



Appeal Decision

Site visit made on 12 February 2018

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2018

Appeal Ref: APP/R4408/W/17/3184595

Westfield Farm, Royd Moor Road, Thurlstone, Barnsley S36 7RD

- 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 Robert Barraclough against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2015/0960, dated 8 August 2015, was refused by notice dated 23 March 2017.
 - The development proposed is the installation of a 50kw wind turbine on a 24m monopole mast (34m to blade tip).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At appeal stage the appellant submitted a revised Location Plan and Block Plan showing the position of existing and proposed planting. He also proposed that the turbine should be grey and produced four photomontages to show the impact of both of these changes. Both the Council and third parties have had the opportunity to comment on these revised plans as part of the appeal process and I am satisfied that no party would be prejudiced by me considering these plans as part of the appeal process.

Background and Main Issues

3. The appeal site lies within the Green Belt. It is agreed by the main parties that the proposed turbine would be inappropriate development within the Green Belt, a conclusion with which I agree. Therefore the main issues in the appeal are:
 - 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;
 - 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

Openness

4. 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 24.6m, and three blades around 19.2m in diameter, giving a tip height of approximately 34.2m. 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

5. One of the core planning principles of the *National Planning Policy Framework* (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.
6. 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 from various viewpoints provide a useful tool in assessing and understanding the likely impact of the proposed turbine from a broad range of locations.
7. The appeal site is located within the 'Ingbirchworth Upland Farmland' Landscape Character Area as designated in the *Barnsley Borough Landscape Character Assessment* (LCA), but does not have any special status or protection. This landscape area is characterised by a stepped landform of medium pasture fields enclosed by distinctive stone walls, with scattered farmsteads, single lane rural roads, some beech plantations and disused quarries, shafts and mines. There are some panoramic views across adjacent river valleys to the Peak District National Park, and existing wind farms are identified as being prominent features in views. Overall the LCA considers that the area has a high sensitivity to built development and that the landscape capacity is low.
8. The area in which the appeal site is located is representative of the character area as it comprises undulating fields of pasture defined by stone walls, with only sporadic trees other than some small distinct deciduous woodland. Away from the villages of Thurlstone and Millhouse Green there are only scattered farmsteads, link by narrow rural lanes.
9. The proposed turbine would be located in a pasture field, about 225m from the appellant's farmstead. The hillside, of which the field forms a part, climbs to the north and it is largely devoid of any tree cover or other vertical features, although it is possible to see parts of the blades of some turbines that form part of the wind farm to the north on the skyline. As such, the impact on the landscape character of the immediate area would be moderate adverse. However, in the wider area, the turbine would be seen in the context of the three commercial windfarms at Spicer Hill, Royd Moor Road and Blackstone Edge, and other vertical features, and so I consider the impact on the wider landscape character would be low.

10. The Zone of Theoretical Visibility (ZTV) has a 5km radius, but from much of this area the proposal would be screened from view by intervening undulating topography. The LVIA assess the site from a number of viewpoints, covering a range of distances and potential types of receptor.
11. In the more distant views drawn to my attention, the proposed turbine would lie within a panoramic vista. As such it would be a very small element in the landscape, often seen in the context of the far more dominant commercial wind farms. It would generally benefit from the hillside backdrop and, even with the movement of its blades, would appear as a relatively small structure diminished by distance. Thus the proposed turbine would, in effect, be satisfactorily absorbed into the wider landscape.
12. The majority of residential properties in the ZTV, including many close to the site would have no views of the turbines due to intervening structures, vegetation and topography. However, some views would be possible from a limited number of houses on Windsor Avenue.
13. In addition, the countryside in the immediate vicinity of the site is crossed by a number of roads, footpaths and bridleway. When leaving the village on Royd Moor Road, views of the turbine would largely be blocked by the farm buildings, but in the stretch of road between the host farm and Royd Moor Farm, when travelling in either direction, the turbine would be a prominent feature. The same would be true when descending the footpath from Windsor Avenue opposite the site, and at points along the bridleway to the south. The open nature of the hillside on which the turbine would be located, and the lack of vertical features, means that although located further away from these roads and paths than the previous turbine proposed at the farm, it would still have a significant presence and would add a discordant and jarring element to the rural landscape. As a result, from the more local viewpoints it would have a significant adverse impact, and I consider that this impact would be the same irrespective of the potential change in colour of the turbine.
14. The photomontages produced by the appellant, show that the proposed planting would help to mitigate this impact in many of the views from Royd Moor Road, and the bridleway. However, I note that no details have been provided of the numbers, heights and specifications of the trees to be planted. In the absence of such information, it is not possible to assess the time that would be required for the trees to provide this level of screening. Irrespective of this, if deciduous, the level of screening provided would be less in the winter months. Moreover, given the open nature of the hillside, which apart from around the former quarry, only has isolated sporadic trees, I consider that the proposed planting would appear an alien and incongruous feature that would be detrimental to the landscape character.
15. Although there are a number of other turbines in the area, the degree of separation and modest level of intervisibility, other than in some longer range views where the proposed turbine would be a very small element, means that there would be no sense of the landscape being dominated by wind turbines. Therefore, I am satisfied that no harmful cumulative effect in the wider area would result from the proposal.
16. Bringing these points together, whilst the impact on the wider landscape would be limited, the proposal would have an adverse effect on the character and appearance of the local area. Consequently, it would be contrary to Policies

CSP6, CSP29, and CSP 37 of the *Barnsley Core Strategy (adopted September 2011)* (BCS) which requires the developments, including renewable energy developments, to retain and enhance the character of the landscape and the appearance of the area.

Written Ministerial Statement

17. 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.
18. My attention has been drawn to the fact that the WMS sets out transitional arrangements which indicate that where the development plan does not identify suitable sites, proposals can be found acceptable if it is considered that the planning impacts identified by affected local communities are addressed and so has their backing. However, these transitional arrangements only apply to planning applications that had already been submitted when the WMS was published. As this application is dated 8 August 2015, several weeks after the WMS was published, these arrangements are not applicable in this case.
19. From the evidence before me, it would appear that the BCS does not designate land for wind energy related development and I have not been made aware that there is a Neighbourhood Plan that covers the area. Therefore, as a matter of fact, the proposal is not located within an area designated for wind energy development.
20. There were 2 letters of objection to the application: one from the Town Council on the basis that it was inappropriate development in the Green Belt; and another from a local resident which raised matters of noise, sun glare, the effect on property value and visual impact. These are all matters that I have addressed elsewhere in my decision. In addition, there were several letters of support for the scheme as well as an 18 signature petition of support. Whilst some of these letters of support appear to be related to the appellant's suggestion that the proposal would result in the haulage business at the farm not developing further, this is not mentioned in others or in the petition. As such, overall, it would appear that the proposal does have the backing of at least some local people.
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 Considerations

22. Paragraph 91 of the Framework confirms that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. This is the agreed position in this case; and it is therefore for the appellant to demonstrate very special circumstances if a project is to proceed. The same paragraph of the Framework 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.
23. It is estimated by the appellant that the turbine would generate an average of 170,000 kW of electricity per annum, corresponding to an estimated annual reduction of 84 tonnes in carbon dioxide emissions. Although I note the Council's concern that the energy consumption figures for the farm are not supported by substantive evidence, on the basis of the figures provided by the appellant, the energy produced would be sufficient to supply the electricity needs of the farm as well as exporting some to the national grid. I give these environmental benefits significant weight.
 24. The economic benefits to the farm, by savings in electricity costs is likely to contribute to maintaining competitiveness, encouraging investment and growth in the business, with potential to lead to wider social and economic benefits, and the management and maintenance of the farmland. These factors merit moderate weight.
 25. The appellant has indicated that without the economic benefits of the turbine, the viability of the farm is such that he would need to provide additional income by expanding the haulage business at the farm, which is stated to have operated since the 1950s, but which at present is small scale. To this end an Established Use Certificate for the farm dated 1992 has been provided for a 'mixed use haulage contracting and agriculture' and the appellant has indicated that 25 vehicles were operating at this time. However, if permission for the turbine is achieved he has indicated he would be prepared to limit the number of HGVs that can operate from the farm to 3, and that a planning condition requiring a Section 106 agreement could be used to secure this. It is suggested this would bring highway safety and other amenity benefits to the area, and I note some letters of support specifically refer to this benefit.
 26. However, the Council have indicated that there is insufficient evidence to show that the haulage business has operated from the farm continuously since this time and that the use has not been abandoned. However, this suggestion is not for me to determine. In addition, it is highlighted that an application would be required to the Traffic Commissioner who may not consider the location of the farm was suitable for 25 HGVs.
 27. Whether or not there is a lawful haulage business on the farm, and its size, is not a matter that is before me at this appeal. However, even if there was, no executed Section 106 agreement or Unilateral Undertaking has been put before me to secure the curtailment of this use. Paragraph 3.3.1 of the *Procedural Guidance - Planning Appeals - England (January 2018)* is clear that any form of planning obligation should be submitted with the appeal documentation.
 28. Moreover, the PPG advises that negatively worded conditions to secure a Section 106 agreement are unlikely to be appropriate in the vast majority of cases, and should only be used in exceptional circumstances, such as more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. This would not apply in the case of this modest development.
 29. As such, in the absence of any legal agreement, I give minimal weight to the suggested highway safety and amenity benefits relating to the restriction of the haulage business.

Other Matters

30. The appellant's technical assessment shows that the wind turbine, would operate well within the limits set out in ETSU-R-97, and as a result I have no reason to conclude that noise would have any significant impact. The degree of separation and orientation means it is unlikely that nearby local residents would be affected by shadow flicker, and there is no substantive evidence to show that glare from the turbine would have a harmful impact in the area. Taking those points together, the proposal would have no significant impact on the living conditions of local residents. However, an absence of harm in this regard is a neutral factor. In addition, there is no persuasive reason to consider that the proposal would have an impact on property values.
31. There are 4 listed buildings in the locality. However, there is no clear visual link between the church and its associated vicarage in the village and the site, and I am satisfied that the distance the turbine would be from Royd Moor Farm and surrounding buildings, means that the turbine is not within its setting. As a result, I consider that the proposal would not impact on the significance or setting of these heritage assets. In addition, it is agreed that there would be no ecological impacts on the turbine.
32. It has been suggested that the Council have allowed other similar sized turbines elsewhere in the Green Belt. However, I do not know the specific circumstances of these cases, and so cannot be sure that any of them represent a direct parallel to the appeal scheme. In any case I have determined the appeal on its own merits.

Planning Balance and Conclusion

33. 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. The turbine would also have a harmful effect of the character and appearance of the local area.
34. However, in my judgement, the environmental and economic benefits outlined above do not clearly outweigh the harm to the Green Belt, to the character and appearance of the local area 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.
35. Consequently, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR