



Appeal Decision

Site visit made on 15 May 2017 and 14 June 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/A4710/W/16/3163746

Turner Top Farm, Pike End Road, Rishworth, Sowerby Bridge HX6 4QS

- 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 Andrew Judson against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00858/FUL, dated 28 June 2016, was refused by notice dated 31 August 2016.
 - The development proposed is to erect a single wind turbine, mounted on a freestanding tubular steel tower with a hub height of 29.3m, a rotor diameter of 24.4m and a tip height of 41.4m.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A site visit was carried out on 15 May 2017, but due to the inclement weather, visibility was restricted so a further unaccompanied site visit was carried out on 14 June 2017, when the weather was fine and visibility good.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area having regard to the location of the site within a Special Landscape Area;
 - Whether the requirements of the Ministerial Written Statement of 18 June 2015 are met; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. Paragraph 91 of the Framework states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. There is no evidence to indicate that the proposal would not fall into this category, and as such it would be an inappropriate form of development in the Green Belt. According to paragraph 87 of the Framework inappropriate development is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.

Openness

5. Openness is an essential characteristic of the Green Belt. It can be considered as the absence of buildings or development. The proposed turbine would have a hub height of about 29.3m, and three blades around 24.4m in diameter, giving a tip height of approximately 41.5m. The size of this man-made structure in the landscape, and the impact of the rotating blades would in my view reduce openness. However, the extent of that reduction would be limited by the relatively slender nature of the structure.

Character and Appearance

6. One of the core planning principles of the Framework is that the intrinsic character and beauty of the countryside should be recognised. The *Planning Practice Guidance* (PPG) states that local topography is an important factor in assessing whether wind turbines have a damaging impact on the landscape, and that decisions should take into account the cumulative landscape and visual impact of wind turbines.
7. The proposal was supported by a Landscape and Visual Impact Assessment (LVIA) which provides an assessment of the predicted effects on the landscape character and visual amenity. The photomontages and wireline views provide a useful tool in assessing and understanding the likely impact of the proposed turbine from a broad range of locations.
8. The appeal site is located within the 'Moorland Fringes / Upland Pastures' Landscape Character Type in *The Landscape Capacity Study for Wind Energy Development (2010)* (LCS). This area is characterised by elevated open upland pastures flanking valleys and open moors, divided into a patchwork of fields by gritstone walls, and as an area which retains a sense of remoteness. The *South Pennines Wind Energy Landscape Study (October 2014)* which updates and extends the LCS identifies that this area is generally of high (locally moderate to high) sensitivity to wind energy development. It considers that the area generally is suited only to scattered very small or small single turbines that relate well to the many human scale features that characterise the landscape. It also indicates that the close juxtaposition of different small turbine designs and height should be avoided.
9. The area in which the appeal site is located is representative of the character area, as it comprises upland grazing land above the valleys that gives way to open moorland. Scattered across this are individual and small groups of properties and farmsteads, with the settlements of Rishworth and Ripponden in the valleys to the north and east. However, the character of landscape is impacted by the M62 corridor to the south of the site, a high-voltage power line

to the north east, and a number of telecommunication masts situated on hill tops. There are also a number of other, generally individual small scale, turbines scattered across the area. In the light of this, and notwithstanding its local designation as a Special Landscape Area, which reflects its visual qualities and degree of accessibility from nearby urban areas, I consider that the immediate locality is an area of lesser sensitivity.

10. The proposed turbine would be erected in a field currently used for grazing of sheep, about 165m from the appellant's house. In the adjacent field is a small turbine (around 18m in height). With a height of around twice the size of this, the proposed turbine would be significantly different in scale and also in design to this adjacent turbine, and so together they would not form a coherent group.
11. I accept that the significant number of man-made detractors in the landscape means that another small turbine could be accommodated in the area without significantly detracting from the existing character. Nevertheless, the lack of consistency with the existing turbine which would be in such close proximity, means I consider the overall impact on the landscape character of the immediate area, would be moderate adverse rather than the moderate – slight adverse suggested in the LVIA. Nevertheless, as in the wider area these differences would be less perceptible, I agree with the findings of the LVIA that where the proposal would be seen in the wider moorland landscape the significance of the impact would be slight adverse, and neutral from the urban edge.
12. The Zone of Theoretical Visibility (ZTV) has a 15km radius but from much of this area the proposal would be screened by intervening undulating topography, and mature vegetation. The LVIA assesses the site from 6 viewpoints, covering a range of distances and potential type of receptors.
13. The majority of residential properties within the ZTV, including some of those closest to the site, would have no views of the turbines. From those where it would be possible to see the turbine it would be seen in the context of one or more of the other significant detractors in the area, notably the high voltage electricity pylons, telecommunication masts, other turbines, and the heavy flow of traffic along the motorway corridor.
14. The surrounding countryside is crossed by a variety of roads, and public footpaths and bridleways. Whilst in some of these views the turbine would break the skyline, in many it would not, and views of the turbine along these roads and paths come and go depending on the intervening landscape and vegetation. Once again in the majority of views, both near and far, the proposal would be seen in the context of the existing man-made detractors within the landscape.
15. In the light of this, I therefore agree with the findings of the LVIA that the significance of the effect on receptors would be slight adverse, rising to moderate adverse at the nearest viewpoint on Pike End Road.
16. There are a number of other turbines within the wider area. However, apart from the turbine in the adjacent field, the degrees of separation of these other turbines from the appeal site, and modest level of intervisibility would be of the magnitude such that there would be no sense of the landscape being

dominated by wind turbines. Therefore, no harmful cumulative effect in the wider area would result from the proposal.

17. Taking all these points together, the proposal would have a harmful impact on the character and appearance of the area, but for the reasons set out above, the degree of that harm would be moderate at worst. The harmful impact would also be both temporary and reversible. Therefore I consider the proposal would not conflict with Policies EP28, EP30 and NE12 of the *Replacement Calderdale Unitary Development Plan (adopted August 2006) (as amended August 2009)* (RCUDP) which, amongst other things, seeks to avoid significant harm to the visual quality or character of the landscape, the local environment or to the recreational/tourist use of the area, or adversely affect the landscape quality of the Special Landscape Area.

Written Ministerial Statement

18. The PPG includes the requirements of a Written Ministerial Statement (WMS) of 18 June 2015 which are that planning permission should only be granted if: the development is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and, following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.
19. The RCUDP does not designate land for wind energy related development. The 2014 Landscape Capacity Study, referred to above, establishes the sensitivity of landscapes to turbines of various scales but it does not then proceed to identify and allocate land where turbines would be acceptable. Therefore, as a matter of fact, the proposal is not located within an area designated for wind energy development.
20. The appellant indicates that no local objections were received in response to the statutory pre-application community consultation. However, the Parish Council objected to the planning application as they considered the proposal was not sustainable as it was no longer a working farm. In addition, there was one letter of objection to the planning application, and one to the appeal, from different local residents. These raised matters concerning noise, the need for the turbine, the effect on property value, shadow flicker and the visual impact that would result from the turbine being much higher than the existing one. These are all matters that I have addressed elsewhere in my decision, and do not add to the factors weighing against the scheme.
21. Notwithstanding this, as the turbine is not in an area designated for wind energy development it fails to satisfy the requirements of the WMS. This is a matter that must weigh significantly against the proposal.

Other matters

22. The appellant's technical assessment shows that the wind turbine, would operate well within the limits set out in ETSU-R-97, even when taking account of the cumulative impact with the adjacent turbine, and as a result I have no reason to conclude that noise would have any significant impact. The degree of separation and orientation means that nearby local residents would not be likely to be affected by shadow flicker even in winter. Taking those points together, the proposal would have no significant impact on the living conditions

of local residents. In addition, there is no persuasive reason to consider that the proposal would have an impact on property values, and the fact that the turbine would not be located on a working farm does not detract from the proposal as there is no policy which requires such a location.

23. Whilst there are three listed buildings/structures in the locality, there is no clear visual link between these assets and the site. As a result, I am satisfied that the proposal would not impact on their significance or setting.

Planning Balance and Conclusions

24. The proposal would be inappropriate development in the Green Belt, which, by definition, is harmful, and to this must be added further moderate harm arising from the loss of openness. Paragraph 88 of the Framework indicates that any harm to the Green Belt should be given substantial weight. Furthermore, significant weight must be given to the fact that, contrary to the WMS, the appeal site does not fall within an area designated for energy development.
25. There would also be a moderately harmful effect on the character and appearance of the area, but I have concluded that the degree of harm arising from this would not be of an order that renders the proposal contrary to Policies EP28, EP30 and NE12 of the RCUDP. Moreover, they would be temporary and reversible.
26. Paragraph 91 of the Framework accepts that very special circumstances will need to be demonstrated if renewable energy projects are to proceed in the Green Belt. It states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. One of the core planning principles of the Framework is to encourage the use of renewable resources.
27. According to the appellant's figures, which are not disputed by the Council, the wind turbine would produce around 240,000 kWh per year which would be the equivalent to saving 122 tonnes of carbon a year. This would be fed into the national grid. Given the promotion of renewable energy proposals in the Framework, and elsewhere in Government policy, in order to address issues around climate change and energy security in particular, this would represent a benefit of considerable magnitude.
28. Nevertheless, in my judgement, the environmental benefits outlined above do not clearly outweigh the harm to the Green Belt, and the harm that results from the proposed turbine being contrary to the WMS. Therefore the very special circumstances necessary to justify the proposal do not exist, and so it would conflict with the Framework.
29. Consequently, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSEPECTOR