



Appeal Decision

Site visit made on 20 May 2024

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/P2114/W/23/3333322

Land at Knightsbridge Farm, Roud Lane, PO38 3LH

- 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 Knightsbridge Farm Ltd against the decision of Isle of Wight Council.
 - The application Ref 23/00385/FUL, dated 1 March 2023, was refused by notice dated 17 May 2023.
 - The development proposed is described as '*Erection of a G-11 (formerly known as Gaia 133) 11kW turbine on an 18m tubular tower – 24.8m height to blade tip*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a G-11 (formerly known as Gaia 133) 11kW turbine on an 18m tubular tower – 24.8m height to blade tip at Land at Knightsbridge Farm, Roud Lane, PO38 3LH in accordance with the terms of the application, Ref 23/00385/FUL, dated 1 March 2023, subject to the conditions set out in Appendix A.

Procedural Matters

2. The Council raises the matter of whether the appeal form has been correctly completed by the Appellant in terms of agricultural holdings. The Appellant's Agent has confirmed in their final comments that the Appellant owns the agricultural land forming the site and does not have an agricultural tenant on the land. On the basis of the information before me, I see no reason not to concur. I am also content that the necessary notices and / or notifications have taken place to ensure interested parties can comment on the proposal.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, and;
 - The effect of the proposal on the setting(s) of nearby heritage assets, and;
 - Whether or not, following consultation, it has been demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

Policy Context

4. The *Island Plan – Isle of Wight Core Strategy (including Waste and Minerals) and Development Management Development Plan Document March 2012* (herein CS) forms the relevant development plan for the area.
5. Whilst it remains extant, given it was adopted in March 2012 it is highly unlikely to have been informed by the *National Planning Policy Framework* (the Framework) of 2012, which sets out the government's policy on planning. Furthermore, it does not appear to have been updated since 2012 to reflect any changes in national planning policy from the 2018, 2019, 2021, September and December 2023 updates to the Framework.
6. Nonetheless, a number of CS Policies have been cited by the Council in its refusal of planning permission. I have summarised these here:
7. CS Policy DM2 Design Quality for New Development relates to the Council supporting proposals for high quality and inclusive design. This includes proposals will be expected to complement the character of the surrounding area, particularly in Conservation Areas and AONB.
8. CS Policy DM11 Historic and Built Environment expects development proposals to Relate to the conservation, enhancement and enjoyment of the Island's heritage assets and public realm and consider and balance the relationship between the quality of place, economic, social and environmental characteristics.
9. CS Policy DM12 Landscape, Seascape, Biodiversity and Geodiversity sets out that the Council will support proposals that conserve, enhance and promote the landscape, seascape, biodiversity and geological interest of the Island. Development proposals will be expected to, amongst other aims; Protect the integrity of international, national and local designations relating to landscape, seascape, biodiversity and geodiversity and the reasons for these designations and the weight given to them and enhance their features of interest wherever possible.
10. CS Policy DM 16 sets out that:
'The Council will, in principle, support proposals for the utilisation, distribution and the development of renewable sources of energy. Development proposals will be expected to:
 1. *Be informed by a landscape character assessment.*
 2. *Demonstrate how the provision of renewable energy in the proposed location contributes to the viability and financial sustainability of Island businesses and communities.*
 3. *Reflect the capacity and sensitivity of the landscape of the Island, in line with Policy DM12.*
 4. *Wherever possible, source any required fuels from Island-based renewable sources, with consideration given to waste streams as potential fuel sources. Where this is not possible, proposals will need to justify the need for non Island-based renewable fuel sources.'*

11. CS Policy SP5 Environment sets out that *'All development proposals will be expected to take account of the environmental capacity of an area to accommodate new development and, where appropriate and practicable, to contribute to environmental conservation and enhancement.'*

12. CS Policy SP6 Renewables sets out that:

'A range of renewable energies will be encouraged across the Island to meet its target of up to 100 MW installed capacity as the on-shore contribution to becoming self-sufficient in renewable electricity production.

The Council supports domestic and medium scale, localised provision across the Island and recognises the need for large-scale, grid-connected renewable energy schemes. These schemes will be expected to contribute to the economic development and regeneration of the Island and help it meet its target of becoming self-sufficient in renewable electricity production...

Within areas of protected and sensitive landscapes, development should generally be small scale or community-based. It is expected that large-scale wind and photovoltaic schemes will be located outside of the AONB...'

13. The most recent iteration of the Framework was published in December 2023. It sets out, at Paragraph 163, that:

When determining planning applications^{fn57} for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;

b) approve the application if its impacts are (or can be made) acceptable ^{fn58}. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and...¹.

14. Footnote 58 of the Framework (referred to in Paragraph 163 above) sets out that:

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.

15. The national Planning Practice Guidance² states;

Do local people have the final say on wind farm applications?

¹ Footnotes 57 and 58 are from the Framework numbering.

² <https://www.gov.uk/guidance/renewable-and-low-carbon-energy#wind-turbines>

The written ministerial statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

the development site 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.

Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.³

16. The 18 June 2015 Written Ministerial Statement⁴ states:

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site 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.*

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan.

Reasons

17. Planning permission is sought for the installation of an 11kW wind turbine on agricultural land to the north-west of Whitewell Road and north-east of Roud Road. It would consist of a twin-bladed turbine mounted on a free standing 18m⁵ galvanised steel tubular tower and a 5.3m by 5.3m concrete base. The tubular tower would be natural galvanised or light grey colour, with the turbine blade and head pale grey/off white in colour. The total height to blade tip would be around 24.8m above ground level. A cable laid in a narrow trench would connect the turbine to an existing barn within the application site, with a connection to the wider electricity grid.
18. The local planning authority accepts, within its Officer's Report, that the principle of the 'development utilising onshore wind energy is accepted'. I note the policy position set out at a national level requires development site(s) to be identified in a local or neighbourhood plan. Strictly speaking, that is not the case here, where the local plan predates the Framework.
19. Nonetheless, the local plan does identify that '*A range of renewable energies will be encouraged across the Island to meet its target of up to 100 MW installed capacity as the on-shore contribution to becoming self-sufficient in*

³ Paragraph: 033 Reference ID: 5-033-150618

⁴ <https://questions-statements.parliament.uk/written-statements/detail/2015-06-18/HCWS42>

⁵ All measurement figures are approximate.

renewable electricity production' in Policy SP6 of the LP. The same policy also refers to wind as a category that will be located outside of AONB. In light of this, whilst acknowledging the timeline between the adoption of various policies and the limitation of the local plan in that it does not specifically identify areas for such development, I concur with the Council's approach that there is broad policy support for the principle of small-scale wind schemes such as that proposed here.

20. However, as set out in national policy within the Framework, as supported by the Guidance, there needs to be a demonstration that *'the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.'*
21. The local planning authority's decision notice provides two reasons for refusal – a significant adverse impact on the character and appearance of the landscape of the Yar Valley, and a lack of information that the development would not be harmful to the setting of heritage assets in the surrounding area. I also note that during the application and appeal stages representations have been made by interested parties. I have considered those in the third main issue section below.

Character and appearance

22. The appeal site is located within the area of Roud, a rural area characterised by agricultural holdings and scattered dwellings to the south-west of the village of Godshill. Knightsbridge Farm lies to the north-west side of Whitwell Road, as it runs between Godshill and Whitwell and to the north of Roud Road, forming a land parcel of 15.5 hectares. There is a large modern barn, stables and a sand school located on the holding, with vehicular accesses from Whitwell Road and Roud Road.
23. The appeal site is not located within an Area of Outstanding Natural Beauty⁶⁷ (AONB). Nor is it identified to lie within any other designated landscape. The Council identify that the appeal site lies within the Yar Valley landscape, which is characterised by agricultural pasture land.
24. In terms of the AONB, the Isle of Wight AONB Partnership advised that *'It is not considered that views from the AONB into the AONB across the valley will be significantly impacted by views of the turbine. The turbine lies on lower ground and would be [a] considerable distance from the viewer in these views... we acknowledge that the turbine will be visible in some views from the AONB, however, these views are local and for short distances on public paths or roads. We do not consider that the enjoyment of the AONB would be significantly compromised by this turbine...'*
25. Having visited the site and the local area more generally, I see no reason to disagree with the views of the AONB Planning Officer. Clearly a wind turbine would have a degree of visibility within the wider landscape when it is visible. However, this is mitigated by the fact that from the AONB, the proposed turbine would typically sit lower in the valley with the undesignated landscape as the backdrop. Views of the proposed turbine would be only for very short

⁶ Now also called National Landscapes. To avoid confusion, I have used the term AONB as that is what is referred to in local and national planning policy.

⁷ See Council's *Statement of Case*, Appendix B

stretches and in most cases be of parts of the turbine rather than in its entirety.

26. In this respect, taking all these factors into account, and whilst giving great weight to conserving and enhancing landscape and scenic beauty in the AONB, I find that the proposed development, which would be located within the setting of an AONB, has been designed to minimise adverse impacts on the designated area. As such, it would accord with Paragraph 182 of the Framework in relation to the AONB. In doing so it would also, concurrently, comply with the duty to conserve and enhance the natural beauty of the area of outstanding natural beauty, as required by s245 of the *Levelling-up and Regeneration Act 2023*.
27. In terms of wider landscape impacts, I note that the Council have directed me to three viewpoints that it considers are of 'most concern'. These are shown in their *Statement of Case* Appendix F and relate to viewpoints on footpaths GL14a and GL16. As noted above, the introduction of a single wind turbine of a maximum height of 24.8m to the blade tip would be noticeable within the landscape where currently there is none. However, the proposed turbine would be viewed within an expansive landscape as viewed from not only the three viewpoints of most concern by the Council, but also from nearby roads.
28. Similar to the views from the AONB, these would be limited due to the topography of the land and also intervening vegetation formed by hedgerows for example. In practical terms this means that the proposed turbine is unlikely, from most views, to be viewed in its entirety. In this respect, the proposed design and siting has taken into account the need to minimise the visual impacts on the character and appearance of the local landscape.
29. As such, I find that the proposal would not result in an unacceptable adverse impact on the character and appearance of the area or its landscape. It would, therefore, accord with Policies SP5, DM2, DM12 and DM16 of the CS, which seek the aforesaid aims. It would also accord with the Policies of the Framework relating to this issue, including Paragraphs 180 and 182 relating to contributing to and enhancing the natural environment.

Heritage

30. The Glossary to the Framework sets out that:

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve...

31. The Decision Notice fails to identify which heritage assets are considered to potentially be affected by the proposal. The Officer Report indicates that there is a total of 11 listed structures within a Zone of Theoretical Visibility (ZTV) of 2.5km radius of the appeal proposal. The Council's Statement of Case reiterates their case that it is considered that the details submitted have not satisfactorily demonstrated there would not be an impact upon the listed buildings or, if there would be an impact, how this would affect the significance of those buildings. The Council's case does appear to focus on the Grade I Listed Godshill Church and about where a heritage asset has an inherent relationship with the landscape in which they are located, such as farmsteads.

32. The evidence before me includes the listing descriptions of nearby listed buildings and also the Design, Environment and Access Statement; with a section on cultural heritage and archaeology. Other listed buildings include the Grade II listed Bridge over the River Yar, Nodyhill, Roud Cottage and Cherry Thatch. The setting of these designated heritage assets derives primarily from their rural context. As I have identified in the character and appearance section of this decision, the proposal would not have an unacceptable adverse impact on the landscape character of the area.
33. Viewers to the area will still be able to see large swathes of agricultural land, with a single wind turbine in a lower lying area of the landscape. In terms of the nearby heritage assets, including those specifically referred to above, existing and future generations will be able to experience the various listed buildings within a distinctly rural and verdant context. The significance of these designated heritage assets and how they are experienced would remain unaffected by the proposal.
34. For example, visitors to the Grade I Listed Building of Godshill Church will still be able to appreciate a rural parish church set within a small settlement in a rural landscape. Similarly, visitors to the Grade II Listed Building of the Bridge over the River Yar will still be able to experience the bridge in a rural setting.
35. I therefore find that the level of detail provided is proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. I give great weight to the conservation of designated heritage assets. However, I do not find that the proposal would result in any harm to the setting of nearby Listed Buildings in this instance. Whilst there would be a change in the context of some of these assets when the proposed turbine is seen in the distance, this would not amount to a detrimental or adverse effect on the significance of the various designated heritage assets or their settings.
36. In discharging my duty under s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, I do not find that the proposal would fail to preserve the special interest of the listed buildings or their settings.
37. Whilst I have not found any harm arising in this instance to designated heritage assets, were there any harm (as potentially alleged by the Council) this would be no greater than less than substantial harm as defined within the Framework, and articulated towards the lower end of that level of harm. This would be because the proposal would result in no changes to the fabric of the listed buildings and only a tiny change in their overall context. If this less than substantial harm were to exist, for the avoidance of doubt, my conclusion would be that the public benefits arising from renewable energy creation would, in this case and in light of the policy context, outweigh any less than substantial harm identified.
38. Nonetheless, I have not found that there would be any heritage harm in this case. Accordingly, the proposal would accord with Policies DM2 and DM11 of the CS, which seek the aforesaid aims. It would also accord with the Policies of the Framework, including those set out above and contained within Chapter 16 Conserving and enhancing the historic environment.

Planning impacts and community support

39. As noted above, national policy and guidance requires that planning impacts identified by the local community have been fully addressed and therefore the proposal has their backing.

Explicit community support

40. I note that at the application stage, four representations in support of the proposal were received. There was also a representation from the National Farmers Union (NFU) which reiterated the need for greater energy independence for agricultural businesses.
41. This point by the NFU is recognised by the Management Plan for the AONB which states that *'farm-based renewable energy solutions are helping to meet carbon reduction targets and providing valuable farm income'*⁸. It is also reflected in CS Policies SP6, and DM 16, which broadly support renewable energy generation and photo voltaic and wind development being located outside of the AONB.

Planning impacts from objections

42. At the application stage, 17 representations were received by the Council objecting to the proposal. I have considered landscape impact, the potential impact on the AONB and heritage assets above. The other planning impacts identified include: lack of evidence of need on this site and capacity in the network, impact on the tourist industry, shadow flicker, impact on wildlife, that an EIA should be sought, precedent and noise.
43. In terms of need and capacity, both local and national planning policy is supportive of the transition to a low carbon future. At Paragraph 163 of the Framework it is explicit in that when determining planning applications for renewable or low carbon development, local planning authorities should not require applicants to demonstrate the overall need, and that even small-scale projects provide a valuable contribution to significant cutting of greenhouse gas emissions.
44. In this case, the proposal would have a generating capacity of 11kW, which in light of solar farms, for example, is comparatively small. Nonetheless, this does not diminish that this is a valuable contribution to the overall objective of cutting carbon and other greenhouse gas emissions.
45. Concerns have been raised in terms of why the appellant wishes to install a wind turbine when alternate renewable technologies are available. However, how a farmer decides to manage the diversification of their business is a matter for them, informed by a variety of economic and land management issues. As detailed above, there is clear support in planning policy terms, including local policy SP6 of the CS.
46. I acknowledge the concerns raised in respect of the potential impact on tourism. Clearly many people visit the Isle of Wight to experience its natural beauty and cultural heritage. Such visitors are an essential part of the Island's economy; presenting both economic and social benefits as well as challenges, especially during the peak seasons. However, as I have considered in this

⁸ Isle of Wight Area of Outstanding Natural Beauty Management Plan 2019-2024, Page 51

- decision, I do not find that the proposal would have an unacceptable impact on the character and appearance of the area. Nor have I found that there would be any significant adverse effects on the designated landscape of the AONB or its settings. Moreover, I have not been provided with any detailed evidence showing what effect or impact, if any, on tourism would arise from the proposal. In the absence of such evidence, I do not find that the proposal would have an adverse planning impact on tourism in this case.
47. As noted in the Officer's Report, there is understood to be no current technical guidance relevant to shadow flicker. Nonetheless in applying the Companion Guide to the PPS22, the most recent iteration of guidance on this matter, the proposal is located around 480 meters from the nearest residential dwelling; far beyond the 136m distance that the guide indicates would be affected by shadow flicker. The Council's Environmental Health team have advised that they do not consider that shadow flicker would be an issue in this case. I note that concerns have been raised in terms of the potential impact on drivers or road users arising from flicker as the sun reflects from the blades. However, given the kinetic journey along local highways, it is unlikely that the proposal would result in any significant adverse impacts on road users when the proposed turbine blades are visible for a very short period.
 48. In terms of wildlife, I note that the appeal site is located within approximately 260 metres of the Roud Site of Importance for Nature Conservation. I also note the concerns raised by interested parties in terms of local wildlife such as foxes, badgers and hares. However, the Local Planning Authority's Ecology Officer advises that with a low ecological value and limited connectivity within the proposed site, they are content with the submitted information on ecology within the DEA. I see no reason to disagree with that assessment, and do not find that the proposal would result in any unacceptable impact on local ecology.
 49. With regard to the need for an Environmental Statement to be submitted (due to it being a category of Environmental Impact Assessment (EIA) development) I note the Council's Screening letter dated 23 May 2023. This found that whilst the development falls within a category that is EIA development (being a wind turbine over 15 metres in height), it was not considered to be an EIA development. Having carefully considered the totality of the evidence before me and the information required to make the decision, I am content that the Council's Screening Decision was correct and in this instance an Environmental Statement was not required.
 50. I note the concerns raised that the proposal would lead to a precedent for wind turbines on the island. However, it is clear that, as I have done so here, each proposal is considered on its own merits; including the specific facts of each case and the impacts arising. Put another way, allowing the proposal in this appeal would not mean that any other proposal for a similar development should automatically be permitted. That is a matter for the decision maker to decide in each case.
 51. In terms of noise impacts, as detailed within the Officer's Report, the most recent Best Practice is considered to be in the document ETSU-R-97 'The assessment and rating of noise from wind farms'. The Council's Environmental Health Team are satisfied that the wind turbine noise levels to the nearest residential property would be in accordance with the ETSU-R-97 guidance. I

see no reason to disagree and consider that this can reasonably be secured by condition. This planning impact could, therefore, be addressed.

52. Whilst I note and respect the objections and concerns raised, when considered as a whole, the planning impacts identified by the local community, as a matter of planning policy, have been fully addressed in this case. Therefore, in planning policy terms, the proposal has their backing as set out in the Guidance and WMS (even though I fully acknowledge they do not explicitly support the proposal and they still have objections). Accordingly, the proposal would accord with national policy and guidance (including that set out in the WMS) in respect of the approach to wind farm applications.

Conditions

53. At Appendix H of its Statement of Case, the Council provides a list of six conditions it considers should be imposed were planning permission forthcoming. I have considered these in light of Paragraph 56 of the Framework and the Guidance in terms of the use of planning conditions.
54. Conditions requiring the proposal to be begun within three years and in accordance with the submitted drawings are necessary and reasonable in order to provide certainty.
55. A condition requiring the proposed colour to be agreed is necessary to ensure that the character and appearance of the area is not adversely affected. Similarly, a condition requiring cables to be sited underground is reasonable for similar reasons.
56. A condition relating to noise, as considered in the planning impacts section above, is necessary and reasonable in order to ensure that any nearby residents are not unreasonably affected by any noise emanating from the site.
57. Lastly, a condition requiring the removal of the wind turbine within six months of it ceasing to function and the site being restored to its former state in accordance with submitted details, is reasonable, necessary and related to the development proposed to ensure that any impact on the local environment are minimised when the wind turbine is redundant.

Conclusion

58. The proposed development would accord with the development plan when considered as whole and there are no material considerations which indicate a decision otherwise than in accordance with it. Furthermore, when considered in light of national policy and guidance, I find that the proposal would accord with these given that the planning impacts identified by the local community, as a matter of planning judgement, can be addressed.
59. For the reasons given above, I conclude that the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – List of conditions imposed

1. The development hereby permitted shall be begun before the expiration of 3 years from date of this permission.
2. Development shall be carried out in accordance with the following approved plans:
 - Location Plan NE635 - 1
 - Site Plan NE635 – 2
 - Elevations NE635 – 5
3. Notwithstanding condition 2 above, the turbine shall not be installed until the finished colour has been agreed in writing by the local planning authority and the development shall be carried out as approved and retained thereafter.
4. The level of noise emissions from the turbine hereby permitted shall not exceed 35 dB LA90 when measured at the boundary of any dwelling which lawfully exists or has planning permission for construction at the date of this planning permission at wind speeds up to 10 metres per second at rotor centre height. All instrumentation and methodology for evaluating compliance with this condition and the positions for all measurements of noise and wind speed, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall be carried out in accordance with the agreed details.
5. All electricity and control cables shall be laid underground.
6. Within 6 months of the wind turbine ceasing to be used for the generation of electricity, it 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 those works being carried out.

****** END OF CONDITIONS ******