



Appeal Decision

Site visit made on 4 May 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2023

Appeal Ref: APP/G2713/W/23/3315340

Moor House Farm, High Worsall, North Yorkshire TS15 9PS

- 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 and Mrs Harriman against the decision of Hambleton District Council.
 - The application Ref 22/02042/FUL, dated 2 September 2022, was refused by notice dated 21 December 2022.
 - The development proposed is erection of wind turbine.
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Decision

1. The appeal is allowed and planning permission is granted for erection of wind turbine at Moor House Farm, High Worsall, North Yorkshire TS15 9PS in accordance with the terms of the application, Ref 22/02042/FUL, dated 2 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:
21/06 – WT001 (SITE LOCATION PLAN),
21/06 – WT002A (PROPOSED TURBINE), and
10363.1 A (Wind turbine noise impact assessment).
 - 3) Within 6 months of the wind turbine ceasing to be used for the generation of electricity, the turbine shall be permanently removed from the land and the site restored in accordance with details to be submitted to and approved in writing by the local planning authority prior to these works being carried out.

Preliminary Matters

2. Due to Local Government Reorganisation (LGR), as of 1st April 2023, Hambleton District Council has ceased to exist. From this date, the Local Planning Authority is North Yorkshire Council.

Main Issues

3. The main issues are: i) whether the proposed development would provide a suitable location for a wind turbine, having regard to the relevant provisions of the development plan; and ii) whether there are any material considerations that would outweigh any harm arising from any conflict with the development plan.

Reasons

4. The appeal site comprises a circular parcel of land located within an agricultural field to the northeast of the dwelling at Moor House Farm. The site is within the open countryside some distance from the nearest settlement and is set back considerably from the closest public road to the west.
5. Policy RM6 of the Hambleton Local Plan Adopted February 2022 (the Local Plan) sets out the Council's support for development proposals for renewable and low carbon energy generation, subject to potential adverse impacts being acceptable. However, in respect of proposals involving one or more wind turbines, it stipulates that these will only be supported where (a) the site is located within an area defined as being suitable for such in an adopted neighbourhood plan; and (b) following consultation, the Council is satisfied that all potential adverse planning impacts, including those identified by affected local communities, have been fully addressed.
6. Policy RM6 is consistent with Paragraph 158(b) and Footnote 54 of the National Planning Policy Framework (the Framework) in this respect, albeit Footnote 54 indicates that it should also be demonstrated that the proposal has the backing of the local community. The Planning Practice Guidance (PPG) indicates that whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.
7. In respect of part (a) of Policy RM6, the Council confirm that there are no areas identified as being suitable for on-shore wind turbine development in either the Local Plan or any adopted Neighbourhood Plan. Consequently, the site is not located within an area defined as being suitable for such development. However, the evidence indicates there is only one adopted neighbourhood plan within the Hambleton Plan Area, not within the vicinity of the application site. The lack of an allocation in this instance therefore does not in itself infer that wind turbine development in this area would be unsuitable in planning terms.
8. Except for part (a) of Policy RM6, the Council has not identified any other policy conflict or planning harm, subject to the imposition of appropriate planning conditions, and conclude that the proposal would therefore be compliant with part (b) of Policy RM6. The Council has also concluded, following public consultation, that the proposal has local community backing. Based on the evidence before me, I see no reason to take a different view on these matters.
9. The justification for Policy RM6 acknowledges that renewable energy generation is central to efforts to reduce reliance on fossil fuels and to tackle climate change, in line with relevant UK legislation and international agreements. It recognises that planning has an important role in ensuring the deliverability of renewable energy technologies in locations where the local environmental impact is considered acceptable. Policy S1 of the Local Plan, among other provisions, also seeks to support development that takes available opportunities to adapt to climate change, including minimising greenhouse gas emissions, and makes prudent and efficient use of natural resources.
10. Nevertheless, due to the identified conflict with Policy RM6, I consider that the proposal would conflict with the development plan, taken as a whole. Paragraph 47 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) state that decisions must be made in accordance with the development plan, unless material considerations

indicate otherwise. I must therefore consider whether there are any material considerations that outweigh any harm arising from this conflict.

11. Paragraph 152 of the Framework indicates that the planning system should support the transition to a low carbon future in a changing climate, including by shaping places in ways that contribute to radical reductions in greenhouse gas emissions, and supporting renewable and low carbon energy and associated infrastructure. Paragraph 158(a) of the Framework recognises that even small-scale renewable and low carbon development projects provide a valuable contribution to cutting greenhouse gas emissions.
12. My attention has been drawn to the Council's Climate Change Policy Statement (CCPS), which sets out the Council's vision for tackling climate change and confirms that the Council declared a climate emergency in December 2021. This includes a commitment to make Hambleton carbon neutral by 2034, and to promote energy efficiency measures and renewable energy sources. I recognise that this does not give blanket approval to carbon reduction and renewable energy generation schemes, however it is material to this case.
13. The appeal scheme would assist the appellants in reducing their carbon footprint and seeking to achieve carbon neutrality. It would contribute to tackling climate change and cutting greenhouse gas emissions. These are advocated in the Framework and CCPS. These factors weigh in favour of the proposal, even if only modestly given its small scale and context.
14. Given the limited extent to which the proposal conflicts with the development plan and as there has been no actual planning harm identified arising from this conflict, I find that the modest benefits of the proposal are sufficient to outweigh the harm arising from the identified development plan conflict.

Conditions

15. The Council has suggested conditions should the appeal be successful. I have considered these and amended where necessary to accord with the PPG and the tests for conditions set out in Paragraph 56 of the Framework.
16. In addition to the standard time limit condition, it is necessary to specify the approved plans and details, including the submitted noise impact assessment that contains the turbine specification, as this provides certainty. In the interests of the character and appearance of the area, a condition is also required to ensure the wind turbine is permanently removed from the land and the site is restored within 6 months of it ceasing to be used.
17. While the Council had recommended that condition no. 3 should limit the permission to a period of 25 years, it is not clear where this timescale is derived from and I am satisfied that removal of the wind turbine once it has been out of use for 6 months, as suggested by the Council, is sufficient to protect the character and appearance of the area.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

Ryan Cowley

INSPECTOR