



Appeal Decision

Site visit made on 10 December 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/Q9495/W/24/3345056

Laverock How, Ponsonby, Cumbria CA20 1BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr Richard Wheatley against the decision of the Lake District National Park Authority.
 - The application Ref is 7/2023/4081.
 - The development proposed is described as 'install 14 ground-mounted 410 W solar panels on land adjacent to the main house and barns. Install 6 kW wind turbine in field to the east of the main house. Electrical and building works required for the above.'
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Decision

1. The appeal is dismissed insofar as it relates to the 6kW wind turbine. The appeal is allowed insofar as it relates to the 14 ground-mounted 410W solar panels at Laverock How, Ponsonby, Cumbria CA20 1BY, in accordance with the terms of the application, Ref 7/2023/4081 and the plans submitted with it, 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;

Site location plan
Proposed block plan, insofar as the position of the solar arrays only
Proposed PV panel elevations.
 - 3) In the event of the PV solar panels failing to produce electricity for a continuous period of 12 months, they will be deemed to have ceased to be required. The PV panels and their ancillary equipment shall be dismantled and removed from the site within 3 months of the deemed cessation date. The site shall be restored in accordance with a scheme that shall have first been submitted to and approved in writing by the local planning authority.

Preliminary Matters

2. In December 2024 the Government published a revised National Planning Policy Framework (the Framework). The parties comments in relation to the amendments have been taken into account in my decision.

Main Issue

3. The main issue in relation to this appeal is the effect of the proposal on the character and appearance of the area, having regard to the appeal site's

location within the Lake District National Park (LDNP) and the English Lake District World Heritage Site (WHS).

Reasons

4. The appellant points to Government policy being directed more to low carbon energy developments¹. Indeed, the Framework is supportive of renewable and low carbon energy and associated infrastructure, recognising that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions².
5. The Lake District National Park Local Plan (LP) 2021 identifies that the whole district has been identified as suitable for small-scale wind energy development, subject to meeting the criteria set out in other policies in the LP³. Located within both the LDNP and the WHS, the appeal site is both a designated heritage asset of the highest significance and afforded the highest level of protection for its landscape and scenic beauty⁴. Careful consideration is therefore required.
6. The appeal site falls within the Calder Valley Area of Distinctive Character (ADC)⁵, as set out in the Lake District National Park Landscape Character Assessment and Guidelines (LCAG) 2021. It advises that this area is characterised as predominantly a tranquil landscape incorporating pastoral fields and rough upland grazing, with a general absence of settlements or farmsteads. The sense of tranquillity particularly in the north and east of the ADC is said to be derived from the openness and perceived naturalness of the pastoral landscape. The LCAG identifies that this ADC has significant sensitivity to the cumulative impacts of vertical infrastructure.
7. In considering the impact of development on the significance of the WHS as a designated heritage asset, I attach great weight to the asset's conservation⁶. The Authority advises that the case for Outstanding Universal Value for the WHS is based on a combination of attributes, the most relevant being the extraordinary beauty and harmony of the landscape, combined with its continuous and distinctive agro-pastoral system. Being an undeveloped agricultural field, the appeal site contributes positively to the aesthetic and cultural value of the WHS.
8. The proposal seeks permission for a 11.8m high micro-scale wind turbine and 2 solar arrays on 2 separate parcels of land, either side of the driveway. I will deal with each proposal in turn below.

Wind Turbine

9. Laverock How is a traditional farmhouse with outbuildings that nestle down into the rolling topography of its hillside location. Whilst the land to the north-east rises relatively steeply, land to the south-west rises more gently. I observed that the appeal site for the proposed turbine, visually forms part of the wider pattern of surrounding pastoral fields, being elevated and separate from the building group which is visually contained by a group of trees. This arises from its undeveloped and open character. The appeal site marks the start of the transition from small-scale field enclosures to open fell above.

¹ Email to PINs dated 5 January 2025.

² Paragraphs 161 and 168b) of the Framework.

³ Paragraph 3.20.06 of the supporting text to Policy 20 of the LP.

⁴ Paragraph 189 of the Framework.

⁵ As set out in the Lake District National Park Landscape Character Assessment and Guidelines (2021).

⁶ As directed by paragraph 212 of the Framework.

10. It is suggested that the proposed turbine has been designed and positioned to have minimal impact on the spectacular landscape. Whilst not questioning the overall need for the proposed turbine, there is no supporting information supplied to explain whether other locations were considered and dismissed for landscape or operational reasons. Neither is there any information to explain the lifetime of the proposed turbine, what contribution it would make to the energy needs of the appellant, or the noise that would be generated. This is particularly important given that tranquillity is identified as a defining characteristic of the ADC.
11. The vehicular track which leads to Laverock How forms part of the public rights of way (PROW) network leading to Ponsonby Fell. Given the proposed position of the turbine on elevated land, it would be seen at both close range and more medium distance views from the PROW to both the north-east and south-west as well as the road to the south-west. Although it is suggested that the turbine would be situated several hundred feet below the top of a slope, in views from the PROW, it would break the skyline and would not be seen against the backdrop of rising land, trees or in the context of other vertical structures. In this regard, I find the context of the appeal site entirely different to that of the Lorton Vale example cited by the appellant which has a treed hillside setting⁷.
12. Telegraph poles and lighting columns do exist close to the appeal site but they are static, sited at a lower land level and generally do not protrude above the skyline in views from the road and PROW. Even if I could accept that the turbine movement would appear as a blur due to the short blades and fast spin ratio, it would not diminish the visibility of the turbine or its landscape impact in public views.
13. Towers and structures at Sellafield, along with other wind turbines are visible in long distance views from the appeal site. However, it seemed to me that these were on land outside of the LDNP in the more developed coastal fringe. Their presence does not justify permitting development that would result in visual harm.
14. The plans indicate that the tower and frame of the proposed turbine would be of a galvanised grey colour, not the dark colour suggested by the appellant. This could be dealt with by a condition but given that the proposed turbine would break the skyline in the majority of close and medium distance views, I am not convinced that a dark colour would be appropriate in this particular instance. In any event it would not wholly mitigate the visual impact of the turbine.
15. From my observations and in the absence of a landscape visual impact assessment to demonstrate that the appeal site could satisfactorily absorb the development proposed, I find that the proposal would result in a conspicuous form of development that would contrast unfavourably with the undeveloped bucolic pastures of which it forms part. Adverse harm would therefore be exerted on the local landscape which would similarly incrementally diminish the significance of the WHS. Although the harm would be modest, given the size and extent of the proposal, it nonetheless amounts to less than substantial harm, to which I am required to give considerable importance and weight. The Framework further directs me to weigh such harm against the public benefits of a proposal.

⁷ As shown in the image on page 2 of the appellant's statement of case.

Heritage Balance

16. The appeal site is remote and the security of energy provision is important to sustain rural living. The generation of on-site renewable energy would lessen the reliance on heating oil and generator diesel. However, no quantifiable data has been provided to demonstrate the current energy demands of the dwelling and the appellant's agriculture and forestry business or the specific contribution that the turbine would make to reducing associated carbon emissions. In the absence of such data, I am unable to attach anything other than limited weight to the environmental benefits of the proposal.
17. Notwithstanding that there is in principle support for renewable energy generation, given the importance of the National Park landscape and WHS, a precautionary approach is reasonable. There may be other technologies that could be employed, or an alternative siting and design of a turbine, that would not generate the same degree of harm as the proposal. Alternatively, a quantifiable reduction in carbon emissions could be proven.
18. The public benefits of the proposal have not been fully demonstrated and are therefore insufficient to outweigh the considerable importance and weight to be given to the harm to the significance of the WHS.

Solar Arrays

19. The proposed solar arrays would be sited in 2 linear arrangements on the appeal site to the south of the driveway. The Authority has not raised an objection to this element of the scheme given their location close to an existing boundary wall and range of outbuildings.
20. The arrays may be visible in medium distance views from the PROW to the south. However, as they would be positioned on the ground, against the backdrop of an existing built feature, I am satisfied that they would not be particularly conspicuous. In this regard, I share the Authority's view that little, if any, harm to the landscape and WHS would arise as a result of the proposed solar arrays. In the absence of any harm, I am not required to consider the public benefits of this aspect of the scheme further.

Conclusion - Main Issue

21. For the above reasons, the proposed turbine would have an adverse effect on the character and appearance of the area including the local landscape and WHS. It would conflict with Policies 01, 05 and 07 of the LP. Together these policies seek to conserve and enhance the extraordinary harmony and beauty of the landscape and its special qualities, as well as the significance of heritage assets. Whilst the Framework supports renewable energy developments, conflict is found with its aims in respect of the natural and historic environments which have the highest status of protection.
22. The solar arrays are modest and discreet in nature and would be assimilated by their proximity to existing built features. They would not cause harm to the landscape character of the LDNP or the WHS. They would therefore, be in conformity with Policies 01, 05, 07 and 20 of the LP. These policies in combination, seek to support renewable energy developments that conserve and enhance the local landscape and WHS. As the solar arrays are physically and functionally severable from the proposed turbine, they are capable of being built independently. A split decision would be appropriate in this instance.

Other Matters

23. Reference is made to an approval for a turbine elsewhere within the LDNP⁸. I have not been furnished with the plans, decision notice or officer report to be able to determine whether there are similarities with the appeal proposal. Likewise, although it is suggested that there was a wind turbine in the same location, I am not aware if it had planning permission and if so, what the circumstances of its grant were. Irrespective, it is not there now and so it has no bearing on the current context of the appeal site. I have no evidence of how the proposal would contribute to the Government's aspirations for the Energy Coast.

Planning Balance

24. I have found that the proposed solar arrays would not be harmful to the landscape or WHS. This weighs neutrally in the planning balance. The benefits that would arise from the proposed turbine have not been fully evidenced such that they attract limited weight. These matters do not outweigh my findings in respect of the moderate adverse effect upon the character and appearance of the area, with regard to the LDNP and the WHS.

Conditions

25. In respect of the proposed solar arrays, as well as the standard time limit, conditions are imposed to list the plans in the interests of certainty, and for the removal of the panels once their use ceases, in the interests of the landscape and WHS.

Conclusion

26. In coming to my decision, I am conscious that there have been no objections to the application, rather that there is local support including from the parish council. However, support for a proposal does not indicate a lack of harm. Given the location of the appeal site in an area of the highest landscape and heritage designation, and the lack of evidence regarding the benefits of the scheme, it is reasonable to take a precautionary approach.
27. For the reasons given, the appeal succeeds in relation to the proposed solar arrays. However, in relation to the proposed turbine, the appeal should be dismissed.

M Clowes

INSPECTOR

⁸ Planning application reference 7/2023/2061.