
Appeal Decision

Site visit made on 10 September 2013

by J.P. Watson BSc MICE FCIHT MCMi

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

Decision date: 10 January 2014

Appeal Ref: APP/G0908/A/13/2190693

Field to the south of Charity Lane, High Harrington, 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 David Reed against the decision of Allerdale Borough Council.
 - The application Ref 2/2012/0488, dated 26 June 2012, was refused by notice dated 14 November 2012.
 - The development proposed is erection of a single wind turbine with associated metering units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect the appeal wind turbine would have on the visual amenity of the occupiers of Whinmill Farm and, if that effect would be harmful, whether other considerations would be such as to outweigh that harm.

Reasons

Planning Policy

3. At the time of the Council's decision, the development plan included the North West of England Plan (Regional Spatial Strategy to 2021), saved policies of the Allerdale Local Plan November 1999 and saved policies of the Cumbria and Lake District Joint Structure Plan 2001-2016. The only development plan policy cited in the decision notice was Policy R44 of the Structure Plan.
4. The Regional Strategy for the North West (Revocation) Order 2013 came into force on 20 May 2013. On that day the Regional Strategy, and all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area to which the Regional Strategy related, were revoked. No other development plan policy has been drawn to my attention in substitution for Policy R44, and I attribute no weight to Policy R44.
5. Instead I turn to the National Planning Policy Framework ("the Framework"), which provides among other things that:

Paragraph 17: Planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings;

Paragraph 93: Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure, which is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 98: When determining planning applications [for renewable energy development], applications should be approved (unless material considerations indicate otherwise) if their impacts are (or can be made) acceptable.

Effect On The Visual Amenity Of The Occupiers Of Whinmill Farm

6. Application drawing T-SPEC-DETAIL2 shows the hub height of the proposed wind turbine would be 55.6 metres above ground and the rotor radius would be 24.0 metres; the height of the turbine from ground to rotor tip would be 79.6 metres. The Council estimates that the turbine mast would be 378 metres from the forward-facing elevation of the house at Whinmill Farm, and the Appellant reports 380 metres. The difference is slight and not such as to give rise to a significant difference in the assessed visual effect at the Farm. The turbine site is set slightly lower than that of the house at Whinmill Farm and, when viewing the turbine site from the hardstanding in front of the house and from a forward-facing upstairs window, I saw that the turbine would be slightly obscured by intervening topography and vegetation; several metres at the bottom of the mast would be concealed from those two viewpoints. Nevertheless, the turbine would form a very large element of the view, made more eye-catching by its motion. The small trees close to the house would be largely ineffective in providing visual relief.
7. The house at Whinmill Farm has several windows in its south-western elevation. These serve a ground-floor sun lounge and two first-floor bedrooms, a landing and stairs that serve the bedrooms, and a ground-floor kitchen and office. The proposed turbine would feature in the view from these windows; although slightly off-centre in the view it would be prominent and intrusive. It would also be prominent in the view from some other parts of the property. It would be much more prominent than other built elements in the local landscape, such as the stationary electricity pylons and buildings, to which the appellant draws attention.
8. The landscape and visual impact assessment ("LVIA") considers the effect the turbine would have on visual amenity at Whinmill Farm. It reports that the turbine would be partially obscured by trees at some points, and draws attention to Photomontage 2. The trees I saw at the Farm were few in number and limited in size, and I am not persuaded that the screening effect shown in the photomontage would be achieved at the site in such a way as to satisfactorily shield sensitive receptors there. The LVIA was prepared on the premise that the property includes a caravan/mobile home sales and storage area, and the Appellant presents an aerial photograph showing the site with numerous caravans. The occupier of the property reports that caravans and motor homes are not sold at Whinmill Farm. In any event, I am satisfied that the south-western elevation of the building includes the domestic rooms I have mentioned as well as an office. The outlook from those domestic rooms is an important part of the visual amenity of the house and its residents.

9. Notwithstanding the difference in ground levels and the limited screening effect of intervening vegetation, it is clear to me that the scale and position of the turbine would be such that it would have a dominating and oppressive visual effect on residents of Whinmill Farm. That would be harmful, and contrary to paragraph 17 of the Framework.

Considerations That Might Outweigh The Harm

10. The appellant draws attention to the saving in emitted carbon dioxide that the turbine is expected to bring, and I recognise that there would be a valuable contribution to cutting greenhouse gas emissions. Framework paragraph 93 sets out the importance of that. The turbine is described as having a capacity of 400kW. But those considerations do not outweigh the harm to living conditions at Whinmill Farm that the scheme would cause. The harm would therefore be unacceptable, and the test set by paragraph 98 of the Framework would not be satisfied.

Other Matters

11. Interested parties, and the Appellant, draw attention to the effects they consider the appeal turbine would have on the character and appearance of the area. But, even if I were to accept that the proposed turbine would have no other harmful effect than that which I have previously identified, nothing in those representations, or in any other matter raised, would lead away from my conclusion that the appeal should be dismissed.

J.P Watson

INSPECTOR