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# Appeal Decision

Site visit made on 16 May 2013

**by Richard McCoy BSc MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 January 2014**

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**Appeal Ref: APP/G0908/A/12/2188888**

**Land at Clea Mire, Westward, Wigton, Cumbria**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr E M Holliday against the decision of Allerdale Borough Council.
  - The application Ref 2/2012/0706, dated 30 August 2012, was refused by notice dated 14 November 2012.
  - The development proposed is the installation of 1 no. wind turbine (30.5m to the hub), access and associated works.
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## Procedural matter

1. The Council confirmed that it is no longer pursuing a refusal reason in respect of Carlisle Airport given the letter from Stobart Air, dated 4 December 2012, which states that the proposal would not have any impact on safe aviation operations. I have dealt with the appeal on this basis.

## Decision

2. I dismiss the appeal.

## Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the landscape and the living conditions of the occupiers of High Meadows Farm, in respect of any noise disturbance, and whether any harmful impacts are outweighed by any benefits.

## Reasons

### *Policy*

4. The National Planning Policy Framework (NPPF) states a presumption in favour of sustainable development at paragraph 14. This presumption requires that planning permission should be granted unless any adverse impacts of a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Paragraph 93 of the NPPF makes clear that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development.
5. The NPPF also states that even comparatively small scale projects can make a significant contribution to meeting national need. This is reflected in the

Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013) which states that increasing the amount of energy from renewable and low carbon technologies will help to ensure that the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The Guidance goes on to state that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

6. Saved policy R44 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016 (SP) is supportive of proposals for renewable energy outside the National Park and designated Areas of Outstanding Natural Beauty if there is no significant adverse effect on landscape character, biodiversity, natural heritage or local amenity and if all practicable measures are taken to reduce such impacts. This policy is in line with paragraph 98 of the NPPF. This proposal for a single turbine falls to be considered against this policy background.

#### *Character and appearance*

7. The proposed turbine would stand around 30.5m to the hub and 45m to the blade tip. It would be situated on rising ground, within an agricultural field, in open countryside. The locality is characterised by farmland, enclosed by hedges and interspersed with small areas of woodland. There are few built structures within the immediate area.
8. The Cumbria Landscape Character Guidance and Toolkit (LCG) supports appropriately located schemes for wind energy in line with the provisions of the Cumbria Joint Wind Energy Supplementary Planning Document (SPD) which was adopted by the Council in 2007. The local area is defined in the LCG as "Rolling Fringe" landscape sub type which is characterised by large scale undulating topography with large fields of improved pasture, some with stone wall boundaries others with fences and hedge boundaries.
9. The landscape character in the vicinity of the appeal site is one of rising ground towards the massif of the Lakeland Fells. It affords substantial views over the Solway Plain, the northern fells and towards Scotland. The SPG indicates that this landscape type has a low to moderate capacity to accommodate wind turbine developments of 3 to 5, or exceptionally 6 to 9, turbines. The LCG advises that large scale wind energy, other vertical structures such as telecommunications masts, pylons and transmissions lines should be avoided in open and prominent areas where they could degrade the rural character of the area.
10. The proposal would occupy a prominent, elevated position that rises up from the coastal plain to the north and continues to rise towards the Lake District National Park (around 2.2km south) although I note the LDNP Landscape Architect considers the proposal would have insignificant adverse effects on the special qualities of the Park. The appellant's submitted Zone of Visual Influence map shows the 15km extent of the "bald earth" view of the proposal. Notwithstanding the submitted photomontage view points, from what I observed, views towards and from the appeal site are expansive from most directions.
11. Although of moderate scale, the turbine would nevertheless be a very obvious tall feature on an exposed hillside. The SPD notes that a key limiting factor of

this type of landscape is the open character whereby any development is likely to be widely visible, with only localised containment by relief or trees. The Council pointed out that as there are expansive views from the appeal site it would also be visible from a wide area within which there is likely to be an extensive range of footpaths and other vantage points from where the turbine would be visible. The closest footpath passes around 95m to the east of the proposed position of the turbine. This is borne out by the SPD which notes that a particular sensitivity of this type of landscape, in relation to the setting of a national designation, is the contribution of the rolling fringe on the edge of the Solway Basin to coastal panoramas from the northern fells of the LDNP and framed views out of the valley "gateways" off the A595.

12. While in the wider landscape there are tall structures such as the television masts at Sandale and Brocklebank, and other turbines such as those at High Pow, many of these are situated within landscapes with different classifications where the capacity to accommodate such developments is greater or the developments pre-date the publication of the NPPF.
13. In my judgement, the landscape within which the appeal site is situated would be sensitive to the type of change that the proposal would bring about because of its rolling, expansive nature. The exposed location of the appeal site would mean that the proposal would have a significant visual impact within this landscape. The SPD and LCG identify the local landscape as sensitive to wind turbine development in the Cumbrian context. Whilst they do not preclude all wind turbine development, I consider that the proposed turbine would be an incongruous intrusion into this landscape type, contrary to saved SP policy R44 and saved policies EN19 and EN25 of the adopted Allerdale Local Plan (LP).

#### *Noise*

14. While I note the concerns in respect of High Meadows Farm, I am satisfied that this matter could be dealt with by way of the condition suggested by the Council were planning permission to be granted. This would satisfy the simplified assessment method of ETSU-R-97 and would safeguard living conditions by restricting noise generation to specified levels relative to background noise. I see no reason why such a condition could not be enforced. Accordingly, the proposal is unlikely to harmfully change the living conditions of the occupiers of this dwelling with regard to noise and would not conflict with saved LP policy EN6.

#### *Other matters*

15. I note from the officer report that it was considered that the distance to the nearest dwellings at High Meadows Farm (around 430m), Matala (around 570m) and The Old Barn (around 570m) was such that the proposal would not harmfully change the living conditions of the occupiers in respect of loss of outlook. Given the separation distances, the scale of the turbine and the small proportion of the field of view that the proposal would take up, I have no reason to disagree. In addition, the separation distance to these dwellings would be such that they would be outwith the distance (around 290m) within which shadow flicker would be experienced. On this basis, I find that the proposal is unlikely to harmfully change the living conditions of the occupiers of the nearest dwellings to the turbine with regard to outlook and shadow flicker.

16. I note also that there were no objections to the proposal on highway safety grounds and that Natural England is satisfied that the proposal would not be likely to result in significant impacts on statutorily designated sites, landscapes or species. From my assessment I have no reason to disagree.
17. With regard to cumulative impact, I observed an array of 3 turbines at High Pow, and wind farms at Great Orton and Hellrigg. However, the separation distance (around 1.7km, 11.7km and 15km respectively) is such that the effect of those turbines and this proposal on the landscape would remain distinct. There are other proposed or existing single wind turbines in a number of locations within a few kilometres of the appeal site, and there may be some locations within the surrounding area from where 2 or more of these turbines may be seen in particular views or in a sequence of views. However, in view of the scale of the turbines and the separation distances between them, I consider that the proposed and existing turbines would not collectively become a significant or defining characteristic of the area such that they would have a harmful effect on the overall experience of the landscape.
18. My attention was drawn to the effect of the proposal on the setting of the Grade II listed Thackthwaite Hall (around 1km to the north), the Grade II listed Bolton Park (around 1km to the south west and the Grade II listed Clea Hall Barn and Byres (around 1.2 km to the east). The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.
19. Having special regard to the desirability of preserving the settings of listed buildings, where those settings would be affected by the proposed development, in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the intervening distance and topography would be such that there would be very limited inter visibility between the proposal and these heritage assets. In my judgement, the proposal would have no more than a peripheral presence in views from these listed buildings and its effect on their significance as a development within their settings would therefore be negligible.

### *Benefits*

20. The appellant argued that the proposal would provide an income stream, offsetting costs associated with running his beef and sheep farm. It is also claimed that the income stream would be used to protect the long term viability of the farming business and subsidise a beauty therapist business to be operated by the appellant's daughter. In addition, the development plan provides in-principle support for renewable energy and the NPPF at paragraph 98 recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The development would contribute to the generation of renewable energy which would assist in meeting national and regional targets that seek to reduce carbon emissions in order to tackle climate change.

### **Conclusion**

21. Regard has been had to other matters raised in representations including the letter in support at the application stage but they do not outweigh the

conclusions on the main issue. In addition, while the proposal would accord with some development plan and national policy aims for the generation of renewable energy and is acceptable in terms of its effect on highway safety, living conditions, protected species/ecology, the settings of the heritage assets and cumulative impact, these considerations would not outweigh the conflict with other national and local policy aims which seek to protect the landscape.

22. The overall conclusion is that the proposal would have a significant adverse impact on a sensitive rolling landscape. The harm to the landscape is not outweighed by the acknowledged environmental and economic benefits. In coming to this decision, I have had regard to the Written Ministerial Statement to Parliament on Local Planning and Onshore Wind and the DCLG Planning Practice Guidance for *Renewable and Low Carbon Energy* which followed in July 2013. I have also had regard to the effect of the revocation of the Regional Strategy but in the light of the facts in this case the revocation does not alter my conclusion, which for the reasons given above, are that the appeal should be dismissed.

*Richard McCoy*

INSPECTOR