar farm would be seen on approach to this property which contributes to the historic form of the settlement. Given its former manorial role the relationship to the open farm land is important. Thus, the erosion of that setting would cause harm to the understanding and significance of this NDA.

Glebe Cottage

82. Located close to Bentley House and the Church, Glebe cottage is, for Bentley, a more recent building. Its front elevation appears as a clear piece of architectural design and has a particular charm with its steeply pitched roof and consequent tall chimneys. It is approached by a driveway from Church Farm Lane, and it is on approach and leaving this property that one would see the proposed solar development, albeit with screening. Nonetheless there would be some harm to the surroundings within which this dwelling is experienced and thus its significance as a NDA.

Conclusion on the Non Designated Assets

83. The NDAs do not have the status of the listed buildings. However, in each case the proposed development would have an adverse effect upon the surroundings within which those assets are experienced. The greater concern, in my opinion, is that where the NDAs contribute (or are highly likely to contribute) to associations with the pre-industrialised/late medieval fabric that is clearly demonstrated by the Listed Buildings and where those NDAs are important to the character and appearance of the Conservation Area.
84. Whilst I heard evidence that some of those NDAs may be of listable quality, and I acknowledge that some buildings have not been picked up in listed building surveys, I cannot afford statutory weight to buildings that are not so designated.
85. The appellant, in the HSoCG, calibrates harm at low for five of the seven NDAs (Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages, Church Farm House and Barn) and none for the other two (Bentley House and Glebe Cottage), whereas the Council consider it to be of mid range for four of those assets, mid to upper for Grove Farm and bottom end for two.
86. Given the significance of the harms identified to the key listed buildings in this case the harm to the NDAs is, in contrast, modest and would be limited when considered alone. However, even taking the appellant's lower values, but adding in Bentley House and Glebe Cottage, this reinforces the heritage harm identified to the designated heritage assets, and particularly the Conservation Area within which they sit and to which they contribute.
87. Thus, there would be conflict with policies S09, LP19, LP25 and S03 of the JLP unless the harms are outweighed by benefits.
88. NP BEN12 is specific in that it relates to buildings of local significance which are identified. The relevant identified buildings include many of those identified in this case. I have concluded that there would be harm to those NDAs. In this respect I find that the proposed development would fail to accord with Policy BEN 12 of the NP insofar as the proposed development would lead to a diminution of the significance of the assets because of the harm to their settings. However, this policy acknowledges that a balanced judgement has to be made. Therefore, as with the other development plan policies, final assessment of policy BEN 12 has to be made in the planning and heritage balance towards the end of this decision.
89. This is in line with the Framework which, at paragraph 216, makes it clear that the effect on a NDA, including indirect affects, should be taken into account in planning decisions but that a balanced judgement needs to be made having regard to the scale of the harm and the significance of the asset.

Heritage Assets Combined Matters and Conclusion

90. The proposed development would have limited requirements for hardstanding and below ground works. Moreover, it would be time limited to a period of 40 years and so is 'reversible'. Whilst this reduces harm in the long term, this is nonetheless more than a generation of impact such that the reduction in overall harm is modest, even if for the buildings this timeframe is proportionately shorter.
91. Positive weight is also sought for the introduction of new hedgerows in terms of character. However, I shall deal with this under the landscape section below and,

as can be read there, I am not satisfied that the proposed planting would be a benefit in purely heritage terms.

92. I have identified mid-range less than substantial harm to four listed building all of higher grade status (3x grade II* and 1x grade I) and low less than substantial harm to one grade II building. I have also identified higher end harm on the less than substantial harm range to the Bentley Conservation Area. There would also be harm to seven NDAs.
93. It is important to acknowledge a key feature of the Conservation Area is its buildings that are heritage assets both as designated and NDAs. This includes some very highly graded and significant assets. All of these assets have a setting, and, in the nature of this case, those settings are expansive. Each setting contributes to the significance of the asset to which it relates in a positive way. Thus, those individual harms are also harmful to the Conservation Area to which they, as buildings of special and/or of local architectural and historic interest, are inexorably linked. It is therefore appropriate to consider the designated assets together, whilst not detracting from the specific harm in any individual case. Doing so, I conclude that heritage harms identified amount to substantial planning objection to this proposed development.

d) The effect on the surrounding landscape and its status having regard to: the proximity of the National Landscape and the 'Additional Project Area', and the effects on users of public rights of way crossing or in the vicinity of the site

94. In terms of landscape character, the site falls with the Suffolk Coast and Heaths, while at a county level it is comprised of Ancient Estate Clayland, Ancient Estate Farmlands (the largest part of the site) and Rolling Valley Farmlands (Suffolk County Landscape Character Assessment and the Joint Babergh and Mid Suffolk District Council Landscape Guidance 2015).
95. At a local level the landscape within which the site is situated forms part of the Shotley Peninsula and its hinterland. This is a relatively flat plateau of land, which is crossed with small river valleys with a more pronounced topography. The land is mainly in arable use, with medium to large scale field systems, interspersed with blocks of woodland and hedgerows. In the vicinity of the appeal site the fields appear to have an open structure. Having walked the footpaths surrounding the larger western parcel of the proposed solar site and seen the smaller parcels from public vantage points and private property, it is apparent that woodland, including ancient woodland, is a significant component of the landscape, but that this forms a sense of enclosure to the open farmland.
96. Also of note is the railway to the east of the site and the power lines associated with this as well as pylons in this location.
97. The historic lanes, including the historic routes along Potash Lane and Pond Hall Lane, and public rights of way, for instance along the route of the former branch line, and the designated quiet lanes positively contribute to the scenic qualities of the landscape.
98. The historic buildings referred to in detail above, particularly the former manors, also make a significant contribution to the landscape. This is particularly so for the grouping around St.Mary's Church, and of Bentley Hall, Meeting Hall Stables, Bentley Barn, Bentley House and Glebe Cottage, with their associated curtilages

and structures, such as the churchyard and medieval fishponds, and landscaped gardens.

99. The appeal site is situated approximately 1km from the nearest boundary of the Suffolk Coast and Heaths National Landscape (formerly the Area of Outstanding Natural Beauty (AONB) (SC&H NL). The site falls within the Additional Project Area (APA) of the SC&H NL. The process of considering and designating an extension to the national landscape has now been completed. The appeal site was not included within that area and so does not have national designated landscape status.
100. However, it was clearly part of the APA and therefore there are policy matters to be considered in terms of JLP Policy LP18 and its applicability and role in the Landscape and Visual Impact Assessment (LVIA). The supporting text to Policy LP18 clearly explains that there are two AONBs. These are Debham Vale and SC&H NL. Both of these areas also have defined project areas associated with them. The supporting text to Policy LP18 makes it clear that the Conservation of AONB's (NL) includes its setting. This reflects advice in the Framework (Para 189).
101. As part of the investigative process for designation of an extended area for the SC&H NL, it was acknowledged that some areas with the APA were of suitable quality to be included in the SC&H NL but not being contiguous with that designation were not considered appropriate as extensions.
102. There is a difference between the main parties about whether or not the site should be considered as a valued landscape for the purposes of the Framework. In particular the appellant considers it should not be as it did not merit inclusion within the SC&H NL and has no other formal landscape status.
103. The site has a history of landscape designation. The APA policy designation is established in the development plan even if the evidence base is unclear and it was formerly designated as being within the Dodnash Special Landscape Area (albeit evidence around that designation is limited). It is also clearly in an area of close proximity to the NL. The policy requirement of LP18 is that development within the APA should have regard to the relevant Valued Landscape Assessment. I am also mindful that the assessment considering the to extension of the NL acknowledged that landscape quality at Bentley was a pocket of higher quality land, even if this was a modest area focused on the Hall.
104. In considering GLVIA3 Box 5.1 and Landscape Institute Guidance Note 02/21 Assessing landscape value outside national designations, the parties reach different conclusions on landscape value. In terms of GN 02/21 their scores are higher in the Council's Landscape Witness's assessment those categories being Natural Heritage; Cultural Heritage; Landscape Condition; Distinctiveness; Recreational. The strength of character from ancient woodland, mature/veteran trees, historic rights of way and PROW are assessed as broadly similar. The main divergence is in the suggested 'ordinariness' of some of the land, around the loss/introduction of hedgerows and in the cultural aspects including with respect of the of the grouping of heritage assets. There is significant doubt about the extent to which hedgerow loss has occurred, albeit there seems agreement that some loss has taken place. I have also heard further evidence about the historic nature of key rights of way and their origins and have seen the highly graded assets, the lesser grade assets, NDAs and the Conservation Area as a group along with there

relationship to the land and lanes and PROW. Together they, in my view, are far from ordinary and, in Box 5.1 terms, are nearer rare than commonplace. These matters persuade me that the assessment should favour a higher landscape value than that attributed by the appellant. Overall, therefore, I find it difficult to conclude that this landscape does not have qualities above the ordinary despite it not being included within the higher status NL. Thus, on balance and having taken time to look at the landscape of this area, I reach the conclusion that this is a valued landscape for Framework purposes.

105. The parties agree there is no intervisibility between the appeal site and the SC&H NL. However, setting is about more than direct intervisibility. Being in close proximity to the SC&H NL boundary, I am mindful that functional connectivity to a NL can be important. In this case that approach is significant, with access routes through the landscape including footpaths, bridleways and designated Quiet Roads, many of centuries old origin. All of the landscape witnesses acknowledged that harm to sequential views through this landscape could adversely affect its setting through harm to the approach to the SC&H NL.
106. In terms of the immediate effects of the proposed development on landscape value, all are agreed this is at least medium/high. This is in a landscape where all parties accept that the susceptibility to change is medium/high, the sensitivity is medium/high and the magnitude of change is identified as medium as set out in the Landscape SoCG. There is no doubt that this proposed development would initially have a marked impact upon the local landscape.
107. Thus, the main difference between the parties is not at the significance of effects on completion which are broadly agreed to be moderate to major adverse, but at the 15 year date at which proposed planting would be likely to have established itself and become more effective at screening (I note the LVIA photomontages are for the 10 year period). Whilst the Council and Rule 6 Party maintain that a moderate-major adverse effect would persist, the appellant sets this at minor to moderate. It is therefore this period upon which I shall focus.
108. The effects of mitigation would undoubtedly help to screen the proposed solar panels. It would not, however, as established by the appellant's photomontages, be able to fully screen the development at 10 years and is unlikely to do so fully at 15 years. I appreciate that the purpose of landscape planting is to help integrate the development not screen it from view.
109. The key visual receptors are local residents, those using the network of lanes and Public Rights of Way (PROW) for walking, riding and cycling. The LVIA provides an assessment of viewpoints, albeit limited in number. I saw each of those viewpoints during my site visits.
110. VP1 (north from Church Road at Potash) is at the south-east corner of the larger western parcel of land. The revised photomontage for year 1 makes it clear that the solar panels would be seen from this viewpoint, dominating the existing woodland backdrop. The year 10 photomontage suggests that planting would have begun to screen the panels. However, they would still be glimpses and the backdrop of the existing woodland would be similarly screened in part. This would detract from the existing open landscape with its wooded backdrop, including to the ancient woodland of Engry Wood. As such, given the scale of this landscape, and the

significant feature of the ancient woodland, I have some concerns about the LVIA assessment of moderate becoming negligible over time.

111. VP2 (east from Church Road) illustrates the likely view along the track to the substation and the access to the smaller eastern field of solar panels. At year 1, based on the revised plans where a greater depth of planting is proposed along the access track, the solar panels would appear intrusive at a corner in the road where it would be prominent for those passing. At year 10 the panels would still be glimpsed and the access track would still be prominent. That track would have views through the access gate to the solar farm with its panels and associated buildings. The existing view over agricultural land would be lost. The access into the larger field which would be almost immediately opposite and from it there would be likely views of solar panels. The LVIA assesses harm here to be major moderate reducing to minor in the longer term, however, I do not concur with that assessments given the effects at the point of the access routes.
112. VP3 (south-west from Church Road left and right) the photos and photomontages provide a wide view across the western parcel of land from relatively near to the Church towards the properties on Potash Lane (left) and towards Grove Farm/Pond Hall Lane/Engry Wood (right). From this position in year 1 (based on the revised scheme) the rear of the panels would be seen to the left and moving around to the right the flat front surface would be apparent. Views towards the properties on Potash Lane, to the left, would be largely obscured, and it would no longer be possible to clearly identify the historic planting alongside Potash Lane and Pond Hall Lane during winter months. The summer view makes it clear that oil seed rape planting currently obscures those distant views during summer months. However, such temporary changes arising from cropping choices is an attribute of seasonal variation in contrast to the long-term change proposed by the solar panels and its associated planting. At year 10 the panels would still be a prominent feature seen above the proposed planting and the existing undeveloped landscape would be lost from view. Again, the LVIA undervalues the existing landscape in its assessment of moderate adverse, reducing to minor adverse in the medium and long term.
113. VP4 (north from Potash Lane) illustrates the wooded edge to the north of the site and shows that the Church tower is a landmark feature of note during winter months. Based on the revised submission, at year 1 the front face of the proposed solar panels would dominate the view and curtail views of all but the very top of the Church tower. By year 10, the planting screen, which would be close to the viewer, would largely screen the solar panels, but this would also result in total loss of the view of the Church tower as a landscape feature.
114. VP5 (east from the bridleway at Grove Farm) provides an expansive view over the agricultural land which forms the western parcel along the edge of Engry Wood and round towards Bentley. While set back from the bridleway by an area which will remain in agricultural use, there would be an extensive view of the solar panels, and associated transformers, which over a long time frame would become screened by proposed landscaping. However, it would, for a significant part of the 40 year life of the solar farm, be a dominant feature in the view, causing an adverse landscape effect.
115. VP6 (east from the bridleway along Pond Hall Lane) provides a view eastwards across the appeal land towards Bentley in both winter and summer. In each view the open landscape is seen enclosed by woodland which forms the horizon and

defines the edge of the farmed land. As with VP5, the solar panels and transformers would be set beyond an area which would remain farmed. Nonetheless, the view over this farmed land would significantly change for a long period while planting became established. This would be visually harmful dominating views of the landscape.

116. VP7 (north-east from the footpath along the access track to Grove Farm (to its west)) is an open view which illustrates the historic planted boundary formed by Pond Hall Lane, leading to Grove Farm and some of its large agricultural buildings. The proposed solar farm would have no material impact on this view.
117. VP8 (north from public footpath north of Bentley) demonstrates that the planting along Potash Lane, and planting associated with the properties along Potash Lane would initially partly obscure any views towards the proposed solar panels on this footpath when walking northwards. However, the land levels vary slightly here and glimpsed views would still arise, particularly during winter months. The proposed planting of a supplementary woodland and new hedging would assist in assimilating the proposed development further, but this would take time to establish.
118. VP9 (south from the public footpath near Bentley Park) again shows that the site would be well screened from this viewpoint.
119. VP10 (north from the footpath crossing of the railway line east of Falstaff Manor) illustrates that the solar panels in the smaller eastern parcel of land would not be readily discernible from the footpath. However, despite the cutting they are likely to be seen from passing trains on this route. Although hedge planting is proposed here, proposed solar panels would be a harmful change to this landscape until that hedging had grown significantly.
120. VP11 (north-west from the public footpath west of the A137) illustrates that the topography and existing planting would screen the proposed solar panels from view.
121. VP12 (south-west from the public footpath from Maltings House) illustrates the existing power line, fencing and wooded backdrop beyond which the railway is in a cutting. This is where the DNO substation would be located, and where the landscape would be able to accommodate it.
122. VP 7, 8, 9 and 11 therefore illustrate the extent of containment of the site within the wider area. However, those amount to only part of the experience of the landscape and the other identified viewpoints and my site visit confirm that the development would not be readily assimilated.
123. The Council and Rule 6, consider that the LVIA undervalues the effects of the proposed development because, in part, of the approach to policy LP18 part 3. Whether or not this is the cause of difference in the appellant's LVIA outcomes and that of the other parties, I agree with the Council and Rule 6 Party that at the 15 year date a Moderate-Major adverse effect would persist because of the change to the landscape and its character.
124. Moreover, those changes would be seen in sequential or kinetic views approaching and leaving the NL from this direction particularly on the footpath and quiet lanes network. In my opinion, the landscape harms, even if to a modest

degree, fail to further the purposes of conserving and enhancing the natural beauty of the CS&H NL, through harm to its setting, and thus fails to conserve it in accordance with the expectations of paragraph 189 of the Framework.

125. The appellant places weight on the long-term benefits of the proposed planting scheme on the landscape of the area after the end of the period for which the proposed solar development is sought. Whilst I accept that there would be consolidation of existing hedgerows, the proposed internal planting is designed largely to screen the proposed development and there is no clear substantiated evidence that internal hedgerows would reinstate former hedges. In addition, it is apparent some of the proposed new hedges would have no historic boundary connection at all. Similarly so for the bands of trees proposed to screen the site.
126. Whilst in some circumstances there might be clear long-term benefits of re-establishing former hedgerow boundaries that is not the case here. Nor is this a simply denuded landscape in which planting could potentially be determined to be a clear benefit. Rather, the proposed planting, on the evidence before me would, to a large extent, be creating a new landscape pattern within a historic landscape for which there is no clear precedent.
127. I acknowledge that planting is not a matter controlled as an act of development. I also acknowledge that the benefits to ecological habitats would arise. However, neither of those points, nor the objective of 'reinstating' former boundaries for which the form of boundary marking is unclear, with formalised hedgerows and deep planting belts, leads me to conclude this would result in a long term enhancement of the landscape; rather it would represent a long term change in landscape character to one of small scale field type pattern which is not defined as a characteristic of this location. In terms of landscape alone therefore I do not consider the post 40 year plus landscape should attract weight as a positive feature, even if it gains weight for biodiversity purposes which I shall assess elsewhere.
128. The impact on dark skies as a consequence of the proposed development was raised as a concern particularly having regard to site security and use of cameras. This is a rural area with limited light pollution, despite proximity to Ipswich and its environs, however, it is not specially designated in this regard. Subject to conditions any light spill that might arise (and noting no specific new lighting is proposed) could be kept to a minimum so as to not detract from darkness for local residents or wildlife and as such I do not attach weight to this particular concern in terms of landscape effects.
129. The development plan policies which are relevant here included policies SO9, LP18, LP25, SP03 and LP17. All but policy LP17 are referred to in terms of the heritage issues.
130. LP17 seeks to conserve and enhance landscape character by requiring that development integrates with the existing landscape character of the area and reinforces local distinctiveness and the identity of individual settlements; be sensitive to the landscape and visual amenity impacts on the natural environment and built character; and, consider the topographical cumulative impact on landscape sensitivity. I consider that the proposal, which adversely changes the character of this open plateau farmland, and does not respect the historic settlement form or features, fails to accord with policy LP17.

131. NP Policy BEN 3 relates to development design. However, although some elements might have relevance such as reflecting the qualities and character of the setting of the village and providing for biodiversity, it is clear this relates to built development of a more typical form than a large solar scheme. As such, I do not afford much weight to this policy in this case.

132. NP policy BEN 7 seeks to protect Bentley's landscape character and requires that proposals must demonstrate how the landscape characteristics of the site have been considered. It also seeks to resist, amongst other things, the erosion of rural lane character through the introduction of new development, and development which, due to its location, alters the small scale and predominantly linear pattern of the village on the edge of the plateau. I consider that the appeal scheme fails to adhere to the thrust of this policy, although more broadly it seems to me this policy, as with BEN 3, is geared to other forms of development rather than the scheme envisaged here.

133. In terms of the Framework, I conclude that the scheme would not recognise the intrinsic character and beauty of the countryside, and nor would it protect or enhance valued landscapes including having regard to the need to sensitively locate development in the setting of a NL. As such, I find discord with paragraphs 187 and 189. The harm to the landscape that would arise would be significant and would be likely to persist long after the temporary period sought for the proposed solar farm. I accord significant weight to that harm particularly given that this landscape is sensitive given its proximity to the SC&H NL and that it is, in my view, a valued landscape.

e) The effect on the living conditions of local residents having regard to noise, glint, glare and visual impact

134. Local residents express concern about potential noise and disturbance from the proposed development during the construction phase and once operational. In order for development to take place some construction noise will inevitably occur. This can be restricted through conditions to minimise noise and restrict working hours. However, preventing construction phase noise would stifle delivery of much needed development so it is not a matter to which I attach weight.

135. In terms of noise created during the operational period, noise would mainly relate to the transformers. These would be located within the site away from noise sensitive receptors. The evidence in the noise assessment indicates that subject to conditions, the change to the noise environment would be low even in this quiet area, and it would not harm the living conditions of nearby occupiers. I also note that the Council's Environmental Health team raised no objections in this respect.

136. Local residents to the south of the site, including occupiers of the nearest properties at Potash Cottages and Red Cottages are concerned about reflections from the proposed solar panels. The glint and glare assessment identifies that it is geometrically possible for there to be glare towards 54 dwellings. However, the glint and glare assessment confirms that with the effect of screening at the boundaries, any risk of glare would be low and limited to short periods so that this would not have a material impact upon living conditions. Therefore, this would not be a reason to withhold planning permission.

137. Visual impact concerns were also raised by local objectors. There is no doubt that the proposed development would alter the enjoyment of individual properties for

their occupants through visual change. For instance, at Uplands I saw the proximity of the rising slope of the smaller eastern parcel of land and could envisage the likely outlook to the rear of solar panels from the carefully planned garden of that property and indeed the dwelling. I also saw how the view would be changed for the residents of the Potash Lane dwellings and for views from the upper floors of Church House Farm along with the access to that property where major to moderate effects would arise until the planting matured at some 15 years or more. Whilst I appreciate that residents find this distressing, there is no right to a view in normal circumstances; rather the question is would the property become such an unpleasant place to live that no-one would wish to do so (reflecting the 'Lavender Test' of visual impact). Having taken time to view from these properties I do not find that they would become unacceptably unattractive as places to live even though they would be altered and, in some cases, markedly so. The provision of additional landscaping would also soften visual impacts. Therefore, this is not a matter which would justify withholding planning permission.

f) The effect on Best and Most Versatile Land (BMV)

138. LP Policy LP15 seeks to make efficient use of resources and, where development needs to take place on greenfield land, seeks that the avoidance of BMV is prioritised. The Framework at paragraph 187 advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the benefits of best and most versatile agricultural land (BMV). In addition, the National Policy Statement for Renewable Energy Infrastructure (NPS EN series) (EN3)(2025) seeks to avoid BMV where possible. BMV is land classified in grades 1,2 and 3a of the land classification. However, these provisions do not rule out use of BMV for solar development.

139. The Rule 6 Party calculate that 62.8% of the land is classed as BMV. Site specific agricultural land classification assessment investigations have been undertaken which indicates only 7.1% being in grade 2 with the proposed solar development focused on the lower quality areas of the site albeit including grade 3a land. Whilst I understand local concerns that the site sampling done here has not been undertaken elsewhere, such that comparatively this land may not be seen as valued as elsewhere although it may be very similar, I can only consider the evidence which is before me.

140. It seems to me that here the land quality is, in part, BMV. The proposed development would represent at least a 40 year loss of a finite resource for arable food production with the benefits of access to water extraction. Given concerns around food security this is an issue to consider. However, the land would still be used for sheep grazing under the panels, the land would benefit from improvement by being left in a less intensively farmed condition, and the use could be reversed and the land recovered for food security purposes in the future.

141. Thus, on balance, although there would be a loss of BMV, I consider this issue to be neutral in the planning balance in this case.

g) Whether the public benefits (which will need identifying and weighting) arising from the proposed development would outweigh the harms identified in respect of the above matters either individually or cumulatively.

142. As set out in the appellant's Design and Access Statement, the UK Government declared a Climate Emergency in May 2019. In June 2019 the UK Government

became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (the Climate Change Act) requires the UK to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least 80% reduction from 1990 levels.

143. National Grid's Future Energy Scenarios (FES) 2023 predicts that electricity demand will continue to increase due to increasing population, the transition to electric vehicles, hydrogen production and move away from natural gas for heating. This increased energy demand will need to be met by renewable, low-carbon and carbon negative sources to achieve net zero by 2050. The FES 23 report sets a clear target of up to 70 GW of new solar generation by 2035.
144. In April 2022 the UK Government published the policy paper '*British Energy Security Strategy*', setting out how the UK intends to secure clean and affordable energy for the 'long-term'. The most notable target within this strategy, focused on solar, is for 70 GW of solar energy generation capacity to be available within the UK by 2035. This would be a circa 13.7 GW as of February 2022. Over the last five-year period, the UK increased its solar capacity by only an estimated 1.8 GW, highlighting the extraordinary need for a significant increase in solar development if the strategy's targets are to be fulfilled.
145. In March 2023, the UK Government reaffirmed its commitment to delivering new solar development at significant pace across the UK, maintaining the target of delivering up to 70 GW of solar development by 2035. In June 2023, the Government Committee on Climate Change published their 2023 Progress Report titled '*Progress in reducing emissions*'. The report concludes that the UK is '*significantly off track*' in solar deployment to meet the Government target of 70 GW by 2035.
146. The proposed development would undoubtedly have significant benefits. It would generate 43.3 GWh of renewable energy per annum which would save 8,963 tonnes of carbon dioxide and approximately equates to the electricity need for 10,823 homes. Generation of renewable energy policy support for the UK's transition to a low carbon economy, addressing the climate emergency must be a significant benefit of the scheme. That development would contribute to the energy security of the UK and contribute to assisting the achievement of set emission targets.
147. Grid connection availability is a matter that has been subject to relatively recent reform aimed at creating a 'first ready first connected' approach. This is because there have been a number of non-active projects which has complicated the delivery pipeline. As set out in the Grid Connection SoCG it is the case that 45-47GW is required by 2030 and around 16.6 GW is installed but the existing levels in the old connection queue amounted to around 210GW, four times the 2030 target. Almost 60GW is in the new delivery pipeline.
148. The National Energy System Operator (NESO) has introduced a system of 'gates'. Grove Farm Solar submitted readiness criteria in June 2025 and received notification in December 2025 of Gate 1 status; the consequence is that the existing contracted connection offer is removed including the queue position. The queue position and connection date are therefore unknown. However, the planning application to which this appeal relates was validated before the protection date of

20 December 2024. This means that the developer would, if the appeal were allowed, be able to make a Gate 2 submission when the gate is opened (every six months for 6 weeks). The guidance indicates that such applications would be allowed to go ahead even if this means exceeding both zonal and GB permitted capacities. However, this provides no assurance on dates rather the scheme would go to the back of the queue for new connections. Gate 1 schemes are those for pre 2030 and gate 2 for pre 2035. Earlier connection for Gate 2 can be sought if other capacity falls away creating space. A Gate 2 connection offer is the point at which the development would have a connection date and as such a date pre 2035 would be the latest date for connection.

149. A financial penalty has now been added, to incentivise developers to remove schemes from the list that will not go ahead, and the appellant hopes this would push their scheme up the list. However, whilst there is protection for this site such that it can expect to be given a connection date, this seems unlikely until the pre 2035 slot. As the connection does not appear to be required in the pre 2030 slot I am not satisfied that this factor should attract significant weight, although scope to get a connection puts it above later sites coming forward so attracts moderate weight.
150. The appellant considers that these benefits amount to three individual substantial benefits, in addition to the benefit through grid connection, for the purposes of the planning balance. For clarity the Overarching SoCG between the appellant and the Council adopts graduations of weight from greatest to weakest of Substantial, Significant, Moderate and Limited.
151. Significant biodiversity net gain (BNG) of over some 98 habitat units (over 100 % addition) and 16.67 hedgerow units (over 100% addition), together with ecological and green infrastructure enhancements are put forward as a substantial benefit. The Rule 6 Party raise concerns about the loss of ground nesting habitat for skylark and yellow wagtail both on the Red List of species at risk of extinction. However, given the numbers involved and scope for alternative habitat I am satisfied this would be managed. The Rule 6 also draw attention to the Enrgy Wood County Wildlife Site for dormice and that the site is not a barren landscape for wildlife. The evidence on bio-diversity is, however, calculated in a formulaic way that is anticipated for development and demonstrates that the proposed new hedges and tree planting would result in significant increases in biodiversity creating a material change in net gain that would count in favour of the proposal. The Council position this as a moderate benefit. Given the concerns around landscape harm arising from the scheme I consider that substantial benefits arise from BNG, but this cannot be said of all green infrastructure.
152. Economic benefits derive not only from local benefits during the construction period, but also through economic activity associated with the sector, such as, continuing research and development. The Council and appellant agree this amounts to a moderate benefit and I concur with that view.
153. Improvements to soil resource and agricultural land quality are identified as a limited benefit with which I agree given the land would have opportunity to regenerate without intensive use.
154. The appellant considers that the proposal would aid farm diversification adding further limited positive weight. Whilst it might create an income for the landowner

there is no mechanism to ensure that this would be used to support remaining farming activities and it could be managed separately given there is no intrinsic link as with most diversification schemes. However, equally there is no evidence that it would not contribute to the farm income stream and remain part of the farm business. As such on the evidence before me I afford a limited weight to this matter.

155. Removing farm traffic away from the village is accepted by the Council as a limited benefit. Given this is an existing use appropriate for the area and that the benefit would be time limited to 40 years and there would be greater disruption during the construction and dismantling phases this is a very limited benefit.

156. Creation of a lasting, positive landscape legacy is put forward as a limited positive benefit by the appellant. However, for the reasons set out above this is not a matter to which I attach weight.

Other Matters

Alternative Site Assessment

157. Policy LP 25 requires that where renewable energy schemes impact on heritage assets and can be demonstrated that potential resultant harm is effectively mitigated, an Alternative Site Assessment (ASA) is also required to be undertaken to see if there are less sensitive alternative suitable locations. An ASA, updated to account for the Conservation Area Designation, has been undertaken. Although this policy is from a recent plan this does not reflect any requirement in the Framework. It also conflicts with advice in NPS EN-1 at 4.3.24 (although not directly related to this scheme given its size wherein there may be different considerations) which says a scheme should not be refused because fewer adverse effects would arise from developing another suitable site.

158. A three step approach was taken: Identify the search area (the main constraint used was access to the national grid by a point of connection (POC)); Identify a long and short list of options: identify and appraise alternative sites.

159. There is a debate around the search area and screening. The search area includes assessment of the costs for cabling to a POC which seems reasonable.

160. Step 2 ruled out sites in the NL and Grade 1 and 2 BMV. This resulted in 11 sites which were then reduced by omitting any below the 48ha size sought, leaving four alternative sites to consider. None was considered to be better than the appeal site.

161. In terms of screening alternative sites out the removal of Grade 2 BMV land caused concern to objectors, and the Council, given this site was identified as Grade 2 but now benefits from its own assessment, an assessment which if repeated for other sites might have similar outcomes of reducing its classification value. However, the evidence exists for this site, it cannot be realistically expected for other sites, although it does cause some difficulty of equitable assessment.

162. Screening out sites in Step 2 is also debated given the additional heritage value of the appeal site being entirely within a Conservation Area. However, it was not screened out because the original screening ruled out land of higher environmental value than the appeal site. It seems to me that were it not retrospective, constraints such as the Conservation Area might well screen this site out at Step 2.

163. The ASA therefore seems to offer little real assistance in this appeal, with none of the four other sites being potentially better but with the site's Conservation Area designation not being accounted for. In any event, in this case it has become apparent that the adequacy of the scheme in terms of failing to mitigate its impacts on heritage assets is the fundamental issue rather than having to move through this step and onto the ASA part of policy LP25. I have therefore focused upon the harms identified to heritage assets.

Local Businesses

164. The proposed development would not alter the footpath network other than on a temporary basis during construction. Whilst this would be an inconvenience to local users of the PROW, including the local riding stables which utilises the bridleways, this harm would be relatively short lived. There is no substantiated evidence before me to suggest that horses would not become accustomed to the panels in the longer term. Therefore, I do not find that this matter would be of material weight in this case. However, conditions could be imposed to minimise disruption and facilitate safety during the construction phase.

165. The effect on tourism, particularly for a local caravan site, was raised as a concern. It was explained that this award-winning business attracts people because of its pleasant rural environment where visitors can enjoy the footpath network; I do not doubt that to be the case. However, those on holiday are likely to make judgements about their choice of sites for numerous reasons. Whilst some visitors might be dissuaded from visiting due to the proximity to a solar farm and its effects on local walking routes, others may not be so concerned if they wish to use the site as a base to make day trips. A survey of visitors suggests that the solar farm would be a detractor, however, the evidence cannot be readily quantified. That said some limited harm is likely to arise to that business.

Highway Safety

166. Residents remain concerned about highway safety. However, on the basis of the evidence before me, and given the Highway Authority's lack of objection to the scheme, it seems to me that the proposal, whilst leading to additional traffic, including larger vehicles during the construction period, would not result in material harm to either the free-flow of traffic or highway safety.

Heritage Balance and Planning Balance

167. The benefits before me are the provisions of up to 40MW export capacity of solar power, addressing the climate emergency, contributing to energy security, and the achievement of set emission targets, the provision of which I afford substantial weight in favour of the proposal. There would also be ecological benefits associated with BNG to which I also afford significant weight. There would also be economic benefits of moderate weight, and limited benefits from improvements to soil resource, with further very limited benefits from removing agricultural traffic from the village and supporting farm diversification adding further limited weight in favour of the proposal.

168. In terms of harms, I find less than substantial harm to Bentley Hall (Grade II*), Bentley Hall Meetings Stables (Grade II*) Bentley Hall Barn(Grade I) St Mary's Church (Grade II*) and low harm to Maltings House (Grade II), and the higher end of less than substantial harm to the character and appearance of Bentley

Conservation Area. Taken together, I afford those harms great weight in the planning balance. This is compounded by more modest harm to the setting of seven NDAs. There would also be harm to the landscape character of the area of significant weight.

169. Whether or not the substantial benefits to the provision of solar energy are aggregated or separated, and whether or not the harms to the heritage assets are aggregated or separated, the balance of harms is not a simple mathematical exercise. Rather it requires planning judgement.
170. The existing climate crisis is a very serious matter which is being experienced now. This proposed development would help incrementally to address this crisis by supporting the Nation's transition to net zero. The public benefits of the scheme would also include the provision of BNG creating a great extent of new habitat and there would be economic benefits as well as the more modest benefits cited.
171. However, the harms identified to this nationally important group of highly graded designated assets would cause an immediate harmful effect that cannot be satisfactorily mitigated in the short or longer term, notwithstanding the temporary characterisation of the proposal. Particularly, and in exceptionally in this case, it fails to preserve the historic interest of a designated Conservation Area, when considered as a whole. This is contrary to expectations of section 72a of the LB&CA Act with which it would thus manifestly conflict. It should be remembered that the special attention to the desirability of preserving such historic interest is a matter of considerable importance and weight. A failure to meet that expectation, and indeed those framed in the other relevant sections of the LB&CA Act, can rightly be afforded great weight. I therefore find, that in the particular set of circumstances before me, the need to preserve these assets outweighs the public benefits identified, including the main benefit of delivering renewable energy of the quantum proposed here.
172. Therefore, I find the heritage balance means that the public benefits do not outweigh the harms. Thus, the proposed development would not accord with the provisions of the development plan when read as a whole and in particular policies S03, S09, LP19, LP25, BEN 11 and BEN 12. Nor would there be accord with the Framework.
173. In addition to the heritage harms, which are not outweighed by public benefits, there is harm to the landscape character of the area, with further modest harm to the setting of the national landscape, which attracts further policy conflict, and further very limited harm to local tourism. I therefore find that the appeal should be dismissed.

Conclusion

174. For the reasons set out above, and having had regard to all closings and submissions and material matters that have been raised, I conclude that the appeal should fail.

Zoë Hill

INSPECTOR

INQUIRY APPEARANCES

FOR THE APPELLANTS:

Miss Thea Osmund-Smith
assisted by Miss Jessica Allen
She called:

Barrister

Laura Garcia BA(Hons) MCIfA
Jon Mason BSc(Hons) DipLA CMLI
Paul Burrell BSc (Hons) PGDipURP
MRTPI
Tony Keaton BSc(Hons) MRICS FSAg
Howard Fearn MSc MCIEEM

FOR THE COUNCIL:

Mr Tom Cosgrove KC
assisted by Mr Rowan Clapp
He called:

Barrister

Laurie Handcock MA MSc IHBC
Michelle Bolger BA(Hons) PGCE DipLA
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Steven Stroud BA(Hons) LLB (Hons)
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FOR THE RULE 6 PARTY (BENTLEY PARISH COUNCIL AND STOP GROVE FARM SOLAR):

Mr Thomas Hill KC
He called:

Spokesperson

Alison Farmer BA MLD CMLI
Edwin Martin BA FSA MCiFA
Ian Poole BA(Hons) MRTPI
With supporting evidence given by:
Michael Hallows
Lucy and Mark Henson
Raeleen and Simon Gladwell
Mandy and Martin Ackers
John and Annie Owens

INTERESTED PARTIES

Nick Angel
Angela Barnford
Chris Pink
Michael Bamford
Rev Donald Mehen
Aleks Akponian
Veronica Barlow

Local Church of England Incumbent

Documents submitted during the Inquiry

ID1	Opening on behalf of the Appellant
ID2	Opening on behalf of the Rule 6 Party
ID3	Opening on behalf of the Council
ID4	Statement on behalf of Mark and Lucy Henson
ID5	Statement on behalf of Mr Howard and Mrs Margaret Nuttal
ID6	Statement on behalf of the occupiers of Bently House
ID7	Statement of Sonya Gray
ID8	Statement of Rev Donald Mehen
ID9	Statement of Nick Angel
ID10	Statement of Chris Pink
ID11	Statement of Dr Michael Bamford, Chair of Bently Parish Council
ID12	Extract from The story of Falstolfe Manor Bentley (1996)
ID13	Extract regarding the Tollemache Family ownership
ID14	Statement of John and Annie Owen
ID15	Landscape SoCG
ID16	Statement of Angela Bamford
ID17	Statement of Aleks Akopian
ID18	Statement of Veronica Barlow
ID19	Statement of Raeleen and Simon Gladwell
ID20	Schedule of Planning Conditions
ID21	Email regarding grid connection
ID22	Grid Connection SoCG
ID23	Extract regarding Skylark Foraging and Solar Plots
ID24	Bentley Parish Council extracts of minutes relating to Conservation Area Information Board
ID25	Statement of John and Annie Owens of Uplands regarding mitigation
ID26	Site Visit Bundle - Itinerary with remote sv sites
ID27	Closings on behalf of the Rule 6 Party
ID28	Closings on behalf of the Council
ID29	Closings on behalf of the Appellant