



Appeal Decision

Site visit made on 7 April 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/P2935/W/24/3355458

Lonkley Head Farm, Lonkley Head, Allendale, Northumberland NE47 9DF

- 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 Mr Andrew Lamb against the decision of Northumberland County Council.
 - The application Ref is 24/01143/FUL.
 - The development proposed is for the installation of a 6.5m tower height domestic wind turbine.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 6.5m tower height domestic wind turbine at Lonkley Head Farm, Lonkley Head, Allendale, Northumberland, NE47 9DF in accordance with the terms of the application, Ref 24/01143/FUL, 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;

Revised Location Plan

Planning Pack SD3 Wind Turbine
 - 3) No development above ground level shall take place until details of the finished colour of the wind turbine hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and maintained as such for its lifetime.
 - 4) No site preparation or construction or shall be undertaken between the periods of 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no ground nesting bird nests that are being built or are in use, eggs, or dependent young, will be damaged or destroyed. If site preparation or construction outside of this period identifies any active nests, work shall immediately cease until those nests are no longer in use.
 - 5) Once in operation, the level of noise emissions from the turbine hereby permitted when measured in free field conditions at the boundary of any dwelling which lawfully exists or has planning permission for construction at the date of this planning permission outside of the red line boundary, shall not exceed 40 dB(A) up to wind speeds of 8.3 m/s measured at hub height level.

Preliminary Matters

2. The description of development on the forms and the decision notice is based on the taller 6kW domestic turbine originally proposed. I have therefore amended this description and specified the revised height, as above.
3. The appellant's appeal evidence includes a Noise Assessment Technical Note¹, which was not before the Council at the time of its determination. The Council has deferred to me to determine as to whether or not to consider this within the appeal process. However, it is very common for an appeal to include additional reports to attempt to overcome the reasons for refusal. The Council has not pointed to any guidance to indicate why it should not be included, and all parties have had full opportunity to comment upon it. It does not amend the scheme design, and so does not conflict with paragraph 16.1 of the 'Procedural Guide: Planning appeals – England'. Neither does accepting it conflict with the substantive and procedural tests of the Holborn Studios Ltd judgement², with no parties prejudiced in the interests of natural justice. As such, it forms part of the appeal evidence before me.
4. The Government published a revised version of the National Planning Policy Framework ('the Framework') in December 2024, but I consider it has no changes which are substantive or determinative in relation to this appeal outcome.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupants of nearby dwellings, with regard to noise.

Reasons

6. The site comprises of agricultural land in the countryside, and within the North Pennines National Landscape. The proposal is for a SD3 Wind Turbine to serve the dwelling of Lonkley Head Farm. It would be 6.5m high to the turbine hub, with a blade diameter of 3.9m, and would lie approximately 35m from the dwelling.
7. The Council's Environmental Health team (EH) has reviewed the Noise Assessment. However, although EH provided detailed comment on what noise levels would be acceptable at various times at the nearest (non-financially involved) receptor, and their direct engagement with the appellant prior to the appeal submission, they make no overall conclusion as to whether the Noise Assessment is satisfactory.
8. Notwithstanding this, the Council's Statement of Case does report that EH's previous objection is no longer upheld. However, the Council's conclusion at paragraphs 7.1 and 7.2 maintains its objection to the proposal. This is stated as being based on its position at the time of its initial refusal, and does not explain or address why its position has not changed with the benefit of the Noise Assessment, and the comments from EH.
9. The nearest relevant receptor is Lonkley Head Cottage, which the Noise Assessment identifies as being 105m to the north-east of the turbine location. I note that EH identifies it as being 117m away, but using a figure of 105m does not prejudice the Council. The properties to the west and north-west are further away at approximately 180m.

¹ Hayes McKenzie Partnership Ltd, 12 November 2024

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

10. Based on the relevant guidance, EH identifies that at Lonkley Head Cottage there should be a daytime rating of no more than 50dB LAeq externally resulting in 40dB LAeq internally, and a night time rating of 45dB LAeq at the façade of bedroom windows, resulting in 30dB LAeq internally. The EH advice to the appellant prior to the appeal was that it would be acceptable to demonstrate 40dB LAeq externally (day and night) at a maximum wind-speed at Lonkley Head Cottage.
11. The Noise Assessment identifies that at hub height there would be a 90% average wind speed of 8.3m/s. It concludes the predicted operational noise level would be below 40 dB(A) at the assessed wind speed at distances of more than 70m. This means that the proposed turbine would comply with the relevant noise limits for Lonkley Head Cottage at day and night. Furthermore, as this assessed wind speed is higher than the average wind speed, noise levels at Lonkley Head Cottage would be significantly below 40 dB (A) for the majority of the time.
12. The wind speed at which 40 dB(A) would be exceeded is approximately 10 m/s, but in that scenario it would be very likely that background noise levels would be higher than the predicted turbine noise level due to wind-induced effects such as in trees and foliage or around the buildings.
13. I am satisfied with this conclusion. I also find it appropriate to impose a condition to restrict the noise generated to be no more than this predicted level during operation.
14. Overall therefore, the proposed wind turbine would not harm the living conditions of the occupants of nearby dwellings with regard to noise. It would comply with the Allendale Neighbourhood Development Plan (NLP) Policy ANDP 10 and the Northumberland Local Plan Policy REN1(h) for small-scale renewable energy schemes, whereby proposals will only be supported if adjoining uses and neighbouring amenity are not adversely impacted due to noise.

Other Matters

15. The proposal would contribute to energy self-sufficiency, reducing reliance on non-renewable energy sources. It would comply with the NLP Policy REN 1, which supports development using renewable energy sources subject to various matters and concerns being suitably addressed, and with Policy REN 2 which specifically relates to wind turbines.
16. The Framework paragraph 161 further identifies that the planning system should support renewable energy and associated infrastructure, and the transition to net zero by 2050. Paragraph 168 states that significant weight should be given to the benefits associated with renewable energy generation and a proposal's contribution to a net zero future, and recognises that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
17. The North Pennines National Landscape team has confirmed no objection, subject to the Council's assessment against its statutory duty under Section 245 of the Levelling-up and Regeneration Act (2023) to seek to further the statutory purposes of Protected Landscapes. This duty now falls to me, in demonstrating how I have taken all reasonable steps to seek to further this purpose of 'conserving and enhancing the natural beauty' of the National Landscape.

18. No harm to the character and appearance of the area or any related development plan policy conflict has been identified by the Council or any statutory interested party. The turbine would be largely hidden from view from the north and west due to the steep drop down to Allendale, and from the public footpath at closer range it would be viewed proximate to the dwelling, or with the dwelling and garage as its backdrop. Close range views from along Lonkley Terrace would be limited due to the topography, and the positioning and massing of the existing buildings.
19. It would have increased prominence from higher ground to the east and south, but again would be set within its domestic context, and be of limited scale and height in this regard. It would also gain visual mitigation from the nearby trees and from the long range backdrop of the valley side and its tree belts. I find that it is as close as is practicable to the host dwelling, while ensuring no noise impact on the next closest dwelling, in accordance with the Allendale Neighbourhood Plan Policy ANDP 10. The Council also references a number of similar scale domestic wind turbines within the wider area.
20. It would not be so prominent in the landscape so as to cause harm to neighbouring occupants, notwithstanding its rotation, and I am mindful that planning law does not provide the general right to retain private views.
21. As such, I find the turbine would conserve the natural beauty of the North Pennines National Landscape. Indeed, the Council took all reasonable steps to seek to further this purpose by requiring amendments to the original proposal to reduce its scale and position, and thus its impact. The turbine would not in itself enhance the beauty of the National Landscape, but in considering the need for it to perform its necessary function in order to generate the benefits identified above, I find no additional reasonable way to achieve this. I have thus taken all reasonable steps to seek to further the purpose of the National Landscape, and have discharged my duty under the Act.
22. The site lies just under 1km from the North Pennine Moors Special Area of Conservation (SAC), which is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Its habitat features are important in supporting an assemblage of nesting birds. As the Competent Authority, I may only grant permission after having ascertained for myself that the proposed development would not affect the integrity of this or any other protected site.
23. The County Ecologist confirmed that the turbine could have no conceivable effect on the SAC, or on the North Pennine Dale Meadows SAC. This is because the site is not considered suitable for use by the interest features of breeding waders and raptors, due to the small field size, proximity to buildings and the town, intensity of management, lack of suitable habitat, and the proximity of structures and trees which would cause predator shadow. Natural England has also confirmed that the proposal would cause no Likely Significant Effect on statutorily protected sites. As such, I find this to be evidence which rules out any Likely Significant Effect on the protected sites that would undermine their conservation objectives, either alone or in combination with other plans or projects.

Conditions

24. I have imposed the Council's suggested conditions, subject to slight amendment to reflect paragraph 56 of the Framework and the Planning Practice Guidance. The statutory condition would limit the lifespan of the planning permission, and specifying the approved plans would provide clarity for the terms of the permission (condition 1, 2).
25. The Council proposed a condition for the facing materials and finishes to be maintained in accordance with details contained in the application, however, the proposed colourway is unclear. The 'Planning Pack SD3 wind Turbine' document identifies a choice of black or white for the turbine head and blades. As such, I have instead imposed a condition (3) requiring agreement of its finished materials. This will also address the interested party concerns about the potential reflectivity of its materials. A condition restricting the site preparation and construction period is necessary to avoid any risk to ground nesting birds (4).
26. I have also imposed a condition to limit noise once operational (5), in order to minimise undue adverse impacts and to restrict the noise to be no louder than that upon which this decision was based.
27. The Ministry of Defence requested a pre-commencement condition to be notified of specific details of the turbine and construction equipment height and location, because the development falls on the boundary of an area in which fixed wing aircraft may operate as low as 76m above ground level. However, that response was based on an 11m high turbine located further from the existing dwelling. Its proximity and relationship with the height of the dwelling for the 6m height now proposed, indicates to me that such a condition would now be unnecessary and unreasonable.

Conclusion

28. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L N Hughes

INSPECTOR