



Appeal Decision

Site visit made on 24 August 2023

by A. Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/X3540/W/22/3311369

Church Farm, Land Southeast of, Church Lane, Earl Soham IP13 7SD

- 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 Ms Andrews against the decision of East Suffolk Council.
 - The application Ref: DC/22/2482/FUL dated 21 June 2022 was refused by notice dated 9 September 2022.
 - The application is for the installation of 1no. micro wind turbine.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of 1no. micro wind turbine at Church Farm, Church Lane, Earl Soham in accordance with the application DC/22/2482/FUL dated 21 June 2022 and subject to the conditions as outlined in the Schedule below.

Procedural Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was directly relevant to this appeal. I have therefore determined this appeal in accordance with the revised provisions within the Framework and I ensured that the main parties were allowed to comment on the revised Framework accordingly.

Main Issues

3. The main issues are 1) the effect of the proposal upon the landscape character and appearance of the area 2) the principle of the site for micro wind turbine installation.

Reasons

Effect of the proposal upon the landscape character and appearance of the area.

4. Church Farm is a modest traditional farmstead located along an attractive narrow country lane that skirts along a shallow valley bottom in a roughly south easterly direction from the area around St Mary's Church, Earl Soham. The farm itself is white painted brick and presents a gable elevation towards the lane before a two-storey rear outshut extends parallel to the road.
5. Church Farm also accommodates several traditional farm buildings, including one such structure that has recently been converted to living accommodation. I

was advised on my site visit that it is to serve this building that the proposed micro wind turbine is considered.

6. The location of the turbine itself would be within a paddock to the rear of Church Farm. The paddock gently slopes upwards, away from Church Lane and, despite being higher than the farm itself, it appears well enclosed on all sides with hedging and trees. The proposed turbine would be located some distance in from the highest boundary of this field and would not contain any other above ground services or infrastructure.
7. The turbine itself would rise to a height of around 15m and would be a three bladed, self-regulating turbine of such a class as to be considered 'micro'. The manufacturers deem the device suitable to serve small plots, farms or small housing developments either on grid or off grid.
8. The site is located within the open countryside and as such Policy SCLP10.4 of the Suffolk Coastal Local Plan¹ (the Local Plan) is relevant. This policy sets out how development proposals should be sympathetic to the landscape character of an area and settlements within them. The Council's Landscape consultee assessed the scheme and found some minor harm although this was not felt significant enough to enable them to suggest a reason for refusal.
9. In assessing this appeal, I saw on my site visit that, although upon a gentle hill, the paddock within which the turbine would sit is not readily visible from many areas immediately surrounding the site. I saw for instance that there would be the possibility of a glimpse of the structure from Church Lane, but this would be partially screened by trees and buildings. Similarly, when viewed from the adjacent bridleway that extends up the adjoining field, I could not readily see the site due to trees and hedgerows. Although such foliage would vary as the year goes on and seasons change, I consider that the presence of a single, modestly scaled wind turbine would not cause material visual harm, when seen from these two viewpoints.
10. I also attempted to inspect the location of the turbine from the nearby village of Earl Soham, whose buildings were partially visible from the adjacent bridleway in a partial cleft in the valley here. Although the level of the land where the turbine would be located could be appreciated, the amount of other visual impetus when moving through and around the village would not lead me to the conclusion that a single turbine, located some distance from the village and of a modest scale, would be unduly visible, nor harmful to the village character.
11. The relatively enclosed nature of the site and the intact landscape features surrounding it means that I consider there would be very limited harm to the landscape character here.
12. In light of my findings above I do not find that there would be any tangible or noticeable harm caused by the presence of the micro wind turbine and as such I consider that the policy requirements of Policy SCLP10.4 have been met in this regard.

¹ Suffolk Coastal Local Plan Adopted September 2020.

The principle of the site for micro wind turbine installation

13. The principal reason for refusal of this scheme is concerned with the lack of support for such interventions as contained within the Local Plan. The National Planning Policy Framework (the Framework) places considerable emphasis upon the creation of sustainable development and is also supportive of the need to provide renewable energy. The Framework also clearly recognises the importance, and contribution of small-scale energy generation in the achievement of this.
14. Despite this, the Framework limits its support with regards specific proposals for wind power. It instead places the emphasis upon the development plan or local Supplementary Planning Documents (SPD) to identify areas and that any effects on the local community have been addressed and that the proposal has their support². Policy SCLP9.1 (Low Carbon and Renewable Energy) of the Local Plan therefore specifically alludes to wind energy schemes and reflects the Framework stating that such proposals must be located in an area identified as suitable for renewable or low carbon energy in a Neighbourhood Plan, although it does not reflect the inclusion of SPDs.
15. Although the Earl Soham Neighbourhood Plan was recognised as a proper entity for such matters some years ago, it is clear that there has been no tangible progress in the production of such a plan nor any evidence base regarding these matters that could inform such a plan were it to be produced.
16. As such there would appear to be a clear conflict with the Local Plan and the Framework in this matter and the main issue with regards the principle of this proposal is whether or not there are other material considerations which could outweigh such conflict.
17. The Framework does place emphasis upon the support of local communities. In this case, the application was for a single wind turbine within a relatively secluded area, which went through the statutory consultation period twice³, and from which there was one letter of concern associated with the visual impact of the proposed turbine and questioning its sustainability. Conversely, the Appellant's themselves carried out a process of community engagement, including several hundred leaflets being posted to local residents and an online consultation where five respondents responded positively.
18. As such, although the local authority has not yet identified specific areas for wind development in the development plan or SPD, and the community have not, for whatever reason, proactively sought to adopt a policy on wind generation, I consider that there has been ample opportunity for members of the local community to raise concerns should they have wished. In this, it is reasonable to give weight to the potential that the community does support, or rather does not object, to this specific proposal, despite the single letter of concern that was received.

² Footnote 54 of the Framework states "Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support." This footnote was amended recently with minor changes to wording.

³ The first consultation took place under a previous planning application ref: DC/22/4582/FUL

19. Ultimately, the proposal would be in conflict with Local Plan Policy SCLP9.1. However, in light of the absence of an appropriate neighbourhood or other plan with which the above policy could defer to, this policy cannot be compiled with. The Framework requirements are also not met, in that similarly no areas for wind turbines are identified.
20. However, the drive for renewable energy is a material consideration of significant weight that must be taken into account. In this particular case, the material considerations involve the effect of the proposal upon the landscape character and appearance of the area and the amount of local opposition to such a scheme. While the benefits are limited to relatively small-scale support for domestic energy, I conclude, in the absence of community opposition or material harm to the environment, that the benefits from the proposal would represent material considerations sufficient enough to outweigh conflict with the development plan.

Conditions

21. With regards conditions I include all the conditions as suggested by the Council with the addition of the suggested conditions of the Council's Ecology consultant with regards local wildlife and protected species.

Conclusion

22. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions as outlined in the Schedule below.

A Graham

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be completed in all respects strictly in accordance with: Site location Plan, Block Plan, Noise Assessment, Proposed elevations, Britwind R9000 5kW Wind Turbine brochure, Ecological Appraisal, Statement of Community Involvement, Planning Statement all received 21 June 2022 for which permission is hereby granted.
3. Within six months of the cessation of the use of the wind turbine hereby permitted, it shall be removed from the site and the site returned to a grassed meadow (or other such landscaping that shall have previously been submitted to and approved in writing by the local planning authority).
4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Appraisal (OS ecology, May 2022) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.
5. No development shall take place (including any demolition, ground works, site clearance) until a method statement for great crested newt and other herpetofauna has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);
 - g) disposal of any wastes arising from works.The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.