

Appeal Decision

Site visit made on 13 September 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 25 October 2016

Appeal Ref: APP/W4705/W/16/3144397

Chelker House Farm, Addingham, Ilkley, W Yorkshire LS29 0JU.

- 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 Charles Ashton against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 15/02458/FUL, dated 12 June 2015, was refused by notice dated 12 August 2015.
 - The development proposed is the installation of 2no Endurance E-4660 wind turbines.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I attended the arranged site visit at the prearranged time. The Appellant had left a message with the landowner that he would be unable to attend. The site visit therefore went ahead with the landowner and representative of the Local Planning Authority being present.

Main Issues

3. The main issues in the appeal are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt;
 - (b) The effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - (c) The effect on the character of the surrounding landscape and the visual impact of the proposal;
 - (d) The effect of the proposed development on heritage assets;
 - (e) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations sufficient to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

4. Paragraph 91 of the National Planning Policy Framework (NPPF) indicates that elements of many renewable energy projects will comprise inappropriate development when in the Green Belt. It cannot reasonably be argued that this
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proposal, whether considered as building or engineering operations, preserves openness. It is therefore apparent that the proposal does not fall into any of the categories defined in paragraphs 89 and 90 of the NPPF which can be regarded as being not inappropriate in the Green Belt. In arguing that there are very special circumstances applicable in this case the Appellant is implicitly accepting that the proposed development would be inappropriate development.

5. I agree that this development would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and, as indicated in the NPPF, such harm attracts substantial weight.

Openness and Purposes

6. The Appellant accepts that there would be loss of openness. I agree, but also concur that the proposed wind turbines, because of their slim form, would not reduce the physical openness of the Green Belt by a great deal. They would, though, lead to a more significant perception of the loss of openness because of their height (albeit that this would be limited to about 37m) and because there would be 2 turbines. I therefore characterise the loss of openness in this case as being moderate.
7. There are 5 purposes of including land in the Green Belt, as set out in the NPPF. In this case there appears to be no material conflict with 4 of them. However, it must be the case that there is some encroachment into the countryside here given the nature of the development and the scale of turbines envisaged. The very presence of the turbines would be seen as the encroachment of development into a formerly undisturbed part of the rural scene. As such there is conflict with that purpose of Green Belt designation which seeks to safeguard the countryside from encroachment. Taken together with the impact on openness I consider that these considerations attract moderate weight against the proposal.
8. On the first 2 issues, therefore, there is conflict with the objectives of the NPPF in relation to the Green Belt. As explained in the NPPF inappropriate development should not be approved except in very special circumstances, and those circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
9. Policy GB1 of the City of Bradford Replacement Unitary Development Plan (UDP) follows the general thrust of the NPPF in requiring the demonstration of very special circumstances for inappropriate development in the Green Belt. The proposal would clearly fall outside any definition of development considered acceptable in the Green Belt under the terms of that policy and therefore is in conflict with it unless very special circumstances can be demonstrated. I deal with this later.

Character and Visual Impact

10. The appeal site lies on the very edge of the area identified as enclosed pasture in the Landscape Character Supplementary Planning Document Volume 8 – Wharfedale (SPD). This seems to me to offer a suitable assessment of landscape character, and is more appropriate than the broad brush national character area. The site does not directly lie in the River Wharfe valley itself, but on the upper slopes close to the watershed between the Wharfe and Aire

valleys. The SPD identifies many of the characteristics which I noted at my site visit, such as the undulating terrain, small streams and springs, small areas of woodland and groups of trees, and scattered farmsteads. In addition landscape character is associated with small to medium sized irregular field patterns, a predominant pastoral land use and the presence of dry stone walls. There is a strong visual link with the higher moorland to the south, and to the north with the southern hills of the Yorkshire Dales National Park. The extensive views take in prominent skylines across landscapes which have few man made interventions in the form of infrastructure. Although the A65 passes through the area and produces some background noise the area is generally tranquil.

11. The above characteristics lead me to conclude that this area can properly be regarded as having a high sensitivity to wind turbine development. I have been referred to the Landscape Guidance for Wind Turbines up to 60m high in the South and West Pennines, published in 2013. There is no dispute that the guidance identifies the turbines proposed here as small scale commercial units. However, the relevance of the remainder of the guidance is questionable since it does not purport to offer any guidance in relation to this local authority area, though I recognise that it offers general advice which might be applicable in many areas. In any event it is apparent to me that landscape character would inevitably be affected by the proposal.
12. The turbines would introduce relatively tall and moving structures in a generally static, complex and undeveloped location. The pastoral and tranquil landscape within the immediate area would be significantly altered. The presence of the turbines would introduce an incongruous element into the local landscape which would be at odds with the prevailing character. The overall size of the turbines means that the impact would reduce with distance, but nonetheless the effect would be experienced within at least a one kilometre radius. The jarring nature of the turbines could only be regarded as having an adverse and significant impact on character within that general distance. Beyond that the effect would reduce as the intervening distance increased.
13. With regard to visual impact I noted that the locality is well provided with public rights of way. I walked along some of them during my site visit in order to assess the proposal from viewpoints used by the Appellant to generate visualisations, and from other locations. Those who use public rights of way for leisure purposes do so largely to enjoy the surroundings. That is particularly so in attractive rural locations such as this. These are rightly described as sensitive receptors (or viewers) to change.
14. In this instance the visual impact of the proposal would also be significant. There would be clear views of the turbines from the Dales High Way to the south, and from the north beyond Chelker Reservoir. The turbines would be prominent and intrusive skyline features which would detract from the unspoilt nature of the landscape. As with landscape character the impact would reduce with distance (and in some places topography would hinder visibility) but within the 1km zone referred to above it is clear to me that there would be a significant and adverse visual impact. In addition views into the Yorkshire Dales National Park would be impaired.
15. Cumulatively the main impact would result from the proposed turbines being seen in combination with those recently erected to the south-west, in the

vicinity of Bank End Farm. They would be seen together to right and left when walking along the Dales High Way, and from the north would be seen simultaneously. This would result in a moderate and adverse cumulative impact. When passing along the A65 there may be fleeting glimpses but the reduced sensitivity of the viewers using the road would limit cumulative impact here.

16. Taking this issue overall I find that there would be significant and harmful effects on both landscape character and visual quality of the locality. The impact would be geographically limited but nonetheless carries significant weight in the overall balance. There is therefore conflict with UDP Policies NE3 and NE3A which together seek to ensure that development would not have an unacceptable effect on the landscape. The proposal would also run counter to the landscape SPD objective to conserve the basic fabric of the landscape infrastructure in this locality.

Heritage Assets

17. In this issue I do not deal with all the heritage assets brought to my attention but restrict my assessment to the most pertinent.
18. Historic England has concerns particularly relating to the impact on the group of heritage assets associated with Bolton Abbey, which lie about 3.5km to the north-east. The importance and significance of these assets is evident from their listing status (mainly Grade 1 or II* and Scheduled Monuments). There is no suggestion of any direct impact, but the setting of the assets encompasses a great deal of the valley of the Wharfe and views out from there. This is related to the assets themselves, but also the cultural significance associated with the Picturesque and Romantic Movements of the 18th and 19th centuries. These associations lead to the long range views from and along the Wharfe valley to have notable significance.
19. Although the Appellant has produced a visualisation from the vicinity of the stepping stones at Bolton Abbey I am not satisfied that this is adequate to deal with the potential impact on the views out over the valley. On my site visit I was able to look in a south-westerly direction from one of the paths through the Bolton Abbey Estate which lies at a higher elevation than the valley floor. Here I could see across the Abbey itself to the further reaches of the valley and the hills beyond – part of the setting which has significance as noted above. From that location at least one existing turbine is visible simultaneously with Bolton Abbey. Although I could not be sure which turbine I could see it is likely to be one of those recently erected beyond the appeal site. Even were this not the case I could not be certain that the turbines in this appeal would not intrude into that view. In short I agree with Historic England that there is insufficient evidence to show that the proposed turbines would not be visible in the setting of these nationally significant heritage assets. On balance I think it likely that they would be visible and this would be harmful to the setting because of the intrusion into views associated with the cultural significance of the assets. The harm would be less than substantial, but nevertheless attracts great weight in the planning balance, as set out in the NPPF.
20. One of the closest listed buildings to the appeal site is Low Sanfitt (listed Grade II). I was able to observe the site from the public footpath immediately in front of this building. Here the turbines would be in full view and would intrude into the rural setting of the building. The significance of the building is in its

historic relationship with the landscape as a small rural dwelling. This relationship would be impaired, though the harm would not be substantial in heritage terms. However, this too carries considerable weight.

21. It appears to me that the closest heritage asset, Low White Well, has a different relationship with its setting, and faces away from the appeal site, with significant vegetation limiting the extent of the setting. I do not consider that there would be any harm to the setting of that asset.
22. In a wider sense the evidence on this issue is limited, but for similar reasons associated with orientation, boundary treatments and distance I am not aware of any other identified heritage assets which would be either directly affected, or have their settings materially harmed.

Other Considerations

23. I turn now to the considerations advanced by the Appellant in support of the proposal.
24. There is undoubted and significant support for the production of renewable energy in the NPPF. This indicates that the applications should be approved if the impacts are (or can be made) acceptable. I accept that the reduced reliance on fossil fuels and the reduction in greenhouse gas emissions are important factors in the challenge to address climate change.
25. I am also in agreement that the assistance to a rural business by providing savings on energy costs is important and is likely to 'future proof' the business to a greater degree than otherwise might be possible. I accept that this will also assist in enabling business expansion. I give significant weight to these matters.

Other Matters

26. There are some other matters which require me to address them.
27. First, there has been some criticism of the Appellant's engagement with those living in the vicinity of the land as required by Article 3 of the Development Management Procedure Order 2015. However, the application was accepted as validly made and I am satisfied that all those affected have had adequate opportunity to comment on the proposals.
28. In a similar vein it has been suggested that the Appellant has not addressed the planning impacts identified by the affected local community. This stems from the Written Ministerial Statement (WMS) of 18 June 2015 which indicates that wind energy development proposals may be found acceptable if, following consultation, local planning authorities (and the Secretary of State on appeal) are satisfied that the planning impacts identified by the local community have been addressed. In this case there has been some support for the proposal, including from the Addingham Parish Council. However, there is also much opposition from nearby residents, including from Addingham Civic Society and Draughton Parish Council.
29. The WMS does not define what is meant by the local community, but the Appellant suggests that Addingham Parish Council should be regarded as representing their views. In this case I think that is too simplistic. There are many others who have a valid point of view who cannot be disregarded. In any

event I am not persuaded that the Appellant's written response to public representations can be taken to be the same as addressing the planning impacts identified by the community. The exercise carried out seems to me to be no more than an explanation or justification of the planning application. There appears to be little if anything which responds to the concerns expressed by, for example, considering different siting or a different size of turbine. I therefore do not accept that the impacts of the local community have been addressed to the extent that the WMS would expect.

30. The matter of noise nuisance and impact on ecology has also been raised. However, I am satisfied that the evidence presented shows that there would be no likelihood of undue adverse impact in relation to these matters. Similarly I am satisfied that there would be no undue impact on the living conditions of any dwelling as a result of any overbearing visual intrusion.

Planning Balance and Conclusions

31. I turn finally to the overall planning balance and my conclusions.

- The proposed development would be inappropriate development in the Green Belt. This is harmful by definition and attracts substantial weight;
- There would be harm to the character and visual qualities of the landscape which attracts significant weight. There is conflict with the development plan in this regard;
- There would be less than substantial harm to the setting of heritage assets which is of considerable importance and weight;
- There would be benefits from renewable energy generation of significant weight;
- The assistance to a rural business is also of significant weight.

32. In addition to these findings on the main issues I am not satisfied that the impacts identified by the local community have been addressed as required under the terms of the WMS and therefore I cannot conclude that the proposal has their backing. This adds weight to the negative side of the balance.

33. Taking all of these matters together it is apparent to me that the substantial harm to the Green Belt, the significant harm to landscape, and the considerable harm to the setting of heritage assets amount to greater overall weight than the considerations advanced in favour of the proposal. In my judgement the impacts of the development would not be acceptable and there is nothing before me which would make it so. For these reasons there are no very special circumstances sufficient to outweigh the harm by inappropriateness, and the other identified harm. Consequently the proposal also conflicts with UDP Policy GB1.

34. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR