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## Appeal Decision

Site visit made on 16 December 2025

**by A Robinson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 January 2026**

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**Appeal Ref: APP/H1033/W/25/3372294**

**Cote Bank Farm, Unnamed Road from Stubbins Lane to Tithe Barn Farm,  
Chinley, Derbyshire SK23 7NP**

- 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 Will Broadhurst against the decision of High Peak Borough Council.
  - The application Ref is HPK/2024/0100.
  - The development proposed is the erection of a wind turbine.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal has been accompanied by a Landscape and Visual Appraisal (LVA) dated August 2025. This was not before the Council when it determined the application. The Council was provided additional time to submit comments on the suitability of this document, which does not introduce a substantial difference or fundamental change to the application. Therefore, having regard to the Holborn<sup>1</sup> principles, I am satisfied that the Council has not been unduly prejudiced by the acceptance of this document.
3. On 16 December 2025, the government published a consultation on proposed reforms to the National Planning Policy Framework ('the Framework'). Whilst broad changes are proposed, these could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the proposal and in reaching my decision, I have had regard to the Framework published in December 2024.
4. It was established during my site visit that the turbine was placed in a lowered position on the site and was not operational. As it is unclear whether it is fully completed, I have determined the appeal based on the submitted plans.
5. The Council no longer objects in respect of its fourth ground of refusal, relating to effects on highway safety, on the basis that the turbine has already been delivered to the site. I have determined the appeal on the same basis.

### Main Issues

6. The appeal site is located within the Green Belt. The main parties agree that the proposal constitutes inappropriate development in the Green Belt, because it would not fall under any of the forms of development identified under paragraphs

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<sup>1</sup> Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

154 and 155 of the Framework. I concur with this position. The Framework (paragraph 153) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7. The main issues are therefore:

- the effect of the proposal on the openness and purposes of the Green Belt;
- the effect of the proposal on the character and appearance of the setting of the Peak District National Park;
- the effect of the proposal on the living conditions of the occupiers of nearby properties, with particular regard to noise and disturbance; and
- whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

## **Reasons**

### *Openness and purposes of the Green Belt*

8. Openness is an essential characteristic of the Green Belt which has spatial and visual aspects, and which are a matter of planning judgement.
9. The appeal site sits approximately within the centre of an open grassed field used for grazing, to the north west of Cote Bank Farm. The field is bound by drystone walling to all sides and surrounded by further open grassed fields. The site is situated in a prominent location on the northern slopes of a steeply sided valley where land levels slope upwards from the farm, continuing to rise beyond the site into further open countryside to the north. To the south east is the urban area of Chinley which is situated towards the foot of the valley.
10. Spatially, the proposed turbine would introduce a small footprint of built infrastructure into an undeveloped field. This would be combined with the massing of the turbine which would be most pronounced by the turbine blades. Overall, this would amount to a limited spatial harm to openness.
11. Visually, the proposed turbine would introduce a vertical utilitarian structure into a grassed field at rising elevation. As illustrated in the site context photos (SCPs) in the LVA, and which I observed during my site visit, the openness of the Green Belt is clearly evident both from within the field itself and wider views in the landscape. The Zone of Theoretical Visibility in the LVA shows widespread areas of theoretical visibility of the proposed turbine within 2km of the site. Within 0.5km, the turbine would be visible from all directions, although undulating topography and landscape features would provide an element of screening from various positions when traversing through the landscape.
12. From longer range views (1-2km), particularly from the opposite side of the valley at SCPs 7, 9 and 10, the proposed turbine would form a noticeable feature on the hillside. However, it would be viewed against a significant backdrop of the rising hillside and alongside other similar sized features, such as wooden overhead transmission lines, which would help to reduce its prominence visually to a limited degree. Furthermore, proposed landscaping, which I consider in more detail below, could also reduce longer range visual prominence over the longer term.

13. The Planning Practice Guidance (PPG) on Green Belt confirms<sup>2</sup> that factors which may need to be taken into account when assessing the impact of a proposal on openness include, but are not limited to, the duration of a development and its remediability. Although the appellant suggests a planning condition could be imposed requiring the site to return to its previous condition once the use of the turbine ceases, no information is before me on the intended timescale of the proposed turbine. Even if I were to assume a 15-year period as a maximum, noting this timescale in the LVA, I find that the visual harm to openness from the proposed turbine would be limited.
14. With regard to the purposes of the Green Belt, the proposed turbine would result in limited encroachment into the countryside by virtue of the change from an open grassed agricultural field into one including a vertical utilitarian structure. It would therefore conflict with purpose c) of paragraph 143 of the Framework which I would attribute limited harm. None of the other four purposes are directly relevant and therefore I find that there would be no conflict with purposes a), b), d) or e).
15. Overall, the proposal would result in harmful inappropriate development in the Green Belt, including harm to its openness and to one of its purposes. It would conflict with the aims of Policy EQ4 of the High Peak Local Plan (HPLP) (adopted 2016), which seeks to protect the Green Belt and maintain its openness and permanence, and Section 13 of the Framework.

*Effect on the setting of the Peak District National Park (PDNP)*

16. The site is situated outside of but in close proximity to the boundary of the PDNP, which is located uphill from the site and generally follows the outer boundary line of Over Hill Road. The site and areas forming part of the PDNP can be seen together regularly at short, medium and longer distances from within the surrounding landscape, particularly with the summits of Cracken Edge and Chinley Churn. There is also a complementary relationship between the landscape character of the site and that immediately within the adjoining PDNP due to similarities in landscape features. The site therefore has a close relationship with, and makes an important contribution to, the setting of the PDNP.
17. The main parties primarily dispute the severity of effects for receptors at SCP 4 and 5. Based on the size of turbine against the surrounding landscape context, I find that the proposed turbine would result in a slight deterioration of the landscape resource, and a limited deterioration in the existing view for receptors at year 1, resulting in minor adverse effects.
18. Over the longer term, the LVA sets out recommended mitigation measures to reduce landscape and visual effects, which have been considered when assessing the predicted effects of the proposed turbine. The measures include retention of existing landscape features, proposed block native tree and shrub planting planted at a heavy size along site boundaries and painting the turbine green. By incorporating these measures, and due to the intervening topography, the LVA predicts higher value views to and from the Peak District would experience a negligible adverse impact from the proposed turbine.
19. However, other than brief written measures in the LVA, no further details of the recommended measures are before me. In particular, in respect of additional tree

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<sup>2</sup> Paragraph: 013 Reference ID: 64-013-20250225

and shrub planting which would form the most fundamental aspect of any mitigation, no details have been submitted illustrating what is proposed and the form it would take. I therefore cannot be certain as to how successful the recommended mitigation would be at reducing effects over the longer term. Whilst the LVA has drawn attention to guidelines within the document described as the 'Landscape Sensitivity Assessment and Guidance for Wind Turbines SPD (2021)', there is very limited commentary explaining how the proposal would adhere to all of the quoted guidance.

20. Given the close proximity and important contribution of the site to the setting of the PDNP, the extent to which landscaping is proposed to avoid or minimise adverse impacts should form a fundamental aspect of the design approach at the outset. This would allow greater certainty that the proposed landscaping would be sufficient to protect the landscape setting of the PDNP, as required in Policies EQ2 and EQ3 of the HPLP, and would not in itself have the potential to introduce harm to its open character. This is particularly important noting the duties placed on relevant authorities under section 245 of the Levelling up and Regeneration Act 2023 who must seeking to further the statutory purposes of National Parks.
21. I have considered the condition suggested by the appellant requiring the recommendations within the LVA to be implemented in full, but it is not sufficiently precise in terms of setting out what is required to be undertaken. The landscaping would be required outside the red line boundary, and whilst the necessary land falls within the applicant's ownership, such ownership could change throughout the lifetime of the development. Irrespective of whether landscaping would constitute development under section 55 of the Town and Country Planning Act 1990, there is uncertainty regarding the long-term retention of any implemented scheme, which is fundamental noting the importance of landscaping in reducing effects.
22. I note the stated ability to lower the turbine where necessary, which I find to be a mitigation measure rather than a benefit, which could help to reduce its visual prominence. However, the turbine would still remain visible at both short-range and long-range views and it is unclear from the evidence before me what likely duration this would take, and how such a measure would be managed or enforced.
23. Overall, the proposal would have a harmful effect on the character and appearance of the setting of the PDNP. On the evidence before me, the proposed turbine would not protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the PDNP, leading to conflict with Policies EQ2 and EQ3 of the HPLP as outlined above. It would also conflict with paragraph 189 of the Framework, which requires development within the setting of National Parks to be sensitively located and designed to avoid or minimise adverse impacts.

### *Noise*

24. The site is situated in a rural area with neighbouring residential properties located nearby, including within the cluster of buildings comprising Cote Bank Farm, neighbouring farms and scattered properties. Whilst representing a snapshot in time, I observed during my site visit that the surrounding locality was predominantly characterised by a quiet rural environment, interspersed at times with low-level noise from different sources, such as roads or agricultural operations.

25. No details are before me of the predicted sound power output of the proposed turbine, nor supporting information detailing the likely effects of noise. Whether or not it amounts to an objection, the Council's Environmental Health Officer is nevertheless clear that without details of the predicted sound power output, the likely effect at neighbouring properties cannot be determined.
26. I am mindful of noise generated from farming operations at both Cote Bank Farm and those nearby. However, such operations largely occur at intermittent periods during the day. The proposed turbine would be capable of operating over a 24-hour period, including at night when background noise levels would likely be lower. The turbine would also give rise to a different type of noise from that presently experienced in the locality, such as through movement of the turbine blades and the operation of mechanical components. How those effects are experienced at different locations could also vary depending on changing weather conditions.
27. Policy EQ 10 of the HPLP seeks to ensure that developments avoid potential adverse effects from, amongst other things, noise. It only permits developments where any remaining potential adverse effects are mitigated to an acceptable level by other environmental controls or measures included in the proposals.
28. Furthermore, paragraph 5.79 of the HPLP, which provides the supporting text to Policy EQ 10, states the need for adequate information with an application to allow the potential or actual impacts to be assessed. Paragraph 5.84 expects potentially noisy development to be accompanied by an appropriate noise assessment.
29. In the absence of such information, I am unable to properly understand the likely sound produced from the proposed turbine. It follows that I have insufficient evidence before me to properly determine whether any harm would arise to nearby residential properties having regard to noise. The absence of any interested party objections does not indicate a lack of potential harm.
30. I accept planning conditions can be imposed to make developments, that would otherwise be considered unacceptable, acceptable. However, conditions must meet the tests in paragraph 57 of the Framework. To properly address Policy EQ 10 of the HPLP, the decision-making stage should establish whether there is the potential for any likely noise effects and if so, the need for any mitigation. I am not satisfied that attaching a condition requiring a noise assessment to be completed, and its findings adhered to, would appropriately or reasonably determine this issue. In addition, conditions must meet the test of enforceability and I cannot be certain this would be met if potential effects are unknown.
31. Overall, the proposal has the potential to cause harm on the living conditions of nearby properties. However, there is insufficient evidence before me to ensure that the proposed turbine would avoid potential adverse effects relating to noise, leading to conflict with Policy EQ 10 of the HPLP. It would also conflict with paragraph 198 of the Framework, whereby decisions should ensure that new development is appropriate for its location, taking into account the likely adverse impacts resulting from noise pollution.

### **Other Matters**

32. Cote Bank Farm is a Grade II listed building. The LVA identifies the potential for the proposed turbine to be visible from the upper floor of the building. Based on my observations, the significance of the building is largely derived from its



architectural merit. Its setting is predominantly confined to the farmyard steading. Surrounding agricultural fields make a small contribution to its significance as a farmhouse situated in a rural setting. Noting the separation distance between the site and the farmhouse, the significant change in land levels, and vegetation that exists between, the setting of the farmhouse would not be unduly affected by the proposed turbine. There would be no harm to the significance of the listed building.

33. My attention has been drawn to four appeal decisions, but I do not find them determinative to this appeal. Two of the decisions are unrelated to the type of development subject of this appeal. The other two decisions relate to wind turbines that were considered under a different policy context and site characteristics. I have determined the current appeal based on the evidence and circumstances before me.

### **Other Considerations**

34. The proposed turbine would generate renewable energy and make a small contribution to supporting the government's net zero targets, notwithstanding that this contribution is unquantified. It would contribute to reducing the farm's reliance of obtaining energy from other means, and also support the rural economy and farm diversification. These are all positive benefits that weigh strongly in favour of the proposal. In accordance with paragraph 168 of the Framework, I give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future, and recognise that small-scale projects provide a valuable contribute to cutting greenhouse gas emissions.

### **Planning Balance and Conclusion**

35. The proposal would result in harmful inappropriate development in the Green Belt, including harm to its openness and to its purpose. It would conflict with the aims of Policy EQ4 and with the Framework. As required by paragraph 153 of the Framework, I attach substantial weight to the harm to the Green Belt.
36. The proposal would result in harm to the setting of the PDNP and in the absence of sufficient information setting out details of a suitable landscaping scheme, it has not been sufficiently demonstrated that the proposed turbine would protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the PDNP, contrary to Policies EQ2 and EQ3 of the HPLP and paragraph 189 of the Framework. I attach significant weight to this harm.
37. In the absence of insufficient information relating to noise, I am unable to properly determine whether the proposal would avoid potential adverse effects in respect of noise, contrary to Policy EQ 10 of the HPLP and paragraph 198 of the Framework. This matter significantly weighs against the proposed development.
38. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Against the totality of the harm I have identified, I give significant weight to the main other consideration advanced by the appellant in support, being the proposal's contribution to net zero by generating renewable energy which would reduce the farm's reliance of obtaining energy from other means, plus supporting the rural economy and farm diversification.

39. The appellant suggests that paragraph 11d) of the Framework applies as the HPLP is 9 years old, and also does not identify or allocate any suitable sites for wind energy. I note that paragraph 165 of the Framework states that plans should 'consider' identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure, where this would help secure their development. In the context of this appeal, I am not persuaded that the absence of identifying suitable areas for renewable energy in the HPLP automatically results in paragraph 11d) being engaged.
40. Fundamentally, Policy EQ1 of the HPLP provides clear criteria for assessing renewable and low carbon technologies. In particular, the policy encourages and supports the provision of renewable and low carbon technologies, including stand-alone installations such as the proposal. It sets criteria to achieve a low carbon future, which includes avoiding adverse impacts on, amongst other matters, the landscape setting of the PDNP. Overall, I find that Policy EQ1 is not silent on criteria relating to renewable energy matters and therefore does not conflict with the Framework. It follows that I am satisfied that it is appropriate to assess proposals of this nature on a case-by-case basis as the Council has done.
41. Even if I were to agree with the appellant's argument relating to the HPLP, the proposal would result in harmful inappropriate development in the Green Belt, including harm to its openness and to its purpose, and harm to the setting of the PDNP. These matters would clearly conflict with the Framework relating to these matters, such that footnote 7 denotes paragraph 11d) does not apply.
42. I have had regard to the content of an appeal decision<sup>3</sup> although I must exercise caution in that the decision was based on the Framework applicable at the time of the decision in November 2020, which has subsequently changed. Ultimately, I note there was an absence of physical harm and the case specific material considerations, which included support for renewable energy, tipped the balance in favour of allowing that appeal. I have found harm in the determination of this appeal and as the circumstances are different, the appeal decision has no bearing on my findings regarding whether paragraph 11d) applies.
43. Overall, I find that the benefits of the proposal are cumulatively insufficient to clearly outweigh the extent of the harm to the Green Belt and the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
44. As such, the proposed development would therefore conflict with the development plan and the Framework taken as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

*A Robinson*

INSPECTOR

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<sup>3</sup> Appeal Ref: APP/H1840/W/20/3249183