



Appeal Decision

Site visit made on 24 October 2017

by **Philip Major BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 December 2017

Appeal Ref: APP/Y2430/W/17/3176489

Station Farm, Station Road, Waltham on the Wolds LE14 4AR.

- 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 Messrs Craig and Neil Birch (A R Birch & Son) against the decision of Melton Borough Council.
 - The application Ref: 13/00256/FUL, dated 22 April 2013, was refused by notice dated 22 December 2016.
 - The development proposed is the installation of a single wind turbine with a maximum height to tip of 36.5m, a new access track, a hardstanding, a small substation building, temporary wind monitoring mast, and associated infrastructure.
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Preliminary Matters

1. The application was amended by letter during the course of its consideration by the Council. The description of development above is taken from the letter dated 3 August 2015. An amended Environmental Report was submitted based on the amended proposal. I have taken these matters into account in determining the appeal.
2. Although my site visit was unaccompanied I was able to take in the views from properties of those who had asked me to visit, in particular Station House and Top Farm. I also visited other viewpoints and properties around the whole area.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues in the appeal are:
 - (a) The impact of the proposed development on the character and visual amenity of the surrounding area;
 - (b) Whether the benefits of the proposal outweigh any identified harm (the planning balance).

Reasons

Character and Visual Amenity

5. The appeal site lies within the locally identified Wold Top landscape character area (LCA). The descriptions I have read of this LCA closely resemble what I

saw on my site visit. It is an elevated plateau-like area of land with gentle undulations, mainly in arable use, with medium and large fields separated predominantly by hedgerows (or their remnants). There are some stands of trees in woodland blocks. The LCA is narrow in extent and close by falls away into shallow valleys and the Knipton Bowl LCA. In places there are extensive views over many miles of open countryside. I was struck by the relative absence of vertical structures in this landscape, with the clear exception of communication masts to the south. The area is crossed by an A road and many minor lanes, with scattered settlements and more isolated farmsteads spread throughout the area. It is not a designated landscape but exhibits attractive English countryside characteristics.

6. A joint wind energy sensitivity study carried out on behalf of Melton and Rushcliffe Councils has identified this area as the Leicestershire Wolds: Dalby to Belvoir Wolds landscape character unit 3 (LCU3). The turbine here would fall within the range of small turbines (26 – 50m). Identified characteristics of this area closely match those for the LCA noted above. Within LCU3 the landform, scale and pattern of land use is identified as being of low to medium sensitivity to wind energy development. A similar assessment is made in relation to skylines and scenic qualities. Sensitivity increases to a medium level in relation to perceptual qualities (mainly tranquillity and lack of settlement) and to medium to high in relation to intervisibility (reflecting its location on a ridge). Overall the sensitivity to 25 to 50m turbines is assessed as medium.
7. The assessment made seems to me to be fair, but it is of course also necessary to consider each proposal in the light of its particular characteristics and the characteristics of the immediately surrounding area. The sensitivity assessment seeks to assist in matters pertaining to the siting and design of wind energy developments, but it is axiomatic that the assessment cannot cover all eventualities. The assessment is helpful in its reminder that the aim should be to ensure that wind energy development does not (amongst other matters) have a defining influence on the overall experience of the landscape.
8. Within this overall context the proposed turbine would undoubtedly be prominent. It would be located in an open field, surrounded by other open fields. The woodland block to the east and smaller scattered areas of vegetation are the only nearby interruptions to the open homogenous character of this area. As such the turbine would be a distinct and stark intrusion into the landscape character. Close to the turbine the character would be heavily influenced by the turbine as a relatively tall man made vertical structure at odds with the horizontal emphasis of the landscape. The movement of blades at the height proposed would also be uncharacteristic of the low altitude movement which currently exists (such as road traffic). I therefore regard the impact of the proposal on the character of this LCA (or indeed LCU) as being moderate to major and adverse when within relatively close proximity of the site.
9. That impact would reduce quite quickly with distance, as indeed can be seen with the example of the wind turbine at Lodge Farm, which essentially exerts no impact on the character of the area around the appeal site. Impact on character is also reduced or negated by topography when the wold top plateau is left behind, and by vegetation in some other locations.

10. In relation to visual amenity there would be a significant and adverse impact for users of the nearby bridleway. Having walked this route past the turbine location I cannot see that it is an attractive route for walkers or riders since it simply ends at the A607 road. Walking alongside that road is not a pleasant experience and it seems to me that visual impact for these sensitive receptors (users of public rights of way) would be unlikely to affect many people because of the configuration of the bridleway. However, I cannot discount the fact that riders may choose to use the bridleway and then return along the same route. In such circumstances the significant and adverse visual impact of the turbine would be clear.
11. The bridleway continues beyond Station Road, and it is more likely that this would be used by walkers or riders as it connects with quiet lanes and a more extensive network of rights of way. The turbine would be at greater distance when seen from these locations, but nevertheless would stand out as an uncharacteristic element in the visual panorama. It would be a small element in that panorama, but of significance because of its location on high ground, which would give it prominence on the skyline.
12. The visual impact on users of the highway would be of a lesser magnitude because of the reduced sensitivity of drivers going about their business in vehicles and only catching sight of the turbine in a short visual timeframe. But taken as a whole I judge the visual impact of the proposal to be medium to high magnitude and adverse.
13. A number of residential properties would have views of the wind turbine. It is well known that a private view from a property is not a material planning consideration. However if the turbine were to be so imposing as to be an unpleasant and dominant feature such that the living conditions at any property were to be made intolerable, than that would be a material factor to take into account. In this case I acknowledge that the turbine would be visible from, for example, Station House. But in my judgement there would be no harm to the living conditions of any local resident of such substance that would militate against the proposal.
14. In cumulative terms I agree with the Appellant that there are few locations where the proposed development would be seen with other similar schemes. Where they are visible, such as at Lodge Farm, the intervening distance is such as to make cumulative impact a minor and inconsequential matter.
15. To sum up on this issue it is my judgement that there would be a moderate to major impact on the character of the immediate landscape, but a lower impact at greater distances. Visual impact would be of moderate to major magnitude for users of public rights of way, but less for others. These impacts are fairly assessed as being adverse. These judgements are carried forward into the planning balance below.

Benefits and the Planning Balance

16. There can be no doubt that the proposal would bring benefits in terms of the provision of renewable energy, and some assistance in the efforts to address climate change. The Appellant has identified the range of initiatives and statutes which support the provision of renewable energy and I do not need to repeat them. The National Planning Policy Framework is also clear in its support for renewable energy and indicates that applications should be

approved where the impacts are, or can be made, acceptable. National Policy Statements on renewable energy are also supportive and have some relevance but are primarily aimed at large scale projects. There is no need for the Appellant to demonstrate the overall need for renewable energy – that is a given. In this case there would be renewable electricity sufficient to power an estimated 70 homes, and savings of carbon dioxide emissions of around 131 tonnes per annum. In addition the proposal includes some planting, which would be an environmental enhancement. I also accept that there would be some economic benefits available in the local area during the construction phase. The benefits of the provision of renewable energy here are therefore a significant material consideration in favour of the proposal.

17. There are no locations within the Council's area which have been identified as being suitable for wind energy development as such. The sensitivity assessment I refer to above has a role in identifying those areas of greatest potential, but even then much depends on the individual site and details of the proposal.
18. The Written Ministerial Statement of 18 June 2015 is a material consideration and has been consolidated into Planning Practice Guidance. In cases such as this, where the application had already been submitted, transitional arrangements mean that the proposal can be found acceptable if, following consultation, the planning impacts identified by affected local communities have been addressed and (the proposal) therefore has their backing.
19. I have taken note of the fact that the Appellant visited the closest neighbours to the appeal site at an early stage. Impacts identified by the community are helpfully presented in the Environmental Report Addendum of August 2016. The table presented indicates how the impacts have been addressed. Principally, in relation to matters of judgement, the impact of the turbine on the character and appearance of the area has been addressed by reducing the turbine height. This has not, however, resulted in the local community withdrawing objections.
20. I accept that the local community has been consulted, both by the Appellant and by the Council to varying and satisfactory degrees. I also accept that as a result of consultation the scheme was changed. The judgement to be made is therefore whether the changes undertaken make the scheme acceptable and therefore whether it can be inferred that it has the support of the local community. PPG clearly indicates that whether the proposal has the backing of the affected local community is a planning judgement.
21. Before reaching a final conclusion I will first consider the relationship of the proposal with the development plan.
22. In this case the development plan includes the saved policies of the Melton Local Plan of 1999. There is no policy in the development plan which deals directly with renewable energy. Local Plan Policy OS2 is cited in the reasons for refusing planning permission. This is a policy which seeks to restrict development in the countryside generally, with the exception of specified types of proposal. This is a form of policy which was commonplace in many areas, but does not make provision for renewable energy in rural areas, and has limited scope for balancing competing considerations. It is therefore inconsistent with the terms of the NPPF. The proposed development would

- conflict with Policy OS2 but the conflict carries reduced weight because of the NPPF inconsistency.
23. Other development plan policies were considered by the Council during its consideration of the application, but no conflict was identified. I have no reason to disagree.
24. In relation to the development plan, therefore, I find conflict with the Policy OS2, but this is of limited weight and the NPPF is of greater importance. If the impacts of the development are, or can be made, acceptable then planning permission can be granted if the local community supports it.
25. I can therefore summarise my findings on the issues as follows:
- There would be moderate to major adverse impacts to the character and visual amenities of the locality, which would decline with distance. This is a significant consideration;
 - There are undoubted benefits to be derived from the proposed development, and this too is a significant consideration;
 - Although there have been amendments made as a result of ongoing consultation the balance of representations suggests that the concerns of the locally affected community have not been addressed in a manner which leads to their being in support of this proposal.
26. In a finely balanced case, therefore, it is my judgement that the development would not accord with the NPPF in that the impacts have not been made acceptable. The balance of considerations does not favour the proposal as greater weight attaches to the landscape and visual harm, and lack of support from the local community.

Other Matters

27. Various other matters have been raised during the consideration of this proposal. These include the impact on heritage assets, the impact on ecology, shadow flicker and noise considerations. I do not need to deal with these in detail in view of my conclusion on the main issues. I can summarise here by indicating that none of these other matters would change the balance of my conclusion.

Overall Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR