



Appeal Decision

Site visit made on 11 December 2023

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/A2335/W/23/3316982

1 Higher Stockbridge Barn, High Road, Tatham, Lancashire, LA2 8PS

- 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 Richard Wilson against the decision of Lancaster City Council.
 - The application Ref 22/01354/FUL, dated 31 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is the erection of a 1kW pole-mounted domestic wind turbine, overall height 8.9m, rotor diameter 0.9m, mounted on scaffold-tube tower with steel guy-ropes secured to ground anchors. Installation of underground cable from tower base to annex and connection in annex to grid.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1kW pole-mounted domestic wind turbine, overall height 8.9m, rotor diameter 0.9m, mounted on scaffold-tube tower with steel guy-ropes secured to ground anchors and installation of underground cable from tower base to annex and connection in annex to grid at 1 Higher Stockbridge Barn, High Road, Tatham, LA2 8PS in accordance with the terms of the application, Ref 22/01354/FUL, dated 31 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Site Plan; Elevation; Plan; and Drawing No A0134 Rev A.
 - 3) The development hereby permitted shall be implemented in full accordance with the approved protected species mitigation measures set out in BOW17_1397 Higher Stockbridge Farm Omission to Planning: Amphibian RAMs. Where required by the approved mitigation, the measures shall be retained and maintained within the development at all times thereafter.
 - 4) 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).

Procedural Matter

2. On 22 November 2023 the name of all designated Areas of Outstanding Natural Beauty changed to "National Landscapes", accordingly I have used this term in

my report. However, the legal designation and policy status of these areas has not changed.

Main Issues

3. The main issues in the appeal are:

- the principle of using the site for wind energy developments;
- The effect of the development on the character and appearance of the Forest of Bowland National Landscape; and
- The effect of the proposal on the living conditions of nearby residents with particular regard to noise.

Reasons

Principle of using the site for wind energy developments

4. The *National Planning Policy Framework (the Framework)* indicates that the planning system should support the transition to a low carbon future and is supportive of the need to provide renewable energy. It also highlights that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. However, with regard to wind turbines, footnote 54 indicates that applications for 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 that any effects on the local community have been addressed and that the proposal has its support.
5. The *Local Plan for Lancaster District 2011-2031 Part Two: review of the Development Management Development Plan Document (adopted July 2020)* (LP2) is also supportive of the transition to a low carbon future and seeks to maximise renewable and low carbon energy where it is compatible with other sustainability objectives. Reflecting the Framework, Policy DM53 of LP2 indicates that proposals for wind turbines will only be supported where they are located within an area identified as suitable for wind energy on the associated Policies Map and in Figure 13.1.
6. The appeal site is not located in an area identified as suitable for wind energy on the Policies Map. I note that the Renewable Energy Position Statement produced for the Forest of Bowland National Landscape Area indicates that micro and small-scale renewable energy can be acceptable within the area subject to various considerations. However, this guidance dates from 2011 and so predates the publication of both the Framework and the adoption of both Part 1 and Part 2 of the Local Plan. I have determined the appeal on the basis of the more recent national and local policies.
7. Consultation on the planning application resulted in two letters which did not object to the proposal but raised concern that the siting was close to a spring and drainage pipes. At both application and appeal stage the proposal has attracted letters of support from the Parish Council. On this basis, I consider the proposal does have the support of the local community. Nonetheless, notwithstanding this support, the location of the proposal outside of an area identified as suitable for wind energy development means it is contrary to Policy DM53 and the Framework.

Character and appearance

8. The proposed turbine would be located in a paddock to the side of Nos 1 and 2 Higher Stockbridge Barn. It would be a small-scale domestic turbine with an overall height of 8.9m. The paddock slopes gently upwards from the road and a belt of mature trees is located along the edge of the paddock closest to the road. A public right of way runs through the paddock adjacent to the eastern boundary.
9. The site is located within the Forest of Bowland National Landscape. The Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas. Policy DM46 of LP2 requires development in such areas to be sustainable, consistent with the primary purpose of their designation and support their special qualities as set out in the Management Plan. Proposals should not have a significant adverse effect on landscape character or visual amenity.
10. The *Landscape Character Assessment for the Forest of Bowland National Landscape (September 2009)* (LCA) classifies this area as "Undulating Lowland Farmland". The LCA states that the key characteristics of this area are many mixed farm woodlands, copses and hedgerow trees; an intricate tapestry of grazed fields; and a patchwork of wood and pasture when viewed from the fells.
11. The area in which the appeal site is located is representative of the character area. The pastoral landscape contains many woodlands, copses and hedgerow trees and there is a patchwork of rolling fields. Within the area open panoramic views are possible of the surrounding countryside and scattered across the landscape are farmsteads. From High Road roads and small villages are often "hidden" by the undulating nature of the landscape resulting in a tranquil landscape. The main vertical features in the landscape are trees and the wooden utility poles running to properties.
12. The proposed turbine would be a similar height to the utility poles serving the adjacent houses and would be seen in the context of them in many views, although the rotating blades would have the potential to draw the eye in the way the utility poles do not. Nonetheless, the turbine would be a slim, lightweight structure with a limited height and so I consider it could be accommodated in the area without significantly detracting from the existing character and openness.
13. The only property with direct views of the turbines would be Nos 1 and 2 Higher Stockbridge Barn which is owned by the appellant. The nearby farmhouse is orientated such that a blank gable wall would face the turbine.
14. In much of the wider area, the proposal would be screened from view by the intervening undulating topography and vegetation. When approaching the site along High Road in an easterly direction the adjacent houses and mature trees would largely obscure views of the proposal, whilst in the other direction the roadside hedge would prevent all but occasionally glimpsed views. Immediately in front of the site, and when approaching from the road leading to the church opposite, views, even in winter, would be filtered by the belt of trees along the front of the site.

15. The proposal would be readily apparent when utilising the footpath that runs along the eastern boundary of the paddock and particularly in views looking north, it would break the skyline. However, in many of the views, and particularly when looking south, the turbine would be seen against the backdrop of mature trees which would be taller than it, and in the context of the nearby utility poles and houses. As such, it would not be an unduly obtrusive feature.
16. From other footpaths and roads, views of the proposed turbine would come and go depending on the intervening landscape and vegetation. From where it would be visible, it would be seen in the context of these other nearby vertical features and the adjacent buildings, which would limit the visual harm. In longer range views the limited scale and mass of the structure would result in it being an unobtrusive feature in the landscape.
17. As such I consider the significance of the effect on receptors would be slight adverse, rising to moderate adverse on the footpath crossing the paddock.
18. From the site, the only other turbine visible is the blade tips of one seen over the brow of a distant hill to the southwest. As such, there would be no sense of the landscape being dominated by wind turbines and the proposal would not result in any harmful cumulative effect in the wider area.
19. The latest Management Plan for the Forest of Bowland National Landscape which covers the period 2019-2024, recognises that the landscape of the area is a source of renewable energy, particularly small-scale schemes, but notes that the landscape and special qualities should be given special consideration in order to achieve sustainable development. Given the small scale of the turbine, and the fact I consider it can be accommodated within the landscape without causing undue harm to its character, I consider the proposal would not be detrimental to any of the 7 special qualities listed in the management plan.
20. Bringing these points together, the proposal would have a harmful impact on the character and appearance of the Forest of Bowland National Landscape but for the reasons set out above, the degree of that harm would mostly be slight and at worst, in a limited area would be moderate. The harmful impact would also be reversible. Given this, I consider the degree of the harm would not be sufficient to mean the proposal would conflict with Policy DM46 outlined above.

Living Conditions

21. A generic noise assessment for the turbine was submitted with the proposal. This is an independent survey undertaken on behalf of the manufacturer rather than a site-specific assessment. Nonetheless, the appellant has stated that the siting of the proposed turbine in relation to the occupied building would accord with the resulting manufacturer's recommended minimum distance. These nearest buildings are owned by the appellant.
22. The only other dwelling within relatively close proximity to the site is Higher Stockbridge Farmhouse. The distance between this and the proposed turbine would be significantly greater than that to the appellant's house. As a result, I am satisfied that noise generated from the turbine would not have an unacceptable impact on surrounding occupiers.
23. Consequently, I consider the proposal would not have an unacceptable effect on the living conditions of nearby residents with particular regard to noise.

Therefore, it would not conflict with LP2 Policy DM29 which, amongst other things, seeks to ensure proposals do not have a significant detrimental impact on amenity, nor with paragraph 130 of the Framework which requires developments to ensure a high standard of amenity for existing and future users.

Other Matters

24. Higher Stockbridge Farm is a Grade II Listed Building and I agree with the Council that the significance of its setting is the association between the farmhouse and the surrounding agricultural land. The turbine would not be seen in views of the farmhouse when travelling along High Road in either direction. Due to the distance that would be maintained to the farmhouse and the limited scale and mass of the proposed turbine, I consider that the proposal would not harm the setting of this heritage asset.

Planning Balance, Conclusion and Conditions

25. The proposal would not be located in an area identified as suitable for wind energy development and so conflicts with the development plan and the Framework. On the other hand, the Framework gives strong support to the delivery of renewable energy schemes. In addition, in declaring a Climate Emergency the Council is seeking to reduce carbon emissions and make the District Zero Carbon, and, as part of this, they wish to enable people to reduce their own carbon footprint. The benefits of this domestic scale turbine would be small scale but are still beneficial and would enable the appellant to reduce his carbon emissions. The support from the local Parish Council also weighs in favour of the scheme.
26. I have concluded that the scale of the harm to the character and appearance of the area would be limited and would not result in conflict with the development plan. Nor would the proposal cause harm to the living conditions of nearby residents or the setting of the Listed Building. Whilst an absence of harm in these matters are neutral factors in the balance, the fact that I have concluded the scheme would not cause any significant physical harm, reduces the weight I give to the harm resulting from its location outside of an area identified as suitable for wind energy.
27. Given this, in this instance, I consider the benefits of the proposal represent a material consideration that is sufficient to outweigh the conflict with the development plan and the Framework that arises from the proposal not being located in an area identified as suitable for wind energy.
28. As well as the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. A condition is required to ensure the development is carried out in accordance with the mitigation measures set out in the ecological survey report so that adequate protection is provided to protected species. In the interests of the character and appearance of the area, a condition is required to ensure the removal of the turbine when its use ceases.

Alison Partington

INSPECTOR